



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

TUESDAY, APRIL 7, 2020
MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

MEETING BY TELECONFERENCE ONLY

(see separate cover page for instruction on how to view or listen to meeting & submit comments)

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

ADJOURN TO CLOSED SESSION (6:00 PM – 7:00 PM)

a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6
Agency designated representative: Human Resources Director Liz Brown
Employee Group: Milpitas Employees Association

b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6
Agency designated representative: Mayor Rich Tran
Unrepresented Employee: City Manager

c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to California Government Code §54956.9(d)(2)
City as Defendant – One Potential Case
La Quinta Hotel Appeal and Hearing Date

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

PLEDGE OF ALLEGIANCE (7:00 PM)

INVOCATION

PRESENTATION

Proclaim April as Vietnamese-American Heritage Month

PUBLIC FORUM(7:05 – 7:10 PM)

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 or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion, but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR (7:15 – 7:20 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings for April 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council meeting minutes of March 17, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft meeting minutes of the March 17, 2020 regular and special City Council meetings.

C3. Adopt a Resolution Approving the Purchase of GameTime Playground Equipment through a Cooperative Procurement Contract Solicited by the City of Charlotte, NC and Authorizing the City Manager to Execute an Equipment Purchase Agreement with GameTime for an Amount Not to Exceed \$711,003.89 (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Adopt a resolution approving the purchase of GameTime Playground Equipment through a cooperative procurement contract by the City of Charlotte, NC and authorizing the City Manager to execute an equipment purchase agreement with GameTime for an amount not to exceed \$711,003.89.

C4. Adopt a Resolution to Approve Sole Source Designation for the Procurement of Access Control and Alarm Monitoring System Manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution to approve sole source request for the procurement of access control and alarm monitoring system manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447.

C5. Adopt a Resolution Approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Adopt a Resolution approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures.

C6. Adopt a Resolution to amend the City of Milpitas Classification Plan to adjust the Salary Range of the Senior Public Works Lead classification (Staff Contact: Liz Brown, 408-586-3086)

Recommendation: Adopt a Resolution amending the Classification Plan Salary Range and salaries for the Senior Public Works Lead classification by 6.67% retroactive to March 1, 2020.

C7. Approve and Authorize the City Manager to Execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and Authorize the City Manager to Pay the Annual Crime Laboratory Bill (Staff Contact: Raj Maharaj, 408-586-2416)

Recommendation: Approve and authorize the City Manager to execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and authorize the City Manager to pay the annual crime laboratory bill.

PUBLIC HEARING (7:20 – 11:00 PM)

8. Conduct a Public Hearing and Consider Adopting a Resolution Upholding the Appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Compliance with the California Environmental Quality Act and Approving: (1) Environmental Assessment No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to Allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; relocation of wireless telecommunication equipment to the rooftop of the new building; and on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road (Staff Contact: Lillian VanHua, 408-586-3073)

Recommendations:

- 1) Consider and adopt public hearing procedures.
- 2) Conduct a public hearing, receive public comment, and move to close the hearing.
- 3) Adopt a Resolution upholding the appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Compliance with the California Environmental Quality Act, and Approving: (1) Environmental Assessment No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; the relocation of wireless telecommunication equipment to the rooftop of the new building; and on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies

9. Receive Report of the Economic Development Council Subcommittee (Contacts: Subcommittee Chair Montano, 408-586-3024 and Councilmember Dominguez, 408-586-3031)

Recommendation: Receive update on the Economic Development Subcommittee meeting of March 24, 2020.

- 10. Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (Contacts: Councilmembers Dominguez, 408-586-3031 and Phan, 408-586-3032)**

Recommendation: Adopt a Resolution supporting the principles of the Convention on the Elimination of All Forms of Discrimination Against Women.

- 11. Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” (Contacts: Councilmember Anthony Phan, 408-586-3032 and Mayor Tran, 408-586-3029)**

Recommendation: Hear request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” and consider directing staff to send letter of support.

- 12. Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to Rules or other Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

NEXT AGENDA PREVIEW

- 13. Receive Preview List of Anticipated Items for the April 21, 2020 Regular City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the April 21, 2020 City Council meeting.

ADJOURNMENT

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

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

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

APPLY TO SERVE ON A CITY COMMISSION

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

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to 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.

March 2020						
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	31				

Milpitas City Council Calendar

April 2020

May 2020						
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
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			-1	-2	3	4
			2:00 PM Santa Clara VTA Monthly Northeast Group (BN) 5:30 PM Veterans Commission (RT) 7:00 PM Community Advisory Commission (BN)	5:30 PM Milpitas Chamber of Commerce Board (CM) 5:30 PM Santa Clara VTA Board of Directors (BN)		
5	6	7	8	9	10	11
	7:00 PM Parks, Recreation & Cultural Resources Commission (AP) 11:00 AM City Council Economic Development Subcom. (CM/KD)	5:00 PM Special City Council 6:00 PM Closed Session 7:00 PM City Council	4:30 PM City Council Transportation Subcommittee (RT/CM) 7:00 PM Silicon Valley Clean Energy Board of Directors (CM) 7:00 PM Planning Commission	3:00 PM City Council Housing Subcommittee (RT/CM) 4:00 PM Treatment Plant Advisory Committee 4:00 PM Santa Clara VTA Policy Advisory Committee 7:00 PM Youth Advisory Commission 7:00 PM Cities Assoc of SCC	<i>*2:00 PM City Council Finance Subcommittee (RT/CM)</i>	
12	13	14	15	16	17	18
		5:30 PM City Council Study Session – CIP	6:00 PM Energy and Environmental Sustainability Commission (BN)			
19	20	21	-22	23	24	25
	7:00 PM Science, Technology, and Innovation Commission (BN)	6:00 PM Closed Session 7:00 PM City Council	7:00 PM Planning Commission			
26	27	28	29	30		
		1:30 PM Senior Advisory Commission (AP)				

**Finance Subcommittee will only meet as needed*

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of: Regular and Special Meetings of
the Milpitas City Council
Date: Tuesday, March 17, 2020
Time: 6:00 PM Special & Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference
Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Tran called the special meeting to order at 6:06 PM. City Manager Steve McHarris called the roll. The meeting took place via teleconference and webinar.

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

ABSENT: Councilmember Montano was absent at roll call. She joined the audio meeting at 6:20 PM.

SPECIAL MEETING ITEM

City Manager identified the need for City Council action regarding emergency pay for select City employees during the current emergency.

Motion: to approve temporary emergency pay for non-essential full-time and part-time employees from March 17 through April 7, 2020, unless there is supplemental federal mandated leave available for eligible employees to use

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

ADJOURNMENT

The special City Council meeting was adjourned at 6:26 PM.

CALL TO ORDER

Mayor Tran called the regular meeting to order at 6:26 PM. The City Clerk called the roll. The meeting took place via teleconference and webinar.

Mayor Tran, Vice Mayor Nuñez and Councilmembers Dominguez, Montano and Phan were all present, by phone.

CLOSED SESSION

City Council convened into Closed Session to discuss one item on the agenda, item (b) regarding labor negotiations for the position of City Manager.

By phone conference, Mayor Tran called to order the open session/regular meeting at 8:05 PM.

ANNOUNCEMENT

City Attorney Chris Diaz reported no action out of Closed Session. City Manager Steve McHarris gave instructions to the public about accessing the City Council meeting.

PLEDGE

Mayor Tran led the pledge of allegiance.

INVOCATION

Mayor Tran asked for a moment of silence to remember those who'd lost their lives to the corona virus.

PRESENTATION

Mayor Tran proclaimed March 2020 as *National Women’s History Month*.

PUBLIC FORUM

The City Clerk read aloud e-mailed comments received from residents Allysson McDonald, Mark Garner and Yolie Garcia, and attorney Michael Trujillo of Law Foundation of Silicon Valley.

ANNOUNCEMENTS

City Manager McHarris commented on Covid-19 and community response, including daily updated information on the City’s website.

Vice Mayor Nuñez thanked the City Manager and city staff for an exceptional job being done, in close coordination with the School District. He asked when he could inquire about the ordinance several speakers mentioned and the City Attorney said he could address that topic at agenda item no. 8, emergency declaration.

Councilmember Montano asked about assistance for small businesses, including the possibility for emergency loans.

Councilmember Dominguez wanted to confirm that appropriate measures were in place to ensure the safety of public safety staff when they returned home from their shifts.

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. By roll call, none were reported.

APPROVAL OF AGENDA

Motion: to approve the City Council agenda, as presented

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

CONSENT CALENDAR

Motion: to approve the consent calendar, items no. C1 – C6

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

C1. Council Calendars Received the calendars of upcoming meetings for the months of March and April 2020.

C2. Meeting Minutes Approved City Council meeting minutes of March 3, 2020.

C3. HydroScience. Approved and authorized the City Manager to execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc. to provide additional consultant engineering services for the Sewer Master Plan, increasing the total not to exceed amount by \$249,028 to \$891,028.

C4. Lucity Approved and authorized the City Manager to execute Amendment No. 1 to the software license and professional services agreement with Lucity, Inc. for computerized maintenance management system, increasing the total not to exceed amount by \$31,600 to \$267,742.47.

C5. Water Main Received report from the Public Works Director on the emergency repair work on a water main at the intersection of Calaveras Boulevard and Park Victoria Drive; and, ratify award of emergency contract to, and direct the City Manager to execute a contract with, Preston Pipelines.

C6. Agenda Preview

Received list of anticipated agenda items for the April 7, 2020 City Council meeting.

PUBLIC HEARING

7. Continue item – appeal regarding La Quinta Hotel development project

City Attorney Diaz advised the City Council on the vote to continue the public hearing, recognizing that the item may not be heard at the next regular meeting depending on the public health crisis. If not heard on April 7, the matter could be re-noticed in the future.

Motion: to continue the public hearing for the appeal to April 7, 2020

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

PUBLIC SAFETY

8. Adopt a Resolution

City Manager McHarris explained the need for the emergency proclamation he'd issued the previous week, due to the coronavirus pandemic and its impacts in Milpitas and Santa Clara County. The City Council was asked to ratify the emergency proclamation.

Motion: to direct \$100,000 as a fund for small business loans and to establish a new Economic Development Subcommittee

Motion/Second: Councilmember Dominguez/Councilmember Montano

Motion failed by a vote of: AYES: 2
NOES: 2 (Tran, Phan)
ABSTAIN: 1 (Nuñez)

Motion: to establish a new City Council Economic Development Subcommittee and appoint Councilmembers Montano and Dominguez, to explore small business loan and relief programs, to consider what other cities have, include options from the state and federal government, and report back to City Council

Motion/Second: Mayor Tran/Councilmember Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Nuñez)

The City Clerk read aloud one public comment from resident Allysson McDonald.

Motion: to adopt Resolution No. 8953 to ratify the City of Milpitas Emergency Proclamation signed on March 12, 2020 by the Interim City Manager regarding corona virus (COVID-19)

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

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

Following this vote, at 11:08 PM, Mayor Tran said the meeting was adjourned.

REPORTS

9. Resolution (CEDAW) Items No. 9, 10 and 11 were not heard.

10. Agenda Item requests

11. Support for Laura's Law

ADJOURNMENT

Mayor Tran adjourned the regular meeting at 11:08 PM.

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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Approving the Purchase of GameTime Playground Equipment through a Cooperative Procurement Contract Solicited by the City of Charlotte, North Carolina and Authorizing the City Manager to Execute an Equipment Purchase Agreement with GameTime for an Amount Not to Exceed \$711,003.89
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	3/17/2020
Staff Contacts:	Chris Schroeder, Purchasing Agent, 408-586-3161 Renee Lorentzen, Recreation Services Director, 408-586-3409
Recommendation:	Adopt a resolution approving the purchase of GameTime Playground Equipment through a cooperative procurement contract by the City of Charlotte, NC and authorizing the City Manager to execute an Equipment Purchase Agreement with GameTime for an amount not to exceed \$711,003.89.

Background:

The City of Milpitas submitted, on behalf of the City and the Milpitas Unified School District (District), a joint grant proposal for the County of Santa Clara’s All-Inclusive Playground Grant program. On September 18, 2018, the City Council adopted Resolution No. 8820 accepting the County of Santa Clara grant in the amount of \$779,820 for the All-Inclusive Playground Project at McCandless Park and at District’s Mabel Mattos Elementary School. The January 9, 2019 grant agreement with the County of Santa Clara designated the City of Milpitas as the grant administrator for the life of the grant, including the responsibility for the design and construction of the All-Inclusive Playground Project.

The 2019-2024 Capital Improvement Program includes McCandless Park Project No. 5102 for the design and construction of a new City park adjacent to the Mabel Mattos elementary school. The park is defined in the adopted Transit Area Specific Plan Policy 3.49 to provide a jointly used park between the City and District in the McCandless/Centre Point subdistrict. The project provides for a new 4-acre public park which includes the all-inclusive play areas as defined in the grant, a sports field, picnic areas, dog park, walking trails and restrooms. The City will pre-purchase all-inclusive play equipment and materials and will bid out the installation as part of the construction of the park in accordance with the Uniform Public Construction Cost Accounting Act. The all-inclusive play areas include a layout and equipment allowing for all abilities and all ages to play. Some of the key features are inclusive interactive play equipment featuring sight, tactile and sound based play, fully accessible play structures and slide mound, all-inclusive swings, musical garden, barn style party area and flower-shaped shade structures.

Park construction is expected to start in the summer of 2020 and end in the winter of 2021 in advance of the grant funding requirement to open the park by January 2022.

City of Milpitas Municipal Code Section I-2-3.08 (“Cooperative Procurement”) specifically authorizes the Purchasing Agent to make equipment purchases based on an agreement or cooperative purchasing program entered into by another public agency, as defined by Government Code Section 6500, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that the underlying purchase was made using competitive negotiation or bidding procedures at least as restrictive as

the City's, and that the supplies or general services purchased must be the same and be offered at the same price as the supplies and general services subject to the agreement or program.

U.S. Communities (USC) was a cooperative purchasing organization which originally partnered with the City of Charlotte, NC to issue the Request for Proposal for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products and Services. On April 17, 2018, US Communities was acquired by OMNIA Partners (parent company of National IPA) and assumed all of its contracts for use by other public agencies. Each contract in the OMNIA Partners cooperative contract portfolio has been competitively solicited by a lead public agency. Neither OMNIA Partners nor the aforementioned purchasing cooperatives conduct solicitations; rather, they partner with various public agencies in soliciting cooperative contracts. All contracts previously solicited, issued and awarded by lead public agencies remain in full force and effect in accordance with their respective contract terms and conditions. The City of Milpitas is a member of OMNIA Partners cooperative purchasing organization by virtue of its membership with National IPA (now known as OMNIA Partners), effective September 26, 2012, and is assigned participation number 1036843.

On January 25, 2017, the City of Charlotte, NC issued on behalf of itself, other government agencies, non-profits, and all members of USC, Request for Proposal (RFP) No. 269-2017-028. As a result of that solicitation, the City of Charlotte, NC, awarded to GameTime contract No. 2017001134 entitled "Contract to Provide Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products and Services," which includes GameTime playground equipment. The City of Charlotte, NC meets the definition of a public agency as defined by Government Code section 6500. OMNIA Partners has contract No. 2017001134 available through its cooperative purchasing organization to all of its public agency members.

Pursuant to the contract between the City of Charlotte, NC and GameTime, the cost of the playground equipment and installation plans for the equipment is \$711,003.89. The Purchasing Agent has reviewed all of the documentation related to RFP No. 269-2017-028 and contract No. 2017001134 awarded to GameTime by the City of Charlotte, NC and has determined that the contract is current through June 30, 2022, and that the underlying purchase was made using competitive bidding procedures at least as restrictive as those of the City of Milpitas and that the price for the playground equipment is the same as that offered in the original contract.

Analysis:

As part of the grant proposal development, staff researched and consulted with existing inclusive playground operators, playground equipment providers, and special needs service groups as to the types of inclusive equipment, surfaces, and experiences that best contribute to a successful inclusive playground. In response to project visioning and brainstorming, GameTime, a playground equipment provider, developed renderings of the proposed inclusive playground. Those renderings were used, with permission from GameTime as part of the grant proposal to the County of Santa Clara. The renderings portrayed the playground's proposed theme of "Butterfly Gardens" featuring unique whimsical flower-shaped shade structures, one-of-a-kind interactive play equipment shaped like butterflies, and a safe quiet space shaped like a barn.

GameTime was one of two playground equipment suppliers with US Communities, currently OMNIA Partners. The pre-purchase of play equipment through cooperative purchasing offered discounted rates to the City. The City's savings from the discounted rate is \$77,751.83. In addition to the discounted rates, GameTime offered matching funds from their company grant program to the City of Milpitas for this project. This type of grant is not one which most manufacturers offer.

City savings from the GameTime grant is \$46,407.26. The GameTime grant amount will be applied to the total purchase price. Therefore, the final purchase amount net of the discount and grant is \$711,003.89.

Policy Alternative:

Alternative: Do not adopt the resolution and not proceed with the playground equipment purchase.

Pros: The City will save \$711,003.89

Cons: Not approving the purchase of the play equipment will delay completion of McCandless Park Project No. 5102.

Reason not recommended: The grant funding agreement with County of Santa Clara stipulates that the all-inclusive playground be open to the public in January 2022. A delay in the completion of McCandless Park Project will result in loss of grant funding for both the City and District's play areas.

Fiscal Impact:

Costs of \$711,003.89 will be funded from Capital Improvement Program, Project No. 5102, McCandless Park Project.

California Environmental Quality Act:

In accordance with California Environmental Quality Act Guidelines Section 15164, an Addendum to the June 3, 2008 Transit Area Specific Plan Environmental Impact Report to address minor changes and additions was created and adopted by the City Council on February 4, 2020.

Recommendation:

Adopt a resolution approving the purchase of GameTime Playground Equipment through a cooperative procurement contract originally solicited by the City of Charlotte, NC and authorizing the City Manager to execute an Equipment Purchase Agreement with GameTime for an amount not to exceed \$711,003.89.

Attachment:

Resolution and Exhibit A – Equipment Purchase Agreement with GameTime

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PURCHASE OF GAMETIME PLAYGROUND EQUIPMENT FROM PLAYCORE WISCONSIN INC., DBA GAMETIME, THROUGH A COOPERATIVE PROCUREMENT CONTRACT SOLICITED BY THE CITY OF CHARLOTTE, NORTH CAROLINA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EQUIPMENT PURCHASE AGREEMENT FOR THE PROCUREMENT OF GAMETIME PLAYGROUND EQUIPMENT

WHEREAS, the City received a County of Santa Clara All Inclusive Playground Grant to design and construct an All-Inclusive Playground Project at McCandless Park and Milpitas Unified School District's Mabel Mattos Elementary School; and

WHEREAS, the McCandless Park Project No. 5102 provides for a new 4-acre public park, which includes the all-inclusive play areas as defined in the grant, sports field, picnic areas, dog parks, walking trails and restrooms; and

WHEREAS, the City requires GameTime playground equipment to satisfy the County of Santa Clara's All-Inclusive Playground Grant; and

WHEREAS, Municipal Code Section I-2-3.08 ("Cooperative Procurement") specifically authorizes the Purchasing Agent to make equipment purchases based on an agreement or cooperative purchasing program entered into by another public agency, as defined by Government Code Section 6500, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that the underlying purchase was made using competitive negotiation or bidding procedures at least as restrictive as the City's, and that the supplies or general services purchased must be the same and be offered at the same price as the supplies and general services subject to the agreement or program; and

WHEREAS, the City of Charlotte, North Carolina, meets the definition of a public agency as defined by Government Code section 6500; and

WHEREAS, the U.S. Communities (USC) was a cooperative purchasing organization which originally partnered with the City of Charlotte, NC, to issue the Request for Proposal for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products and Services. On April 17, 2018, USC was acquired by OMNIA Partners (parent company of National IPA), a shared services and supply chain optimization company dedicated to government, which began operation on January 1, 2019. Each contract in the OMNIA Partners cooperative contract portfolio has been competitively solicited by a lead public agency. Neither OMNIA Partners nor any of the aforementioned purchasing cooperatives conduct solicitations; rather, they partner with various public agencies in soliciting solid cooperative contracts. All contracts previously solicited, issued and awarded by lead public agencies remain in full force and effect in accordance with their respective contract terms and conditions; and

WHEREAS, the City of Milpitas is a member of OMNIA Partners cooperative purchasing organization by virtue of its membership with National IPA (now known as OMNIA Partners), effective September 26, 2012, and is assigned participation number 1036843; and

WHEREAS, on January 25, 2017, the City of Charlotte, NC, issued on behalf of itself, other government agencies, non-profits, and all members of USC, Request for Proposal (RFP) No. 269-2017-028. As a result of that solicitation, the City of Charlotte, NC, awarded to GameTime contract No. 2017001134 entitled "Contract to Provide Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products and Services," which includes GameTime playground equipment; and

WHEREAS, OMNIA Partners has contract No. 2017001134 available through its cooperative purchasing organization to all of its public agency members; and

WHEREAS, pursuant to the contract between the City of Charlotte, NC, and GameTime, the initial cost of the playground equipment and installation plans for the equipment is \$711,003.89; and

WHEREAS, the Purchasing Agent has reviewed all of the documentation related to RFP No. 269-2017-028 and contract No. 2017001134 awarded to GameTime by the City of Charlotte, NC, and has determined that the contract is current through June 30, 2022, and that the underlying purchase was made using competitive bidding procedures at least as restrictive as those of the City of Milpitas, and that the list price for the equipment is the same as that offered in the original contract.

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

1. The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City hereby awards a contract for the purchase of GameTime playground equipment from Playcore Wisconsin Inc., dba GameTime, for the not-to-exceed cost of \$711,003.89. This is a cooperative procurement through OMNIA Partners' contract portfolio, relying on a solicitation conducted by City of Charlotte, NC.
3. The City Manager is authorized to execute the Equipment Purchase Agreement, attached hereto as part of the Resolution.

PASSED AND ADOPTED this _____ day of _____, 2020, 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
EQUIPMENT PURCHASE AGREEMENT**

This Equipment Purchase Agreement (“Agreement”) is entered into this ____ day of _____, 2020, 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 a municipal corporation organized under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 (“City”), and **Playcore Wisconsin Inc. dba GameTime**, a corporation with its principal place of business at **150 Playcore Drive, SE Fort Payne, AL 35967** (“Contractor”). City and Contractor are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

RECITALS

- A. City issued a solicitation (“Solicitation”) seeking proposals, bids or quotes from qualified contractors to provide the required equipment, a copy of which is attached hereto as Exhibit “D” and incorporated herein by reference.
- B. Contractor submitted a proposal in response to the Solicitation and City selected Contractor to provide the required equipment.
- C. The Parties desire to enter into this Agreement for the purpose of setting forth the terms and conditions upon which Contractor shall provide the required equipment to City.

AGREEMENT

NOW, THEREFORE, the Parties hereto hereby agree as follows:

Section 1. DEFINITIONS.

- A. “Equipment” means all machinery, equipment, items, parts, materials, labor or other services, including design, engineering and installation services, provided by Contractor as specified in Exhibit “A,” attached hereto and incorporated herein by reference.
- B. “Delivery Date(s)” means that date or dates upon which the Equipment is to be delivered to City, ready for approval, testing and/or use as specified in Exhibit “B.”

Section 2. MATERIALS AND WORKMANSHIP.

When Exhibit “A” specifies machinery, equipment or material by manufacturer, model or trade name, no substitution will be made without City’s written approval. Machinery, equipment or material installed in the Equipment without the approval required by this Section 2 will be deemed to be defective material for purposes of Section 4. Where machinery, equipment or materials are referred to in Exhibit “A” as equal to any particular standard, City will decide the question of equality. When requested by City, Contractor will furnish City with the name of the manufacturer, the performance capabilities and other pertinent information necessary to properly determine the quality and suitability of any machines, equipment and material to be incorporated

in the Equipment. Material samples will be submitted at City's request.

The site of any installation work shall be kept clean and free of hazards at all times during performance of such installation services. After installation is completed at the site, as applicable, Contractor shall clean the surrounding area to the condition prior to delivery and installation.

Section 3. INSPECTIONS AND TESTS.

City shall have the right to inspect and/or test the Equipment prior to acceptance. If upon inspection or testing the Equipment or any portion thereof are found to be nonconforming, unsatisfactory, defective, of inferior quality or workmanship, or fail to meet any requirements or specifications contained in Exhibit "A," then without prejudice to any other rights or remedies, City may reject the Equipment or exercise any of its rights under Section 4.C. The inspection, failure to make inspection, acceptance of goods, or payment for goods shall not impair City's right to reject nonconforming goods, irrespective of City's failure to notify Contractor of a rejection of nonconforming goods or revocation of acceptance thereof or to specify with particularity any defect in nonconforming goods after rejection or acceptance thereof.

If the Contractor is responsible for providing installation services, finished installation work and/or equipment shall be subject to final inspection and acceptance or rejection by the City.

Section 4. WARRANTY.

A. Contractor warrants that the Equipment will be of merchantable quality and free from defects in design, engineering, material and workmanship for a period of two (2) years, or such longer period as provided by a manufacturer's warranty or as agreed to by Contractor and City, from the date of final written acceptance of the Equipment by City as required for final payment under Section 7. Contractor further warrants that any services provided in connection with the Equipment will be performed in a professional and workmanlike manner and in accordance with the highest industry standards.

B. Contractor further warrants that all machinery, equipment or process included in the Equipment will meet the performance requirements and specifications specified in Exhibit "A" and shall be fit for the purpose intended. City's inspection, testing, approval or acceptance of any such machinery, equipment or process will not relieve Contractor of its obligations under this Section 4.B.

C. For any breach of the warranties contained in Section 4.A and Section 4.B, Contractor will, immediately after receiving notice from City, at the option of City, and at Contractor's own expense and without cost to City:

1. Repair the defective Equipment;
2. Replace the defective Equipment with conforming Equipment, F.O.B. City's plant, office or other location of City where the Equipment was originally performed or delivered; or

3. Repay to City the purchase price of the defective Equipment.

If City selects repair or replacement, any defects will be remedied without cost to City, including but not limited to, the costs of removal, repair and replacement of the defective Equipment, and reinstallation of new Equipment. All such defective Equipment that is so remedied will be similarly warranted as stated above. In addition, Contractor will repair or replace other items of the Equipment which may have been damaged by such defects or the repairing of the same, all at its own expense and without cost to City.

D. Contractor also warrants that the Equipment is free and clear of all liens and encumbrances whatsoever, that Contractor has a good and marketable title to same, and that Contractor owns or has a valid license for all of the proprietary technology and intellectual property incorporated within the Equipment. Contractor agrees to indemnify, defend and hold City harmless against any and all third party claims resulting from the breach or inaccuracy of any of the foregoing warranties.

E. In the event of a breach by Contractor of its obligations under this Section 4, City will not be limited to the remedies set forth in this Section 4, but will have all the rights and remedies permitted by applicable law, including without limitation, all of the rights and remedies afforded to City under the California Commercial Code.

Section 5. PRICES.

Unless expressly provided otherwise, all prices and fees specified in Exhibit "C," attached hereto and incorporated herein by reference, are firm and shall not be subject to change without the written approval of City. No extra charges of any kind will be allowed unless specifically agreed to in writing by City's authorized representative. The total price shall include (i) all federal, state and local sales, use, excise, privilege, payroll, occupational and other taxes applicable to the Equipment furnished to City hereunder; and (ii) all charges for packing, freight and transportation to destination.

Section 6. CHANGES.

City, at any time, by a written order, and without notice to any surety, may make changes in the Equipment, including but not limited to, City's requirements and specifications. If such changes affect the cost of the Equipment or time required for its performance, an equitable adjustment will be made in the price or time for performance or both. Any change in the price necessitated by such change will be agreed upon between City and Contractor and such change will be authorized by a change order document signed by City and accepted by Contractor.

Section 7. PAYMENTS.

A. Terms of payment, are net thirty (30) days, after receipt of invoice. Payment of invoices shall not constitute acceptance of Equipment.

B. Payments otherwise due may be withheld by City on account of defective Equipment not remedied, liens or other claims filed, reasonable evidence indicating probable filing

of liens or other claims, failure of Contractor to make payments properly to its subcontractors or for material or labor, the failure of Contractor to perform any of its other obligations under the Agreement, or to protect City against any liability arising out of Contractor's failure to pay or discharge taxes or other obligations. If the causes for which payment is withheld are removed, the withheld payments will be made promptly. If the said causes are not removed within a reasonable period after written notice, City may remove them at Contractor's expense.

- C. Payment of any invoice will be made by City upon:
1. Written acceptance of the Equipment by City;
 2. Delivery of all drawings and specifications, if required by City;
 3. Delivery of executed conditional releases of any and all liens arising out of this Agreement (Contractor must deliver full unconditional releases follow receipt of final payment); and
 4. Delivery of an affidavit listing all persons who might otherwise be entitled to file, claim or maintain a lien of any kind or character, and containing an averment that all of the said persons have been paid in full.

If any person refuses to furnish an actual release or receipt in full, Contractor may furnish a bond satisfactory to City to indemnify City against any claim or lien at no cost to City.

D. Acceptance by Contractor of payment pursuant to Section 7.C will constitute a waiver, release and discharge of any and all claims and demands of any kind or character which Contractor then has, or can subsequently acquire against City, its successors and assigns, for or on account of any matter or thing arising out of, or in any manner connected with, the performance of this Agreement. However, payment for the final Progress Milestone by City will not constitute a waiver, release or discharge of any claims or demands which City then has, or can subsequently acquire, against Contractor, its successors and assigns, for or on account of any matter or thing arising out of, or in any manner connected with, the performance of this Agreement.

Section 8. SCHEDULE FOR DELIVERY.

A. The time of Contractor's performance is of the essence for this Agreement. The Equipment will be delivered in accordance with the schedule set forth in Exhibit "B." Contractor must immediately notify City in writing any time delivery is behind schedule or may not be completed on schedule. In addition to any other rights City may have under this Agreement or at law, Contractor shall pay City the sum of One Hundred Dollars and Zero Cents (\$100.00) per item of Equipment for each calendar day for which the item of Equipment is unavailable beyond the scheduled delivery date(s) specified in Exhibit "B."

B. In the event that the Equipment is part of a larger project or projects that require the coordination of multiple contractors or suppliers, then Contractor will fully cooperate in scheduling the delivery so that City can maximize the efficient completion of such project(s).

Section 9. TAXES.

A. Contractor agrees to timely pay all sales and use tax (including any value added or gross receipts tax imposed similar to a sales and use tax) imposed by any federal, state or local taxing authority on the ultimate purchase price of the Equipment provided under this Agreement.

B. Contractor will withhold, and require its subcontractors, where applicable, to withhold all required taxes and contributions of any federal, state or local taxing authority which is measured by wages, salaries or other remuneration of its employees or the employees of its subcontractors. Contractor will deposit, or cause to be deposited, in a timely manner with the appropriate taxing authorities all amounts required to be withheld.

C. All other taxes, however denominated or measured, imposed upon the price of the Equipment provided hereunder, will be the responsibility of Contractor. In addition, all taxes assessed by any taxing jurisdiction based on Contractor property used or consumed in the provision of the Equipment such as and including ad valorem, use, personal property and inventory taxes will be the responsibility of Contractor.

D. Contractor will, upon written request, submit to City written evidence of any filings or payments of all taxes required to be paid by Contractor hereunder.

Section 10. INDEPENDENT CONTRACTOR.

Contractor enters into this Agreement as an independent contractor and not as an employee of City. Contractor shall have no power or authority by this Agreement to bind City in any respect. Nothing in this Agreement shall be construed to be inconsistent with this relationship or status. All employees, agents, contractors or subcontractors hired or retained by the Contractor are employees, agents, contractors or subcontractors of the Contractor and not of City. City shall not be obligated in any way to pay any wage claims or other claims made against Contractor by any such employees, agents, contractors or subcontractors or any other person resulting from performance of this Agreement.

Section 11. SUBCONTRACTS.

Unless otherwise specified, Contractor must obtain City's written permission before subcontracting any portion of the Equipment. Except for the insurance requirements in Section 13.A, all subcontracts and orders for the purchase or rental of supplies, materials or equipment, or any other part of the Equipment, will require that the subcontractor be bound by and subject to all of the terms and conditions of the Agreement. No subcontract or order will relieve Contractor from its obligations to City, including, but not limited to Contractor's insurance and indemnification obligations. No subcontract or order will bind City.

Section 12. TITLE AND RISK OF LOSS.

Unless otherwise agreed, City will have title to, and risk of loss of, all completed and partially completed portions of the Equipment upon delivery, as well as materials delivered to and stored on City property which are intended to become a part of the Equipment. However,

Contractor will be liable for any loss or damage to the Equipment and/or the materials caused by Contractor or its subcontractors, their agents or employees, and Contractor will replace, or repair said Equipment or materials at its own cost to the complete satisfaction of City. Notwithstanding the foregoing, in the event that the City has paid Contractor for all or a portion of the Equipment which remains in the possession of Contractor, then City shall have title to, and the right to take possession of, such Equipment at any time following payment therefor. Risk of loss for any Equipment which remains in the possession of Contractor shall remain with Contractor until such Equipment has been delivered or City has taken possession thereof. Contractor will have risk of loss or damage to Contractor's property used in the construction of the Equipment, but which does not become a part of the Equipment.

Section 13. INDEMNIFICATION.

A. Contractor shall defend, indemnify and hold the City, its elected 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, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged negligent acts, omissions, negligence or willful misconduct of Contractor, its officials, officers, employees, agents, subcontractors and subconsultants arising out of or in connection with the Equipment or the performance of this Agreement, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses except such loss or damage which was caused by the active or sole negligence or willful misconduct of the City.

B. Contractor's defense obligation for any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against the City, its directors, officials, officers, employees, agents or volunteers shall be at Contractor's own cost, expense and risk. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its elected officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding, if the Contractor is proven at fault. Contractor shall reimburse City and its elected 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.

C. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its elected officials, officers, employees, agents or volunteers.

Section 14. INSURANCE.

A. General. Contractor shall take out and maintain:

1. Commercial General Liability Insurance, of at least \$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury and property damage, at least as broad as Insurance Services Office Commercial General Liability most recent Occurrence Form CG 00 01;

2. Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, of at least \$1,000,000 per

accident for bodily injury and property damage, at least as broad as most recent Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto);

3. Workers' Compensation in compliance with applicable statutory requirements and Employer's Liability Coverage of at least \$1,000,000 per occurrence; and

4. Pollution Liability Insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate shall be provided by the Contractor if transporting hazardous materials.

5. If Contractor is also the manufacturer of any equipment included in the Equipment, Contractor shall carry Product Liability and/or Errors and Omissions Insurance which covers said equipment with limits of not less than \$1,000,000.

B. Additional Insured; Primary; Waiver of Subrogation; No Limitation on Coverage. The policies required under this Section shall give City, its elected officials, officers, employees, agents or volunteers additional insured status for ongoing operations. Such policies shall contain a provision stating that Contractor's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any additional insureds shall not be called upon to contribute to any loss, and shall contain or be endorsed with a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers. The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as additional insured pursuant to this Agreement.

C. Insurance Carrier. All insurance required under this Section is to be placed with insurers with a current A.M. Best's rating no less than A-:VII, licensed to do business in California, and satisfactory to the City.

D. Evidence of Insurance. Contractor shall furnish City with original certificates of insurance and endorsements effecting coverage required by the Agreement. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf and shall be on forms supplied or approved by the City. All certificates and endorsements must be received and approved by the City before delivery commences.

E. Subcontractors. All subcontractors shall meet the requirements of this Section before commencing work. In addition, Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

F. Freight. Contractor shall ensure that third party shippers contracted by Contractor have adequate insurance coverage for the shipped Equipment.

Section 15. LIENS.

A. Contractor, subcontractors and suppliers will not make, file or maintain a mechanic's or other lien or claim of any kind or character against the Equipment, for or on account of any labor, materials, fixtures, tools, machinery, equipment, or any other things furnished, or any other work done or performance given under, arising out of, or in any manner connected with the Agreement (such liens or claims referred to as "Claims"); and Contractor, subcontractor and suppliers expressly waive and relinquish any and all rights which they now have, or may subsequently acquire, to file or maintain any Claim and Contractor, subcontractor and suppliers agree that this provision waiving the right of Claims will be an independent covenant.

B. Contractor will save and hold City harmless from and against any and all Claims that may be filed by a subcontractor, supplier or any other person or entity and Contractor will, at its own expense, defend any and all actions based upon such Claims and will pay all charges of attorneys and all costs and other expenses arising from such Claims. Nothing in Section 15 shall limit or revoke Contractor's statutory lien rights.

Section 16. TERMINATION OF AGREEMENT BY CITY.

A. Should Contractor at any time refuse or fail to deliver the Equipment with promptness and diligence, or to perform any of its other obligations under the Agreement, City may terminate Contractor's right to proceed with the delivery of the Equipment by written notice to Contractor. In such event City may obtain the Equipment by whatever method it may deem expedient, including the hiring of another contractor or other contractors and, for that purpose, may take possession of all materials, machinery, equipment, tools and appliances and exercise all rights, options and privileges of Contractor. In such case Contractor will not be entitled to receive any further payments until the Equipment is delivered. If City's cost of obtaining the Equipment, including compensation for additional managerial and administrative services, will exceed the unpaid balance of the Agreement, Contractor will be liable for and will pay the difference to City.

B. City may, for its own convenience, terminate Contractor's right to proceed with the delivery of any portion or all of the Equipment by written notice to Contractor. Such termination will be effective in the manner specified in such notice, will be without prejudice to any claims which City may have against Contractor, and will not affect the obligations and duties of Contractor under the Agreement with respect to portions of the Equipment not terminated.

C. On receipt of notice under Section 16.B, Contractor will, with respect to the portion of the Equipment terminated, unless the notice states otherwise,

1. Immediately discontinue such portion of the Equipment and the placing of orders for materials, facilities, and supplies in connection with the Equipment,
2. Unless otherwise directed by City, make every reasonable effort to procure cancellation of all existing orders or contracts upon terms satisfactory to City; and

3. Deliver only such portions of the Equipment which City deems necessary to preserve and protect those portions of the Equipment already in progress and to protect material, plant and equipment at the Equipment site or in transit to the Equipment site.

D. Upon termination pursuant to Section 16(B) and in the event manufacturing of the Equipment or portion of the Equipment has already commenced, Contractor shall be compensated for actual manufacturing costs less any resale value incurred prior to termination. Completed Equipment manufactured specifically for this Agreement and that Contractor cannot sell to other consumers are non-cancelable obligations for which Contractor will be compensated provided termination is not based on Contractor's default.

Section 17. MISCELLANEOUS PROVISIONS.

A. Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address or at such other address as the respective parties may provide in writing for this purpose:

CITY:

City of Milpitas

455 E. Calaveras Boulevard

Milpitas, California 95035

Attn: City Engineer

CONTRACTOR:

Playcore Wisconsin Inc. dba GameTime

150 Playcore Drive, SE

Fort Payne, AL 35967

Attn: Clint Whiteside

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

B. Assignment or Transfer. Contractor shall not assign or transfer any interest in this Agreement whether by assignment or novation, without the prior written consent of the City, which will not be unreasonably withheld. Provided, however, that claims for money due or to become due Contractor from the City under this Agreement may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer, whether voluntary or involuntary, shall be furnished promptly to the City.

C. Successors and Assigns. This Agreement shall be binding on the successors and assigns of the Parties.

D. Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

E. Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

F. Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Santa Clara County.

G. Interpretation. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party.

H. No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

I. Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind each respective Party.

J. Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

K. Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

L. City's Right to Employ Other Contractors. City reserves its right to employ other contractors in connection with the Equipment.

M. Compliance with Law. Contractor shall comply with all applicable laws and regulations of the federal, state and local government and shall be responsible for obtaining any required licenses, permits or certifications necessary to perform this Agreement. Contractor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of its performance of this Agreement. Contractor is aware 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 work being performed under this Agreement 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, Contractor agrees to fully comply with such Prevailing Wage Laws. Contractor 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. Any stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor that affect Contractor's performance of work under this Agreement, including any delay, shall be Contractor's sole responsibility and Contractor shall indemnify City from liability arising out of the same. It shall be mandatory upon the Contractor 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 Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815), contractor registration (Labor Code Sections 1725.5 and 1771.1) and debarment of contractors and subcontractors (Labor Code Sections 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section

1771.4 and to be registered with the Department of Industrial Relations 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 1771.4, 1725.5 and 1771.1.

N. Wage Theft Prevention.

1. Contractor, and any subcontractor 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.

2. BY SIGNING THIS AGREEMENT, CONTRACTOR 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 CONTRACTOR OR ITS SUBCONTRACTORS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONTRACTOR FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONTRACTOR AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONTRACTOR OR ITS SUBCONTRACTOR(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

3. 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 Contractor or a subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or Contractor learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Contractor 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. Contractor or its subcontractor(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 Contractor or its subcontractor is subject to a payment or other alternative plan, the Contractor or its subcontractor 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.

4. 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.

5. 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.

6. 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.

O. Entire Agreement. This Agreement constitutes the entire agreement between the Parties relative to the Equipment specified herein. There are no understandings, agreements, conditions, representations, warranties or promises with respect to this Agreement, except those contained in or referred to in the writing.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR EQUIPMENT PURCHASE AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND PLAYCORE WISCONSIN INC. DBA GAMETIME

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CITY OF MILPITAS

Approved By:

Steve McHarris, Interim City Manager

Date

Approved:

Walter C. Rossmann,
Risk Manager/Director of Finance

Approved As To Form:

Christopher J. Diaz, City Attorney

Approved As To Content:

Steve Erikson, Director of Engineering

**Playcore Wisconsin Inc. dba
GameTime**

Signature

Clint T. Whiteside

Name

Sales Administration Project Manager

Title

Date

EXHIBIT "A"
EQUIPMENT SPECIFICATIONS

		Per Plans		
		City		School
Item No.	Description	Park	Barn	
01	SPLIT LOG BENCH #38231	2	1	2
02	JAZZ COMBO #4680	1		1
03	CANTATA CHIMES #3256	1		
04	CONCERT TRIO #3259	1		1
05	LEAF TRASH RECEPTACLE #38210	2	1	2
06	SONA PLAY ARCH ON CONCRETE BASE #YA3500	1		
07	INCHWORM #7112L	1		
08	ROUNDAABOUT #3148	1		
09	SPINNING SENSORY WAVE SEAT #3205	1		
10	SHADOW PLAY FLOWER #6238	1	1	1
11	GAME TIME CUSTOM POWER SCAPE	1		1
12	FLOWER SHADE	2		
13	FLOWER TALK TUBE#38018	3		
14	5' SINGLE ZIP SLIDE #90503	1		
15	7' WILDERSLIDE #90704	1		

16	6' WILDERSLIDE #90700	1		
17	4' DOUBLE ZIP SLIDE #90507	1		
18	LADYBUG #7114L	1		
19	CUSTOM POD CLIMBER	1		
20	CUSTOM NET CLIMBER	1		
21	PICNIC TABLE #796		1	
22	4 FEET HAY BALE STACK SEAT		1	
23	CUSTOM WHIMSICAL BARN #8888		1	
24	OUTDOOR THEATRE WITH MASHROOMS			1
25	SMALL MUSHROOM		2	
26	THRIVE 450 #14912S	1		
27	THRIVE 250 #14912S	1		
28	OMNITRI NET #3137			1
29	DOUBLE ARCH SWING #5057			1
30	BUTTERFLY NET #38003			1
31	ROCKIN ROBIN #38020	1		1
32	HARMONIC CHIMES #4676			1
33	LARGE MASHROOM #38109		1	
34	SURFACING COLOR FLOWER, TYP.	5		3

35	YALP MEMO ON CONCRETE BASE #YA3900			1
36	BIKE RACK #38054	4		

EXHIBIT "B"
DELIVERY SCHEDULE

City of Milpitas North Storage Yard

1425 N. McCarthy Drive

Milpitas CA 95036

Confirmation by Contractor of delivery date and time shall be coordinated two (2) business days prior to delivery of the equipment with Danny Lopez, Public Works Manager, at 408-586-2647 or DLopez@ci.milpitas.ca.gov

No delivery shall be made on a City Holiday. A list of City Holiday closures can be found here: <http://www.ci.milpitas.ca.gov/milpitas/departments/about-human-resources-2/city-milpitas-holiday-closures/>

EXHIBIT "C"

FEE SCHEDULE

Item/Part #	Description	Qty	Unit Price	Ext. Price
4680	GameTime - Jazz Combo	1	\$5,408.72	\$5,408.72
3256	GameTime - Cantata Chimes	1	\$4,259.27	\$4,259.27
3259	GameTime - Concert Trio	1	\$3,778.15	\$3,778.15
38231	GameTime - Split Log Bench	3	\$1,941.10	\$5,823.30
38217	GameTime - Flower Talk Tube Ground Level 2-5	3	\$500.64	\$1,501.92
7112L.	GameTime - Inchworm	1	\$7,373.00	\$7,373.00
7114L.	GameTime - Ladybug	1	\$4,924.00	\$4,924.00
6238	GameTime - Shadow Play Flower	2	\$3,921.12	\$7,842.24
3205	GameTime - Spinning Sensory Wave Seat	1	\$920.64	\$920.64
3148	GameTime - Roundabout	1	\$26,542.11	\$26,542.11
38109	GameTime - Large Mushroom Red	1	\$574.24	\$574.24
38110	GameTime - Small Mushroom Red	2	\$500.52	\$1,001.04
796	GameTime - H D Picnic Table, 6' Alum	1	\$838.08	\$838.08
38210	GameTime - Leaf Trash Receptacle	3	\$967.33	\$2,901.99
14912S	GameTime - Thrive 450 Surface Mount	1	\$19,301.10	\$19,301.10
38054	GameTime - Nature Bike Rack	4	\$304.08	\$1,216.32
Custom	PlayWorx GFRC - 4' Hay Bale Stack Seat, GFRC	1	\$11,280.00	\$11,280.00
8888	GameTime - Whimsical Barn	1	\$62,980.00	\$62,980.00
5212SP	GameTime - Hillside Tug Ropes w Handholds	1	\$2,218.40	\$2,218.40
8888	GameTime - Hillside Cargo Climber	1	\$6,504.80	\$6,504.80
8888	GameTime - Hillside Double Net Climber w Pods	1	\$19,552.00	\$19,552.00
8888	GameTime - Pollen Pod Hillside Climb Activity	1	\$14,438.40	\$14,438.40
RDU	GameTime - GameTime Custom PowerScope 5-12 Unit (US Communities Discount at 17.29% and GameTime Grant at 21.39%)	1	\$82,676.43	\$82,676.43
14911S	GameTime - Thrive 250 Surface Mount	1	\$9,483.11	\$9,483.11
YA3500	Yalp - Yalp Sona Play arch, including Funky Floor	1	\$33,875.00	\$33,875.00
YA8551	Yalp - Sona PRO MyYalp Subscription (10 year)	1	\$6,250.00	\$6,250.00

YA3531D1	Yalp - Sona deep mount kit (to use with concrete)	1	\$0.00	\$0.00
Flower Shade	USA Shade - Flower Shade (22 ft x 21 ft, 12 ft entry)-	2	\$19,320.00	\$38,640.00
	Drawings USA Shade - Sealed Engineered Drawings	1	\$850.00	\$850.00
38020	GameTime - Rockin Robin	1	\$2,702.28	\$2,702.28
RDU	GameTime - 4' Double Zip Slide - Hill Slide	1	\$3,565.92	\$3,565.92
RDU	GameTime - 6' WilderSlide - Hill Slide	1	\$4,355.56	\$4,355.56
RDU	GameTime - 5' Single Zip Slide - Hill Slide	1	\$3,504.36	\$3,504.36
RDU	GameTime - 7' WilderSlide - Hill Slide	1	\$4,883.76	\$4,883.76
RDU	GameTime - GameTime Custom PowerScope 5-12 Unit* (US Communities Discount at 21.74% and GameTime Grant at 14.74%)	1	\$75,947.20	\$75,947.20
4680	GameTime - Jazz Combo	1	\$5,408.72	\$5,408.72
5057	GameTime - Double Arch Swing	1	\$11,273.99	\$11,273.99
4676	GameTime - Harmonic Chimes (set of 3)	1	\$2,769.35	\$2,769.35
3259	GameTime - Concert Trio	1	\$3,778.15	\$3,778.15
38231	GameTime - Split Log Bench	2	\$1,941.10	\$3,882.20
38020	GameTime - Rockin Robin	1	\$2,702.28	\$2,702.28
38003	GameTime - Butterfly Net	1	\$11,610.48	\$11,610.48
38210	GameTime - Leaf Trash Receptacle	2	\$967.33	\$1,934.66
RDU	GameTime - #4147RP Outdoor Theatre w Mushrooms	1	\$13,163.84	\$13,163.84
3137	GameTime - Omnitri Net	1	\$23,252.78	\$23,252.78
6238	GameTime - Shadow Play Flower	1	\$3,921.12	\$3,921.12
YA3900	Yalp - Yalp Memo Activity Zone (game posts only)	1	\$37,750.00	\$37,750.00
YA8581	Yalp - Memo PRO MyYalp subscription (10 year)	1	\$6,250.00	\$6,250.00
YA3902	Yalp - Standard Memo flooring in black and white	1	\$4,200.00	\$4,200.00
YA3930D	Yalp - Memo deep mount kit (to use with concrete)	1	\$0.00	\$0.00
Equipment Sub Total				\$609,810.91
City of Milpitas Sales Tax (9.0%)				\$54,882.98
Shipping and Handling				\$46,310.00
Agreement Not-To-Exceed Amount				\$711,003.89

Exhibit “D”

Solicitation

**COPY OF U.S. COMMUNITIES/CITY OF CHARLOTTE, NC
RFP No. 269-2017-028 ON FILE WITH PURCHASING DIVISION**



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Approve Sole Source Designation for the Procurement of Access Control and Alarm Monitoring System Manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	4/7/2020
Staff Contact:	Steve Erickson, City Engineer, 408-586-3301
Recommendation:	Adopt a resolution to approve sole source request for the procurement of access control and alarm monitoring system manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447.

Background:

The 2019-2024 Capital Improvement Program includes Project No. 3447 for the replacement of Fire Station No. 2 located at 1263 Yosemite Drive. The design phase for the new Fire Station building is nearing completion and construction is anticipated to start summer 2020.

Currently, all four Fire Stations use a pushbutton lock system for access security control that is obsolete and does not provide adequate security and system monitoring as currently recommended for essential public buildings such as fire stations. The Information Technology Department (IT) is planning a project to convert the existing pushbutton lock system to Access Control and Alarm Monitoring System (ACAMS), which is the system used at other City buildings including City Hall and Police/Public Works. The IT Department plans to start this work in Fiscal Year 2020-21, and a new Capital Improvement Project will be included in the proposed 2020-25 5-year CIP document.

Staff recommends the ACAMS Access Control system be included in the design and installed with construction of the new Fire Station No. 2 building. Installing the system while the building is in construction is easier and less cost than retrofitting after the building is completed, and it will ensure the new station has the necessary level of security and access control upon its completion.

The IT Department recommends using ACAMS systems manufactured by Sielox LLC for Fire Station No. 2 due to the City's current investment and use in other City buildings. Installation and use of the same Sielox equipment, hardware, and software at new Fire Station No. 2 will ensure system connectivity and compatibility with the City's existing Sielox system including ease in finding replacement parts.

Analysis:

Sielox's hardware, software, and equipment such as the card readers are proprietary and non-standardized which limits compatibility between products from other manufactures. Currently, there is not a manufacturer that provides equipment, hardware, and software that is compatible with the City's existing Sielox system. Staff recommends the use of the Sielox ACAMS system at the new Fire Station No. 2 building for the following reasons:

- Implementation cost savings
- Provide matching systems with other City's building to ensures system communication

- Maintains continuity of the warranty
- Simplifies scheduling, system operation, and deployment
- Other systems are not compatible with the City's existing system
- Sielox, LLC is the sole source manufacturer for the City's Sielox's ACAMS equipment

In accordance with the requirements of Public Contract Code section 3400(c)(2), which authorizes sole source designations in order to match other products already in use at other public agency facilities, staff has determined that the Sielox's ACAMS equipment meets the City requirement for the reasons set forth above. Staff recommends the City Council adopt a Resolution approving Sielox, LLC. as the City's Sole Source provider for the access control and alarm monitoring system equipment at the new Fire Station No. 2.

There are several authorized vendors that can supply and install the access control and alarm monitoring system equipment by Sielox during construction of the station. The contract documents (plans and specifications) for the new Fire Station No. 2 will specify the installation of the recommended Sielox ACAMS equipment for procurement and installation, which will be competitively bid.

Policy Alternative:

Alternative: Do not adopt resolution for the sole source procurement of the Sielox access control and alarm monitoring system equipment.

Pros: None.

Cons: It is recommended that the network-based access control and alarm monitoring system at City's facilities is the same and provide by the same manufacture to avoid communication discrepancies and for consistency in operation City facilities.

Reason not recommended: Use of the same brand of equipment as is currently in use in other City buildings is recommended to allow the equipment to communicate and operate effectively and to allow for a single access control solution for all City facilities.

Fiscal Impact:

There is sufficient funding in the project budget for the installation of the Sielox ACAMS equipment as part of the construction process for new Fire Station No. 2. The procurement and installation of the equipment will be through the competitive bid process.

California Environmental Quality Act:

The proposed Project qualifies for categorical exemption under Class 2 "Replacement or Reconstruction" as defined in CEQA Guidelines Section 15302.

Recommendation:

Adopt a resolution to approve sole source designation for the procurement of access control and alarm monitoring system manufactured by Sielox LLC for Fire Station No. 2 Replacement, Project No. 3447.

Attachment:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO APPROVE A
SOLE SOURCE ~~REQUEST~~DESIGNATION FOR THE PROCUREMENT OF ACCESS
CONTROL AND ALARM MONITORING SYSTEM MANUFACTURED BY SIELOX LLC FOR
FIRE STATION NO. 2 REPLACEMENT, PROJECT NO. 3447**

WHEREAS, all four Fire Stations use a pushbutton lock system for access security control that is obsolete and does not provide adequate security and system monitoring as currently recommended for essential public buildings such as fire stations; and-

WHEREAS, the Information Technology Department (IT) is planning a project to convert the existing pushbutton lock system to Access Control and Alarm Monitoring System (ACAMS), which is the system used at other City buildings including City Hall and the Police/Public Works; and-

WHEREAS, the IT Department plans to start this work in Fiscal Year 2020-21, and a new Capital Improvement Project will be included in the proposed 2020-25 5-year CIP document; and-

WHEREAS, staff recommends the ACAMS Access Control system be included in the design and installed with construction of the new Fire Station No. 2 building. Installing the system while the building is in construction is easier and less cost than retrofitting after the building is completed, and it will ensure the new station has the necessary level of security and access control upon its completion; and-

WHEREAS, the IT Department recommends using ACAMS systems manufactured by Sielox LLC for Fire Station No. 2 due to the City's current investment and use in other City buildings; and-

WHEREAS, installation and use of the same Sielox equipment, hardware, and software at the new Fire Station No. 2 will ensure system connectivity and compatibility with the City's existing Sielox system, including ease in finding replacement parts; and-

WHEREAS, Sielox's hardware, software, and equipment such as the card readers are proprietary and non-standardized which limits compatibility between products from other manufactures. Currently, there is not a manufacturer that provides equipment, hardware, and software that is compatible with the City's existing Sielox system.

WHEREAS, staff recommends the use of the Sielox ACAMS system at the new Fire Station No. 2 building for the following reasons:

- Implementation cost savings,
- Provides matching systems with other City's building to ensures system communication,
- Maintains continuity of the warranty,
- Simplifies scheduling, system operation, and deployment,
- Other systems are not compatible with the City's existing system,
- Sielox, LLC is the sole source manufacturer for the City's Sielox's ACAMS equipment; and

WHEREAS, in accordance with the requirements of Public Contract Code section 3400(c)(2), which authorizes sole source designations in order to match other products already in use at other public agency facilities, staff has determined that the Sielox's ACAMS equipment meets the City requirement for the reasons set forth above; and-

WHEREAS, there are several authorized vendors that can supply and install the access control and alarm monitoring system equipment by Sielox during construction of the station. The contract documents (plans and specifications) for the new Fire Station No. 2 will specify the installation of the recommended Sielox ACAMS equipment for procurement and installation, which will be competitively bid.

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. Sielox is approved as the sole source provider for the procurement of ACAMS for the City of Milpitas Fire Station No. 2 Replacement Project in accordance with the requirements of Public Contract Code section 3400(c)(2).

PASSED AND ADOPTED this _____ day of _____, 2020, 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:	Adopt a Resolution Approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/7/2020
Staff Contact:	Walter C. Rossmann, 408-586-3111
Recommendation:	Adopt a Resolution Approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures

Background:

The federal Office of Management and Budget (OMB) requires a non-federal entity such as the City of Milpitas to use procurement standards for federal grants that conform to the procurement standards in the Uniform Guidance, codified at Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Sections 200.317-200.326). In the event of an emergency declared by the President of the United States, the City must comply with Federal procurement standards as a condition of receiving public assistance funding from the Federal Emergency Management Agency (FEMA) for contract costs for eligible work.

This requirement includes procurements made (i) in preparation of, during, and after an emergency declared by the President of the United States, and that may be subject to federal funding or reimbursement; and (ii) when using federal grant funds subject to the Uniform Guidance.

In accordance with Chapter 2 of the City’s Municipal Code, the Purchasing Agent has certain responsibilities including but not limited to (1) procure or supervise the procurement of all supplies and services needed; and (2) adopt operational procedures relating to the execution of any of the above duties and responsibilities. Based on these responsibilities, the Purchasing Agent administratively adopted the attached Federal Emergency and Federal Grant Procurement Procedures for the City.

On March 13, 2020, the President of the United States declared a National Emergency concerning the Novel Coronavirus Disease (COVID-19) Outbreak. At the March 17 City Council meeting, the City Council unanimously ratified the declaration of an emergency made by the Interim City Manager on March 12.

Analysis:

Although the Purchasing Agent has the delegated authority to adopt operational procedures, the City Attorney’s Office advised that the Council formally adopt the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures.

The purpose of these Federal Emergency and Federal Grant Procurement Procedures is to define the practices and policies governing the procurement of public works projects, contractual services, professional services or materials, supplies and equipment (i) in preparation of, during, and after an emergency that may be subject to federal funding or reimbursement; (ii) when using federal grant funds subject to the aforementioned regulations.

The attached guidelines include specific language on conflicts of interest related to procurements; different competition threshold requirements than required by the City's Municipal Code; conditions for non-competitive procurements such as emergencies; requirements to contract with Small and Minority Firms, Women's Business Enterprises, and Labor Area Surplus Firms; and contract management and oversight. Staff will evaluate the federal guidelines and may bring amendments to the City's Municipal Code next fiscal year for Council consideration to align the City's procurement rules and regulations with these guidelines.

Staff has been trained to follow these procedures for contracts while also complying with the Municipal Code section regarding the Purchasing Agent's Emergency Authority. Per the emergency authority, the Purchasing Agent may authorize emergency purchases without observing the bidding procedures upon a finding that such purchases are required for the immediate preservation of the public health, safety, or welfare and that there is an immediate or imminent emergency. The Municipal Code further states that if the Purchasing Agent uses the emergency authority, the Purchasing Agent is required to submit to the City Council a written statement of the circumstances of such emergency purchases over Twenty Thousand Dollars (\$20,000), a description of the supplies or services purchased, and the prices thereof at the next City Council meeting. Staff is tracking all procurements related to COVID-19 in compliance with FEMA reimbursement provisions and the City's Municipal Code and will bring forward reports to the Council at upcoming Council meetings, as required.

Fiscal Impact:

No fiscal impact other than staff time to follow the procedures and ensure compliance with federal grant requirements.

California Environmental Quality Act:

Not applicable.

Recommendation:

Adopt a Resolution Approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures

Attachments:

Resolution Approving the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures
Exhibit A to the Resolution: Federal Emergency and Federal Grant Procurement Procedures

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILPITAS ADOPTING THE CITY OF MILPITAS FEDERAL EMERGENCY AND FEDERAL GRANT PROCUREMENT PROCEDURES

WHEREAS, the Office of Management and Budget (OMB) requires a non-federal entity to use procurement standards that conform to the procurement standards in the Uniform Guidance, codified at 2 CFR Sections 200.317-200.326, when the procurement is federally funded.

WHEREAS, the City of Milpitas (“City”) has prepared the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures (“Procedures”), attached hereto as Exhibit “A.”

WHEREAS, the City desires to adopt the Procedures for use by the City for procurements made (i) in preparation of, during, and after an emergency declared by the President of the United States, and that may be subject to federal funding or reimbursement; and (ii) when using federal grant funds subject to the Uniform Guidance.

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

SECTION 1. The recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. The City hereby adopts the City of Milpitas Federal Emergency and Federal Grant Procurement Procedures, attached hereto as **Exhibit “A.”**

SECTION 3. This Resolution shall be effective as of the date of adoption. The City Clerk shall certify the adoption of this resolution.

PASSED AND ADOPTED this _____ day of _____, 2020, 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

FEDERAL EMERGENCY AND FEDERAL GRANT PROCUREMENT PROCEDURES

March __, 2020

CITY OF MILPITAS
FEDERAL EMERGENCY AND FEDERAL GRANT PROCUREMENT PROCEDURES

1. **Purpose**

The purpose of these City of Milpitas (“City”) Federal Emergency and Federal Grant Procurement Procedures is to define the practices and policies governing the procurement of public works projects, contractual services, professional services or materials, supplies and equipment (i) in preparation of, during, and after an emergency that may be subject to federal funding or reimbursement; (ii) when using federal grant funds subject to the regulations set forth in the following sentence. These Federal Emergency Procurement Procedures are compliant with Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

2. **Federally Declared Emergencies and Federal Grants; Procurement and Contracting Requirements**

In the event of an emergency declared by the President of the United States, the City must comply with Federal procurement standards as a condition of receiving public assistance funding from the Federal Emergency Management Agency (FEMA) for contract costs for eligible work. FEMA funding is governed by Title 2 of the Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”).

In addition, most federal grant funding is also subject to the Uniform Guidance. Federal grant compliance requires the grantee to conduct procurements in accordance with written procurement policies and procedures that comply with the requirements set forth in the Uniform Guidance. These procurement procedures shall be complied with in connection with utilization of federal grant funding by the City, in addition to any other specific grant requirements.

These procedures are in addition to and are not intended to replace or supersede the City’s other procurement requirements contained in the City’s Municipal Code and/or Purchasing Manual or required by state law. In the case of a conflict between these procedures, the more stringent requirement shall govern, provided that the more stringent requirement would not violate a federal procurement requirement. In such case, for federally funded contracts, the federal requirement shall govern.

(a) **Conflicts of Interest**

(i) **Standards of Conduct for Conflicts of Interest.** No employee, officer or agent of the City shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: The employee, officer or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The City’s officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Such a conflict will not arise where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. Employees must follow applicable laws, rules, and regulations in regard to conflicts of interest including, but not limited to, the Political Reform Act, the prohibition against contractual conflicts of interest, and guidelines in the California Code of Regulations regarding acceptance of gifts.

(ii) Violations. Disciplinary actions to be applied for violations of the above standards are as follows.

(1) The violation of these Standards of Conduct by City employees will subject the violator to any disciplinary proceedings or action deemed appropriate by the City Manager. Employees may correct a violation in any manner provided for under the Political Reform Act, and its implementing regulations.

(2) The violation of any of these Standards of Conduct by City officers will require correction of the violation in any manner provided for under the Political Reform Act, and its implementing regulations.

(3) Contractors or subcontractors that violate these Standards of Conduct as relates to an active federally-funded procurement may be prohibited from bidding on the procurement, or may be subject to other action as deemed appropriate by the City Manager.

(4) Agents of the City that violate these Standards of Conduct as relates to federally-funded procurements may be prohibited from participation on behalf of the City on federally funded projects, or subject to other action as deemed appropriate by the City Manager.

(b) **Procurement Standards**

(i) Oversight. The City shall maintain administrative oversight of contractors to ensure that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.

(ii) Economical Approach. The City must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. The City will enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. If feasible and it reduces project costs, the City will explore using federal excess and surplus property in lieu of purchasing new equipment and property. When appropriate, the City will investigate using value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

(iii) Detailed Records. The City shall maintain records sufficient to detail the history of each procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(iv) Procurement Issues. The City alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes and claims. Protest procedures or information on obtaining the procedures shall be included in the procurement documents.

(c) **Competition**

(i) Full and Open Competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest, as further detailed herein;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(ii) Organizational Conflicts of Interest. An unfair competitive advantage could result if a contractor were allowed to submit a bid or proposal for work described in a specification or statement of work that the contractor itself developed. For the purpose of eliminating a potential unfair competitive advantage, and in compliance with applicable state and federal laws and regulations, a contractor that develops or assists in developing specifications, requirements, statements of work, invitation for bids, and/or request for proposals for a City procurement is excluded from competing for the resultant procurement, unless an appropriate waiver is issued by the City. All waivers will be assessed by the City on a case-by-case basis.

(iii) Geographical Preference. The City shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(iv) Procurement Transactions. The City shall require the following information for procurement transactions:

- (1) A clear and accurate description of the technical requirements for the material, product or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to

define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(2) All requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(v) Prequalification Lists. The City shall ensure that all prequalified lists, if used, of persons, firms or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The City shall not preclude potential bidders from qualifying during the solicitation period.

(d) **Procurement Procedures**

The thresholds below are federal thresholds. If City thresholds are lower, the more restrictive requirement shall govern, notwithstanding the provisions herein.

(i) Micro-Purchases. Purchases within the micro-purchase threshold (e.g., currently set at purchases of \$10,000 or less but periodically adjusted for inflation) may be awarded without soliciting competitive quotations if the City considers the price to be reasonable. To the extent practicable, the City must distribute micro-purchases equitably among qualified suppliers.

(ii) Small Purchases. Purchases within the simplified acquisition threshold (e.g., currently set at purchases of \$250,000 or less) shall not be required to be formally bid. Price quotations must be received from no less than three (3) sources.

(iii) Formal, Sealed Bidding.

(1) Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. Formal, sealed bidding is required for purchases greater than the simplified acquisition threshold, which is currently set at \$250,000, or as may be adjusted by the Federal Acquisition Regulation, pursuant to 48 CFR § 2.101.

(2) This is the preferred method for procuring construction, if a complete, adequate, and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively and for the business; and the procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

(3) The City must publicly advertise the Invitation for Bids and publicly open all bids at the time and place prescribed in the invitation.

(4) Any contracts awarded pursuant to this procedure shall be to the lowest responsible bidder submitting a responsive bid and shall be for a firm fixed price. Any or all bids may be rejected if there is a sound documented reason.

(iv) Competitive Proposals.

(1) When the nature of a procurement does not lend itself to formal, sealed bidding, the City may solicit competitive proposals. The technique of competitive proposals is normally conducted with

more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded.

(2) A request for proposals (RFP) must be publicly advertised, and the City must solicit proposals from an adequate number of sources. The RFP must identify all evaluation factors and their relative importance; however, the numerical or percentage ratings or weights need not be disclosed.

(3) Evaluation factors that will be considered in evaluating proposals shall be tailored to each procurement and shall include only those factors that will have an impact on the selection decision.

a. The City's procurement officer shall establish a formal evaluation committee, of at least two persons. The size of an evaluation committee should be based on the size and complexity of the goods or services being procured and well balanced and represented by individuals involved with the procurement and/or affected by the goods or services being procured.

b. The evaluation committee will be charged with responsibility for evaluating proposals in accordance with the evaluation criteria in the solicitation, short listing firms, establishing a competitive range, and/or recommending a firm or firms for contract award.

(4) Any contract awarded based on the competitive proposal procurement process cannot be based exclusively on price or price-related factors.

(5) If a contract is awarded, it shall be to the responsible firm whose proposal is most advantageous to the City ("best value"), with price and other factors considered.

(v) Competitive Proposals for A&E Services. The competitive proposal procedures above may be used for procurement of architect and engineering (A&E) services, provided that proposers must be evaluated based on competence and qualifications, without regard to price. For A&E procurements, price will not be used as a selection factor. The City will rank proposers based on qualifications only, and attempt to negotiate fair and reasonable compensation with the highest ranked proposer. If negotiations with the highest ranked proposer are unsuccessful, such negotiations will be terminated and the City will commence negotiations with the next highest ranked proposer. This process shall be continued with successive qualified proposers until agreement is reached that is determined to be fair and reasonable.

(vi) Noncompetitive Procurements.

(1) Contracts may be procured through a noncompetitive proposal only when:

a. The item is only available from a single source;

b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City; or

d. Competition is deemed inadequate after the solicitation of a number of sources.

(vii) Public Projects. Public projects shall be procured by the City's formal contract bid procedures, if any, and the formal, sealed bidding in this section. If there is conflict between the foregoing, the more restrictive requirements shall apply.

(viii) Award.

(1) Responsible Contractor. The City shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(2) Debarment and Suspension. In accordance with 2 CFR 200.213, in connection with the responsibility determination, a check of debarment and suspension using the System for Award Management (SAM), www.sam.gov, must be performed and documented in the procurement records prior to award.

(e) Contracting with Small and Minority Firms, Women's Business Enterprises, and Labor Area Surplus Firms

(i) The City must take all necessary affirmative steps to ensure the use of minority businesses, women's business enterprises, and labor surplus area firms when possible, as set forth at 2 CFR § 200.321 and detailed below. The City shall:

(1) Place qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

(ii) The City shall document the steps above, and any relevant findings applicable to any of the steps above in its procurement file.

(f) Cost and Price

(i) Cost or Price Analysis. The City shall perform a cost or price analysis in connection with every procurement action, including contract modifications, in excess of the simplified acquisition threshold.

While the method and degree of analysis depend on the facts surrounding the particular procurement situation, the City must, at a minimum, make independent estimates before receiving bids or proposals.

(ii) Profit. The City shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where a cost analysis is performed as required by 2 CFR § 200.323(b).

(iii) Estimated Costs. Costs or prices based on estimated costs for contracts are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under 2 CFR 200.400 et seq.

(g) **Payment Procedures**

(i) Method of Contracting. Contracts entered into pursuant to these procedures shall utilize only fixed-price, cost-reimbursement, or, to a limited extent, time and materials payment methods.

(ii) Prohibited Methods of Contracting. The City shall not use the cost plus a percentage of cost or percentage of construction cost methods of contracting for any work for which federal reimbursement will be sought.

(iii) Time and Materials (“T&M”) Contracts

(1) T&M contracts should be used rarely, and the use of T&M contracts should be limited to a reasonable time period (e.g., no more than 70 hours) based on circumstances during which the City cannot define a clear scope of work.

(2) The City shall only enter into a time and materials contract if all of the following apply:

a. The City has determined and documented in the project file that no other contract is suitable;

b. The contract has a guaranteed maximum price that the contractor exceeds at its own risk; and

c. The City provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(3) The City must define the scope of work as soon as possible to enable procurement of a more acceptable type of contract (i.e., non-T&M).

(iv) Separate Invoicing

(1) All purchases made during a proclaimed emergency shall require separate invoicing from routine (i.e., non-emergency related) purchases. All invoices shall state the goods, services, or equipment provided and shall specify where the goods or services were delivered. All invoices shall specify the location(s) where the goods or services were used, if possible. Any invoice which fails to properly identify the emergency nature of the purchase and provide details as to the date(s) and location(s), as appropriate, shall not be paid until such errors are corrected by the vendor and re-submitted in correct form.

(v) Auditing of Invoices for Debris Removal. All invoices for debris clearance and removal shall be audited prior to payment to the contractor. Contractors shall be notified of this requirement prior to the award of any contract for debris clearance and/or removal. Audits shall be in accordance with procedures for debris removal monitoring specified in FEMA's Publication 325, Debris Management Guide.

(h) **Bonding Requirements**

(i) Bonding. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold (See 2 CFR 200.88), the City shall require at a minimum:

- (1) A bid guarantee from each bidder equivalent to five percent of the bid price.
- (2) A performance bond on the part of the contractor for 100 percent of the contract price.
- (3) A payment bond on the part of the contractor for 100 percent of the contract price.

(i) **Procurement of Recovered Materials**

(i) For procurements covered under these procedures, the City and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with these requirements, the City shall only procure items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(ii) This requirement applies to purchases of items when the purchase price of the item exceeds \$10,000, or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.

(j) **Contract Provisions**

(i) Contract Provisions. The City's contracts shall contain the applicable provisions described in Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

(k) **Pre-Event Contracts**

(i) The City may choose to solicit bids and proposals and award contracts in non-disaster times. This may include, but is not limited to, debris removal contracts and debris monitoring contracts.

CITY OF MILPITAS

FEDERAL EMERGENCY AND FEDERAL GRANT PROCUREMENT PROCEDURES

March 2020

CITY OF MILPITAS
FEDERAL EMERGENCY AND FEDERAL GRANT PROCUREMENT PROCEDURES

1. **Purpose**

The purpose of these City of Milpitas (“City”) Federal Emergency and Federal Grant Procurement Procedures is to define the practices and policies governing the procurement of public works projects, contractual services, professional services or materials, supplies and equipment (i) in preparation of, during, and after an emergency that may be subject to federal funding or reimbursement; (ii) when using federal grant funds subject to the regulations set forth in the following sentence. These Federal Emergency Procurement Procedures are compliant with Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

2. **Federally Declared Emergencies and Federal Grants; Procurement and Contracting Requirements**

In the event of an emergency declared by the President of the United States, the City must comply with Federal procurement standards as a condition of receiving public assistance funding from the Federal Emergency Management Agency (FEMA) for contract costs for eligible work. FEMA funding is governed by Title 2 of the Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”).

In addition, most federal grant funding is also subject to the Uniform Guidance. Federal grant compliance requires the grantee to conduct procurements in accordance with written procurement policies and procedures that comply with the requirements set forth in the Uniform Guidance. These procurement procedures shall be complied with in connection with utilization of federal grant funding by the City, in addition to any other specific grant requirements.

These procedures are in addition to and are not intended to replace or supersede the City’s other procurement requirements contained in the City’s Municipal Code and/or Purchasing Manual or required by state law. In the case of a conflict between these procedures, the more stringent requirement shall govern, provided that the more stringent requirement would not violate a federal procurement requirement. In such case, for federally funded contracts, the federal requirement shall govern.

(a) **Conflicts of Interest**

(i) **Standards of Conduct for Conflicts of Interest.** No employee, officer or agent of the City shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: The employee, officer or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The City’s officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors,

potential contractors, or parties to subagreements. Such a conflict will not arise where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. Employees must follow applicable laws, rules, and regulations in regard to conflicts of interest including, but not limited to, the Political Reform Act, the prohibition against contractual conflicts of interest, and guidelines in the California Code of Regulations regarding acceptance of gifts.

(ii) Violations. Disciplinary actions to be applied for violations of the above standards are as follows.

(1) The violation of these Standards of Conduct by City employees will subject the violator to any disciplinary proceedings or action deemed appropriate by the City Manager. Employees may correct a violation in any manner provided for under the Political Reform Act, and its implementing regulations.

(2) The violation of any of these Standards of Conduct by City officers will require correction of the violation in any manner provided for under the Political Reform Act, and its implementing regulations.

(3) Contractors or subcontractors that violate these Standards of Conduct as relates to an active federally-funded procurement may be prohibited from bidding on the procurement, or may be subject to other action as deemed appropriate by the City Manager.

(4) Agents of the City that violate these Standards of Conduct as relates to federally-funded procurements may be prohibited from participation on behalf of the City on federally funded projects, or subject to other action as deemed appropriate by the City Manager.

(b) **Procurement Standards**

(i) Oversight. The City shall maintain administrative oversight of contractors to ensure that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.

(ii) Economical Approach. The City must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. The City will enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. If feasible and it reduces project costs, the City will explore using federal excess and surplus property in lieu of purchasing new equipment and property. When appropriate, the City will investigate using value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

(iii) Detailed Records. The City shall maintain records sufficient to detail the history of each procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(iv) Procurement Issues. The City alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes and claims. Protest procedures or information on obtaining the procedures shall be included in the procurement documents.

(c) **Competition**

(i) Full and Open Competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest, as further detailed herein;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(ii) Organizational Conflicts of Interest. An unfair competitive advantage could result if a contractor were allowed to submit a bid or proposal for work described in a specification or statement of work that the contractor itself developed. For the purpose of eliminating a potential unfair competitive advantage, and in compliance with applicable state and federal laws and regulations, a contractor that develops or assists in developing specifications, requirements, statements of work, invitation for bids, and/or request for proposals for a City procurement is excluded from competing for the resultant procurement, unless an appropriate waiver is issued by the City. All waivers will be assessed by the City on a case-by-case basis.

(iii) Geographical Preference. The City shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its

application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(iv) Procurement Transactions. The City shall require the following information for procurement transactions:

(1) A clear and accurate description of the technical requirements for the material, product or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(2) All requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(v) Prequalification Lists. The City shall ensure that all prequalified lists, if used, of persons, firms or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The City shall not preclude potential bidders from qualifying during the solicitation period.

(d) **Procurement Procedures**

The thresholds below are federal thresholds. If City thresholds are lower, the more restrictive requirement shall govern, notwithstanding the provisions herein.

(i) Micro-Purchases. Purchases within the micro-purchase threshold (e.g., currently set at purchases of \$10,000 or less but periodically adjusted for inflation) may be awarded without soliciting competitive quotations if the City considers the price to be reasonable. To the extent practicable, the City must distribute micro-purchases equitably among qualified suppliers.

(ii) Small Purchases. Purchases within the simplified acquisition threshold (e.g., currently set at purchases of \$250,000 or less) shall not be required to be formally bid. Price quotations must be received from no less than three (3) sources.

(iii) Formal, Sealed Bidding.

(1) Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. Formal, sealed bidding is required for purchases greater than the simplified acquisition threshold, which is currently set at \$250,000, or as may be adjusted by the Federal Acquisition Regulation, pursuant to 48 CFR § 2.101.

(2) This is the preferred method for procuring construction, if a complete, adequate, and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively and for the business; and the procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

(3) The City must publicly advertise the Invitation for Bids and publicly open all bids at the time and place prescribed in the invitation.

(4) Any contracts awarded pursuant to this procedure shall be to the lowest responsible bidder submitting a responsive bid and shall be for a firm fixed price. Any or all bids may be rejected if there is a sound documented reason.

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(1) When the nature of a procurement does not lend itself to formal, sealed bidding, the City may solicit competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded.

(2) A request for proposals (RFP) must be publicly advertised, and the City must solicit proposals from an adequate number of sources. The RFP must identify all evaluation factors and their relative importance; however, the numerical or percentage ratings or weights need not be disclosed.

(3) Evaluation factors that will be considered in evaluating proposals shall be tailored to each procurement and shall include only those factors that will have an impact on the selection decision.

a. The City's procurement officer shall establish a formal evaluation committee, of at least two persons. The size of an evaluation committee should be based on the size and complexity of the goods or services being procured and well balanced and represented by individuals involved with the procurement and/or affected by the goods or services being procured.

b. The evaluation committee will be charged with responsibility for evaluating proposals in accordance with the evaluation criteria in the solicitation, short listing firms, establishing a competitive range, and/or recommending a firm or firms for contract award.

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- a. The item is only available from a single source;
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(1) Responsible Contractor. The City shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(2) Debarment and Suspension. In accordance with 2 CFR 200.213, in connection with the responsibility determination, a check of debarment and suspension using the System for Award Management (SAM), www.sam.gov, must be performed and documented in the procurement records prior to award.

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(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

(ii) The City shall document the steps above, and any relevant findings applicable to any of the steps above in its procurement file.

(f) **Cost and Price**

(i) Cost or Price Analysis. The City shall perform a cost or price analysis in connection with every procurement action, including contract modifications, in excess of the simplified acquisition threshold. While the method and degree of analysis depend on the facts surrounding the particular procurement situation, the City must, at a minimum, make independent estimates before receiving bids or proposals.

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(1) T&M contracts should be used rarely, and the use of T&M contracts should be limited to a reasonable time period (e.g., no more than 70 hours) based on circumstances during which the City cannot define a clear scope of work.

(2) The City shall only enter into a time and materials contract if all of the following apply:

a. The City has determined and documented in the project file that no other contract is suitable;

b. The contract has a guaranteed maximum price that the contractor exceeds at its own risk; and

c. The City provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(3) The City must define the scope of work as soon as possible to enable procurement of a more acceptable type of contract (i.e., non-T&M).

(iv) Separate Invoicing

(1) All purchases made during a proclaimed emergency shall require separate invoicing from routine (i.e., non-emergency related) purchases. All invoices shall state the goods, services, or equipment provided and shall specify where the goods or services were delivered. All invoices shall specify the location(s) where the goods or services were used, if possible. Any invoice which fails to properly identify the emergency nature of the purchase and provide details as to the date(s) and location(s), as appropriate, shall not be paid until such errors are corrected by the vendor and re-submitted in correct form.

(v) Auditing of Invoices for Debris Removal. All invoices for debris clearance and removal shall be audited prior to payment to the contractor. Contractors shall be notified of this requirement prior to the award of any contract for debris clearance and/or removal. Audits shall be in accordance with procedures for debris removal monitoring specified in FEMA’s Publication 325, Debris Management Guide.

(h) **Bonding Requirements**

(i) Bonding. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold (See 2 CFR 200.88), the City shall require at a minimum:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price.

(2) A performance bond on the part of the contractor for 100 percent of the contract price.

(3) A payment bond on the part of the contractor for 100 percent of the contract price.

(i) Procurement of Recovered Materials

(i) For procurements covered under these procedures, the City and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with these requirements, the City shall only procure items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(ii) This requirement applies to purchases of items when the purchase price of the item exceeds \$10,000, or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.

(j) Contract Provisions

(i) Contract Provisions. The City's contracts shall contain the applicable provisions described in Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

(k) Pre-Event Contracts

(i) The City may choose to solicit bids and proposals and award contracts in non-disaster times. This may include, but is not limited to, debris removal contracts and debris monitoring contracts.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to amend the City of Milpitas Classification Plan to adjust the Salary Range of the Senior Public Works Lead classification
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	4/7/2020
Staff Contact:	Francine Hunt, 408/586-3085
Recommendation:	Adopt a Resolution amending the Classification Plan Salary Range and salaries for the Senior Public Works Lead classification by 6.67% retroactive to March 1, 2020

Background:

The City received a request from the Milpitas Employees Association (MEA) to review and amend the Senior Public Works Lead salary range to 10% above the Equipment Maintenance Worker III salary range due to compaction concerns. Labor management meetings began having ongoing discussion between the City and MEA since approximately Fall of 2019 regarding compaction between the Senior Public Works Lead and the Equipment Maintenance Worker III classification. Staff performed an internal salary analysis.

An internal analysis was conducted to determine if compaction is prevalent between the Senior Public Works Lead salary range and the highest salary range that this classification supervises. Staff determined that compaction does exist between the Senior Public Works Lead and the Equipment Maintenance Worker III, which is the highest paid classification within this reporting structure. The current salary range spread between the Senior Public Works Lead and the Equipment Maintenance Worker III is 3.12%. Both classifications are represented by MEA.

Analysis:

The Senior Public Works Lead classification supervises five (5) classification families. The classification families consist of Equipment Maintenance Worker I through III, Water Systems Operator, Fleet Maintenance Worker I through III, Maintenance Worker I through III, and Maintenance Custodial Worker I through III. The highest paid classification within each of the above class families are the Equipment Maintenance Worker III, Water Systems Operator, Fleet Maintenance Worker III, Maintenance Worker III and the Maintenance Custodial Worker III.

Internal equity between specific classifications is a factor to consider when creating or studying salaries. Consideration is given to internal compensation alignments to represent appropriate salary differentials between class families and classifications that supervise other classifications.

To establish an equitable differential between the Senior Public Works Lead and the Equipment Maintenance Worker III salary range, staff recommends amending the salary range for the Senior

Public Works Lead classification by 6.67% to establish a 10% direct report differential between these two classifications. In addition, Staff is requesting that this salary range adjustment be approved retroactively to March 1, 2020.

	Current Bottom Monthly Salary	Current Top Monthly Salary	Percent Increase	Proposed Bottom Monthly Salary	Proposed Top Monthly Salary
Senior Public Works Lead	\$7,690.15	\$9,347.67	6.67%	\$8,203.08	\$9,971.16

Policy Alternative:

Do not approve staff recommendation to adjust the salary range for the Senior Public Works Lead.

Pros: No increase in salary expenditures.

Cons: Compaction will remain and there will not be an equitable salary range separation between the classifications of Senior Public Works Lead and Equipment Maintenance Worker III. If compaction is sustained, it will prove difficult to promote employees into the Senior Public Works Lead classification.

Reason not recommended: The City is motivated to continue to provide internal candidates an opportunity to promote from within. If the compaction issue is not addressed, there will be no minimal incentive to pursue promotional opportunities.

Fiscal Impact:

The Public Works Department (PW) has six (6) budgeted full-time Senior Public Works Lead positions. Five (5) of the budgeted positions are currently filled. The fiscal impact for the remainder of the fiscal year, including salary driven benefits (CalPERS and Medicare) for 2019-2020 is \$21,170, which will be absorbed within PW’s budget. The fiscal impact for fiscal year 2020-2021 will be \$61,150, which will be incorporated in the development of the FY 2020-21 Proposed Budget.

California Environmental Quality Act:

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

Recommendation:

Adopt a resolution amending the Classification Plan Salary Range and salaries for the Senior Public Works Lead by 6.67%. Staff recommends the effective date of the salary range amendment to be retroactive to March 1, 2020, following the adoption of this request by the City Council.

Attachments:

Resolution to Amend the Classification Plan Salary Range
 City of Milpitas – Human Resources, All Job Classifications/Salary Table Effective 03/03/2020 Draft

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING RESOLUTION NO. 1626, THE CLASSIFICATION PLAN, TO ADJUST SALARY RANGES AND APPROVE AND ADOPT THE PAY SCHEDULE TITLED “ALL JOB CLASSIFICATIONS/SALARY TABLE”

WHEREAS, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been amended from time to time, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792 as amended); and

WHEREAS, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges; and

WHEREAS, the City is required to publish publicly available approved and adopted pay schedule(s) for all positions within the Classification Plan pursuant to the California Code of Regulations, 2 CCR §570.5.

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. Resolution No. 1626, as amended, is hereby further amended retroactively to March 1, 2020, as set forth below.

A. ADJUST THE SALARY RANGES FOR THE FOLLOWING CLASSIFICATION:

Title	Existing Monthly Range	Proposed Monthly Range
Sr. Public Works Lead	\$7,690.15 - \$9,347.67	\$8,203.08 - \$9,971.16

B. APPROVE AND ADOPT THE PAY SCHEDULE “ALL JOB CLASSIFICATIONS/SALARY TABLE EFFECTIVE March 1, 2020”:

A pay schedule, that includes but is not limited to Classification (Position), Title, Payrate; Hourly, Bi-Weekly, Monthly and Annual Wage, is attached hereto as **Exhibit A** (“The City of Milpitas All Job Classifications/Salary Table effective 03-01-2020”).

PASSED AND ADOPTED this _____ day of _____, 2020, 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 - HUMAN RESOURCES
All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
5	Accountant	500	2101	A	43.41	3473.02	7524.88	90298.52
				B	45.58	3646.64	7901.05	94812.64
				C	47.85	3828.25	8294.54	99534.50
				D	50.26	4020.56	8711.21	104534.56
				E	52.76	4220.86	9145.20	109742.36
5	Accounting Technician I	513	6104	A	28.27	2261.81	4900.59	58807.06
				B	29.69	2374.92	5145.66	61747.92
				C	31.17	2493.67	5402.95	64835.42
				D	32.73	2618.36	5673.11	68077.36
				E	34.37	2749.27	5956.75	71481.02
5	Accounting Technician II	514	6105	A	31.10	2487.98	5390.62	64687.48
				B	32.66	2612.41	5660.22	67922.66
				C	34.29	2743.04	5943.25	71319.04
				D	36.00	2880.22	6240.48	74885.72
				E	37.80	3024.16	6552.35	78628.16
8	Administrative Analyst I	801	2102	A	38.84	3106.99	6731.81	80781.74
				B				
				C				
				D				
				E	51.13	4090.15	8861.99	106343.90
8	Administrative Analyst II	802	2103	A	42.89	3431.31	7434.51	89214.06
				B				
				C				
				D				
				E	56.45	4516.39	9785.51	117426.14
8	Administrative Assistant	828	6111	A	37.05	2964.15	6422.33	77067.90
				B	38.90	3112.36	6743.45	80921.36
				C	40.85	3268.00	7080.67	84968.00
				D	42.89	3431.37	7434.63	89215.62
				E	45.04	3602.93	7806.35	93676.18
7	Adult Crossing Guard	725	8401	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	17.98	1438.40	3116.53	37398.40

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES
All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
7	Adult Crossing Guard Superviso	720	8402	A	17.25	1380.00	2990.00	35880.00
				B				
				C				
				D				
				E	20.66	1652.80	3581.07	42972.80
6	Assistant Chief of Police	649	1405	A	99.42	7953.39	17232.34	206788.08
				B				
				C				
				D				
				E	139.18	11134.75	24125.30	289503.60
6	Assistant City Engineer	639	1205	A	68.30	5464.20	11839.10	142069.20
				B				
				C				
				D				
				E	95.62	7649.88	16574.74	198896.88
6	Assistant City Manager	666	1104	A	90.99	7279.32	15771.86	189262.32
				B				
				C				
				D				
				E	127.39	10191.06	22080.63	264967.56
5	Assistant Civil Engineer	502	2201	A	47.04	3762.96	8153.08	97836.96
				B	49.39	3951.11	8560.74	102728.86
				C	51.86	4148.64	8988.72	107864.64
				D	54.45	4356.11	9438.24	113258.86
				E	57.17	4573.93	9910.18	118922.18
6	Assistant Director of Finance	669	1109	A	65.48	5238.57	11350.24	136202.82
				B				
				C				
				D				
				E	91.68	7334.17	15890.70	190688.42
6	Assistant Fire Marshal	632	2501	A	75.14	6010.96	13023.75	156285.00
				B				
				C				
				D				
				E	105.19	8415.36	18233.27	218799.24

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
5	Assistant Planner	503	2801	A	45.10	3608.18	7817.72	93812.68
				B	47.36	3788.68	8208.81	98505.68
				C	49.72	3977.43	8617.77	103413.18
				D	52.20	4176.26	9048.56	108582.76
				E	54.81	4385.16	9501.18	114014.16
7	Assistant Pool Manager	709	5609	A	17.00	1360.00	2946.67	35360.00
				B				
				C				
				D				
				E	23.80	1904.00	4125.33	49504.00
2	Assistant Water Operator	221	7212	A	37.95	2846.52	6167.46	74009.52
				B	39.85	2988.85	6475.84	77710.10
				C	41.84	3138.29	6799.63	81595.54
				D	43.94	3295.19	7139.58	85674.94
				E	46.13	3459.97	7496.60	89959.22
2	Assistant Water Operator - 40	226	8611	A	37.95	3036.03	6578.06	78936.78
				B	39.85	3188.14	6907.64	82891.64
				C	41.84	3347.24	7252.35	87028.24
				D	43.94	3515.08	7616.01	91392.08
				E	46.13	3690.80	7996.73	95960.80
5	Associate Civil Engineer	504	2202	A	54.09	4327.38	9375.99	112511.88
				B	56.80	4543.78	9844.86	118138.28
				C	59.64	4770.98	10337.12	124045.48
				D	62.62	5009.52	10853.96	130247.52
				E	65.75	5260.02	11396.71	136760.52
5	Associate Planner	505	2802	A	51.86	4148.76	8988.98	107867.76
				B	54.46	4356.75	9439.63	113275.50
				C	57.19	4574.82	9912.11	118945.32
				D	60.04	4802.96	10406.41	124876.96
				E	63.04	5043.02	10926.54	131118.52
8	Budget Manager	839	1115	A	56.61	4529.04	9812.93	117755.16
				B				
				C				
				D				
				E	74.52	5961.54	12916.67	155000.04

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
6	Building & Housing Director	658	1802	A	79.14	6330.89	13716.93	164603.14
				B				
				C				
				D				
				E	110.79	8863.25	19203.71	230444.50
8	Building Inspection Manager	848	3809	A	58.98	4718.20	10222.77	122673.20
				B				
				C				
				D				
				E	71.69	5735.05	12425.94	149111.30
7	Building Inspector Apprentice	770	8610	A	28.00	2240.00	4853.33	58240.00
				B	0.00	0.00	0.00	0.00
				C	0.00	0.00	0.00	0.00
				D	0.00	0.00	0.00	0.00
				E	35.00	2800.00	6066.67	72800.00
6	Building Official	676	1804	A	69.61	5568.75	12065.63	144787.50
				B				
				C				
				D				
				E	97.45	7796.25	16891.88	202702.50
5	Building Permit Technician	508	5801	A	34.44	2755.32	5969.86	71638.32
				B	36.17	2893.39	6269.01	75228.14
				C	37.98	3038.55	6583.53	79002.30
				D	39.87	3189.90	6911.45	82937.40
				E	41.87	3349.23	7256.67	87079.98
5	Building/NP Inspector	507	3801	A	45.65	3652.03	7912.73	94952.78
				B	47.93	3834.66	8308.43	99701.16
				C	50.33	4026.36	8723.78	104685.36
				D	52.85	4227.70	9160.02	109920.20
				E	55.49	4439.06	9617.96	115415.56
8	Buyer	803	2106	A	38.49	3078.83	6670.80	80049.58
				B				
				C				
				D				
				E	50.66	4052.69	8780.83	105369.94

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES
All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
5	Case Manager	544	5612	A	30.86	2468.78	5349.02	64188.28
				B				
				C				
				D				
				E	38.51	3080.99	6675.48	80105.74
6	Chief Fire Enforcement Officer	656	1505	A	65.62	5249.81	11374.59	136495.06
				B				
				C				
				D				
				E	91.87	7349.73	15924.42	191092.98
6	Chief of Police	650	1402	A	104.39	8350.82	18093.44	217121.28
				B				
				C				
				D				
				E	146.14	11691.17	25330.86	303970.32
6	CIP Manager	642	2211	A	60.13	4810.62	10423.01	125076.12
				B				
				C				
				D				
				E	84.19	6735.40	14593.37	175120.40
6	City Clerk	605	1101	A	60.17	4813.80	10429.90	125158.80
				B				
				C				
				D				
				E	84.25	6740.09	14603.53	175242.34
6	City Council	699	1107	A	104.35	417.40	904.37	10852.40
				B				
				C				
				D				
				E	130.47	521.88	1130.74	13568.88
6	City Manager	697	1102	A	143.27	11461.54	24833.34	298000.04
				B				
				C				
				D				
				E	143.27	11461.54	24833.34	298000.04

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
5	Code Enforcement Officer	515	5804	A	39.92	3193.22	6918.64	83023.72
				B	41.91	3352.93	7264.68	87176.18
				C	44.02	3521.30	7629.48	91553.80
				D	46.22	3697.35	8010.92	96131.10
				E	48.53	3882.09	8411.19	100934.34
6	Comm Svc Engmt & Incl Admin	659	1121	A	62.09	4967.31	10762.51	129150.06
				B				
				C				
				D				
				E	86.93	6954.23	15067.50	180809.98
4	Communications Dispatch Superv	456	6409	A	53.74	4299.33	9315.22	111782.58
				B	56.43	4514.29	9780.96	117371.54
				C	59.25	4740.02	10270.04	123240.52
				D	62.21	4977.02	10783.54	129402.52
				E	65.32	5225.88	11322.74	135872.88
4	Communications Dispatcher	455	6408	A	46.53	3722.52	8065.46	96785.52
				B	48.86	3908.62	8468.68	101624.12
				C	51.30	4104.04	8892.09	106705.04
				D	53.87	4309.21	9336.62	112039.46
				E	56.56	4524.68	9803.47	117641.68
5	Community Services Officer	551	5807	A	38.19	3055.21	6619.62	79435.46
				B	40.10	3207.97	6950.60	83407.22
				C	42.10	3368.37	7298.13	87577.62
				D	44.21	3536.78	7663.02	91956.28
				E	46.42	3713.64	8046.22	96554.64
8	Confidential Fiscal Asst II	805	6121	A	31.66	2532.82	5487.78	65853.32
				B	33.24	2659.43	5762.10	69145.18
				C	34.91	2792.40	6050.20	72602.40
				D	36.65	2932.02	6352.71	76232.52
				E	38.48	3078.63	6670.37	80044.38
8	Crime Analyst	809	2105	A	46.49	3719.36	8058.61	96703.36
				B				
				C				
				D				
				E	61.20	4895.82	10607.61	127291.32

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES
All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
8	Customer Services Supervisor	847	2127	A	45.08	3606.56	7814.21	93770.56
				B				
				C				
				D				
				E	59.34	4747.03	10285.23	123422.78
8	Deputy City Clerk	835	6102	A	44.27	3541.63	7673.53	92082.38
				B				
				C				
				D				
				E	53.81	4304.87	9327.22	111926.62
6	Deputy City Manager	672	1119	A	89.17	7133.73	15456.42	185476.98
				B				
				C				
				D				
				E	124.79	9983.08	21630.01	259560.08
6	Deputy Fire Chief	633	1504	A	94.68	7574.36	16411.12	196933.44
				B				
				C				
				D				
				E	132.55	10604.10	22975.56	275706.72
6	Deputy Public Works Director	654	1207	A	70.19	5615.48	12166.87	146002.48
				B				
				C				
				D				
				E	98.27	7861.68	17033.64	204403.68
6	Dir of Recr & Community Svcs	655	1208	A	77.50	6199.79	13432.88	161194.54
				B				
				C				
				D				
				E	108.71	8696.62	18842.68	226112.12
8	Economic Development Coord	852	8623	A	48.85	3908.23	8467.83	101613.98
				B				
				C				
				D				
				E	60.58	4846.15	10499.99	125999.90

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES
All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
6	Economic Development Director	653	1206	A	72.79	5823.47	12617.52	151410.22
				B				
				C				
				D				
				E	101.91	8152.84	17664.49	211973.84
6	Economic Development Manager	611	1203	A	58.57	4685.48	10151.87	121822.48
				B				
				C				
				D				
				E	76.17	6093.93	13203.51	158442.18
8	Economic Development Spec	850	8606	A	46.52	3721.81	8063.92	96767.06
				B				
				C				
				D				
				E	56.16	4492.59	9733.94	116807.34
5	Electrical/Building Inspector	511	3802	A	47.93	3834.65	8308.41	99700.90
				B	50.33	4026.36	8723.78	104685.36
				C	52.85	4227.69	9160.00	109919.94
				D	55.49	4439.06	9617.96	115415.56
				E	58.26	4661.02	10098.88	121186.52
8	Emergency Services Coordinator	836	2502	A	51.40	4111.99	8909.31	106911.74
				B				
				C				
				D				
				E	67.65	5411.93	11725.85	140710.18
6	Employee Relations Officer	677	1209	A	60.31	4825.16	10454.51	125454.16
				B				
				C				
				D				
				E	84.44	6755.21	14636.29	175635.46
5	Engineering Aide	512	3201	A	37.41	2992.51	6483.77	77805.26
				B	39.28	3142.14	6807.97	81695.64
				C	41.24	3299.24	7148.35	85780.24
				D	43.30	3464.18	7505.72	90068.68
				E	45.47	3637.39	7881.01	94572.14

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
6	Engineering Director/City Eng	606	1201	A	79.14	6330.89	13716.93	164603.14
				B				
				C				
				D				
				E	110.79	8863.25	19203.71	230444.50
5	Engineering Permit Technician	540	2210	A	33.67	2693.78	5836.52	70038.28
				B	35.36	2828.48	6128.37	73540.48
				C	37.12	2969.89	6434.76	77217.14
				D	38.98	3118.36	6756.45	81077.36
				E	40.93	3274.29	7094.29	85131.54
1	Entry Firefighter	112	4510	A	33.34	3734.03	8090.40	97084.78
				B	34.67	3883.39	8414.01	100968.14
				C				
				D				
				E				
1	Entry Firefighter/Paramedic	113	4511	A	37.34	4182.11	9061.24	108734.86
				B	38.83	4349.41	9423.72	113084.66
				C				
				D				
				E				
1	Entry Level Fire Inspector	114	3508	A	40.69	3255.52	7053.63	84643.52
				B	42.73	3418.30	7406.32	88875.80
				C	44.87	3589.22	7776.64	93319.72
				D	47.11	3768.68	8165.47	97985.68
				E	49.01	3921.11	8495.74	101948.86
8	Envir & Regulatory Comply Spec	851	8624	A	49.65	3972.16	8606.35	103276.16
				B				
				C				
				D				
				E	65.36	5228.51	11328.44	135941.26
5	Environmental Inspector	553	2213	A	47.93	3834.65	8308.41	99700.90
				B	50.33	4026.38	8723.82	104685.88
				C	52.85	4227.71	9160.04	109920.46
				D	55.49	4439.09	9618.03	115416.34
				E	58.26	4661.02	10098.88	121186.52

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
2	Equip Maint Worker I - 40	227	8612	A	34.72	2777.45	6017.81	72213.70
				B	36.44	2914.92	6315.66	75787.92
				C	38.26	3060.92	6631.99	79583.92
				D	40.18	3214.60	6964.97	83579.60
				E	42.19	3375.11	7312.74	87752.86
2	Equip Maint Worker II - 40	228	8613	A	38.18	3054.08	6617.17	79406.08
				B	40.09	3206.93	6948.35	83380.18
				C	42.09	3367.43	7296.10	87553.18
				D	44.21	3536.48	7662.37	91948.48
				E	46.42	3713.23	8045.33	96543.98
2	Equip Maint Worker III - 40	229	8614	A	43.01	3440.86	7455.20	89462.36
				B	45.17	3613.33	7828.88	93946.58
				C	47.43	3794.35	8221.09	98653.10
				D	49.80	3983.90	8631.78	103581.40
				E	52.30	4183.69	9064.66	108775.94
2	Equipment Maint. Worker I	200	7202	A	34.50	2587.74	5606.77	67281.24
				B	36.23	2717.13	5887.12	70645.38
				C	38.04	2853.01	6181.52	74178.26
				D	39.94	2995.66	6490.60	77887.16
				E	41.94	3145.43	6815.10	81781.18
2	Equipment Maint. Worker II	201	7203	A	37.95	2846.52	6167.46	74009.52
				B	39.85	2988.85	6475.84	77710.10
				C	41.84	3138.29	6799.63	81595.54
				D	43.94	3295.19	7139.58	85674.94
				E	46.13	3459.97	7496.60	89959.22
2	Equipment Maint. Worker III	202	7204	A	42.76	3207.26	6949.06	83388.76
				B	44.90	3367.57	7296.40	87556.82
				C	47.15	3535.97	7661.27	91935.22
				D	49.50	3712.76	8044.31	96531.76
				E	51.98	3898.42	8446.58	101358.92
8	Executive Assistant	812	6117	A	40.75	3260.10	7063.55	84762.60
				B	42.79	3423.12	7416.76	89001.12
				C	44.93	3594.28	7787.61	93451.28
				D	47.17	3773.98	8176.96	98123.48
				E	49.53	3962.69	8585.83	103029.94

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES
All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
6	Finance Director	627	1103	A	79.48	6358.38	13776.49	165317.88
				B				
				C				
				D				
				E	111.26	8901.03	19285.57	231426.78
6	Finance Manager	647	1116	A	56.09	4487.46	9722.83	116673.96
				B				
				C				
				D				
				E	78.53	6282.48	13612.04	163344.48
5	Finance Technician	501	5101	A	34.21	2736.92	5929.99	71159.92
				B	35.92	2873.73	6226.42	74716.98
				C	37.72	3017.43	6537.76	78453.18
				D	39.60	3168.28	6864.61	82375.28
				E	41.58	3326.69	7207.83	86493.94
8	Financial Analyst I	844	2125	A	36.26	2901.07	6285.65	75427.82
				B				
				C				
				D				
				E	47.73	3818.65	8273.74	99284.90
8	Financial Analyst II	845	2126	A	40.05	3203.98	6941.96	83303.48
				B				
				C				
				D				
				E	52.72	4217.41	9137.72	109652.66
1	Fire Battalion Chief	153	2508	A	50.43	5647.67	12236.62	146839.42
				B				
				C				
				D				
				E	70.60	7906.74	17131.27	205575.24
1	Fire Battalion Chief - 40	154	2509	A	70.60	5647.67	12236.62	146839.42
				B				
				C				
				D				
				E	98.83	7906.74	17131.27	205575.24

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

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<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
1	Fire Captain	100	2504	A	44.13	4942.68	10709.14	128509.68
				B	46.28	5183.64	11231.22	134774.64
				C	48.54	5436.65	11779.41	141352.90
				D	50.91	5702.28	12354.94	148259.28
				E	53.40	5981.22	12959.31	155511.72
1	Fire Captain - 40	108	2507	A	61.78	4942.68	10709.14	128509.68
				B	64.80	5183.64	11231.22	134774.64
				C	67.96	5436.65	11779.41	141352.90
				D	71.28	5702.28	12354.94	148259.28
				E	74.77	5981.22	12959.31	155511.72
6	Fire Chief	630	1502	A	104.39	8350.82	18093.44	217121.28
				B				
				C				
				D				
				E	146.14	11691.17	25330.86	303970.32
1	Fire Engineer	102	4501	A	38.91	4358.46	9443.33	113319.96
				B	40.81	4570.21	9902.12	118825.46
				C	42.79	4792.52	10383.79	124605.52
				D	44.87	5025.94	10889.54	130674.44
				E	47.06	5271.04	11420.59	137047.04
1	Fire Engineer/Paramedic	151	4505	A	43.45	4866.58	10544.26	126531.08
				B	45.57	5103.77	11058.17	132698.02
				C	47.79	5352.75	11597.63	139171.50
				D	50.13	5614.15	12163.99	145967.90
				E	52.58	5888.68	12758.81	153105.68
1	Fire Prevention Inspector	106	3501	A	62.39	4990.89	10813.60	129763.14
				B	65.43	5234.26	11340.90	136090.76
				C	68.62	5489.78	11894.52	142734.28
				D	71.98	5758.07	12475.82	149709.82
				E	75.50	6039.78	13086.19	157034.28
1	Fire Protection Engineer	110	3507	A	62.39	4990.89	10813.60	129763.14
				B	65.43	5234.26	11340.90	136090.76
				C	68.62	5489.78	11894.52	142734.28
				D	71.98	5758.07	12475.82	149709.82
				E	75.50	6039.78	13086.19	157034.28

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
1	Firefighter	103	4502	A	36.37	4073.45	8825.81	105909.70
				B	38.13	4270.87	9253.55	111042.62
				C	39.98	4478.23	9702.83	116433.98
				D	41.93	4695.97	10174.60	122095.22
				E	43.97	4924.50	10669.75	128037.00
1	Firefighter Trainee	109	4509	A	44.88	3590.42	7779.24	93350.92
				B	44.88	3590.42	7779.24	93350.92
				C	44.88	3590.42	7779.24	93350.92
				D	44.88	3590.42	7779.24	93350.92
				E	44.88	3590.42	7779.24	93350.92
1	Firefighter/Paramedic	104	4503	A	40.60	4547.38	9852.66	118231.88
				B	42.58	4768.46	10331.66	123979.96
				C	44.65	5000.72	10834.89	130018.72
				D	46.83	5244.52	11363.13	136357.52
				E	49.11	5500.58	11917.92	143015.08
1	Firefighter/Paramedic Trainee	107	4504	A	50.27	4021.26	8712.73	104552.76
				B	50.27	4021.26	8712.73	104552.76
				C	50.27	4021.26	8712.73	104552.76
				D	50.27	4021.26	8712.73	104552.76
				E	50.27	4021.26	8712.73	104552.76
7	Fitness Instructor	713	5620	A	35.00	2800.00	6066.67	72800.00
				B				
				C				
				D				
				E	75.00	6000.00	13000.00	156000.00
2	Fleet Maint Worker I -40	230	8615	A	33.14	2651.40	5744.70	68936.40
				B	34.80	2784.27	6032.59	72391.02
				C	36.54	2923.26	6333.73	76004.76
				D	38.37	3069.25	6650.04	79800.50
				E	40.29	3223.11	6983.40	83800.86
2	Fleet Maint Worker II - 40	231	8616	A	36.45	2916.27	6318.59	75823.02
				B	38.28	3062.25	6634.88	79618.50
				C	40.19	3215.24	6966.35	83596.24
				D	42.20	3376.09	7314.86	87778.34
				E	44.31	3544.81	7680.42	92165.06

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

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<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
2	Fleet Maint Worker III -40	232	8617	A	41.93	3354.24	7267.52	87210.24
				B	44.03	3522.09	7631.19	91574.34
				C	46.22	3697.79	8011.88	96142.54
				D	48.53	3882.23	8411.50	100937.98
				E	50.96	4077.18	8833.89	106006.68
2	Fleet Maintenance Worker I	213	7207	A	33.14	2485.69	5385.66	64627.94
				B	34.80	2609.94	5654.87	67858.44
				C	36.54	2740.47	5937.69	71252.22
				D	38.37	2877.44	6234.45	74813.44
				E	40.28	3021.33	6546.22	78554.58
2	Fleet Maintenance Worker II	214	7208	A	36.46	2734.27	5924.25	71091.02
				B	38.28	2870.94	6220.37	74644.44
				C	40.19	3014.53	6531.48	78377.78
				D	42.20	3165.25	6858.04	82296.50
				E	44.31	3323.45	7200.81	86409.70
2	Fleet Maintenance Worker III	215	7209	A	41.93	3144.38	6812.82	81753.88
				B	44.02	3301.58	7153.42	85841.08
				C	46.22	3466.63	7511.03	90132.38
				D	48.53	3639.96	7886.58	94638.96
				E	50.96	3822.02	8281.04	99372.52
5	GIS Technician	552	2212	A	47.04	3762.96	8153.08	97836.96
				B	49.39	3951.11	8560.74	102728.86
				C	51.86	4148.67	8988.78	107865.42
				D	54.45	4356.09	9438.19	113258.34
				E	57.17	4573.95	9910.23	118922.70
1	Hazardous Materials Inspector	105	3502	A	62.39	4990.89	10813.60	129763.14
				B	65.43	5234.26	11340.90	136090.76
				C	68.62	5489.78	11894.52	142734.28
				D	71.98	5758.07	12475.82	149709.82
				E	75.50	6039.78	13086.19	157034.28
8	Housing & Neigh Svcs Manager	849	2812	A	49.79	3983.57	8631.07	103572.82
				B				
				C				
				D				
				E	65.55	5243.79	11361.55	136338.54

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

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6	Housing Authority Adminr	673	1120	A	58.56	4684.62	10150.01	121800.12
				B				
				C				
				D				
				E	81.98	6558.43	14209.93	170519.18
8	Human Resources Analyst I	843	2124	A	38.84	3106.99	6731.81	80781.74
				B				
				C				
				D				
				E	51.13	4090.15	8861.99	106343.90
8	Human Resources Analyst II	842	2123	A	42.89	3431.31	7434.51	89214.06
				B				
				C				
				D				
				E	56.45	4516.39	9785.51	117426.14
8	Human Resources Assistant	846	2108	A	27.67	2213.25	4795.38	57544.50
				B	29.05	2323.84	5034.99	60419.84
				C	30.50	2440.03	5286.73	63440.78
				D	32.03	2562.04	5551.09	66613.04
				E	33.63	2690.13	5828.62	69943.38
6	Human Resources Director	613	1105	A	79.03	6322.61	13698.99	164387.86
				B				
				C				
				D				
				E	110.65	8851.67	19178.62	230143.42
8	Human Resources Technician	816	2107	A	33.55	2684.39	5816.18	69794.14
				B	35.24	2819.20	6108.27	73299.20
				C	36.99	2959.53	6412.31	76947.78
				D	38.85	3108.09	6734.19	80810.34
				E	40.79	3263.09	7070.03	84840.34
6	I T Director	624	2113	A	77.99	6239.43	13518.76	162225.18
				B				
				C				
				D				
				E	109.19	8735.19	18926.24	227114.94

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8	I T Manager	819	2116	A	58.47	4677.42	10134.41	121612.92
				B				
				C				
				D				
				E	76.96	6157.20	13340.60	160087.20
5	I T Technician	542	3101	A	37.42	2993.96	6486.91	77842.96
				B	39.30	3143.64	6811.22	81734.64
				C	41.26	3300.79	7151.71	85820.54
				D	43.32	3465.83	7509.30	90111.58
				E	45.49	3639.13	7884.78	94617.38
8	Information Services Analyst	831	2118	A	49.18	3934.73	8525.25	102302.98
				B				
				C				
				D				
				E	64.74	5179.26	11221.73	134660.76
5	Junior Civil Engineer	519	2203	A	42.76	3420.86	7411.86	88942.36
				B	44.90	3591.90	7782.45	93389.40
				C	47.14	3771.50	8171.58	98059.00
				D	49.50	3960.08	8580.17	102962.08
				E	51.98	4158.09	9009.19	108110.34
5	Junior Planner	520	2804	A	38.72	3097.22	6710.64	80527.72
				B	40.65	3252.09	7046.19	84554.34
				C	42.68	3414.68	7398.47	88781.68
				D	44.82	3585.46	7768.50	93221.96
				E	47.06	3764.69	8156.83	97881.94
7	Lifeguard	710	5610	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	21.00	1680.00	3640.00	43680.00
2	Maint Worker III - 40	234	8619	A	35.70	2855.95	6187.89	74254.70
				B	37.49	2998.96	6497.75	77972.96
				C	39.36	3148.82	6822.44	81869.32
				D	41.33	3306.40	7163.87	85966.40
				E	43.40	3471.68	7521.97	90263.68

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2	Maintenance Custodian I	203	8101	A	25.43	1907.19	4132.24	49586.94
				B	26.70	2002.56	4338.88	52066.56
				C	28.04	2102.70	4555.85	54670.20
				D	29.44	2207.83	4783.63	57403.58
				E	30.91	2318.23	5022.83	60273.98
2	Maintenance Custodian I - 40	222	8107	A	25.43	2034.36	4407.78	52893.36
				B	26.70	2136.05	4628.11	55537.30
				C	28.04	2242.87	4859.55	58314.62
				D	29.44	2355.02	5102.54	61230.52
				E	30.91	2472.75	5357.63	64291.50
2	Maintenance Custodian II	204	8102	A	27.97	2097.95	4545.56	54546.70
				B	29.37	2202.83	4772.80	57273.58
				C	30.84	2312.99	5011.48	60137.74
				D	32.38	2428.57	5261.90	63142.82
				E	34.00	2550.04	5525.09	66301.04
2	Maintenance Custodian II - 40	223	8108	A	27.97	2237.82	4848.61	58183.32
				B	29.37	2349.66	5090.93	61091.16
				C	30.84	2467.17	5345.53	64146.42
				D	32.38	2590.48	5612.71	67352.48
				E	34.00	2720.07	5893.49	70721.82
2	Maintenance Custodian III	205	8103	A	32.17	2412.60	5227.30	62727.60
				B	33.78	2533.22	5488.64	65863.72
				C	35.47	2659.89	5763.10	69157.14
				D	37.24	2792.89	6051.26	72615.14
				E	39.10	2932.57	6353.90	76246.82
2	Maintenance Custodian III - 40	233	8618	A	32.17	2573.60	5576.13	66913.60
				B	33.78	2702.09	5854.53	70254.34
				C	35.47	2837.59	6148.11	73777.34
				D	37.24	2979.21	6454.96	77459.46
				E	39.10	3127.82	6776.94	81323.32
2	Maintenance Worker I	206	8202	A	27.97	2097.95	4545.56	54546.70
				B	29.37	2202.83	4772.80	57273.58
				C	30.84	2312.99	5011.48	60137.74
				D	32.38	2428.62	5262.01	63144.12
				E	34.00	2550.04	5525.09	66301.04

** Note Senior Public Works Lead change effective 3/1/2020

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2	Maintenance Worker I-40	207	8203	A	28.23	2258.22	4892.81	58713.72
				B	29.63	2370.40	5135.87	61630.40
				C	31.12	2489.44	5393.79	64725.44
				D	32.67	2613.60	5662.80	67953.60
				E	34.31	2744.63	5946.70	71360.38
2	Maintenance Worker II	208	8204	A	30.77	2307.72	5000.06	60000.72
				B	32.31	2423.09	5250.03	63000.34
				C	33.92	2544.23	5512.50	66149.98
				D	35.62	2671.46	5788.16	69457.96
				E	37.40	2805.04	6077.59	72931.04
2	Maintenance Worker II-40	209	8205	A	31.04	2483.44	5380.79	64569.44
				B	32.60	2607.61	5649.82	67797.86
				C	34.23	2738.64	5933.72	71204.64
				D	35.93	2874.79	6228.71	74744.54
				E	37.73	3018.66	6540.43	78485.16
2	Maintenance Worker III	210	8206	A	35.38	2653.85	5750.01	69000.10
				B	37.15	2786.55	6037.53	72450.30
				C	39.01	2925.89	6339.43	76073.14
				D	40.96	3072.17	6656.37	79876.42
				E	43.01	3225.80	6989.23	83870.80
7	Maintenance Worker/Seasonal	760	8207	A	19.88	1590.40	3445.87	41350.40
				B				
				C				
				D				
				E	24.85	1988.00	4307.33	51688.00
8	Management Analyst	854	2128	A	51.49	4119.23	8925.00	107099.98
				B				
				C				
				D				
				E	72.10	5768.18	12497.72	149972.68
5	Marketing Coordinator	548	5614	A	36.34	2907.27	6299.09	75589.02
				B	38.16	3052.63	6614.03	79368.38
				C	40.07	3205.26	6944.73	83336.76
				D	42.07	3365.53	7291.98	87503.78
				E	44.17	3533.81	7656.59	91879.06

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
6	Mayor	696	1118	A	130.47	521.88	1130.74	13568.88
				B				
				C				
				D				
				E	130.47	521.88	1130.74	13568.88
5	Neighbhd Preservation Asst	510	5802	A	30.51	2441.10	5289.05	63468.60
				B	32.04	2563.17	5553.53	66642.42
				C	33.64	2691.32	5831.19	69974.32
				D	35.32	2825.92	6122.83	73473.92
				E	37.09	2967.17	6428.87	77146.42
5	Office Assistant I	516	6108	A	24.59	1966.86	4261.53	51138.36
				B	25.81	2065.19	4474.58	53694.94
				C	27.11	2168.46	4698.33	56379.96
				D	28.46	2276.85	4933.18	59198.10
				E	29.88	2390.70	5179.85	62158.20
5	Office Assistant II	517	6109	A	27.04	2163.45	4687.47	56249.70
				B	28.39	2271.59	4921.78	59061.34
				C	29.82	2385.23	5168.00	62015.98
				D	31.31	2504.49	5426.40	65116.74
				E	32.87	2629.64	5697.55	68370.64
5	Office Specialist	518	6110	A	31.10	2487.96	5390.58	64686.96
				B	32.65	2612.38	5660.16	67921.88
				C	34.29	2743.04	5943.25	71319.04
				D	36.00	2880.22	6240.48	74885.72
				E	37.80	3024.16	6552.35	78628.16
4	Patrol Officer	404	4401	A	49.75	3980.00	8623.33	103480.00
				B	52.24	4178.99	9054.48	108653.74
				C	54.85	4387.92	9507.16	114085.92
				D	57.59	4607.33	9982.55	119790.58
				E	60.47	4837.66	10481.60	125779.16
4	Patrol Officer Trainee	458	4402	A	48.68	3894.53	8438.15	101257.78
				B	51.11	4089.18	8859.89	106318.68
				C	53.67	4293.69	9303.00	111635.94
				D	56.35	4508.34	9768.07	117216.84
				E	59.17	4733.72	10256.39	123076.72

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
5	Payroll Specialist	546	5102	A	33.22	2657.20	5757.27	69087.20
				B	34.88	2790.06	6045.13	72541.56
				C	36.62	2929.56	6347.38	76168.56
				D	38.45	3076.05	6664.78	79977.30
				E	40.37	3229.80	6997.90	83974.80
5	Plan Check Engineer	521	3807	A	55.36	4428.42	9594.91	115138.92
				B	58.12	4649.38	10073.66	120883.88
				C	61.03	4882.17	10578.04	126936.42
				D	64.07	5125.87	11106.05	133272.62
				E	67.32	5385.54	11668.67	140024.04
5	Plan Checker	522	3803	A	47.20	3776.18	8181.72	98180.68
				B	49.56	3964.94	8590.70	103088.44
				C	52.04	4163.54	9021.00	108252.04
				D	54.64	4371.10	9470.72	113648.60
				E	57.38	4590.27	9945.59	119347.02
6	Plan Review Manager	678	1210	A	61.45	4915.76	10650.81	127809.76
				B				
				C				
				D				
				E	79.92	6393.40	13852.37	166228.40
6	Planning & Neigh Svcs Director	607	1803	A	79.14	6330.89	13716.93	164603.14
				B				
				C				
				D				
				E	110.79	8863.25	19203.71	230444.50
7	Planning Commissioners	698	1108	A	1.00	80.00	173.33	2080.00
				B				
				C				
				D				
				E	1.00	80.00	173.33	2080.00
6	Planning Manager	602	2803	A	60.31	4825.16	10454.51	125454.16
				B				
				C				
				D				
				E	84.44	6755.21	14636.29	175635.46

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

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4	Police Assistant	450	6401	A	0.02	1.64	3.55	42.64
				B	47.27	3781.86	8194.03	98328.36
				C	49.64	3970.92	8603.66	103243.92
				D	52.12	4169.45	9033.81	108405.70
				E	54.72	4377.95	9485.56	113826.70
6	Police Captain	651	1401	A	94.68	7574.39	16411.17	196934.04
				B				
				C				
				D				
				E	132.55	10604.10	22975.56	275706.72
4	Police Clerk I	451	6402	A	33.88	2710.80	5873.40	70480.80
				B	35.58	2846.35	6167.09	74005.10
				C	37.36	2988.65	6475.41	77704.90
				D	39.23	3138.10	6799.22	81590.60
				E	41.19	3294.94	7139.04	85668.44
4	Police Clerk II	452	6403	A	37.27	2981.81	6460.59	77527.06
				B	39.14	3130.99	6783.81	81405.74
				C	41.09	3287.52	7122.96	85475.52
				D	43.15	3451.92	7479.16	89749.92
				E	45.31	3624.44	7852.95	94235.44
4	Police Clerk Supervisor	454	6404	A	43.05	3444.07	7462.15	89545.82
				B	45.20	3616.30	7835.32	94023.80
				C	47.46	3797.07	8226.99	98723.82
				D	49.84	3986.95	8638.39	103660.70
				E	52.33	4186.28	9070.27	108843.28
4	Police Evidence Technician	459	8607	A	39.53	3162.29	6851.63	82219.54
				B	41.50	3320.38	7194.16	86329.88
				C	43.58	3486.42	7553.91	90646.92
				D	45.76	3660.76	7931.65	95179.76
				E	48.05	3843.79	8328.21	99938.54
4	Police Lieutenant	400	2402	A	76.31	6104.74	13226.94	158723.24
				B	80.12	6409.98	13888.29	166659.48
				C	84.13	6730.51	14582.77	174993.26
				D	88.34	7067.05	15311.94	183743.30
				E	92.75	7420.38	16077.49	192929.88

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

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4	Police Officer	403	4403	A	54.40	4352.17	9429.70	113156.42
				B	57.12	4569.84	9901.32	118815.84
				C	59.98	4798.31	10396.34	124756.06
				D	62.98	5038.19	10916.08	130992.94
				E	66.13	5290.16	11462.01	137544.16
4	Police Officer Trainee	457	4404	A	53.23	4258.69	9227.16	110725.94
				B	55.90	4471.68	9688.64	116263.68
				C	58.69	4695.30	10173.15	122077.80
				D	61.63	4930.03	10681.73	128180.78
				E	64.71	5176.53	11215.82	134589.78
4	Police Sergeant	401	4405	A	65.72	5257.54	11391.34	136696.04
				B	69.01	5520.43	11960.93	143531.18
				C	72.46	5796.44	12558.95	150707.44
				D	76.08	6086.34	13187.07	158244.84
				E	79.88	6390.65	13846.41	166156.90
6	Police Support Services Mgr	657	1404	A	58.49	4679.57	10139.07	121668.82
				B				
				C				
				D				
				E	81.90	6551.69	14195.33	170343.94
7	Pool Manager	708	5608	A	18.25	1460.00	3163.33	37960.00
				B				
				C				
				D				
				E	25.55	2044.00	4428.67	53144.00
8	Principal Civil Engineer	822	2204	A	61.45	4915.76	10650.81	127809.76
				B				
				C				
				D				
				E	79.92	6393.40	13852.37	166228.40
8	Principal Planner	823	2811	A	63.35	5068.27	10981.25	131775.02
				B				
				C				
				D				
				E	76.73	6138.46	13300.00	159599.96

** Note Senior Public Works Lead change effective 3/1/2020

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5	Program Coordinator	523	5606	A	33.89	2711.28	5874.44	70493.28
				B				
				C				
				D				
				E	44.61	3568.85	7732.51	92790.10
6	Public Information Officer	674	1122	A	58.05	4644.23	10062.50	120749.98
				B				
				C				
				D				
				E	81.27	6501.93	14087.51	169050.18
5	Public Services Assistant I	524	6601	A	28.27	2261.81	4900.59	58807.06
				B	29.69	2374.92	5145.66	61747.92
				C	31.17	2493.69	5402.99	64835.94
				D	32.73	2618.37	5673.13	68077.62
				E	34.37	2749.27	5956.75	71481.02
5	Public Services Assistant II	525	6602	A	31.10	2487.98	5390.62	64687.48
				B	32.66	2612.41	5660.22	67922.66
				C	34.29	2743.03	5943.23	71318.78
				D	36.00	2880.23	6240.50	74885.98
				E	37.80	3024.16	6552.35	78628.16
6	Public Works Director	635	1204	A	81.37	6509.80	14104.57	169254.80
				B				
				C				
				D				
				E	113.92	9113.73	19746.41	236956.98
5	Public Works Inspector	526	3202	A	45.65	3652.03	7912.73	94952.78
				B	47.93	3834.66	8308.43	99701.16
				C	50.33	4026.36	8723.78	104685.36
				D	52.85	4227.70	9160.02	109920.20
				E	55.49	4439.06	9617.96	115415.56
6	Public Works Manager	648	1117	A	54.16	4332.74	9387.60	112651.24
				B				
				C				
				D				
				E	75.82	6065.83	13142.63	157711.58

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES
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8	Purchasing Agent	826	1106	A	50.73	4058.22	8792.81	105513.72
				B				
				C				
				D				
				E	65.42	5233.97	11340.27	136083.22
7	Recreation Administrative Asst	712	5619	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	21.00	1680.00	3640.00	43680.00
7	Recreation Attendant	711	5618	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	21.00	1680.00	3640.00	43680.00
7	Recreation Instructors	707	5607	A	18.33	1466.40	3177.20	38126.40
				B				
				C				
				D				
				E	36.66	2932.80	6354.40	76252.80
7	Recreation Leader	706	5617	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	21.00	1680.00	3640.00	43680.00
6	Recreation Services Manager	616	2602	A	50.05	4003.69	8674.66	104095.94
				B				
				C				
				D				
				E	65.10	5207.62	11283.18	135398.12
8	Recreation Services Supervisor	827	2601	A	48.46	3876.64	8399.39	100792.64
				B				
				C				
				D				
				E	63.78	5102.17	11054.70	132656.42

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

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5	Recreation Svcs Assistant I	527	8601	A	15.98	1278.47	2770.02	33240.22
				B	16.78	1342.38	2908.49	34901.88
				C	17.62	1409.54	3054.00	36648.04
				D	18.50	1479.98	3206.62	38479.48
				E	19.43	1554.02	3367.04	40404.52
5	Recreation Svcs Assistant II	528	8602	A	18.97	1517.96	3288.91	39466.96
				B	19.93	1594.02	3453.71	41444.52
				C	20.92	1673.67	3626.28	43515.42
				D	21.97	1757.40	3807.70	45692.40
				E	23.07	1845.23	3998.00	47975.98
5	Recreation Svcs Assistant III	529	8603	A	21.81	1744.87	3780.55	45366.62
				B	22.90	1832.06	3969.46	47633.56
				C	24.05	1923.67	4167.95	50015.42
				D	25.25	2019.85	4376.34	52516.10
				E	26.51	2120.87	4595.22	55142.62
5	Recreation Svcs Assistant IV	530	8604	A	25.59	2047.19	4435.58	53226.94
				B	26.87	2149.53	4657.32	55887.78
				C	28.21	2257.01	4890.19	58682.26
				D	29.62	2369.87	5134.72	61616.62
				E	31.10	2488.35	5391.43	64697.10
8	Senior Accountant	829	2110	A	45.08	3606.56	7814.21	93770.56
				B				
				C				
				D				
				E	59.34	4747.03	10285.23	123422.78
5	Senior Accounting Technician	539	6106	A	34.21	2736.78	5929.69	71156.28
				B	35.92	2873.64	6226.22	74714.64
				C	37.72	3017.33	6537.55	78450.58
				D	39.60	3168.22	6864.48	82373.72
				E	41.58	3326.60	7207.63	86491.60
8	Senior Administrative Analyst	834	2112	A	49.79	3983.57	8631.07	103572.82
				B				
				C				
				D				
				E	65.55	5243.79	11361.55	136338.54

** Note Senior Public Works Lead change effective 3/1/2020

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5	Senior Building Inspector	531	3804	A	52.73	4218.07	9139.15	109669.82
				B	55.36	4429.02	9596.21	115154.52
				C	58.13	4650.44	10075.95	120911.44
				D	61.04	4882.93	10579.68	126956.18
				E	64.09	5127.10	11108.72	133304.60
8	Senior Executive Assistant	855	6123	A	42.89	3431.31	7434.51	89214.06
				B				
				C				
				D				
				E	56.45	4516.39	9785.51	117426.14
8	Senior HR Analyst	841	2122	A	46.49	3719.38	8058.66	96703.88
				B				
				C				
				D				
				E	61.20	4895.82	10607.61	127291.32
5	Senior Plan Check Engineer	534	3806	A	60.89	4871.26	10554.40	126652.76
				B	63.94	5114.96	11082.41	132988.96
				C	67.13	5370.47	11636.02	139632.22
				D	70.48	5638.72	12217.23	146606.72
				E	74.01	5920.61	12827.99	153935.86
8	Senior Planner	830	2805	A	58.08	4646.28	10066.94	120803.28
				B				
				C				
				D				
				E	70.60	5647.74	12236.77	146841.24
5	Senior Public Works Inspector	535	3203	A	52.73	4218.10	9139.22	109670.60
				B	55.36	4429.02	9596.21	115154.52
				C	58.13	4650.45	10075.98	120911.70
				D	61.04	4882.93	10579.68	126956.18
				E	64.09	5127.10	11108.72	133304.60
2**	Senior Public Works Lead	225	8609	A	47.33	3786.04	8203.08	98436.96
				B	49.69	3975.34	8613.23	103358.81
				C	52.18	4174.11	9043.90	108562.75
				D	54.79	4382.81	9496.09	113953.09
				E	57.53	4602.07	9971.16	119653.92

** Note Senior Public Works Lead change effective 3/1/2020

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7	Special Project Associate	750	5105	A	20.00	1600.00	3466.67	41600.00
				B				
				C				
				D				
				E	50.00	4000.00	8666.67	104000.00
5	Sr Code Enforcement Officer	545	5806	A	46.84	3747.39	8119.35	97432.14
				B	49.18	3934.04	8523.75	102285.04
				C	51.64	4131.27	8951.09	107413.02
				D	54.23	4338.13	9399.28	112791.38
				E	56.93	4554.60	9868.30	118419.60
8	Sr. Information Analyst/Dev	853	2119	A	51.77	4141.85	8974.01	107688.10
				B				
				C				
				D				
				E	68.15	5451.93	11812.51	141750.18
5	Sr. Public Services Assistant	549	5615	A	34.69	2775.18	6012.89	72154.68
				B	36.42	2913.94	6313.54	75762.44
				C	38.25	3059.64	6629.22	79550.64
				D	40.16	3212.62	6960.68	83528.12
				E	42.17	3373.25	7308.71	87704.50
7	Sr. Special Projects Associate	749	5106	A	50.00	4000.00	8666.67	104000.00
				B				
				C				
				D				
				E	125.00	10000.00	21666.67	260000.00
7	Staff Assistant	745	5104	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	24.00	1920.00	4160.00	49920.00
7	Student Intern	740	5103	A	15.00	1200.00	2600.00	31200.00
				B				
				C				
				D				
				E	24.00	1920.00	4160.00	49920.00

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All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
6	Transporation & Traffic Mgr	675	1202	A	58.05	4644.23	10062.50	120749.98
				B				
				C				
				D				
				E	81.27	6501.93	14087.51	169050.18
8	Video Media Specialist	840	2121	A	40.05	3203.98	6941.96	83303.48
				B				
				C				
				D				
				E	52.72	4217.41	9137.72	109652.66
2	Water Meter Reader I	216	8104	A	27.97	2097.88	4545.41	54544.88
				B	29.37	2202.83	4772.80	57273.58
				C	30.84	2312.98	5011.46	60137.48
				D	32.38	2428.57	5261.90	63142.82
				E	34.00	2550.03	5525.06	66300.78
2	Water Meter Reader I -40	235	8620	A	27.97	2237.90	4848.78	58185.40
				B	29.37	2349.80	5091.23	61094.80
				C	30.84	2466.94	5345.04	64140.44
				D	32.38	2590.20	5612.10	67345.20
				E	34.01	2720.46	5894.33	70731.96
2	Water Meter Reader II	217	8105	A	30.77	2307.72	5000.06	60000.72
				B	32.31	2423.08	5250.01	63000.08
				C	33.92	2544.22	5512.48	66149.72
				D	35.62	2671.44	5788.12	69457.44
				E	37.40	2805.04	6077.59	72931.04
2	Water Meter Reader II -40	236	8621	A	30.77	2461.69	5333.66	64003.94
				B	32.31	2584.96	5600.75	67208.96
				C	33.92	2713.46	5879.16	70549.96
				D	35.62	2849.84	6174.65	74095.84
				E	37.40	2992.33	6483.38	77800.58
2	Water Systems Operator	219	7211	A	40.09	3207.25	6949.04	83388.50
				B	42.09	3367.27	7295.75	87549.02
				C	44.20	3535.96	7661.25	91934.96
				D	46.41	3712.76	8044.31	96531.76
				E	48.73	3898.42	8446.58	101358.92

** Note Senior Public Works Lead change effective 3/1/2020

CITY OF MILPITAS - HUMAN RESOURCES

All Job Classifications/Salary Table Effective 03/03/2020

<u>Code</u>	<u>Classification</u>	<u>Pay Grade</u>	<u>Occ Code</u>	<u>Step</u>	<u>Hourly</u>	<u>BiWeekly</u>	<u>Monthly</u>	<u>Annual</u>
2	Water Systems Operator - 40	237	8622	A	42.76	3420.67	7411.45	88937.42
				B	44.90	3592.01	7782.69	93392.26
				C	47.15	3772.10	8172.88	98074.60
				D	49.50	3960.04	8580.09	102961.04
				E	51.98	4158.48	9010.04	108120.48

** Note Senior Public Works Lead change effective 3/1/2020



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and Authorize the City Manager to Pay the Annual Crime Laboratory Bill
Category:	Consent Calendar-Public Safety
Meeting Date:	4/7/2020
Staff Contact:	Raj Maharaj, Milpitas Police Captain, 408-586-2416
Recommendation:	Approve and Authorize the City Manager to execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and authorize the City Manager to pay the annual crime laboratory bill.

Background:

Since 1982, Santa Clara County law enforcement agencies entered into an agreement with Santa Clara County District Attorney's Crime Laboratory to conduct forensic evidence examinations. The forensic examinations include drug identification, forensic serology, DNA profiling, toxicology, biological samples, firearms, cartridges or bullets examinations, and each agency was billed based on each case submitted. In 1995 the method of billing changed so agencies can accurately budget for crime laboratory services. The new method calculated a five-year average of cases submitted to create a percentage of use compared to each agency in the county. The percentage of use is used to calculate the annual cost for each agency. In Fiscal Year 19/20 the annual crime laboratory bill was \$228,409. The Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work expired in 1998, and a new Memorandum of Understanding has been proposed.

Analysis:

The Santa Clara County District Attorney's Crime Laboratory provides an integral service to support the investigation and prosecution of crimes that include, but are not limited to, homicide, sexual assault, crimes against children, other violent crime, and property crime. In addition to completing forensic examinations, the crime laboratory provides expert testimony and manages reports pertaining to proficiency testing, audits, certifications, inspections and performance in compliance with state and federal standards. In the past five years, the Milpitas Police department used the Santa Clara County District Attorney Crime Laboratory on average 89 times per year. All evidence submitted to the Santa Clara County District Attorney's Crime laboratory are subject to supervisory review to ensure the necessity of the submission. The Santa Clara District Attorney's Crime laboratory is the only crime laboratory in Santa Clara County. Therefore, the Milpitas Police Department does not have another alternative for forensic examination of evidence.

Policy Alternative:

Alternative: Do not approve and authorize the City Manager to execute the Memorandum of Understanding between the Santa Clara County Crime Laboratory and the City of Milpitas for Crime Laboratory Major Case Work and Authorizing the City Manager to Pay the Annual Crime Laboratory Bill.

Pros: The City of Milpitas would save the crime laboratory expense, currently \$228, 409.

Cons: The Milpitas Police Department will not be able to submit evidentiary items for analysis and testing which could leave major cases unsolved.

Reason not recommended: Failure to execute the Memorandum of Understanding between the Santa Clara County Crime Laboratory and the City of Milpitas for Crime Laboratory Major Case Work will limit the police department's ability to identify and prosecute individuals committing crime and could cause an increase victimization, in Milpitas.

Fiscal Impact: There are sufficient funds in the Police Department's operating budget for FY 2019-20. Any adjustments in costs will be incorporated into the development of future budgets.

California Environmental Quality Act:

Approval of this MOU does not constitute a "project" pursuant to State CEQA Guidelines section 15060(c)(3).

Recommendation:

Approve and Authorize the City Manager to execute a Memorandum of Understanding between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work and authorize the City Manager to pay the annual crime laboratory bill.

Attachment:

Memorandum of Understanding Between the County of Santa Clara and the City of Milpitas for Crime Laboratory Major Case Work.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
COUNTY OF SANTA CLARA AND THE CITY OF MILPITAS FOR CRIME
LABORATORY MAJOR CASE WORK**

This Memorandum of Understanding (MOU) is made and entered into by and between the CITY OF MILPITAS (CITY), a municipal corporation, and the COUNTY OF SANTA CLARA (COUNTY), a political subdivision of the State of California (each a Party and collectively the Parties). CITY and COUNTY are agencies that work together to provide services related to the investigation and prosecution of criminal cases in Santa Clara County. The District Attorney's Crime Laboratory provides services related to this activity. The services related to major cases would otherwise need to be procured by CITY through other sources. As a result, and pursuant to Government Code § 51350, both parties desire to set forth this agreement defining CITY's payments to COUNTY for Crime Laboratory services related to Major Case Work, as defined below.

Term: This agreement shall commence upon the last signature date and continue for ten years or until its termination by either party in accordance with Section H of this MOU.

Crime Laboratory Major Case Work shall include and be defined as cases requiring review and analysis of any of the following:

- Audio Analysis
- Bloodstain Pattern Analysis
- DNA/Forensic Biology
- Computer Forensics (including Cell Phones)
- Firearms Examinations
- Impression Evidence
- Latent Print Processing
- Trace Evidence
- Video Analysis

COUNTY and CITY both acknowledge that the Crime Laboratory calculates the costs of its Major Case services billed to CITY as follows:

Each calendar year, the total cost of working Major Cases is calculated. The cost includes Crime Laboratory personnel salaries and benefits, supplies, and other operating costs (including equipment and maintenance) associated with providing services to non-County law enforcement agencies. The calculated total amount does not include the cost of working Toxicology and Controlled Substances cases, or the cost of working Major Cases for County entities, like the Santa Clara County Sheriff's Office.

Also, each calendar year, statistics are generated on the total number of Major Case submissions to the Crime Laboratory, and these are broken down by each law enforcement agency. (Note: A Major Case submission is considered any agency case that is assigned a single laboratory "M" number, and as such different Major Cases may have widely different numbers of individual evidence items.) The number of Major Case submissions by each law enforcement agency is expressed as a

percentage of the total number submitted by all city agencies, and excludes County entities, like the Santa Clara County Sheriff's Office.

This percentage is used to calculate the dollar amount to bill CITY based upon the total cost of working all non-County law enforcement agency Major Cases. As the parties have a mutual interest in the performance of services related to major cases, COUNTY agrees to recover approximately 55% of its costs (based on actual costs for the prior year) for these services. In order to minimize the impact of a sudden spike in Major Case submissions, the percentage used each year is an average of five prior years. In addition, so that CITY can budget for the upcoming fiscal year, CITY is billed for a dollar amount calculated one year prior.

As an example, in January 2020, CITY will receive a bill based upon the average number of Major Case submissions from 2014-2018 and calculated in January 2019. Each annual invoice will detail the dollar amount due, and the dollar amount to budget for in the next fiscal year.

A. ENTIRE MOU

This MOU and its Appendices (if any) constitutes the final, complete and exclusive statement of the terms of the agreement between the parties. It incorporates and supersedes all the agreements, covenants and understandings between the parties concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this MOU. No prior or contemporaneous agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this MOU.

B. AMENDMENTS

This MOU may only be amended by a written instrument signed by the Parties.

C. CONFLICTS OF INTEREST

CITY shall comply, and require its subcontractors to comply, with all applicable (i) requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code section 1090 et. seq., the California Political Reform Act (California Government Code section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 et. seq.). Failure to do so constitutes a material breach of this MOU and is grounds for immediate termination of this MOU by COUNTY.

In accepting this MOU, CITY covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of this MOU.

CITY further covenants that, in the performance of this MOU, it will not employ any contractor or person having such an interest. CITY, including but not limited to CITY's employees and subcontractors, may be subject to the disclosure and disqualification provisions of the California Political Reform Act of 1974 (the "Act"), that (1) requires such persons to disclose economic interests that may foreseeably be materially affected by the work performed under this MOU, and (2) prohibits such persons from making or participating in making decisions that will foreseeably

financially affect such interests.

If the disclosure provisions of the Political Reform Act are applicable to any individual providing service under this MOU, CITY shall, upon execution of this MOU, provide COUNTY with the names, description of individual duties to be performed, and email addresses of all individuals, including but not limited to CITY's employees, agents and subcontractors, that could be substantively involved in "making a governmental decision" or "serving in a staff capacity and in that capacity participating in making governmental decisions or performing duties that would be performed by an individual in a designated position," (2 CCR 18701(a)(2)), as part of CITY's service to COUNTY under this MOU. CITY shall immediately notify COUNTY of the names and email addresses of any additional individuals later assigned to provide such service to COUNTY under this MOU in such a capacity. CITY shall immediately notify COUNTY of the names of individuals working in such a capacity who, during the course of the MOU, end their service to COUNTY.

If the disclosure provisions of the Political Reform Act are applicable to any individual providing service under this MOU, CITY shall ensure that all such individuals identified pursuant to this section understand that they are subject to the Act and shall conform to all requirements of the Act and other laws and regulations listed in subsection (A) including, as required, filing of Statements of Economic Interests within 30 days of commencing service pursuant to this MOU, annually by April 1, and within 30 days of their termination of service pursuant to this MOU.

D. INDEMNIFICATION

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

E. GOVERNING LAW, VENUE

This MOU has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California. Proper venue for legal action regarding this MOU shall be in the County of Santa Clara.

F. ASSIGNMENT

No assignment of this MOU or of the rights and obligations hereunder shall be valid without the prior written consent of the other Party.

G. WAIVER

No delay or failure to require performance of any provision of this MOU shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party shall be in writing and shall apply to the specific instance expressly stated.

H. TERMINATION

COUNTY and CITY may, by 60 day written notice to the other party, terminate all or part of this MOU at any time for convenience. The notice shall specify the effective date and the scope of the termination. Upon receipt of the documents, COUNTY shall be compensated based on the completion of services provided.

I. COUNTY NO-SMOKING POLICY

Contractor and its employees, agents and subcontractors, shall comply with the County's No-Smoking Policy, as set forth in the Board of Supervisors Policy Manual section 3.47 (as amended from time to time), which prohibits smoking: (1) at the Santa Clara Valley Medical Center Campus and all County-owned and operated health facilities, (2) within 30 feet surrounding County-owned buildings and leased buildings where the County is the sole occupant, and (3) in all County vehicles.

J. CALIFORNIA PUBLIC RECORDS ACT

COUNTY and CITY are public agencies subject to the disclosure requirements of the California Public Records Act ("CPRA"). In the event of a request received by one party for information or records received from the other party, the party that received the CPRA request will make best efforts to provide notice to the other party prior to disclosing the information or records. If the party that provided the information or records contends that any are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Clara COUNTY before the party that received the CPRA request is required to respond to the CPRA request. If the party fails to obtain such remedy within the time the party that received the CPRA request is required to respond, the latter party may disclose the requested information.

K. THIRD PARTY BENEFICIARIES

This MOU does not, and is not intended to, confer any rights or remedies upon any person or entity other than the parties.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Consider Adopting a Resolution Upholding the Appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Compliance with the California Environmental Quality Act and Approving: (1) Environmental Assessment No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to Allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; the relocation of wireless telecommunication equipment to the rooftop of the new building; and on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road
Category:	Public Hearings-Community Development
Meeting Date:	4/7/2020
Staff Contact:	Lillian VanHua, 408-586-3073
Recommendations:	<ol style="list-style-type: none"> 1) Consider and adopt public hearing procedures. 2) Conduct a public hearing, receive public comment, and move to close the hearing. 3) Adopt a Resolution upholding the appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Compliance with the California Environmental Quality Act, and Approving: (1) Environmental Assessment No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; the relocation of wireless telecommunication equipment to the rooftop of the new building; and on- and off-premises sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road.

BACKGROUND:

On October 23, 2018, Mark Tiernan, on behalf of the property owner Joe Gigantino, submitted an application for the development of a 105-room hotel on a 1.14-acre site located at 1000 Jacklin Road (the “project”). The project area is located at the southwest quadrant of the intersection of I-680 and Jacklin Road. The application includes the following three entitlement requests for the proposed development of a 105-room hotel:

1. Site Development Permit SD18-0012: To allow the development of a five-story hotel with 105 rooms on the 1.14-acre site; and
2. Conditional Use Permit UP18-0012: To allow the hotel use, a floor area ratio of 1.63, the relocation of wireless telecommunications equipment to the rooftop of the building, and the on-sale of beer and wine (Type 70 and Type 20 Alcoholic Beverage License); and
3. Environmental Assessment EA18-0002: To review and assess all requested entitlements for consistency with the California Environmental Quality Act (CEQA).

On December 11, 2019, the Planning Commission held a public hearing on the proposed development project. During the public hearing, 45 people commented both for and against the proposal. Primary concerns raised by those opposed to the project included pedestrian and traffic safety during construction, obstructed view of the hillsides, potential criminal activity and privacy issues, and traffic and parking concerns when the hotel is

operational. Primary community benefits identified by those who spoke in favor of the project included a new building to replace the vacant health club, an attractive new hotel to serve the needs of travelers in the area, and increased revenues to the City. The Planning Commission voted 5-0 to close the public hearing and voted 5-0 to continue their discussion to the next meeting on January 15, 2020. The motion included a specific request for additional information from the applicant regarding safety and security during construction on the site and when the hotel is operational, parking plan during construction and when the hotel is operational, additional renderings of the proposed building from various viewpoints, a diagram showing the distance from the proposed development to adjacent neighborhoods, arrangement of trees and landscaping surrounding the site as visual barriers, explanation of traffic analysis prepared for the project, measures taken to mitigate building height and privacy issues, and feedback received at a neighborhood meeting on January 8, 2020.

On January 15, 2020, staff presented the requested information to the Planning Commission. The Planning Commission voted 4-2 to deny the project on the basis that it would be inconsistent with General Plan policy 2.a.I-17, which states that a project should “foster community pride and growth through beautification of existing and future development.”

On January 27, 2020, the applicant filed this appeal (the “Council Appeal”) of the Planning Commission’s January 15 decision pursuant to Milpitas Municipal Code Section XI-10-64.02, which authorizes the City Council to consider an appeal of the Planning Commission’s decision for Site Development Permits and Conditional Use Permits. The applicant filed this appeal on the grounds that the Planning Commission’s decision was not based upon the facts presented at the public hearings.

ANALYSIS:

The proposed project is consistent with the existing Milpitas General Plan land use designation of Highway Services (HWS) and meets all the development standards and regulations for this type of development within the corresponding Highway Services (HS) Zoning District.

The General Plan land use designation for the subject property is Highway Services, which allows a wide range of personal and business services primarily oriented to customers arriving by automobile, including motels and other types of temporary lodging. As further described in the General Plan, this designation includes those commercial uses which customarily locate outside the Central Business District area. The project is bounded by the Highway Services (HS) Zoning District to the north (occupied by a convenience store, gas station, and automatic car wash) and Administrative and Professional Office (CO) to the west and south (occupied by Jacklin Commons office park). Interstate 680 is located immediately to the east of the subject property.

The project is consistent with the General Plan in the following manner:

- Elevates the City's economic development goals through job creation within the construction and hospitality sector;
- Establishes an additional transient occupancy tax generator, with little to no impact on existing residential uses; and
- Highlights and reinforces the City’s economic development goals by providing a pleasant venue for overnight guests who likely utilize goods and services of local businesses.

Within this zoning district, the Floor-Area Ratio (FAR) for a project may be established through the approval of a Conditional Use Permit (CUP), per Milpitas Municipal Code Section XI-10-2.01 (“Floor Area Ratio” definition). The project proposes a Floor Area Ratio (FAR) of 1.63; without a CUP, the allowable FAR at this site is 0.50.

To approve a higher FAR, the Zoning Ordinance requires that findings must be made to demonstrate that the proposed development project:

1. Will generate low peak-hour traffic; and
2. Will not create a dominating visual prominence.

Staff recommends approval of the proposed FAR of 1.63 based on:

1. Analysis conducted by professional traffic consultants concluded that the project will generate low peak-hour traffic;
2. The proposed use is located immediately adjacent to the I-680 freeway to the east;
3. The proposed project is setback from the nearest residential use by more than 250 feet;
4. The surrounding office park and mature landscaping mitigate physical or visual impacts;
5. The proposed hotel use follows a standard format for hotel design and includes below-grade parking to enhance the efficiency of development, parking, and circulation on the site; and
6. The architectural design of the proposed structure features a tower element for visual interest, the screening of mobile telecommunications equipment behind a parapet, and stepping back the fifth floor to reduce the visual bulk of the building. All exterior colors and materials are neutral.

Regarding the specific findings required for approval of a 1.63 FAR, staff recommends Council consideration of the following:

Finding No. 1: Low Peak-Hour Traffic

To confirm the project's traffic generation, the City conducted a Traffic Operations Analysis in accordance with the California Environmental Quality Act (CEQA). The Traffic Operations Analysis is included as an appendix to the Initial Study/Mitigated Negative Declaration, which is Exhibit 1 to Attachment A of this report. Included in Attachment E to this report is a supplemental memo prepared by Hexagon Transportation Consultants to provide further explanation about the project's traffic generation analysis.

The Traffic Operations Analysis shows that the project would generate 41 AM and 34 PM peak hour trips. AM peak hour traffic is defined as 7:00AM to 9:00AM, and PM peak hour traffic is defined as 4:00PM to 6:00PM. The threshold for determining whether a project will have a significant impact on current traffic conditions is 100 net new trips during the AM and PM peak hours. Since the proposed hotel project would generate far fewer than 100 net new trips during the AM and PM peak hours, it does not meet the threshold for requiring a full traffic impact study under the guidelines for Traffic Impact Analysis (TIA) established by the Valley Transportation Authority (VTA). Furthermore, the Traffic Operations Analysis concluded that the number of projected AM and PM peak hour trips will not significantly degrade nor result in a critical delay of the Level of Service (LOS) in the immediate area. For these reasons, staff recommends that the Council can make the finding that the proposed hotel project would not contribute significantly to existing peak-hour traffic, during either the AM or PM peak timeframes.

Finding No. 2: Dominating Visual Prominence

As noted above, the proposed hotel site is located immediately adjacent to an existing auto-oriented use (gas station, convenience store, and car wash) to the north and the I-680 freeway to the east. To the west and south, the site is set back from the nearest residential use by more than 250 feet. As envisioned by both the General Plan land use policies and Zoning Ordinance land development regulations for highway services, the site is buffered from nearby residential neighborhoods by smaller buildings in the surrounding office park and mature landscaping. These elements mitigate any physical or visual impacts to the nearby neighborhood from the proposed development.

With regard to site design, the proposed hotel follows a standard format with lobby and other public areas on the ground floor and guest rooms on the upper floors. The proposed hotel also includes below-grade parking to enhance the efficiency of development, parking, and circulation on the site. In addition, the architectural design of the proposed structure features a tower element for visual interest and the screening of telecommunications equipment behind a parapet, and the fifth floor is set back or recessed to reduce the visual bulk of the building. All exterior colors and materials are neutral to further reduce visual impacts and blend with the surroundings.

Renderings of the proposed hotel demonstrate that the new structure will not create a dominating visual prominence at this location because it is set back from nearby residential neighborhoods to the west and south by more than 250 feet, and immediate views from these areas are obscured by existing office buildings and mature landscaping. From the north and east, the site is directly visible from the I-680 freeway, which

contributes to the desirability for a hotel. The existing health club building, clock tower, and telecommunications equipment on the site as well as an adjacent convenience store and gas station to the north are all directly visible from the freeway. Although the architectural design of the hotel includes a tower element up to 72 feet in height (including a parapet designed to screen all mobile telecommunications equipment), the bulk of the new building will be 55 feet-6.5-inches from ground level. This is roughly seven feet lower than the existing clock tower on the site, which is 62 feet-10 inches in height. As viewed from most areas of the City, including the hillsides to the east, the proposed hotel has been designed to blend with the surrounding urban environment and not create a dominating visual prominence. Although the hotel will be visible from the nearby Hetch-Hetchy trail from a distance, the proposed hotel building will not dominate or block the larger view of the hillsides.

Economic Development Considerations

The proposed hotel use is consistent with the underlying Highway Services General Plan land use designation and the corresponding land use regulations of the Highway Services Zoning District. Given its location adjacent to the I-680 freeway, the project is considered to be a compatible land use that provides travel and business accommodations as well as conference facilities that will cater to both local and regional employment centers as well as regional attractions, such as Levi's Stadium in Santa Clara and SAP Center in San Jose. The proposed project would replace a 40-year-old indoor sports facility with a viable new use that will generate revenue for the City via property taxes, sales tax, and Transit Occupancy taxes. The project also improves the site physically and aesthetically with a new five-story structure. The proposed hotel use would support new economic, business and employment opportunities, including approximately 20 to 25 full and part-time jobs for operations of the facility.

Alcohol Beverage Control License

The Highway Services Zoning District allows alcoholic beverage sales via a Minor Conditional Use Permit, per Milpitas Municipal Code Table XI-10-5.02-1. The applicant is requesting a Type 70 (On Sale General – Restrictive Service) and Type 20 (Off-Sale Beer and Wine) licenses from the Department of Alcohol Beverage Control (ABC), which authorizes and governs such licenses. A Type 70 license authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises. This type of license is normally issued to a "suite-type" hotel, which exercises the license privileges with "complimentary" happy hour to members and guests of the hotel brand. A Type 20 license authorizes the sale of beer and wine for consumption off the premises where sold. The applicant is requesting to serve beer and wine during an evening social in the lobby from 6:00 p.m. to 7:30 p.m., three to four days a week, and to sell beer and wine in the lobby's market area, adjacent to the front desk. Alcoholic beverage sales are provided as a service to hotel guests for consumption in the lobby or in guest rooms only. The license types have been reviewed by the Police Department whom have included standard conditions associated with alcohol sales.

According to ABC, the project site falls within an area of undue concentration, given that the relevant census tract area is only authorized for seven on-sale licenses, and there are currently, eight on-sale active licenses. It is important to note that the project site is located in census tract 5044.14, which includes the Milpitas Town Center shopping and dining area (licenses at Safeway, BevMo, and Embassy Suites, etc.), and the request for an additional ABC license for the proposed hotel would not add significantly to the concentration of alcoholic beverage sales to the general public in this area. For ABC to grant the pending license application, the applicant will have to demonstrate to ABC that public convenience or necessity would be served by its issuance (Business & Professions Code Section 23958.4(b)(1)). If ABC approves the licenses, the City will assist in the documentation needed by ABC to obtain these licenses. Granting the ABC licenses will provide for the convenience of guests staying at the hotel.

The Milpitas Police Department reviewed the proposed license types for this location and recommends the following conditions of approval in the Resolution to address public safety:

- Responsible Alcohol Training - Permittee shall be solely responsible and liable for ensuring that all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours and made available for copy and inspection upon City request.

- Alcoholic Beverage Control Licensing - Permittee shall comply with all applicable State laws applicable to the sale of alcohol including any California Department of Alcoholic Beverage Control licensing requirements for the sale of alcohol at all times.

As described above, appropriate conditions of approval to ensure the public health and safety of residents have been incorporated into the resolution to authorize the sale of alcoholic beverages for the purposes stated within the proposed hotel. Staff recommends approval of limited on- and off-premises sale of alcoholic beverage sales in conjunction with the proposed project.

Relocation of Mobile Telecommunications Equipment

The project site has an existing Conditional Use Permit for a 60-foot wireless telecommunication facility (monopole) and various equipment and enclosures around the existing building. Additional telecommunication antennas are located within the 62-foot, 10-inch clock tower located on the west side of the building. The proposed project involves the demolition of the existing building and removal of all existing telecommunication equipment and enclosures around the site. Once the new building has been constructed, the project will include relocation of all wireless equipment from the monopole to the building's rooftop. All equipment will be screened from view pursuant to MMC Section XI-10-54.16.

During the construction process, the wireless carriers will temporarily be allowed a Cell on Wheels (COW) inside a new enclosure in the surface parking lot. COWs are telecommunication infrastructures placed on a trailer approved for their temporary use. However, the COWs shall be limited to one enclosure and shall be limited in duration to the construction of the building. The COWs and the enclosure will be removed prior to issuance of the Certificate of Occupancy for the hotel.

All required findings for approval of the Site Development Permit, Conditional Use Permit, and Environmental Assessment can be made for the proposed project. Staff had recommended that the PC approve the project. Staff concluded that the project would be consistent with the General Plan land use designation of Highway Services (HWS) and that with the conditions of approval to mitigate the height and bulk of the building, traffic and parking impacts, and construction noise, the project would also be consistent with the development standards of the corresponding Highway Services Zoning District. Staff further concluded that the hotel will enhance a primary gateway into the community by replacing a vacant, obsolete health club building with a new hotel featuring underground parking, full guest amenities, and contemporary architecture. The proposed hotel will also include relocating highly visible and unattractive mobile telecommunications equipment to the roof of the new building and screening the equipment behind the parapet of the tower element. Recommended findings and conditions of approval for the project are included in Exhibit 1 of Attachment A.

POLICY ALTERNATIVE:

Alternative: Deny the appeal and concur with the Planning Commission's decision to deny the applications for a Site Development Permit, Conditional Use Permit, and Environmental Assessment for a 105-room hotel located at 1000 Jacklin Road.

Pros: A different project with other uses could be proposed at this site in accordance with the General Plan land use designation of Highway Services and the corresponding Highway Services Zoning District.

Cons: Denial of the project would delay redevelopment of the now vacant site, and the City would not benefit from the additional tax revenue that would be generated by redevelopment of the site.

Reason for Not Recommending: The project is consistent with the Milpitas General Plan land use designation of Highway Services and staff analysis concludes the project meets all the required findings for approval of a Site Development Permit and a Conditional Use Permit for a hotel use, a Floor-Area-Ratio (FAR) of 1.63, the relocation of cellular antenna equipment to the rooftop, and the limited sale of alcoholic beverages to hotel guests.

PUBLIC OUTREACH:

The proposed project has generated strong interest from residents in the vicinity of the project site, and considerable public input has been received through the following community meetings, public hearings and communications:

- The applicant held community meetings on November 6, 2019, and January 8, 2020, to receive feedback from the community. Approximately 539 owners and residents were invited to both drop-in meetings. Thirteen residents attended the first meeting, and 40 residents attended the second meeting.
- The project was heard at two Planning Commission Public Hearings: December 11, 2019, and January 15, 2020.
- Staff meetings with Hillview residents: December 17, 2019, and January 10, 2020.
- Staff received 45 e-mail messages and letters in support/opposition to the project. Opponents of the project also submitted a petition with more than two hundred signatures (see Attachment I.)

FISCAL IMPACT:

If approved, the project will generate Transient Occupancy Tax (TOT) and the applicant will pay all development fees to the City. TOT is a general-purpose tax that funds core City services such as police, fire, parks maintenance, recreation programs and administrative services. The proposed hotel project is also expected to generate additional revenue to the City through increased property taxes and additional sale taxes.

ENVIRONMENTAL REVIEW:

An Environmental Assessment (EA18-0002) for this project was conducted by environmental consultant LSA, on behalf of the City, in accordance with the California Environmental Quality Act (CEQA), as amended, and with state and local guidelines implementing CEQA. On the basis of the Initial Study (IS), LSA has concluded that the project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration (MND).

On July 19, 2019, the City provided a notice of intent to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND was available for public review from 07/19/2019 through 08/07/2019 on the City's website.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines sections 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA; and
2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the project will have a significant effect on the environment.

RECOMMENDATIONS:

1. Consider and adopt public hearing procedures.
2. Conduct a public hearing and move to close it following comments.
3. Adopt a Resolution upholding the appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Compliance with the California Environmental Quality Act, and Approving: (1) Environmental Assessment No. EA18-0002; (2) Site Development Permit No. SD18-0012; and (3) Conditional Use Permit No. UP18-0012 to allow demolition of an existing 22,300-square foot commercial building; development of a hotel with up to 105 rooms and up to five stories in height, a tower element up to 73 feet in height, a floor area ratio up to 1.63, and one level of below-grade parking; the relocation of wireless telecommunication equipment to the rooftop of the new building; and on-sale of beer and wine on a 1.14-acre site at 1000 Jacklin Road.

ATTACHMENTS:

Attachment A: City Council Resolution to Uphold the Appeal by Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Approving Environmental Assessment, Site Development Permit, and Conditional Use Permit including Exhibit 1 - Conditions of Approval

Exhibit 2 – Initial Study/Mitigation Monitoring and Reporting Program

Attachment B: Notice of Appeal

Attachment C: Planning Commission Staff report (dated December 11, 2019)

Attachment D: Planning Commission Meeting Minutes for December 11, 2019

Attachment E: Planning Commission Memo and Attachment G to the Memo (dated January 15, 2020)

Attachment F: Planning Commission Meeting Minutes for January 15, 2020

Attachment G: Project Plans

Attachment H: Traffic Study Memo by Hexagon Transportation Consultants dated December 6, 2019

Attachment I: Public Comments (received prior to and after the first Planning Commission Public Hearing on December 11, 2019)

Comments submitted to City Clerk for City Council Public Hearing

Attachment J: Initial Study/Mitigated Negative Declaration (IS/MND) dated July 2019

Attachment K: Additional Information Submitted by the Appellant on April 2, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS UPHOLDING THE APPEAL BY ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING: (1) ENVIRONMENTAL ASSESSMENT NO. EA18-0002; (2) SITE DEVELOPMENT PERMIT NO. 18-0012; AND (3) CONDITIONAL USE PERMIT NO. UP18-0012 TO ALLOW THE DEMOLITION OF AN EXISTING 22,300-SQUARE FOOT COMMERCIAL BUILDING AND DEVELOPMENT OF A HOTEL WITH UP TO 105 ROOMS AND A HEIGHT OF UP TO FIVE STORIES, A TOWER ELEMENT UP TO 73 FEET IN HEIGHT, A FLOOR-AREA RATIO UP TO 1.63, AND ONE LEVEL OF BELOW-GRADE PARKING; THE RELOCATION OF WIRELESS TELECOMMUNICATIONS EQUIPMENT TO THE ROOFTOP OF THE NEW BUILDING, AND THE ON- AND OFF-PREMISES SALE OF BEER AND WINE (TYPE 20 AND TYPE 70 ALCOHOLIC BEVERAGE LICENSES) ON A 1.14-ACRE SITE AT 1000 JACKLIN ROAD (APN 028-05-015)

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

WHEREAS, on October 6, 1977, the Planning Commission approved “S” Zone plans for a 22,300 square foot two-story sports facility, plus parking and landscaping on the 1.14-acre subject site located at 1000 Jacklin Road; and

WHEREAS, on May 8, 1996, the Planning Commission approved Conditional Use Permit No. UP 1339 for a 60-foot monopole for a wireless telecommunication facility and construction of a 173 square-foot equipment shelter on the north side of the two-story sports facility; and

WHEREAS, on July 24, 1996, the Planning Commission approved subsequent amendment, UP1352, to allow co-location of two other carriers and construction of second equipment enclosure on the east side of the two-story sports facility. Additionally, on November 18, 1998, the Planning Commission approved an amendment to Conditional Use Permit No. UP1339 to allow antenna replacement; and

WHEREAS, on June 28, 2000, the Planning Commission approved Conditional Use Permit No. 1553 and “S” Zone Amendment to allow the installation of wireless telecommunication antennas and an equipment enclosure; and

WHEREAS, on May 28, 2003, the Planning Commission approved the “S” Zone amendment for a new 62’-10” tall clock tower located on the west side of the building to conceal a total of 12 antennas and associated equipment; and

WHEREAS, on September 23, 2012, the Planning Commission approved Conditional Use Permit No. UP12-0017 and Minor Site Development Permit No. MS12-0034 for removal of three existing panel antennas with three new panel antennas, installation of six new remote radio units, and replacement of existing equipment cabinets for an existing wireless telecommunication monopole; and

WHEREAS, on May 28, 2014, the Planning Commission approved Conditional Use Permit Amendment No. UA14-0001 to allow installation of three new antennas to an existing monopole tower and associated equipment previously approved with Conditional Use Permit No. UP1339; and

WHEREAS, on October 23, 2018, Mark Tiernan, on behalf of Joe Gigantino, (the “Applicant”) submitted an application to the City of Milpitas for the approvals necessary to allow development of a 105-room hotel at the subject site (the “Project”). The Project thus consists of and requires:

- a. Site Development Permit SD18-0012: To allow the development of a five-story building with 105 hotel rooms on the 1.14-acre site; and
- b. Conditional Use Permit UP18-0012: To allow the hotel use, a floor-area ratio of 1.63, the relocation of wireless telecommunications equipment to the roof of the new building, and the on and off-premises sale of beer and wine (Type 70 and Type 20 Alcoholic Beverage License); and

- c. Environmental Assessment EA18-0002: To review and assess all requested entitlements for consistency with the California Environmental Quality Act (CEQA).

WHEREAS, the property has a General Plan land use designation of Highway Services (HWS) and is located within the Highway Services (HS) Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the project, and, based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines sections 15070 et seq. On July 19, 2019, the City provided a notice of intent to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies and the county clerk. The IS/MND was available for public review from July 19, 2019 through August 7, 2019 and was available for public review and inspection at City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California; and

WHEREAS, the IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA and, based upon the information contained in the IS/MND, pending any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project, together with Conditions of Approval, including without limitation, mitigation measures identified in the IS/MND and the Mitigation Monitoring and Reporting Program adopted herein, will not have a significant effect on the environment; and

WHEREAS, on December 11, 2019, the Planning Commission held a duly-noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and a continuation was requested by the Planning Commission at that hearing; and

WHEREAS, on January 15, 2020, the Planning Commission held a second duly-noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

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

WHEREAS, the Planning Commission denied the issuance of Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment EA18-0002; and

WHEREAS, on January 27, 2020, within the time allowed by the Milpitas Municipal Code, Joe Gigantino (“Appellant” and “Applicant”) appealed the Planning Commission’s denial of issuance of Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0013, and Environmental Assessment No. EA18-0002; and

WHEREAS, on March 17, 2020, the City Council held a duly-noticed public hearing on the appeal, at which time all those in attendance were given the opportunity to speak on the Project; and

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

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

SECTION 1. Recitals

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

SECTION 2. California Environmental Quality Act Findings

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to conform to the requirements of CEQA, the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and polices of the City of Milpitas. The purpose of this IS/MND is, among other things, to provide objective information regarding the environmental consequences of the proposed Project to the decision makers and the public and to identify measures to substantially lessen or avoid significant adverse environmental effects of the Project. The IS/MND was available for public review from July 19, 2019 through August 7, 2019. Also, in conformance with CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring on the measures the City hereby has either required or made a condition of approval to the Project to mitigate or avoid significant environmental effects. The City Council hereby adopts the IS/MND and Mitigation Monitoring and Reporting Program in compliance with CEQA.

SECTION 3. Site Development Permit (Section XI-10-57.03(F)(1))

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD18-0012:

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

The project’s contemporary architecture is compatible and appropriate with the surrounding buildings and uses within the immediate area. More specifically, the incorporation and combination of natural exterior materials and colors complement the recently renovated Shell Gas Station. The front elevation of the hotel building is oriented to the site facing north towards the proposed onsite vehicle circulation and parking area. The rear of the building will face the Hillview Office Center and the west side of the building will face the Jacklin Commons KinderCare. The surrounding buildings are primarily one-story commercial office buildings. Although the project proposes a total of five stories, the landscaping will ensure the streetscape and foliage density is consistent with the surrounding area. La Quinta’s design concept is consistent with the immediate area and creates an aesthetically pleasing and harmonious relationship with adjacent and surrounding development.

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

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 below.

Table 1:
Summary of HS Development Standards

	Standard	Proposed	Complies?
<u>Setbacks</u> (Minimum)			
Front (North)	Major Street: 50 feet All other streets: 0 feet	134.1’	Yes
Side Yard (West)	0 feet	17’6”	Yes
Side Yard (East)	0 feet	4’5”	Yes
Rear (South)	0 feet	3’2”	Yes
<u>Floor Area Ratio</u>	0.50	1.63	Yes*
<u>Building Height</u> (Maximum)	None	73 feet (tower only)	Yes

	Standard	Proposed	Complies?
<u>Landscaping</u>	25% of front yard setback	0' required front yard setback, so no landscaping required	Yes
<u>Off-Street Parking</u>	1 per guest room 105 rooms = 105 spaces	105 spaces	Yes
* With approval of a Conditional Use Permit and associated findings			

C. *The Project is consistent with the Milpitas General Plan.*

The proposed project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 below.

Table 2:
General Plan Consistency

Policy	Conformance
<i>2.a-I-7: Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.</i>	Consistent. The project will expand employment opportunities through construction and operational jobs (est. 20-25 full time jobs and 5-7 part time jobs) within the hospitality sector. The addition of a new hotel in the area will also promote business activities in the City and minimize commute times for business travelers in the area.
<i>2.a-I-12: Consider conversion from one employment land use to another, where the conversion would retain or expand employment capacity and revenue generation, particular for intensification on-site if the proposed conversion would result in a net increase in revenue generation</i>	Consistent. The project converts an existing indoor sports facility to a hotel, resulting in a likely increase in revenue generation through such mechanisms as property taxes, transient occupancy taxes (TOT), and sales tax. It will encourage tourism within the City, as tourists from different parts of the country and world need access to goods and services within the City, which further generates revenue. The project will also expand employment capacity by adding 20-25 full time jobs and 5-7 part time jobs.
<i>2.a-I-6: Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector</i>	Consistent. The proposed use will levy the transient occupancy tax per room each day, which provides the City with additional revenue needed to maintain a balanced economic base. Along with temporary housing for business travelers on the weekdays, the location allows tourists to access public transit via the bus stop along Jackson Road to transport people to major entertainment sectors in Santa Clara County, such as Levi's Stadium and the SAP Arena.
<i>2.a-I-17: Foster community pride and growth through beautification of existing and future development.</i>	Consistent. The development will upgrade the parcel by demolishing an existing underutilized 40-year-old building and replacing it with a new modern hotel, improving the site's aesthetics, visibility, curb appeal, and general circulation throughout the development.

SECTION 4: Conditional Use Permit (Section XI-10-57.04(F)(1))

The City Council makes the following findings based on the evidence in the public record in approving Conditional Use Permit No. UP18-0012:

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

The hotel, 1.63 FAR, relocation of wireless communications equipment to the roof, and limited on- and off-sale of beer and wine are conditionally permitted uses, as specified per City Code Section(s) XI-10-5.02, XI-10-2.03 (“Floor Area Ratio” definition) and XI-10-53.11. The project allows a compatible land use that provides travel and business accommodations as well as meeting space that caters to both local and regional employment centers as well as regional attractions, such as Levi’s Stadium in Santa Clara and SAP Arena in San Jose. The project is located along VTA bus route #46, with bus stops on both sides of Jacklin Road. The project also converts an existing fitness facility into a higher and better use with improved aesthetics for the community and that has the potential to generate revenue for the City in terms of transit occupancy tax, sales tax and property tax.

The proposed hotel will enhance a primary gateway into the community by replacing a vacant, obsolete health club building with a new hotel featuring underground parking, full guest amenities, and contemporary architecture. The proposed project will include redevelopment of the site and the relocation of mobile telecommunications equipment to the roof of the new building and screening the equipment behind the parapet of the tower element. The proposed hotel will not create a dominating visual prominence in the neighborhood because the new building will be set back more than 250 feet from nearby residential neighborhoods, and direct views of the building will be buffered by existing office buildings and mature landscaping surrounding the site. The project is also located adjacent to an existing convenience store, gas station, and car wash to the north and the I-680 freeway to the east.

The project will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare. The project’s proposed use, at the proposed location, has been reviewed by the City’s Police Department and imposed project conditions contained in the resolution to ensure the safety and general welfare of the community. The project’s proposed FAR has been reviewed by the City’s Planning Department and Engineering-Traffic Division and meets the required findings set forth in section D and E of this section. The project will generate low peak-hour traffic, as demonstrated in the Traffic Operations Analysis.

The relocation of the wireless communications equipment to the roof of the new buildings will not be injurious or detrimental to the property or improvements, as the equipment will be relocated from the existing clock tower, ground-mounted equipment enclosure, and existing monopole to the roof of the building. All of the wireless equipment will be screened behind a parapet wall, which will increase the site’s aesthetics and safety.

Lastly, the limited on- and off-premises sale of beer and wine will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare because the beer and wine sales will be limited to hotel guests for consumption in the lobby and guest rooms. A complimentary happy hour will only be accessible to hotel guests. Additionally, the City’s Police Department has reviewed the beer and wine sales request and imposed project conditions contained in the resolution to ensure the safety and general welfare of the community.

- B. *The proposed use must be consistent with the Milpitas General Plan.*

The proposed project and associated use is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 in support of issuing the Site Development Permit. The General Plan land use designation for the subject property is Highway Services, which allows a wide range of personal and business services primarily oriented to customers arriving by automobile, including motels and other types of temporary lodging. The Highway Services land use designation is typically located at the intersection of major streets and freeways. As further described in the General Plan, this designation includes those commercial uses which customarily locate outside the Central Business District area and tend to require well-maintained grounds. The project is bounded by

the Highway Services (HS) Zoning District to the north (occupied by a convenience store, gas station, and automatic car wash) and Administrative and Professional Office (CO) to the west and south (occupied by Jacklin Commons office park). Interstate 680 is located to the east of the subject property.

The proposed hotel use, 1.53 FAR, the relocation of wireless communications equipment, and limited on- and off-premises sale of beer and wine is consistent with various General Plan policies. The project will expand employment opportunity both through construction and operational jobs within the hospital sector. The addition of the hotel will also promote business activities in the City and minimize commute times for business travelers in the area. Additionally, the project will convert vacant employment land to a hotel, resulting in a likely increase in revenue generation through such mechanisms as property taxes, transient occupancy taxes (TOT), and sales tax.

C. The proposed use must be consistent with the Milpitas Zoning Ordinance.

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 in support of using the Site Development Permit. Further, with approval of a Conditional Use Permit, the Zoning Ordinance authorizes development of the hotel use, 1.53 FAR, relocation of wireless communications equipment, and limited on- and off-premises sale of beer and wine.

The City Council makes the following additional findings based on the evidence in the public record in support of Conditional Use Permit No. UP18-0012 relating to increased Floor Area Ratio:

D. The proposed development will generate low peak-hour traffic.

To confirm the project's traffic generation, the City conducted a Traffic Operations Analysis in accordance with the California Environmental Quality Act (CEQA). The Traffic Operations Analysis is included as an appendix to the Initial Study/Mitigated Negative Declaration, which is Exhibit 1 to Attachment A of this report. Included in Attachment E to this report is a supplemental memo prepared by Hexagon Transportation Consultants to provide further explanation about the project's traffic generation analysis.

The Traffic Operations Analysis shows that the project would generate 41 AM and 34 PM peak hour trips. AM peak hour traffic is defined as 7:00AM to 9:00AM, and PM peak-hour traffic is defined as 4:00PM to 6:00PM. The threshold for determining whether a project will have a significant impact on current traffic conditions is 100 net new trips during the AM and PM peak hours. Since the proposed hotel project would generate far fewer than 100 net new trips during the AM and PM peak hours, it does not meet the threshold for requiring a full traffic impact study under the guidelines for Traffic Impact Analysis (TIA) established by the Valley Transportation Authority (VTA). Furthermore, the Traffic Operations Analysis concluded that the number of projected AM and PM peak hour trips will not significantly degrade nor result in a critical delay of the Level of Service (LOS) in the immediate area. For these reasons, staff recommends that the Council can make the finding that the proposed hotel project would not contribute significantly to existing peak-hour traffic, during either the AM or PM peak timeframes.

E. The proposed development will not create a dominating visual prominence.

As noted above, the proposed hotel site is located immediately adjacent to an existing auto-oriented use (gas station, convenience store, and car wash) to the north and the I-680 freeway to the east. To the west and south, the site is set back from the nearest residential use by more than 250 feet. As envisioned by both the General Plan land use policies and Zoning Ordinance land development regulations for highway services, the site is buffered from nearby residential neighborhoods by smaller buildings in the surrounding office park and mature landscaping. These elements mitigate any physical or visual impacts to the immediate neighborhood from the proposed development.

With regard to site design, the proposed hotel follows a standard format with lobby and other public areas on the ground floor and guest rooms on the upper floors. The proposed hotel also includes below-grade parking to enhance the efficiency of development, parking, and circulation on the site. In addition, the architectural design of the proposed structure features a tower element for visual interest and the screening of telecommunications equipment behind a parapet, and the fifth floor is set back or recessed to reduce the visual bulk of the building. All exterior colors and materials are neutral to further reduce visual impacts and blend with the surroundings.

Renderings of the proposed hotel demonstrate that the new structure will not create a dominating visual prominence at this location because it is set back from adjacent residential neighborhoods to the west and south by more than 250 feet, and views from the immediate views from these areas are obscured by existing office buildings and mature landscaping. From the north and east, the site is directly visible from the I-680 freeway, which makes it a desirable location for a hotel. The existing health club building, clock tower, and telecommunications equipment on the site as well as an adjacent convenience store and gas station to the north are all directly visible from the freeway. Although the architectural design of the hotel includes a tower up to 72 feet in height, including a parapet designed to screen all mobile telecommunications equipment, the bulk of the new building will be 55 feet-6.5-inches from ground level. This is roughly seven feet shorter than the existing clock tower on the sight, which is 62 feet-10 inches in height.

As viewed from most areas of the City, including the hillsides to the east, the proposed hotel will blend with the surrounding urban environment and will not create a dominating visual prominence. The hotel will be visible from the nearby Hetch-Hetchy trail when viewed at a distance from the south, but the building will not dominate or block the larger view of the hillsides. The proposed architectural design of the hotel will be comparable to the sizes of nearby lodging establishments, including the Embassy Suites (nine floors, 1.1 mile away), Extended Stay America (three floors, 1.1 mile away), Home2 Suites (five floors, 3.1 miles away), and Holiday Inn (four floors, 3.2 miles away).

SECTION 5: City Council Decision and Approval.

The City Council of the City of Milpitas hereby upholds the appeal by approving Site Development Permit No. SD18-0012, Conditional Use Permit No. 18-0012, and Environmental Assessment No. EA18-0002 based on the above findings and subject to the Conditions of Approval attached hereto as Exhibit 1 and incorporated herein.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary Lavelle, City Clerk

APPROVED:

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

EXHIBIT 1

**CONDITIONS OF APPROVAL
LA QUINTA HOTEL
SITE DEVELOPMENT PERMIT NO. SD18-0012,
CONDITIONAL USE PERMIT NO. UP18-0012, AND
ENVIRONMENTAL ASSESSMENT NO. EA18-0002
1000 JACKLIN ROAD (APN 028-05-015)**

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. **Environmental Assessment NO. EA18-0002, Site Development Permit NO. SD18-0012, and Conditional Use Permit NO. UP18-0012** (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office and a copy shall be provided to the Planning Department. **(P)**
2. The Permittee shall develop the approved project in conformance with the approved plans (dated November 24, 2019), sample color and materials board approved by the Planning Commission, in accordance with these Conditions of Approval. **(P)**
3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
4. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
5. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
6. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**
7. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
8. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

9. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full. **(E)**
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval of SITE DEVELOPMENT PERMIT NO. SD18-0012, CONDITIONAL USE PERMIT NO. UP18-0012, and ENVIRONMENTAL ASSESSMENT NO. EA18-0002; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. **(CA)**
13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code. **(P)**
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
16. Conditional Use Permit. This Permit shall replace and supersede all previously approved Use Permits relating to the subject property.
17. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code as adopted by the City. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**
18. Compliance with Building Department. The project shall comply with the requirements of the Building Department and the International Building Code. **(B)**
19. Compliance with Housing Department: The permittee shall comply with the requirements in accordance with Section XII-1-5.02 of the Milpitas Municipal Code, in regards to Non-Residential Affordable Housing Impact Fee, which shall be paid prior to issuance of building permit.

20. Mitigation Monitoring and Reporting Program (MMRP). Permittee shall comply with the requirements of the MMRP (Exhibit 2) pursuant to State law (Public Resources Code Section 21081.6).

PROJECT SPECIFIC CONDITIONS

21. Proposed Venting: The project should incorporate venting systems that have the least amount of penetrations along the exterior facades to the extent feasible. If venting is proposed through the ceiling, a parapet wall (or similar structure) shall be installed to mask the vent from the view of the public right-of-way.
22. Responsible Alcohol Training - Permittee shall be solely responsible and liable for ensuring that all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours and made available for copy and inspection upon City request. **(P/PD)**
23. Alcoholic Beverage Control Licensing - Permittee shall at all times comply with all applicable State laws applicable to the sale of alcohol including any California Department of Alcoholic Beverage Control licensing requirements for the sale of alcohol. **(P/PD)**
24. Video Surveillance: Permittee shall use security cameras at all access points into the hotel and underground parking structure, as well as the parking lot. Footage shall be made readily available in a universal (non-proprietary) format to the City of Milpitas Police Department for investigations upon formal request. Video footage shall be retained for at least one week of inception. **(PD)**
25. Surveillance Equipment Operation. Surveillance equipment shall not be inoperable at any time, other than when being serviced by a qualified professional surveillance equipment technician for no more than two (2) days at any given time and no more than six (6) days within any 365- day period. **(PD)**
26. Cellular Service. Appropriate devices shall be installed in the underground parking structure to ensure consumers have sufficient cellular signal to use their mobile devices to call for emergency services. If this is not feasible, there shall be several hardwired emergency phones within the underground parking lot to allow consumers to call for emergency services. **(PD)**
27. Radio Frequency Signals. Appropriate devices shall be installed in the underground parking structure to ensure law enforcement radio frequencies have sufficient signals to communicate with dispatch and other officers. **(PD)**
28. Guest Check-in Procedure. At the time of check-in, hotel staff members shall obtain and retain a valid government-issued identification number from all adult hotel guests. Implement clear check-in policies and provide proper training for desk clerks on guest screening and security procedures. Hotel staff members shall also obtain and retain the following for registered guests **(PD)**:
- a. Name, address and phone number
 - b. Vehicle information, not limited to the make, model, and license plate number of the vehicle if feasible.
 - c. The register record shall be maintained for a period of not less than two (2) years and may be inspected by the City upon request or a copy shall be provided to the City upon request.
29. Visitor Behavior. Prominently post notices and signs that clearly outline appropriate guest and visitor behavior to dissuade guests from engaging in illegal activities. **(PD)**
30. Emergencies. Property Manager shall file emergency notification form with the Police Department so law enforcement can contact property manager in the event of any major accident, emergency, or unforeseen circumstance. **(PD)**
31. Addressing. Address numbers shall be illuminated during hours of darkness and should be strategically positioned as to be readily visible from the street. Address numbers should have a minimum height of 12 inches. If numerous alarm zones are utilized then zone numbers should be clearly marked above appropriate doorways. **(PD)**

32. Parking Signage. Parking lot areas shall have postings with appropriate signs per 22658(a) CVC to assist in removal of vehicles at the property owners/'managers' request. **(PD)**
33. Parking Signage. "No Trespassing/Loitering" signage shall be posted at the entrances of the parking lots placed in conspicuous areas. Signs should be at least 2' x 1' in overall size, with white background and black 2" high letters. **(PD)**
34. Garage Lighting. The underground garage shall have surveillance cameras and effective lighting. **(PD)**
35. Visibility. Any posters, material, and objects near exterior windows shall not block views in the hotel from the street. **(PD)**
36. Accessibility. Any and all areas controlled by electronic security devices (i.e. key fobs, access cards, keypads, etc.) shall have Knox boxes installed near such access points with the Knox boxes containing the appropriate security devices to gain entry. If access points are controlled by keypads, management shall provide the Police Department with the needed code(s) change. **(PD)**
37. Accessibility Map. An up-to-date map of the interior of the building shall be provided to the Police Department. The map shall minimally identify the locations of each hotel room, entry/exit points, elevators, storage areas, entry/exit points controlled by electronic security devices, locations of security cameras, maintenance areas, stairwells, etc. **(PD)**
38. Noise Ordinance Signage. Noise ordinance signage shall be posted in conspicuous areas. **(PD)**
39. Landscaping. Landscaping shall not conceal doors or windows from view, obstruct visibility of the parking lot from the street, nor hinder access to the roof, if needed. **(PD)**
40. Signage. Signage shall not be part of this approval and shall be applied for under a separate City permit or approval. All proposed signage shall also be subject to Traffic Engineering and Planning review and approval. **(P)**
41. Equipment Screening. All rooftop equipment shall be adequately screened from the parking lot areas and the public street. All ground mounted equipment shall be adequately screened, if feasible, and subject to the Planning Division review and approval. If the screening is proven infeasible as solely determined by Planning Director, then all ground mounted equipment and surrounding bollards (if any) shall be of design and color that will minimize visual impact. **(P)**
42. Public Art Requirement: Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance, or installation of "Public Art", as defined per MMC Section V-20-310 and XI-10-14.01. **(P)**
43. Lighting Plan. Prior to issuance of any building permit, Permittee shall submit a lighting and iso-illumination plan that shall demonstrate 1) safe and adequate lighting of the project site and 2) lighting is contained and does not spill over onto adjacent properties or create unwanted glare. Permittee shall provide detail, elevations and manufacturer's specifications on proposed light fixture for ground lighting, pedestrian scaled lighting (light bollards), light standards, and wall sconces subject to Planning Director approval. Proposed light fixtures shall be high quality and complement the architectural style of the building. **(P)**
44. On-Site Utilities. During building permit issuance, a detailed landscape plan shall be submitted and approved by the Planning Division that includes the following: location and screening of all transformers and utility devices including backflow preventers. Utilities shall be fully screened. **(P)**
45. Antenna Equipment Layout. Each carrier shall submit detailed equipment plans and apply for a Use Permit Amendment.
46. Antenna Relocations. All existing antennas shall be relocated to the rooftop. **(P)**
47. Antenna COWs. Any temporary cell on wheels (COWs) shall submit detailed equipment and enclosure plans to the Planning Department. **(P)**

48. Antenna COWs Duration. Any temporary cell on wheels (COWs) shall be limited to the duration of the project's construction lifecycle. All COWs shall be removed once the rooftop antenna building permits have been finalized. (P)

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

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

49. Modifications: The Site Development Plan dated November 24, 2019 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
50. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency.
51. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
52. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
53. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the public improvement cost estimates as prepared by the Permittee's engineer.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

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

54. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
- Milpitas Design Guidelines: (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);
 - Standard details and specifications: (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>); and
 - Americans with Disabilities Act (ADA) requirements, where applicable.
55. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
56. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.

57. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
58. Water Meters (non-residential): Landscape water meters, defined as dedicated water service meters, shall be installed for all non-residential irrigated landscapes of 1,000 square feet or greater.
59. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
- a) Extension of a new water main from Jacklin Road across the entire frontage of the project site.
 - b) Installation of a fire hydrant at the end of the newly installed water main.
 - c) Installation of separate water service tap and meter for each of the following services: commercial, irrigation, and fire.
 - d) Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for each commercial building.
 - e) Installation of Type II slurry seal along Jacklin Road project frontage to the City Engineer's satisfaction. Limits of Jacklin Road project frontage slurry seal not to exceed Hillview Drive and 680 onramp up to Caltrains Right of Way.
 - f) Permittee shall abandon the existing 2" and 6" water lines serving the site, at Jacklin Road per City's abandonment standards and specifications and to the satisfaction of the City Engineer.
 - g) Permittee shall ensure all water services to the site have an above ground reduced pressure backflow preventer located behind the City meter, onsite and outside of any public utility easements.
 - h) Permittee shall ensure that all public utilities are within an existing or dedicated public utility easement.
 - i) Private sewer, water and storm utilities including, appurtenances, pumps, hydrants, manholes and inlets shall be outside of public easements and/or public right of way.
 - j) Permittee shall ensure the post-construction site stormwater runoff rate equals or is less than the pre-construction site stormwater runoff rate.
 - k) Permittee shall ensure adequate separation is provided between utilities.
 - l) Permittee shall CCTV the existing sanitary sewer and storm line beginning at the point of connection at the site up to the first manhole located on North Hillview Drive. A condition assessment of the sanitary sewer and storm line shall be provided to the City upon completion of the CCTV.
60. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.
61. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.
62. Utility Protection: All existing public utilities shall be protected in place, or if necessary, relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
63. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
64. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.
65. Pothole Encroachment Permit: Due to multiple new public utility service connections, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

PRIOR TO BUILDING PERMIT ISSUANCE

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

66. **Public Easement Dedication:** Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements and other public easements deemed necessary for the project. Separate plat and legal description for each easement shall be submitted for review and approval by the City.
67. **Abandonment/Quitclaim Easements:** Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
68. **Concurrent Off-site Plan Reviews:** Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
69. **Utility Company Approval:** Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.
70. **Improvement Agreement and Securities:** Permittee shall execute an Improvement Agreement and provide improvement securities in accordance with MMC Title X, Chapter 1, Section 8, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).
71. **Private Easements:** Permittee shall provide documentation to confirm the following private easements are dedicated/amended for the benefit of the project:
 - a) License agreement from adjacent northerly lot for fire & solid waste truck access.
 - b) License agreement from adjacent westerly lot for pedestrian access per C3.0 Preliminary Site Accessibility Plan.
 - c) Easement for the benefit of the adjacent northerly lot for private storm drain purposes.
 - d) Permittee to obtain concurrence from adjacent property owners for the bump out adjacent to the garage ramp which encroaches into the private ingress and egress easement.
72. **Easements on the Building Permit Plans:** Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.
73. **Stormwater Facility Operation & Maintenance Plan:** Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).
74. **Stormwater Management Facilities O&M Agreement:** Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.
75. **Water Supply and Force Majeure:** The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
76. **Water Efficient Landscapes:** Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.

77. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.
78. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
- What materials will be salvaged.
 - How materials will be processed during demolition.
 - Intended locations or businesses for reuse or recycling.
 - Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.
- Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.
79. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.
80. Grease Interceptor: Provide grease interceptors for buildings with food service. Contact San Jose/Santa Clara Water Pollution Control Plant at <http://www.sanjoseca.gov/index.aspx?NID=1641> for sizing and location requirements for grease interceptor(s). No grease interceptor(s) shall be located in any public right-of-way or public easement areas.
81. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "f" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
- Storm water connection fee at \$21,562/acre for commercial.
 - Water connection fee at \$5.97/gpd for commercial, based upon increased water usage.
 - Sewer connection fee at \$8.52/gpd for commercial, based upon increased average wastewater flow.
 - Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
 - Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
 - 2.5% of applicable fees in accordance with City Resolution No. 7590 as Permitting Automation Fee.

DURING CONSTRUCTION

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

82. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
83. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
84. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public rights-of-way or public easements.
85. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

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

- 86. Completion of Public Improvements: Permittee shall complete all public improvements as shown on City approved plans.
- 87. Landscape Certificate of Completion: Permittee shall submit a Certificate of Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
- 88. Record Drawings: Permittee shall submit record drawings in AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.
- 89. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.
- 90. All domestic, irrigation, and fire water services serving the site shall have at least a reduced pressure backflow preventer. All backflow preventer devices shall be tested by a certified backflow tester, and results of the test shall be submitted to the City before going into service.

Key:

- (P) = Planning
- (B) = Building
- (E) = Engineering
- (F) = Fire Prevention
- (PD) = Police Department
- (CA) = City Attorney

NOTICE OF RIGHT TO PROTEST

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

AGREEMENT

Permittee/Property Owner

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

Dated: _____

Signature of Permittee

EXHIBIT 2

**MITIGATION MONITORING AND REPORTING PROGRAM
1000 JACKLIN ROAD**

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) is formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Milpitas La Quinta Hotel Project (project). The MMRP, which is found in Table 1, lists mitigation measures recommended in the IS/MND prepared for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City of Milpitas (City) makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the Lead Agency to adopt an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance with the mitigation measures identified in the IS/MND during implementation of the project.

The MMRP is organized in a matrix format. The first two columns identify the potential impacts and corresponding mitigation measures. The third column, entitled Timeframe for Implementation, refers to when monitoring will occur to ensure that the mitigating action is completed. The fourth column, entitled Responsibility for Implementation, refers to the party responsible for implementing the mitigation measure. The fifth column, entitled, Oversight of Implementation, refers to the party responsible for oversight or ensuring that the mitigation measure is implemented.

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Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
4.1 Aesthetics				
The proposed project could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	AES-1: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The project design and building materials shall incorporate non-mirrored glass to minimize daylight glare. All lighting elements shall comply with Sections XI-10-45.15-3 of the City’s Zoning Ordinance and the proposed lighting plan shall be reviewed and approved by the City’s Planning Division prior to issuance of a building permit.	Prior to issuance of a building permit	Project Applicant	City of Milpitas Planning Department
4.3 Air Quality				
The proposed project could violate air quality standards or contribute to an existing or projected air quality violation.	AIR-1: In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented: <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • A publicly-visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations 	During all phases of construction	Project Applicant/ Construction Contractor	City of Milpitas Planning Department

Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
4.4 Biological Resources				
The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	BIO-1: If feasible, all vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, a qualified biologist or ornithologist shall conduct a pre-construction survey to determine if any birds are nesting within the project site. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is a higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through July. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the buffer shall be determined by the biologist or ornithologist in consultation with the California department of Fish and Wildlife, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.	Prior to vegetation removal, vegetation trimming, or ground-disturbing activities	Project Applicant/ Construction Contractor	City of Milpitas Planning Department
4.5 Cultural Resources				
The proposed project could cause a substantial adverse change in the significance of a historical resource.	CULT-1a: Prior to project ground disturbance, all construction contractor(s) responsible for overseeing and operating ground-disturbing mechanical equipment (e.g., on-site construction managers and backhoe operators) shall be alerted to the sensitivity of the project site for buried archaeological deposits. A qualified archaeologist shall conduct a “tailgate presentation” to alert relevant construction personnel of the appropriate procedures that should be undertaken if archaeological deposits or human remains are encountered during construction.	Prior to any ground disturbing activities	Project Applicant/ Construction Contractor	City of Milpitas Planning Department
	CULT-1b: Project ground disturbance shall be monitored by a qualified archaeologist. Monitoring shall continue at this location until the archaeologist determines that there is a low potential for subsurface archaeological deposits. The archaeological monitoring shall be overseen by an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology.	During all ground disturbing activities	Project Applicant/ Construction Contract	City of Milpitas Planning Department
	CULT-1c: Should an archaeological deposit be encountered at any time during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology shall assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of	During all ground disturbing activities	Project Applicant/ Construction Contractor	City of Milpitas Planning Department

Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<i>CUL-1c continued</i>	the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate measures for documentation and treatment of the resource. These measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected measures, a report documenting the methods, findings, and recommendations shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate local curation facility and used for future research and public interpretive displays, as appropriate.			
The proposed project could disturb human remains, including those interred outside of formal cemeteries.	<u>CULT-2</u> : If human remains are identified during construction and cannot be preserved in place, the applicant shall fund 1) the removal and documentation of the human remains from the project site by a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology; 2) the scientific analysis of the remains by a qualified archaeologist, should such analysis be permitted by the Native American Most Likely Descendent; and 3) the reburial of the remains, as appropriate. All excavation, analysis, and reburial of Native American human remains shall be done in consultation with the Native American Most Likely Descendent, as identified by the California Native American Heritage Commission.	During all ground disturbing activities	Project Applicant/ Construction Contractor	City of Milpitas Planning Department
4.7 Geology and Soils				
The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<u>GEO-1</u> : Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a “qualified paleontologist” shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological	During all ground disturbing activities	Project Applicant/ Construction Contractor	City of Milpitas Planning Department

Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p><i>GEO-1 continued</i></p>	<p>resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate. The project applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract documents:</p> <p><i>“The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”</i></p>			
<p>4.8 Greenhouse Gas Emissions</p>				
<p>The proposed project may be inconsistent with the City’s adopted Climate Action Plan.</p>	<p><u>GHG-1:</u> The project applicant shall demonstrate compliance with the applicable measures to the City Planning Division prior to the issuance of a building permit. The following measures are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:</p> <ul style="list-style-type: none"> • Use reclaimed water, when available. • Provide unbundled parking. • Display real-time transit information within the lobby. 	<p>Prior to issuance of a building permit</p>	<p>Project Applicant</p>	<p>City of Milpitas Planning Department</p>

Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
4.9 Hazards and Hazardous Materials				
The proposed project could result in the release of hazardous materials into the environment as a result of ground disturbing activities.	<u>HAZ-1:</u> Prior to the issuance of grading permits, a limited soil gas and groundwater investigation shall be conducted at the site to determine whether MTBE, TBA, or other VOCs are present in the site subsurface at levels above established construction worker and residential environmental screening levels. Any soil with MTBE, TBA, or other VOCs concentration levels that exceed California State Title 26 threshold limits would be classified as a hazardous material. Once the soil sampling analysis is complete, a report of the findings shall be provided to the Planning Manager of the City of Milpitas Planning & Neighborhood Services Department for review prior to issuance of grading permits. If contaminated soils are found in concentrations above established thresholds for worker safety, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities.	Prior to the issuance of a grading permit	Project Applicant	City of Milpitas Planning Department
4.10 Hydrology and Water Quality				
The proposed project could violate water quality standards or waste discharge requirements.	<u>HYD-1:</u> Prior to construction, the project applicant shall prepare and implement a SWPPP, meeting Construction General Permit requirements (State Water Resources Control Board Order No. 2009-000-DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities. The SWPPP shall be prepared by a Qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.	Prior to the issuance of grading permits	Project Applicant	City of Milpitas Planning Department City of Milpitas Engineering Department

Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>The proposed project could violate water quality standards or waste discharge requirements.</p>	<p>HYD-2: The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. The project applicant shall prepare and implement a SCP for the project. The SCP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the project shall include:</p> <ul style="list-style-type: none"> • An inventory and accounting of existing and proposed impervious areas. • Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site. • Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site. • A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the project. 	<p>Prior to the issuance of grading permits</p>	<p>Project Applicant</p>	<p>City of Milpitas Planning Department City of Milpitas Engineering Department</p>
<p>4.13 Noise</p>				
<p>The proposed project could expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>NOI-1: The project contractor shall implement the following measures during construction of the project:</p> <ul style="list-style-type: none"> • Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards. • Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site. • Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction. • Ensure that all general construction related activities are restricted to 7:00 a.m. and 7:00 p.m. 	<p>During all phases of construction</p>	<p>Project Applicant/ Construction Contractor</p>	<p>City of Milpitas Planning Department</p>

Table 1: Mitigation Monitoring and Reporting Program

Impact	Mitigation Measures	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<i>NOI-1 continued</i>	<ul style="list-style-type: none"> Designate a "disturbance coordinator" at the City of Milpitas who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem. 			
The proposed project could conflict with the City's noise and land use compatibility standards.	<p><u>NOI-2:</u> In order to comply with the City's noise and land use compatibility standards, the following measures shall be implemented:</p> <ul style="list-style-type: none"> The proposed project shall include the installation of air conditioning which would allow hotel room windows to remain closed. Standard building construction requirements consisting of windows and doors with a minimum rating of STC-28 are incorporated. 	Prior to the issuance of a building permit	Project Applicant	City of Milpitas Planning Department City of Milpitas Public Works Department
4.17 Transportation				
The proposed project could substantially increase hazards due to a geometric design feature.	<p><u>TRA-1:</u> The project applicant shall implement one of the following measures to ensure adequate sight distance at the basement garage entrance: (1) setting back the building facing the main drive aisle; (2) using a see-through metal fence instead of the proposed short wall; (3) installing convex mirrors; or (4) installing audible and flashing lights warning system to alert vehicles on the main drive aisle of vehicles exiting the basement parking garage. The City shall confirm implementation of one of these measures prior to issuance of a building permit.</p>	Prior to the issuance of a building permit	Project Applicant	City of Milpitas Planning Department City of Milpitas Engineering Department
	<p><u>TRA-2:</u> Prior to final design and issuance of a building permit, the site plan shall be reviewed by City staff to assess the adequacy of the garage entrance and ramp dimensions. Specifically, the ramp shall be able to accommodate two vehicles traveling in opposite directions simultaneously and shall provide adequate sight distance.</p>	Prior to the issuance of a building permit	Project Applicant	City of Milpitas Planning Department City of Milpitas Engineering Department
	<p><u>TRA-3:</u> Prior to issuance of a building permit, the City shall confirm that the proposed project garage either (1) provides a vehicle turn around area at the end of the dead-end aisle or (2) shall be used for assigned parking only.</p>	Prior to the issuance of a building permit	Project Applicant	City of Milpitas Planning Department City of Milpitas Engineering Department

Source: LSA 2019.

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455 E. Calaveras Blvd.
Milpitas, CA 95035

File with: Milpitas City Clerk
Milpitas City Hall, 3rd floor
455 E. Calaveras Blvd.
Milpitas, CA 95035

If questions, call:

PLANNING: (408) 586-3271
CITY CLERK: (408) 586-3001

City Clerk's Office

JAN 27 2020

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9:38 pm

PC



1. APPELLANT(S):

Name: Joseph R. Gigantino Jr
Company: Milpitas Fitness Inc
Address: 1477 Dry Creek Rd.
City/State/Zip: San Jose CA 95125

2. DECISION BEING APPEALED:

I (we), the undersigned, do hereby appeal a decision of the Planning Commission's (or other body's) approval of: Not adopting resolution No 19-028.

Denying site permit SD18-0012, CUP UP18-0012, Environmental Assessment # 18-0002. Date of decision was January 15, 2020

PROJECT: La Quinta Hotel

LOCATION: 1000 Jacklin Road

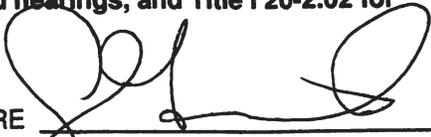
DATE OF DECISION BEING APPEALED: January 15, 2020

3. STATE THE SPECIFIC RELIEF WHICH THE APPELLANT SEEKS: Appellant is seeking adoption of Resolution No. 19-028, adoption of mitigated Negative Declaration + mitigation monitoring + reporting program and approval of Site Development Permit No. SD18-0012, CUP # UP18-0012 and Environmental Assessment # 18-0002.

4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT: Appellant presented to the Planning Commission all support materials, plans, renderings and statics as requested in the motion from the 12/11/19 PC meeting. The Appellant believes the denial of Resolution 19-028 was not based upon the facts presented. The reason for denial was that the hotel would not foster community pride through the beautification of a 40 yr. old outdated empty building. Planning staff report concluded that the hotel will beautify the property with a modern hotel, interesting architecture and improved aesthetics. Therefore the project is consistent with the General Plan. Staff also concluded that ^{with} the conditioned measures to mitigate height and visual prominence impacts, and traffic, the project is consistent with the Zoning Code, pending approval of the Conditional Use Permit.

I, the undersigned, acknowledge the procedures for filing an appeal, including the responsibilities of public notices in accordance with the Milpitas Municipal Codes Title XI 10-64.04, as prescribed for zoning related hearings, and Title I 20-2.02 for Notices provided by mail.

DATE: 1/27/20
 \$1,858
 PAID Filing Fee \$100.00
 Cash
 Check No.
 Ch # 1447

SIGNATURE 
 PRINT NAME: Joseph R. Gigantino
 ADDRESS 1477 Dry Creek Rd
 CITY/ST/ZIP San Jose CA 95125
 PHONE #s: 408/605-4840

E-MAIL ADDRESS: Joe@workout.com

FORM & FEE RECEIVED BY:  (PAM CARONOGIAN)
 (City staff name)
 DEPUTY CITY CLERK

DATE RECEIVED: 1/27/2020 @ 2:33 pm

Ch # 1447 ~ \$1,858



MILPITAS PLANNING COMMISSION STAFF REPORT

December 11, 2019

APPLICATION: **LA QUINTA HOTEL – 1000 JACKLIN ROAD – P-SD18-0012, P-UP18-0012, P-EA18-0002.** An application for a Site Development Permit to allow the demolition of an existing 22,300-square foot commercial building (former health club) and the development of a new 105-room hotel, up to 73 feet in height (five stories), with a single level of underground parking and associated site improvements; and a Conditional Use Permit to allow the hotel use in the Highway Services Zoning District, an increase of allowable floor area ratio from 0.50 to 1.63, the relocation of wireless telecommunication antennas and equipment to the rooftop of the building, and the on- and off-sale of beer and wine (Type 70 and Type 20 Alcoholic Beverage License) on a 1.14-acre site located at 1000 Jacklin Road. The proposed action includes adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) in compliance with the California Environmental Quality Act (CEQA).

RECOMMENDATION: **Staff recommends that the Planning Commission:** Conduct a public hearing and adopt Resolution No. 19-028, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act and approve Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow the demolition of an existing 22,300-square foot commercial building (former health club) and development of a new 105-room, five-story hotel with various site improvements; allow an increase in FAR from 0.50 to 1.63; allow the relocation of existing wireless telecommunication antennas and equipment on the site to the rooftop of the new building; and allow the on-premises sale of alcoholic beverages (beer and wine) on a 1.14-acre site located at 1000 Jacklin Road, subject to required findings and Conditions of Approval.

LOCATION:
 Address/APN: 1000 Jacklin Road (APN: 028-05-015)
 Area of City: South of Jacklin Road / West of Interstate 680

PEOPLE:
 Project Applicant: Joseph Gigantino
 Consultant(s): Mark Tiernan (Representative)

Case Design Group (Architect)
Carlson, Barbee & Gibson (Engineer)

Property/Business Owner: Joseph Gigantino
Project Planner: Lillian Hua, Associate Planner

LAND USE:

General Plan Designation: Highway Services (HWS)
Zoning District: Highway Services (HS)

ENVIRONMENTAL:

An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/MND was available for public review from July 19, 2019 through August 7, 2019. The IS/MND is available for public inspection at City of Milpitas, 455 E. Calaveras Blvd., Milpitas, CA 95035 and the City’s website.

EXECUTIVE SUMMARY

The application includes two entitlement requests to allow the future development of a 105-room, five-story hotel building, as follows:

1. Site Development Permit SD18-0012: To allow the development of a five-story building with 105 hotel rooms on the 1.14-acre site; and
2. Conditional Use Permit UP18-0012: To allow the hotel use, increase of allowable floor area ratio from 0.50 to 1.63, the relocation of wireless telecommunication antennas and equipment to the rooftop of the building, and the on- and off-sale of beer and wine (Type 70 and Type 20 Alcoholic Beverage License); and
3. Environmental Assessment EA18-0002: To review and assess all requested entitlements for consistency with the California Environmental Quality Act (CEQA).

Staff has reviewed the requests outlined above and found them compliant with the polices, standards, and processes outlined in the City of Milpitas General Plan, Zoning Ordinance, and Municipal Code. The balance of this report provides specific details regarding each of these requests.

Staff recommends that the Planning Commission open and close the public hearing, consider the Initial Study and Mitigated Negative Declaration, and adopt Resolution No. 19-028, approving the above applications, subject to the conditions of approval included in Exhibit 1.

Map 1: Project Location



Map 2: Project Zoning Map



BACKGROUND

History

On October 6, 1977, the Planning Commission approved “S” Zone plans for a 22,300 square-foot, two-story indoor sports facility and associated site improvements on the 1.14-acre subject site.

On May 8, 1996, the Planning Commission approved Conditional Use Permit No. UP 1339 for a 60-foot monopole for a wireless telecommunication facility and construction of a 173 square-foot equipment shelter on the north side of the building. The Planning Commission also approved the following amendments to the wireless telecommunications facility:

- On July 24, 1996, the Planning Commission approved UP1352, to allow co-location of two other carriers and construction of a second equipment enclosure on the east side of the building.
- On November 18, 1998, the Planning Commission approved Conditional Use Permit Amendment No. UP1339 to allow an antenna replacement.
- On June 28, 2000, the Planning Commission approved an “S” Zone Amendment to install wireless telecommunication antennas and an equipment enclosure.
- On May 28, 2003, the Planning Commission approved the “S” Zone Amendment for a new 62’-10” tall clock tower located on the west side of the building. The clock tower was designed and constructed to conceal twelve wireless telecommunication antennas.
- On September 12, 2012, the Planning Commission approved Conditional Use Permit No. UP12-0017 and Minor Site Development Permit No. MS12-0034 for removal of three existing panel antennas with three new panel antennas, installation of six new remote radio units, and replacement of existing equipment cabinets on an existing wireless telecommunication monopole.
- On May 28, 2014, the Planning Commission approved Conditional Use Permit Amendment No. UA14-0001 to install three new panel antennas to the existing monopole tower and associated equipment.

More recently, the building tenants included Fitness 19 and Unlimited MMA (Mixed Martial Arts).

PROJECT DESCRIPTION

Overview

The proposed development consists of a five-story, 105-room hotel with 38 underground parking spaces and 67 surface parking spaces. The total area of the hotel will be 64,833 square feet. The brand and type of hotel is known as La Quinta Inn and Suites by Wyndham Hotels. The brand is a chain of limited service hotels oriented towards business travelers. The hotel includes king, double queen, and double queen suites, a great room lounge area and bar, a meeting room, fitness area, and an indoor pool and spa. The project also includes a request for the on- and off-sale of beer and wine (Type 20 and Type 70 Alcoholic Beverage License) at the hotel bar and pantry.

Location and Context

The project site is located at the southwest quadrant of I-680 and Jacklin Road and zoned Highway Services. The site is currently occupied by a 22,300 square-foot indoor sports facility, a monopole with 15 antennas, a stealth clock tower with 12 antennas, and various other wireless telecommunication equipment and enclosure. The structure and the existing telecommunication equipment would be demolished for the proposed new development. The site is a land-locked parcel located behind the Shell gasoline station, near the I-680 southbound on-ramp. Table 1 below summarizes the project site’s land use designation and surrounding uses:

**Table 1:
Surrounding Zoning and Land Uses**

	General Plan	Zoning	Existing Uses
Subject Site	Highway Services (HWS)	Highway Services (HS)	Indoor Sports Facility
North	Highway Services (HWS)	Highway Services (HS)	Shell gasoline station
South	Professional and Administrative Office (PAO)	Administrative and Professional Office (CO)	Hillview Office Center
East	N/A	N/A	Interstate 680
West	Professional and Administrative Office (PAO)	Administrative and Professional Office (CO)	Jacklin Commons KinderCare

PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject property is Highway Services, which allows a wide range of personal and business services primarily oriented to automobile customers as well as transient residential uses such as motels or mobile home parks. This designation includes those commercial uses which customarily locate outside the Central Business District area and tend to require well-maintained grounds. The project is bounded by the Highway Services (HS) Zoning District to the north and Administrative and Professional Office (CO) to the west and south. Interstate 680 is located to the east of the subject property.

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

**Table 2:
General Plan Consistency**

Policy	Conformance
<i>2.a-I-7: Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.</i>	Consistent. The project will expand employment opportunities through construction and operational jobs (est. 20-25 full time jobs and 5-7 part time jobs) within the hospitality sector. The addition of a new hotel in the area will also promote business activities in the City and minimize commute times for business travelers in the area.
<i>2.a-I-12: Consider conversion from one employment land use to another, where the conversion would retain or expand employment capacity and revenue generation, particular for intensification on-site if the proposed conversion would result in a net increase in revenue generation</i>	Consistent. The project converts an existing indoor sports facility to a hotel, resulting in a likely increase in revenue generation through such mechanisms as property taxes, transient occupancy taxes (TOT), and sales tax. It will encourage tourism within the City, as tourists from different parts of the country and world need access to goods and services within the City, which further generates revenue.
<i>2.a-I-6: Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector</i>	Consistent. The proposed use will levy the transient occupancy tax per room each day, which provides the City with additional revenue needed to maintain a balanced economic base. Along with temporary housing for business travelers on the weekdays, the location allows tourists to access public transit via the bus stop along Jackson Road to transport people to major entertainment sectors in Santa Clara County, such as Levi's Stadium and the SAP Arena.
<i>2.a-I-17: Foster community pride and growth through beautification of existing and future development.</i>	Consistent. The development will upgrade the parcel by demolishing an existing underutilized 40-year-old building and replacing it with a new modern hotel, improving the site's aesthetics, visibility, curb appeal, and general circulation throughout the development.

The project is consistent with the General Plan in the following manner:

- Elevates the City's economic development goals through job creation within the construction and hospitality sector;
- Establishes an additional transient occupancy tax generator, with little to no impact on long standing residential uses;
- Highlights and reinforces the City's economic development goals by providing a pleasant venue for overnight guests who likely utilize goods and services of local businesses.

Zoning Conformance

The proposed project conforms to the development standards required in the Highway Services zone (HS). Table 3 below demonstrates project consistency with these development standards:

Table 3: Zoning Conformance

	Standard	Proposed	Complies?
<u>Setbacks (Minimum)</u>			
Front (North)	Major Street: 50' All other streets: 0'	134.1'	Yes
Side Yard (West)	0'	17'6"	Yes
Side Yard (East)	15' when abutting R District	4'5"	Yes
Rear (South)	0' 15' when abutting R District	3'2"	Yes
<u>Floor Area Ratio (Maximum)</u>	0.50	1.63	Yes*
<u>Building Height (Maximum)</u>	None	73' (five stories)	Yes
<u>Landscaping</u>	25% of front yard setback	0' required front yard setback, so no landscaping required	Yes
<u>Off-Street Parking</u>	1 per guest room 105 rooms=105 spaces	105 spaces	Yes
* This project requires approval of a Conditional Use Permit to allow an increase in FAR based on acceptable findings.			

Parking

The project site has an existing license parking agreement with the westerly adjacent property, known as Jacklin Commons KinderCare. However, the adjacent property owner and the project applicant will no longer continue the license agreement. Therefore, the applicant has revised the plans to reduce the number of rooms to 105 in order to satisfy their parking requirement. Based on the parking requirements for use pursuant to MMC Section XI-10-53.09, the project requires one parking space per guest room. Since the hotel has 105 guest rooms, the parking requirement is 105 spaces. The project provides 38 parking spaces in the basement and 67 parking spaces in the surface lot, totaling the required 105 spaces.

As demonstrated above, the proposed project is consistent with the development standards and zoning regulations pertaining to the HS zoning district, except for the Floor Area Ratio (FAR). Information regarding the required CUP, including analysis of the proposed hotel use, the FAR exception, and the proposed on-site sale of alcoholic beverages follows below.

Conditional Use Permit

A Conditional Use Permit (CUP) pursuant to Milpitas Municipal Code Section(s) XI-10-57.04, XI-10-7.02, XI-10-2.03 (“Floor Area Ratio” definition) and Milpitas Municipal Code Table XI-10-5.02-1, is required for the project for the following items:

- The proposed hotel use
- An exception to the allowable Floor Area Ratio (FAR)
- On-site alcoholic beverage sales

Proposed Hotel Use

The proposed hotel use is a conditionally permitted use within the underlying Highway Services General Plan land use designation and zoning. The project is a compatible land use that provides travel and business accommodations as well as conference facilities that cater to both local and regional employment centers as well as regional attractions, such as Levi’s Stadium in Santa Clara, Oracle Arena and Oakland-Alameda County Coliseum in Oakland, and SAP Center in San Jose. The project also replaces a 40-year-old indoor sports facility with a new use that will generate revenue for the City via property taxes, sales tax, and Transit Occupancy taxes. The project also improves the site physically and aesthetically with a new five-story structure that supports new economic, business and employment opportunities, including approximately 20 to 25 full and part-time jobs for operations of the facility. The findings required for approval of a CUP are provided below.

Exception to allowable Floor Area Ratio (FAR)

As previously discussed, the project complies with all development standards for the Highway Services Zoning District except for the Floor Area Ratio (FAR). The project proposes a Floor Area Ratio of 1.63 while the Highway Services Zoning Designation has a maximum allowance of 0.50.

The FAR can be increased through the approval of a CUP, per Milpitas Municipal Code Section XI-10-2.01 (“Floor Area Ratio” definition) if findings can be made to demonstrate the following: 1) the proposed development will generate low-peak hour traffic, and 2) will not create a dominating visual prominence. Staff recommends approval of the FAR increase due to the proposed use and the quality and style of architecture proposed for the structure.

- **Low-Peak Hour Traffic** – To confirm the project’s traffic generation, the City conducted a Traffic Operations Analysis in accordance with the California Environmental Quality Act (CEQA). The Traffic Operations Analysis is available on the City’s website as an appendix to the Initial Study/Mitigated Negative Declaration, and a supplemental memo detailing the project’s traffic generation is included as Attachment E. The project would generate 41 AM and 34 PM peak hour trips. AM peak hour traffic is defined as 7:00AM to 9:00AM, and PM peak hour traffic is defined as 4:00PM to 6:00PM. Since the project would generate fewer than 100 net new trips during the AM and PM peak hours, a full traffic impact study is not necessary per Valley Transportation Authority (VTA) Transportation Impact Analysis (TIA) guidelines. Furthermore, the number of projected AM and PM peak hour trips will not significantly degrade nor result in a critical delay of the Level of Service (LOS) in the immediate area. For these reasons, staff has determined the project does not significantly generate peak hour traffic, during both the AM and PM times.
- **Dominating Visual Prominence** - The proposed hotel design and exterior components substantially decrease the potential for creating a dominating visual prominence. The exterior finishes include ceramic tiles in a vintage wood slot design and light and dark shades of gray stucco. Colors include “thunder gray” and “mega greige”. These colors are darker earth tones that will blend well with existing buildings in the surrounding business park. The building is also setback 250 feet from Jacklin Road and 240 feet from Hillview Drive. While the height of the building is taller than the existing buildings in the immediate vicinity, it is commensurate in size to nearby lodging establishments, like the Embassy Suites (nine stories), located one freeway exit south of the project site on Calaveras Boulevard. Additionally, the renderings (Figures 1, 2, and 3) demonstrate that the new building will not create a dominating visual prominence. The project’s entry tower will be 72’ tall, while the top of the fifth-floor rooms will be 55’6.5” from the ground. The proposed FAR will not create a dominating visual prominence as the existing clock tower is 62’10”, and the change in height and building mass will not create a dominating visual prominence. The proposed design, its architectural elements, and the commensurate sizes of nearby lodging establishments, including, but not limited to, Embassy Suites (nine floors), Extended Stay America (three floors), Home2 Suites (five floors), and Holiday Inn (four floors) enable the proposed project to appropriately fit into the neighborhood and the City, and thus meets the required findings.



Figure 1: View from Jacklin and North Hillview



Figure 2: View from DeAnza Court



Figure 3: View from Alisal Court

On-site Alcoholic Beverage Sales

The Highway Services Zoning District allows alcoholic beverage sales via a Minor Conditional Use Permit, per Milpitas Municipal Code Table XI-10-5.02-1. The applicant is requesting a Type 70 (On Sale General – Restrictive Service) and Type 20 (Off-Sale Beer and Wine) licenses from the Department of Alcohol Beverage Control (ABC), which authorizes and governs such licenses. A Type 70 license authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises. This type of license is normally issued to a “suite-type” hotel, which exercises the license privileges with “complimentary” happy hour to members and guests of the hotel brand. A Type 20 license authorizes the sale of beer and wine for consumption off the premises where sold. The applicant is requesting to serve beer and wine during an evening social from 6-7:30pm, three to four days a week, and to sell beer and wine in the lobby’s market area, adjacent to the front desk. The license types have been discussed and approved by the Police Department, with the implementation of standard conditions associated with alcohol sales.

According to ABC, the project site falls within an area of undue concentration, given that the relevant census tract area is only authorized for seven on-sale licenses and currently, there are eight on-sale active licenses. For ABC to grant the pending license application, the applicant will have to demonstrate to ABC that public convenience or necessity would be served by its issuance (Business & Professions Code Section 23958.4(b)(1)). If ABC approves the licenses, the City will assist in the documentation needed by ABC to obtain such license.

The Milpitas Police Department reviewed the proposed license types for this location and recommends the following conditions of approval in the Resolution to address public safety:

- Responsible Alcohol Training - Permittee shall be solely responsible and liable for ensuring that all employees receive “Responsible Alcoholic Beverage Service” training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours and made available for copy and inspection upon City request.
- Alcoholic Beverage Control Licensing - Permittee shall comply with all applicable State laws applicable to the sale of alcohol including any California Department of Alcoholic Beverage Control licensing requirements for the sale of alcohol at all times.

As demonstrated above, the appropriate conditions which ensure the public health and safety of the City have been incorporated into the resolution to authorize the sale of alcoholic beverages and enable staff to recommend approval of the on-site alcoholic beverage sales for the project.

Wireless Communication Equipment

As discussed in the background section above, the project site obtained a Conditional Use Permit for a 60-foot monopole for a wireless telecommunication facility and various equipment enclosures around the existing building, as well as a 62’-10” tall clock tower containing antennas located on the west side of the building. The proposed project involves the demolition of the existing building, and therefore, removal of the wireless telecommunication equipment and enclosures. During the construction process, the wireless carriers will temporarily be allowed a Cell on Wheels (COW) inside a new enclosure in the surface parking lot. COWs are telecommunication infrastructures placed on a trailer approved for their temporary use. However, the COWs shall be limited to one enclosure and shall be limited in duration to the construction of the building. The COWs and the enclosure shall be removed prior to issuance of the Certificate of Occupancy.

Once the new building has been constructed, the project will relocate all wireless equipment from the monopole to the building’s rooftop. All equipment will be screened from view pursuant to MMC Section XI-10-54.16.

Site & Architectural Design

The applicant worked diligently with staff to create a design that is of high quality and substantial scale of the surrounding commercial and residential areas. This includes changes to the previous color palette and placement and articulation of exterior materials. Further distinctive architectural features include the following:

- The building is designed with modern architectural features. The design provides articulation and visual interest with change in plane on the front and rear facades, as the “**Mega Greige**” stucco panels are recessed while the “**Iron Corten**” ceramic panels project forward to break up the mass of the overall building façade.
- Building materials include a combination of three-part stucco in “mega greige,” “thunder gray,” and “duck white,” and ceramic panels in “iron corten”.
- The ground floor features clear, anodized glass windows with aluminum frames, accentuated by the aluminum flush porte-cochere in a stone white finish.

- High quality, modern signage and associated logo.

The north and south sides of the building face Interstate 680. All elevations are accentuated by high quality design features. The design of the project is inspired by the policies associated with La Quinta “Del Sol” prototype. The product type calls for bold exterior colors, shapes, and textures. Below is a rendering going southbound on Interstate 680:



Figure 4: Proposed La Quinta Hotel via from southbound I-680

The second figure demonstrates the proposed La Quinta hotel from northbound Interstate 680 freeway.

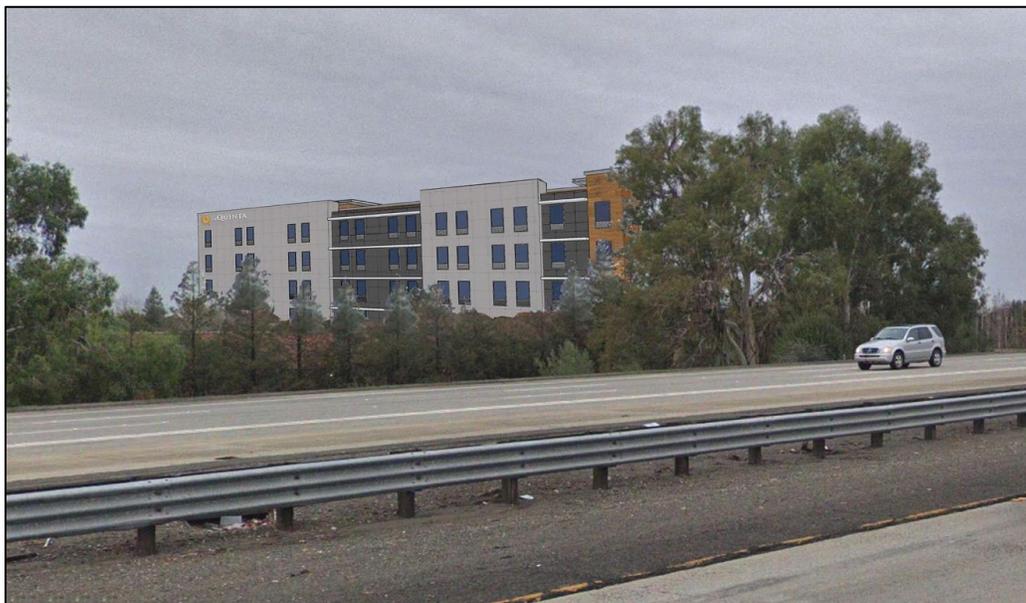


Figure 5: Proposed La Quinta Hotel from northbound I-680

Landscaping

The existing conditions of the project site consist of ornamental landscaping along the perimeter and one mature tree located on the western border of the site. One mature tree will be removed, and nineteen trees will be planted as part of the proposed project.

The landscaping plan includes shrubs, small evergreen trees, and adequate groundcover throughout the site. The site periphery will receive new landscaping, including several trees within the parking area to provide shading and mitigate any potential heat island effect.

Traffic

As previously discussed, a traffic operations analysis report was conducted for the project. The report reviewed trip generation, impact analysis, parking, and site circulation. In conclusion, the proposed project is consistent with the land uses permitted as per the City of Milpitas General Plan and is projected to add approximately 422 daily trips. The number of daily trips (including a.m. and p.m. peak hour trips) are not projected to have a significant impact on the LOS in the immediate vicinity.

Access & Circulation

The project site is near Interstate 680 and Jacklin Road. The project utilizes four existing shared driveways: two on Jacklin Road and two on North Hillview Drive, which provide multiple routes for guests to access the hotel. Onsite circulation and drive aisles have been reviewed by staff to ensure ample access and spacing requirements for fire truck access and solid waste management. The site will include 67 surface parking spaces and 38 subterranean parking spaces. The basement garage would be accessed via the entrance on the west side of the hotel building adjacent to the main north-south drive aisle connected to Jacklin Road.

Due to the landlocked nature of the parcel, the developer has obtained pedestrian access rights through the adjacent westerly property.

Grading, Drainage and Stormwater

The scope includes the demolition of the existing building and all surface pavements on the site. The total depth of excavation for development of the underground parking garage and all utilities is nine feet. A total of 6,500 cubic yards of soil are anticipated to be cut, 2,000 cubic yards of soil are anticipated to be filled, and approximately 4,500 cubic yards of cut are anticipated to be exported offsite in a total of 450 truck trips.

The proposed project would not result in a change in impervious surface. Upon completion, the project would cover approximately 44,950 square feet (91 percent) of the project site with impervious surface and the remaining 4,775 square feet (9 percent) with pervious surface. The proposed storm drainage infrastructure would drain towards the center of the site into a new 12-inch storm drain. Bioretention areas would also provide appropriate vegetation and water quality treatment in vegetated areas. On-site drainage is required to be compliant with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) C.3 requirements for Low Impact Development (LID).

Utilities

The project site is in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

Solid Waste and Wastewater

The project includes a new trash enclosure located in the northeast portion of the project site in the parking lot, adjacent to Interstate 680. The color and materials of the trash enclosure will blend in with the proposed building.

The San Jose/Santa Clara Water Pollution Control Plan (WPCP) provides wastewater treatment for Milpitas. The City maintains existing sanitary sewer lines within the vicinity of the site, including a 12-inch line within the driveway west of the project site. The project also includes the installation of a new on-site 6-inch wastewater line that would connect to the City's existing line.

Water

Water service is provided by the Santa Clara Valley Water District (SCVWD). The proposed project includes the installation of new water lines on the site would connect to the existing 8-inch main located within the driveway west of the project site.

Electricity and Gas

The proposed project would include connections to the existing Pacific Gas and Electric (PG&E) electricity and gas lines. An existing transformer is located in the southwest corner of the project site. The transformer would provide electricity to the project site.

Green Building

As required by the Cal Green (Building) Code, the Milpitas Municipal Code and the Climate Action Plan, the proposed hotel building will achieve LEED silver status.

Climate Action Plan

The City of Milpitas adopted a Climate Action Plan (CAP) in 2013 and established Greenhouse Gas (GHG) reduction goals, policies and actions for new and existing development projects. The CAP identifies six main Action Areas with specific GHG reduction measures, including energy, water, transportation and land use, solid waste, and off-road equipment. The proposed project is consistent with several CAP measures, for example, those associated with the Transportation and Land Use Action Area. The project consists of a new hotel on an infill site that locates guests and employees near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. Implementation of Mitigation Measure GHG-1 would require the proposed project to include the applicable measure:

Mitigation Measure GHG-1: The project shall demonstrate compliance with the applicable measures to the City Planning Division prior to the issuance of building permits. The following measures are applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Use reclaimed water, when available
- Display real-time transit information within the lobby

Implementation of Mitigation measure GHG-1 would implement applicable measures included in the CAP that are applicable to the project to reduce GHG emissions. Overall, the mitigated project would implement GHG reduction measures in compliance with the CAP and, therefore, would not be a significant source of GHG emissions.

Development Fees

The development is subject to the following fees, payable at the time of building permit:

Public Art Fee

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

Affordable Housing Linkage Fee

Pursuant to MMC Section XII-1-5.01, any non-residential development is subject to payment of a non-residential affordable housing linkage fee. The project will pay the fee pursuant to Resolution No. 8852. The fee will be determined by the building permit application date and collected prior to building permit issuance.

FINDINGS FOR APPROVAL

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

Site Development Permit

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

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

The project's contemporary architecture is compatible and appropriate with the surrounding buildings and uses within the immediate area. More specifically, the incorporation and combination of natural exterior materials and colors complement the recently renovated Shell Gas Station. The front elevation of the hotel building is oriented to the site facing north towards the proposed onsite vehicle circulation and parking area. The rear of the building will face the Hillview Office Center and the west side of the building will face the Jacklin Commons KinderCare. The surrounding buildings are primarily one-story commercial office buildings. Although the project proposes a total of five (5) stories, the landscaping will ensure the streetscape and foliage density is consistent with the surrounding area. La Quinta's "Del Sol" product type's design concept is consistent with the immediate area and creates an aesthetically pleasing and harmonious relationship with adjacent and surrounding development.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The project, associated use, and development criteria are consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 3 above.

3. *The project is consistent with the Milpitas General Plan.*

The project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F)(1):

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

A hotel, FAR increase, relocation of wireless communication equipment to the rooftop, and sale of all types of alcohol are conditionally permitted uses, as specified per City Code Section(s) XI-10-5.02, XI-10-2.03 (“Floor Area Ratio” definition) and XI-10-53.11. The project allows a compatible land use that provides travel and business accommodations as well as meeting space that caters to both local and regional employment centers as well as regional attractions, such as Levi’s Stadium in Santa Clara and SAP Arena in San Jose. The project is located along VTA bus route #46, with bus stops on both sides of Jacklin Road. The project also converts an existing fitness facility into a higher and better use that has the potential to generate revenue for the City in terms of transit occupancy tax, sales tax and property tax. The project fosters aesthetic improvements to the area with a new five-story structure that incorporates a harmonious design with nearby commercial office structures, which will encourage new economic, business and employment opportunities within the City of Milpitas, without having to compromise the public health, safety and general welfare of property or improvements within the general vicinity.

2. *The proposed use is consistent with the Milpitas General Plan.*

The proposed project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed project, associated use, and development criteria are consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 above.

ENVIRONMENTAL REVIEW

An Environmental Assessment (EA18-0002) for this project was conducted by environmental consultant LSA, on behalf of the City, in accordance with the California Environmental Quality Act (CEQA), as amended, and with state and local guidelines implementing CEQA. On the basis of the Initial Study (IS), LSA has concluded that the project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration (MND).

On July 19, 2019, the City provided a notice of intent to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND was

available for public review from 07/19/2019 through 08/07/2019 on the City's website. As of the drafting of this staff report, staff received no comment on the environmental document.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines sections 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA; and
2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the project will have a significant effect on the environment.

PUBLIC COMMENT/OUTREACH

The applicant led a community outreach session on November 6, 2019. Approximately 539 owners and residents were invited to the drop-in meeting. 13 residents attended the meeting.

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on November 29, 2019. In addition, 539 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall. At the time of publishing this report, staff has received 17 public comments.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Consider the Initial Study and Mitigated Negative Declaration in accordance with CEQA Guidelines, as stated; and

Adopt Resolution No. 19-028 approving Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow construction of a 105-room, five-story hotel with various site improvements, an increase to the allowable FAR from 0.50 to 1.63, the relocation of cellular antennas to the rooftop of the building, and the ability to serve and sell beer and wine on premises, subject to findings and Conditions of Approval.

ATTACHMENTS

- A: Resolution 19-028
- B: Project Plans
- C: IS/MND for La Quinta Hotel
- D: Hexagon Supplemental Traffic Memo
- E: Public Comments



MEETING MINUTES

MILPITAS PLANNING COMMISSION

December 11, 2019 7:00 PM

CITY HALL COMMITTEE ROOM

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

- I. CALL MEETING TO ORDER** **Chair Mandal** called the meeting to order at 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE** **Commissioner Chua** led the Pledge of Allegiance.
- III. ROLL CALL**
- Present:** Chair Mandal, Vice Chair Morris, Commissioner Chuan, Alcorn, Chua, Ablaza
- Absent:** Commissioner Tao
- Staff:** Ned Thomas, Jessica Garner, Ethan Walsh, Adrienne Smith, Lillian VanHua, Elizabeth Medina, Assistant Police Chief Kevin Moscuza, Economic Development Director Alex Andrade
- IV. CONFLICT OF INTEREST DECLARATION**
- City Attorney Ethan Walsh** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
- Chair Mandal** stated that due to conflict of interest, living within 500 feet of project sites, he will recuse himself from agenda Item #IX-1 and Item #IX-3.
- Commissioner Chua** shared that she lives along Jacklin/N. Milpitas Blvd. and has gotten clearance from City Attorney that she has no conflict of interest.
- V. APPROVAL OF AGENDA**
- Chair Mandal** asked if staff or Commissioners had changes to the agenda. **Planning Director Ned Thomas** said with the approval of the commission, that Item #IX-2 will be moved to beginning of tonight's agenda.
- Motion** to approve the December 11, 2019 agenda as amended.
- Motion/Second: Commissioner Chua/Commissioner Ablaza
- AYES: 6
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS**
- Planning Director Ned Thomas** provided departmental updates to the commission regarding:
- City Hall closure during the holidays, 12/24/19 through 1/1/2020.

- Due to the New Year holiday, January’s Planning Commission meeting dates have changed to the 3rd and 5th Wednesdays of the month; 1/15/20 and 1/29/20.
- At 1/15/20 meeting, we will elect new Chair and Vice Chair.
- Training/coaching for Planning Commissioners will continue in January.

Commissioner Chuan shared that he had brief phone meeting with Mark Tiernan last week and met with Mark Robson and Armando Gomez this week. He also stated that he forwarded all the public comment emails he received to the Planning Staff.

Commissioner Alcorn mentioned that he also met with Mark Robson this week.

Commissioner Chua shared that this week she also had brief meetings with the Robson team; and residents, Mr. Tayani, Mr. Doll and Ms. Navarro regarding LaQuinta Hotel.

Chair Mandal disclosed that he met with BAPS project management earlier.

VII. PUBLIC FORUM

Chair Mandal invited members of the audience to address the commission.

Resident, Rob Means, 1421 Yellowstone Ave., shared his opinion of the lame stream media and articles of impeachment against President Trump.

Motion to close Public Forum.

Motion/Second: Commissioner Chuan/Commissioner Tao

AYES: 6

NOES: 0

ABSTAIN: 0

VIII. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the November 13, 2019 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as presented.

Motion/Second: Commissioner Chuan/Commissioner Chua

AYES: 5

NOES: 0

ABSTAIN: 1 (Alcorn)

IX. PUBLIC HEARING

IX-2 BAPS MANDIR FAÇADE REMODEL AND CANOPY ADDITION – 1430 California Circle – P-UA19-0002, P-MS19-0010 – Conditional Use Permit Amendment to allow an increase in building height above 35 feet within the Industrial Park Zoning District, and a Minor Site Development Permit to allow changes to an existing building

Planning Commission Meeting Minutes

December 11, 2019

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façade and associated site improvements. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301 (Existing Facilities) and Section 15183 (Projects Consistent with a Community Plan or Zoning). Project Planner: Lillian VanHua, (408) 586-3073, lhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua showed a presentation and discussed the project.

Chair Mandal invited applicant to share information in regards to their project. Bhavesh Patel from BAPS shared a presentation with the Planning Commission.

Vice Chair Morris shared she loved the design. She asked how high is the façade/dome and how consistent it will be with surrounding area. A representative from BAPS said it is about 65 feet. Ms. VanHua added there is no building height limitation within the industrial park zoning district; however, the building will approximately be same height as neighboring hotels.

Commissioner Chua mentioned she saw the original project plan two years ago and is very impressed with the plans presented today. Ms. Chua asked clarifying questions in regards to design and materials that will be used. BAPS representative noted details of the design and that material will come from India. Ms. Chua commended BAPS on being a wonderful active member of the Milpitas community hosting health events, offering classes, and community services, etc. Planning Director Thomas clarified that though the building is being used for a non-industrial use in industrial zoning, improvements can be removed if returned to an industrial use building.

Commissioner Chuan asked about time frames of phases noted in the presentation. Mr. Patel said due to financing it will be in increments over the 3 years. Mr. Chuan asked if the permit issued expires in two years, what will happen then. Ms. VanHua said additional Conditions of the Approval in the resolution will allow applicant to complete all phases under initial permit issued. Mr. Chuan wanted applicant to address the public comment received in regards to loud noise when hosting events. Mr. Patel noted that the construction will not expand the building so it will not increase the the number of attendance/congregation, when hosting events PD is present making sure they are following guidelines.

Commissioner Ablaza asked if the applicant owned the property. Mr. Patel confirmed that they do own the property.

Chair Mandal asked if there has there been an outreach program to contact neighbors inviting them to events of their organization. Mr. Patel said they did an open house recently, no new people showed up, however, Ms. Chua attended. Mr. Mandal said that he was happy to hear that invitations were extended to the community.

Chair Mandal invited members of the audience to address the commission.

Eleven members in support of the project, ranging from high school students to adults, all members of the congregation, spoke to the commission. A few comments they shared were that BAPS helped them learn spiritual values, loved the spirit of BAPS service to the community, BAPS helps people personally evolve, and BAPS Mandirs Temples is their second home.

Motion to close the public hearing.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 6

NOES: 0

Motion to adopt Resolution No. 19-003, approving Conditional Use Permit Amendment UA19-0002 and Minor Site Development Permit MS19-0010, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commission Chuan

AYES: 6

NOES: 0

ABSTAIN: 0

IX-1 LA QUINTA HOTEL – 1000 Jacklin Road – P-SD18-0012, P-UP19-0012, P-EA18-0002 – Site Development Permit, Conditional Use Permit, and Environmental Assessment to allow development of a 105-room hotel, up to 73 feet in height (five stories), with a single level of underground parking, the relocation of wireless telecommunication antennas and equipment to the rooftop of the building, and the on-and off-sale of beer and wine (Type 70 and Type 20 Alcoholic Beverager License) on a 1.14-acre site in the Highway Services (HS) Zoning District. The proposed action includes consideration of an Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with the requirements fo the California Environmental Quality Act (CEQA). Project Planner: Lillian VanHua, (408) 586-3073, lhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua showed a presentation and discussed the project.

Vice Chair Morris invited applicant of the property to share information in regards to their application. Owner, Joseph Gigantino and several LaQuinta Hotel project team members shared a presentation with the Planning Commission regarding the LaQuinta/Wyndham brand, property history, security plan, zoning and community outreach.

Commissioner Alcorn asked, if project goes into construction phase, how many construction workers will be present and parked at project site. Project Manager, Mark Tiernan said depending over the phases, over a predicted 18-month building schedule, construction personnel can range from anywhere from 25 to 60 people on site. Referencing the parking problem during the construction of the apartments surrounding The Pines, Mr. Alcorn asked about the 105 parking spaces to 105 rooms. With LaQuinta’s estimate of hotel being occupied at 70-80%, Mr. Tiernan feels confident about 105 parking spaces. Mr. Alcorn asked if LaQuinta has policies in place for hotel parties/gathering. Mr. Tiernan stated that this hotel will not offer conference rooms or holiday parties; gatherings would be confined to guest rooms/suites. Another LaQuinta Hotel team member shared their guest policies; must be 21 or older, no cash reservations, credit card must be on file, noise complaint procedures, simply that they will not be a “party” hotel. Mr. Alcorn revisits the possible parking problem, that if not enough on-site parking, guests would resort to neighborhood parking. Mr. Tiernan immediately disagreed and said they will not have that problem explaining their registration procedure (providing drivers license

and license plate number) and not allowing oversized vehicles to park on premises. Mr. Gigantino noted there is no parking on Hillview Drive and would not be able to park an oversized truck in the neighboring cul de sacs. Mr. Alcorn continued to express more concerns about the parking crunch on Hillview Drive. Mr. Gigantino said guests with oversize vehicles would have other lodging options (Embassy Suites, etc.) than rather park in a cul de sac and have to walk to the LaQuinta Hotel.

Commissioner Chua, referencing how her commute was not impacted when driving to work while Levi's Stadium was being built, asked how will traffic be managed during construction and made seamless. Mr. Tiernan referenced the parking layout and stated that those working will be parked against the construction. Another LaQuinta Hotel team member stated that the construction site will be screened and fenced off. Ms. Chua asked what would be the timing of the construction vehicles on and off site. LaQuinta representative said it could take anywhere from 14-16 months to build from the hours of 6:45am-3:30pm.

Commissioner Chuan asked if a PD security assessment report been done. Ms. VanHua said PD's Memo of Recommendations are incorporated in Conditions of Approval 22-39. Assistant Police Chief Kevin Moscuza spoke about auto break-ins, burglaries; PD does not have data to support auto burglaries with correlation to the proximatey of a hotel; mentioning the City's burglary rate is down by 17%. Mr. Chuan asked if there are any concerns about prostitution, drugs, trafficking or other crimes in this project area. Assistant Police Chief Moscuza did not have crime activities statistic data regarding specific hotels; however, the most frequent crimes that happen at hotels are warrant arrests. Assistant Police Chief Moscuza shared that over 15 years, each of the midnight officers on duty are assigned a hotel, developing a relationship with the personnel running the hotels, a partnership the City utilizes to minimize any criminal activity. The LaQuinta representative added that Wyndham takes crime and safety very seriously; they train the teams (in-person, online), there are monthly safety and security meetings, are partnered with Polaris Security Group who works very closely with police; wanting their employees, their guests and community to be safe. Mr. Chuan asked questions about occupancy forecast of 70-80%. LaQuinta said that forecast is market dependent and can change throughout the year.

Commissioner Ablaza addressed concerns he received from the from community. Mr. Ablaza asked Mr. Gigantino will you allow your hotel to be a haven of low lives, drug users and alcoholics. Mr. Gigantino said absolutely not. Mr. Ablaza asked if the location is zoned commercial or residential. Ms. VanHua stated it is zoned for Highway Services; project site is surrounded by administrative and commercial offices. Mr. Thomas confirmed the Highway Services Zone is designated for hotels, motels, gas station, things that would service highway travelers; zoning for Highway Services is meant to be located where a primary road meets a freeway. Mr. Ablaza asked what is the demographic of their guests at their Morgal Hill site; inquiring what class of people does the hotel attract. The LaQuinta representative said it is a mix; during the week is corporate guests, on weekends it is family and sport teams.

Commissioner Alcorn asked about the statement Mr. Gigantino made in his presentation of a drop in traffic of 46% for the hotel business vs. the existing health club. Mr. Gigantino said that he chose a business with less impact than health club, interated the check-in/check out times and referenced the traffic study previously presented.

Commissioner Chua referenced the study from LSA referencing Air Quality and Noise section and asked Planning Staff to state a few of it's findings.

Commissioner Ablaza asked the construction team what safeguards do they have so children will not get in construction site. The LaQuinta representative said it will be fenced off and screened. Mr. Ablaza asked if there will be security during construction. The LaQuinta representative shared that typically they do no hire security during construction, however, Mr. Gigantino said that he can do that during school hours. Mr. Ablaza then asked how much revenue will the Transit Occupancy Tax (TOT) bring in. Economic Development Director, Alex Andrade shared current TOT data which is an estimated annual revenue of \$650,000; various factors could affect this estimate, such as the increase of the TOT increasing from 10% to 14%, the economy, average daily room rates, occupancy rates, and overall supply of rooms. Mr. Ablaza asked how will the TOT monies be used and how will it benefit our community. Mr. Andrade stated it will go to City's General Fund and those dollars go into central services such as police, fire, and infrastructure projects.

Commissioner Morris shared that she feels the project is a good project but her main concern is what could be built at site if it is not a hotel, a project that is less desirable. She also mentions this site is zoned for a hotel.

Vice Chair Morris invited members of the audience to address the commission.

Approximately forty-five community members shared their opinions of the LaQuinta project. Many of those who *opposed* the hotel project were primarily long-term residents of the Hillview neighborhood. The majority of their concerns were:

- Decrease of property value
- Traffic congestion
- Losing the view of the hills
- Construction noise
- Height of hotel
- Loss of privacy
- Safety of their children when walking or biking in the area.
- Hotel will bring criminal activity
- Hotel parking may overflow to neighborhoods
- Impact of quality of life
- Hotel will change Hillview neighborhood and will not foster community pride
- Construction will impact naptime of KinderCare students
- Hotel not blending with neighborhood

Of the forty-five community members who spoke, twelve individuals stated they support the project. These twelve persons consisted of current Hillview residents, Milpitas residents and former colleagues of Mr. Gigantino. They shared they *supported* the project because:

- They have previously worked with Mr. Gigantino and he is a good man
- Mr. Gigantino has done many great things for Milpitas, he is a valued member of the community
- Doesn't see any harm with bringing a hotel to the community
- It can be a hotel to host sports teams benefiting Milpitas High sport clubs
- Crime at hotels can be better managed than Air B&Bs
- A hotel will be an improvement of what is already there
- It is zoned appropriately for a hotel

- Will bring in revenue of \$500-800k
- Parking can be monitored and controlled
- Gym was previously there and child care facility was not affected

Motion to close the public hearing.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 5

NOES: 0

In closing, Mr. Gigantino said the contract he signed with LaQuinta is for twenty years; the hotel that will be there will be for twenty years, the current building has been there for forty. Of the suggestions from the public (Trader Joe's, medical building, education center), he did not receive lease inquiries from any of those types of businesses; they were for storage, RV lots, car lots, fast food, church, shelters, and hotels. He shared no matter what is built there, there will be construction. Mr. Gigantino shared information about his San Jose property under construction and the mitigation that is in place where it is not affecting the neighboring businesses. He mentioned it is hard for him to understand the concern with crime and a new hotel. He referenced when the Jacklin gas station was brought to the commission and the turnout was similar to this evening's; saying that as a resident he would have more concern about gas leaks, thousands of strangers getting gas in our city, not crime in a hotel. Mr. Gigantino also noted that Kindercare and Chinese school are tenants, not property owners, not sure when their lease will end.

Commissioner Chua asked if the City has any hotels that are close to schools. Assistant Police Chief Moscuza said not in the proximately of proposed project. Ms. VanHua shared there are hotels near Spangler and on Main Street. Ms. Chua asked what is the crime rate of hotel near Spangler. Assistant Police Chief Moscuza stated he did not have data however he is not aware that crime is related to hotel. Ms. Chua asked for Mr. Gigantino to address privacy issue. Mr. Giganto said with the way the hotel is facing, and the distance of a football field 460 feet away from homes, guests would not be able to identify a face, noting that windows will be facing north

Commissioner Morris shared concern about the privacy with how tall the hotel will be and asked if Applicant is adamant about making this project site a hotel.

Commissioner Chuan asked clarified parking 105 spots/105 rooms, where will employees park. Joe states that is city ordinance.

Motion to continue decision of this project to a date certain being January 15, 2020, with the following items be presented to commission:

- Construction Plan
- Safety/Security Plan
- Renderings of angles
- Distance to Neighborhood
- Arrangement of Trees
- Parking Plan
- Have Hexagon present
- Feedback from January 8th LaQuinta Hotel Neighborhood meeting

Motion/Second: Commissioner Chua/Commissioner Ablaza

AYES: 4

NOES: 1 (Alcorn)

ABSTAIN: 0

IX-3 ROBSON HOMES SINGLE-FAMILY DEVELOPMENT – 1005 N PARK VICTORIA – PD18-0001, SD18-0015, MT18-0003, EA19-0003 – Consider revisions to a Planned Unit Development, Site Development Permit, Vesting Tentative Map, and Environmental Assessment, for a previously considered residential subdivision that now includes four on-site affordable housing units as directed by the City Council. The overall project is a single-family residential subdivision with 34 market rate homes ranging in floor areas of approximately 2,500-2,900 square feet and four affordable homes with floor areas of approximately 1,580 square feet, located on individual lots on an approximately 4.88-acre parcel. Ten of the homes will include above-garage accessory dwelling units (ADUs) approximately 485 square feet in size. The project includes 26 on-street guest parking spaces and approximately 78,500 square feet of landscaped open space. The City has prepared an Initial Study and Mitigated Negative Declaration for this project in accordance with the California Environmental Quality Act (CEQA). Project Planner: Adrienne Smith, (408) 586-3287, asmith@ci.milpitas.ca.gov

Project Planner Adrienne Smith showed a presentation and discussed the revised project that was previously presented to the commission on August 28, 2019.

Vice Chair Morris invited Robson Homes Project Manager, Richard Yee to share information in regards to their updated project application.

Commissioner Alcorn said he liked project before and after speaking with concerned members of community, he shared that he thinks it is the best case scenario for that plot of land.

Commissioner Chua agreed with Commissioner Alcorn. She said she really, really commend the team for working together for what is presented today.

Vice Chair Morris invited members of the audience to address the commission.

Rankin Drive Resident, Frank Evans, said it will be too crowded. He also asked to not change the zoning and shared his concerns about the vehicles that come down Country Club Drive and traffic in the area.

Motion to close the public hearing.

Motion/Second: Commissioner Chuan/Commissioner Alcorn

AYES: 5

NOES: 0

Motion to adopt Resolution No. 19-033 recommending that the Milpitas City Council approve the General Plan Amendment (GP18-0001), Zoning Map Amendment (ZA18-0003), Planned Unit Development (PD18-0001), Site Development Permit SD18-0015,

Vesting Tentative Map (MT18-0003), and Environmental Assessment (EA19-0003) subject to the attached Conditions of Approval.

Motion/Second: Commissioner Alcorn/Commission Chua

AYES: 5

NOES: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 12:46 am.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Morris/Commissioner Ablaza

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*

MEMORANDUM

Department of Planning



To: Planning Commission
From: Lillian VanHua, Associate Planner
Subject: P-SD18-0012, P-UP18-0012, P-EA18-0002: La Quinta Hotel; 1000 Jacklin Rd
Date: January 15, 2020

BACKGROUND

On December 11, 2019, the Planning Commission held a public hearing for a proposal to develop a new, 105-room hotel, known as La Quinta Hotel, located at 1000 Jacklin Road. Prior to the hearing, 539 notices were sent to owners and occupants within 1,000 feet of the project site, and since early November, there have been two City-facilitated community meetings and several meetings with residents in the neighborhood and City staff to discuss the proposal and the corresponding analysis. Additionally, the applicants have conducted several meetings with residents and stakeholders.

During the public hearing on December 11, 45 people commented on the proposal. The public's primary concerns included pedestrian and traffic safety during construction, obstructed views of the hillsides, potential criminal activity and privacy issues, and traffic concerns when the hotel is operational. The Planning Commission voted 5-0 to close the public hearing. After discussing the proposal and receiving responses from the applicant and staff on various questions related to construction and operation of the proposed hotel, the Planning Commission voted 5-0 to continue their discussion to their next regular meeting on January 15, 2020. The motion included a specific request for the following information:

- Construction plan
- Safety and security plan during construction and when the hotel is operational
- Parking plan during construction and when the hotel is operational
- Additional renderings of the proposed building from various view points
- Diagram showing distance to adjacent neighborhoods
- Arrangement of trees as visual barriers
- Explanation of traffic analysis prepared for the project
- Measures taken to mitigate building height
- Feedback received at the neighborhood meeting on January 8, 2020

This memo provides addresses the above items as a supplement to the original staff report presented to the Planning Commission on December 11, 2019.

ANALYSIS

As detailed in the original staff report, the proposed hotel at 1000 Jacklin Road is consistent with the Milpitas General Plan land use designation of Highway Services (HWS) and meets all the standards and regulations for this type of development within the Highway Services (HS) Zoning District. Based on staff's analysis, the project also meets the required findings for approval of a Site Development Permit and Conditional Use Permit for a hotel use, a Floor-Area Ratio (FAR) of 1.63, and the limited sale of alcoholic beverages to hotel guests.

As requested, the following information is provided for additional review and consideration by the Planning Commission:

Construction Plan

Exhibit 1 attached to this memo is a preliminary construction plan provided by the applicant. This plan identifies generally where six-foot security fencing, construction materials, and parking for construction workers will be located on the site. The plan also shows how the builder will manage construction traffic in and out of the site. Construction traffic will not be allowed to access the site from Hillview Avenue, and all trucks will enter and exit the site from Jacklin Road. Like all other construction projects in the City, the Building and Fire Departments will require the applicant to submit a detailed construction plan prior to initiating any activity on the site. Both departments will work closely with the applicants to minimize disruption from construction activities on adjacent properties and businesses. The applicant and staff will provide additional details about the construction plan at the hearing and answer any questions.

Safety and Security Plan

The applicant is required to install 24-hour security cameras at all access points into the hotel and underground parking area. The cameras will be operational seven days a week, and all footage will be made available to the Police Department upon formal request. All hotel staff members will receive training on procedures for notifying the police and managing incidents that may arise, and at least one hotel staff person will always be on duty. Except for the lobby entrance, all doors leading into the building will be secured and will require a key card or fob for access.

As noted at the public hearing on December 11, 2019, hotel guests will be required to provide personal identification and a credit card to make a reservation at the proposed hotel. The hotel will not accept cash payments. Additionally, all hotel staff members will receive training on how to identify illegal activities, such as human trafficking or prostitution, and will be required to report such activities to the Milpitas Police Department. An officer will be assigned to visit the hotel regularly and maintain a close communication with hotel management. Hotel records will be available for review by the Police Department upon formal request.

Regarding safety, the Milpitas Police Department recently received a public records request for all incidents at hotels throughout the city and released a 79-page document that provided a list of all incidents, including both criminal and non-criminal activities. Approximately 90 percent of the data represents non-criminal incidents such as accidental 911 phone calls, medical calls, courtesy tow service, officers stopping by their assigned hotel as required by directives, lost or found property, lost or found people, welfare checks etc. According to the Milpitas Police Department, the data *does not* demonstrate a correlation between criminal activity occurring at hotels impacting criminal activity at surrounding facilities or residential neighborhoods.

Parking Plan

Exhibit 2 attached to this memo is a preliminary plan for parking on the site during construction of the hotel. The existing paved parking lot will provide approximately 25 spaces for construction workers, and the entire construction area will be surrounded by a six-foot security fence with access through a controlled gate. When construction activities are occurring on the site, a trained flag person will be stationed at the gate to manage circulation and monitor traffic safety and security on the site.

Like all other construction projects in the City, the Building and Fire Departments will require the applicant to submit a detailed traffic control plan prior to initiating any activity on the site. Both departments work closely with the applicants to minimize disruption from construction activities on adjacent properties and businesses. The applicant and staff will provide additional details about the construction plan at the hearing and answer any questions.

The resolution for approval includes a condition of approval that will require all parking to always be available to guests free of charge once the hotel is operational. This is intended to ensure that hotel guests always have adequate parking available and to eliminate any possibility of temporary paid parking if a large regional event nearby creates demand for off-site parking.

Additional Renderings

Exhibit 3 attached to this memo provides a series of accurate renderings of the proposed hotel. As requested by the Planning Commission, the renderings show the hotel from various vantage points in the adjacent neighborhood and the nearby Hetch Hetchy Trail to demonstrate the limited visual impact of the proposed structure.

Exhibit 4 attached to this memo is a series of now-and-then renderings showing the proposed hotel in comparison to the existing clock tower. The renderings show views from Hillview Avenue looking east and from Jacklin Road looking south. A third rendering shows the excellent visibility of the proposed hotel looking southwest from the I-680 freeway near Jackling Road.

Exhibit 5 attached to this memo demonstrates how the applicant has modified the design of the hotel to remove all west-facing windows in the stairwells. In addition, the west-facing windows at the end of each hallway will have textured or patterned obscure glass to eliminate direct views to the west. These changes were made to address privacy concerns raised by the neighbors to the west. The applicant and staff will review each of the photos and answer any questions at the hearing.

Distance to Neighborhood

Exhibit 6 attached to this memo is a diagram showing various distances from the proposed hotel to the front and back yards of residences in surrounding neighborhoods to the north, south, and west. To the east, the subject site abuts the southbound access ramp to I-680 from Jacklin Road.

Exhibit 7 attached to this memo shows views from the approximate height of the third, fourth, and fifth floor windows of the proposed hotel. These drone images were shown from 33 feet, 43 feet, and 53 feet, 43 feet and demonstrate views from future guest rooms to the north and south. The fifth floor of the hotel will be larger family suites that are less likely to be occupied than the regular guest rooms. The applicant and staff will review the distance diagram and each of the photos and answer any questions at the hearing.

Arrangement of Trees as Visual Barriers

Exhibit 8 attached to this memo provides photographs showing how the proposed hotel site is buffered from adjacent residential neighborhoods to the west and south by office buildings and approximately 67 mature trees with estimated heights from 30 to 40 feet. These trees create an effective visual barrier between the hotel site and adjacent neighborhoods. The applicant's drone images taken from various heights to show what can be seen from each of the upper three floors of the hotel also demonstrate the extent to which the tree canopy screens residential properties from the hotel site. The applicant and staff will review the photographs at the hearing.

Traffic Analysis

Exhibit 9 is a memo summarizing the Initial Study/Mitigated Negative Declaration (IS/MND) and traffic analysis conducted by an objective third-party environmental and transportation consulting firm at the request of the City. As explained in the CEQA document prepared for this project, the traffic consultant used a three-step process to estimate potential traffic impacts produced by the proposed hotel: 1) trip generation; 2) trip distribution, and; 3) trip assignment. Trip generation estimates the magnitude of traffic entering and exiting the site during the weekday AM and PM peak hours. Trip distribution estimates the different directions that traffic to and from the site would travel. In the final step, each of the vehicle trips generated by the proposed project is assigned to one of the project driveways.

The traffic analysis is based on data collected through empirical research to correlate common land uses and levels of traffic generated by each type of use. In this case, the consulting firm applied the standard trip generation rate for a business hotel (the proposed land use type) to predict future traffic impacts from the new development. Trip generation rates used for this study are published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 10th Edition, for Business Hotels (ITE 312).

As stated in the traffic memo, the proposed 105-room project would generate 422 daily vehicle trips, with 41 trips occurring during the AM peak hour and 34 trips occurring during the PM peak hour. Because the project would generate fewer than 100 net new trips during the AM and PM peak hours, a full traffic impact study is not necessary per Valley Transportation Authority (VTA) Transportation Impact Analysis (TIA) guidelines.

Based on comments made by residents at the January 8th neighborhood meeting, most traffic issues are associated with the three nearby schools during peak commute hours. These traffic issues exist independent of the proposed hotel, and traffic analysis conducted specifically for the hotel project indicates no significant increase in traffic during AM and PM peak hours. A representative from Hexagon Transportation Consultants will attend the public hearing and help answer questions about the traffic analysis.

Measures to Mitigate Building Height

The Conditional Use Permit for the proposed project would allow a maximum building height of up to 73 feet. However, only the tower element of the building, which comprises 28% of the overall building, would extend to this height. The average height of the proposed building would be 59 feet-6 inches, which is less than the existing 63-foot clock tower. The slightly taller tower element enhances the building's architectural design, emphasizes the hotel entrance, provides a location for signage, and screens mobile telecommunications equipment mounted on the roof.

The tower element also creates visual interest by framing the porte cochere at the main entrance and providing a vertical recess around the windows at the northwest corner of the building. Far from being a visual obstruction, the tower element is more modern and dynamic than the existing clock tower and adds to the visual variety of the city's urban architecture.

To help mitigate the height of the building and enhance privacy, the top (fifth) floor is set back approximately eight feet from the north façade of the building. This setback is shown on Sheets A501 and A502 in the plan set. In addition, darker colors and materials are used for the fifth story to reduce the visual impact and perceived height of the overall building. The V-shaped porte cochere at the entrance to the building provides a light and elegant counterpoint to the otherwise straight lines and blocky shapes of the primary structure.

As noted above, the applicant has modified the design of the hotel to remove all west-facing windows in the stairwells. In addition, several of the other renderings show that the proposed height of the building will have a minimal visual impact from various perspectives throughout the area, and the drone shots demonstrate that the proposed building height will not create new privacy issues for residential areas to the west, north and south of the site.

PUBLIC COMMENT/OUTREACH

The applicant hosted a second neighborhood meeting on January 8, 2019, to receive additional feedback from members of the community. Meeting invitations were mailed to approximately 539 property owners and residents in the area, and approximately 40 residents attended the meeting.

Those who attended the meeting sat in a large circle, and the applicant and staff responded to questions and comments. Several asked if the applicant would consider a smaller two-story motel, and others questioned the need for another hotel in Milpitas. Many residents raised concerns about traffic congestion on Jacklin Road, which most agreed is largely generated by the concentration of schools nearby. Some raised questions about allowing a higher FAR at this site.

The owner of the adjacent office complex (Jacklin Commons) stated that her company had explored buying the vacant health club but decided against it. Although she anticipates that hotel guests would likely spill over into her parking area, she acknowledged that new development would activate the site and have an overall positive impact on property values.

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on January 3, 2019. In addition, 539 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's website, www.ci.milpitas.ca.gov, and posted at City Hall. All new public comments received by staff as of the publication of this report are included in the packet.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Consider the Initial Study/Mitigated Negative Declaration in accordance with CEQA; and

Adopt Resolution No. 19-028 approving Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow construction of a 105-room, five-story hotel with associated site improvements; to allow an FAR of 1.63 on the site; to relocate cellular equipment and antennas to the rooftop of the building; and to allow the limited on-sale of alcoholic beverages (beer and wine) in conjunction with the hotel, subject to findings and Conditions of Approval.

ATTACHMENTS

A: Staff Report, dated December 11, 2019

B: Resolution 19-028

C: Project Plans

D: IS/MND for La Quinta Hotel

E: Hexagon Supplemental Traffic Memo

F: Public Comments received before and since December 11, 2019 public hearing

G: Additional Information requested by the Planning Commission on December 11, 2019

Exhibit 1 – Construction Plan

Exhibit 2 – Parking Plan

Exhibit 3 – Renderings – views toward hotel from various vantage points

Exhibit 4 – Renderings – comparative now-and-then views of the project site

Exhibit 5 – Renderings – modified western façade showing windows removed from stairwell

Exhibit 6 – Distance diagram

Exhibit 7 – Drone images showing views from future hotel windows at various heights

Exhibit 8 – Photos of mature trees located south and west of the subject site

Exhibit 9 – Summary memo by LSA and Hexagon regarding the IS/MND and CEQA analysis

Vote for Commissioner Tao to serve as Chair:

AYES: 4 (Alcorn, Chuan, Tao, Ablaza)

NOES: 3 (Mandal, Morris, Chua)

City Attorney Walsh stated that by a 4-3 vote, Steve Tao has been elected Chair for the 2020 year.

Commissioner Mandal nominated Vice Chair Morris for Vice Chair; Chua second.

Chair Tao nominated Commissioner Alcorn for Vice Chair; Chuan second.

Vote for Commissioner Alcorn to serve as Vice Chair:

AYES: 3 (Alcorn, Chuan, Tao)

NOES: 4 (Mandal, Morris, Chua, Ablaza)

City Attorney Walsh stated that by a 3-4 vote, motion to elect Timothy Alcorn for Vice Chair for the 2020 year is unsuccessful.

Vote for Vice Chair Morris to serve as Vice Chair:

AYES: 4 (Mandal, Morris, Chua, Ablaza)

NOES: 3 (Chuan, Tao, Alcorn)

City Attorney Walsh stated that by a 4-3 vote, Demetress Morris has been elected Vice Chair for the 2020 year.

VI. APPROVAL OF AGENDA

Chair Tao asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the January 15, 2020 agenda as presented.

Motion/Second: Commissioner Mandal/Commissioner Chua

AYES: 7

NOES: 0

ABSTAIN: 0

VII. ANNOUNCEMENTS

Commissioner Chuan, Commissioner Alcorn and Commissioner Chua shared that this week they met with several residents in regards to the LaQuinta project.

Chair Tao stated that he met with applicant. He also noted that he had a meeting to schedules to meet with residents but it was cancelled.

Planning Director Ned Thomas provided departmental updates to the commission regarding:

- Emails that are regularly sent to the Planning Commission with updates, items of interest, and activities in the community.

- Copies of all communications/public comments that were received by the Planning Department, in regards to the project, have been distributed to commissioners and public to review.

VIII. PUBLIC FORUM

Chair Tao invited members of the audience to address the commission and there were none.

Motion to close Public Forum.

Motion/Second: Commissioner Chuan/Commissioner Morris

AYES: 7

NOES: 0

ABSTAIN: 0

IX. APPROVAL OF MEETING MINUTES

Chair Tao called for approval of the December 11, 2019 meeting minutes of the Planning Commission.

Commissioner Chuan said there was an error on page 8; referencing the vote for LaQuinta Hotel. Commissioner Alcorn noted that he voted no.

Secretary Medina said that it was noted and will be reviewed*.

**Vote for Item IX-1 on December 11, 2019 – LA QUINTA HOTEL – 1000 Jacklin Road – P-SD18-0012, P-UP19-0012, P-EA18-0002 was reviewed via webcast (5:10). Commissioner Chua made the motion continue decision of this project to a date certain being January 15, 2020, with a list of specific items the Applicant needs to present to the Commission. Commissioner Ablaza second, with a vote of 4-1 (Alcorn).*

Motion to approve Planning Commission meeting minutes as amended.

Motion/Second: Commissioner Chuan/Commissioner Alcorn

AYES: 6

NOES: 0

ABSTAIN: 1 (Tao)

X. PUBLIC HEARING

X-1 LA QUINTA HOTEL – 1000 Jacklin Road – P-SD18-0012, P-UP19-0012, P-EA18-0002 – Site Development Permit, Conditional Use Permit, and Environmental Assessment to allow development of a 105-room hotel, up to 73 feet in height (five stories), with a single level of underground parking, the relocation of wireless telecommunication antennas and equipment to the rooftop of the building, and the on- and off-sale of beer and wine (Type 70 and Type 20 Alcoholic Beverager License) on a 1.14-acre site in the Highway Services (HS) Zoning District. The proposed action includes consideration of an Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with the requirements for the California Environmental Quality Act (CEQA). Project Planner: Lillian VanHua, (408) 586-3073, lhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua did a follow up presentation to the hearing on December 11, to include the following additional information requested from the Commissioners:

- Construction plan

- Safety and security plan during construction and when the hotel is operational
- Parking plan during construction and when the hotel is operational
- Additional renderings of the proposed building from various view points
- Diagram showing distance to adjacent neighborhoods
- Arrangement of trees as visual barriers
- Explanation of traffic analysis prepared for the project
- Measures taken to mitigate building height
- Feedback received at the neighborhood meeting on January 8, 2020

Prior to Ms. VanHua's presentation, Director Ned Thomas reminded the audience members of Staff's role. Mr. Thomas stated that the role of Staff is to review the project for its consistency with the City of Milpitas General Plan and the Zoning Ordinance, then preparing a Staff Report, make recommendations to the Planning Commissioners. Mr. Thomas added that the Planning Staff are not decision makers, they do not vote, but make recommendations based on our best professional experience/knowledge; Staff facilitates the development of the review process for all development across the City, regulating based on policies and regulations established by the City Council, while following a strict set of ethical principals for honesty, transparency, fairness and trust.

Commissioner Chuan asked if the drone photos presented were magnified by a lense when taken. Ms. VanHua deferred question to applicant who provided the images.

Representation from LSA, Matthew Wiswell and Teresa Wallace showed a presentation to explain their CEQA and Mitigated Declaration reports provided for the LaQuinta Hotel project.

Commissioner Chuan wanted to know why a full environmental impact report was not conducted. Mr. Wiswell said after analyzing the twenty stated topics that CEQA covers, and if finding there are significant/unavoidable impacts that can't be reduce to a less than significant level with mitigation, that is when an EIR would be prepared. Mr. Wiswell added that they did not identify any topics that could not be reduced with mitigation.

Commissioner Ablaza asked why Ed Levin Park was a part of the CEQA report. Mr. Wiswell shared that Ed Levin Park was mentioned in the Aesthetic section of the report, as it relates to Scenic Vistas; Ed Levin is identified in the City's General Plan as a Scenic Vista.

Representation from Hexagon Transportation Consultants, Brett Walinski and Eric Si, shared how they arrived with the transportation analysis for the LaQuinta Hotel; project trip generation and project parking demand.

Commissioner Chua asked clarifying questions regarding the data in the chart presented. Mr. Walinski shared that the information comes from the ITE Trip Generation Manual, a industry standard resource that transportation engineers use to generate rates. Ms. Chua asked how rates were selected for this project and if rates used were specific to the location near the Highway 680. Mr. Walinski said the rate is the number of trips coming to and from a hotel use with similar characteristics (Business Hotel category); not based on specific location. Ms. Chua asked if the rates

are from the booklet with generic rates. Mr. Walinski said it is an industry standard rate. Ms. Chua then asked how old is the data. Mr. Walinski said the data is collected over decades, 1980s to today, and based on many surveys. Ms. Chua continued to ask if this data is from ten years ago. Mr. Walinski said it will span over data from the 80s until today; continuing to say that data gets compiled from survey responses from different Business Hotels submitted to ITE.

Commissioner Chuan asked if this same data would be applied to a LaQuinta Hotel being built in Union City. Mr. Walinski said yes, the Business Hotel rate would be used for any LaQuinta Hotel. Mr. Chuan asked if this traffic analysis also take into account of the area around the hotel; the school traffic on Hillview Drive and Escuela Parkway. Mr. Walinski shared that the data are driveway/vehicle counts at a LaQuinta Hotel; as for the surrounding areas, that would require an offsite analysis, where offsite analysis are triggered by more than 100 peak hour trips. The LaQuinta Hotel Business Hotel data had far less than 100 peak hour trips, so an offsite analysis was not done.

Chair Tao asked if Hexagon conducted any actual onsite/offsite traffic surveys or traffic counts. Mr. Walinski said they did parking surveys in the area; at the time they started the traffic study, the existing use (gym) had just closed. Mr. Tao asked if the maximum generated trip data is during peak and at maximum occupancy. Mr. Walinski said that is correct, it is based on full occupancy.

Commissioner Ablaza asked about the existing fitness building daily trips/traffic data. Mr. Walinski said that the data is a projection from ITE Manual, as when they were supposed to survey the site, the existing use was closed. Mr. Ablaza clarified the data asking if the traffic would significantly go down with a hotel business. Mr. Walinski stated that compared to traffic that a health club would have, hotel use parking would generate significantly less daily traffic, even during peak hours.

Planning Director Thomas took the time to clarify and explain traffic analysis referencing the ITE Manual.

City Attorney Ethan Walsh explains the decision points the commissioners have regarding this project:

1. Is project in compliance with CEQA? Based on the findings of Staff, the consultants, the prepared Mitigated Negative Declaration determined that with the proposed mitigation, the project would not have a significant impact on the environment. Should the commission disagree with that point, as a part of their motion they must state the reason, based on evidence that has been provided to them.
2. Is the Site Development Permit per the City's Zoning Code; the Commission is to find the layout, the site, the design, the proposed building structure and landscaping are compatible or aesthetically harmonious with adjacent surrounding developments. Is project consistent with the General Plan and Zoning Ordinance?
3. Does the Conditional Use Permits proposed uses, at the proposed location that will not be detrimental or injurious to the property or improvements in the vicinity or the public health, safety or general welfare. And again, is project consistent with the General Plan and Zoning Ordinance?

Chair Tao invited applicant of the property to share information in regards to additional information requested by the commissioners.

Referencing the conclusion slide, Mr. Mark Tiernan, LaQuinta project manager addressed privacy, construction site plan, safety/security plan, parking plan, showcased new renderings of views, arrangement of trees, traffic analysis, liquor sales, hotel occupancy rate, distance from neighborhood, hotel design, and measures taken to mitigate building height and shared feedback received at neighborhood meeting.

Commissioner Ablaza asked what fencing material will be used during construction and how strong is it. Mr. Tiernan said they will use whatever material is recommended by the City of Milpitas; Chief Fire Prevention Officer Eric Emmanuel said galvanized steel. Mr. Ablaza asked what will be the level of noise during construction. Matthew Wiswell, LSA representative referencing the NMD report stating that typical construction equipment would be at 50 feet from site; 85 dBA being the highest sound level identified. Mr. Ablaza asked what would be the time schedule for the delivery of materials. Mr. Tiernan stated that they will adhere all guidelines laid out by the City; will not be during peak hours. Mr. Ablaza asked if there is any other city that will have the same building design as the one proposed. Mr. Tiernan said not yet; this will be the first wave of the new design of LaQuinta Hotels.

Commissioner Chuan revisited his question regarding photos taken with drone and if there was any magnification. Photographer, Micheal McMann said the drone photos were taken at about 95 degrees, normal human eye sight average is 125 degrees; there were no augmentations to images. Mr. Chuan asked about Bond Measure AA regarding sending a population of high school students to Samuel Ayer High; when will they begin to send students there. Mr. Tiernan said the Superintendent of MUSD shared it would be in 2022; before the hotel is finished.

Commissioner Ablaza asked which demographic of students will go to Samuel Ayer High School. Mr. Tiernan said they have been told it would be high school students who live south of Calaveras and those apart of the Magnet program.

Chair Tao asked if the general contractor would be responsible for construction gates and gate operations. Mr. Tiernan said the City of Milpitas requires the general contractor to hire an independent contractor, and train the third party about the policies and procedures. Mr. Emmanuel shared that California Fire Code (not the City of Milpitas) Chapter 33 requires certain conditions be met at any building project, one being having a Fire Prevention Program Superintendent to follow the fire code and will be responsible all conditions by the City's Building, Fire, and Planning departments. Mr. Tao asked what will be construction hours that are being proposed. Mr. Tiernan said 7:30am through 3:30-4pm.

Commissioner Chuan, referencing the Staff report, asked how did Staff find that the project "foster community pride and growth through beautification of the existing and future developments" consistent with General Plan and what is the criteria. Ms. VanHua noted that Staff felt it is consistent and the development will upgrade the parcel by demolishing an existing unutilized 40-year old building and replace it with a new modern building improving the sites aesthetics, visibility, curb appeal and general circulation throughout the development; through the analysis that this new building will replace an older building which will generally beautify the site, which would foster community pride. Mr. Thomas clarified the finding, city wide

perspective and economic development. Mr. Chuan stated he feels there is some subjectivity there.

Chair Tao invited members of the audience to address the commission.

Of nearly fifty visits to the podium to speak, seven individuals (four current residents, two former residents, and one non-resident) shared their support of the LaQuinta project. They shared that the project would bring Milpitas economic benefits, is a smart change, and one resident who works for a hotel in Milpitas, said she actively sees PD at her hotel site.

The remainder of the speakers opposed the project. Their main concerns were:

- Privacy
- Construction timing
- Traffic reports provided are not specific to Milpitas
- Safety concerns of Tian Tian Chinese School and KinderCare students
- Views of the hills being obstructed
- Quality of life being impacted
- Size and height of hotel
- Parking
- Traffic
- Alcohol sales
- Location of project
- LaQuinta being a low-budget hotel

Motion to close the public hearing.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 7

NOES: 0

In closing, Joe Gigantino shared he felt Mr. Tiernan did a great job of providing the additional information requested by the Commission. Touching on the concerns of KinderCare, Mr. Gigantino said having owned the gym for 22 years, has never had a problem with KinderCare and thinks its organization is run professionally; to think that a student of theirs would get out of the facility and wander over into the construction site or hotel, is absolutely false. Mr. Gigantino reminds the Commission that Kindercare is a tenant and they may move. Mr. Giantino stated that noise will be a factor when breaking ground, however; when working on inside of building (carpet, framing, furniture, etc.) there will not be a lot of noise during that time. Mr. Giantino referenced the comment that LaQuinta is low-budget hotel; he noted that there are over 700 LaQuintas with one in the Bay Area being the upscale prototype. With being in the Silicon Valley, Mr. Gigantino continued, people are paying an exuberant amount for hotels because there is a low inventory. Mr. Gigantino addressed the drone shots saying the pictures were taken with a fixed HD lens with no zoom and no wide angle. Mr. Gigantino shared some history of the property; he bought it from the original developers that had original plans for it to be a Motel 6; but instead owner decided to put a health club there. Mr. Gigantino noted after providing the additional information requested by the Commission, he is a thousand percent sure this is the perfect project for this site. Not asking to change the zoning, or asking any consideration from the City of Milpitas, Mr. Gigantino said that he is asking to put a hotel where it was designed for and envisioned back when they made this commercial zone, zoned Highway Services.

Fire Chief Albert Zamora shared the Fire Department's protocols when it comes to construction; site visits (scheduled and unannounced), construction meeting with City Staff to ensure rules and regulations are being followed by applicants.

Assistant Police Chief Kevin Moscuza spoke about the information in a 79-page document requested via PRA in regards to crimes at hotels. Mr. Moscuza clarified what types of police department calls are made for hotels and describes their instances. Mr. Moscuza stated there is no direct correlation between hotels and crimes.

Commissioner Chua verified with Mr. Thomas that revenue is not purview of the Planning Commission. Mr. Thomas said revenue is noted in the Staff report because it is a benefit to the City, for information purposes only; there is not a finding based on it. Ms. Chua said that in the Staff report it references "revenue generation". Ms. VanHua noted that is a part of the General Plan policies, which is provided for all projects presented to the Commission.

Commissioner Chuan asked about General Plan consistency regarding promoting business retention. Mr. Chuan touched on concerns he heard during public hearing about Kindercare and the Tian Tian Chinese School, the possibility of these private schools leaving Milpitas. Economic Development Director Alex Andrade said economic development is about business retention, business expansion and business attraction; noting that all business in Milpitas are important and serve their purposes. Mr. Andrade also said when looking at this project, we need to look at the highest and best; this particular area is a prime location for a hotel.

Chair Tao asked about a designated area for ride share services. Mr. Gigantino said that their Uber/Lyft areas would be located at pick up /drop off. Mr. Tao asked if there are any provisions or designs for generators/electricity back up. Mr. Gigantino said there is. Mr. Tao, considering the surrounding areas, asked if Staff has looked into commercial lighting. Mr. Gigantino said they will work with lighting experts and sure they understand there is neighborhoods in the area. Mr. Thomas referenced the aesthetic section of Mitigated Negative Declaration, one of the mitigated measures is to address light source/light glare. The LaQuinta Architect added that it is in plans to provide a shadow study. Mr. Tao asked about signage. The architect said that will be addressed at later date. Mr. Tao inquired about security. Mr. Allan Ames spoke about the hotel's key lock system.

Prior to a motion being made, Vice Chair Morris said she has concerns about the child care and height of building. Ms. Morris suggested to just have City Council take a look at this project and have the City Council make the final conclusion. Ms. Morris consulted with Mr. Walsh about City Council making the final decision. Mr. Walsh clarified that with a Condition Use Permit and Site Development Permit, the Planning Commission is the decision maker and they have a responsibility to make a decision.

Motion to deny Resolution No. 19-028 approving Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow construction of a 105-room, five-story hotel with associated site improvements; to allow an FAR of 1.63 on the site; to relocate cellular equipment and antennas to the rooftop of the building; and to allow the limited on-sale of alcoholic beverages (beer and wine) in conjunction with the hotel, subject to findings and Conditions of Approval. *Reason of denial, stated by Vice Chair Morris: the building*

itself, the location, the cultural fit for the neighborhood, the traffic study seems to be inconclusive.

Mr. Thomas stated that the traffic study is conclusive. Mr. Walinski said the guidelines for how traffic studies are done and impact criteria are very clear and were followed; special rates were not created for this project, standard rates and procedures were used.

Commissioner Chua said the one of the findings that must be addressed is the traffic. She said she is very disappointed with the data from Hexagon because the rates are based on generic data that is applicable to any type of hotel business. Ms. Chua continues saying that they are looking for data that is more specific to this location in our neighborhood, which makes the data to her and her peers, inconclusive. Mr. Walinski shared that the studies are done with a consistent standard; there is a process, a rule book.

Commission Alcorn stated that if they are going to put forth a motion to deny this project, they need to present evidence to why they are denying the project. Mr. Alcorn said the evidence that has been brought to them in regards to traffic, whether they agree or not, is that it would be low impact, as so with crime. With the motion on the table to deny, Mr. Alcorn continued, the Commission need to present a way that it does not comply with the General Plan or if it does not meet one of the findings. Mr. Alcorn asked if any Commissioners has any evidence of that, please bring it forward for the motion maker and the second to add in to motion.

Commissioner Chuan said one of the items, he brings forth to the motion maker and the second to deny the project is the inconsistency to “foster community pride”. Mr. Chuan said Staff’s finding that the project fosters community pride is subjective.

City Attorney Walsh asked the motion maker to restate the motion for the record.

*Vice Chair Morris made the **Motion** to deny Resolution No. 19-028 disapproving Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow construction of a 105-room, five-story hotel with associated site improvements; to allow an FAR of 1.63 on the site; to relocate cellular equipment and antennas to the rooftop of the building; and to allow the limited on-sale of alcoholic beverages (beer and wine) in conjunction with the hotel, subject to findings and Conditions of Approval. *Reasons of denial, stated by Vice Chair Morris: she has problems with the findings in terms of traffic, some findings of the location (not the zoning, the location), how it culturally fits in, how it culturally benefits the neighborhood, and the project is inconsistent with the General Plan 2.a-I-17, stating that the project does not “Foster community pride and growth through beautification of existing and future development.”**

Motion/Second: Vice Chair Morris/Commission Chua

AYES: 3 (Chuan, Morris, Chua)

NOES: 3 (Ablaza, Alcorn [stated he doesn’t agree with how motion was stated], Tao)

ABSTAIN: 0

City Attorney Walsh stated the motion to deny the project for the stated reasons, with a 3-3 vote did not pass.

Commissioner Chua wanted Commissioner Alcorn to elaborate on his vote. Mr. Alcorn did not agree with how the motion was stated to include traffic; said he cannot vote for a motion about traffic simply because the evidence brought forward does not say that traffic will be impeded.

City Attorney Walsh stated that someone can make a motion either to approve or deny the project.

*Commissioner Ablaza made the **motion** to approve Resolution No. 19-028 approving Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow construction of a 105-room, five-story hotel with associated site improvements; to allow an FAR of 1.63 on the site; to relocate cellular equipment and antennas to the rooftop of the building; and to allow the limited on-sale of alcoholic beverages (beer and wine) in conjunction with the hotel, subject to findings and Conditions of Approval. Mr. Ablaza added that the specific findings for the FAR are included in the Staff report (from Section 8, page 9) to be incorporated in the Resolution for the Conditional Use Permit.*

Motion/Second: Commission Ablaza/Chair Tao

AYES: 2 (Ablaza, Tao)

NOES: 4 (Chuan, Alcorn, Chua, Morris)

ABSTAIN: 0

City Attorney Walsh stated with a 2-4 vote, the motion fails.

City Attorney Walsh recommended that someone, again make a motion either to approve or deny the project.

Vice Chair Morris attempts to leave the chamber prior to motion due to a real emergency at home; however she returns to her seat for the vote.

*Commissioner Chua made the **Motion** to deny Resolution No. 19-028 disapproving Site Development Permit No. SD18-0012, Conditional Use Permit No. UP18-0012, and Environmental Assessment No. EA18-0002 to allow construction of a 105-room, five-story hotel with associated site improvements; to allow an FAR of 1.63 on the site; to relocate cellular equipment and antennas to the rooftop of the building; and to allow the limited on-sale of alcoholic beverages (beer and wine) in conjunction with the hotel, subject to findings and Conditions of Approval. *Reasons of denial, stated by Commissioner Chua: The project is inconsistent with the General Plan 2.a-I-17, stating that the project should "Foster community pride and growth through beautification of existing and future development."**

Motion/Second: Commission Chua/Vice Chair Morris

AYES: 4 (Morris, Chua, Alcorn, Chuan)

NOES: 2 (Ablaza, Tao)

ABSTAIN: 0

City Attorney Walsh stated the motion to deny the project passed with a 4-2 vote.

Commissioner Morris excuses herself off the dais prior to adjournment.

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 12:46 am.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Alcorn/Commissioner Chuan

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*



PROJECT DATA

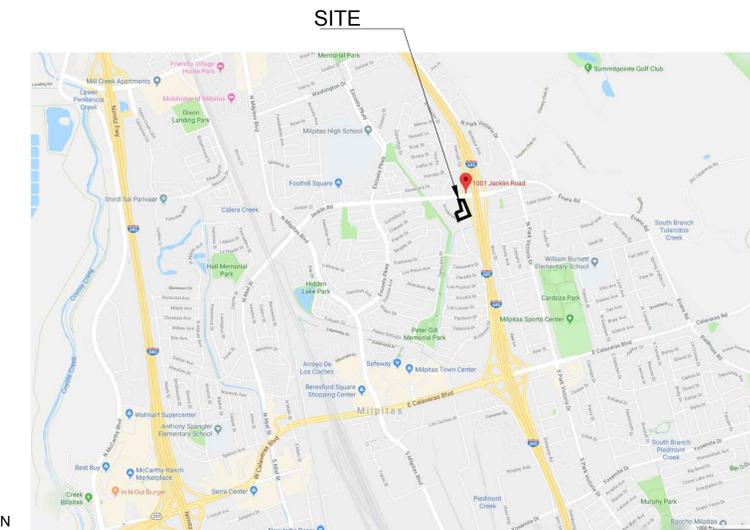
APN #028-05-015
 ADDRESS: 1000 JACKLIN ROAD
 ZONING: HS
 GENERAL PLAN: HWS
 SITE AREA: 49,725sf/1.142 Acre
 BUILDING AREA: 64,833 SF
 FAR: 1.30:1
 BUILDING COVERAGE: 16250 SF (32%)
 PARKING LOT: 28,560sf
 LANDSCAPED AREA: 3,335sf
 CONSTRUCTION TYPE: IIIB/SPRINKLED
 OCCUPANCY: R2
 STORIES: 5
 NUMBER OF ROOMS: 105 (NO MANAGERS UNIT)
 PARKING: 105 SPACES
 HEIGHT: 73ft / 5 STORIES
 ALLOWABLE HEIGHT: 75ft / 5 STORIES
 ALLOWABLE AREA PER FLOOR: 16,000sf
 PROPOSED AREA PER FLOOR: 14,125sf

BUILDING CODE SUMMARY

APPLICABLE CODES
 2016 CALIFORNIA BUILDING CODE
 2016 CALIFORNIA ELECTRICAL CODE
 2016 CALIFORNIA MECHANICAL CODE
 2016 CALIFORNIA PLUMBING CODE
 2016 CALIFORNIA ENERGY CODE
 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
 2016 CALIFORNIA REFERENCED STANDARDS CODE
 2016 CALIFORNIA FIRE CODE

INDEX OF DRAWINGS

1. A001 COVER SHEET
- ARCHITECTURAL**
 1. AS101 ARCHITECTURAL SITE PLAN
 2. AS102 SITE PLAN DETAILS
 3. AS108 SHADOW STUDY
 4. A100 BASEMENT PLAN
 5. A101 FIRST FLOOR PLAN
 6. A102 SECOND FLOOR PLAN
 7. A103 THIRD FLOOR PLAN
 8. A104 FOURTH FLOOR PLAN
 9. A105 FIFTH FLOOR PLAN
 10. A106 ROOF PLAN
 11. A301 BUILDING ELEVATIONS
 12. A302 BUILDING ELEVATIONS
 13. A303 BUILDING ELEVATIONS
 14. A501 CROSS SECTIONS
 15. A502 BUILDING SECTIONS
 16. A503 BUILDING SECTIONS
- CIVIL**
 17. C1.0 EXISTING CONDITIONS
 18. C2.0 PRELIMINARY GRADING PLAN
 19. C3.0 PRELIMINARY SITE ACCESS PLAN
 20. C4.0 PRELIMINARY UTILITY PLAN
 21. C5.0 PRELIMINARY STORMWATER CONTROL PLAN
 22. C6.0 PRELIMINARY FIRE ACCESS PLAN
 23. C7.0 SOLID WASTE ACCESS PLAN
- LANDSCAPE**
 23. L1 LANDSCAPE PLANTING PLAN
 24. L2 IRRIGATION PLAN
 25. L3 IRRIGATION DETAILS
 26. L4 WELO REQUIREMENTS
- ELECTRICAL**
 27. E6.0 ELECTRICAL SITE PLAN
 28. E6.1 ELECTRICAL SITE PLAN
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- VIEWS FROM FREEWAY**
 30. V1 VIEW FROM FREEWAY NORTHBOUND
 31. V2 VIEW FROM FREEWAY SOUTHBOUND
 32. V3 VIEW FROM OFF RAMP INTERSECTION LOOKING SOUTH
 33. V4 KEY PLAN
 34. V5 VIEW FROM JACKLIN / HILL VIEW
 35. V6 VIEW FROM DE ANZA
 36. V7 VIEW FROM ALISA
 37. V8 VIEW FROM PALMA
- CELL CARRIERS**
 38. A-1 ROOF PLAN ANTENNA LAYOUT STUDY
- CELL CARRIER COW**
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 41. A-1 SITE PLAN
 42. A-2 FLOOR PLAN & ELEVATION
 43. A-3 DETAILS
 44. A-4 DETAILS
 45. E-1 ELECTRICAL GENERAL NOTES, LINE DIAGRAM PANEL SCHEDULE & DETAILS



VICINITY MAP



FLOOR AREA RATIO CALCULATION		
FLOOR	SQUARE FOOTAGE	TOTALS:
FIRST FLOOR	13,436 SF	
SECOND FLOOR	13,028 SF	
THIRD FLOOR	13,028 SF	
FOURTH FLOOR	13,028 SF	
FIFTH FLOOR	12,313 SF	64,833 SF
LOT SIZE	49,725 SF	
RATIO:	1.30:1	

PARKING TABLE			
PARKING TYPE	SURFACE	BASEMENT	TOTALS:
STANDARD	41	23	64
COMPACT (40% MAX)	26	15	41
TOTAL:	67	38	105

SHALL BE PROVIDED

1. AUTOMATIC FIRE SPRINKLER SYSTEM TO CONFORM WITH NFPA 13 STANDARD.
2. FIRE ALARM SYSTEM (MANUAL WITH SMOKE ALARMS).
3. STANDBY POWER FOR ELEVATORS.

NOTE: Parcel is in Flood Zone X. A State Construction General Permit, Notice of Intent, and SWPPP are required for this project. SEE CIVIL ENGINEERING.

SWPPP NOTE: This project disturbs more than one acre and will be required to meet the State Construction General Permit by filing a notice of intent and Storm Water Pollution Prevention Plan (SWPPP) with the California State Water Resources Control Board prior to issuance of demolition or grading permit.

PROJECT CONTACT DIRECTORY

OWNER
 Joseph R. Gigantino Jr.
 (Milpitas Fitness Inc.)
 joe@workout.com
 (408) 605-4840

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 (503) 539-3946

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 Case Design
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 (503) 863-4235

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 (408) 582-3782

HOTEL OPERATOR
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 Tarrar
 ndelgado@tarrar.com
 (925) 240-2595

OWNER'S CONSULTANTS CARRIED BY CITY ENVIRONMENTAL CONSULTANT
 Teresa Wallace
 LSA
 theresa.wallace@lsa.net
 (510) 236-6810

Case Design Group
 232 S.E. Oak Street
 Suite 101
 Portland Oregon 97214
 503.863.4235



PERMIT SET 11.24.19

JACKLIN ROAD

TRAFFIC

PARCEL 1

PARCEL 2
PARCEL IS IN FLOOD ZONE X

LAQUINTA
INNS & SUITES

5 STORY, 105 GUESTROOMS
W/ INDOOR POOL

PARKING TABLE			
PARKING TYPE	SURFACE	BASEMENT	TOTALS:
STANDARD	41	23	64
COMPACT (40% MAX)	26	15	41
TOTAL:	67	38	105

X-1: PARKING POLE LIGHT
X-2: BUILDING WASH LIGHT ATTACHED TO X-1



1 SITE PLAN
SCALE: 1"= 20'-0"

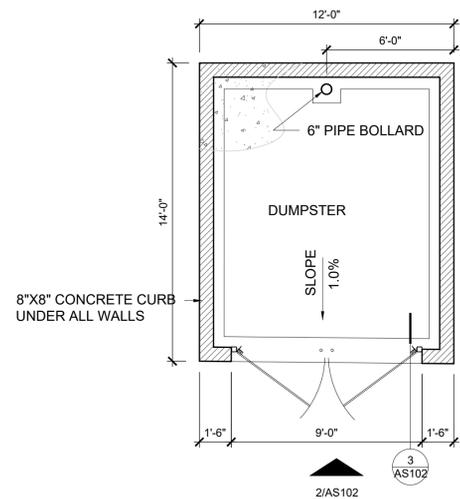
PRESUBMITTAL SET 09.11.19

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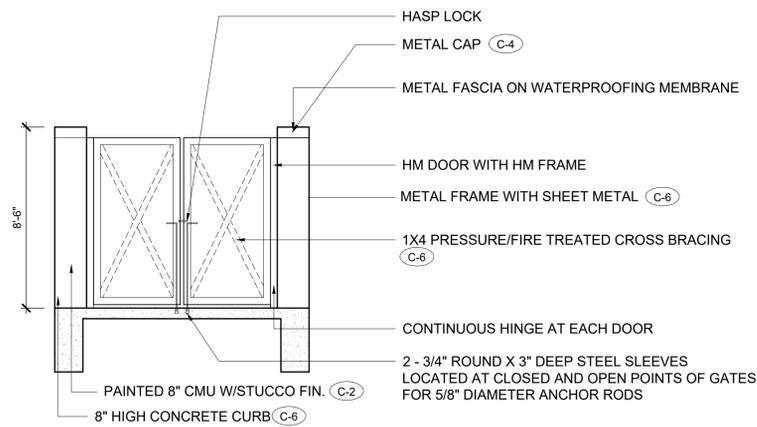


SITE PLAN

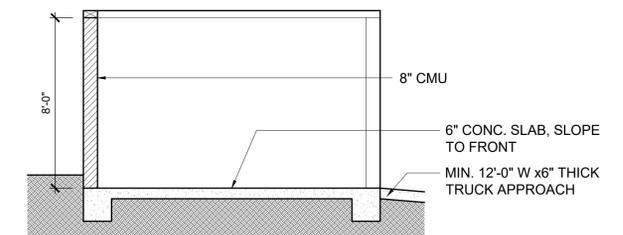
AS101



1 DUMPSTER & STORAGE ENCLOSURE
SCALE: 1/4" = 1'-0"



2 DUMPSTER & STORAGE SHED ELEVATION
SCALE: 1/4" = 1'-0"



3 DUMPSTER & STORAGE ENCLOSURE SECTION
SCALE: 1/4" = 1'-0"

COLOR SCHEDULE	
C-1	CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621
C-2	3 PART STUCCO FINISH PAINTED SW-7645 - THUNDER GRAY
C-3	3 PART STUCCO FINISH PAINTED SW-7031 - MEGA GREIGE
C-4	3 PART STUCCO FINISH PAINTED SW-7010 - DUCK WHITE
C-6	DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLAD - SILVER
C-8	ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
C-9	ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLAD - STONE WHITE FINISH

PRELIMINARY SET 04.29.19

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SHADOW STUDY
 SHADOWS PROJECTED AT NOON,
 DECEMBER 22, 2018

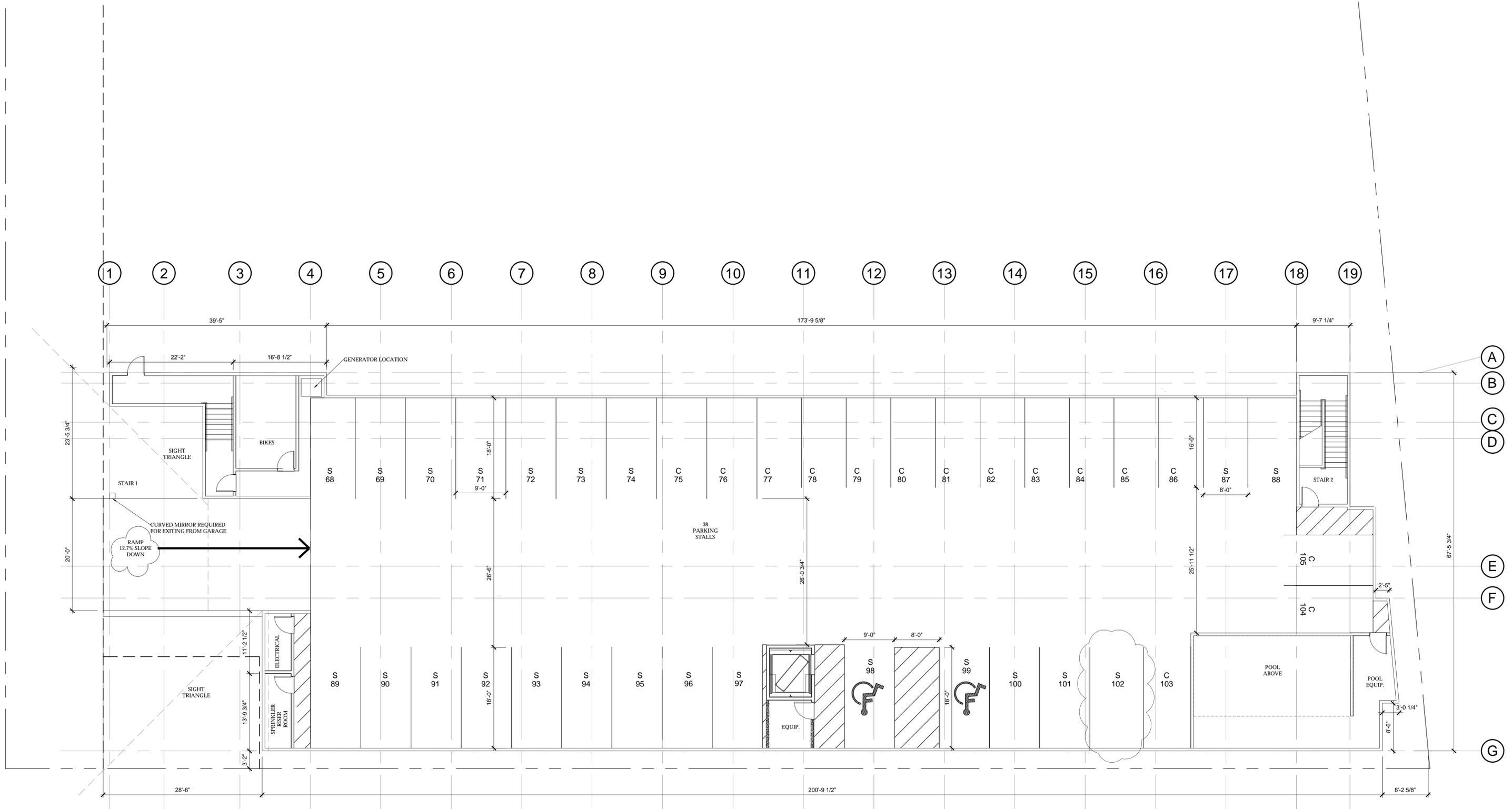
1 SHADOW STUDY
 N.T.S.



PRELIMINARY SET 04.29.19

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1 BASEMENT FLOOR PLAN

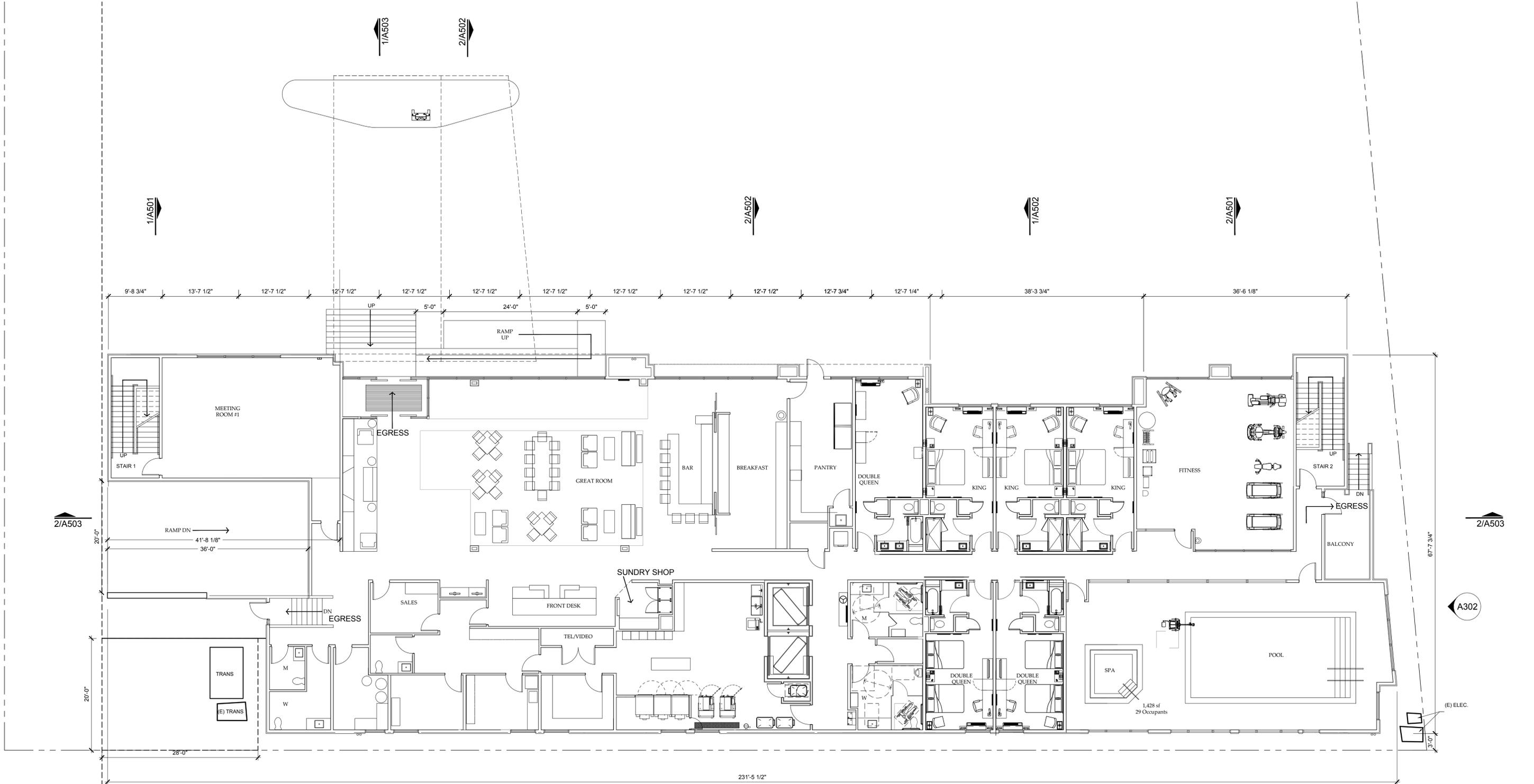
SCALE: 1/8" = 1'-0"

PARKING TABLE	
PARKING TYPE	BASEMENT
STANDARD	23
COMPACT	15
TOTAL:	38

PRESUBMITTAL SET 09.11.19
 REVISIONS PER CITY COMMENTS - 07.08.19

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1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

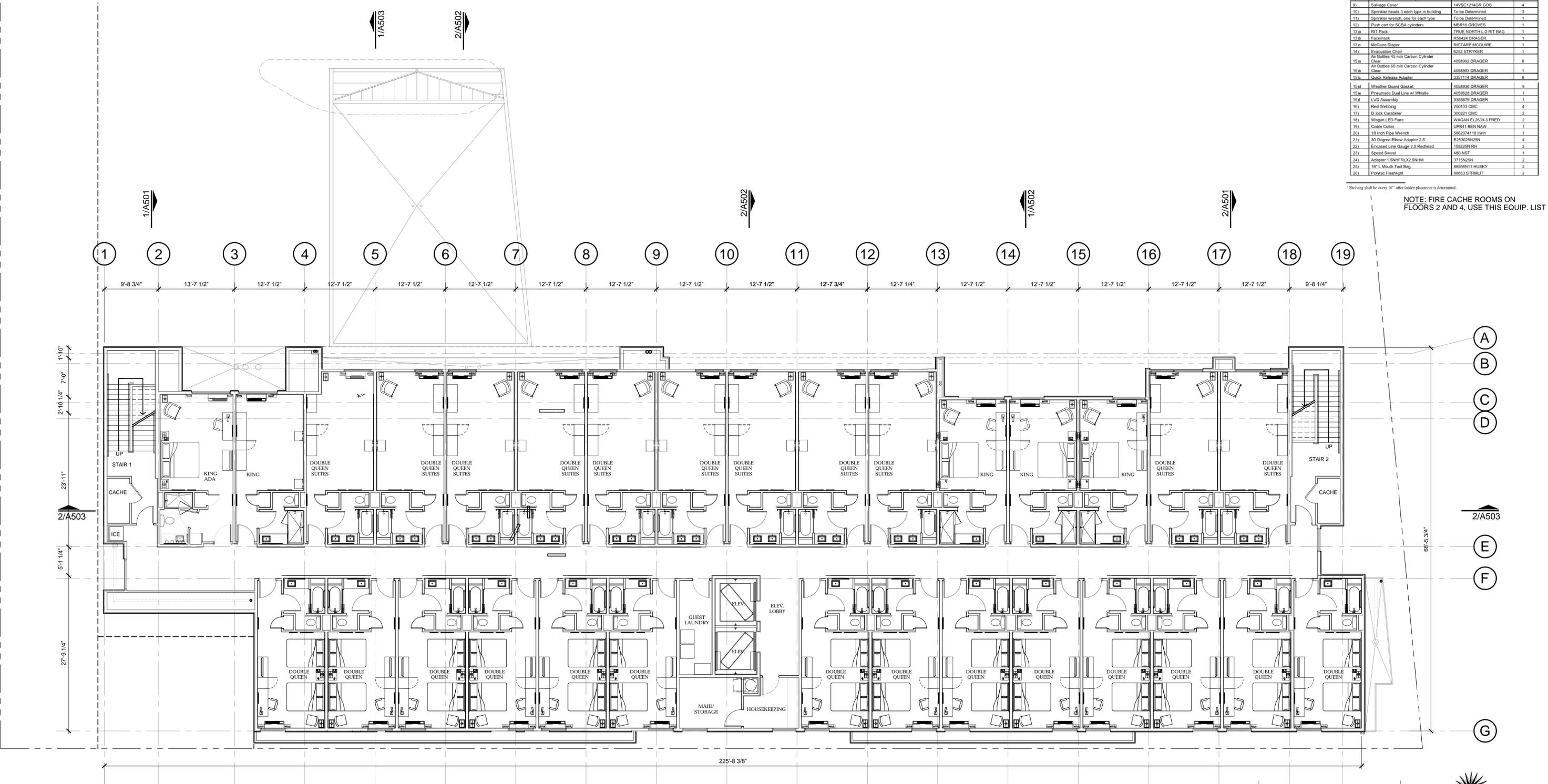
PRELIMINARY SET 09.11.19

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FIRE CACHE ROOM LIST			
#	ITEM DESCRIPTION	PART NUMBER	PER ROOM
1a	2.5 Inch Hose Pack Straps	Turning Out Solutions	24
1b	2.5 x 50 Foot Durabuilt Hoses	2823355VEN NAFH	8
1c	Straight Tip 1-1/8 x 1.5 NH	FSS10TFT	2
1d	Ball Valve 2.5 Female x 1.5 Male	J140F	2
1e	Universal Spanner Wrench	00100001 AKR	2
1f	Galss Wire	AVLNJF TFF	2
1g	2 1/2 x 1 1/2 reducer	372818N	2
2a	50' banded hose roll	DF817X50R19NH NAFH	2
2b	Red Hose Ret. Bands	HRRBARC	2
3	15' Stinger length hose	DF3X15V28NH NAFH	2
4a	Halligan Style Tool	HAL IP38	1
5a	Pick head axe	6P919W	1
5b	Flat head axe	6P152W	1
6	Attic ladder	10100L.G.LITTLE GIANT	1
7	Ames Wrecking bar	75036	1
8a	Open 50oz industrial stops	WVY ODI	24
9	Sprinkler Cover	1418C114GR GOS	4
10	Sprinkler heads 3 each type in building	To be Determined	3
11	Sprinkler wrench, one for each type	To be Determined	1
12	Push cart for SCBA cylinders	MBR16 GROVES	1
13a	RTI Pack	TRIM NORTH L2 RTI BAG	1
13b	Face mask	315424 DRAGER	1
13c	McGuire Dräger	TRICARP MCGUIRE	1
14	Evaluation Chair	6252 STRYKER	1
15a	Air Bottles 45 min Carbon Cylinder	4058992 DRAGER	8
15b	Air Bottles 60 min Carbon Cylinder	4058993 DRAGER	1
15c	Quick Release Adapter	337114 DRAGER	8
15d	Weather Guard Gasket	4058936 DRAGER	9
15e	Pneumatic Dual Line w/ Whistle	4059628 DRAGER	1
15f	LVD Assembly	3355679 DRAGER	1
16	Red Webbing	200103 CMC	4
17	D lock Carabiner	300221 CMC	2
18	Wagon LED Flare	WAGAN EL2639-3 FRED	2
19	Cable Cutter	UPB41 BEN NAW	1
20	18 Inch Pipe Wrench	586207418 Inw	1
21	30 Degree Elbow Adapter 2.5"	235028282N	4
22	Encased Line Gauge 2.5 Redhead	155229N RH	2
23	Speed Swivel	480-NST	1
24	Adapter 1.5NHFRKX2 DNHM	3715N25N	2
25	16" L Mouth Tool Bag	88598N11 HUSKY	2
26	Poplite Fastign	88863 STRAIT	2

NOTE: FIRE CACHE ROOMS ON FLOORS 2 AND 4, USE THIS EQUIP. LIST

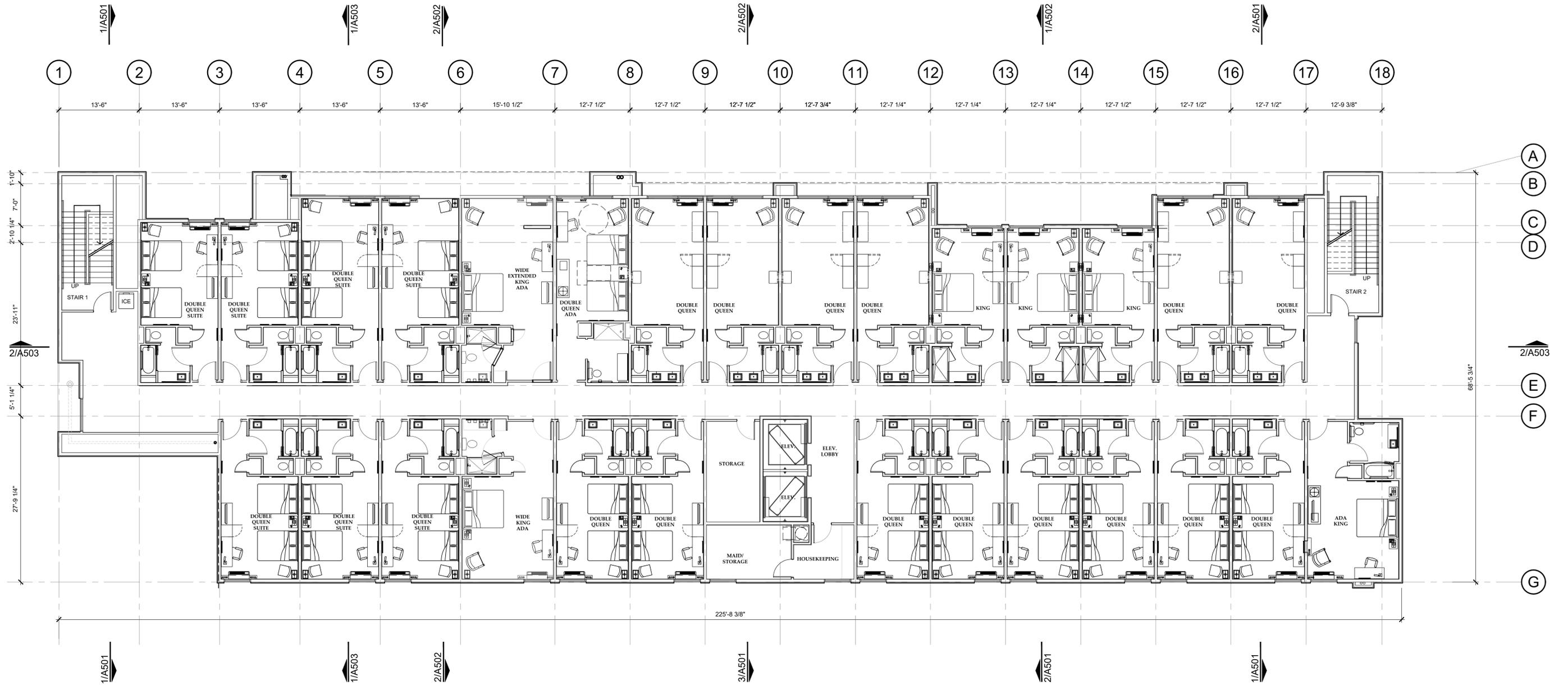


1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

PRESUBMITTAL SET 09.11.19

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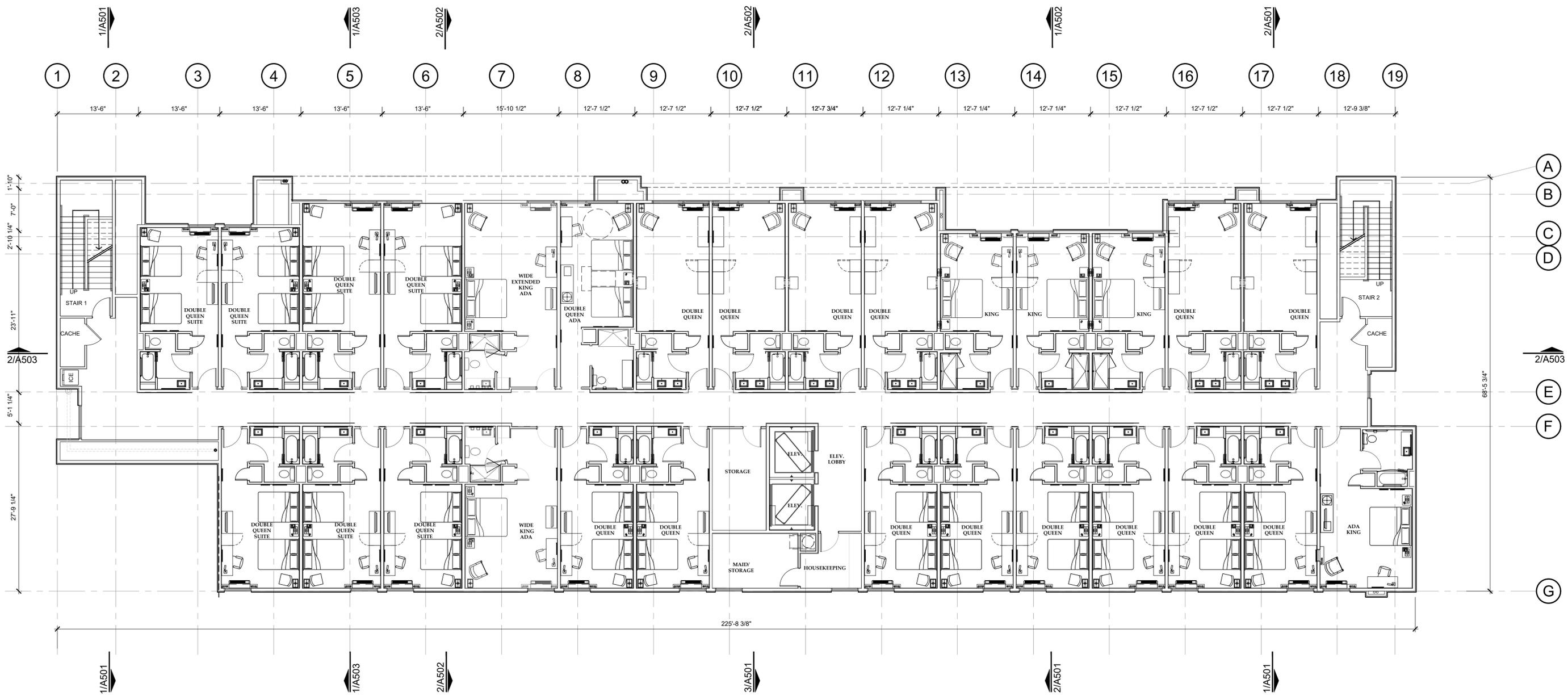


1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

PRELIMINARY SET 04.29.19

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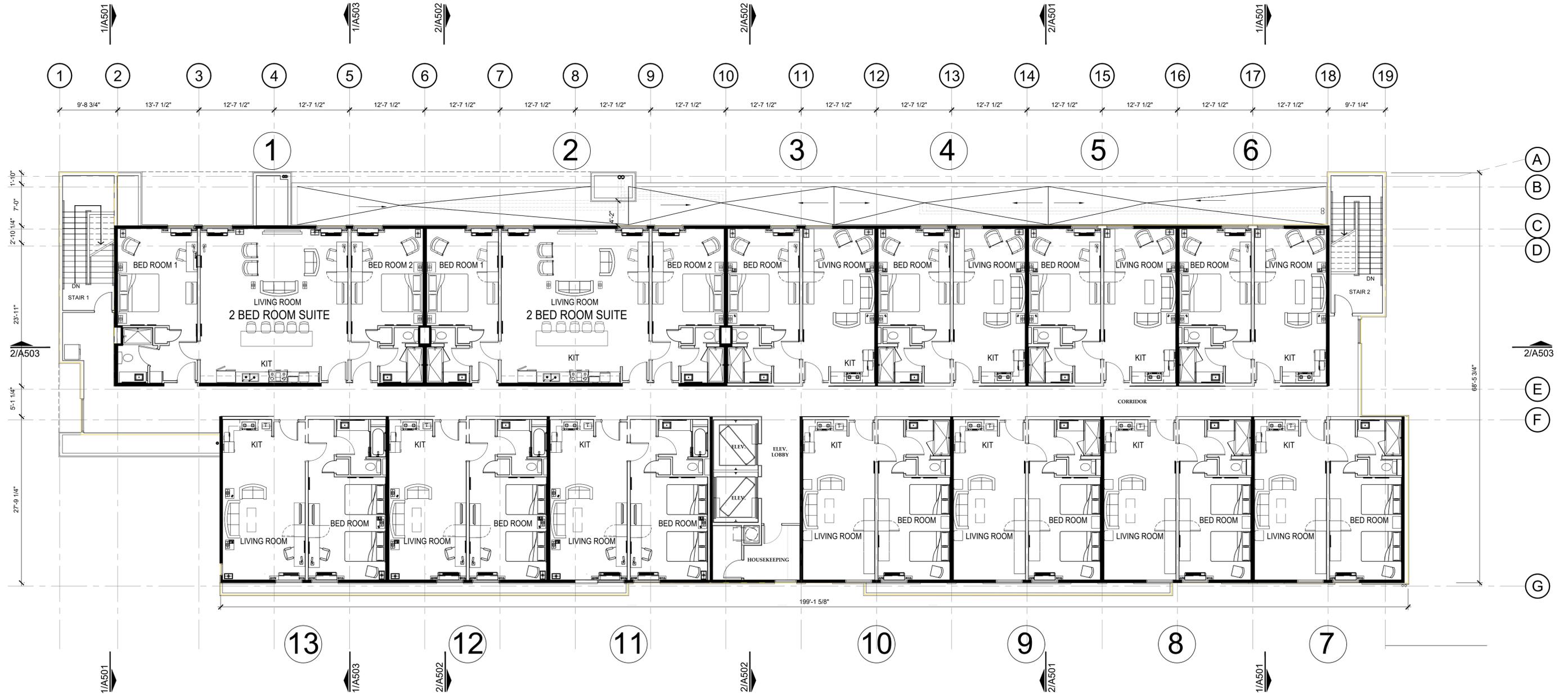


1 FOURTH FLOOR PLAN
 SCALE: 1/8" = 1'-0"

PRELIMINARY SET 04.29.19

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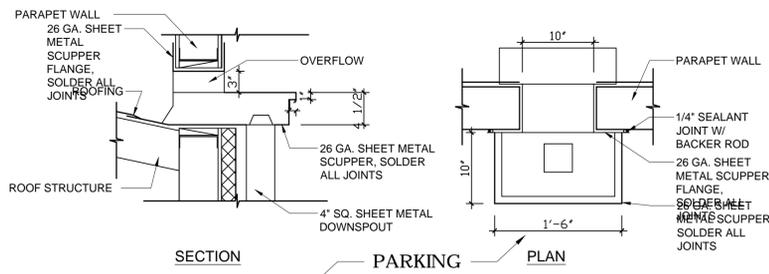


1 FIFTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

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PERMIT SET 11.24.19



3 SCUPPER DETAIL
SCALE: 1" = 1'-0"

WB AL 1500 Series Aluminum Access Door

DETAIL & SUBMITTAL SHEET

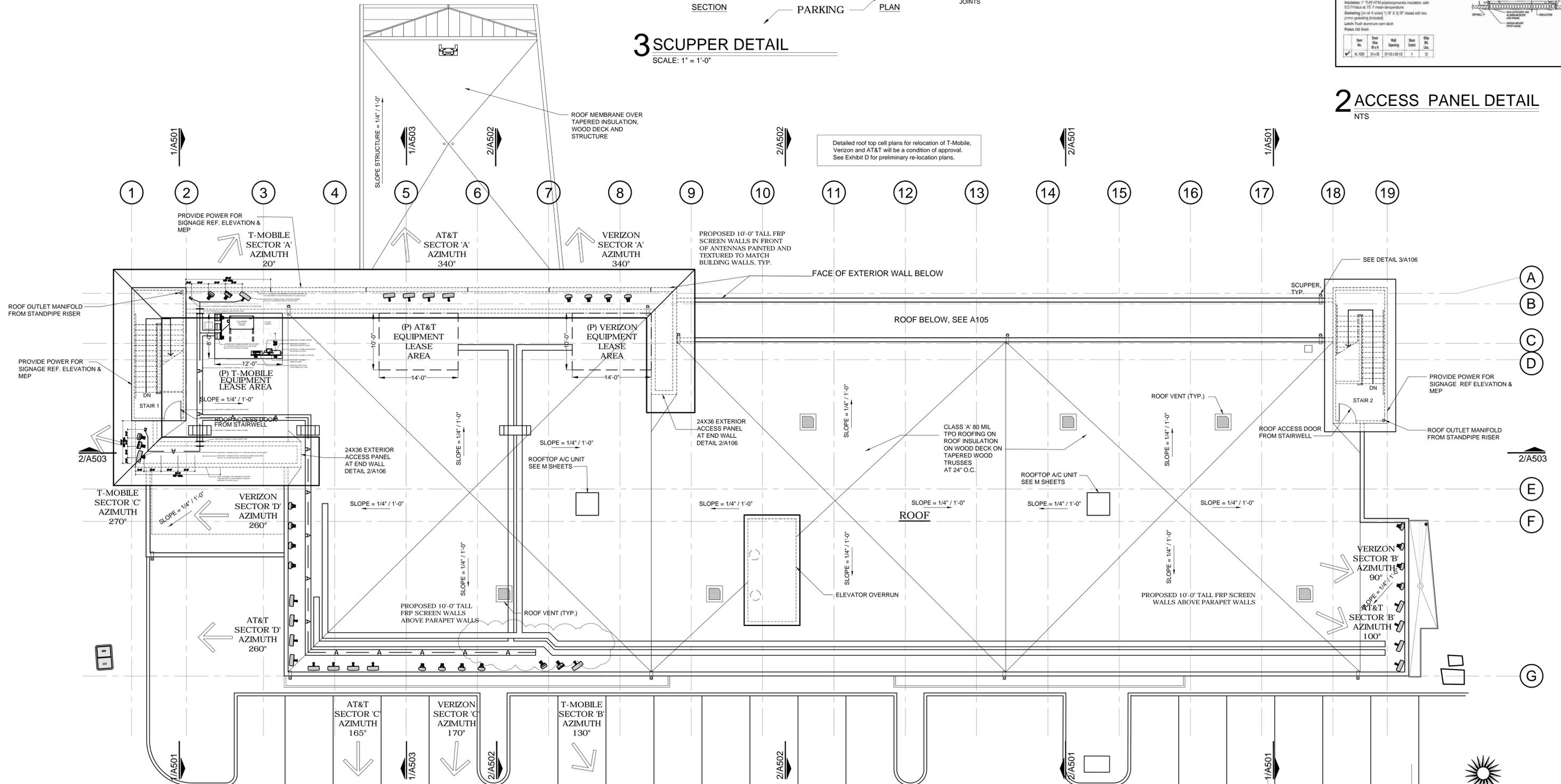
FRONT ELEVATION: [Diagram showing front elevation of the door]

SECTION DETAIL: [Diagram showing section detail of the door]

SPECIFICATIONS:
Material: Non-Insulated Aluminum 2003 door and surround trim.
Door: Flush to edge of frame.
Frame: 1 1/2" x 1 1/2" extruded aluminum extrusion flange with 1 1/2" deep mounting frame.
Hinge: Concealed continuous hinge type.
Insulation: 1" rigid polyisocyanurate insulation with R-5 R-Value at 75 F mean temperature.
Gasketing: 100% full depth 1/8" x 3/16" closed cell neoprene gasketing included.
Latch: Flush aluminum cam latch.
Finish: Mill finish.

Item No.	Door Size W x H	Wall Opening	Door Case	Door Wt. Lbs.	Qty.
AL 1500	24 x 36	24 1/2 x 36 1/2	1	12	1

2 ACCESS PANEL DETAIL
NTS

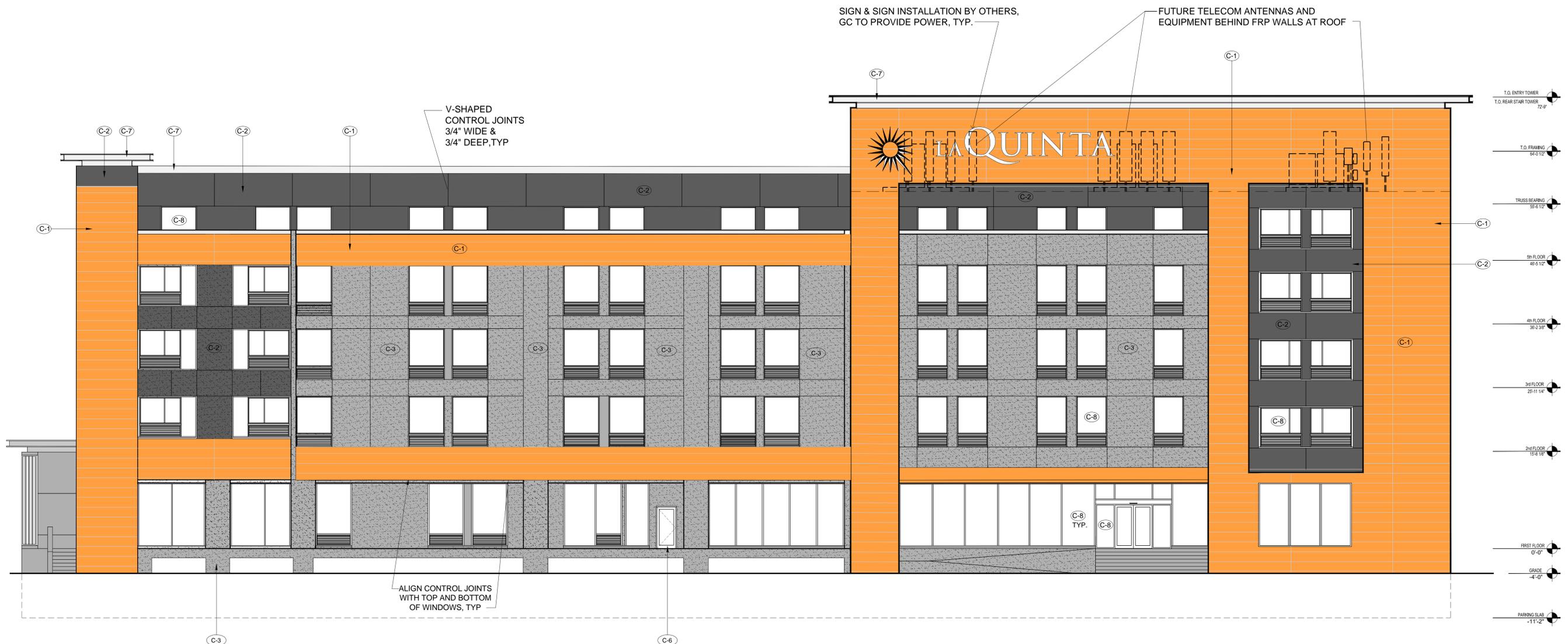


1 ROOF PLAN
SCALE: 1/8" = 1'-0"

PRESUBMITTAL SET 09.11.19
RESUBMITTAL SET - 09.12.19

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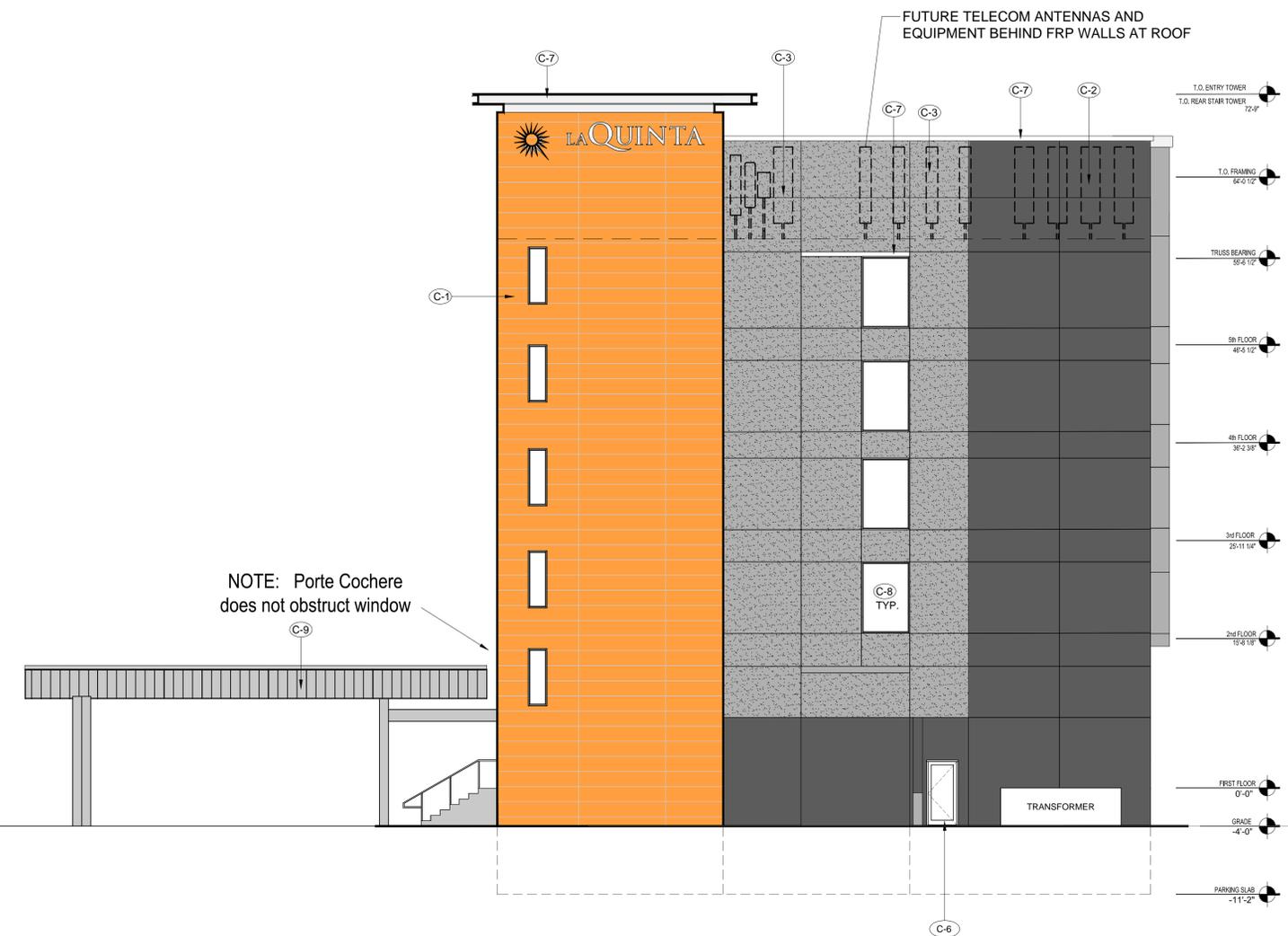
1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

COLOR SCHEDULE	
C-1	CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621
C-2	3 PART STUCCO FINISH PAINTED SW-7645 - THUNDER GRAY
C-3	3 PART STUCCO FINISH PAINTED SW-7031 - MEGA GREIGE
C-4	3 PART STUCCO FINISH PAINTED SW-7010 - DUCK WHITE
C-6	DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLAD - SILVER
C-8	ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
C-9	ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLAD - STONE WHITE FINISH

PRELIMINARY SET 04.12.19

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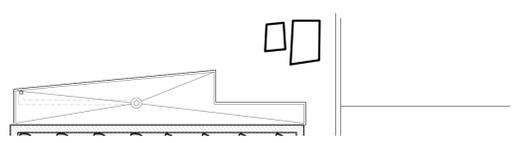


1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

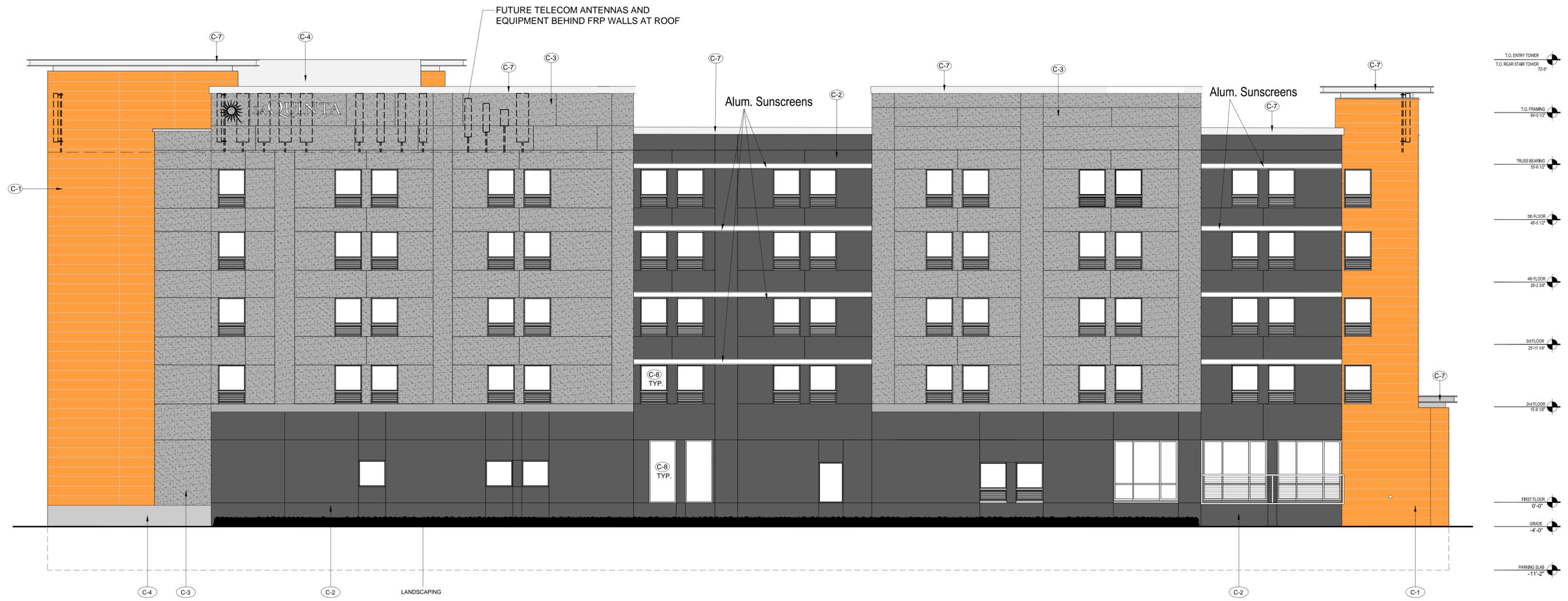
COLOR SCHEDULE	
C-1	CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621
C-2	3 PART STUCCO FINISH PAINTED SW-7645 - THUNDER GRAY
C-3	3 PART STUCCO FINISH PAINTED SW-7031 - MEGA GREIGE
C-4	3 PART STUCCO FINISH PAINTED SW-7010 - DUCK WHITE
C-6	DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLAD - SILVER
C-8	ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
C-9	ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLAD - STONE WHITE FINISH



PRELIMINARY SET 04.12.19

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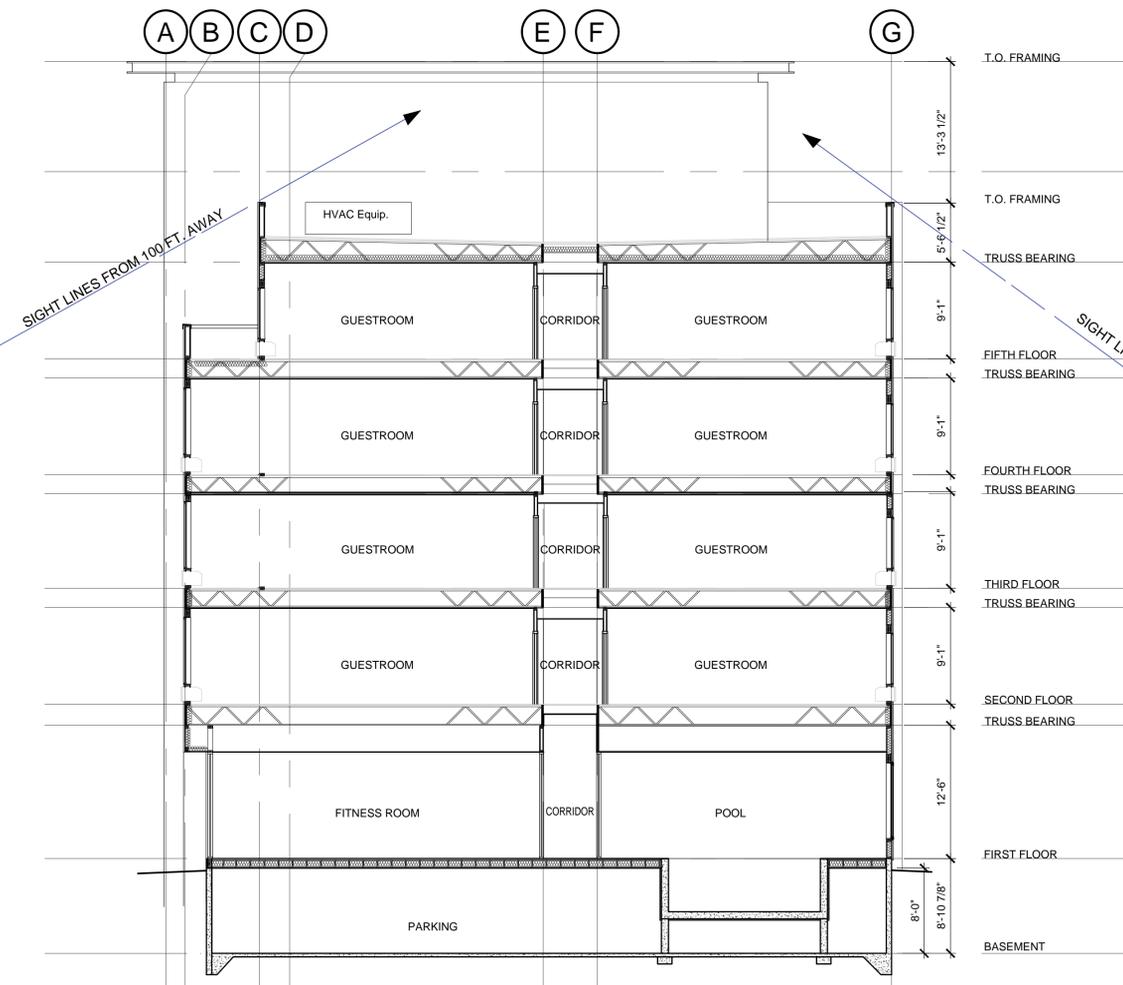
1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

COLOR SCHEDULE	
C-1	CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621
C-2	3 PART STUCCO FINISH PAINTED SW-7645 - THUNDER GRAY
C-3	3 PART STUCCO FINISH PAINTED SW-7031 - MEGA GREIGE
C-4	3 PART STUCCO FINISH PAINTED SW-7010 - DUCK WHITE
C-6	DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLAD - SILVER
C-8	ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
C-9	ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLAD - STONE WHITE FINISH

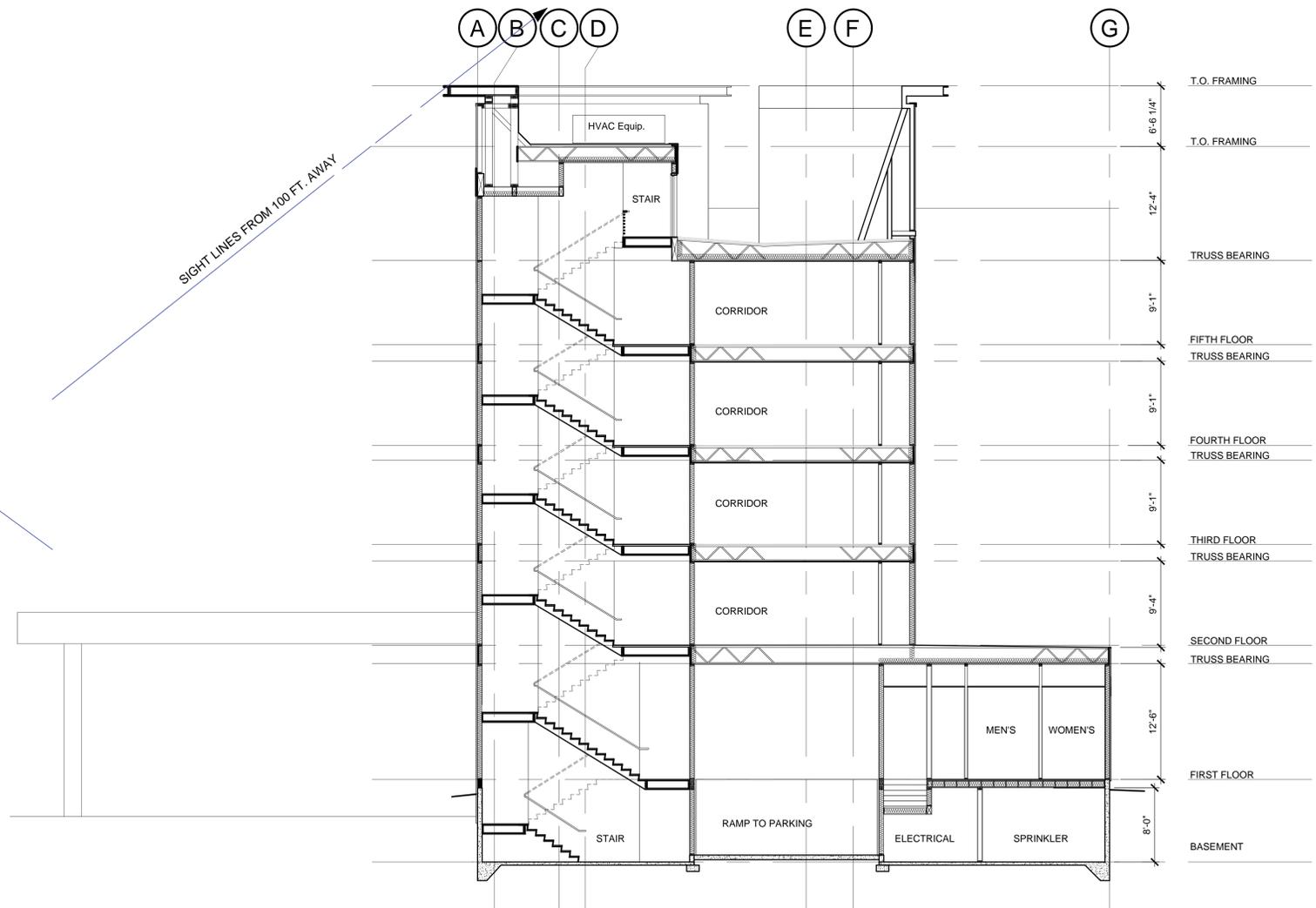
PRELIMINARY SET 04.12.19

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2 SECTION
SCALE: 1/8" = 1'-0"

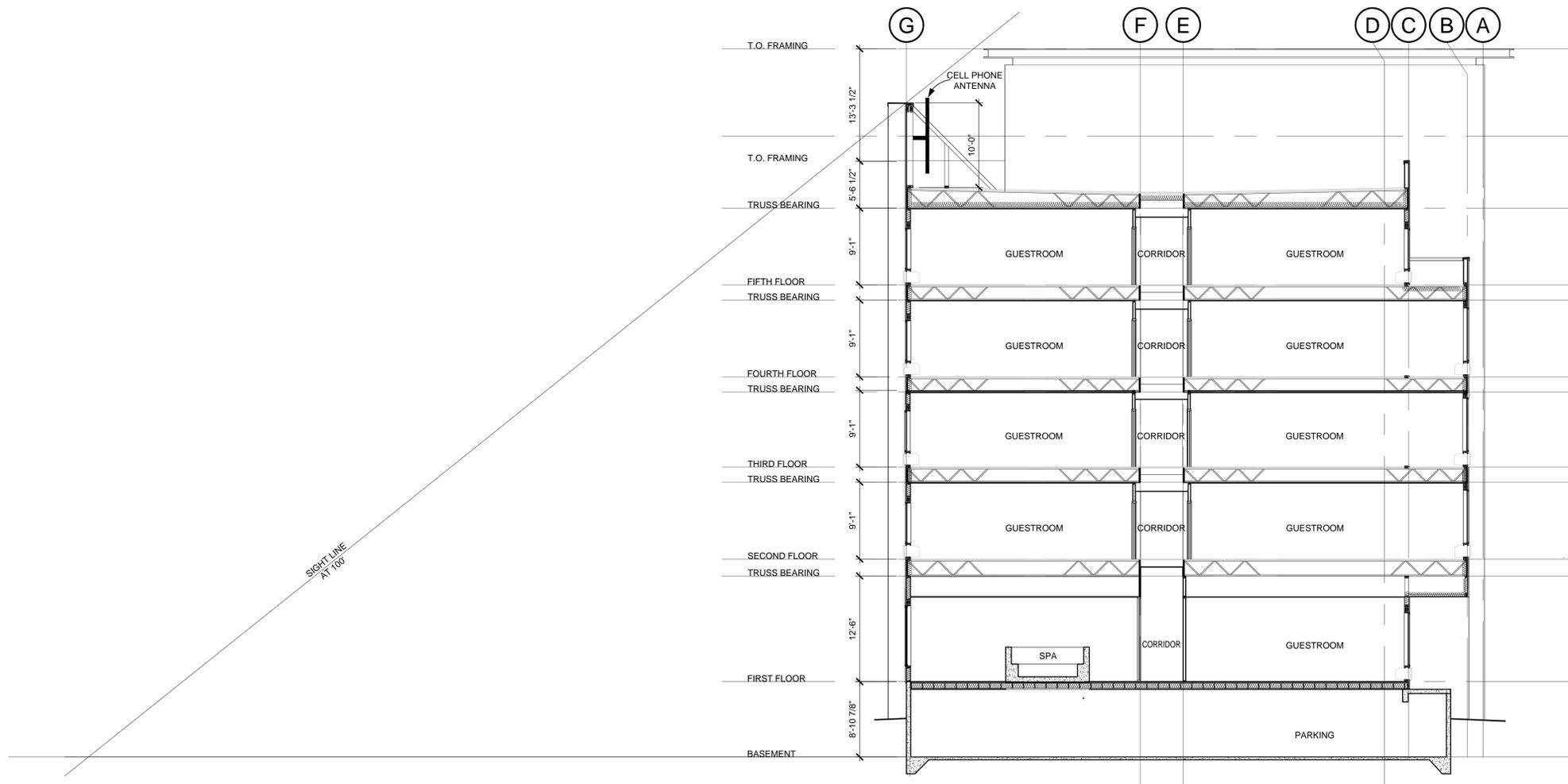


1 SECTION
SCALE: 1/8" = 1'-0"

PRELIMINARY SET 09.09.19

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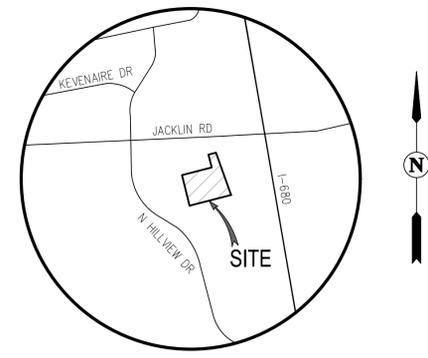
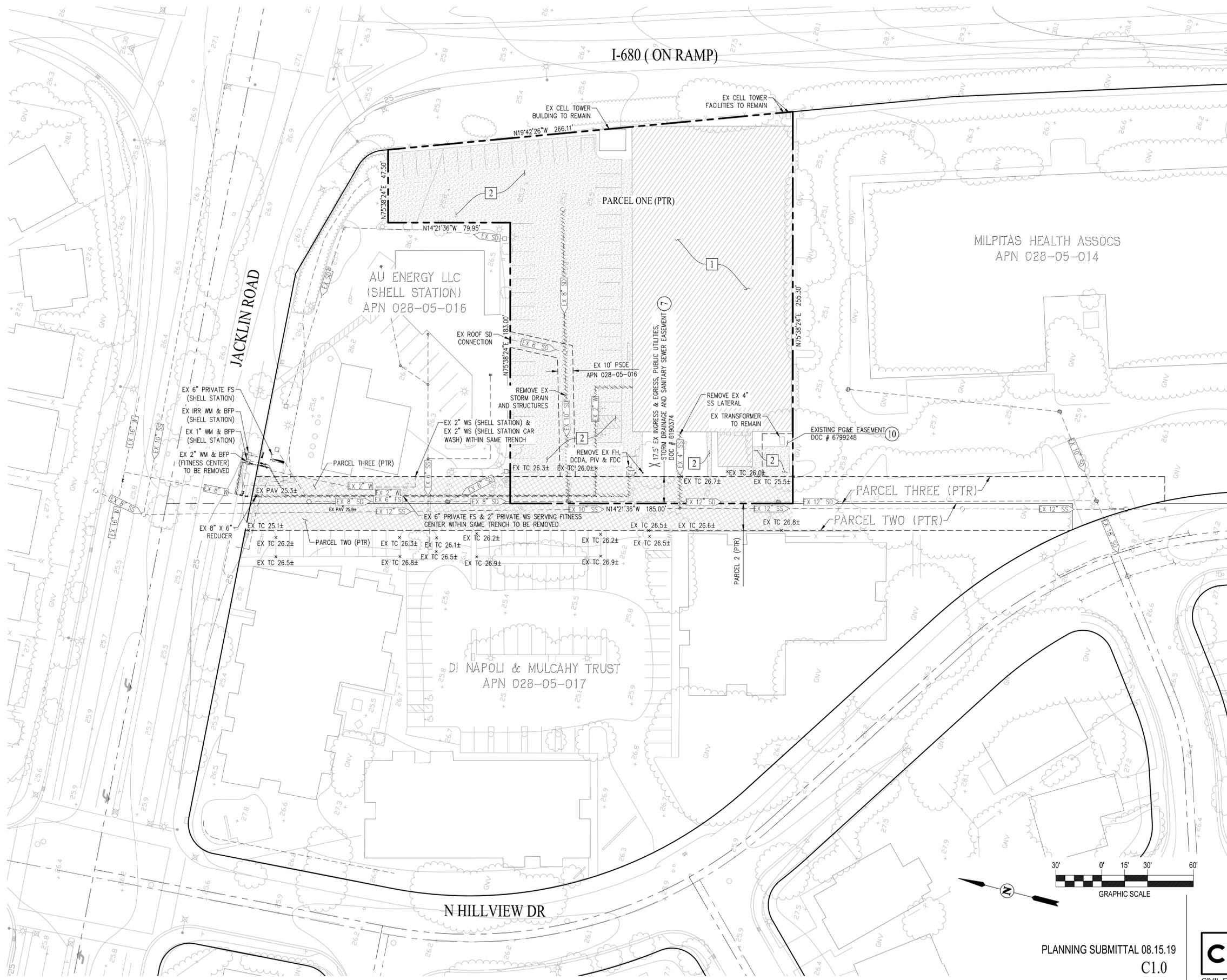


1 SECTION
SCALE: 1/8" = 1'-0"

PRELIMINARY SET 09.09.19

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VICINITY MAP
NOT TO SCALE

LEGEND

- PROJECT BOUNDARY
- - - EASEMENT
- CATCH BASIN
- FIRE HYDRANT
- MANHOLE
- STREET LIGHT
- EX SD --- STORM DRAIN
- EX SS --- SANITARY SEWER
- EX W --- WATER LINE
- EX GAS --- GAS
- EX OH --- OVERHEAD LINE
- ▨ EXISTING BUILDING TO BE DEMOLISHED
- ▨ EXISTING ASPHALT, CONCRETE AND CURB AND GUTTER TO BE REMOVED
- ▨ GRIND AND OVERLAY EXISTING PAVEMENT
- EXISTING TREE TO BE REMOVED

ABBREVIATIONS

- | | |
|------|------------------------------|
| EX | EXISTING |
| OH | OVERHEAD |
| PAV | PAVEMENT |
| PSDE | PRIVATE STORM DRAIN EASEMENT |
| SD | STORM DRAIN |
| SS | SANITARY SEWER |
| TC | TOP OF CURB |
| W | WATER |

DEMOLITION NOTES

- | NOTE | DESCRIPTION |
|------|--|
| 1 | REMOVE EXISTING BUILDING STRUCTURE AND FOUNDATION |
| 2 | REMOVE EXISTING ASPHALT CONCRETE AND PARKING LOT CURB AND GUTTER |

EXISTING EASEMENTS

- # INDICATES TITLE REPORT ITEM NUMBER
- 7 EASEMENT(S) FOR INGRESS, EGRESS, PUBLIC UTILITIES, STORM DRAINAGE AND SANITARY SEWER GRANTED TO GOLDEN STATE TITLE COMPANY OF SANTA CLARA COUNTY
- 10 EASEMENT(S) FOR GAS PIPELINES GRANTED TO PG&E

PLANNING SUBMITTAL 08.15.19

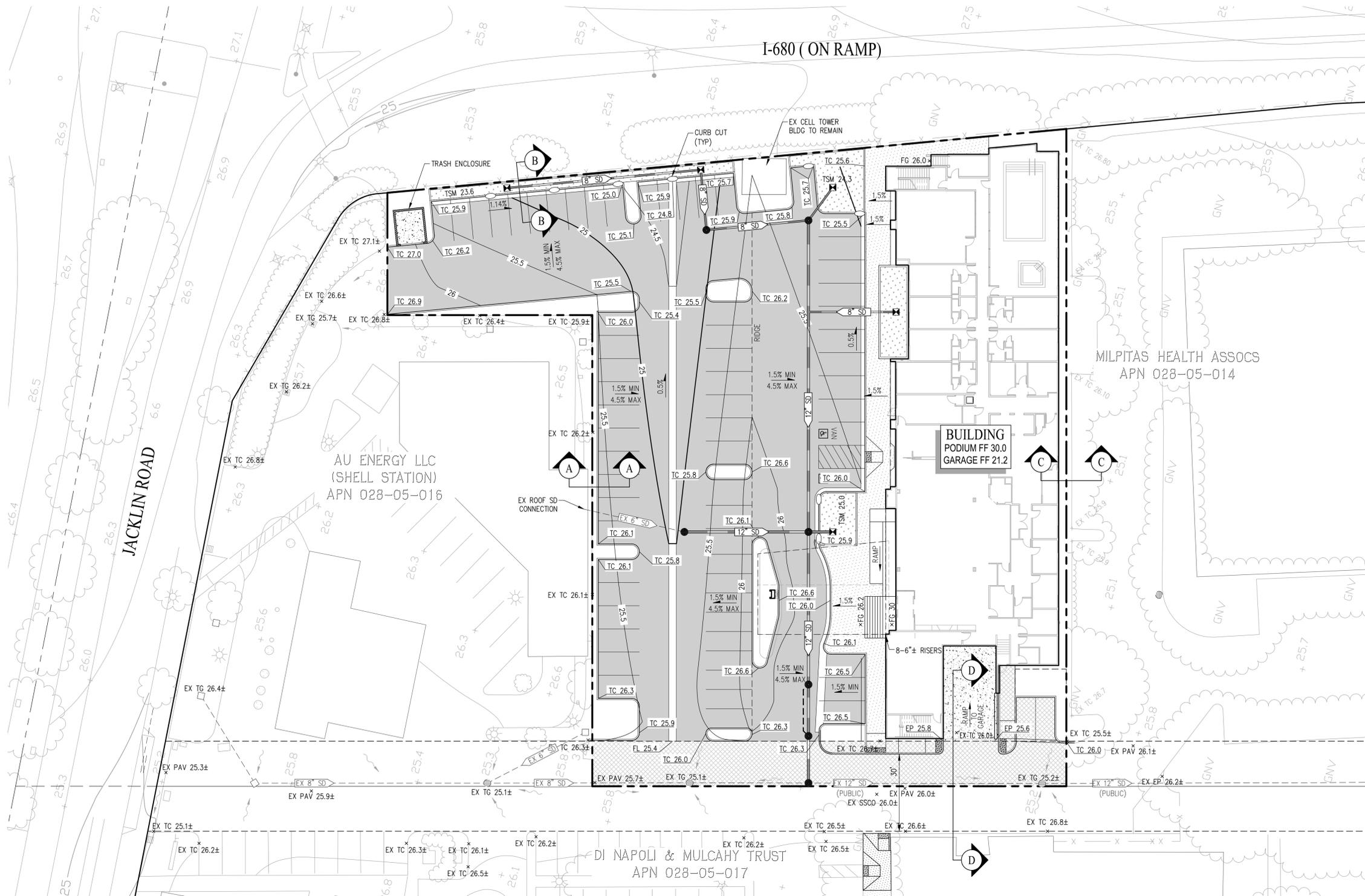
C1.0

EXISTING CONDITIONS & DEMOLITION PLAN



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LEGEND

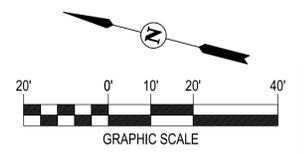
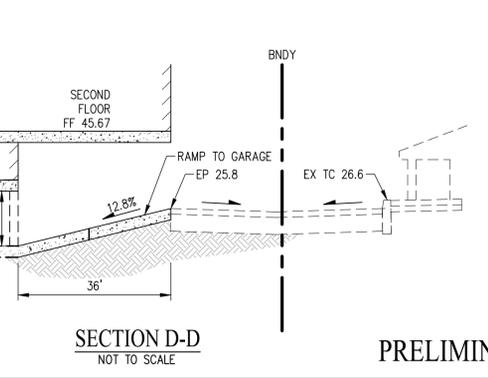
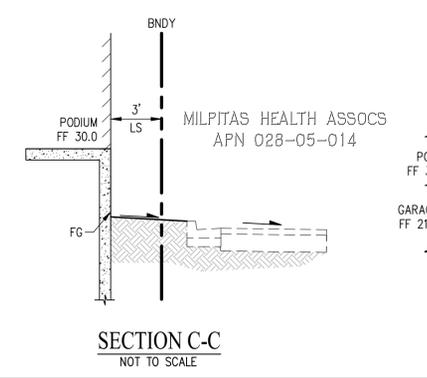
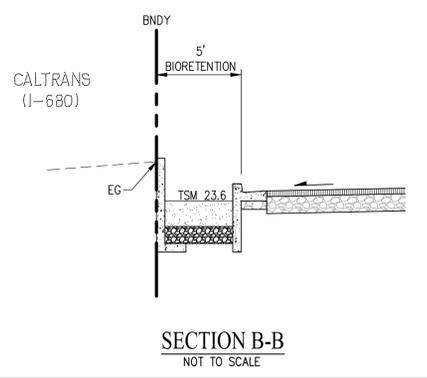
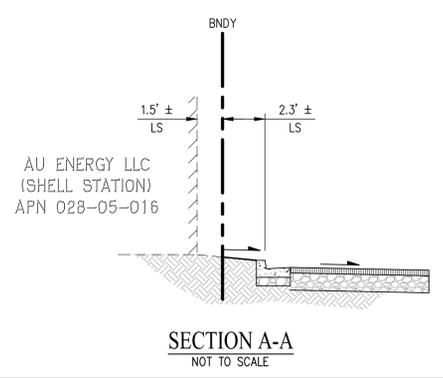
EXISTING	PROPOSED	DESCRIPTION
- - - - -	- - - - -	SUBDIVISION BOUNDARY
- - - - -	- - - - -	RIGHT OF WAY
- - - - -	- - - - -	EASEMENT
[Pattern]	[Pattern]	SIDEWALK AND TOP OF CURB
[Pattern]	[Pattern]	COLORLED & STAMPED ASPHALT PAVING
[Pattern]	[Pattern]	BIORETENTION AREA
[Symbol]	[Symbol]	TREE
[Symbol]	[Symbol]	OVERLAND RELEASE
EX INV 59.0	INV 59.0	INVERT ELEVATIONS
EX SD	SD	STORM DRAIN
EX SS	SS	SANITARY SEWER
EX W	W	WATER LINE
[Symbol]	[Symbol]	WATER VALVE
[Symbol]	[Symbol]	JOINT TRENCH
[Symbol]	[Symbol]	FIRE HYDRANT
[Symbol]	[Symbol]	CATCH BASIN
[Symbol]	[Symbol]	FIELD INLET
[Symbol]	[Symbol]	MANHOLE
[Symbol]	[Symbol]	CLEANOUT
[Symbol]	[Symbol]	STREET LIGHT
[Symbol]	[Symbol]	BIORETENTION AREA
[Symbol]	[Symbol]	BUBBLE UP STRUCTURE
[Symbol]	[Symbol]	BIORETENTION CLEANOUT & SUBDRAIN
[Symbol]	[Symbol]	AREA DRAIN

ABBREVIATIONS

AD	AREA DRAIN PIPE	INV	INVERT
BBC	BACK OF BEVELED CURB	JT	JOINT TRENCH
BD	BOUNDARY	LF	LENGTH FEET
CC	CURB CUT	LS	LANDSCAPE
CB	CATCH BASIN	OH	OVERHEAD LINE
CI	CAST IRON	RW	RIGHT OF WAY
CO	CLEANOUT	S	SLOPE
DI	DUCTILE IRON	SD	STORM DRAIN
DW	DOMESTIC WATER	SDMH	STORM DRAIN MANHOLE
EG	EXISTING GRADE	SS	SANITARY SEWER
EX	EXISTING	SSMH	SANITARY SEWER MANHOLE
FF	FINISHED FLOOR	SW	SIDEWALK
FG	FINISHED GRADE	TC	TOP OF CURB
FH	FIRE HYDRANT	TFC	TOP OF FLUSH CURB
FI	FIELD INLET	TSM	TOP OF SOIL MIX
FS	FIRE SERVICE	VCP	VITRIFIED CLAY PIPE
FW	FIRE WATER	W	WATER
GLIP	GARAGE LIP	WS	WATER SERVICE

SWPPP NOTE:

THIS PROJECT DISTURBS MORE THAN ONE ACRE AND WILL BE REQUIRED TO MEET THE STATE CONSTRUCTION GENERAL PERMIT BY FILING A NOTICE OF INTENT AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PRIOR TO ISSUANCE OF DEMOLITION OR GRADING PERMIT.

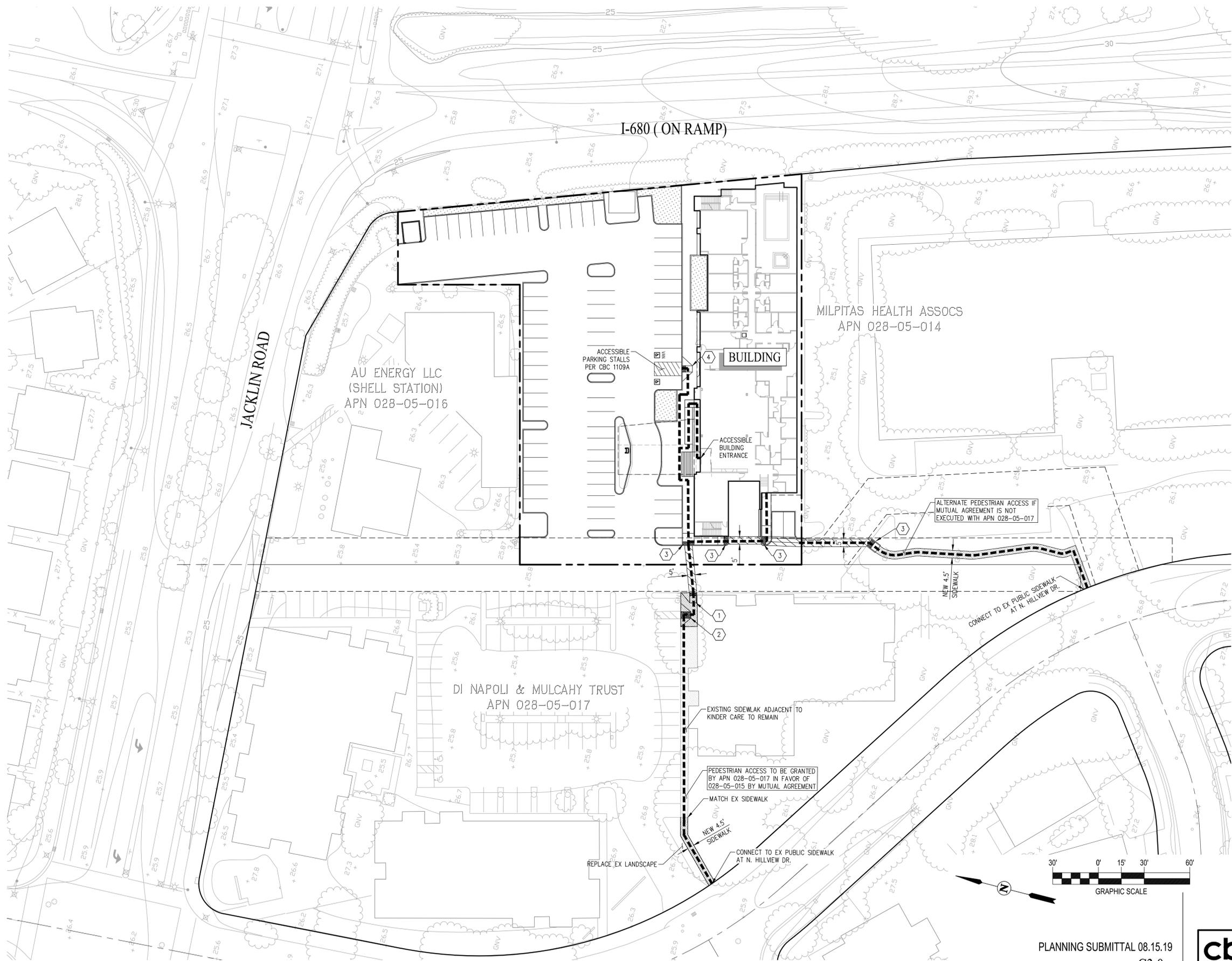


PRELIMINARY GRADING PLAN



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LEGEND

- ACCESSIBLE PATH OF TRAVEL
- PEDESTRIAN CROSSWALK

ACCESSIBILITY NOTES

1. ANY SIDEWALK/WALKWAY EXCEEDING A 5% SLOPE IS CONSIDERED A RAMP AND WILL REQUIRE RAMP DETAILS PER THE 2016 CBC, SECTION 11B-405.
2. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREETS SHALL BE FLUSH AND FREE OF ABRUPT CHANGE.
3. ALL SIDEWALKS SHALL HAVE A MAXIMUM CROSS-SLOPE OF 2% AND A MINIMUM WIDTH OF 4'.
4. THE SLOPE AND CROSS SLOPE AT THE INTERSECTION OF ACCESSIBLE ROUTES SHALL BE 2% MAX.
5. ALL EXTERIOR GROUND FLOOR EXIT DOORS SHALL BE ON AN ACCESSIBLE ROUTE PER CBC 1117A.2.
6. DETECTABLE WARNINGS SHALL BE LOCATED SO THE EDGE NEAREST TO THE CURB IS 6" MIN - 8" MAX FROM THE FACE OF THE CURB.
7. ALL BUILDING ENTRIES REQUIRED TO BE ACCESSIBLE SHALL HAVE MINIMUM MANEUVERING CLEARANCES AT DOORS THAT COMPLY WITH 11B-404.2.4.1 WITH MINIMUM 2% SLOPE IN FRONT OF ENTRY DOOR PER CBC 11B-404.2.4.4.

RAMP NOTES

- CASE G RAMP PER CALTRANS RSP A88A
- REPLACE EX. CASE A RAMP TO CURRENT ADA STANDARD
- CASE F RAMP PER CALTRANS RSP A88A
- CASE A RAMP PER CALTRANS RSP A88A

PLANNING SUBMITTAL 08.15.19

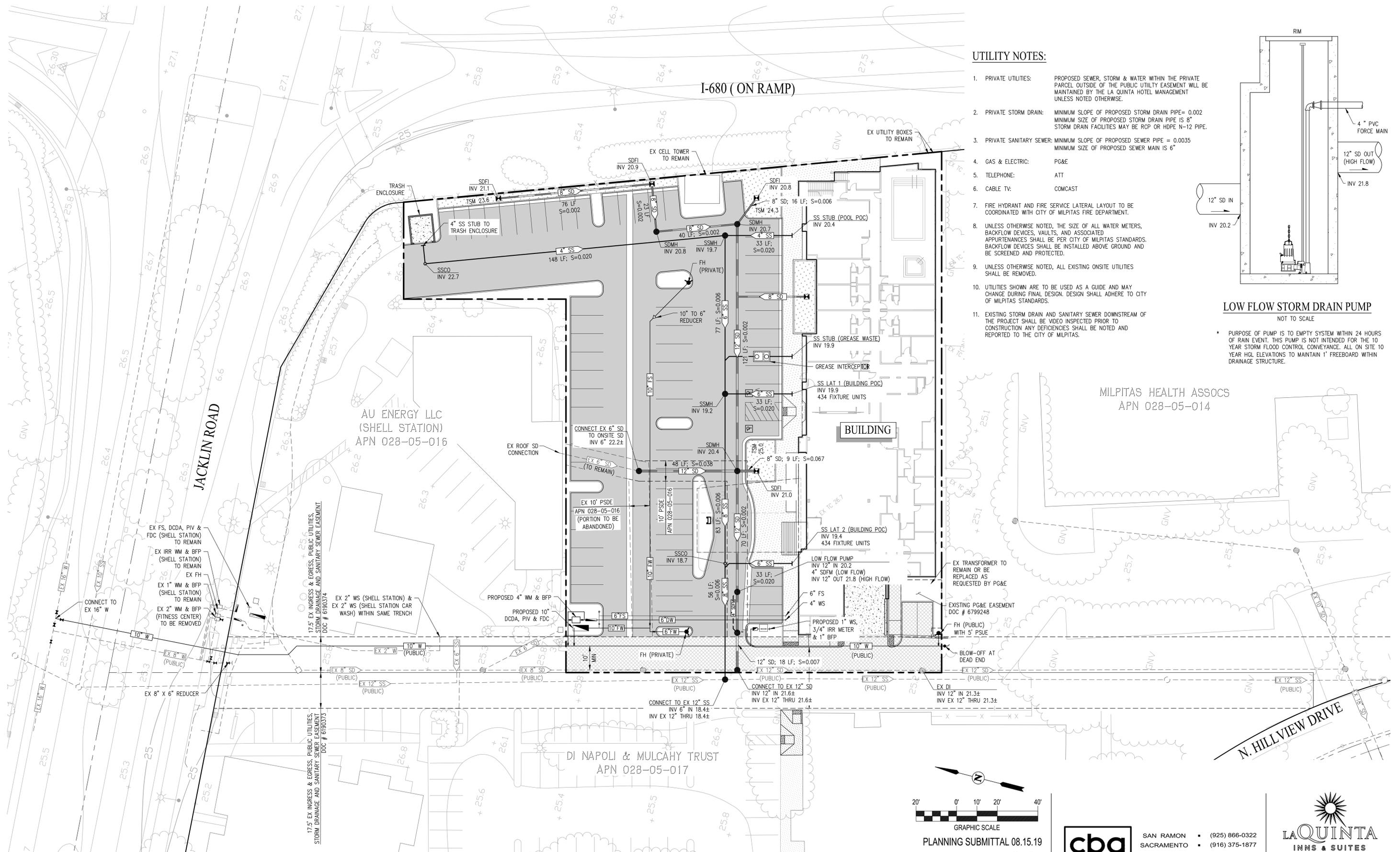
C3.0

PRELIMINARY SITE ACCESSIBILITY PLAN



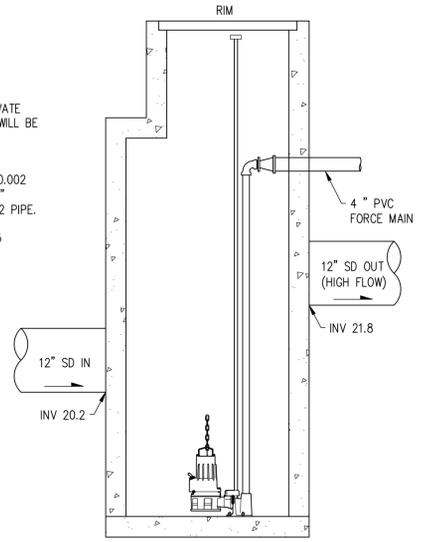
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UTILITY NOTES:

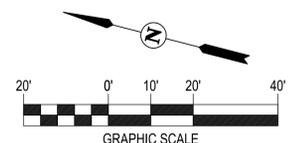
- PRIVATE UTILITIES: PROPOSED SEWER, STORM & WATER WITHIN THE PRIVATE PARCEL OUTSIDE OF THE PUBLIC UTILITY EASEMENT WILL BE MAINTAINED BY THE LA QUINTA HOTEL MANAGEMENT UNLESS NOTED OTHERWISE.
- PRIVATE STORM DRAIN: MINIMUM SLOPE OF PROPOSED STORM DRAIN PIPE= 0.002
MINIMUM SIZE OF PROPOSED STORM DRAIN PIPE IS 8" STORM DRAIN FACILITIES MAY BE RCP OR HDPE N-12 PIPE.
- PRIVATE SANITARY SEWER: MINIMUM SLOPE OF PROPOSED SEWER PIPE = 0.0035
MINIMUM SIZE OF PROPOSED SEWER MAIN IS 6"
- GAS & ELECTRIC: PG&E
- TELEPHONE: ATT
- CABLE TV: COMCAST
- FIRE HYDRANT AND FIRE SERVICE LATERAL LAYOUT TO BE COORDINATED WITH CITY OF MILPITAS FIRE DEPARTMENT.
- UNLESS OTHERWISE NOTED, THE SIZE OF ALL WATER METERS, BACKFLOW DEVICES, VAULTS, AND ASSOCIATED APPURTENANCES SHALL BE PER CITY OF MILPITAS STANDARDS. BACKFLOW DEVICES SHALL BE INSTALLED ABOVE GROUND AND BE SCREENED AND PROTECTED.
- UNLESS OTHERWISE NOTED, ALL EXISTING ONSITE UTILITIES SHALL BE REMOVED.
- UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN. DESIGN SHALL ADHERE TO CITY OF MILPITAS STANDARDS.
- EXISTING STORM DRAIN AND SANITARY SEWER DOWNSTREAM OF THE PROJECT SHALL BE VIDEO INSPECTED PRIOR TO CONSTRUCTION ANY DEFICIENCIES SHALL BE NOTED AND REPORTED TO THE CITY OF MILPITAS.



LOW FLOW STORM DRAIN PUMP
NOT TO SCALE

* PURPOSE OF PUMP IS TO EMPTY SYSTEM WITHIN 24 HOURS OF RAIN EVENT. THIS PUMP IS NOT INTENDED FOR THE 10 YEAR STORM FLOOD CONTROL CONVEYANCE. ALL ON SITE 10 YEAR HGL ELEVATIONS TO MAINTAIN 1' FREEBOARD WITHIN DRAINAGE STRUCTURE.

MILPITAS HEALTH ASSOCS
APN 028-05-014

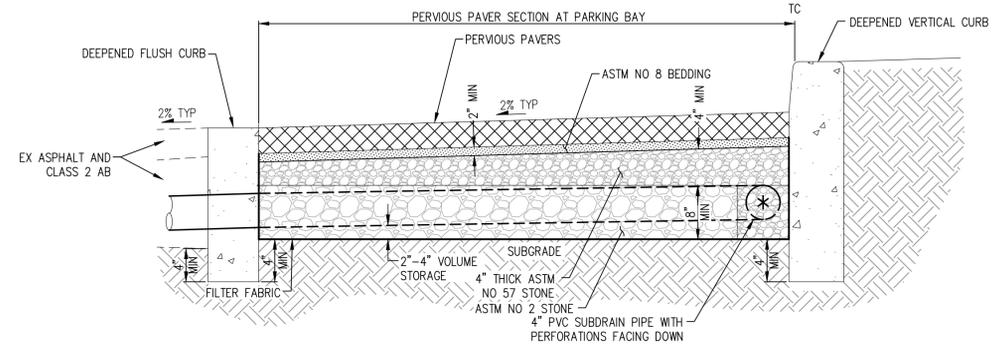
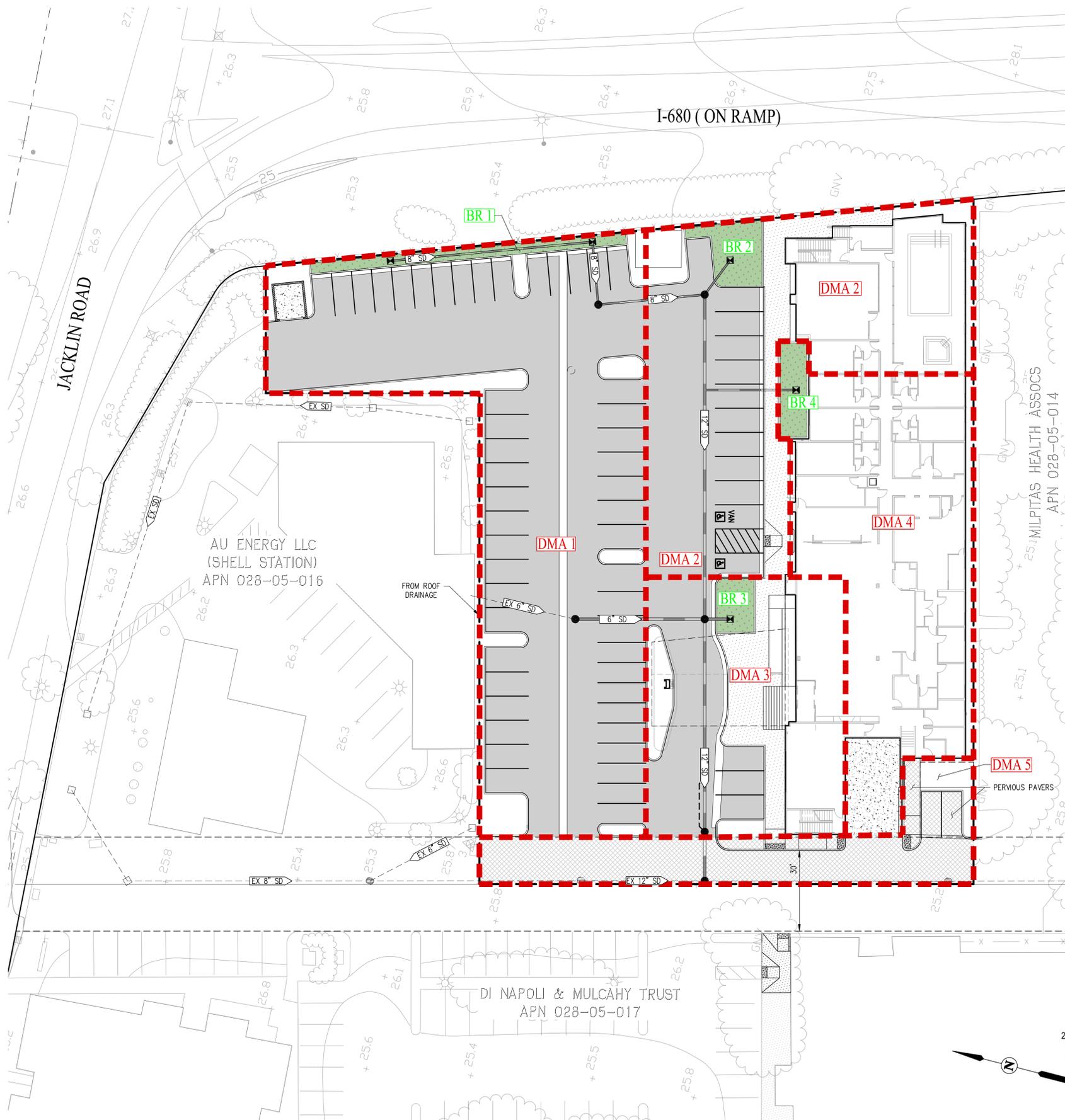


PLANNING SUBMITTAL 08.15.19
C4.0
PRELIMINARY UTILITY PLAN

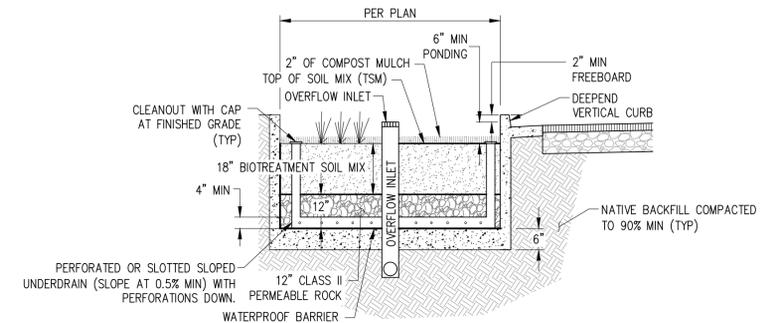


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PERVIOUS PAVER DETAIL
NOT TO SCALE



BIORETENTION BASIN WITH DEEPEMED CURB
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	RIGHT OF WAY
---	---	DRAINAGE MANAGEMENT AREA BOUNDARY
---	DMA 1	DRAINAGE MANAGEMENT AREA
---	BR 1	BIORETENTION AREA
---	EX SD	STORM DRAIN
---	SD	STORM DRAIN
---	---	CATCH BASIN
---	---	FIELD INLET
---	---	MANHOLE
---	---	BIORETENTION AREA
---	---	PERVIOUS PAVERS

PRELIMINARY STORM WATER TREATMENT

AREA ID	TREATMENT TYPE	DMA AREA (SF)	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)
DMA 1	BIORETENTION	18,040	15,933	2,107	16,144	646	650
DMA 2	BIORETENTION	11,124	10,275	849	10,360	414	470
DMA 3	BIORETENTION	7,250	6,888	362	6,924	277	278
DMA 4	BIORETENTION	9,292	8,443	849	8,528	341	356
DMA 5	SELF-TREATING	4,047	-	4,047	-	-	-

- NOTES:**
- ALL TREATMENT MEASURES AND TECHNICAL REQUIREMENTS FOR THIS PROJECT ARE BASED UPON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPPP) C.3 STORMWATER HANDBOOK DATED JUNE 2016.
 - REQUIRED SURFACE AREA OF THE BIORETENTION TREATMENT AREA IS EQUAL TO 4% OF THE CONTRIBUTING IMPERVIOUS SURFACE AREA. THIS CALCULATION IS BASED UPON THE UNIFORM INTENSITY METHOD ASSUMING RAINFALL INTENSITY OF 0.2 INCHES/HR AND A BIORETENTION SOIL MIX WITH A 5 INCHES/HR INFILTRATION RATE.
 - HYDROMODIFICATION IS NOT REQUIRED BECAUSE THE PROJECT DOES NOT INCREASE THE IMPERVIOUS SURFACE OVER THE PREDEVELOPMENT CONDITION.
 - ALL STORMWATER TREATMENT MEASURES AND SIZING SHOWN ON THIS EXHIBIT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL DESIGN.



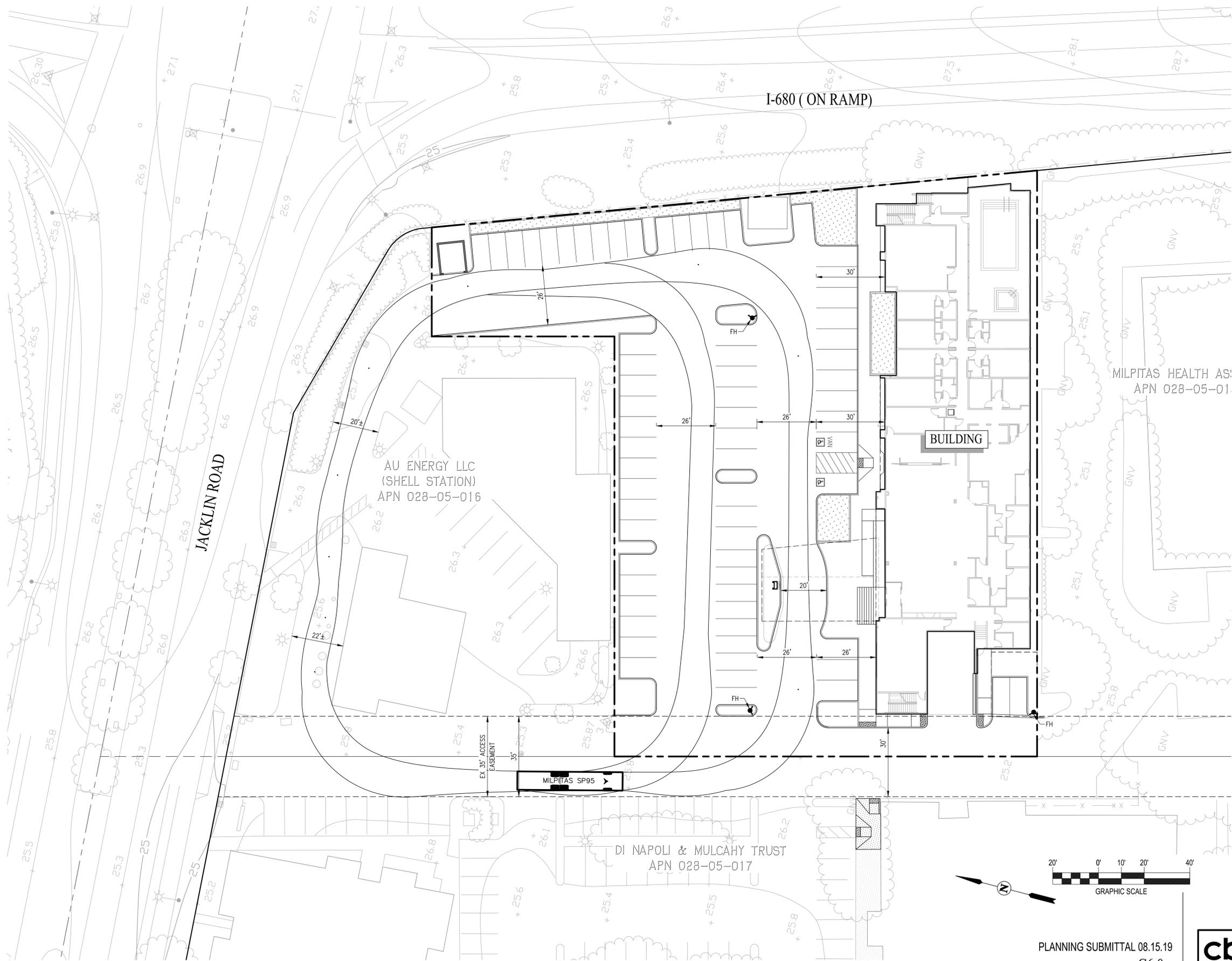
PLANNING SUBMITTAL 08.15.19
C5.0

PRELIMINARY STORMWATER CONTROL PLAN



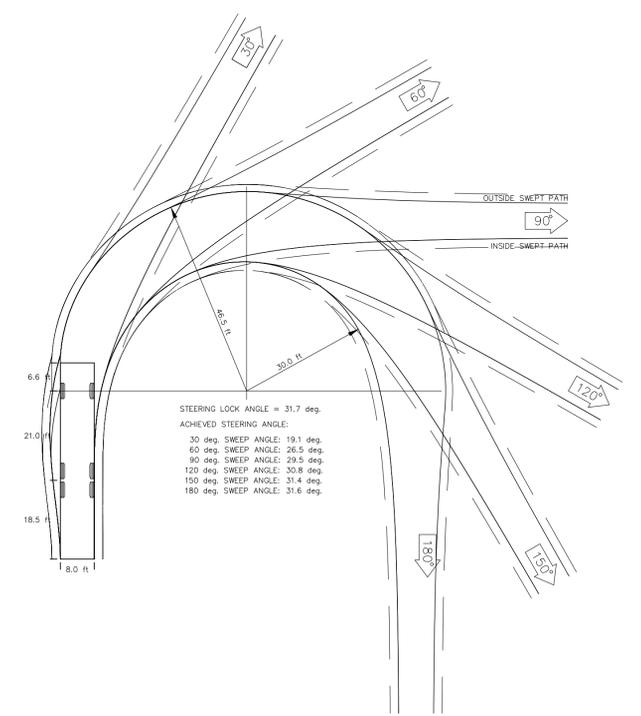
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LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	RIGHT OF WAY
⊙	⊙	FIRE HYDRANT

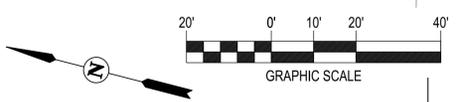


**TURNING TEMPLATE
SP95 MILPITAS FIRE TRUCK**
NOT TO SCALE

FIRE FLOW NOTES:

- BUILDING CONSTRUCTION TYPE: TYPE VA OVER TYPE I GARAGE
- MAXIMUM BUILDING SQUARE FOOTAGE: TYPE VA: 67,232
TYPE IA: 13,950 SF
- REQUIRED FIRE FLOW PER CFC, APPENDIX B: 4,250 GPM
- REQUIRED FIRE FLOW, C.O.M GUIDELINES: 2,500 GPM
- HYDRANT TEST INFO:

5.1. HYDRANT #	2A-092 7/05
5.2. LOCATION	JACKLIN RD/ N. PARK VICTORIA DR
5.3. ELEVATION	43 FT
5.4. MAIN SIZE	16 INCH
5.5. STATIC PRESSURE	143 PSI
5.6. RESIDUAL PRESSURE	132 PSI
5.7. TEST DISCHARGE	3,352 GPM

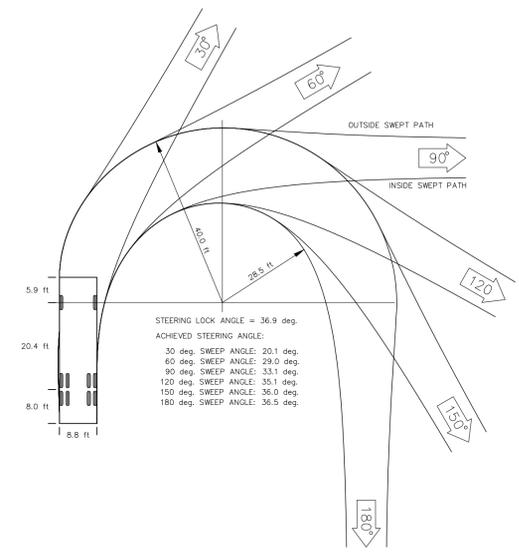
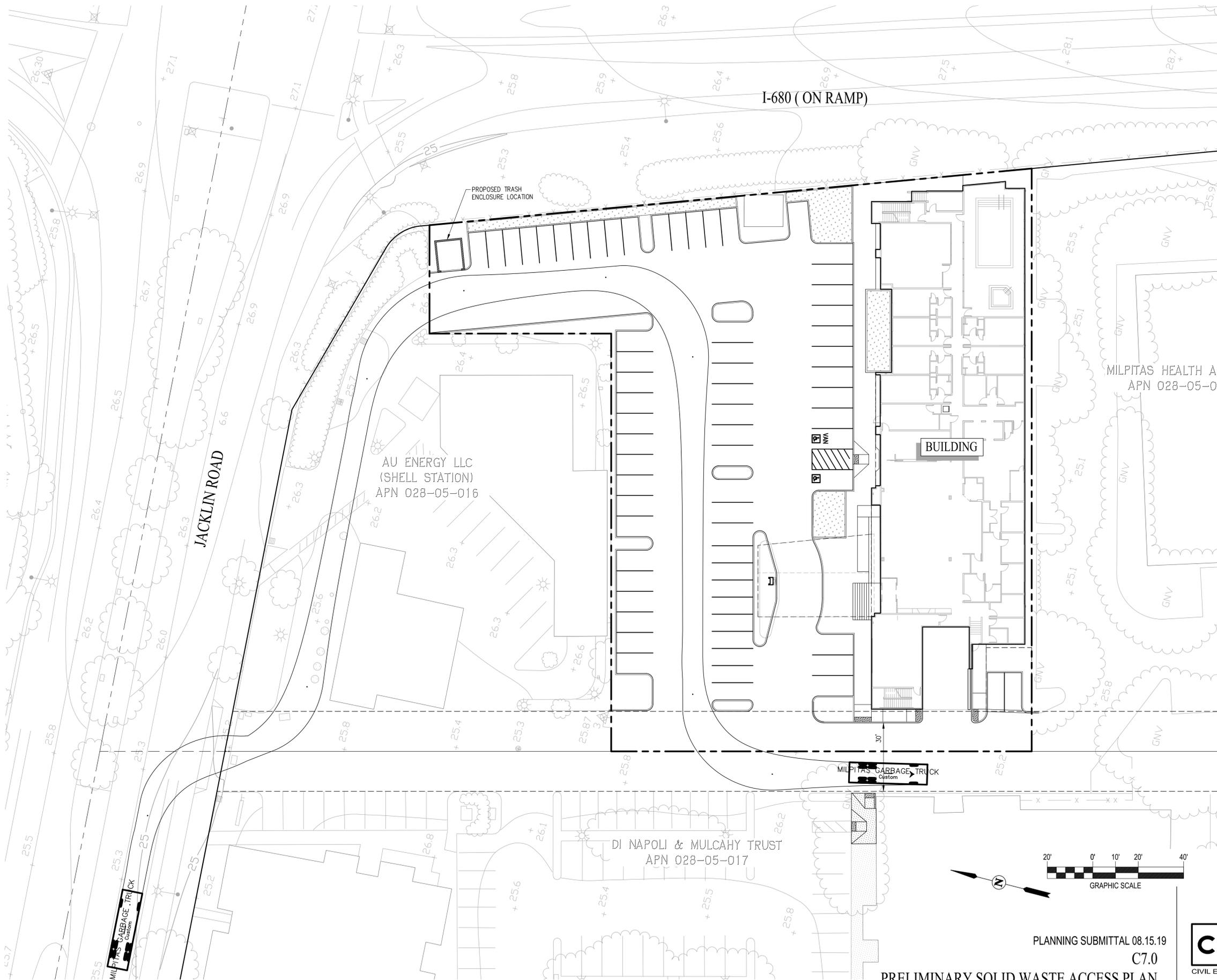


PLANNING SUBMITTAL 08.15.19
C6.0
PRELIMINARY FIRE ACCESS PLAN

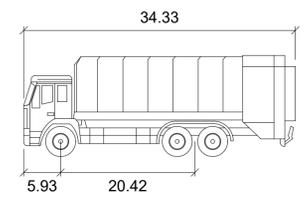


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CIVIL ENGINEERS SURVEYORS PLANNERS

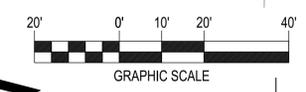




FRONT LOAD TRASH VEHICLE
 NOT TO SCALE



Garbage		feet
Width	:	8.83
Track	:	8.83
Lock to Lock Time	:	6.0
Steering Angle	:	36.9



PLANNING SUBMITTAL 08.15.19
 C7.0

PRELIMINARY SOLID WASTE ACCESS PLAN



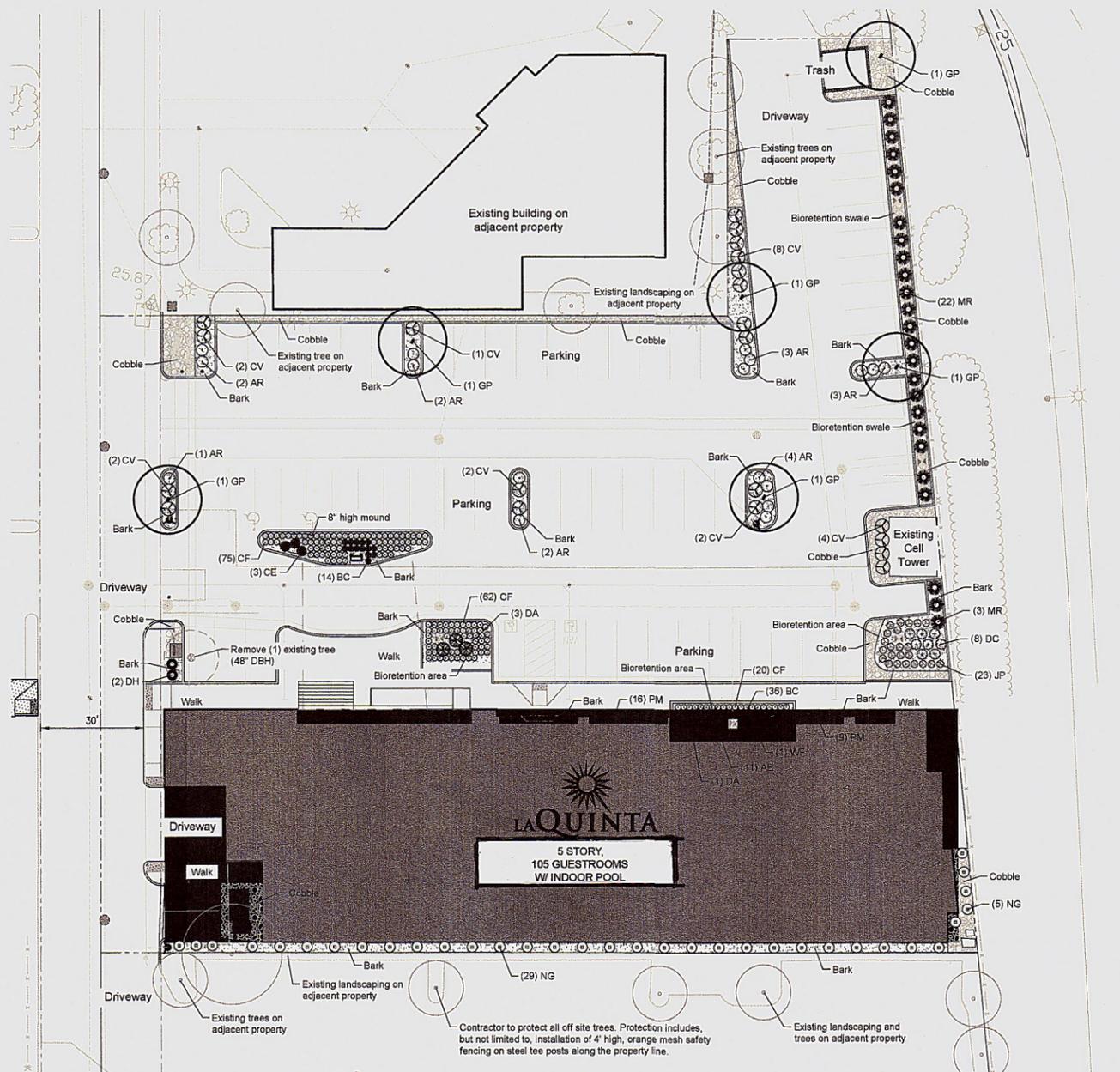
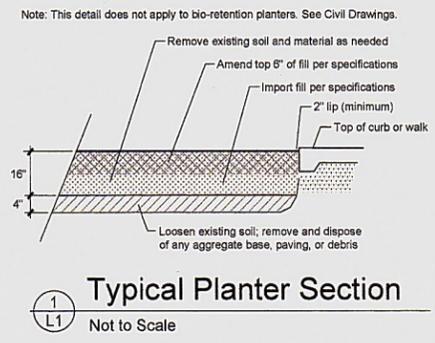
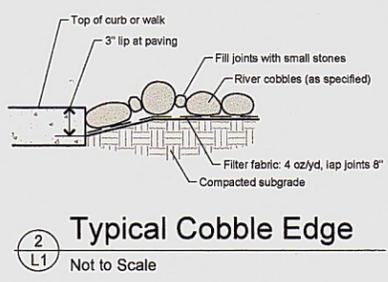
SAN RAMON • (925) 866-0322
 SACRAMENTO • (916) 375-1877
 WWW.CBANDG.COM
 SURVEYORS • PLANNERS



PLANT SCHEDULE					
CODE	QTY	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
AR	17	1 gal	Arctostaphylos 'Emerald Carpet'	Manzanita	
AE	10	1 gal	Aspidistra elatior	Cast Iron Plant	
BC	50	1 gal	Bergenia cordifolia	Heartleaf Bergenia	
CV	21	5 gal	Callistemon viminalis 'Little John'	Dwarf Weeping Bottlebrush	
CF	157	1 gal	Carex flacca	Blue Sedge	
CE	3	5 gal	Cordyline x 'Electric Pink'	Pink Cordyline	
DC	8	1 gal	Deschampsia cespitosa	Tufted Hair Grass	
DA	4	24" box	Dicksonia antarctica	Tasmanian Tree Fern	
DH	2	5 gal	Dietes x 'Orange Drop'	Orange Drop Fortnight Lily	
GP	6	15 gal	Geijera parviflora	Australian Willow	double stake
JP	23	1 gal	Juncus patens	California Gray Rush	
MR	25	5 gal	Muhlenbergia rigens	Deer Grass	
NG	34	5 gal	Nandina domestica 'Gulf Stream'	Heavenly Bamboo	
PM	25	1 gal	Polystichum munitum	Western Sword Fern	
WF	1	5 gal	Woodwardia fimbriata	Giant Chain Fern	
QTY		TOP DRESSING			
3,000 sf		Bark (Redwood Mini Bark) - 3" deep over pre-emergent herbicide			
1,810 sf		Cobble (2"-4" clean river cobble) - 4" deep over filter fabric (4 oz/yd)			

Top dressing area: 4,670 square feet
 Landscape area: 3,500 square feet

Tree removal:
 Removal of (1) 48" tree requires the planting of (2) new trees.
 Plan shows (6) new trees.



Planting Plan
 1" = 20'

Note: This detail does not apply to bio-retention planters. See Civil Drawings.

Michael Lander ASLA
 Landscape Architecture
 RLA 2399
 20270 Lupine Drive Redding, California 96002
 (530) 223-2488 mlander@shasta.com

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 232 S.E. Oak Street
 Suite 101
 Portland Oregon 97214
 503.863.4235

1000 JACKLIN RD.
 MILPITAS, CA

PRELIMINARY SET 07.10.19

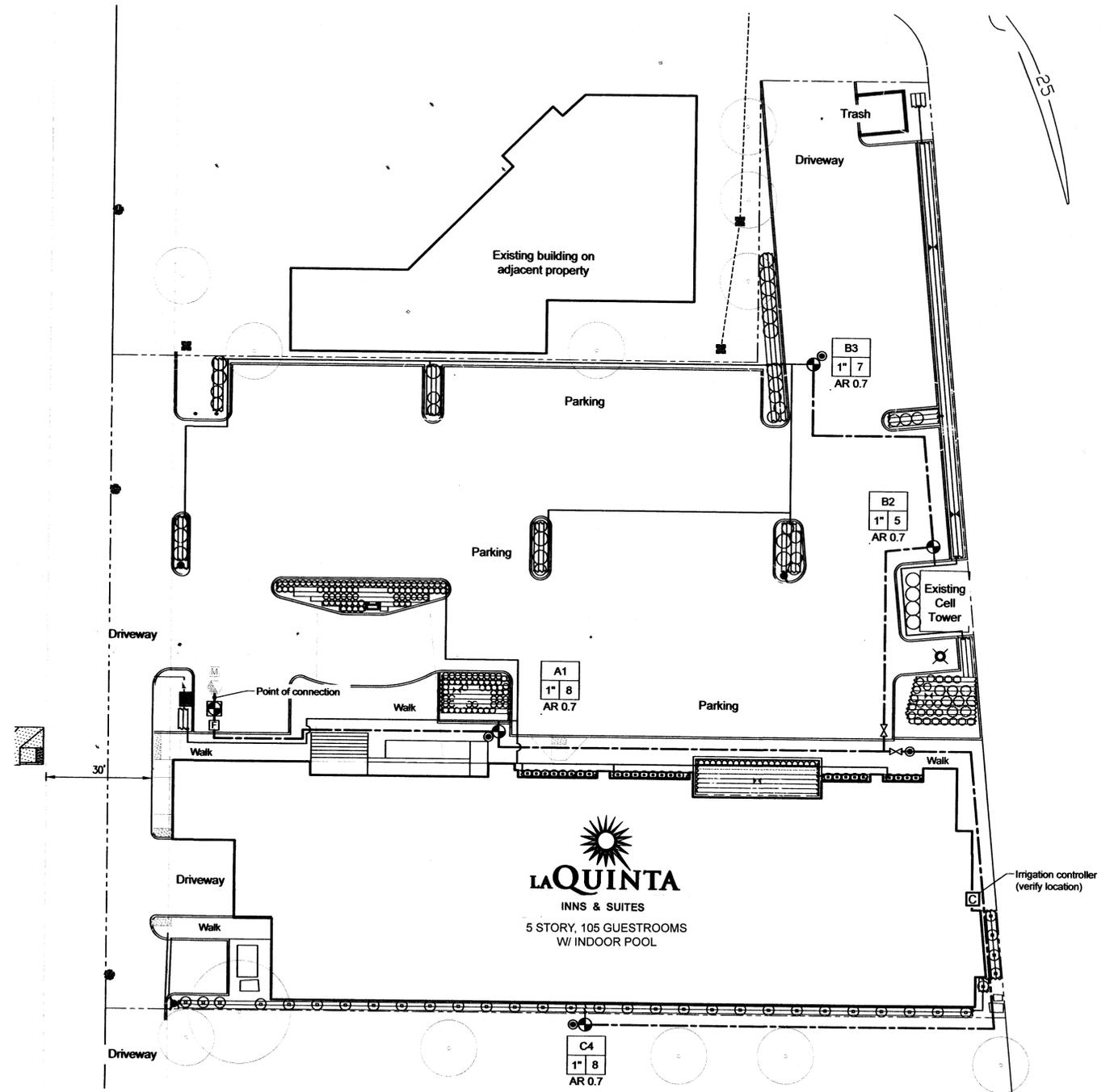
Irrigation Schedule

Symbol	Description	Make/Model	Remarks
M	3/4" water meter (irrigation meter)		see Civil Drawings
⊘	1" Reduced pressure assembly w/ steel enclosure		see Civil Drawings
⊘	Ball valve (SCH 40 PVC)	Spears or equal	see 1/L3, line size
⊘	1" Electric valve (Master Valve)	Rainbird 100-PEB valve or equal	see 2/L3
F	1" Flow sensor	Hunter HFS sensor and FCT-100 tee	see 3/L3, connect to controller
⊕	Drip valve assembly - SCH 40 ball valve, 1" electric valve, 1" pressure regulating basket filter (200 mesh, 40 psi outlet)	Rainbird 100-PEB valve, PRB-100 filter or equal	see 4/L3, pressure regulation not required if outlet pressure is less than 50 PSI, filter not required on bubbler circuit
⊕	3/4" Quick coupler valve with locking cover & swivel key	Rainbird 3-RC with 33K key & SH-1 swivel	see 5/L3
≡	In-line drip tubing with pressure compensating emitters, copper chip, and check valves (.6gph @ 12"oc.)	Rainbird XFS-CV-06-12	see 7/L3, subsurface installation, 16" on center, provide supplemental watering as required for establishment
≡	1" Polyethylene Dripline Header	Rainbird XQF1018	see 7/L3
⊕	Drip System Operation Indicator (8" height, .5" MPT)	DIG "DSP1-08"	install per manufacturer's instructions, 1 per circuit
—	PVC to drip tubing adapter		see 6/L3
⊕	Flush cap		see 8/L3, install at ends of tubing
—	Mainline - SCH 40 PVC Pipe		1" if not sized on plan
—	Lateral - SCH 40 PVC Pipe		3/4" if not sized on plan
—	3" Sleeve - SCH 40 PVC Pipe		see 9/L3, install 1 per location unless noted otherwise
⊕	Irrigation Controller - outdoor metal case, weather based, modular, 6 stations, and wireless weather sensor	Hunter IC-600-M controller and WSS-SEN sensor or approved equal	see 10/L3, wall mount, pole mount sensor, ground per manufacturer recommendations, verify location on site

Notes:

- Irrigation system is designed for a maximum flow rate of 15 GPM and a minimum static pressure of 65 PSI. If flow or pressure differ by more than 10%, contact Landscape Architect.
- Irrigation drawing is schematic. Install all irrigation equipment, wire, and pipe in landscape areas except where crossing paving in sleeves.

A1	Program/Station number
1" 6	GPM
AR 0.6	Application rate (inches per hour)



Irrigation Plan

1" = 20'

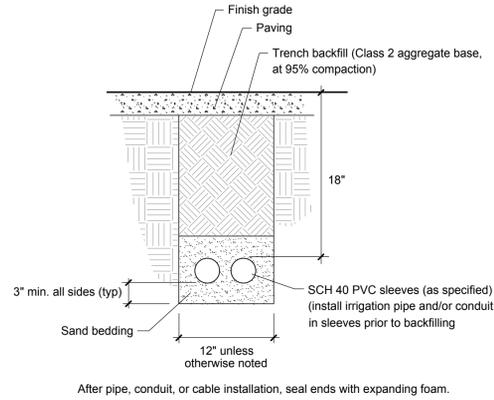
Michael Lander ASLA
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PRELIMINARY SET 07.10.19

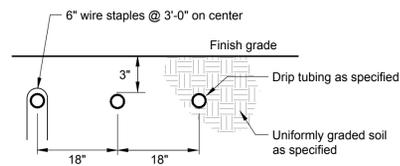
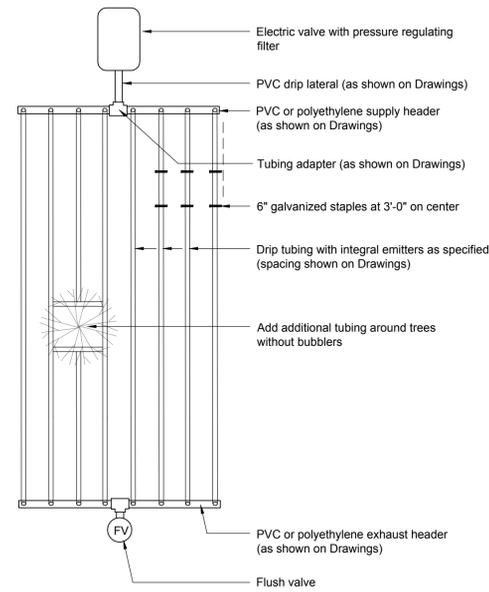
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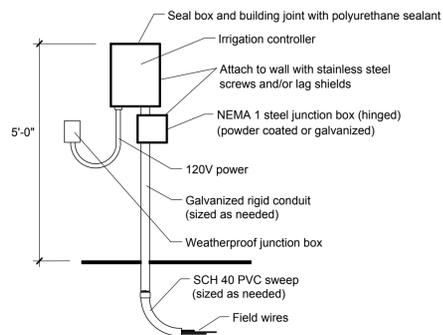
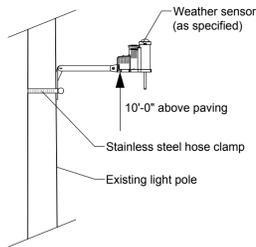


After pipe, conduit, or cable installation, seal ends with expanding foam.

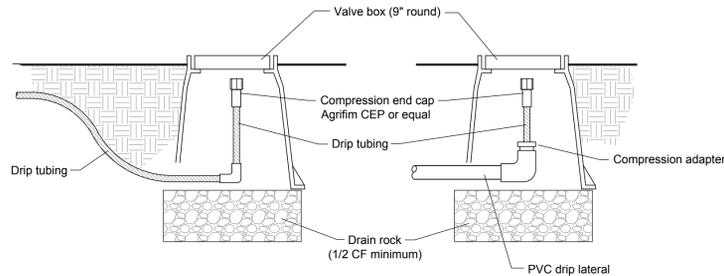
9 Irrigation Sleeves
L3 Not to Scale



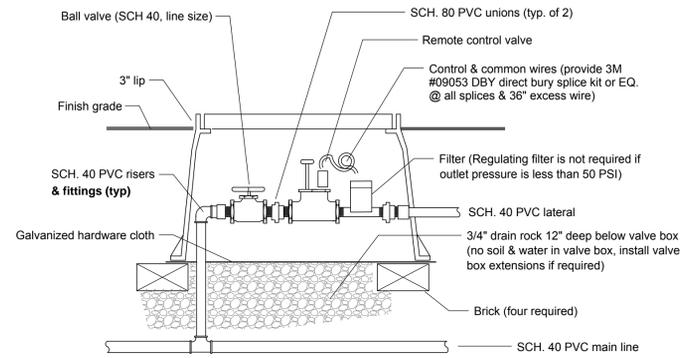
7 Dripline Layout
L3 Not to Scale



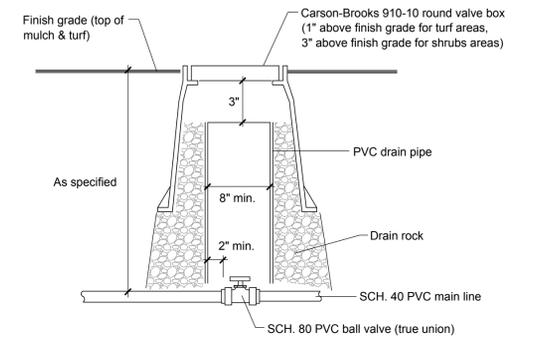
13 Irrigation Controller and Sensor
L3 Not to Scale



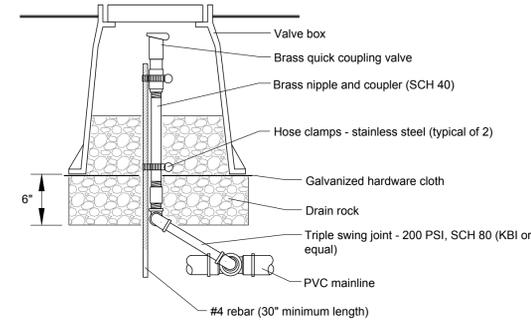
8 Drip Flush
L3 Not to Scale



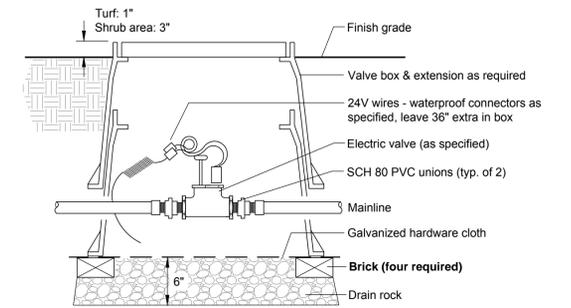
4 Valve Assembly
L3 Not to Scale



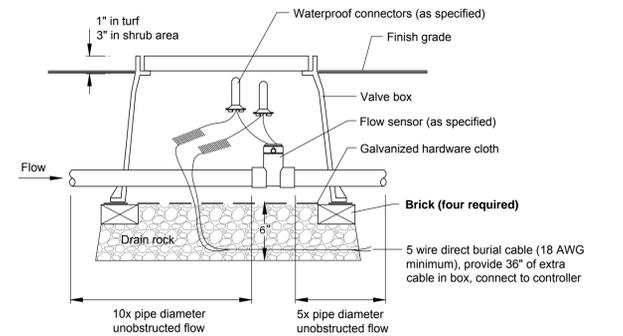
1 Ball Valve
L3 Not to Scale



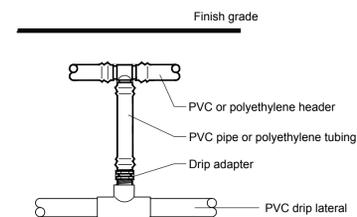
5 Quick Coupler Valve
L3 Not to Scale



2 Master Valve
L3 Not to Scale



3 Flow Sensor
L3 Not to Scale



6 Drip Connection
L3 Not to Scale

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PRELIMINARY SET 07.10.19

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**CITY OF MILPITAS
WATER CONSERVATION CONCEPT STATEMENT**

LANDSCAPE PACKET # _____

Project Name: _____

Project Address/Location: _____

Water Meter Serial Number (Provide existing or later with certificate of completion): _____

Landscape Architect/Irrigation Designer - Separate Water Conservation Concept Statements shall be submitted for each irrigation meter.

Included in this project submittal package are (Check (4) to indicate completion):

total area _____ square feet

1. Maximum Applied Water Allowance (MAWA):
 New/Rehabilitated Landscapes _____ Gallons/year
 Existing Landscapes, if applicable _____ Gallons/year
 TOTAL MAWA _____ Gallons/year

2. Estimated Applied Water Use (EAWU):
 New/Rehabilitated Landscapes _____ Gallons/year
 Existing Landscapes, if applicable _____ Gallons/year
 TOTAL EAWU _____ Gallons/year

2a. Estimated Amount of Water Expected from Effective Precipitation: _____ Gallons/year

3. Estimated Total Water Use (ETWU):
 New/Rehabilitated Landscapes _____ Gallons/year
 Existing Landscapes, if applicable _____ Gallons/year
 TOTAL ETWU _____ Gallons/year

NOTES: • If the design assumes that a part of the Estimated Total Water Use will be provided by precipitation, the Effective Precipitation Disclosure Statement in VIII-5-5 shall be completed and submitted. The Estimated Amount of Water Expected from Effective Precipitation shall not exceed 25 percent of the local annual mean precipitation (average rainfall).
 • To determine gallons/year for existing landscaping, contact the Public Works Department, Land Development Engineering Section. This value shall be the same in items 1, 2, and 3 above.

4. Landscape Design Plan _____ Sheet
 5. Irrigation Design Plan _____ Sheet
 6. Irrigation Schedule _____ Sheet
 7. Maintenance Schedule _____ Sheet
 8. Landscape Irrigation Audit Schedule _____ Sheet
 9. Grading Design Plan _____ Sheet
 10. Soil Specification _____ Sheet

Description of Project: Briefly describe the planning and design actions that are intended to achieve conservation and efficiency in water use.

Use of drought tolerant plant species, drought tolerant turf species and mulch. Irrigation was zoned for plant type and exposure.

Prepared by: _____ Date: _____

**CITY OF MILPITAS - WATER EFFICIENT LANDSCAPES
CERTIFICATE OF SUBSTANTIAL COMPLETION**

CERTIFICATE OF COMPLETION IS REQUIRED PRIOR TO OCCUPANCY.

EFFECTIVE PRECIPITATION DISCLOSURE STATEMENT

I certify that I have informed the project owner and developer that this project depends on _____ gallons of effective precipitation per year. This represents _____ percent of the local mean precipitation of _____ inches per year.

I have based my assumptions about the amount of precipitation that is effective upon: _____

I certify that I have informed the project owner and developer that in times of drought, there may not be enough water available to keep the entire landscape alive.

Licensed or Certified Landscape Professional _____ Date _____

I certify that I have been informed that in times of drought, there may not be enough water available to keep the entire landscape alive.

Owner/Developer _____ Date _____

**CITY OF MILPITAS - WATER EFFICIENT LANDSCAPES
CERTIFICATE OF SUBSTANTIAL COMPLETION**

Project Name: _____

Project Address/Location: _____

** Water Meter Register # (Enter When Meter Is Set): _____

Bldg. Permit # (if applicable): _____

Preliminary Project Documentation Submitted: (Check (4) to indicate completion):

total area _____ square feet

1. Total Maximum Applied Water Allowance (MAWA): _____ Gallons/year

2. Total Estimated Applied Water Use (EAWU): _____ Gallons/year

2a. Estimated Amount of Water Expected from Effective Precipitation: _____ Gallons/year

3. Total Estimated Total Water Use (ETWU): _____ Gallons/year

NOTE: * If the design assumes that a part of the Estimated Total Water Use will be provided by precipitation, the Effective Precipitation Disclosure Statement in VIII-5-5 shall be completed and submitted. The Estimated Amount of Water Expected from Effective Precipitation shall not exceed 25 percent of the local annual mean precipitation (average rainfall).

4. Landscape Design Plan _____

5. Irrigation Design Plan _____

6. Irrigation Schedule _____

7. Maintenance Schedule _____

8. Landscape Irrigation Audit Schedule _____

9. Grading Design Plan _____

10. Soil Analysis _____

Post-Installation Inspection: (Check (4) to indicate completion):

A. Plants installed as specified

B. Irrigation system installed as designed
 dual distribution system for recycled water
 minimal runoff or overspray

C. Landscape Irrigation Audit performed

Project submittal package and a copy of this certification has been provided to property owner/manager and local water agency.

Comments: _____

I/we certify that work has been installed in accordance with the contract documents.

Contractor _____

Signature _____ Date _____ State License Number _____

I/we certify that based upon periodic site observations, the project has been substantially completed in accordance with the Water Efficient Landscape Ordinance and that the landscape planning and irrigation has been completed in accordance with the approved plans and specifications.

Landscape Architect, Irrigation Designer, or Licensed or Certified Professional in Horticulture or in a field related to Horticulture.

Signature _____ Date _____ State License Number _____

I/we certify that I/we have received all of the project documents and that it is our responsibility to see that the project is maintained in accordance with the contract documents.

Owner _____

Signature _____ Date _____

Must sign in order for City to accept certificate.
 ** Must fill inspection with contractor to verify register #, this must be done before occupancy

IRRIGATION SCHEDULE

Z	OPERATING RUN	# OF													ANN GAL	ANN CU FT				
STA	PRECIP	PRESSURE	TIME	CYC	CYC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC			
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				
11																				
12																				
GAL																				
CU FT																				

- IRRIGATION MAINTENANCE SCHEDULE SAMPLE**
- Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting replenishing mulch; fertilizing; pruning; and weeding in all landscape areas.
 - Whenever possible, repair of the irrigation equipment shall be done with the originally specified materials or their equivalents.
- IRRIGATION AUDIT SCHEDULE SAMPLE**
- At a minimum, audits shall be in accordance with the state of California Landscape Auditor Handbook.
 - Audits shall be conducted by a State Certified Landscape Irrigation Auditor at least once every five years and submitted to the local water purveyor.
- SOIL SPECIFICATION / ANALYSIS SAMPLE**
- Provide soil specification. If import soil or provide soil analysis if using on site soil. The soil information must include: Soil texture (% of organic matter), infiltration rate (or estimated range), PH & total soluble salts, indicate if mulch, soil amendments or other material will be used or required.

To Be Submitted with Building Permit Set

To Be Submitted at Completion of Construction

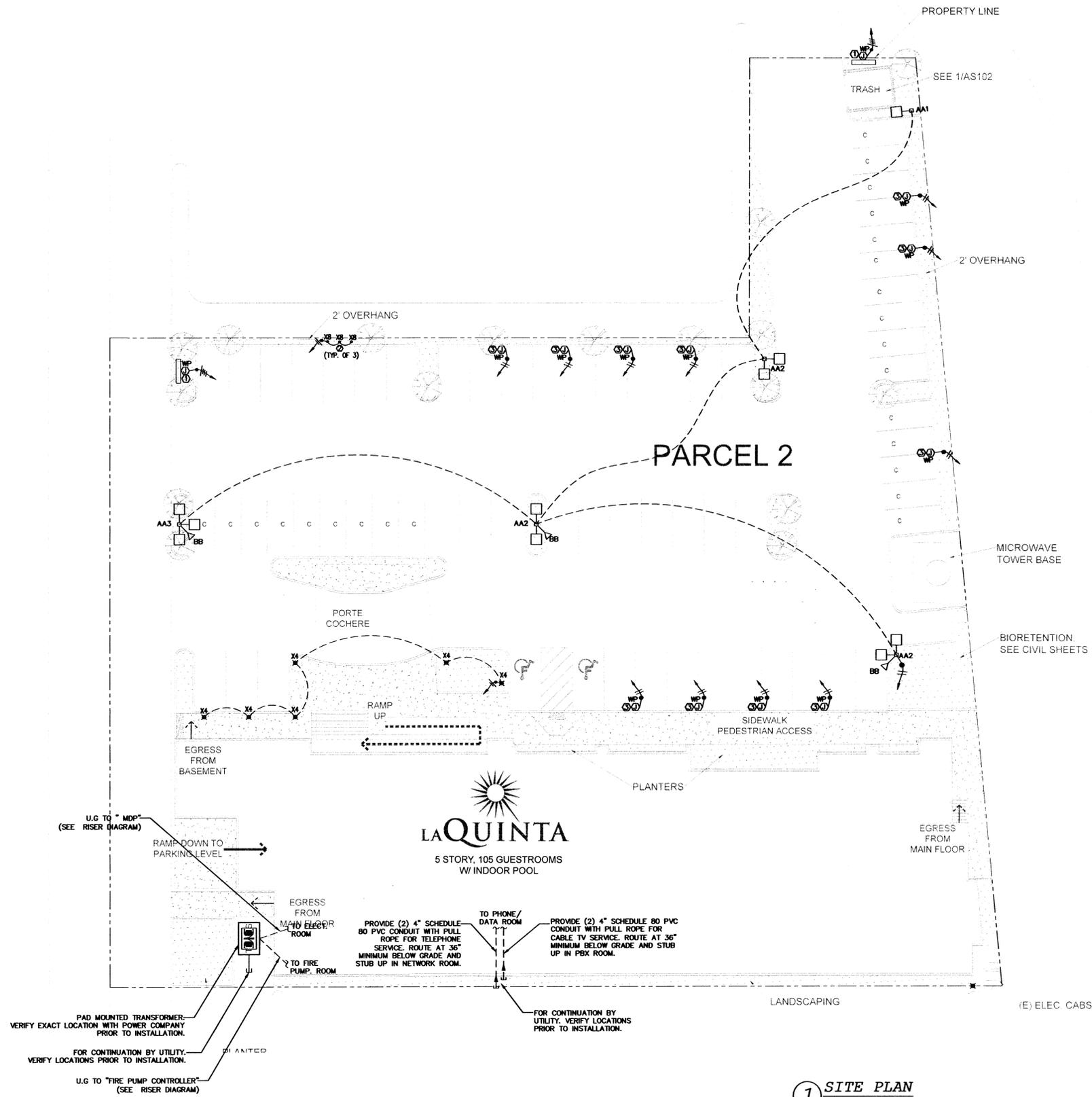
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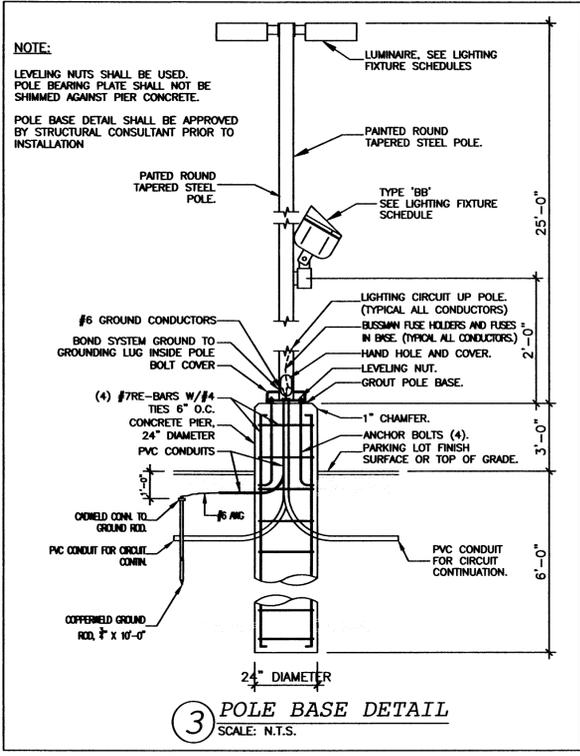
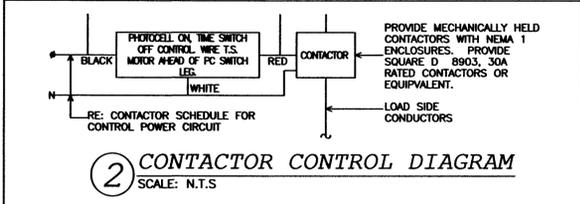
Case Design Group
 232 S.E. Oak Street
 Suite 101
 Portland Oregon 97214
 503.863.4235





① SITE PLAN
SCALE: 1/16" = 1'-0"

- KEY NOTES:**
- J.BOX FOR MAIN SIGN. VERIFY LOCATION WITH OWNER PRIOR TO INSTALLATION.
 - J.BOX FOR FLAG POLE. VERIFY LOCATION WITH OWNER PRIOR TO INSTALLATION.
 - J.BOX FOR CAR CHARGING STATION. VERIFY LOCATION AND REQUIREMENTS WITH OWNER PRIOR TO INSTALLATION. COORDINATE ALL REQUIREMENTS WITH CHARGING STATION MANUFACTURER.



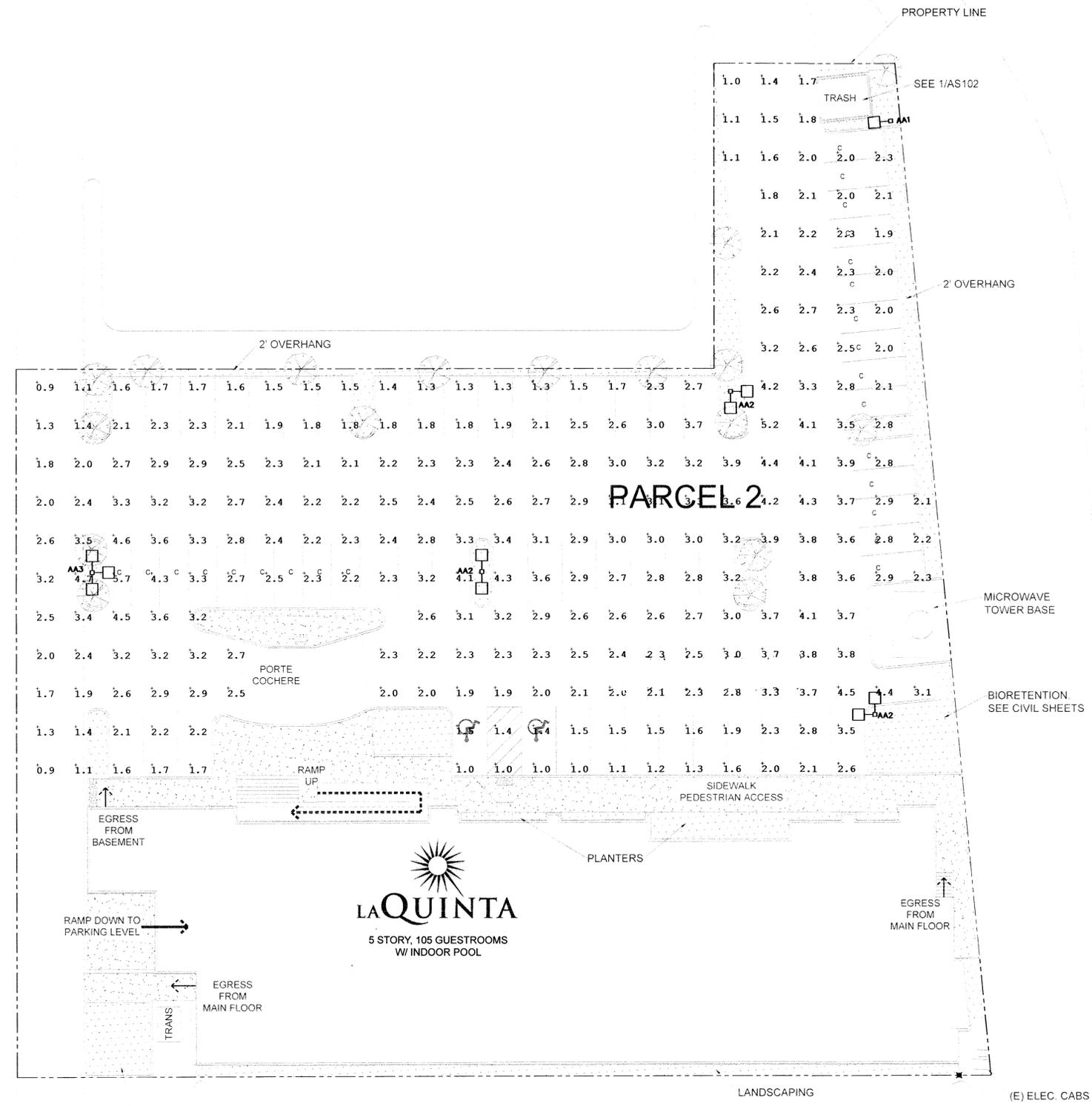
- GENERAL SITE NOTES:**
- FOR PARKING LOT LIGHTING CONTROL DIAGRAM SEE #2, E6.0
 - PROVIDE METER AND CT'S PER UTILITY CO. SPECIFICATIONS.
 - INSTALL PAD MOUNTED TRANSFORMER PER UTILITY CO. SPECIFICATIONS. COORDINATE ALL OTHER REQUIREMENTS WITH LOCAL UTILITY CO.
 - CONTRACTOR SHALL PROVIDE 5" SCHEDULE 80 PVC CONDUITS WITH PULL ROPE AT A MINIMUM OF 30" BELOW GRADE. TERMINATE CONDUIT AT A LOCATION SPECIFIED BY UTILITY CO. COORDINATE ALL REQUIREMENTS.
 - CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL UTILITY SERVICES TO THE BUILDING WITH THEIR RESPECTIVE PROVIDERS. FAILURE TO DO SO WILL NOT RESULT IN ANY EXTRA FINANCIAL COMPENSATION FROM THE OWNER. CONTRACTOR SHALL HAVE ALL UTILITY SERVICE REQUIREMENTS IN THE BASE BID.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR BACK FILLING, TRENCHING AND SITE RESTORATION. THE SELECT BACKFILL MATERIAL MUST NOT CONTAIN ANY SHARP OR FOREIGN OBJECTS.
 - THE ELECTRICAL CONTRACTOR SHALL COORDINATE AS NECESSARY ALL UNDERGROUND LOCATIONS WITH OTHER TRADES PRIOR TO DIGGING BEING DONE.
 - THE CONTRACTOR SHALL INCLUDE IN THE BID ALL ELECTRIC UTILITY FEES TO PROVIDE ELECTRICAL SERVICE TO THE PROJECT.

MAR. 13, 2019



Case Design Group
232 S.E. Oak Street
Suite 101
Portland Oregon 97214
503.863.4235





Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Parking Lighting	Illuminance	FC	2.53	5.7	0.9	2.81	6.33

Luminaire Schedule						
Qty	Label	Arrangement	LLF	Description	Lum. Watts	Lum. Lumens
10	KAD LED 60C 530 30K R3 MVOLT	SINGLE	1.000	KAD LED 60C 530 30K R3 MVOLT	101	11946

1 PHOTOMETRIC PLAN
SCALE: 1/16" = 1'-0"

MAR. 13, 2019



Case Design Group
232 S.E. Oak Street
Suite 101
Portland Oregon 97214
503.863.4235





VIEW FROM FREEWAY NORTHBOUND - PROPOSED

SEE SHEETS A301-A303 FOR COLOR KEY

Case Design Group
232 S.E. Oak Street
Suite 101
Portland Oregon 97214
503.863.4235


LAQUINTA
INNS & SUITES
1000 JACKLIN ROAD
MILPITAS, CA 95035



VIEW FROM FREEWAY SOUTHBOUND - PROPOSED

SEE SHEETS A301-A303 FOR COLOR KEY

Case Design Group
232 S.E. Oak Street
Suite 101
Portland Oregon 97214
503.863.4235





VIEW FROM OFFRAMP INTERSECTION LOOKING SOUTH - **PROPOSED**
SEE SHEETS A301-A303 FOR COLOR KEY

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Suite 101
Portland Oregon 97214
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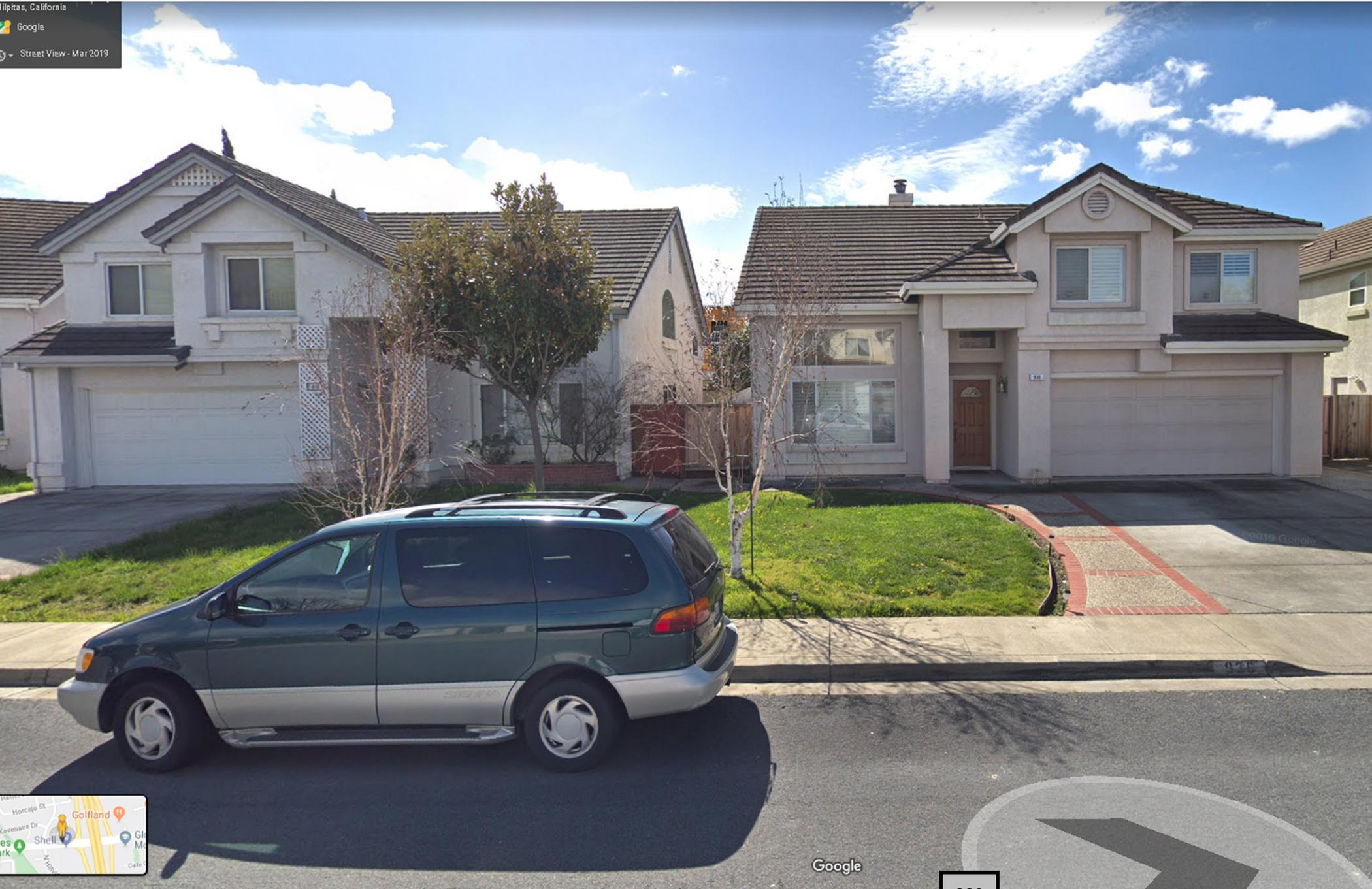
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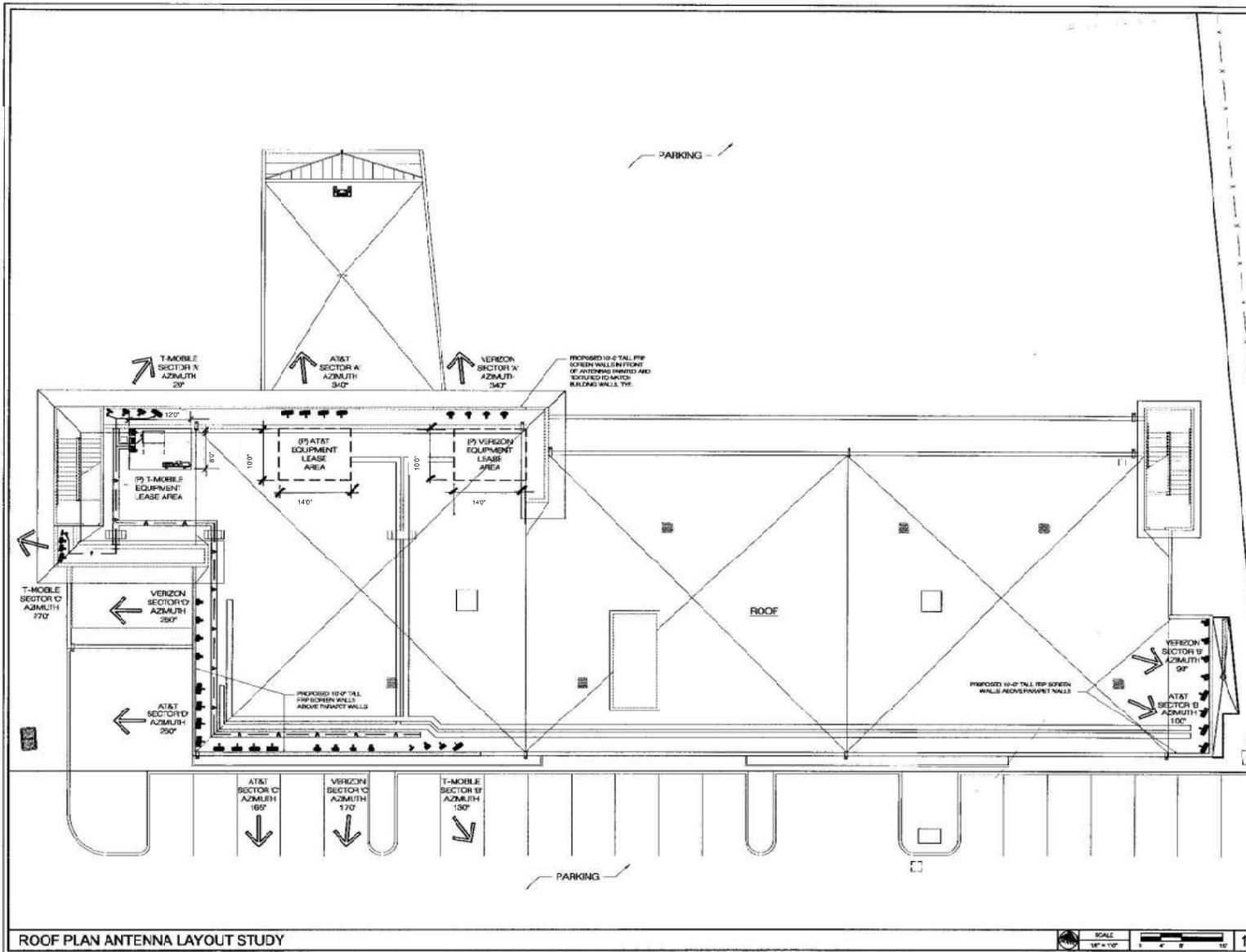


Google









T-Mobile
 185 GATEWAY BLVD. 11TH FLOOR
 DUBLIN, CA 94568

PROJECT INFORMATION:
SF04926A
SF926 LA QUINTA INN
(ANCHOR PROJECT)
 1000 JACKSON ROAD
 MILPITAS, CA 95035

CURRENT ISSUE DATE:
08/29/2019

ISSUED FOR:
CONSTRUCTION

REV. DATE	DESCRIPTION	BY
07/29/2018	ISSUE	MS
08/29/2019	ISSUE	MS

PROJECT ARCHITECT/ENGINEER:
 640 4TH STREET #200
 SAN FRANCISCO, CA 94107
 PHONE: (415) 740-7974
 FAX: (415) 554-3002

CONSULTANT:

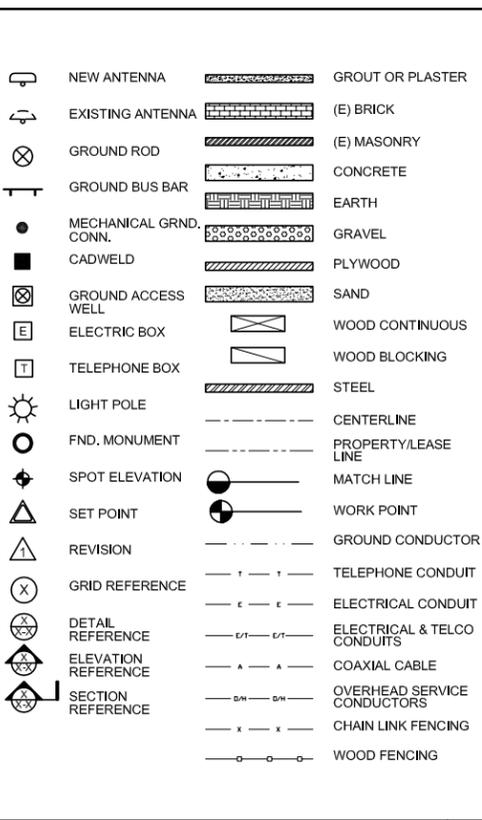
DRAWN BY: _____ CHK.: _____ APN.: _____
 NS NS DE

LICENSER:

SHEET TITLE:
ROOF PLAN
ANTENNA LAYOUT
STUDY

SHEET NUMBER:
A-1

SCALE: 1/4" = 1'-0"



LEGEND 3

AB.	ANCHOR BOLT	GRND.	GROUND
ABV.	ABOVE	HDR.	HEADER
ACCA	ANTENNA CABLE COVER ASSEMBLY	HGR.	HANGER
ADD.	ADDITIONAL	HT.	HEIGHT
A.F.F.	ABOVE FINISHED FLOOR	ICGB.	ISOLATED COPPER GROUNDING BUS
A.F.G.	ABOVE FINISHED GRADE	IN-(")	INCHES
AGL	ABOVE GROUND LEVEL	INT.	INTERIOR
ALUM	ALUMINUM	LB.(#)	POUND(S)
ALT.	ALTERNATE	L.B.	LAG BOLTS
ANSL.	ABOVE SEA LEVEL	L.F.	LINEAR FEET(FOOT)
ANT.	ANTENNA	L.	LONGITUDINAL
APPRX.	APPROXIMATELY	MAS.	MASONRY
ARCA.	ARCHITECTURAL	MAX.	MAXIMUM
AWG.	AMERICAN WIRE GAUGE	M.B.	MACHINE BOLT
BLDG.	BUILDING	MECH.	MECHANICAL
BLK.	BLOCK	MFR.	MANUFACTURER
BLKG.	BLOCKING	MIN.	MINIMUM
BLM.	BEAM	MISC.	MISCELLANEOUS
BN.	BOUNDARY NAILING	MTL.	METAL
BN.	BACK-UP CABINET	(N)	NEW
CAB.	CABINET	NO.(#)	NUMBER
CAB.	BAKE TINNED COPPER WIRE	N.T.S.	NOT TO SCALE
B.O.F.	BOTTOM OF FOOTING	O.C.	ON CENTER
CANT.	CANTILEVERED	OPNG.	OPENING
C.I.P.	CAST IN PLACE	PIC	PRE CAST CONCRETE
CLG.	CEILING	PCS	PERSONAL COMMUNICATION SERVICES
CLR.	CLEAR	PLY.	PLYWOOD
COL.	COLUMN	PPC.	POWER PROTECTION CABINET
CONC.	CONCRETE	PRC.	PRIMARY FLEXING CABINET
CONN.	CONNECTION(OR)	P.S.F.	POUNDS PER SQUARE FOOT
CONSTR.	CONSTRUCTION	P.S.J.	POUNDS PER SQUARE INCH
CONT.	CONTINUOUS	P.T.	PRESSURE TREATED
CP.	CORNER	PWR.	POWER (CABINET)
DBL.	DOUBLE	QTY.	QUANTITY
DEPT.	DEPARTMENT	RAD.(R)	RADIUS
D.F.	DOUGLAS FIR	REF.	REFERENCE
DIA.	DIAMETER	REINF.	REINFORCING
DNG.	DIAGONAL	REQ'D.	REQUIRED
DNL.	DIMENSION	RG.	RIGID GALVANIZED STEEL
DWG.	DRAWING(S)	SCH.	SCHEDULE
DWL.	DOWELS	SHT.	SHEET
EA.	EACH	SIM.	SIMILAR
EL.	ELEVATION	SPEC.	SPECIFICATION(S)
ELEC.	ELECTRICAL	SQ.	SQUARE
ELEV.	ELEVATOR	S.S.	STAINLESS STEEL
EMT.	ELECTRICAL METALLIC TUBING	STD.	STANDARD
EN.	EDGE NAIL	STL.	STEEL
ENG.	ENGINEER	STRUC.	STRUCTURAL
EQ.	EQUAL	TEMP.	TEMPORARY
EXP.	EXPANSION	THK.	THICKNESS
EXT.(E)	EXISTING	T.N.	TOE NAIL
EXT.	EXTERIOR	T.O.A.	TOP OF ANTENNA
FAB.	FABRICATION(OR)	T.O.C.	TOP OF CURB
FF.	FINISH FLOOR	T.O.F.	TOP OF FOUNDATION
F.G.	FINISH GRADE	T.O.P.	TOP OF PLATE(PARAPET)
FIN.	FINISHED	T.O.S.	TOP OF STEEL
FLR.	FLOOR	T.O.W.	TOP OF WALL
FDN.	FOUNDATION	TYP.	TYPICAL
F.O.C.	FACE OF CONCRETE	U.G.	UNDER GROUND
F.O.M.	FACE OF MASONRY	U.L.	UNDERWRITES LABORATORY
F.O.S.	FACE OF STUD	UNLESS NOTED OTHERWISE	
F.O.W.	FACE OF WALL	V.I.F.	VERIFY IN FIELD
F.S.	FINISH SURFACE	W	WIDE(WIDTH)
F.T.(T)	FOOTING	W/	WITH
FTG.	FOOTING	WD.	WOOD
G.	GROWTH(CABINET)	W.P.	WEATHERPROOF
GA.	GAUGE	WT.	WEIGHT
GL.	GALVANIZED	WT.	WEIGHT
GL.F.	GROUND FAULT CIRCUIT INTERRUPTER	⊕	CENTERLINE
GLB.(GLU-LAM)	GULF LAMINATED BEAM	⊕	PLATE
GPS	GLOBAL POSITIONING SYSTEM		

ABBREVIATIONS 2

CONSTRUCTION NOTES

- NOT USED
- THE APPLICANT, ARCHITECT/ENGINEER, AND REPRESENTATIVES OF THE OWNER, MUST BE NOTIFIED AT LEAST TWO FULL DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
- DO NOT SCALE BUILDING DIMENSIONS FROM DRAWINGS.
- ANY DRAIN AND/OR FIELD TILE ENCOUNTERED DURING CONSTRUCTION SHALL BE RETURNED TO ITS ORIGINAL CONDITION PRIOR TO COMPLETION OF WORK. SIZE, LOCATION AND TYPE OF ANY UNDERGROUND UTILITIES OR IMPROVEMENTS SHALL BE ACCURATELY NOTED AND PLACED ON AS-CONSTRUCTED DRAWINGS BY GENERAL CONTRACTOR AND ISSUED TO ARCHITECT AT COMPLETION OF PROJECT.
- ALL EXISTING UTILITIES, FACILITIES, CONDITIONS AND THEIR DIMENSIONS SHOWN ON PLANS HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. THE ARCHITECT/ENGINEER AND OWNER ASSUME NO RESPONSIBILITY WHATSOEVER AS TO THE SUFFICIENCY OR ACCURACY OF THE INFORMATION SHOWN ON THE PLANS OR THE MANNER OF THEIR REMOVAL OR ADJUSTMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING EXACT LOCATION OF ALL EXISTING UTILITIES AND FACILITIES PRIOR TO START OF CONSTRUCTION. CONTRACTOR SHALL ALSO OBTAIN FROM EACH UTILITY COMPANY DETAILED INFORMATION RELATIVE TO WORKING SCHEDULES AND METHODS OF REMOVING OR ADJUSTING EXISTING UTILITIES.
- CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES BOTH HORIZONTALLY AND VERTICALLY PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES OR DOUBTS AS TO THE INTERPRETATION OF PLANS SHOULD BE IMMEDIATELY REPORTED TO THE ARCHITECT/ENGINEER FOR RESOLUTION AND INSTRUCTION AND NO FURTHER WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS CHECKED AND CORRECTED BY THE ARCHITECT/ENGINEER. FAILURE TO SECURE SUCH INSTRUCTION MEANS CONTRACTOR WILL HAVE WORKED AT HIS/HER OWN RISK AND EXPENSE. CONTRACTOR SHALL CALL LOCAL DIGGER HOT LINE FOR UTILITY LOCATIONS 48 HOURS PRIOR TO START OF CONSTRUCTION.
- ALL NEW AND EXISTING UTILITY STRUCTURES ON SITE AND IN AREAS TO BE DISTURBED BY CONSTRUCTION SHALL BE ADJUSTED TO FINISH ELEVATIONS PRIOR TO FINAL INSPECTION OF WORK.
- THE BUILDING DEPARTMENT ISSUING THE BUILDING PERMIT SHALL BE NOTIFIED AT LEAST TWO WORKING DAYS PRIOR TO THE COMMENCEMENT OF WORK OR AS STIPULATED BY THE CODE ENFORCEMENT OFFICIAL HAVING JURISDICTION.
- GRADING OF THE SITE WORK AREA IS TO BE SMOOTH AND CONTINUOUS IN SLOPE AND IS TO FEATHER INTO EXISTING GRADES AT THE GRADING LIMITS.
- ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC., SHALL BE PROPERLY LAID BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.
- STRUCTURAL FILLS SUPPORTING PAVEMENTS SHALL BE COMPACTED TO 100% OF MAXIMUM STANDARD PROCTOR DRY DENSITY.
- NEW GRADES NOT IN BUILDING AND DRIVEWAY IMPROVEMENT AREA TO BE ACHIEVED BY FILLING WITH APPROVED CLEAN FILL AND COMPACTED TO 95% OF STANDARD PROCTOR DENSITY.
- ALL FILL SHALL BE PLACED IN UNIFORM LIFTS. THE LIFT'S THICKNESS SHOULD NOT EXCEED THAT WHICH CAN BE PROPERLY COMPACTED THROUGHOUT ITS ENTIRE DEPTH WITH THE EQUIPMENT AVAILABLE.
- ANY FILLS PLACED ON EXISTING SLOPES THAT ARE STEEPER THAN 10 HORIZONTAL TO 1 VERTICAL SHALL BE PROPERLY BENCHED INTO THE EXISTING SLOPE AS DIRECTED BY A GEOTECHNICAL ENGINEER.
- THE GRADES WITHIN THE FENCED-IN AREA TO BE ACHIEVED PROCTOR COMPACTING CLEAN FILL TO A DENSITY OF 90% OF STANDARD PROCTOR COVERING THE AREA WITH 6 MIL. VISQUENE (L' OVERLAP AT SEAMS) FOR WEED SUPPRESSION, THEN ACHIEVING FINISH GRADE BY ADDING 6" OF 3/4" CRUSHED STONE - NO FINES.
- CONTRACTOR SHALL CLEAN ENTIRE SITE AFTER CONSTRUCTION SUCH THAT NO PAPERS, TRASH, WEEDS, BRUSH OR ANY OTHER DEPOSITS WILL REMAIN. ALL MATERIALS COLLECTED DURING CLEANING OPERATIONS SHALL BE DISPOSED OF OFF-SITE BY THE GENERAL CONTRACTOR.
- ALL TREES AND SHRUBS WHICH ARE NOT IN DIRECT CONFLICT WITH THE IMPROVEMENTS SHALL BE PROTECTED BY THE GENERAL CONTRACTOR.
- DRIVE WAY CONSTRUCTION, GRADING AND DRAINAGE WORK SHALL CONFORM TO CALIFORNIA STATE OF TRANSPORTATION "STANDARD SPECIFICATION FOR THE ROAD AND BRIDGE CONSTRUCTION", LATEST EDITIONS, AND ALL APPLICABLE PROVISIONS OR LOCAL COUNTY ORDINANCES.
- ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY GENERAL CONTRACTOR WITH LOCAL UTILITY COMPANY, TELEPHONE COMPANY, AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.

GENERAL NOTES

21- CONTRACTOR TO VERIFY ALL FIELD EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF PROJECT. DRAWINGS ARE BASED ON INFORMATION PROVIDED BY T-MOBILE WEST, LLC AND IT'S REPRESENTATIVES.

DRAWING SPECIFICATIONS

- THE LATEST EDITION OF THE AMERICAN INSTITUTE OF ARCHITECTS DOCUMENT A201, "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION," ARE INCLUDED IN THESE SPECIFICATIONS AS IF COMPLETELY REPRODUCED HEREIN.
- THIS FACILITY IS AN UNOCCUPIED TELECOMMUNICATIONS SITE AND IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.
- THE DRAWINGS SHALL NOT BE SCALED. FIGURED DIMENSIONS HAVE PRECEDENCE OVER THE DRAWING SCALE. DETAIL DRAWINGS HAVE PRECEDENCE OVER SMALL SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK THE ACCURACY OF ALL DIMENSIONS IN THE FIELD. UNLESS SPECIFICALLY NOTED DO NOT FABRICATE ANY MATERIALS OR BEGIN ANY MATERIALS OR BEGIN ANY CONSTRUCTION UNTIL THE ACCURACY OF THE DRAWING DIMENSIONS HAVE BEEN VERIFIED AGAINST ACTUAL FIELD DIMENSIONS.
- ALL SYMBOLS AND ABBREVIATIONS USED ON THE DRAWINGS ARE CONSIDERED CONSTRUCTION STANDARDS. IF THE CONTRACTOR HAS QUESTIONS REGARDING THEIR EXACT MEANING, THE PROJECT MANAGER AND THE ARCHITECT SHALL BE NOTIFIED FOR CLARIFICATION PRIOR TO PROCEEDING WITH THE WORK.
- THE DETAILS ARE INTENDED TO SHOW THE END RESULT OF THE DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS. SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
- REPRESENTATIONS OF THE TRUE NORTH, OTHER THAN FOUND ON THE PLOT OF THE SURVEY DRAWING, SHALL NOT BE USED TO IDENTIFY OR ESTABLISH THE BEARING OF TRUE NORTH. THE CONTRACTOR SHALL RELY SOLELY ON THE PLOT OF THE SURVEY DRAWING AND ANY SURVEYOR MARKINGS AT THE SITE FOR THE ESTABLISHMENT OF TRUE NORTH. IF ANY DISCREPANCY IS FOUND BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND THE TRUE NORTH ORIENTATION AS DEPICTED ON THE CIVIL SURVEY, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL ASSUME SOLE LIABILITY FOR ANY FAILURE TO NOTIFY THE ARCHITECT / ENGINEER.
- THESE CONSTRUCTION DRAWINGS DESCRIBE THE WORK TO BE AND THE MATERIALS TO BE FURNISHED FOR CONSTRUCTION.
- THE INTENTION OF THE DOCUMENT IS TO INCLUDE ALL LABOR AND MATERIALS REASONABLY NECESSARY FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK AS STIPULATED IN THE CONTRACT.
- THE PURPOSE OF THE SPECIFICATIONS IS TO INTERPRET THE INTENT OF THE DRAWINGS AND TO DESIGNATE THE METHOD OF THE PROCEDURE, TYPE AND QUALITY OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- MINOR DEVIATIONS FROM THE DESIGN LAYOUT ARE ANTICIPATED AND SHALL BE CONSIDERED AS PART OF THE WORK. NO CHANGES THAT ALTER THE CHARACTER OF THE WORK WILL BE MADE OR PERMITTED BY THE OWNER WITHOUT ISSUING A CHANGE ORDER.
- GENERAL ARCHITECTURAL, STRUCTURAL, AND ELECTRICAL DRAWINGS ARE INTERRELATED. IN PERFORMANCE OF THE WORK, THE CONTRACTOR MUST REFER TO ALL DRAWINGS. ALL COORDINATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

CONTRACTOR SPECIFICATIONS

- PRIOR TO THE SUBMISSION OF BIDS, THE PARTICIPATING CONTRACTORS SHALL VISIT THE JOB SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT, WITH THE CONSTRUCTION AND CONTRACT DOCUMENTS, FIELD CONDITIONS, AND CONFIRM THAT THE PROJECT CAN BE ACCOMPLISHED AS SHOWN, PRIOR TO SUBMISSION OF BIDS AND CONSTRUCTION. SHOULD ANY ERRORS, OMISSIONS, OR DISCREPANCIES BE FOUND, THE GENERAL CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT MANAGER AND THE ARCHITECT/ENGINEER, IN WRITING. IN THE EVENT OF DISCREPANCIES, THE CONTRACTOR SHALL INCLUDE THE MORE COSTLY OR EXTENSIVE WORK IN THE BID, UNLESS SPECIFICALLY DIRECTED OTHERWISE. IF A DISCREPANCY EXISTS AND THE PROJECT MANAGER AND ARCHITECT / ENGINEER ARE NOT NOTIFIED, THE GENERAL CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ALL COSTS INCURRED TO REPAIR OR CORRECT ALL PROBLEMS THAT RESULT.
- EXISTING ELEVATIONS AND LOCATIONS TO BE JOINED SHALL BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION. IF THEY DIFFER FROM THOSE SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE PROJECT MANAGER AND THE ARCHITECT / ENGINEER, SO THAT MODIFICATIONS CAN BE MADE BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL NOTIFY THE PROJECT MANAGER AND THE ARCHITECT / ENGINEER IF ANY OF THE DETAILS ARE CONSIDERED IMPRACTICAL, UNSUITABLE, UNSAFE, NOT WATERPROOFED, OR NOT WITHIN CUSTOMARY TRADE PRACTICE. IF WORK IS PERFORMED, IT WILL BE ASSUMED THAT THAT THERE IS NO OBJECTION TO ANY DETAIL. THE DETAILS ARE INTENDED TO SHOW THE END RESULT OF THE DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB CONDITIONS AND SHALL BE INCLUDED AS PART OF THE WORK.
- THE CONTRACTOR SHALL OBTAIN, IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK, MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL AND STATE JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
- THE CONTRACTOR AND SUBCONTRACTORS SHALL COMPLY WITH ALL LOCAL CODES, REGULATIONS, AND ORDINANCES, AS WELL AS, STATE DEPARTMENT OF INDUSTRIAL REGULATIONS AND DIVISION OF INDUSTRIAL SAFETY (OSHA) REQUIREMENTS.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CHAPTER 23 OF THE UBC REGARDING EARTHQUAKE PIPING, LIGHT FIXTURES, CEILING GRID, INTERIOR PARTITIONS AND MECHANICAL EQUIPMENT. ALL WORK MUST BE IN ACCORDANCE WITH LOCAL EARTHQUAKE CODES AND REGULATIONS.

ENGINEERING REQUIREMENTS

- ALL EXPOSED METAL SHALL BE HOT-DIPPED GALVANIZED.
- SEAL ALL PENETRATIONS THROUGH FIRE-RATED AREAS WITH ULL LISTED OR FIRE MARSHALL APPROVED MATERIALS IF AND WHERE APPLICABLE TO THIS FACILITY AND PROJECT SITE.
- ALL NEW OPENINGS IN THE EXTERIOR ENVELOPE OF CONDITIONED SPACES SUCH AS, AT WALL AND ROOF PENETRATIONS, SHALL BE CAULKED OR SEALED TO LIMIT INFILTRATION OF AIR AND MOISTURE.
- THE ELECTRICAL POWER SYSTEM SHALL BE GROUNDED PER NEC ARTICLES 250 AND 810.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AS REQUIRED AND LISTED IN THESE DRAWINGS TO THE PROJECT MANAGER FOR APPROVAL. ALL SHOP DRAWINGS SHALL BE REVIEWED, CHECKED AND CORRECTED BY THE CONTRACTOR PRIOR TO SUBMITTAL TO THE PROJECT MANAGER.
- THE CONTRACTOR SHALL SUBMIT THREE COPIES OF EACH REQUEST FOR SUBSTITUTIONS. IN EACH REQUEST, IDENTIFY THE PRODUCT, FABRICATION OR INSTALLATION METHOD TO BE REPLACED BY THE SUBSTITUTION. ATTACHE RELATED SPECIFICATIONS SECTION AND DRAWING NUMBERS AND COMPLETE DOCUMENTATION SHOWING COMPLIANCE WITH THE REQUIREMENTS FOR SUBSTITUTIONS.
- THE CONTRACTOR SHALL SUBMIT ALL NECESSARY PRODUCT DATA AND CUT SHEETS WHICH PROPERLY INDICATE AND DESCRIBE THE ITEMS, PRODUCTS AND MATERIALS BEING INSTALLED. THE CONTRACTOR SHALL, IF DEEMED NECESSARY BY THE PROJECT MANAGER, SUBMIT ACTUAL SAMPLES TO ZON ARCHITECTS, INC. FOR APPROVAL, IN LIEU OF CUT SHEETS.
- CHANGE ORDERS MAY BE INITIATED BY THE PROJECT MANAGER AND/OR THE CONTRACTOR INVOLVED. THE CONTRACTOR, UPON VERBAL REQUEST FROM THE PROJECT MANAGER, SHALL PREPARE A WRITTEN PROPOSAL DESCRIBING THE CHANGE IN WORK OR MATERIALS AND ANY CHANGES IN THE CONTRACT AMOUNT AND PRESENT IT TO THE PROJECT MANAGER WITHIN SEVENTY-TWO HOURS FOR APPROVAL. SUBMIT REQUESTS FOR SUBSTITUTIONS IN THE FORM AND IN ACCORDANCE WITH PROCEDURES REQUIRED FOR CHANGE ORDER PROPOSALS. ANY CHANGES IN THE SCOPE OF WORK OR MATERIALS WHICH ARE PERFORMED BY THE CONTRACTOR WITHOUT A WRITTEN CHANGE ORDER PROPOSAL, ANY CONTRACTOR WITHOUT A WRITTEN CHANGE ORDER AS DESCRIBED AND APPROVED BY THE PROJECT MANAGER SHALL PLACE FULL RESPONSIBILITY OF THESE ACTIONS ON THE CONTRACTOR.
- THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATION, UNLESS SPECIFICALLY INDICATED OTHERWISE OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
- ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY THE GENERAL CONTRACTOR WITH LOCAL ELECTRICAL COMPANY, TELEPHONE COMPANY AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.
- THE CONTRACTOR SHALL OBTAIN AND PAY FOR PERMITS, LICENSES AND INSPECTIONS NECESSARY FOR PERFORMANCE OF THE WORK AND INCLUDE THOSE IN THE COST OF THE WORK.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT ALL WORK USING HIS BEST SKILL AND ATTENTION. HE SHALL SOLELY BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS METHODS, TECHNIQUES, PROCEDURES AND SEQUENCES, AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- THE CONTRACTOR SHALL PROTECT THE PROPERTY OWNERS, PROTECT MANAGER AND THE CARRIERS PROPERTY FROM DAMAGE WHICH MAY OCCUR DURING CONSTRUCTION OF ANY DAMAGE TO NEW AND EXISTING CONSTRUCTION, STRUCTURE LANDSCAPING, CURBS, STAIRS, EQUIPMENT, ETC. SHALL BE IMMEDIATELY REPAIRED OR REPLACED TO THE SATISFACTION OF THE PROJECT MANAGER, THE PROPERTY OWNER, OR THE OWNERS REP. AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND SHALL REPLACE OR REMEDY ANY FAULTY IMPROPER, OR DEFERIOR MATERIALS OR WORKMANSHIP, OR ANY DAMAGE WHICH SHALL APPEAR WITHIN ONE YEAR AFTER THE COMPLETION AND ACCEPTANCE OF THE WORK BY T-MOBILE OR ITS REPRESENTATIVES, UNDER THIS CONTRACT.
- THE CONTRACTOR SHALL VERIFY, COORDINATE, AND PROVIDE ALL NECESSARY BLOCKING, BACKING, FRAMING, HANGERS OR OTHER SUPPORTS FOR ALL ITEMS REQUIRING THE SAME.
- PENETRATIONS OF ROOF MEMBRANES SHALL BE PATCHED/ FLASHED AND MADE WATERTIGHT USING MATERIALS IN ACCORDANCE WITH NRCA ROOFING STANDARD AND DETAILS. THE CONTRACTOR SHALL OBTAIN DETAILING CLARIFICATION FOR SITE-SPECIFIC CONDITIONS FROM THE ARCHITECT/ENGINEER, IF NECESSARY, BEFORE PROCEEDING.
- THE CONTRACTOR SHALL CONTACT U.S.A UNDERGROUND BEFORE PROCEEDING WITH ANY EXCAVATION, SITE WORK, OR CONSTRUCTION.
- DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
- ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC., SHALL BE PROPERLY LAID BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.
- IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO LOCATE ALL EXISTING UTILITIES, WHETHER SHOWN HEREIN OR NOT, AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR SHALL BEAR ALL EXPENSES FOR REPAIR OR REPLACEMENT OF UTILITIES OR OTHER PROPERTY DAMAGED IN CONJUNCTION WITH THE EXECUTION OF WORK.
- THE CONTRACTOR SHALL PROVIDE TEMPORARY WATER, POWER AND TOILET FACILITIES AS REQUIRED BY THE PROPERTY OWNER, THE PROJECT MANAGER, AND THE CITY OR GOVERNING AGENCY.
- THE CONTRACTOR SHALL REMOVE ALL RUBBISH AND WASTE MATERIAL ON A DAILY BASIS AND SHALL EXERCISE STRICT CONTROL OVER JOB CLEANING THROUGHOUT CONSTRUCTION, INCLUDING FINAL CLEANUP UPON COMPLETION OF WORK. ALL AREAS ARE TO BE LEFT IN A BROOM CLEAN CONDITION AT THE END OF EACH DAY.
- ALL MATERIALS MUST BE STORED IN A LEVEL AND DRY FASHION, AND IN A MANNER THAT DOES NOT UNNECESSARILY OBSTRUCT THE FLOW OF OTHER WORK. IN ADDITION, STORAGE METHOD MUST MEET ALL RECOMMENDATIONS OF THE ASSOCIATED MANUFACTURER.
- THE GENERAL CONTRACTOR MUST PERFORM WORK DURING PROPERTY OWNER'S PREFERRED HOURS TO AVOID DISRUPTION OF NORMAL ACTIVITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE SECURITY OF THE PROJECT SITE WHILE THE JOB IS IN PROGRESS AND UNTIL THE JOB IS COMPLETED AND ACCEPTED BY THE PROJECT MANAGER.
- THE LATEST EDITION OF ALL PERMITTED AND APPROVED PLANS PERTAINING TO THIS PROJECT SHALL BE KEPT IN A PLAN BOX AND SHALL NOT BE USED BY THE WORKERS. ALL CONSTRUCTION SETS SHALL REFLECT THE SAME INFORMATION. THE CONTRACTOR MUST ALSO MAINTAIN IN GOOD CONDITION ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES. THESE ARE TO BE UNDER THE CARE OF THE JOB SUPERINTENDENT.
- THE CONTRACTOR SHALL PROVIDE A CLOSE-OUT PACKAGE TO THE PROJECT MANAGER, WHICH WILL INCLUDE:
 - A. BUILDING PERMITS/ELECTRICAL PERMITS
 - B. FINAL INSPECTION CARD
 - C. STAMPED BUILDING PERMIT PLANS
 - D. GRADING TEST
 - E. SWEEP TEST
 - F. CONCRETE TEST
 - G. SPECIAL INSPECTION REPORTS
 - H. WARRANTIES, MANUAL, EQUIPMENT SPECIFICATIONS
 - I. SUBCONTRACTOR CONTACT LIST
 - J. REDLINED AS-BUILTS
 - K. CONSTRUCTION PROCESS PHOTOS
 - L. SITE COMPLETION PHOTOS
 - M. A WRITTEN REPORT ON ANTENNA SERIAL NUMBER FOR EACH SECTOR
 - N. MANUFACTURER'S PERFORMANCE REPORT FOR EACH ANTENNA
- CONTRACTOR TO CALL USA UNDERGROUND AT LEAST TWO DAYS PRIOR TO COMMENCING ANY UNDERGROUND WORK AT 1-800-227-2600.

ENGINEERING REQUIREMENTS

- ALL EXPOSED METAL SHALL BE HOT-DIPPED GALVANIZED.
- SEAL ALL PENETRATIONS THROUGH FIRE-RATED AREAS WITH ULL LISTED OR FIRE MARSHALL APPROVED MATERIALS IF AND WHERE APPLICABLE TO THIS FACILITY AND PROJECT SITE.
- ALL NEW OPENINGS IN THE EXTERIOR ENVELOPE OF CONDITIONED SPACES SUCH AS, AT WALL AND ROOF PENETRATIONS, SHALL BE CAULKED OR SEALED TO LIMIT INFILTRATION OF AIR AND MOISTURE.
- THE ELECTRICAL POWER SYSTEM SHALL BE GROUNDED PER NEC ARTICLES 250 AND 810.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AS REQUIRED AND LISTED IN THESE DRAWINGS TO THE PROJECT MANAGER FOR APPROVAL. ALL SHOP DRAWINGS SHALL BE REVIEWED, CHECKED AND CORRECTED BY THE CONTRACTOR PRIOR TO SUBMITTAL TO THE PROJECT MANAGER.
- THE CONTRACTOR SHALL SUBMIT THREE COPIES OF EACH REQUEST FOR SUBSTITUTIONS. IN EACH REQUEST, IDENTIFY THE PRODUCT, FABRICATION OR INSTALLATION METHOD TO BE REPLACED BY THE SUBSTITUTION. ATTACHE RELATED SPECIFICATIONS SECTION AND DRAWING NUMBERS AND COMPLETE DOCUMENTATION SHOWING COMPLIANCE WITH THE REQUIREMENTS FOR SUBSTITUTIONS.
- THE CONTRACTOR SHALL SUBMIT ALL NECESSARY PRODUCT DATA AND CUT SHEETS WHICH PROPERLY INDICATE AND DESCRIBE THE ITEMS, PRODUCTS AND MATERIALS BEING INSTALLED. THE CONTRACTOR SHALL, IF DEEMED NECESSARY BY THE PROJECT MANAGER, SUBMIT ACTUAL SAMPLES TO ZON ARCHITECTS, INC. FOR APPROVAL, IN LIEU OF CUT SHEETS.
- CHANGE ORDERS MAY BE INITIATED BY THE PROJECT MANAGER AND/OR THE CONTRACTOR INVOLVED. THE CONTRACTOR, UPON VERBAL REQUEST FROM THE PROJECT MANAGER, SHALL PREPARE A WRITTEN PROPOSAL DESCRIBING THE CHANGE IN WORK OR MATERIALS AND ANY CHANGES IN THE CONTRACT AMOUNT AND PRESENT IT TO THE PROJECT MANAGER WITHIN SEVENTY-TWO HOURS FOR APPROVAL. SUBMIT REQUESTS FOR SUBSTITUTIONS IN THE FORM AND IN ACCORDANCE WITH PROCEDURES REQUIRED FOR CHANGE ORDER PROPOSALS. ANY CHANGES IN THE SCOPE OF WORK OR MATERIALS WHICH ARE PERFORMED BY THE CONTRACTOR WITHOUT A WRITTEN CHANGE ORDER PROPOSAL, ANY CONTRACTOR WITHOUT A WRITTEN CHANGE ORDER AS DESCRIBED AND APPROVED BY THE PROJECT MANAGER SHALL PLACE FULL RESPONSIBILITY OF THESE ACTIONS ON THE CONTRACTOR.
- THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATION, UNLESS SPECIFICALLY INDICATED OTHERWISE OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
- ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY THE GENERAL CONTRACTOR WITH LOCAL ELECTRICAL COMPANY, TELEPHONE COMPANY AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.
- THE CONTRACTOR SHALL OBTAIN AND PAY FOR PERMITS, LICENSES AND INSPECTIONS NECESSARY FOR PERFORMANCE OF THE WORK AND INCLUDE THOSE IN THE COST OF THE WORK.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT ALL WORK USING HIS BEST SKILL AND ATTENTION. HE SHALL SOLELY BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS METHODS, TECHNIQUES, PROCEDURES AND SEQUENCES, AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- THE CONTRACTOR SHALL PROTECT THE PROPERTY OWNERS, PROTECT MANAGER AND THE CARRIERS PROPERTY FROM DAMAGE WHICH MAY OCCUR DURING CONSTRUCTION OF ANY DAMAGE TO NEW AND EXISTING CONSTRUCTION, STRUCTURE LANDSCAPING, CURBS, STAIRS, EQUIPMENT, ETC. SHALL BE IMMEDIATELY REPAIRED OR REPLACED TO THE SATISFACTION OF THE PROJECT MANAGER, THE PROPERTY OWNER, OR THE OWNERS REP. AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND SHALL REPLACE OR REMEDY ANY FAULTY IMPROPER, OR DEFERIOR MATERIALS OR WORKMANSHIP, OR ANY DAMAGE WHICH SHALL APPEAR WITHIN ONE YEAR AFTER THE COMPLETION AND ACCEPTANCE OF THE WORK BY T-MOBILE OR ITS REPRESENTATIVES, UNDER THIS CONTRACT.
- THE CONTRACTOR SHALL VERIFY, COORDINATE, AND PROVIDE ALL NECESSARY BLOCKING, BACKING, FRAMING, HANGERS OR OTHER SUPPORTS FOR ALL ITEMS REQUIRING THE SAME.
- PENETRATIONS OF ROOF MEMBRANES SHALL BE PATCHED/ FLASHED AND MADE WATERTIGHT USING MATERIALS IN ACCORDANCE WITH NRCA ROOFING STANDARD AND DETAILS. THE CONTRACTOR SHALL OBTAIN DETAILING CLARIFICATION FOR SITE-SPECIFIC CONDITIONS FROM THE ARCHITECT/ENGINEER, IF NECESSARY, BEFORE PROCEEDING.
- THE CONTRACTOR SHALL CONTACT U.S.A UNDERGROUND BEFORE PROCEEDING WITH ANY EXCAVATION, SITE WORK, OR CONSTRUCTION.
- DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
- ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC., SHALL BE PROPERLY LAID BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.
- IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO LOCATE ALL EXISTING UTILITIES, WHETHER SHOWN HEREIN OR NOT, AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR SHALL BEAR ALL EXPENSES FOR REPAIR OR REPLACEMENT OF UTILITIES OR OTHER PROPERTY DAMAGED IN CONJUNCTION WITH THE EXECUTION OF WORK.
- THE CONTRACTOR SHALL PROVIDE TEMPORARY WATER, POWER AND TOILET FACILITIES AS REQUIRED BY THE PROPERTY OWNER, THE PROJECT MANAGER, AND THE CITY OR GOVERNING AGENCY.
- THE CONTRACTOR SHALL REMOVE ALL RUBBISH AND WASTE MATERIAL ON A DAILY BASIS AND SHALL EXERCISE STRICT CONTROL OVER JOB CLEANING THROUGHOUT CONSTRUCTION, INCLUDING FINAL CLEANUP UPON COMPLETION OF WORK. ALL AREAS ARE TO BE LEFT IN A BROOM CLEAN CONDITION AT THE END OF EACH DAY.
- ALL MATERIALS MUST BE STORED IN A LEVEL AND DRY FASHION, AND IN A MANNER THAT DOES NOT UNNECESSARILY OBSTRUCT THE FLOW OF OTHER WORK. IN ADDITION, STORAGE METHOD MUST MEET ALL RECOMMENDATIONS OF THE ASSOCIATED MANUFACTURER.
- THE GENERAL CONTRACTOR MUST PERFORM WORK DURING PROPERTY OWNER'S PREFERRED HOURS TO AVOID DISRUPTION OF NORMAL ACTIVITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE SECURITY OF THE PROJECT SITE WHILE THE JOB IS IN PROGRESS AND UNTIL THE JOB IS COMPLETED AND ACCEPTED BY THE PROJECT MANAGER.
- THE LATEST EDITION OF ALL PERMITTED AND APPROVED PLANS PERTAINING TO THIS PROJECT SHALL BE KEPT IN A PLAN BOX AND SHALL NOT BE USED BY THE WORKERS. ALL CONSTRUCTION SETS SHALL REFLECT THE SAME INFORMATION. THE CONTRACTOR MUST ALSO MAINTAIN IN GOOD CONDITION ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES. THESE ARE TO BE UNDER THE CARE OF THE JOB SUPERINTENDENT.
- THE CONTRACTOR SHALL BE EQUIPPED WITH SOME MEANS OF CONSTANT COMMUNICATIONS, SUCH AS A MOBILE PHONE OR A BEEPER. THIS EQUIPMENT WILL NOT BE SUPPLIED BY THE CELLULAR CARRIER, NOR WILL WIRELESS SERVICE BE ARRANGED.
- DURING CONSTRUCTION, THE CONTRACTOR MUST ENSURE THAT EMPLOYEES AND SUBCONTRACTORS WEAR HARD HATS AT ALL TIMES. CONTRACTOR WILL COMPLY WITH ALL SAFETY REQUIREMENTS IN THEIR AGREEMENT.

GENERAL NOTES

T-MOBILE WEST CORPORATION
T-Mobile
 1855 GATEWAY BLVD 9TH FLOOR
 CONCORD, CA 94520

PROJECT INFORMATION:

SF04926A
SF926 1000 JACKL
COW

1000 JACKLIN ROAD
 MILPITAS, CA 95035

CURRENT ISSUE DATE:
04/10/2019

ISSUED FOR:
CONSTRUCTION

REV.: DATE: DESCRIPTION: BY:

	04/03/2019	90%CD	NS
	04/10/2019	100%CD	NS

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
 SANTA BARBARA SAN FRANCISCO

660 4TH STREET #255
 SAN FRANCISCO, CA. 94107
 PHONE: (415) 740-9974
 FAX: (415) 354-3502

CONSULTANT:

DRAWN BY: _____ CHK.: _____ APV.: _____

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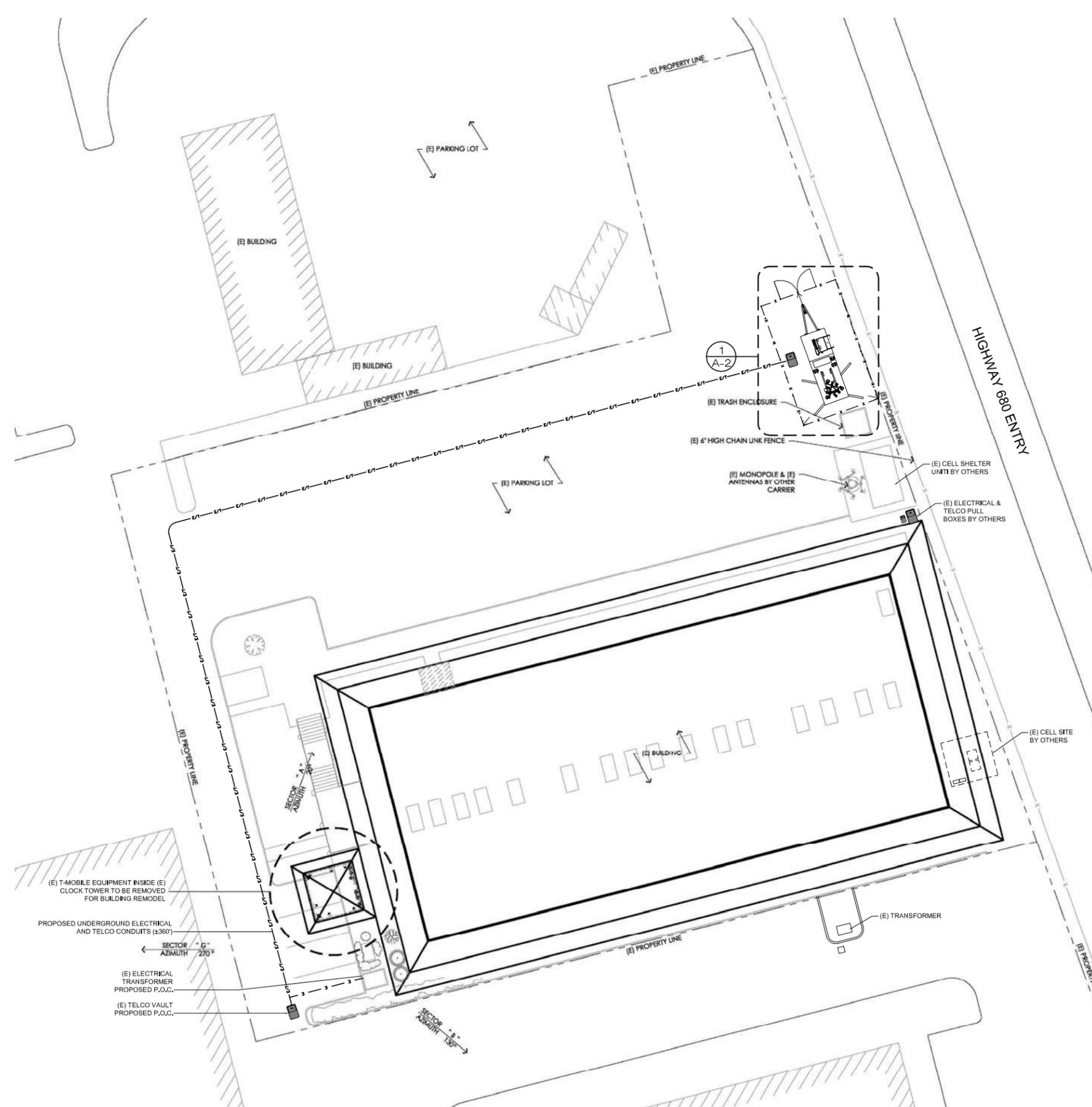
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SHEET TITLE:

GENERAL NOTES

SHEET NUMBER:

T-2 223



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SF04926A
SF926 1000 JACKL
COW
 1000 JACKLIN ROAD
 MILPITAS, CA 95035

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CONSULTANT:

DRAWN BY: _____ CHK.: _____ APV.: _____
 NS NS DE

LICENSER:

SHEET TITLE:
SITE PLAN

SHEET NUMBER:

A-1 224

PROJECT INFORMATION:
SF04926A
SF926 1000 JACKL
COW
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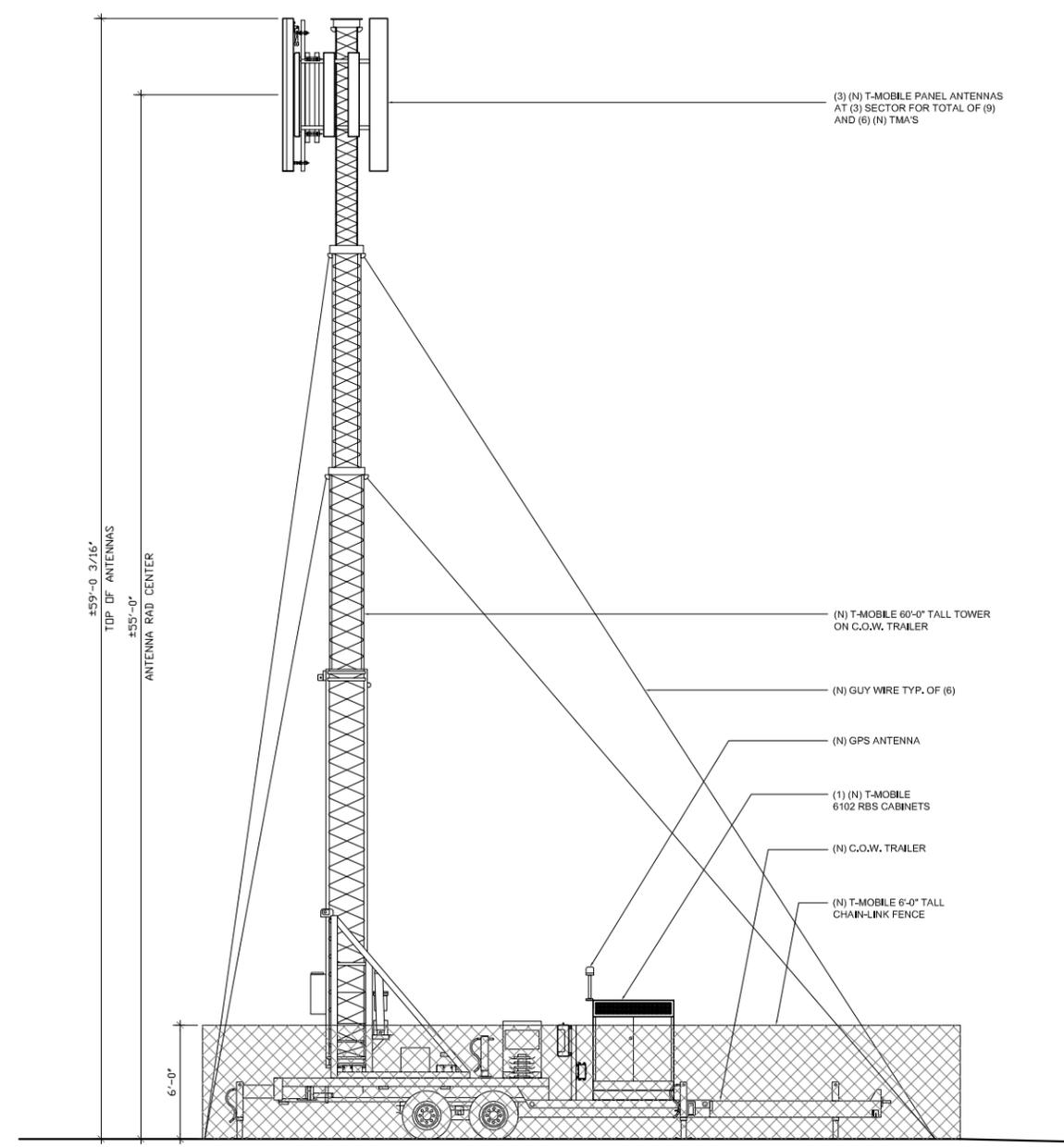
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LICENSER:

SHEET TITLE:
FLOOR PLAN & ELEVATION

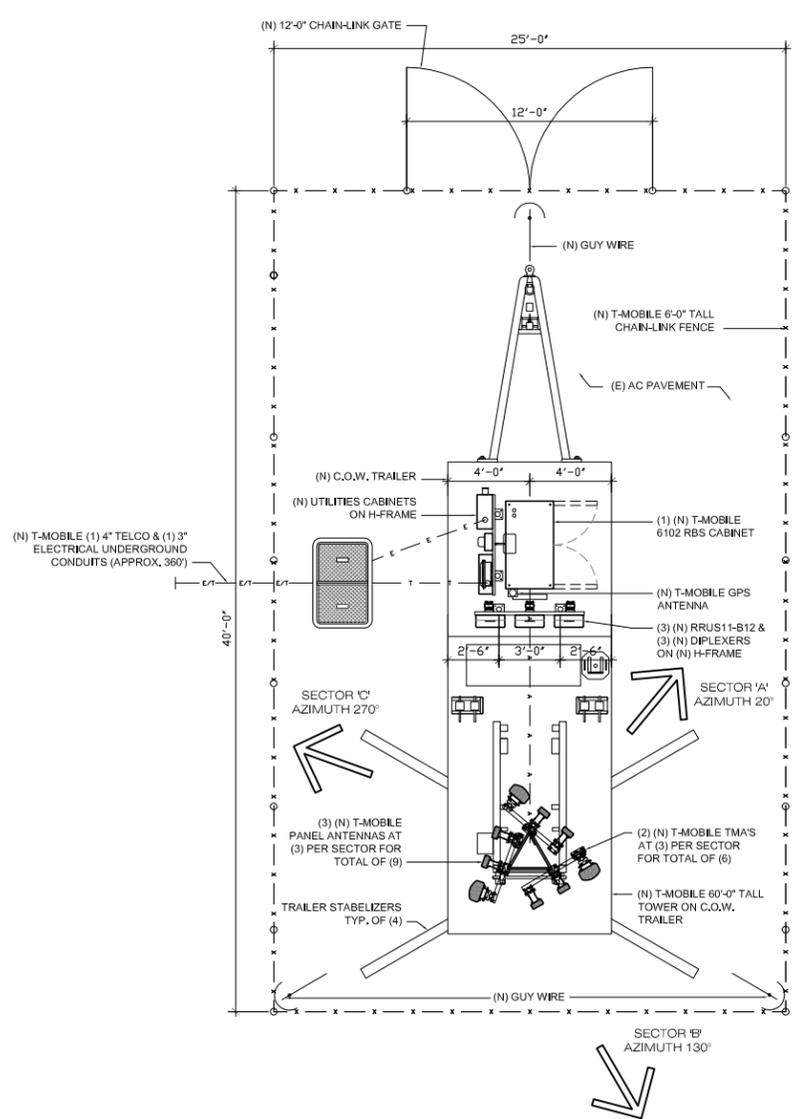
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ELEVATION

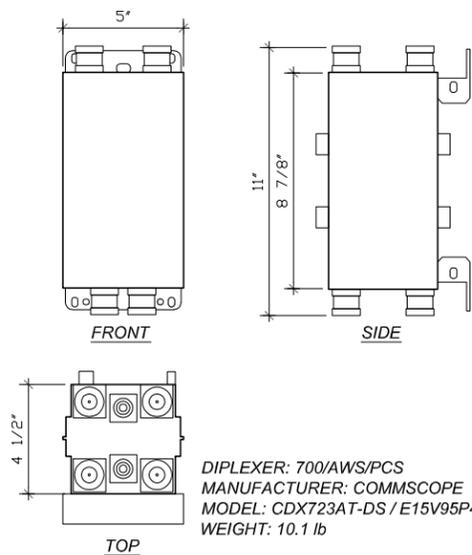
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 0 2' 4' 8'

2 FLOOR PLAN

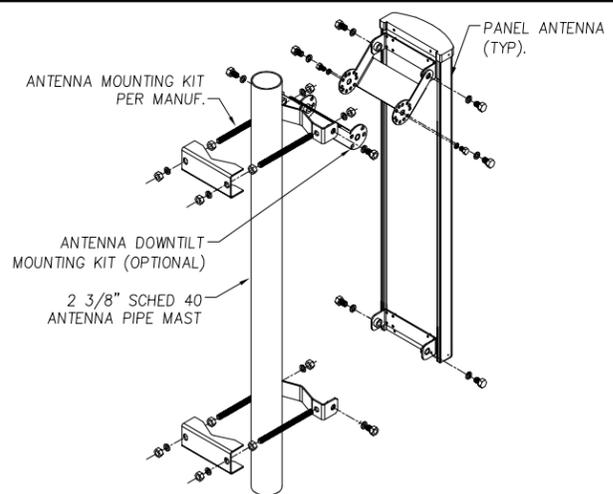
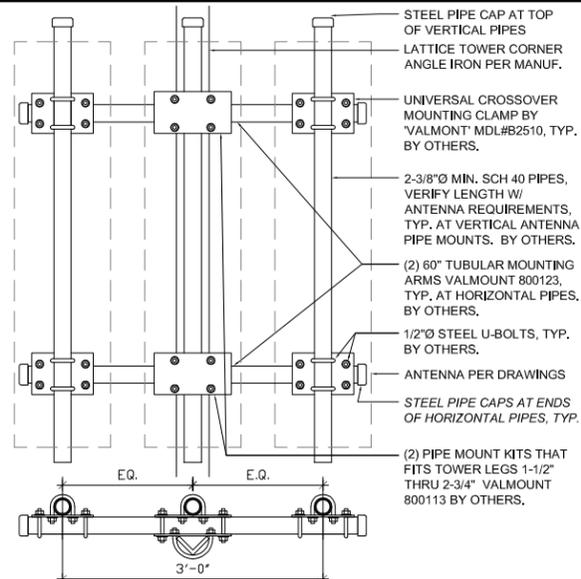


SCALE
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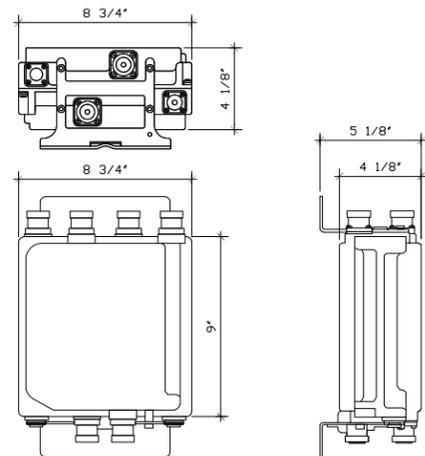
DIPLEXER: 700/AWS/PCS
MANUFACTURER: COMMSCOPE
MODEL: CDX723AT-DS / E15V95P46
WEIGHT: 10.1 lb



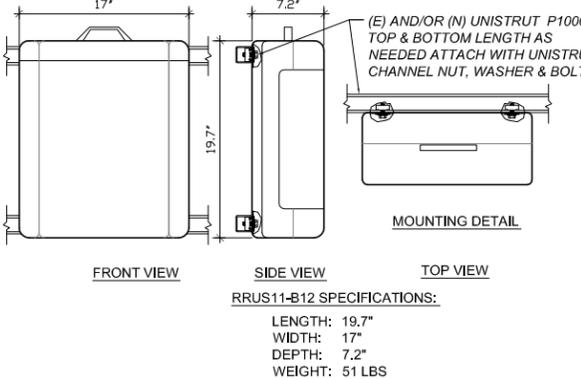
TYP. ANTENNA MOUNT DETAIL SCALE NTS 3

12 DIPLEXER DETAIL SCALE NTS 9

ANTENNA MOUNT DETAIL SCALE NTS 6

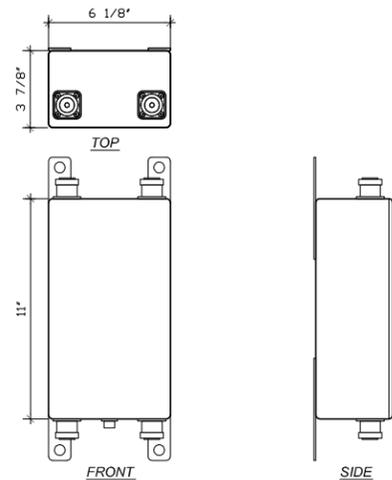


TOWER MOUNTED AMPLIFIER (TMA): TWIN DIPLEXED PCS/AWS TMA WITH 698-894MHz BY-PASS & AISG/STYLE 3C
MANUFACTURER: COMMSCOPE
MODEL: TMAT1921B78-21A
WEIGHT: 17.6 lb

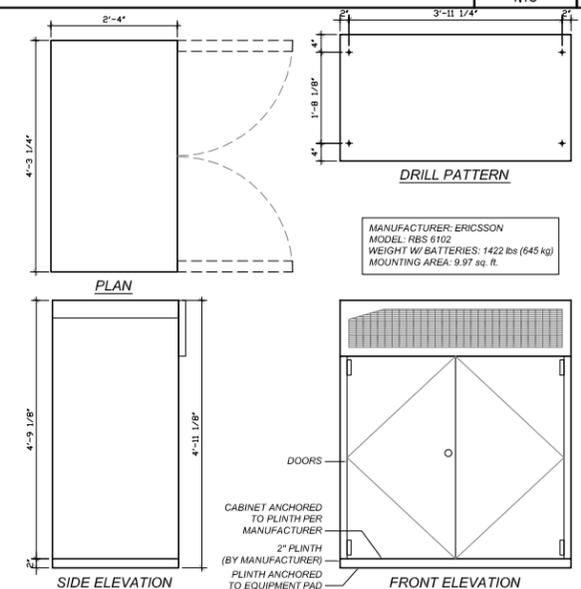


11 STYLE 3C TMA DETAIL SCALE NTS 8

RRUS11 DETAIL SCALE NTS 5

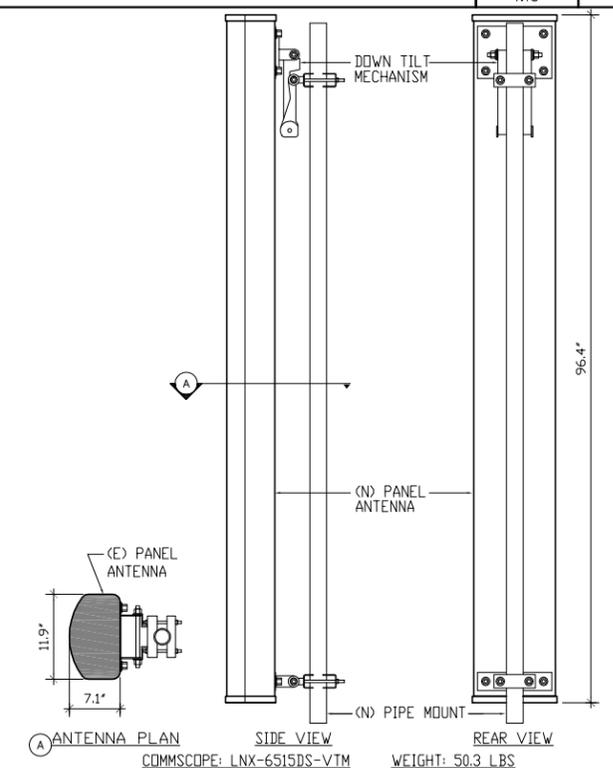


TOWER MOUNTED AMPLIFIER (TMA): TWIN PCS
MANUFACTURER: ERICSSON
MODEL: KRY 112 489/2
WEIGHT: 16.76 lb (7.6 kg)

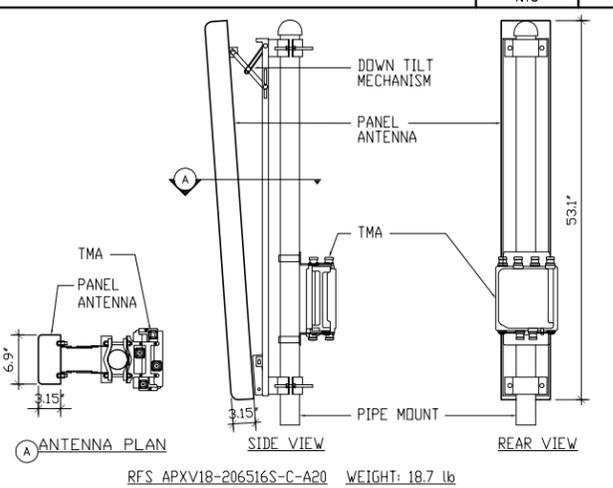


10 STYLE 1A TMA DETAIL SCALE NTS 7

RBS CABINET DETAIL SCALE NTS 4



ANTENNA DETAIL SCALE NTS 2



ANTENNA & TMA DETAIL SCALE NTS 1

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04/10/2019	100%CD	NS

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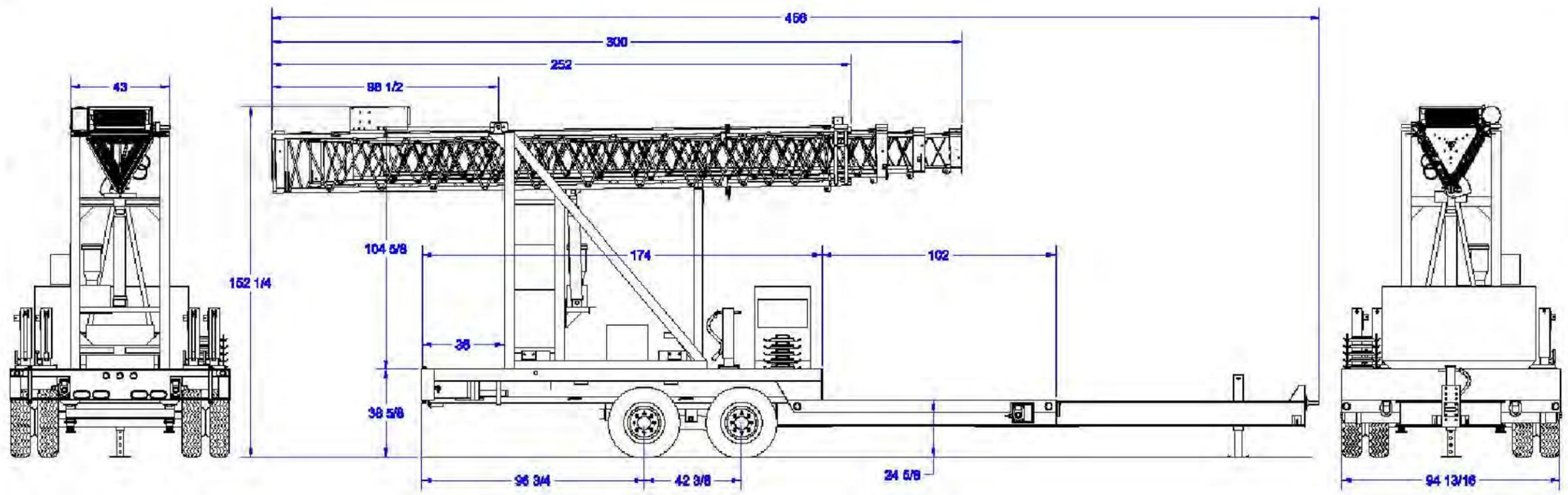
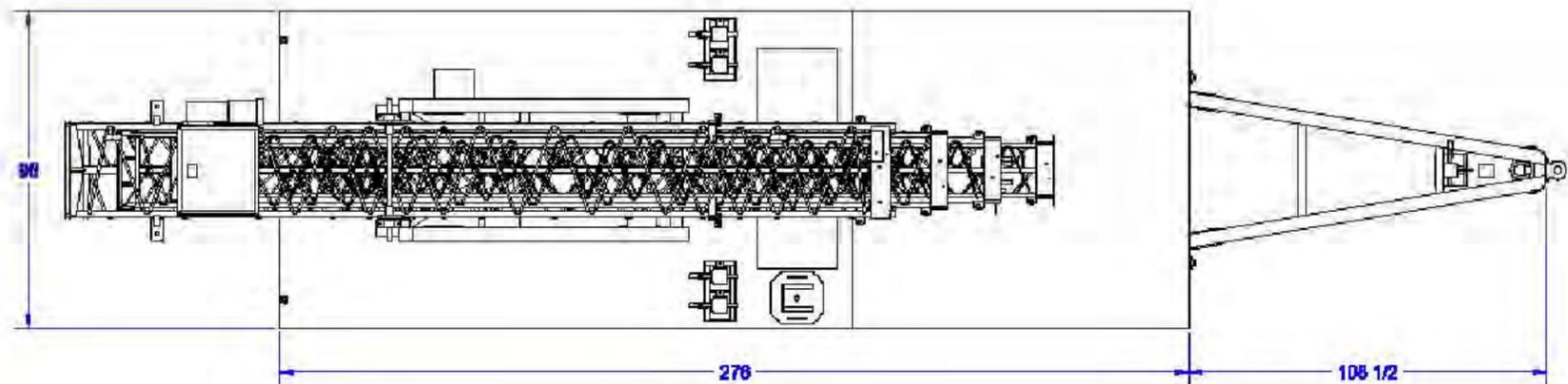
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DETAILS

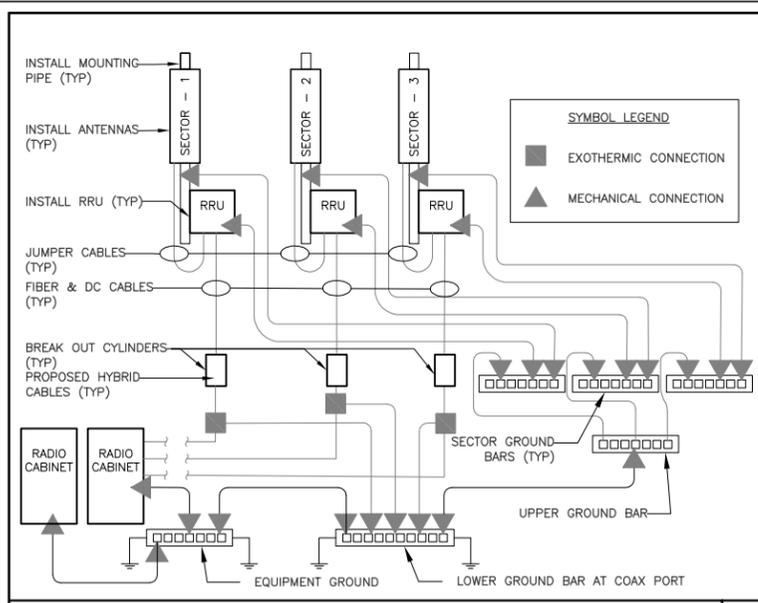
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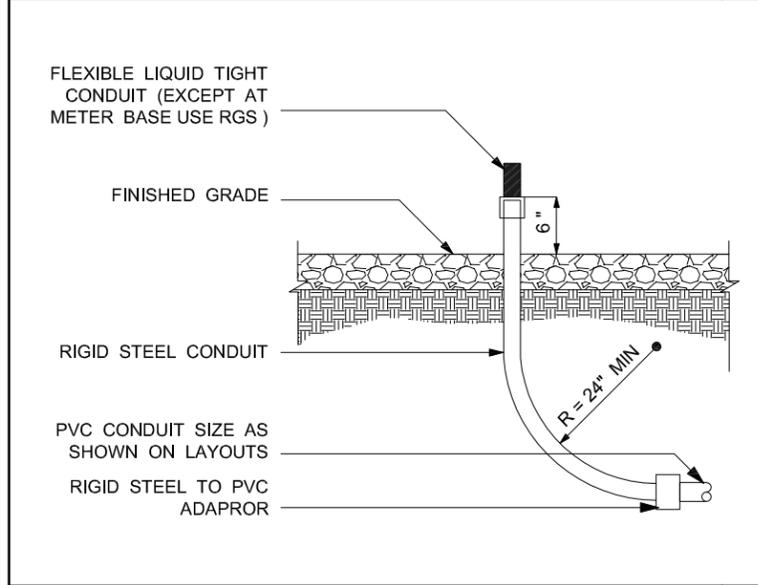
DRAWN PAUL COLE	11/29/2005	INTEGRATED TOWER SYSTEMS
CHECKED		
QA		TITLE
MFG		NC-SR SERIES PORTABLE TOWER SYSTEM (72)
APPROVED		SIZE
		C
		DWG NO
		ITS MODEL NC-SR-72
		REV
		SCALE
		SHEET 1 OF 1

CONFIDENTIAL: THIS DRAWING IS THE PROPERTY OF INTEGRATED TOWER SYSTEMS. PERMISSION IS REQUIRED TO REPRODUCE OR SUBMIT COPIES TO A THIRD PARTY FOR EXAMINATION

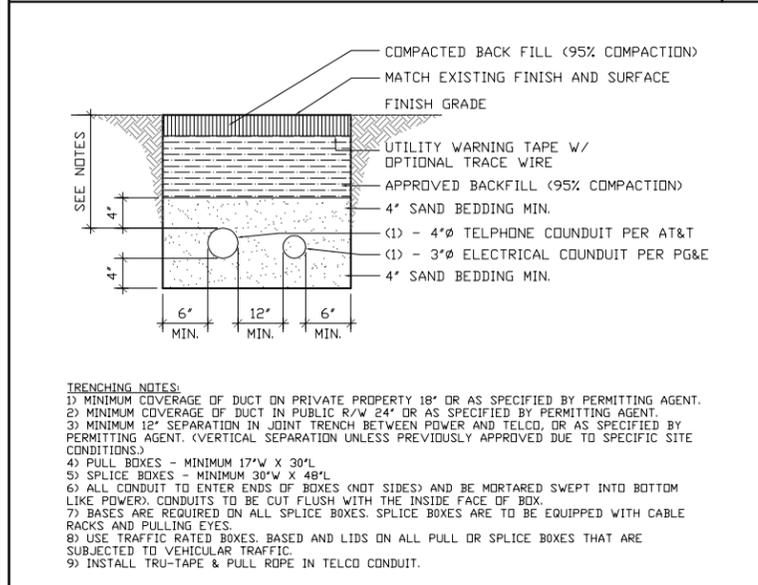




TYPICAL GROUNDING RISER DIAGRAM 9



CONDUIT STUB-UP DETAIL 8



CONDUIT TRENCH DETAIL 7

1- ALL WORK AND MATERIAL SHALL BE IN COMPLETE COMPLIANCE WITH THE LATEST EDITION OF THE CBC AND ALL REGULATIONS, LAWS, SAFETY ORDERS OR ORDINANCES OR CODES. IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

2- THE SEISMIC BEACHING AND ANCHORAGE OF ELECTRICAL CONDUITS AND WIREWAYS SHALL BE IN ACCORDANCE WITH THE CBC CODE, CHAPTER 23 AND "GUIDELINE FOR SEISMIC RESTRAINTS OF MECHANICAL SYSTEMS AND PLUMBING PIPING SYSTEMS" PUBLISHED BY SMACNA AND PPIC OR THE SUPERSTRUT-SEISMIC RESTRAINTS SYSTEM, OR THE KIN LINE SEISMIC RESTRAINT SYSTEM.

3- ALL ELECTRICAL MATERIALS AND EQUIPMENT SHALL BE NEW AND SHALL BE LISTED BY UNDERWRITERS LABORATORIES (UL) AND BEAR THEIR LABEL OR LISTED AND CERTIFIED BY A NATIONALLY RECOGNIZED TESTING AUTHORITY WHERE (UL) DOES NOT HAVE LISTING. CUSTOM MADE EQUIPMENT SHALL HAVE COMPLETE TEST DATA SUBMITTED BY THE MANUFACTURER ATTESTING TO ITS SAFETY. IN ADDITION, THE MATERIALS, EQUIPMENT AND INSTALLATION SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING CODES AND REGULATIONS:

AMERICAN SOCIETY OF TESTING MATERIALS (ASTM)
 INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS (IEEE)
 AMERICAN STANDARD ASSOCIATION (ASA)
 NATIONAL FIRE PROTECTION AGENCY (NFPA)
 AMERICAN NATIONAL STANDARD INSTITUTE (ANSI)
 CALIFORNIA BUILDING CODE (CBC)
 CALIFORNIA CODE OF REGULATIONS TITLE 24 (CCR)
 INSULATED POWER CABLE ENGINEERS ASSOCIATION (IPCEA)
 ALL LOCAL CODES HAVING JURISDICTION

4- THE CONTRACTOR SHALL VISIT THE SITE INCLUDING ALL AREAS INDICATED ON THE DRAWINGS, AND SHALL THOROUGHLY FAMILIARIZE HIMSELF WITH THE EXISTING CONDITIONS AS WELL AS THE ELECTRICAL AND GROUNDING REQUIREMENTS OF THIS PROJECT BY SUBMITTING A BID. HE ACCEPTS THE CONDITIONS UNDER WHICH HE SHALL BE REQUIRED TO PERFORM HIS WORK.

5- IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO OBTAIN A COMPLETE SET OF CONTRACT DOCUMENTS, ADDENDA, DRAWINGS AND SPECIFICATIONS AS WELL AS THE LATEST EDITION OF ANY DESIGN SPECIFICATIONS. HE SHALL CHECK THE DRAWINGS OF THE OTHER TRADES CAREFULLY TO CAREFULLY READ THE ENTIRE SPECIFICATIONS AND DETERMINE HIS RESPONSIBILITIES. FAILURE TO DO SO SHALL NOT RELEASE THE CONTRACTOR FROM THE RESPONSIBILITY OF DOING THE WORK IN COMPLETE ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS.

6- THE CONTRACTOR SHALL COORDINATE HIS WORK WITH OTHER TRADES AT THE SITE. ANY COSTS TO INSTALL WORK TO ACCOMPLISH SAID COORDINATION WHICH DIFFERS FROM THE WORK AS SHOWN ON THE DRAWINGS SHALL BE INCURRED BY THE CONTRACTOR, ANY DISCREPANCIES, AMBIGUITIES OR CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER AND THE ARCHITECT / ENGINEER IN WRITING PRIOR TO SUBMITTING A BID. ANY SUCH CONFLICTS NOT CLARIFIED PRIOR TO BID SHALL BE SUBJECT TO THE INTERPRETATION OF THE PROJECT MANAGER AT NO ADDITIONAL COST.

7- THE CONTRACTOR SHALL OBTAIN AND KEEP UP TO DATE A COMPLETE RECORD SET OF DRAWINGS. UPON COMPLETION OF THE WORK, A SET OF REPRODUCIBLE CONTRACT DRAWINGS SHALL BE OBTAINED FROM THE PROJECT MANAGER AND ALL CHANGES AS NOTED ON THE RECORD SET OF DRAWINGS SHALL BE INCORPORATED THEREON BY THE CONTRACTOR WITH RED INK IN A NEAT, LEGIBLE, UNDERSTANDABLE AND PROFESSIONAL MANNER.

8- ALL INTERRUPTION OF ELECTRICAL POWER SHALL BE KEPT TO A MINIMUM. HOWEVER, WHEN AN INTERRUPTION IS NECESSARY, THE SHUTDOWN MUST BE COORDINATED WITH THE PROJECT MANAGER AND THE PROPERTY OWNER 14 DAYS PRIOR TO THE OUTAGE. ANY OVERTIME PAY SHALL BE INCLUDED IN THE CONTRACTORS BID. WORK IN EXISTING SWITCHBOARDS OR PANEL BOARDS SHALL BE COORDINATED WITH THE PROJECT MANAGER AND THE BUILDING OWNER PRIOR TO REMOVING ACCESS PANELS OR DOORS.

9- SHOP DRAWINGS SHALL BE SUBMITTED FOR ITEMS INDICATED ON PLANS. SHOP DRAWINGS SHALL INCLUDE ALL DATA WITH CAPACITIES, SIZES, DIMENSIONS, CATALOG NUMBERS AND MANUFACTURER'S BROCHURES.

10- AFTER ALL REQUIREMENTS OF THE SPECIFICATIONS AND THE DRAWINGS HAVE BEEN FULLY COMPLETED, THE PROJECT MANAGER WILL INSPECT THE WORK. THE CONTRACTOR SHALL PROVIDE COMPETENT PERSONNEL TO DEMONSTRATE THE OPERATION OF ANY ITEM OR SYSTEM TO THE FULL SATISFACTION OF THOSE REPRESENTATIVES. FINAL ACCEPTANCE OF THE WORK WILL BE MADE BY THE PROJECT MANAGER AFTER RECEIPT OF APPROVAL AND RECOMMENDATION OF ACCEPTANCE FROM EACH REPRESENTATIVE.

11- THE CONTRACTOR SHALL FURNISH ONE YEAR WRITTEN GUARANTEE OF MATERIALS AND WORKMANSHIP FROM THE DATE OF SUBSTANTIAL COMPLETION

12- COORDINATION WITH OTHER TRADES AS TO THE EXACT LOCATION OF THEIR RESPECTIVE EQUIPMENT, SUPPLY POWER AND MAKE CONNECTION TO EQUIPMENT REQUIRING ELECTRICAL CONNECTIONS. REVIEW THE DRAWINGS OF OTHER TRADES AND LOCATION OF EQUIPMENT.

ELECTRICAL GENERAL NOTES 5

13- EXACT METHOD AND LOCATION OF CONDUIT PENETRATIONS AND OPENINGS IN CONCRETE WALLS OR FLOORS OR STRUCTURAL STEEL MEMBERS, SHALL BE DIRECTED BY THE STRUCTURAL ENGINEER, PERFORM CORING, SAW CUTTING, PATCHING, AND REFINISHING OF EXISTING WALLS AND SURFACES WHEREVER IT IS NECESSARY TO PENETRATE. OPENINGS SHALL BE SEALED IN AN APPROVED METHOD TO MEET THE FIRE RATING OF THE PARTICULAR WALL, FLOOR, OR CEILING.

14- UTILITY PENETRATIONS OF ANY KIND IN FIRE AND SMOKE PARTITIONS AND CEILING ASSEMBLIES, SHALL BE FIRESTOPPED AND SEALED WITH AN APPROVED MATERIAL SECURELY INSTALLED.

15- CONNECTIONS TO VIBRATING EQUIPMENT AND SEISMIC SEPARATIONS: LIQUID TIGHT FLEXIBLE STEEL CONDUIT IN DRY INDOOR LOCATIONS AND IN AREAS EXPOSED TO WEATHER, DAMP LOCATIONS, CONNECTIONS TO TRANSFORMER ENCLOSURES, AND FINAL CONNECTIONS TO MOTORS.

16- ROUTE EXPOSED AND CONCEALED CONDUIT PARALLEL AND PERPENDICULAR TO WALL AND ADJACENT PIPING. ARRANGE CONDUIT TO MAINTAIN HEADROOM AND TO PRESENT A NEAT APPEARANCE.

17- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAWCUTTING, TRENCHING, BACKFILLING, COMPACTING AND PATCHING OF CONCRETE & ASPHALT AS REQUIRED TO PERFORM HIS WORK. ATTENTION IS CALLED TO THE FACT THAT THERE ARE EXISTING UNDERGROUND UTILITY LINES. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFICATION AND COORDINATION WITH ALL PROPERTY OWNERS, UTILITIES AND APPROPRIATE "DIG ALERT" UNDERGROUND MAKING AGENCIES AND COMPANIES. THE CONTRACTOR SHALL ALWAYS USE EXTREME CAUTION WHEN TRENCHING FOR HIS WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER AND APPROVED REPAIR OF ANY AND ALL DAMAGES CAUSED DURING THE COURSE OF THIS WORK.

18- WHENEVER A DISCREPANCY IN QUANTITY OR SIZE OF CONDUIT, WIRE, EQUIPMENT DEVICES, CIRCUIT BREAKERS, GROUND FAULT PROTECTION SYSTEMS, ETC. (ALL MATERIALS), ARISES ON THE DRAWINGS OR SPECIFICATIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND INSTALLING ALL MATERIAL AND SERVICES REQUIRED BY STRICTEST CONDITIONS NOTED ON THE DRAWINGS OR IN THE SPECIFICATIONS TO ENSURE COMPLETE AND OPERABLE SYSTEMS AS REQUIRED BY THE PROJECT MANAGER AND THE ARCHITECT / ENGINEER.

19- STRAIGHT FEEDER, BRANCH CIRCUIT, AND CONDUIT RUNS SHALL BE PROVIDED WITH SUFFICIENT WEATHER PROOF PULL BOXES OR JUNCTION BOXES TO LIMIT THE MAXIMUM LENGTH OF ANY SINGLE CABLE PULL TO 100 FEET. PULL BOXES SHALL BE SIZED PER CODE OR PER THE LATEST EDITION OF THE DESIGN SPECIFICATIONS, WHICHEVER IS MOST RESTRICTIVE. LOCATIONS SHALL BE DETERMINED IN THE FIELD OR AS INDICATED ON THE DRAWINGS.

20- MAXIMUM NUMBER OF CONDUCTORS IN OUTLET SHALL BE DETERMINED IN THE FIELD OR AS INDICATED ON THE DRAWINGS.

21- IDENTIFICATION NAME PLATE SHALL BE MICARTA 1/8" THICK AND OF APPROVED SIZE WITH BEVELED EDGES AND ENGRAVED WHITE LETTERS A MINIMUM OF 1/4" INCH HIGH ON BLACK BACKGROUND. NAMEPLATES SHALL BE PROVIDED ALL CIRCUITS IN THE SERVICE DISTRIBUTION AND POWER DISTRIBUTION SWITCH BOARDS OR PANEL BOARDS, DISCONNECTING SWITCHES, TRANSFORMERS, TERMINAL CABINETS, TELEPHONE CABINETS, ETC. ALL NAMEPLATES SHALL BE ATTACHED WITH SCREWS. PULL BOXES, JUNCTION BOXES, AND DEVICE BOXES SHALL BE MARKER WITH A PERMANENT MARKER.

22- THE EXACT LOCATION OF ALL ELECTRICAL DEVICES AND EQUIPMENT SHALL BE COORDINATED WITH THE PLANS AND DETAILS, PRIOR TO INSTALLATION.

23- DRAWINGS ARE DIAGRAMMATIC ONLY. ROUTING OF RACEWAYS SHALL BE AT THE OPTION OF THE CONTRACTOR UNLESS OTHERWISE NOTED ON THE ELECTRICAL DRAWINGS FOR LOCATIONS OF ANY ELECTRICAL, ARCHITECTURAL, STRUCTURAL, CIVIL, OR MECHANICAL ITEMS OR FEATURES.

24- RIGID GALVANIZED STEEL CONDUIT SHALL BE FULL WEIGHT THREADED TYPE, ELECTRICAL METALLIC TUBING (EMT) MAY BE USED IN WALLS OR CEILING SPACES WHERE NOT SUBJECT TO MECHANICAL DAMAGE. DIRECT BURIED PVC SCHEDULE 40 MAY BE INSTALLED BENEATH SLAB OR BELOW GRADE AND SHALL BE CONCRETE ENCASED UNLESS NOTED OTHERWISE. AN EQUIPMENT GROUNDING CONDUCTOR SHALL BE PROVIDED IN ALL CONDUIT RUNS. PROVIDE CONDUIT SUPPORTS NOT TO EXCEED 8'-0". PROVIDE 3-PC CONNECTORS FOR SECONDARY GROWTH PATH OF SURFACE MOUNTED EMT.

25- RIGID STEEL CONDUIT FITTINGS INCLUDING COUPLINGS, LOCKOUTS, NIPPLES ETC, SHALL BE THREADED AND THOROUGHLY GALVANIZED EXCEPT WHERE AN ADAPTER IS NEEDED TO CONNECT TO PVC, ELECTRICAL METALLIC TUBING (EMT) CONDUIT FITTINGS SHALL BE SET, RAINTIGHT THREADLESS COMPRESSION TYPE, DIE CAST, SET SCREW, OR INDENTED TYPES ARE NOT ACCEPTABLE. SET SCREW TYPE IS NOT ACCEPTABLE.

PANEL SCHEDULE 6

26- ALL TELCO CONDUIT INSTALLATIONS AND OTHER EMPTY CONDUIT RUNS AND STUBS SHALL INCLUDE A YELLOW 3/8" POLYPROPYLENE PULL STRING.

27- ALL CONDUITERS SHALL BE COPPER #12 AWG MINIMUM SIZE, TYPE THHN/THWN THERMOPLASTIC, 600 VOLTS, 75 DEGREES CELSIUS WET AND 90 DEGREES CELSIUS DRY AND UL LISTED UNLESS NOTED OTHERWISE. CONDUCTORS # 10 AWG AND SMALLER SHALL BE SOLID. CONDUCTORS # 8 AWG AND LARGER SHALL BE STRANDED UNLESS SPECIFICALLY NOTED TO THE CONTRARY. ALL WIRE CONNECTORS SHALL BE CRIMP COMPRESSION TYPE BY "THOMAS AND BETT" OR APPROVED EQUIVALENT. INSTALLED AND INSULATED PER THE MANUFACTURER'S RECOMMENDATIONS. ALL WIRE ENDS SHALL BE MARKED FOR EASY IDENTIFICATION AND TRACING.

28- JUNCTION AND PULL BOXES: FOR INTERIOR DRY LOCATIONS, BOXES SHALL BE GALVANIZED ONE-PIECE, DRAWN STEEL, KNOCKOUT TYPE WITH REMOVABLE MACHINE SCREW SECURED COVERS, FOR OUTSIDE, DAMP, OR SURFACE LOCATIONS, BOXES SHALL BE HEAVY CAST ALUMINUM OR CAST IRON WITH REMOVABLE, GASKETS, NON-FERROUS MACHINE SCREW SECURED COVERS. BOXES SHALL BE SIZED FOR THE NUMBER AND SIZES OF CONDUCTORS AND CONDUIT ENTERING THE BOX AND EQUIPPED WITH PLASTER EXTENSION RINGS WHERE REQUIRED. BOXES SHALL BE LABELED TO INDICATE PANEL AND CIRCUIT NUMBER, OR TYPE OF SIGNAL OR COMMUNICATIONS SYSTEM.

29- ALL OUTDOOR ELECTRICAL DEVICES OR EQUIPMENT SHALL BE OF WEATHERPROOF TYPE.

30- ALL EQUIPMENT, MONOPOLE, FRAME, CABLE TRAY AND ANTENNA GROUND WIRE CONNECTIONS TO GROUND BUSES SHALL BE MADE WITH CRIMP TYPE COMPRESSION CONNECTIONS TO CONNECTORS (MINIMUM 2 HOLE LUGS WITH FULL BOLTING) CONNECTIONS TO CONNECTORS (MINIMUM 2 HOLE LUGS WITH FULL BOLTING). BUSES SHALL BE PRE-DRILLED TO ACCOMMODATE ALL CONNECTORS.

31- ALL GROUNDING SHALL BE PER N.E.C SECTION 250 AND 810 AND THE GROUNDING REQUIREMENTS OF THESE DRAWINGS.

32- ALL GROUND WIRE CONNECTIONS BETWEEN GROUND BUSES AND OTHER GROUND BUSES AND GROUND RODS SHALL BE CADDLED.

33- ALL METALLIC GROUND WIRE CONDUIT SHALL BE GROUNDING TO THE GROUND WIRE USING SET SCREW CONNECTIONS AT CONDUIT END CAPS AND CRIMP CONNECTIONS AT WIRE.

34- COAT ALL BOLTED LUG & BUSH GROUND CONTACT SURFACES WITH KIPR-SHIELD, NO-OX, OR EQUAL PRIOR TO ATTACHMENT.

35- MAIN CIRCUIT BREAKER SHALL BE RATED FOR STANDARD A.I.C. RATING HIGHER THAN INCOMING A.I.C.

36- ALL EQUIPMENT SHALL BE UL LISTED.

37- ALL EQUIPMENT SHALL BE BRACED FOR STANDARD A.I.C. RATING HIGHER THAN INCOMING FROM UTILITY COMPANY.

38- ALL CORING CLEARANCES SHALL BE FIELD VERIFIED AND ALL CONDUIT ROUTING SHALL BE COORDINATED WITH PROPERTY OWNERS REPRESENTATIVE.

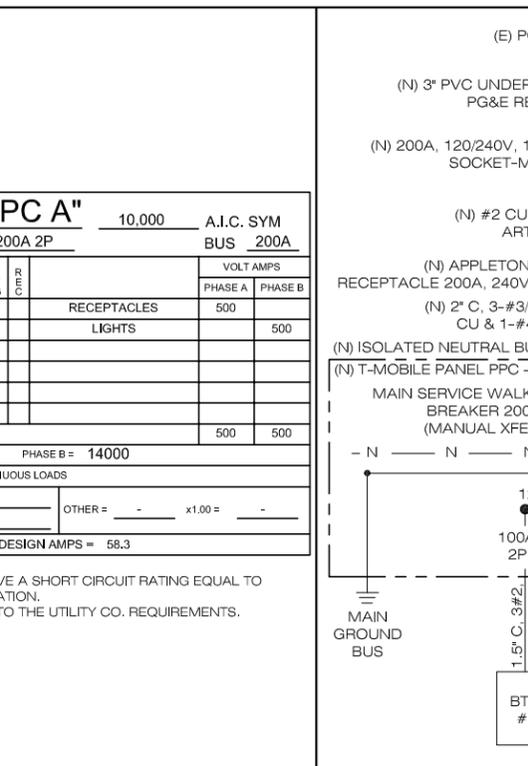
39- ALL CONNECTIONS TO EXISTING MAIN SWITCHGEAR INCLUDING "BUS - TAPS" AND / OR "HOT - TAPS" REQUIRE CERTIFICATION AND APPROVAL. FABRICATION AND CERTIFICATION SHALL BE FURNISHED BY A CONTRACTOR APPROVED BY THE APPLICABLE UTILITY.

40- CONTRACTOR SHALL COORDINATE WORK WITH UTILITY COMPANIES FOR FINAL AND EXACT WORK AND MATERIAL REQUIREMENTS. CONSTRUCT TO UTILITY COMPANIES ENGINEERING PLANS AND SPECIFICATIONS ONLY.

41- ALL BROCHURES, OPERATION MANUALS, CATALOGS, SHOP DRAWINGS, ETC. SHALL BE TURNED OVER TO THE PROJECT MANAGER AT THE COMPLETION OF WORK.

42- SWITCHES AND RECEPTACLES AS SPECIFIED ON FLOOR PLANS.

LINE DIAGRAM 4



LINE DIAGRAM 4

31- SUBCONTRACTOR SHALL PROVIDE 200 AMP, SINGLE PHASE, 120/240 VAC, 60HZ SERVICE FOR SITE.

2- SUBCONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY BEFORE THE START OF CONSTRUCTION. POWER AND TRENCHING CONDUIT SHALL BE PROVIDED AND INSTALLED PER UTILITY REQUIREMENTS.

3- FOR COMPLETE INTERNAL WIRING AND ARRANGEMENT REFER TO DRAWINGS PROVIDED BY PANEL MANUFACTURER

4- SUBCONTRACTOR SHALL INSTALL SUFFICIENT LENGTHS OF LFMC INCLUDING ALL CONDUIT FITTINGS (NUTS, REDUCING BUSHINGS, ELBOWS, COUPLINGS, ETC) NECESSARY FOR CONNECTION FROM RGC CONDUIT TO THE INTERIOR OF THE BTS CABINET.

5- SUBCONTRACTOR SHALL PROVIDE ELECTRICAL SERVICE EQUIPMENT WITH FAULT CURRENT RATINGS GREATER THEN THE AVAILABLE FAULT CURRENT FROM THE POWER UTILITY.

6- CUT, COIL AND TAPE A 3 FOOT PITGAL FROM END OF LFMC FOR TERMINATING BY BTS EQUIPMENT MANUFACTURER.

7- SUBCONTRACTOR SHALL VERIFY THAT THE MAIN BONDING JUMPER AND GROUNDING ELECTRODE CONDUCTOR IS INSTALLED PROPERLY WHEN PANEL IS SERVICE ENTRANCE EQUIPMENT.

8- BOND TO MAIN GROUND BUS.

TELEPHONE NOTES 2

1- UTILITY POINTS OF SERVICE AND WORK / MATERIALS SHOWN ARE BASED UPON PRELIMINARY INFORMATION PROVIDED BY THE UTILITY COMPANIES AND ARE FOR BID PURPOSE ONLY.

2- CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK / MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY COMPANY ENGINEERING PLANS AND SPECIFICATIONS ONLY. CONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, PULL ROPES, CABLES, PULL BOXES, CONCRETE ENCASEMENT OF CONDUIT (IF REQUIRED), TRANSFORMER PAD, BARRIERS, POLE RISERS, TRENCHING, BACKFILL, PAY ALL UTILITY COMPANY FEES AND INCLUDE ALL REQUIREMENTS IN SCOPE OF WORK.

3- UTILITY CONTACTS FOR THIS PROJECT SHALL BE AS FOLLOWS:
 POWER: PG&E
 TELEPHONE: AT&T

UTILITIES NOTES 1

T-MOBILE WEST CORPORATION
T-Mobile
 1855 GATEWAY BLVD 9TH FLOOR
 CONCORD, CA 94520

PROJECT INFORMATION:
SF04926A
SF926 1000 JACKL COW
 1000 JACKLIN ROAD
 MILPITAS, CA 95035

CURRENT ISSUE DATE:
04/10/2019

ISSUED FOR: _____

CONSTRUCTION

REV. DATE DESCRIPTION BY:

04/03/2019	90%CD	NS
04/10/2019	100%CD	NS

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
 SANTA BARBARA SAN FRANCISCO
 660 4TH STREET #255
 SAN FRANCISCO, CA. 94107
 PHONE: (415) 740-9974
 FAX: (415) 354-3502

CONSULTANT:
 DRAWN BY: _____ CHK.: _____ APV.: _____

NS	NS	DE
----	----	----

LICENSER:
 SHEET TITLE:
ELECTRICAL GENERAL NOTES, LINE DIAGRAM, PANEL SCHEDULE & DETAILS
 SHEET NUMBER:
E-1 228



December 6, 2019

Mr. Steve Chan, T.E.
City of Milpitas – Transportation
455 E. Calaveras Blvd.
Milpitas, CA 95035-5411

Re: Trip Generation Comparison for the 1000 Jacklin Road La Quinta Hotel in Milpitas

Dear Mr. Chan:

Hexagon Transportation Consultants, Inc. has prepared this trip generation comparison study for the proposed La Quinta Hotel at 1000 Jacklin Road in Milpitas, California. A previous transportation study for the site, entitled *Transportation Operations Analysis for 1000 Jacklin Road La Quinta Hotel*, was completed on March 26th, 2019. It assumed a business hotel project of 122 rooms would replace the existing vacant fitness club at the project site. Since that time, the project size has been reduced to reflect a total of 105 hotel rooms, a reduction of 17 rooms compared with the previous project description. The purpose of this analysis is to quantify the net project trips generated by the revised 105-room project relative to the prior fitness club.

New Trip Generation

Project trip generation was estimated by applying to the size and uses of the development the appropriate trip generation rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 10th Edition*. Based on ITE's trip generation rates for business hotels (ITE code 312), the new 105-room project would generate 422 daily vehicle trips, with 41 trips occurring during the AM peak hour and 34 trips occurring during the PM peak hour. Compared to the previous project size of 122 hotel rooms, the new project would generate 68 fewer daily vehicle trips, 7 fewer AM peak hour vehicle trips, and 5 fewer PM peak hour vehicle trips.

The proposed project would replace the existing 24,000 square foot fitness club which is currently vacant. Based on ITE's trip generation rates for health/fitness clubs (ITE code 492), the previous fitness club would generate 790 daily vehicle trips, with 31 AM peak hour trips and 83 PM peak hour trips. Therefore, the proposed 105-room project, compared with the previous occupied fitness club, would generate 368 fewer net daily trips, 10 additional net AM peak hour trips, and 49 fewer net PM peak hour trips.

The project trip generation estimates are presented in Table 1.



**Table 1
 New Project Trip Generation Estimates**

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
				Total Rate	Total Trips	In	Out	Total Rate	Total Trips	In	Out
Proposed Use											
Business Hotel ¹	105 units	4.02	422	0.39	41	17	24	0.32	34	18	16
Existing Use											
Existing Fitness Building ²	24,000 sq.ft.	32.93	-790	1.31	-31	-16	-15	3.45	-83	-46	-37
Net Project Trips			-368	10	1	9	-49	-28	-21		

¹ Rates based on ITE Trip Generation, 10th Edition for Business Hotel (ITE 312).
² Rates based on ITE Trip Generation, 10th Edition for Health/Fitness Club (ITE 492).

Conclusion

The proposed land use change would reduce the number of net daily and PM peak hour trips from the site. It would slightly increase the net AM peak hour trips from the project site (an increase of one vehicle in every six minutes). Therefore, it is anticipated the proposed project would not have any material impacts to traffic operations in the project vicinity.

If you have any questions, please do not hesitate to contact us.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.

Brett Walinski T.E.
 Vice President and Principal Associate

Eric Tse, P.E., PTOE
 Associate

AGENDA ITEM NO. 7

Appeal: La Quinta Hotel

Public Comment Received

(November 19, 2019 to January 13, 2020)

Lillian Hua

From: Sharon Ho <shrnh@gmail.com>
Sent: Friday, November 29, 2019 4:21 PM
To: Lillian Hua
Subject: La quinta hotel is not welcome

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Lillian,

I am a Milpitas resident and wanted to write to you to express that the build of the La Quinta Hotel will be very disruptive to our residence. There has already been dramatic increases in traffic over the years and we have a large and dense student population in our city already.

Please do not move forward with the construction of this hotel.

Regards,
Sharon

Lillian Hua

From: Jacqueline Ho <jacky_finesy@yahoo.com>
Sent: Saturday, November 30, 2019 7:19 PM
To: Lillian Hua
Subject: [BULK] La Quinta Hotel in Milpitas

Importance: Low

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Lillian,

My name is Jacqueline, I have live in Milpitas 26 years. I am disagree to build a Hotel on Jacklin Rd. It cause more traffics and crimes which I will be concern. My parents always walk after dinner. I really concern about their safety after build for the hotel near by my house. Please consider my concern and reject the project.

Thank you.

Jacqueline

Elizabeth Medina

From: Ned Thomas
Sent: Sunday, December 1, 2019 10:54 PM
To: Lillian Hua
Cc: Jessica Garner; Elizabeth Medina
Subject: Fwd: Keep my neighborhood safe - a concerned resident

More comments on hotel. Please add to the record. Thanks.

Ned

Sent using [Outlook for Android](#)

From: Bala C <cbalakrishnan@gmail.com>
Sent: Sunday, December 1, 2019 9:53:52 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: Keep my neighborhood safe - a concerned resident

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Mr. Ned Thomas,

I am a resident of the City of Milpitas. We are a family of 5 with two kids - aged 7 and 10 with an elderly mom who reside at 819 De Anza Court, Milpitas, CA 95035. We are directly impacted by the current proposal to build a 5-story La Quinta Hotel at the intersection of Jacklin Road and Hillview Dr.

As you are the city planning director, I wanted to raise the following concerns with regards to the build-out of this hotel -

1. We bought this property last year for \$1.8M as it was a friendly and quiet neighborhood with access to park. The build-out of this property impacts the quality of living during construction and after the hotel buildout. I am concerned about the impact to property prices. Considering the proximity to hotel, it risks our privacy which is essential for us and our family. It compromises the direct value as to why we bought this house last year.
2. As a parent of two kids, I am concerned about the privacy and security of my kids. The hotel could invite bad social elements and be an avenue to promote bad and illegal activities. I would consider it unsafe for my kids to play in the cul-de-sac. A lot of high school kids use this route to go to school every and it's a safety hazard for them.
3. Buildout of the hotel is likely going to increase the traffic issues which we already face at this busy junction.
4. The quality of life will be impacted during the 12-18 month construction period. My elderly mom suffers from noise and vertigo issues and hence we moved to this quiet neighborhood. The construction noise and dump trucks risks the life of my mother.

We vehemently oppose the construction of this hotel near our property. I hope you will take this seriously and give me an opportunity to express concerns in person to stop the buildout of this property.

Thanks
Bala

Elizabeth Medina

From: Ned Thomas
Sent: Tuesday, December 3, 2019 6:19 PM
To: Lillian Hua
Cc: Elizabeth Medina
Subject: FW: [BULK] Stop 5 story Hotel at jacklin & Hillview

Importance: Low

From: smeharu <smeharu@yahoo.com>
Sent: Tuesday, December 3, 2019 1:31 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: [BULK] Stop 5 story Hotel at jacklin & Hillview
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

I am the resident of 920 La Palma Place Milpitas ca 95035. MY name is Sohan meharu

I am against the Hotel. This is a residential area.

Risk to our children's safety

1. There are two schools for the kids which are very close the Hotel.
2. Kids who go to Thomas Russel school daily on foot and on bikes
3. Parents oppose having their kids pass the Hotel as they go to and from school.
4. Will increase crime and accidents in the area.
- 5 will have Traffic disruptions and parking problems..
6. Hotel would result in highly negative impact on our property value
7. There are already two hotels within one mile of proposed hotel and business travelers can stay in nicer area near quality restaurants

Sohan Meharu 12/03/19

Elizabeth Medina

From: Ned Thomas
Sent: Wednesday, December 4, 2019 9:37 PM
To: Fauja Bariana
Cc: Lillian Hua; Jessica Garner; Elizabeth Medina
Subject: Re: Oppose Construction of 5-Story Hotel at Jacklin and Hillview

Hello Fauja:

Thank you for your comments. We will add your email to the record for consideration by the Planning Commission at the Public Hearing on 12/11.

Regards,

Ned Thomas
Planning Director
City of Milpitas

From: Fauja Bariana <fbariana@gmail.com>
Sent: Wednesday, December 4, 2019 6:13:28 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: Oppose Construction of 5-Story Hotel at Jacklin and Hillview

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Mr. Thomas,

My name is Fauja Bariana and I live at 854 De Anza Court, Milpitas. For over 35 years, Milpitas has been a place I've had the privilege to call my home. There are many reasons why we chose to live in the neighborhood, but if anything stood out to me it would be because of the peaceful community, the convenient access to the Hetch Hetchy Trail, and the beautiful view of the hills. Over the years, I have seen Milpitas flourish into the tremendous city it has become today, but I am genuinely concerned about commercialization spilling into our neighborhoods. To be more specific, this issue stems from the newly proposed hotel (La Quinta) site development in our neighborhood; I would be directly impacted by this project as I live within 500 feet of the proposed site location. I strongly oppose the development for the following crucial reasons:

1. There are two schools (Kinder Care nursery school and Tian Tian Chinese schools) that are directly adjacent to the proposed site. These schools house over 200 children, along with the abundance of middle and high school children who must walk by the site every day to get to and from their respective schools. I do not feel comfortable with a large commercial establishment of this magnitude that would undoubtedly attract external traffic with so many children around. Not only would it serve as a safety threat, but it also compromises the security of our children.
2. The traffic on narrow Hillview Drive is nothing short of horrendous. I am already unable to exit my home and make a left turn on Hillview Drive in the mornings because of major traffic congestion due to the vast majority of school drop-offs that occur near the proposed site

location. As some of you may know, the parents who drop off their children from the East side of 680 are unable to make a right turn on Hillview Drive from Jacklin due to traffic laws, so they are forced to make a left turn on Hillview and then turn into our cul-de-sac (De Anza Court) to get on Hillview again, just to reach the elementary, middle, and high school on Escuela Parkway. There have been several occasions in which I cannot back out of my driveway because there are so many vehicles from other neighborhoods making a U-turn on our street.

3. The hotel will surely bring in an increased amount of petty crime to the city; e.g. car break-ins, theft, drug use, etc. It is a known fact that most hotels associated with the proposed brand have had guests with problems related to drugs and alcohol (keep in mind this will all happen just a hundred feet away from approx. 200 children)

4. The hotel will have a negative impact on neighborhood property values. We do not deserve this depreciation. New buyers would be extremely reluctant to buy homes in this neighborhood due to its proximity to the hotel.

5. There are already two hotels within walking distance of the proposed hotel site on the Hillview Court (Embassy Suites and Extended Stay of America), meaning there should be no need or justification for an additional hotel in our residential area.

Based on the facts above, I strongly oppose construction of the hotel at the proposed site. I recognize that the driving force behind this growth is the increased tax revenue that contributes to the city budget, but I firmly believe it is not worth it for the warranted reasons mentioned above.

I am not against progress - I just want to ensure the ambience of the Hillview neighborhood as well as maintain the safety and security of our children. We should think long and hard about doing things that can improve house values such as better schools, better neighborhood beautification, parks, reastaurants, good grocery stores such as Trader Joes's, Whole Foods Market, etc. instead of building hotels in neighborhoods. I am certain you would align with our views if you lived in this neighborhood.

Best regards,

Fauja Bariana

854 De Anza Court, Milpitas

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Friday, December 6, 2019 9:23 AM
To: Ned Thomas; Liz Medina; Jessica Garner
Subject: Fwd: Milpitas may soon have a new La Quinta Hotel on Jacklin Rd. - The Milpitas Beat

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

FYI

Does this need to be added to items for 12/11?

Regards,
Bill Chuan
Planning Commissioner

Begin forwarded message:

From: mstcs2000 <mstcs2000@aol.com>
Date: December 3, 2019 at 10:26:14 AM PST
To: Bill Chuan <Bill_chuan@yahoo.com>, Evelyn Chua <Chua4evelyn@gmail.com>, Ricardo Ablaza <rpablaza@comcast.net>, Tim Alcorn <commissioneralcorn@gmail.com>, Steve Tao <stevectao@aol.com>, Demetress Morris <Demetress1@aol.com>, Sudhir Mandal <mandals8888@gmail.com>
Cc: Joe Gigantino <Joe@workout.com>
Subject: Milpitas may soon have a new La Quinta Hotel on Jacklin Rd. - The Milpitas Beat

Good morning,

You will all be receiving your packet for the December 11 planning Commission meeting later this week. Please include this article from the on line version of the Milpitas Beat in your reading.

There has been a lot of misinformation spread about this project, particularly on Next Door.

Here is a news article, thoroughly researched, and published by a very reputable local news organization that addresses the criticism of this project. Please read their reporting as you prepare for this meeting.

thank you,

Mark Tiernan
La Quinta Milpitas Hotel Project

<http://milpitasbeat.com/milpitas-may-soon-have-a-new-la-quinta-hotel-on-jacklin-rd/>

Sent from my iPhone

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Friday, December 6, 2019 9:27 AM
To: Ned Thomas; Jessica Garner; Liz Medina
Subject: [BULK] Fwd: La Quinta Hotel Project-Concerned Resident

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi All

Not sure if Vice Chair Morris already sent this to you.

If so, sorry for duplication.

Regards,
Bill Chuan
Planning Commissioner

Begin forwarded message:

From: Barbara Jo Navarro <navarro_4@sbcglobal.net>
Date: December 2, 2019 at 8:57:02 AM PST
To: demetress1@aol.com
Cc: mandals8888@gmail.com, commissioneralcorn@gmail.com, stao@bccre.com,
Chua4evelyn@gmail.com, Bill_chuan@yahoo.com, rpablaza@comcast.net
Subject: La Quinta Hotel Project-Concerned Resident

Ms. Morris

Hopefully you have been informed about a hotel project that is being proposed and will come before the planning commission on 12/11. This 5 story, 105 room hotel (originally told to me as a 122 room hotel) with microwave and relocation of wireless telecommunication antennas and equipment on it roof top is being proposed for 1000 Jacklin Road.

As a resident within the 1000 ft of this location, I have been in contact with he project manager Lillian Hua who provided me with additional information that was not stated in the original residential postcards that were send to my home. She provided me the link to the traffic study and environmental analysis, which is posted on the City's website here: <http://www.ci.milpitas.ca.gov/wp-content/uploads/2019/07/Milpitas-La-Quinta-PubRev-IS-MND2.pdf>.

If you have not read this very long study, I recommend that you do so before you vote.

I have many concerns about increased traffic in the morning peak hours and later in the afternoon. I don't believe the study in the report. This corner, Jacklin Road and N. Hillview Dr is already a busy intersection and there have been numerous accidents on this corner which put our children, who bike and walk to Russell Middle and Milpitas High School at risk. A traffic light now exist on Jacklin Rd due to safety issues and a child that was hit prior to the light installation. This has helped make this street safer,

but if you are on this corner on weekdays, although there is a no right turn from Jacklin to N. Hillview Dr. while heading West on Jacklin, there is generally no reinforcement of this and cars do travel through the residential area and down Jacklin at speeds that seems to be higher than posted. My point is that this street and intersection is already busy and dangerous.

In addition, I am also concerned about how this hotel will affect the ambience of the Hillview neighborhood. Although this 1.14 acre site is in the Highway Services Zoning District, it is very close to a neighborhood and across from a kinder care. 5-storied with an underground garage is in my opinion too big!!

I have lived in Milpitas for over 35 years and moved here because of the ambience of the city and the services. As an appointed individual to the planning commission, I hope that you will review the concerns that myself and many residents have posted on Next Door. Even the Mayor posted on this Facebook page and received numerous negative comments. It's evident that I'm not alone in questioning this project as it is being proposed.

I have written to the owner Joe Gigantino and the City Planning Director, N. Thomas and City Planning Manager, J. Garner. I received replies from the owner and the Planning Director, but not the Planning Manager. I appreciate the responses and I believe that the change in presenting this project and additional details I received about the upcoming public hearing may have been provided because of the concerns. It seems that the process the city uses to inform residents of changes in their neighborhood is set up so that by the time we know about the project, the timeframe and process works against residents really being able to give input. Transparency is key. It's questionable whether the resident notification process, as it exists today, provides this to the residents.

I have marked my calendar to attend the public hearing on 12/11 along with many of my concerned neighbors.

Is it true that your tenure on the planning commission is ending this month. I'm available for a face to face meeting prior to the 12/11, feel free to contact me (see information below).

I look forward to your reply and hope that you will be objective concerning this project, review carefully the report and the many concerns that residents have expressed. I'm copying all the members of the commission on this email so they too know my concerns. I have more concerns that have not been expressed in this email.

Thank you for your commitment to Milpitas.

Barbara Jo Navarro
915 N. Hillview Dr.
408 309-1281

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Friday, December 6, 2019 9:20 AM
To: Ned Thomas; Liz Medina; Jessica Garner
Subject: Fwd: Oppose Construction of 5-Story Hotel at Jacklin and Hillview

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi All

See below. Probably needs to be added to items for 12/11.

Regards,
Bill Chuan
Planning Commissioner

Begin forwarded message:

From: Fauja Bariana <fbariana@gmail.com>
Date: December 4, 2019 at 6:34:41 PM PST
To: Bill_chuan@yahoo.com
Subject: **Oppose Construction of 5-Story Hotel at Jacklin and Hillview**

Hello Mr. Chuan,

My name is Fauja Bariana and I live at 854 De Anza Court, Milpitas. For over 35 years, Milpitas has been a place I've had the privilege to call my home. There are many reasons why we chose to live in the neighborhood, but if anything stood out to me it would be because of the peaceful community, the convenient access to the Hetch Hetchy Trail, and the beautiful view of the hills. Over the years, I have seen Milpitas flourish into the tremendous city it has become today, but I am genuinely concerned about commercialization spilling into our neighborhoods. To be more specific, this issue stems from the newly proposed hotel (La Quinta) site development in our neighborhood; I would be directly impacted by this project as I live within 500 feet of the proposed site location. I strongly oppose the development for the following crucial reasons:

1. There are two schools (Kinder Care nursery school and Tian Tian Chinese schools) that are directly adjacent to the proposed site. These schools house over 200 children, along with the abundance of middle and high school children who must walk by the site every day to get to and from their respective schools. I do not feel comfortable with a large commercial establishment of this magnitude that would undoubtedly attract external traffic with so many children around. Not only would it serve as a safety threat, but it also compromises the security of our children.
2. The traffic on narrow Hillview Drive is nothing short of horrendous. I am already unable to exit my home and make a left turn on Hillview Drive in the mornings because of major traffic congestion due to the vast majority of school drop-offs that occur near the proposed site location. As some of you may know, the parents who drop off their children from the East side of 680 are unable to make a right turn on Hillview Drive from

Jacklin due to traffic laws, so they are forced to make a left turn on Hillview and then turn into our cul-de-sac (De Anza Court) to get on Hillview again, just to reach the elementary, middle, and high school on Escuela Parkway. There have been several occasions in which I cannot back out of my driveway because there are so many vehicles from other neighborhoods making a U-turn on our street.

3. The hotel will surely bring in an increased amount of petty crime to the city; e.g. car break-ins, theft, drug use, etc. It is a known fact that most hotels associated with the proposed brand have had guests with problems related to drugs and alcohol (keep in mind this will all happen just a hundred feet away from approx. 200 children)

4. The hotel will have a negative impact on neighborhood property values. We do not deserve this depreciation. New buyers would be extremely reluctant to buy homes in this neighborhood due to its proximity to the hotel.

5. There are already two hotels within walking distance of the proposed hotel site on the Hillview Court (Embassy Suites and Extended Stay of America), meaning there should be no need or justification for an additional hotel in our residential area.

Based on the facts above, I strongly oppose construction of the hotel at the proposed site. I recognize that the driving force behind this growth is the increased tax revenue that contributes to the city budget, but I firmly believe it is not worth it for the warranted reasons mentioned above.

I am not against progress - I just want to ensure the ambience of the Hillview neighborhood as well as maintain the safety and security of our children. We should think long and hard about doing things that can improve house values such as better schools, better neighborhood beautification, parks, restaurants, good grocery stores such as Trader Joes's, Whole Foods Market, etc. instead of building hotels in neighborhoods. I am certain you would align with our views if you lived in this neighborhood.

Best regards,

Fauja Bariana

854 De Anza Court, Milpitas

Lillian Hua

From: Barbara Jo Navarro <navarro_4@sbcglobal.net>
Sent: Friday, November 1, 2019 2:30 PM
To: Lillian Hua
Subject: La Qunita Community Mtg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Ms Hua

I live at 915 N. Hillview Drive which is very near the proposed location for the new La Quinta hotel. I've lived in Milpitas over 37 years.

The proposed area is a business center area and around it are residential homes and a child care center. I understand the Milpitas Health and Fitness building is empty.

I'm very concerned about having a 5 story hotel being built in this location. I don't know how tall the clock tower is presently on the current building, is it 76 feet or shorter?

The traffic in this area is already very bad. There are many accidents on this corner where youth travel this corridor on foot, bicycle and cars.

Also 1000 feet is the requirement to let residents know - please provide me a map indicating which homes were notified about this community meeting and the planning commission meeting. It seems odd that I had never heard about this until I received the notifications in the mail.

I'm truly concerned about this proposed hotel. Unfortunately, I can't attend the meeting on Wednesday, 11/6.

I really would like to know WHY the planning commission thinks this is an appropriate and best use of this property. Were there other proposals, if so, what were they?

Can I meet with someone, because I cannot attend the community meeting, I'd like to understand the proposed project. Also will the residences actually have input to the decision. I surely hope so.

I look forward to your response.

BJ Navarro
408 409-1281

Lillian Hua

From: Vivek Gupta <vivek.gup@gmail.com>
Sent: Tuesday, November 5, 2019 8:47 AM
To: Lillian Hua
Subject: [BULK] La Quinta Hotel - P-SD18-0012

Importance: Low

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Lillian,

I am property owner of 859 Alisal Ct, Milpitas, CA. Close to my property is the proposal of La Qunita Hotel. I am really concerned about this upcoming construction in this area and thus need your help with answers to following questions:

1. What kind of telecommunication antennas and equipments are installed on the hotel building and what health or communication implications it will have on residents nearby. We need to see a report by city and the builder explaining the impact. If there is any impact, such antennas and equipment shouldn't be allowed. Is city taking complete responsibility of any impact from such equipment on residents?
2. Usually having commercial public buildings closely creates high traffic and nuisance for residents nearby as anyone can come to hotel., they might be drunk or smoking. What security and controls for nearby residents is builder and city looking to add to avoid any such issues for residents and kids in this area.
3. There is no 5 story building nearby currently, having higher building will possibly impact privacy of nearby residents. How do city or builder is looking to preserve privacy of people in this area.
4. Will La Qunita going to offer paid parking to its guests. If yes, it may push guests to park in residential area. How are you avoiding this to happen?
5. During the construction, lot of dust may come-up resulting in personal and private property getting dirty and need more frequent clean-up. How will builder compensate the neighborhood?
6. Another commercial property close to residential area reduces property prices and desirability of the area for people looking to buy the house. How is city ensuring that property tax on such houses are adjusted accordingly as property prices will definitely go down. Also, city/builder must provide necessary compensation to all nearby residents whose property prices will gone down with this construction. I hope accessor can provide such information to city.

Regards,
Vivek Gupta
1-408-219-6058

Lillian Hua

From: Bill Korbe <wkorbe@hotmail.com>
Sent: Saturday, November 9, 2019 3:28 PM
To: Lillian Hua
Subject: Adding 5 Story Hotel in plain view of Hillview Residential Neighborhood and Hetch Hetchy Trail

Importance: High

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Lillian,

Nice meeting you last Wednesday at the City Hall meeting.

Wanted to let you know something about the neighborhood here where this 5 story hotel is being proposed.

It consists primarily of \$1.5M to \$2M View homes. Milpitas finest neighborhood.

The view emphasis is reflected in the name of the street and the neighborhood "HillView". It defines the neighborhood.

Many Professionals and opinion leaders choose to live here by choice, due to the beauty and peace of the neighborhood, the Hill Views and the Hetch Hetchy Trail with Hill Views a block away.

A large part of the value of our homes and why many have bought our homes here is the view of the uncluttered hills unique to Milpitas. Neighbors have fought hard for decades to keep these hills clean, uncluttered and unobstructed.

Many Hillview Residents bought our homes here, just a block away from the Milpitas Hetch Hetchy trail where we enjoy breathtaking unobstructed views of the hills and are hiking there, many who are spending an hour or more several days a week.

If the clock tower is replaced with a 5 story hotel this will all change significantly. Please see the photo I took below while hiking the Hetch Hetchy trail where the clock tower could be replaced by a 5 story hotel.

So this impact has to be considered by the planning committee and City Council to the neighborhood in a way to the detriment of many residents in perhaps Milpitas best neighborhood and Milpitas strongest group of professionals in our city.

Others cite issues of neighborhood quality and safety and congestion, but I wanted to represent this important look and feel part of the neighborhood.

Please discuss this impact with others and with City Council Members and all those elected officials who will be evaluating the pros and cons of this proposal.

Thanks,

... *Bill Korbe*

Milpitas Hetch Hetchy Trail - a block down from Hillview Drive (Clock Tower in photo could be replaced by a 5 story economy hotel)





Dated: Nov 11, 2019

City Council & Planning Commission

The impacts of rapid commercialization on our city's infrastructure and traffic congestion have been concerns for Milpitas residents for a while now. Over the years, we have witnessed the increasing construction on hills, accepted the commercialization of Calaveras, and grudgingly condoned the high rises on Great Mall Parkway.

We recognize that the driving force behind this growth is the increased tax revenue that contributes to the city budget—tax revenue that encourages pushing the envelope and stretching the limits. These limits are now being tested, with commercialization spilling over into quiet residential areas, threatening our quality of life.

The latest example of this commercialization is the proposed La Quinta at 1000 Jacklin Rd, a 122-room motel, towering over a quiet residential neighborhood. Listed below are the challenges with this proposal:

- Overall Impact to City: Milpitas currently has an abundance of hotel rooms with 21 hotels (+ 3 in construction). Other cities are much more restrained—similarly sized Cupertino has only 7 hotels. We have 2,437 hotel rooms available, one room for every 32 city residents. Clearly, this much new hotel space is not intended for local needs and is primarily targeted for the larger Bay Area, increasing traffic for everyone. Besides traffic, this brings petty crime into the city—car break-ins, theft, panhandling, drug use, etc. A quick check of Milpitas Police incident reports near Milpitas hotels in the past 5 years will attest to this causation or correlation.

The majority of the hotels in Milpitas are lesser known motel chains. Without the brand equity to protect, these properties deteriorate faster and attract a less desirable clientele due to the low room rates. Yelp reviews of the La Quinta Fremont (7 miles from the proposed site) are full of negative key words: “bedbugs,” “dirty,” “break-in,” “smelly.” The more our City is associated with these motel chains, the more difficult it will be to attract any desirable establishment, such as Whole Foods or Trader Joe’s.

- Impact to local residents: At the proposed intersection for the motel, there is a major backup of traffic on weekdays, due to school drop-offs. For 40 minutes, cars back up to around 1500’ from the stoplight, making it difficult for locals to exit their homes. The proposed motel will make this situation even worse.

To avoid the traffic congestion, kids walk every morning and afternoon on Hillview Drive to middle school and high school. Within 50 feet of the proposed motel is a KinderCare kindergarten catering to ~ 100 kids. We don’t feel comfortable with a commercial establishment inviting external traffic with so many children around.

The proposed building is 73’ tall on a compact 1-acre site, towering over surrounding houses and looking into their backyards. This is an extreme ratio of site area to height, with no other instance in Milpitas of such a tall building in a residential area. This highest

building in North Milpitas would be a visible eyesore for the surrounding houses that currently have an unobstructed view of the hills. That beautiful view was a big factor for homebuyers making their purchases. The construction activity and the hotel itself would make this a less attractive neighborhood, influencing future home sales and impacting residents financially.

Thus, we are requesting the city council and planning commission to represent the interests of the overall residents and keep this commercialization out of quiet residential areas. There are other options besides a motel in the current zoning that would have a smaller footprint and would be less disruptive.

The residents have a right to a quiet and a safe environment for their kids. We should consciously choose what we want to be remembered by. Our legacy to the city should not be a towering motel standing out in a pristine vista.

On behalf of the Hillview neighborhood,

Badal Choudhari

Badal Choudhari
864 Del Rio Ct
Milpitas – CA
Milpitas resident of 18 years

Lillian Hua

From: Joanne Silson <jsilson@yahoo.com>
Sent: Monday, November 11, 2019 8:47 PM
To: Lillian Hua
Cc: Jack Levy
Subject: MILPITAS LA QUINTA HOTEL PROJECT

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

To Ms. Lilian Hua,

It was brought to our attention that a hotel is being consider at 1000 Jacklin Road in Milpitas which is directly adjacent to the Kindercare Daycare center. Has anyone thought about how disruptive and unsafe having a hotel so close to a childcare center will be? The construction alone will be completely disruptive to the children's day especially during nap time and will make it completely impossible for parents dropping off and picking up their children.

This decision made by the city will have a very detrimental affect on this childcare centers business as I am sure most parents will not want to have their child attend the center while the construction is going on not to mention when a fully functioning hotel is in place with strangers coming and going. It is very disappointing that more consideration was not taken when planning this. Childcare is scarce in this area and losing another center like this would be very detrimental leaving many parents stranded looking for childcare.

Please advise where/when the next meeting for this site consideration will take place so that parents can state their concerns in a timely manner.

Regards,
Joanne

Elizabeth Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Tuesday, November 12, 2019 7:37 AM
To: Ned Thomas; Elizabeth Medina; Jessica Garner
Cc: Sudhir Mandal
Subject: [BULK] Fwd: La Quinta Hotel - 1000 Jacklin Road Proposal - PSD18-0012

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Ned, Jessica-

See below. I'm thinking this should be included with items when we do have the meeting regarding La Quinta.

Regards,
Bill Chuan
Planning Commissioner

Begin forwarded message:

From: Badal Choudhari <badalc@gmail.com>
Date: November 11, 2019 at 8:28:43 PM PST
To: mandals8888@gmail.com, demetress1@aol.com, stao@bccre.com, Chua4evelyn@gmail.com,
Bill_chuan@yahoo.com, commissioneralcorn@gmail.com, rpablaza@comcast.net,
cdiaz@ci.milpitas.ca.gov
Subject: La Quinta Hotel - 1000 Jacklin Road Proposal - PSD18-0012

Dated: Nov 11, 2019

City Council & Planning Commission

The impacts of rapid commercialization on our city's infrastructure and traffic congestion have been concerns for Milpitas residents for a while now. Over the years, we have witnessed the increasing construction on hills, accepted the commercialization of Calaveras corridor, and grudgingly condoned the high rises on Great Mall Parkway.

We recognize that the driving force behind this growth is the increased tax revenue that contributes to the city budget—tax revenue that encourages pushing the envelope and stretching the limits. These limits are now being tested, with commercialization spilling over into quiet residential areas, threatening our quality of life.

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The proposed building is 73’ tall on a compact 1-acre site, towering over surrounding houses and looking into their backyards. This is an extreme ratio of site area to height, with no other instance in Milpitas of such a tall building in a residential area. This highest building in North Milpitas would be a visible eyesore for the surrounding houses that currently have an unobstructed view of the hills. That beautiful view was a big factor for homebuyers making their purchases. The construction activity and the hotel itself would make this a less attractive neighborhood, influencing future home sales and impacting residents financially.

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On behalf of the Hillview neighborhood,

Badal Choudhari

Badal Choudhari
864 Del Rio Ct
Milpitas – CA
Milpitas resident of 18 years

Lillian Hua

From: Barbara Jo Navarro <navarro_4@sbcglobal.net>
Sent: Tuesday, November 12, 2019 2:48 PM
To: Ned Thomas; Jessica Garner
Cc: Lillian Hua
Subject: La Quinta Hotel Project

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Mr. Thomas and Ms Garner

Last Friday I met with the city's La Quinta Hotel Project Planner to gain more knowledge of the project and the process that the city uses to notify residents and perform the planning process. Ms. Hua answered my questions and informed me of the process.

I was surprised to find out that the public meeting date to present the project to the planning commission was changed to 12/11 and that the city does not have a requirement to notify the residents except to post it on the city website. I implore you to reconsider this policy and send notice again to the residents about this meeting. This hotel will impact the ambience of the Hillview residential area and the view of the hills will be blocked.

I find the entire process the city uses to keep the residents informed about planning decisions in neighborhoods outdated. Post cards 10 days before a community meeting or public hearing, posting on a website that many residents don't look at often. I would hope that you could review your strategies and use social media to notify residents and other means.

I've been in conversations with my neighbors and folks that walk the path that goes through our neighborhood to Gill Park and many are not aware of this hotel project and when told about the large footprint, height of 5 stories (higher than the existing clock tower) and number of rooms were not in favor of the hotel.

Hotel guests will be able to look from their windows into surrounding neighborhood backyards. I read the information about the number of vehicle and the impact to traffic in the area that was presented in the report, but I don't believe it.

Please reconsider the planning department's perspective on this project and notify the residents of the public hearing date change.

I'd like to be kept informed of any additional changes to the project or meeting changes.

I'd also like to contact members of the planning commission, but their email addresses are not on the city website.

I am greatly concerned about this project and hope that a compromise might be possible.

Barbara Navarro
915 N. Hillview Drive

Lillian Hua

From: kenneth yan <kenneth.c.yan@gmail.com>
Sent: Wednesday, November 13, 2019 10:00 AM
To: Lillian Hua
Subject: [BULK] Comment Regarding the La Quinta Inn Project (1000 Jacklin Road)

Importance: Low

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Lillian,

I just wanted to write-in regarding the application for the La Quinta in planned for 1000 Jacklin Rd. My biggest two concerns regarding this project are:

- (1) the height of the building structure
- (2) potential parking overflow into the adjacent neighborhood where I live.

The new building will be 10 feet taller than the existing clock tower's peak and will impact the views to the east in the neighborhood and along the Hetch Hetchy trail. In Milpitas we have measures in place limiting development to protect the hills, and we should also be mindful of erecting any obstructions to the view of the hills.

I learned at the community meeting last week that the existing project plan does not meet the minimum number of parking spaces that are required for the existing scope. I worry that this could lead to parking overflowing into my neighborhood which was often an issue when the gym was operating.

I think the developers should consider reducing the scope of the project to only 4 floors instead of 5. I was told the plans for this project were similar to the ones for the La Quinta that recently opened in Morgan Hill which is only 4 stories tall. This would keep the height of the building closer to the height of the existing structure as well as reduce the number of parking spaces required for the project. I was also told at the community meeting that the hotel would usually not be at its full 122 room occupancy anyways. Reducing to four floors and the number of rooms in this case would be a more efficient use of the space and reduce the impact off this project on the adjacent neighborhood.

Regards,
Kenneth Yan
De Anza Ct.

Lillian Hua

From: Roy Peralta <weeknrider@gmail.com>
Sent: Wednesday, November 13, 2019 8:28 PM
To: Lillian Hua
Subject: [BULK] I OPPOSE - La Quinta Hotel 1000 Jacklin Rd

Importance: Low

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Ms. Hua,
My name is Roy Peralta. I live on La Palma Place, Milpitas for over 24 years. I am against building this hotel in a single family neighborhood. This budget 5-story hotel will attract criminals in our area, increase traffic and compromise the safety of grade/high school students walking to and from schools. Please do not not approve building of this hotel. Thank you.

Lillian Hua

From: Gellon <gellon03@yahoo.com>
Sent: Thursday, November 14, 2019 10:31 PM
To: Lillian Hua
Subject: La Quinta

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Lillian Hua,

I am writing to oppose the building of La Quinta Hotel on Jacklin/Hillview corner.

It is not the right place for a hotel because this area is a quiet residential area.

There is already lot of traffic at that corner and the through traffic to Calaveras Blvd.

It will also impact the N. Park Victoria traffic flow. There are schools around this area so the children will be at risk also.

The proposed 5 stories hotel would be a monstrosity so close to the homes.

Calaveras Blvd is more appropriate for these kind of commercial buildings.

We do not need this calibre of hotel in this residential area.

Please do not let this happen.

Ajit Gellon

1214 Burdett Way

Milpitas, CA 95035

Lillian Hua

From: Ronald Bosch <rpbosch2@comcast.net>
Sent: Monday, November 18, 2019 10:02 PM
To: Lillian Hua
Subject: Fwd: Questions Regarding La Quinta Hotel Proposal

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Resend

----- Original Message -----

From: Ronald Bosch <rpbosch2@comcast.net>
To: ihua@ci.milpitas.ca.gov
Cc: Ron Bosch <rpbosch2@comcast.net>
Date: November 18, 2019 at 10:00 PM
Subject: Questions Regarding La Quinta Hotel Proposal

Dear Ms. Hua,

My name is Ron Bosch and I live a 908 Del Rio Court, Milpitas adjacent to the proposed hotel location.

I understand that you are the the Project Planner for this Site Development.

I have a few questions regarding the development proposal.

Please provide information to the inquiries below via return email.

- How many parking stalls will be provided with the underground hotel facilities?
- What existing location structures will be removed for the development? ie: Health Club, Professional Office Building, Daycare, Real Estate/Title Company and Shell Station?
- Will existing large trees remain?
- What is the demolition and construction duration?
- Will there be a restaurant at the hotel?
- What is the estimated yearly five year tax revenue stream from the development?
- Will the revenue be infused into the Milpitas general operational fund or use for a specific propose?
- Is Milpitas providing any tax incentives for this development?
- Were there any other development proposals for this parcel location?
- Has an environmental impact study been completed for the development?
- If so, how can I get a copy of the report?
- Because there will be a long term inconvenience to the adjacent homeowners, will the developer provided a substantial discount to those residents to utilize the hotel facilities?

If you have any questions, feel free to contact via cell phone or email.

Thank you in advance for your help on this issue.

Regards,

Ron Bosch
Cell 408/768-5587

Lillian Hua

From: Farrah Ho <newlisting123@yahoo.com>
Sent: Saturday, November 23, 2019 10:31 PM
To: Lillian Hua
Subject: La Quinta Hotel (Project) in Milpitas

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Lillian,

My name is Farrah, I live in Milpitas across the Jacklin Rd over 25 years. I strongly disagreed to build a Hotel near where I live. It will cause more traffics and crime near by my house. Also, They have a lot of students walking to school, it will cause the parents and grand parents to worry their children to walk to school. It has Elementary School, Middle School and High School very near by and walking distance where the hotel will be build on Jacklin Road. It will case more two way traffic before and after school. I always walk in the morning and after dinner. After it build the hotel near my house it will cause not security for me to walk at night time. I strongly disagreed to build the hotel near my house. I hope you will consider my concern and potential effect my family life.

Thank you.

Farrah

Lillian Hua

From: Brian Ho <brianho2018@yahoo.com>
Sent: Saturday, November 23, 2019 10:46 PM
To: Lillian Hua
Subject: La Quinta Hotel

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Lillian,

My name is Brian, I live in Milpitas over 25 years next to Jacklin Rd. If the hotel build on Jacklin Rd,it will cause more traffic and more crime. I strongly disagreed to build the hotel on Jacklin Rd. Please reject the hotel project on Jacklin Rd.

Thank you!

Brian

Liz Medina

From: Lillian Hua
Sent: Monday, December 9, 2019 11:52 AM
To: Liz Medina
Cc: Ned Thomas; Jessica Garner
Subject: FW: La Quinta Hotel Proposal

Categories: Red Category

Another comment.

-----Original Message-----

From: Joe Lowry <lowry_joe@sbcglobal.net>
Sent: Monday, December 9, 2019 11:48 AM
To: Lillian Hua <lhua@ci.milpitas.ca.gov>
Subject: La Quinta Hotel Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

I am writing about the proposed La Quinta Hotel proposal at 1000 Jacklin Road in Milpitas. My residence is very close at 884 Horcajo Street. I do not object to a hotel for this property, but to its height

The proposal is for a 73 foot (five story) hotel. It is next to a residential neighborhood, where the maximum home heights are two stories. This hotel would be more than twice the height of any surrounding structures. I feel this is excessive. A lower height hotel is more appropriate for this location.

Thank you for your time.

Sincerely yours,

Joseph Lowry

December 9, 2019

Re: LA QUINTA HOTEL –1000 Jacklin Road –P-SD18-0012, P-UP19-0012, P-EA18-0002

Milpitas Planning Commission members,

Although I originally saw nothing wrong with the La Quinta Hotel proposal - and suspected NIMBYism as the grounds for opposition - I now hold a different opinion. **I recommend denying the alcohol permit, and giving traffic congestion issues their proper due.**

While you are likely aware of the congestion on Jacklin Road (largely due to our area's jobs/housing imbalance), my primary reason for opposing this project is the business model. In years past, La Quinta's business model was to locate their motels near established restaurants. Doing so saved money due to the fact that internal dining facilities are money-losing operations. Shedding that expense gave them an edge in the industry that enabled growth.

Now, however, such remaining siting opportunities are rare, and the corporate structure is bigger and more voracious. Now, La Quinte is proposing to site their motel 2000 feet away from a local restaurant. That distance, over 1/3 mile, means that few motelers will walk to their next meal; instead they will likely drive. That externalized cost of additional traffic is born by We the People who live in that area, while the corporation internalizes the profit.

Now, La Quinta's profit model includes the sale of alcohol. As most people know, it is a highly profitable revenue stream if you have a reliable customer base. **So, it makes financial sense to include a bar while excluding an eatery. But it does not make sense for our community.**

Transnational corporate entities do not care about our community – in fact, they can't because they use a single value - profit – to make decisions. We the People make decisions by balancing multiple values like public health and the environment along with financial considerations. Corporations like Wyndham Hotels & Resorts are dangerous partly due to their size and power. As the world's largest hotel franchising company, Wyndham Hotels & Resorts now operates a portfolio of 20 lodging brands with nearly 9,000 franchised hotels across more than 80 countries and six continents. Their recent purchase of the La Quinta brand and its 900 franchised hotels just makes them more remote from the communities they seek to profit from.

Clearly, the City wants temporary lodging like this sited near transit. Until Personal Rapid Transit extends to Sunnyhills, this proposal will worsen our traffic and CO₂ emissions.

I urge you to 1) deny the alcohol permit, and 2) properly value the environmental issues (both traffic congestion and emissions) represented by this proposal.

Sincerely,

Rob Means,
1421 Yellowstone Ave, Milpitas, CA 95035

Liz Medina

From: Barbara Doll <dollbf@yahoo.com>
Sent: Tuesday, December 10, 2019 1:33 PM
To: Ned Thomas
Cc: Liz Medina
Subject: [BULK] La Quinta Hotel Revised

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Planning Director Thomas,

We are writing to object to the proposed La Quinta hotel at Jacklin Road and Hillview Drive. This hotel will diminish if not destroy the peacefulness and safety of this residential neighborhood. This is a quiet, safe area for residents and children. Parents who live in surrounding neighborhoods up to half a mile away in all directions allow their children to walk to Milpitas High School and Russell Middle School because this is a safe area. Now with this hotel being proposed, many parents are concerned for the safety of their children walking to and from school near this hotel because of a continual influx of strangers in this quiet community. Additionally there are two preschools near the hotel. The safety of all children from preschool to teenagers is paramount. No additional revenue is worth the risk to the safety of children. This hotel does not belong in a residential area.

Additionally we object to this project based on its long-term harmful effects—blockage of views of the hills from homes and trails along with decreased property values both during and after construction. Building this hotel will negatively affect neighborhoods way beyond the 1000 feet notification requirement.

We also disagree with approving the FAR exemption requested in the Milpitas planning commission staff report dated December 11, 2019. On page 9, the writer states that “while the height of the building is taller than the existing buildings in the immediate vicinity, it is commensurate in size to nearby lodging establishments, like the Embassy Suites (nine stories)...” Additionally, at the bottom of the paragraph, he also lists other hotels in the area and their size including Extended Stay America. Both the Embassy suites and Extended Stay America are approximately 1 mile from the proposed site of the La Quinta hotel. However, it is not a logical comparison because those hotels are NOT located in a residential area.

In addition, compared to existing lodging in Milpitas, the location of the La Quinta hotel would be relatively inconvenient to the major employers and restaurants in western Milpitas and North San Jose, calling into serious question its ability to attract business customers.

We hope that you will pay serious attention to these concerns as they are representative of a very large number of Milpitas residents. You simply have to look at the comments on the Mayor’s Facebook page, on NextDoor and on the online petition site to verify this.

Thank you for your attention,

John and Barbara Doll

Liz Medina

From: Lillian Hua
Sent: Tuesday, December 10, 2019 1:02 PM
To: Jessica Garner; Liz Medina
Subject: FW: 5 story motel
Attachments: SCN_0001.jpg

Another one.

From: Mary Lavelle <mlavelle@ci.milpitas.ca.gov>
Sent: Tuesday, December 10, 2019 1:01 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>; Hanson Hom <hhom@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>
Subject: FW: 5 story motel

For the Planning Commission tomorrow - for you!

Mary

From: Bill Dixon <b-ndixon@sbcglobal.net>
Sent: Tuesday, December 10, 2019 11:23 AM
To: Mary Lavelle <mlavelle@ci.milpitas.ca.gov>
Subject: FW: 5 story motel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Sorry for being late. This is the email I tried sending to Ned.

From: Bill Dixon <b-ndixon@sbcglobal.net>
Sent: Sunday, December 8, 2019 9:59 AM
To: 'Thomas-nthomas@ci.milpitas.ca.gov' <Thomas-nthomas@ci.milpitas.ca.gov>
Subject: 5 story motel

Hi Ned,

I have been reading the concerns on this 5 story motel. I read what the owner has written. Comments that the view of the hills would not be hindered. I live on Tassasara Drive and walk twice daily on the Hetch-Hetchy Trail. As the picture shows the clock tower is barely visible. And the hills have no obstruction in front of them. This 70 plus feet will definitely change that view. I do not have the skills to superimpose the motel on this picture. I wish I could.

The owner mentioned the motel that is located in Morgan Hill. It is not located in a residential area. There are no homes near it. In fact there is another motel, For

dealership and several places to eat in that area. And that motel is NOT 5 STORIES tall! I was raised on a farm in Ohio and we had two-60 foot tall silos. So I can imagine what 70 foot will look like.

At least the large Hotel on corner of 680 and Calaveras does not have any residential homes hear it! And it is located in a business location.

I will see you Wednesday evening.

Bill Dixon.

408-262-4937

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Tuesday, December 10, 2019 10:51 PM
To: Ned Thomas; Jessica Garner; Liz Medina
Cc: Rich Tran
Subject: Fw: Concerned Citizens against the La Quinta Hotel Proposal
Attachments: La Quinta.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Ned, Jessica, Liz--

See below and attached. More input for tomorrow's meeting. I'm CCing Mayor Tran since he was copied so he knows I sent to you.

Regards,
Bill Chuan
Planning Commissioner

----- Forwarded Message -----

From: Lorette Balster <lorettebalster@yahoo.com>
To: mandals8888@gmail.com <mandals8888@gmail.com>; demetress1@aol.com <demetress1@aol.com>; commissioneralcorn@gmail.com <commissioneralcorn@gmail.com>; stao@bccre.com <stao@bccre.com>; Chua4evelyn@gmail.com <chua4evelyn@gmail.com>; Bill_chuan@yahoo.com <bill_chuan@yahoo.com>; rpablaza@comcast.net <rpablaza@comcast.net>; Thomas-nthomas@ci.milpitas.ca.gov <thomas-nthomas@ci.milpitas.ca.gov>
Cc: rtran@ci.milpitas.ca.gov <rtran@ci.milpitas.ca.gov>
Sent: Tuesday, December 10, 2019, 09:21:08 PM PST
Subject: Concerned Citizens against the La Quinta Hotel Proposal

Attached are signatures of concerned citizens against the La Quinta Hotel Proposal.

We request the honorable members of the Planning Commission of the City of Milpitas to reject the request for permit to construct the La Quinta Hotel at the proposed site.

Thank you for your consideration and prompt action.

CONCERNED RESIDENTS:

No.	Last Name	First Name	Signature
1	Shah	Rikesh	
2	Escoto	Ryan	
3	Baculi	Karen	
4	Baculi, Jr.	Ren	Juanmario B.
5	BAHR	Steve	
6	BAHR	SHANNON	
7	Balster	George	
8	GALINATO	MARCELIAS	
9	QUIROZ	CLEOFÉ	
10	LOPEZ MARGAR	MARIETTA	
11	Jessica Pala	Jessica	
12	Anna Carr	R	
13	Quaramonte	Jennifer	
14	Simbe	Billy	
15	Simbe	Erin	
16	Huynt	Vietor	
17	Pham	Jan	
18	Huynt	TRETTA	
19	Katy Galboie	Katy	
20	Paul Peter		
21	REE	PATRICIA	
22	Sophia	Sophia Nguyen	
23	Setto	Vicente	

806 HEATHER CT
 696 CLEW CT
 915 CAMPBELL
 " "
 584 KEVENARE
 " "

We request the honorable members of the Planning Commission of the City of Milpitas to reject the request for permit to construct the La Quinta Hotel at the proposed site.

Thank you for your consideration and prompt action.

CONCERNED RESIDENTS:

No.	Last Name	First Name	Signature
1	Shah	Rikosh	
2	Escoto	Ryan	
3	Baculi	Karen	
4	Baculi, Jr.	Ren	Guarancio B.
5	BAHR	Steve	
6	BAHR	SHANNON	
7	Balster	George	
8	GALINARD	MEMEDIOS	
9	QUIROZ	CLEOFÉ	
10	LOPEZ MARGAN	MARIETTA	
11	Jessica Pala	Jessica	
12	Hora Carr	R	
13	Amaramonte	Jennifer	
14	Simbe	Billy	
15	Simbe	Erin	
16	Huynt	Vietor	
17	Pham	Jan	
18	HUYNT	TRETT	
19	Kay Gabriele	Kay	
20	Paul Peter		
21	REE	PATRICIA	
22	Sophier	Sophie Nguyen	
23	Setto	Licente	

806 HEATHER CT
 696 CLEW CT
 915 CAMPBELL
 " "
 584 KEVENAIRE
 " "

Liz Medina

From: Lillian Hua
Sent: Tuesday, December 10, 2019 3:55 PM
To: Ned Thomas; Jessica Garner; Liz Medina
Subject: FW: [BULK] Petition AGAINST La Quinta Hotel – 1000 Jacklin Road
Attachments: Petition 1 of 7.JPG; Petition 5 of 7.JPG; Petition 3 of 7.JPG; Petition 4 of 7.JPG; Petition 2 of 7.JPG; Petition 6 of 7.JPG; Petition 7 of 7.JPG

Importance: Low

From: Nida Peralta <nidadperalta@gmail.com>
Sent: Tuesday, December 10, 2019 3:26 PM
To: Sudhir Mandal <mandals8888@gmail.com>; Demetress Morris <demetress1@aol.com>; Evelyn Chua <Chua4evelyn@yahoo.com>; Steve Tao <stao@bccre.com>; Bill Chuan <bill_chuan@yahoo.com>; Timothy Alcorn <commissioneralcorn@gmail.com>; Ricardo Ablaza <rpablaza@comcast.net>; Rich Tran <rtran@ci.milpitas.ca.gov>; Karina Dominguez <kdominguez@ci.milpitas.ca.gov>; Carmen Montano <cmontano@ci.milpitas.ca.gov>; Bob Nuñez <bnunez@ci.milpitas.ca.gov>; Anthony Phan <aphan@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>
Cc: farrah_ho@yahoo.com; ivantam@mac.com; Roy Peralta <weeknrider@gmail.com>; rosadreamtrips@yahoo.com; badalc@gmail.com
Subject: [BULK] Petition AGAINST La Quinta Hotel – 1000 Jacklin Road
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Sirs/Madams:

My name is Nida Peralta. We, the residents of Milpitas, who live around the neighborhood of the proposed hotel are OPPOSED to its construction. As stated on the attached petition, a 5-story hotel in a single-family neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children on the adjacent Day Care Center and safety of senior and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you.

December 5, 2019

TO: Milpitas Planning Commission
Mayor, City of Milpitas
Council Members, City of Milpitas

SUBJECT: Objection to La Quinta Hotel at 1000 Jacklin Road

We, the undersigned residents of Milpitas, are opposed to the construction of up to 5-Story hotel at the above address. We are concerned that a budget hotel in a single-family residential neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children at the adjacent Day Care center and safety of senior residents and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you.

NAME (Print)	SIGNATURE	DATE	ADDRESS/CONTACT NO. OR EMAIL
<u>ARNEL CAJUCOM</u>	<u>[Signature]</u>	<u>07 DEC 19</u>	<u>647 KEVENAIRE DR. MILPITAS</u>
<u>KRISTINE B CAJUCOM</u>	<u>[Signature]</u>	<u>12/7/19</u>	<u>647 KEVENAIRE DR. MILPITAS</u>
<u>Sarah Duran</u>	<u>[Signature]</u>	<u>12/7/19</u>	<u>647 KEVENAIRE DR. Milpitas</u>
<u>Ramon Gil</u>	<u>[Signature]</u>	<u>12-10-2019</u>	<u>1025 HILLVIEW DR</u>
<u>Leticia Gil</u>	<u>[Signature]</u>	<u>12-10-2019</u>	<u>MILPITAS CA 95035</u>
<u>Marilyn Gil</u>	<u>[Signature]</u>	<u>12-10-2019</u>	<u>1025 HILLVIEW DR</u>
<u>Christa McEnroe</u>	<u>[Signature]</u>	<u>12-10-2019</u>	<u>1025 HILLVIEW DR</u>
<u>Hayen Min</u>	<u>[Signature]</u>	<u>12-10-19</u>	<u>1013 N Hillview Dr.</u>
<u>NIDA PERALTA</u>	<u>[Signature]</u>	<u>12-10-19</u>	<u>972 LA PALMA</u>
_____	_____	_____	_____
_____	_____	_____	_____

December 5, 2019

TO: Milpitas Planning Commission
Mayor, City of Milpitas
Council Members, City of Milpitas

SUBJECT: Objection to La Quinta Hotel at 1000 Jacklin Road

We, the undersigned residents of Milpitas, are opposed to the construction of up to 5 Story hotel at the above address. We are concerned that a budget hotel in a single-family residential neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children at the adjacent Day Care center and safety of senior residents and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you.

NAME (Print)	SIGNATURE	DATE	ADDRESS/CONTACT NO. OR EMAIL
<u>Vibha Panchal</u>	<u>Vibha Panchal</u>	<u>12/7/19</u>	<u>512 Keweenaw Dr.</u>
<u>Pravin Patel</u>	<u>Pravin Patel</u>	<u>12/7/19</u>	<u>512 Keweenaw Dr.</u>
<u>RAQUEL MERCADO</u>	<u>Raquel Mercado</u>	<u>12/7/19</u>	<u>527 Keweenaw Dr. Milpitas</u>
<u>SATURINO ESTOQUE</u>	<u>Saturino Estoque</u>	<u>12/7/19</u>	<u>551 KEWENAWE DRIVE</u>
<u>DARREN TAN</u>	<u>Darren Tan</u>	<u>12/7/19</u>	<u>884 LA PALMA PL. Milpitas</u>
<u>RICKY TAN</u>	<u>Ricky Tan</u>	<u>12/7/19</u>	<u>884 LA PALMA PL Milpitas</u>
<u>DORIS TAN</u>	<u>Doris Tan</u>	<u>12/9/19</u>	<u>884 LA PALMA PL Milpitas</u>
<u>ZEEHAN KAMAL</u>	<u>Zeehan</u>	<u>12/7/19</u>	<u>984 La Palma pl. Milpitas</u>
<u>Anjuman Ansari</u>	<u>Anjuman Ansari</u>	<u>12/7/19</u>	<u>984 - La Palma Pl. Milpitas</u>
<u>ZAFAR ANSARI</u>	<u>Zafar Ansari</u>	<u>12/7/2019</u>	<u>984 La Palma Pl. Milpitas</u>
<u>Sanija Ansari</u>	<u>Sanija</u>	<u>12/7/19</u>	<u>984 La Palma Pl. Milpitas</u>

December 5, 2019

TO: Milpitas Planning Commission
Mayor, City of Milpitas
Council Members, City of Milpitas

SUBJECT: Objection to La Quinta Hotel at 1000 Jacklin Road

We, the undersigned residents of Milpitas, are opposed to the construction of up to 5-Story hotel at the above address. We are concerned that a budget hotel in a single-family residential neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children at the adjacent Day Care center and safety of senior residents and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you!

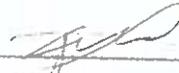
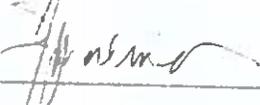
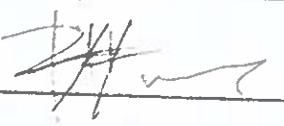
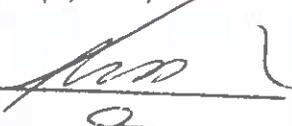
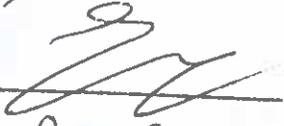
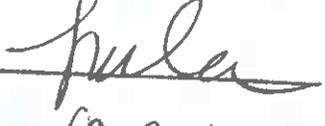
NAME (Print)	SIGNATURE	DATE	ADDRESS/CONTACT NO. OR EMAIL
<u>YUE WANG</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>964 LAPALMA PL. MILPITAS</u>
<u>TENG SU</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>964 LA PALMA PL. MILPITAS</u>
<u>P. PERALTA</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>972 La Palma Pl. MILPITAS</u>
<u>Te P. Tu</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>936 La palma place MILPITAS</u>
<u>Narinder Mehara</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>920 La Palma Place MILPITAS</u>
<u>SOHANI MEHARA</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>920. LA PALMA PL MILPITAS</u>
<u>PHONG PHUONG</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>916 La Palma Pl MILPITAS</u>
<u>Jeanie Nguyen</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>916 La palma pl MILPITAS</u>
<u>Anh Nguyen</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>912 La palma MILPITAS</u>
<u>RAY NARIO</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>908 LA PALMA PLACE MILPITAS, CA</u>
<u>ROY PERALTA</u>	<u>[Signature]</u>	<u>12/6/19</u>	<u>972 La Palma Place MILPITAS</u>

December 5, 2019

TO: Milpitas Planning Commission
Mayor, City of Milpitas
Council Members, City of Milpitas

SUBJECT: Objection to La Quinta Hotel at 1000 Jacklin Road

We, the undersigned residents of Milpitas, are opposed to the construction of up to 5-Story hotel at the above address. We are concerned that a budget hotel in a single-family residential neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children at the adjacent Day Care center and safety of senior residents and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you.

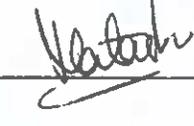
NAME (Print)	SIGNATURE	DATE	ADDRESS/CONTACT NO. OR EMAIL
<u>BIBIANA ALIJA</u>		<u>12-06-19</u>	<u>976 LA PALMA PL MILPITAS, CA</u>
<u>David Hino</u>		<u>12-06-19</u>	<u>976 La palma Pl. Milpitas CA.</u>
<u>PIRE GERTRUDE AVILA</u>		<u>12-7-19</u>	<u>976 LA PALMA PL. MILPITAS. CA</u>
<u>Yvonne Rodriguez</u>		<u>12-7-19</u>	<u>176 La Palma Place, Milpitas CA</u>
<u>Rafael Flores</u>		<u>12/7/19</u>	<u>976 LA PALMA PL. MILPITAS</u>
<u>MARK MASCANEGAN</u>		<u>12/7/19</u>	<u>976 LA PALMA PL. MILPITAS</u>
<u>Sandro Brenciaglia</u>		<u>12/7/19</u>	<u>707 Keweenaw Dr, Milpitas</u>
<u>Kaha Gonzalez</u>		<u>12/7/19</u>	<u>707 Keweenaw Dr. Milpitas</u>
<u>Tack Le</u>		<u>12/7/19</u>	<u>683 Keweenaw Dr.</u>
<u>Ed Balasco</u>		<u>12/7/19</u>	<u>659 Keweenaw Dr</u>
<u>Tina Lee</u>		<u>12/7/19</u>	<u>623 Keweenaw Dr</u>

December 5, 2019

TO: Milpitas Planning Commission
Mayor, City of Milpitas
Council Members, City of Milpitas

SUBJECT: Objection to La Quinta Hotel at 1000 Jacklin Road

We, the undersigned residents of Milpitas, are opposed to the construction of up to 5-Story hotel at the above address. We are concerned that a budget hotel in a single-family residential neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children at the adjacent Day Care center and safety of senior residents and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you.

NAME (Print)	SIGNATURE	DATE	ADDRESS/CONTACT NO. OR EMAIL
<u>TOAN HUYNH</u>		<u>12/7/2019</u>	<u>980 LA PALMA PL. MILPITAS, CA 95035</u>
<u>ALEX D. NOGUERA</u>		<u>12/9/19</u>	<u>856 Cameron Creek</u>
<u>DAVE SCHICK</u>		<u>12/13/19</u>	<u>60 WILSON WY #19</u>
<u>NOKE RAMOS</u>		<u>12/9/19</u>	<u>Milpitas CA 95035</u>
<u>Daphne Librero</u>		<u>12/9/19</u>	<u>1759 Sunnyhills Milpitas, CA 95035</u>
<u>Josephine Tenedora</u>		<u>12/09/19</u>	<u>598 Clouser Dr. Milpitas</u>
<u>Alfonso Tenedora</u>		<u>12/09/19</u>	<u>" " " CA 95035</u>
<u>Sharon Echon-Lindo</u>		<u>12/9/2019</u>	<u>426 Dunabe Dr. Milpitas, CA 95035</u>
<u>SHIBU BABY</u>		<u>12/9/2019</u>	<u>700 SABEL ST, #311 MILPITAS</u>
<u>Natasha Fernandes</u>		<u>12/9/2019</u>	<u>155 E Capital Ave, Milpitas, CA</u>
<u>CLYDE CORPUS</u>		<u>12/9/19</u>	<u>MILPITAS, CA</u>

December 5, 2019

TO: Milpitas Planning Commission
Mayor, City of Milpitas
Council Members, City of Milpitas

SUBJECT: Objection to La Quinta Hotel at 1000 Jacklin Road

Angelina Baclic

We, the undersigned residents of Milpitas, are opposed to the construction of up to 5-Story hotel at the above address. We are concerned that a budget hotel in a single-family residential neighborhood will exponentially increase the risk of students walking to and from the nearby primary and secondary schools, safety of younger children at the adjacent Day Care center and safety of senior residents and other residents in the surrounding area. In addition, a hotel in this area will exacerbate the existing traffic congestion at certain times of the day. Please DO NOT approve this hotel. Thank you.

NAME (Print)	SIGNATURE	DATE	ADDRESS/CONTACT NO. OR EMAIL
<i>Whitney Nguyen</i>	<i>[Signature]</i>	12/05/19	474 Clavson Dr, Milpitas
L. BACLIG	<i>[Signature]</i>	12/08/19	447 REDWOOD AVE
S. BACLIG	<i>[Signature]</i>	12/08/19	"
E. BACLIG	<i>[Signature]</i>	12/08/19	"
Caridad Nolasco	<i>[Signature]</i>	12/08/19	170 meadowland Dr.
Raphael Nolasco	<i>[Signature]</i>	12/08/19	170 meadowland Dr.
Andrew Nolasco	<i>[Signature]</i>	12/08/19	170 meadowland Dr.
Anthony Nolasco	<i>[Signature]</i>	12/08/19	170 meadowland Dr.
CELIA RASMUSEN	<i>Celia Rasmussen</i>	12/10 2019	Milpitas CA 95108 614 N. PARK VICTORIA
_____	_____	_____	_____
_____	_____	_____	_____

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Wednesday, January 8, 2020 2:34 PM
To: Ned Thomas; Jessica Garner; Liz Medina
Subject: [BULK] Fwd: La Quinta Hotel

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

FYI...to be added for items for next weeks meeting.

See below.

Regards,
Bill Chuan
Planning Commissioner
City of Milpitas

Begin forwarded message:

From: Barbara Doll <dollbf@yahoo.com>
Date: January 8, 2020 at 1:01:25 PM PST
To: rpablaza@comcast.net, commissioneralcorn@gmail.com, chua4evelyn@gmail.com,
bill_chuan@yahoo.com, stao@bccre.com, demetress1@aol.com
Subject: La Quinta Hotel

Dear Planning Commissioners:

As we are sure you know by now, there is strong community opposition to building the La Quinta hotel. The opposition, which started as a small group, has grown rapidly and is increasing daily. Not only are people who live in the immediate impacted area near Hillview Drive opposed, people who live in "non-affected" areas are opposed because they realize that if the city is willing to grant an exception to allow the building of a large structure in one neighborhood, their neighborhood could be next.

A December 27, 2019 article in the San Jose Mercury News quoted a speaker at the December 11 Planning Commission meeting who said that the hotel "is completely going to change the architecture, it's going to dominate the view, it's going to mar the consistency of the architectural style, and it's going to change the aesthetics of the entire area, which is [a] predominately residential neighborhood."

The article states that "to do the project as proposed, Gigantino needs a conditional use permit that would give him a bigger building footprint than otherwise allowed on the lot, let the hotel sell beer and wine, and put wireless telecommunication antennas and equipment on the building's roof, according to a city staff report."

How can a 5-story structure be built in an area of 1- and 2-story homes and small office buildings for ½ mile in every direction? The Planning Commission would have to approve an exception to the FAR (floor area ratio). The city's own rules state that in order to approve an exception to the FAR, the proposed

structure cannot create a “dominating visual prominence” (pages 8-9 of the Planning Commission Staff Report dated December 11, 2019).

The Staff Report states that since the hotel would be only ten feet taller than the existing clock tower, “the proposed FAR will not create a dominating visual prominence.” That is not a fact. The clock tower is 63 feet tall and 15 feet wide. The hotel would be 73 feet tall and 231 feet wide. That increased height and width would certainly create a “dominating visual prominence.”

Even if the color of the hotel would blend well with existing buildings as stated in the Staff Report, that would not obviate the hotel’s intrusive height and width.

Contrary to the “facts” stated on pages 8-9 in the report, common sense tells you that a 5-story structure in a 1-2 story residential area would clearly create a “dominating visual prominence.”

Finally, the report states on page 9 that “while the height of the building is taller than the existing buildings in the immediate vicinity, it is commensurate in size to nearby lodging establishments, like the Embassy Suites (nine stories), located one freeway exit south of the project site on Calaveras Boulevard.” However, it is invalid to compare the effect of a hotel built in an industrial area (Calaveras Blvd.) to the effect of a hotel built in a residential area (Hillview and Jacklin).

For all of these reasons, we recommend that you reject the conditional use permit and reject the exception to the FAR.

In summary, we write today to alert you to the growing opposition to the La Quinta project, to share the San Jose Mercury News article, and to recommend that you reject the exception to the FAR. If you are interested in reading the article, it can be found at:

<http://www.mercurynews.com/neighbors-tee-off-on-proposed-five-story-la-quinta-hotel-in-milpitas>

Respectfully,

Barbara and John Doll

Liz Medina

From: Ned Thomas
Sent: Monday, January 6, 2020 2:45 PM
To: Lillian Hua
Cc: Jessica Garner; Liz Medina
Subject: FW: Concern with Upcoming hotel

Categories: Blue Category

FYI – see attached. Please include with record for Planning Commission meeting on 1/15/20.

Ned

From: Vivek Gupta <vivek.gup@gmail.com>
Sent: Monday, January 6, 2020 2:28 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: Concern with Upcoming hotel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Milpitas City Director,

This is to bring to your attention my concern with proposed La Quinta hotel closed to my house (under construction - 859 Alisal Ct, Milpitas, CA) where I was planning to move this summer. My house is closest to the proposed location of the hotel and I am very concerned with the proposal of hotel so close. I would like necessary action to be taken by city to reject the proposal for following reasons:

- Footprint 300% Over the Permissible Limit: Project is requesting a F.A.R. (Floor Area Ratio) that is 300% of the permissible limit. Increase in F.A.R. would allow a towering 5-story, 200-foot wide hotel to be built in a zone meant for low-rise buildings.
- Alcohol Distribution Next to Schools and my residence: Project requests approval of licenses for on- and off-sale of beer and wine. California Section 23789 of Business & Professions Code states no “on-sale retail licenses within 600 feet of schools and public playgrounds.”
- Reduced Property Values: Negative impact on property values during and after construction.
- Increased Risk to Our Children's Safety: KinderCare and the Tian Tian Chinese School are adjacent to the proposed hotel. Thomas Russell Middle & Milpitas High School students pass by this site on foot & bikes daily.
- Loss of Privacy: Preschool playgrounds, backyards & bedrooms would be visible from some hotel rooms.
- Disruptive Construction and Increased Traffic: Disruptive, noisy demolition and construction, with 450 dump truck trips for 12-18 months. Hotel would likely increase traffic and pedestrian accidents, around the narrow Hillview Drive and the busy Jacklin/Hillview intersection, during and after construction.

- Inadequate Parking: Only 105 parking spaces for 105 rooms, including ADA and EV parking. No provision for employee parking.
- Adverse Impact to Quality of Life: Hotel would diminish the peaceful, safe residential character of nearby neighborhood. Risk of increased incidents and criminal activity.
- Impact to Beautiful Hill Views: A 5-story hotel would dominate the hill views from many homes and trails on or near Hillview Drive.
- Questionable Location and Viability: Hotel would be located immediately adjacent to a residential neighborhood with no supporting restaurants or shopping close by. Hotel would not be near the commercial and industrial areas of Milpitas. There are already two hotels within one mile of the proposed hotel. Hotel would set a height precedent for future commercial business landowners.

Appreciate your support.

Regards,
Vivek Gupta
1-408-219-6058

Liz Medina

From: Ned Thomas
Sent: Wednesday, January 8, 2020 9:58 PM
To: Lillian Hua
Cc: Liz Medina
Subject: Fwd: La Quinta at 1000 Jacklin Rd

Please add this email to the record and provide copy to the PC.

Ned

Sent using [Outlook for Android](#)

From: rshah1998@yahoo.com <rshah1998@yahoo.com>
Sent: Wednesday, January 8, 2020 6:41:09 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: La Quinta at 1000 Jacklin Rd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

I am writing this to express my opinion regarding La Quita hotel Jacklin Rd.

I live at crossing of Hill View and Jacklin Rd. I do not want any hotel near my house. Please keep this neighborhood as residential area. Hotels do bring some nuance and safety problems.

PLEASE DO NOT GIVE PERMISSION TO BUILD LA QUINTA AT 1000 JACKLIN RD. MILPITAS.

Thank you,
Rikesh

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Friday, December 13, 2019 4:35 PM
To: Ned Thomas; Liz Medina; Jessica Garner
Subject: Fwd: La Quinta Hotel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

FYI

Regards,
Bill

Begin forwarded message:

From: Barbara Doll <dollbf@yahoo.com>
Date: December 9, 2019 at 7:24:05 PM PST
To: bill_chuan@yahoo.com
Subject: La Quinta Hotel

Dear Commissioner Chuan,

We are writing to object to the proposed La Quinta hotel at Jacklin Road and Hillview Drive. This hotel will diminish if not destroy the peacefulness and safety of this residential neighborhood. This is a quiet, safe area for residents and children. Parents who live in surrounding neighborhoods up to half a mile away in all directions allow their children to walk to Milpitas High School and Russell Middle School because this is a safe area. Now with this hotel being proposed, many parents are concerned for the safety of their children walking to and from school near this hotel because of a continual influx of strangers in this quiet community. Additionally there are two preschools near the hotel. The safety of all children from preschool to teenagers is paramount. No additional revenue is worth the risk to the safety of children. This hotel does not belong in a residential area.

Additionally we object to this project based on its long-term harmful effects—blockage of views of the hills from homes and trails along with decreased property values both during and after construction. Building this hotel will negatively affect neighborhoods way beyond the 1000 feet notification requirement.

We also disagree with approving the FAR exemption requested in the Milpitas planning commission staff report dated [December 11, 2019](#). On page 9, the writer states that “while the height of the building is taller than the existing buildings in the immediate vicinity, it is commensurate in size to nearby lodging establishments, like the Embassy Suites (nine stories)...” Additionally, at the bottom of the paragraph, he also lists other hotels in the area and their size including Extended Stay America. Both the Embassy suites and Extended Stay America are approximately 1 mile from the proposed site of the La Quinta hotel. However, these are not logical comparisons because those hotels are NOT located in a residential area.

In addition, compared to existing lodging in Milpitas, the location of the La Quinta hotel would be relatively inconvenient to the major employers and restaurants in western Milpitas and North San Jose,

calling into serious question its ability to attract business customers.

We hope that you will pay serious attention to these concerns as they are representative of a very large number of Milpitas residents. You simply have to look at the comments on the Mayor's Facebook page, on NextDoor and on the online petition site to verify this.

Thank you for your attention,

John and Barbara Doll

Liz Medina

From: Lillian Hua
Sent: Monday, December 16, 2019 10:19 AM
To: Vivek Gupta
Cc: Liz Medina; Ned Thomas
Subject: RE: [BULK] La Quinta Hotel - P-SD18-0012

Hi Vivek,

Thank you for your email. Your comments will be added to the written record of comments presented to the Planning Commission at the next public hearing on 1/15/20.

Best,

Lillian

LILLIAN VANHUA

Associate Planner
City of Milpitas / Planning and Neighborhood Services
lhua@ci.milpitas.ca.gov / (408) 586-3073
Please note new last name

Public Counter Hours:

Monday-Friday: 8am - 5pm
Closed Wednesday 3-5pm

From: Vivek Gupta <vivek.gup@gmail.com>
Sent: Sunday, December 15, 2019 2:32 PM
To: Lillian Hua <lhua@ci.milpitas.ca.gov>
Subject: Re: [BULK] La Quinta Hotel - P-SD18-0012

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Lillian,

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Regards,
Vivek

On Thu, 7 Nov 2019 at 13:23, Lillian Hua <lhua@ci.milpitas.ca.gov> wrote:

Hello Vivek,

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Best,

Lillian

From: Lillian Hua
Sent: Wednesday, November 6, 2019 12:03 PM
To: Vivek Gupta <vivek.gup@gmail.com>
Subject: RE: [BULK] La Quinta Hotel - P-SD18-0012

Hi Vivek,

Thank you for your email. This email and your concerns will be circulated to the Planning Commission prior to the meeting.

1. The wireless telecommunication facility (and associated antennas and equipment) is currently located within the existing clock tower of the now vacant health club and the on-site monopole. The Planning Commission approved the location of the monopole for a wireless telecommunication facility in 1996, and the clock tower to conceal telecommunication equipment in 2003. The current project proposal consists of the demolition of the existing building and therefore, the existing locations of the wireless telecommunication facility and equipment. The project will be relocating all of the antennas and related equipment to the rooftop of the new hotel building.
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Sent: Tuesday, November 5, 2019 8:47 AM
To: Lillian Hua <lhua@ci.milpitas.ca.gov>
Subject: [BULK] La Quinta Hotel - P-SD18-0012
Importance: Low

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Regards,
Vivek Gupta
1-408-219-6058

--

Regards,
Vivek Gupta
1-408-219-6058

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Wednesday, January 8, 2020 2:34 PM
To: Ned Thomas; Jessica Garner; Liz Medina
Subject: [BULK] Fwd: La Quinta Hotel

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

FYI...to be added for items for next weeks meeting.

See below.

Regards,
Bill Chuan
Planning Commissioner
City of Milpitas

Begin forwarded message:

From: Barbara Doll <dollbf@yahoo.com>
Date: January 8, 2020 at 1:01:25 PM PST
To: rpablaza@comcast.net, commissioneralcorn@gmail.com, chua4evelyn@gmail.com,
bill_chuan@yahoo.com, stao@bccre.com, demetress1@aol.com
Subject: La Quinta Hotel

Dear Planning Commissioners:

As we are sure you know by now, there is strong community opposition to building the La Quinta hotel. The opposition, which started as a small group, has grown rapidly and is increasing daily. Not only are people who live in the immediate impacted area near Hillview Drive opposed, people who live in "non-affected" areas are opposed because they realize that if the city is willing to grant an exception to allow the building of a large structure in one neighborhood, their neighborhood could be next.

A December 27, 2019 article in the San Jose Mercury News quoted a speaker at the December 11 Planning Commission meeting who said that the hotel "is completely going to change the architecture, it's going to dominate the view, it's going to mar the consistency of the architectural style, and it's going to change the aesthetics of the entire area, which is [a] predominately residential neighborhood."

The article states that "to do the project as proposed, Gigantino needs a conditional use permit that would give him a bigger building footprint than otherwise allowed on the lot, let the hotel sell beer and wine, and put wireless telecommunication antennas and equipment on the building's roof, according to a city staff report."

How can a 5-story structure be built in an area of 1- and 2-story homes and small office buildings for ½ mile in every direction? The Planning Commission would have to approve an exception to the FAR (floor area ratio). The city's own rules state that in order to approve an exception to the FAR, the proposed

structure cannot create a “dominating visual prominence” (pages 8-9 of the Planning Commission Staff Report dated December 11, 2019).

The Staff Report states that since the hotel would be only ten feet taller than the existing clock tower, “the proposed FAR will not create a dominating visual prominence.” That is not a fact. The clock tower is 63 feet tall and 15 feet wide. The hotel would be 73 feet tall and 231 feet wide. That increased height and width would certainly create a “dominating visual prominence.”

Even if the color of the hotel would blend well with existing buildings as stated in the Staff Report, that would not obviate the hotel’s intrusive height and width.

Contrary to the “facts” stated on pages 8-9 in the report, common sense tells you that a 5-story structure in a 1-2 story residential area would clearly create a “dominating visual prominence.”

Finally, the report states on page 9 that “while the height of the building is taller than the existing buildings in the immediate vicinity, it is commensurate in size to nearby lodging establishments, like the Embassy Suites (nine stories), located one freeway exit south of the project site on Calaveras Boulevard.” However, it is invalid to compare the effect of a hotel built in an industrial area (Calaveras Blvd.) to the effect of a hotel built in a residential area (Hillview and Jacklin).

For all of these reasons, we recommend that you reject the conditional use permit and reject the exception to the FAR.

In summary, we write today to alert you to the growing opposition to the La Quinta project, to share the San Jose Mercury News article, and to recommend that you reject the exception to the FAR. If you are interested in reading the article, it can be found at:

<http://www.mercurynews.com/neighbors-tee-off-on-proposed-five-story-la-quinta-hotel-in-milpitas>

Respectfully,

Barbara and John Doll

Liz Medina

From: Ned Thomas
Sent: Monday, January 6, 2020 2:45 PM
To: Lillian Hua
Cc: Jessica Garner; Liz Medina
Subject: FW: Concern with Upcoming hotel

Categories: Blue Category

FYI – see attached. Please include with record for Planning Commission meeting on 1/15/20.

Ned

From: Vivek Gupta <vivek.gup@gmail.com>
Sent: Monday, January 6, 2020 2:28 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: Concern with Upcoming hotel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Milpitas City Director,

This is to bring to your attention my concern with proposed La Quinta hotel closed to my house (under construction - 859 Alisal Ct, Milpitas, CA) where I was planning to move this summer. My house is closest to the proposed location of the hotel and I am very concerned with the proposal of hotel so close. I would like necessary action to be taken by city to reject the proposal for following reasons:

- Footprint 300% Over the Permissible Limit: Project is requesting a F.A.R. (Floor Area Ratio) that is 300% of the permissible limit. Increase in F.A.R. would allow a towering 5-story, 200-foot wide hotel to be built in a zone meant for low-rise buildings.
- Alcohol Distribution Next to Schools and my residence: Project requests approval of licenses for on- and off-sale of beer and wine. California Section 23789 of Business & Professions Code states no “on-sale retail licenses within 600 feet of schools and public playgrounds.”
- Reduced Property Values: Negative impact on property values during and after construction.
- Increased Risk to Our Children's Safety: KinderCare and the Tian Tian Chinese School are adjacent to the proposed hotel. Thomas Russell Middle & Milpitas High School students pass by this site on foot & bikes daily.
- Loss of Privacy: Preschool playgrounds, backyards & bedrooms would be visible from some hotel rooms.
- Disruptive Construction and Increased Traffic: Disruptive, noisy demolition and construction, with 450 dump truck trips for 12-18 months. Hotel would likely increase traffic and pedestrian accidents, around the narrow Hillview Drive and the busy Jacklin/Hillview intersection, during and after construction.

- Inadequate Parking: Only 105 parking spaces for 105 rooms, including ADA and EV parking. No provision for employee parking.
- Adverse Impact to Quality of Life: Hotel would diminish the peaceful, safe residential character of nearby neighborhood. Risk of increased incidents and criminal activity.
- Impact to Beautiful Hill Views: A 5-story hotel would dominate the hill views from many homes and trails on or near Hillview Drive.
- Questionable Location and Viability: Hotel would be located immediately adjacent to a residential neighborhood with no supporting restaurants or shopping close by. Hotel would not be near the commercial and industrial areas of Milpitas. There are already two hotels within one mile of the proposed hotel. Hotel would set a height precedent for future commercial business landowners.

Appreciate your support.

Regards,
Vivek Gupta
1-408-219-6058

Liz Medina

From: Ned Thomas
Sent: Wednesday, January 8, 2020 9:58 PM
To: Lillian Hua
Cc: Liz Medina
Subject: Fwd: La Quinta at 1000 Jacklin Rd

Please add this email to the record and provide copy to the PC.

Ned

Sent using [Outlook for Android](#)

From: rshah1998@yahoo.com <rshah1998@yahoo.com>
Sent: Wednesday, January 8, 2020 6:41:09 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Subject: La Quinta at 1000 Jacklin Rd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

I am writing this to express my opinion regarding La Quita hotel Jacklin Rd.

I live at crossing of Hill View and Jacklin Rd. I do not want any hotel near my house. Please keep this neighborhood as residential area. Hotels do bring some nuance and safety problems.

PLEASE DO NOT GIVE PERMISSION TO BUILD LA QUINTA AT 1000 JACKLIN RD. MILPITAS.

Thank you,
Rikesh

Liz Medina

From: Bill Chuan <bill_chuan@yahoo.com>
Sent: Friday, December 13, 2019 4:35 PM
To: Ned Thomas; Liz Medina; Jessica Garner
Subject: Fwd: La Quinta Hotel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

FYI

Regards,
Bill

Begin forwarded message:

From: Barbara Doll <dollbf@yahoo.com>
Date: December 9, 2019 at 7:24:05 PM PST
To: bill_chuan@yahoo.com
Subject: La Quinta Hotel

Dear Commissioner Chuan,

We are writing to object to the proposed La Quinta hotel at Jacklin Road and Hillview Drive. This hotel will diminish if not destroy the peacefulness and safety of this residential neighborhood. This is a quiet, safe area for residents and children. Parents who live in surrounding neighborhoods up to half a mile away in all directions allow their children to walk to Milpitas High School and Russell Middle School because this is a safe area. Now with this hotel being proposed, many parents are concerned for the safety of their children walking to and from school near this hotel because of a continual influx of strangers in this quiet community. Additionally there are two preschools near the hotel. The safety of all children from preschool to teenagers is paramount. No additional revenue is worth the risk to the safety of children. This hotel does not belong in a residential area.

Additionally we object to this project based on its long-term harmful effects—blockage of views of the hills from homes and trails along with decreased property values both during and after construction. Building this hotel will negatively affect neighborhoods way beyond the 1000 feet notification requirement.

We also disagree with approving the FAR exemption requested in the Milpitas planning commission staff report dated [December 11, 2019](#). On page 9, the writer states that “while the height of the building is taller than the existing buildings in the immediate vicinity, it is commensurate in size to nearby lodging establishments, like the Embassy Suites (nine stories)...” Additionally, at the bottom of the paragraph, he also lists other hotels in the area and their size including Extended Stay America. Both the Embassy suites and Extended Stay America are approximately 1 mile from the proposed site of the La Quinta hotel. However, these are not logical comparisons because those hotels are NOT located in a residential area.

In addition, compared to existing lodging in Milpitas, the location of the La Quinta hotel would be relatively inconvenient to the major employers and restaurants in western Milpitas and North San Jose,

calling into serious question its ability to attract business customers.

We hope that you will pay serious attention to these concerns as they are representative of a very large number of Milpitas residents. You simply have to look at the comments on the Mayor's Facebook page, on NextDoor and on the online petition site to verify this.

Thank you for your attention,

John and Barbara Doll

Liz Medina

From: Lillian Hua
Sent: Monday, December 16, 2019 10:19 AM
To: Vivek Gupta
Cc: Liz Medina; Ned Thomas
Subject: RE: [BULK] La Quinta Hotel - P-SD18-0012

Hi Vivek,

Thank you for your email. Your comments will be added to the written record of comments presented to the Planning Commission at the next public hearing on 1/15/20.

Best,

Lillian

LILLIAN VANHUA

Associate Planner
City of Milpitas / Planning and Neighborhood Services
lhua@ci.milpitas.ca.gov / (408) 586-3073
Please note new last name

Public Counter Hours:

Monday-Friday: 8am - 5pm
Closed Wednesday 3-5pm

From: Vivek Gupta <vivek.gup@gmail.com>
Sent: Sunday, December 15, 2019 2:32 PM
To: Lillian Hua <lhua@ci.milpitas.ca.gov>
Subject: Re: [BULK] La Quinta Hotel - P-SD18-0012

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Importance: Low

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Regards,
Vivek Gupta
1-408-219-6058

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STOP the Proposed 5 Story High Hotel

Milpitas Best Residential Neighborhood is at Risk !!



This is the Hetch Hetchy Trail located in the middle of the Hillview Neighborhood in Milpitas.

The 3 story high clock tower would be demolished and replaced by a 5 story high 20 room wide Hotel if this request is blocked.

Current Zoning allows only for a 1-2 story Motel.



We bought into VIEW HOMES right next to a VIEW TRAIL (Hetch Hetchy) in center of our neighborhood.

We paid a premium ! There is not a building larger than 2 stories for a mile !!

This 5 story ruins the look and feel of the neighborhood. This is seen up to 0.8 miles away (photo taken at 0.75 miles distance..

Milpitas Zoning Violations Involved

- Milpitas does not have Height Limitations in current code
- However it does have FAR (floor area to size of lot) rule that can limit building height and density to protect our neighborhood.
- Owner is seeking **TRIPLING** of FAR limit from what the Zoning allows from 0.5 FAR density allowed to a *much higher* 1.6 FAR density.

Floor area ratio

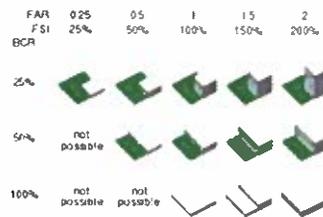
Zoning Exception Sought by owner allows a **5 Story Hotel** rather than a **1-2 Story Motel**.

Almost ALL Residents **STRONGLY DISAPPROVE** this 300% Exception be granted. !!

From Wikipedia, the free encyclopedia

Floor area ratio (FAR) is the **ratio** of a building's total **floor area** (gross floor area) to the size of the piece of land upon which it is built. It is often used as one of the regulations in city planning along with the building-to-land ratio.⁽¹⁾ The terms can also refer to limits imposed on such a ratio through **zoning**.

As a formula $FAR = \frac{\text{gross floor area}}{\text{area of the plot}}$



Comparison of floor area ratio (FAR) or floor space index (FSI) and building coverage ratio (BCR)

Milpitas Next to Highway includes no height limitation directly but includes a FAR limitation of 0.5. This would allow a 1-2 story building for this size lot. Project seeks a tripling of FAR (density) to 1.63 which permits 5 story. This regulation protects our neighborhood from this devastating type of project. Hundreds of Residents (over 500 signed petition) do not want this 300% Exception Approved.

Floor Area Ratio (FAR) Limits Height !!

	Milpitas FAR Zoning Code		Zoning Exception Requested by Owner/Builder		
FAR	0.25	0.5	1	1.5	2
FSI	25%	50%	100%	150%	200%
BCR		1.2 story		5 story	
25%					
50%	not possible				

- DO NOT Approve Owner/Investor's Request to Triple FAR !!

This requested tripling 300% of allowed FAR Zoning Variance should NOT be approved. Damages could be huge to residence and those granting Variance (or who they work for, i.e., the city) could be complicit by allowing this variance.

The owner is entitled to make a reasonable profit on his land, but not a windfall profit that could harm forever what may be the best neighborhood of view homes with a view trail that owners have worked decades for and have invested in Milpitas.

Local Residents STRONGLY Disagree - EIR

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION MILPITAS LA QUANTA HOTEL PROJECT (S/MND) LSA
 JULY 2019 MILPITAS, CA

This Report Section Is Invalid and Needs to be Reworked !!

4.0 CEQA ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

Bad Data Used

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>BAD / WRONG DATA USED</p> <p>Would the project have a substantial effect on a scenic vista? (Less Than Significant Impact)</p> <p>Scenic vistas in Milpitas are generally available from the hills to the east, including Ed Levin Park and adjacent areas. These areas are generally accessed by East Calaveras Boulevard, which is designated as a scenic connector from the City limits to the west to Evans Road, at which point it is designated as a scenic corridor until it terminates in Ed Levin Park. Public views of scenic resources, including</p> <p>Wrong Location Reported !!</p>				

The Environmental Impact report needs to be reworked. It absurdly reports that the only Milpitas Vista to be protected is up around Ed Levin Park and totally ignores the vista of the Hills to all those investing in View Homes in this area and Milpitas users of Hetch Hetchy Trail. So it reports the adverse effect to Scenic Vistas to be Less than significant. This needs to be reworked.

The REAL Street Level View (1/4 mile)



This is how the Hotel would appear to residents within 1,000 ft !! Replaces the Wide angle lens ground level view used.
For View Homes some would see only the Hotel out their windows or yard or walking to/from their home - DEVASTATING

Stop La Quinta on Jacklin Milpitas



Visual rendering of the proposed hotel building on Jacklin Milpitas.

The proposed 5-STORY, 105-ROOM HOTEL could soon dominate our residential neighborhoods skyline! This WILL happen unless the residents of Milpitas take a stand against mindless commercialization of residential neighborhoods.

• **Footprint 300% Over the Permissible Limit** Project is requesting a F.A.R. (Floor Area Ratio) that is 300% of the permissible limit. Increase in F.A.R. would allow a towering 5-story, 200-foot wide hotel to be built in a zone meant for low rise buildings.

• **Alcohol Distribution Next to Schools.** Project requests approval of licenses for on- and off-sale of beer and wine. California Section 23789 of Business & Professions Code states no "on-sale retail licenses within 600 feet of schools and public playgrounds."

• **Reduced Property Values.** Negative impact on property values during and after construction.

• **Increased Risk to Our Children's Safety** KinderCare and the Tian 1 in Chinese School.

569 have signed

petitions

Thank you for your support in signing this petition. We are now 569 signatures away from reaching our goal of 600 signatures. You can help us reach our goal by signing the petition.

Take the next step

509
Residents
Have now
signed the
Petition to
Stop this 5
story high
Hotel

Who has NOT been notified of 5 story Hotel?

- Only Residents within 1,000 ft (0.2 miles) were sent a postcard !!!
- But Residents with View Homes up to almost mile away can see hotel when viewing the hills
- Recommend Project should be put on hold until all impacted are notified, & EIR reworked.
- Photo below taken on trail right next to Santa Rita \$2M View Homes - Visible tower →Hotel

Many Neighbors in View Homes who will have their Vista Damaged not even notified !!!!

100s of property owners impacted in the dark. This includes \$2M View Homes on Santa Rita South of Tramway



Residents up to close to a mile away will have some impact. This is the view just north of the Tennis Courts (0.8 mi. away). Many others will be impacted and many have still not been notified. It is dangerous to not notify all impacted residents as their reaction after the fact can be even more devastating.

5 Story Hotel Proposed - Jacklin & Hillview



Your view of our Milpitas Hills could soon include this !!

(An Economy Hotel replaces the Clock Tower & Gym and is much higher and larger)

Life - changing to Hillview residents and Milpitas users of Hetch-Hetchy Trail:

- Degraded views of hills from many of our homes and trails near Hillview & Santa Rita
- Decreased property values, loss of character of our special quality neighborhood
- 12-18 months of disruptive construction work (Demolition, Dump Trucks, Antennas)
- Increased Crime eg Break-ins, Burglaries, Assaults (adults, kids), Privacy Loss, etc.

This is a disaster to local residents, the closer the worse, but this project would damage the neighborhood vista up to almost a mile away including \$2M View Homes in Santa Rita

Hetch Hetchy Trail – ½ Mile away
Center of Our Neighborhood



Liz Medina

From: Bill Korbe <wkorbe@hotmail.com>
Sent: Friday, January 10, 2020 6:15 PM
To: Planning Department
Cc: Bill Korbe
Subject: Fwd: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)
Attachments: Stop the 5 story Hotel FAR EXCEPTION 2020 01 10 v9.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Forwarding per Lillian's message

Please post PDF on website as part of the record for Next Wednesday LaQuinta meeting.

Get [Outlook for Android](#)

From: Bill Korbe <wkorbe@hotmail.com>
Sent: Friday, January 10, 2020 2:35:48 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>; Parkash Daryani <pdaryani@aurigacorp.com>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; fbariana@gmail.com <fbariana@gmail.com>; jainmanu@hotmail.com <jainmanu@hotmail.com>; johndollemail@yahoo.com <johndollemail@yahoo.com>; Bill Korbe <wkorbe@hotmail.com>; Sherry Chang <sherry2525@yahoo.com>; Tak Liong <liongt@gmail.com>; Barbara Doll <dollbf@yahoo.com>; Barbara Jo Navarro <navarro_4@sbcglobal.net>; Badal Choudhary <badalc@gmail.com>; Bala Chandrasekharan <cbalakrishnan@gmail.com>
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hi all,

Attached are my notes on our discussion of the impact of the FAR exception from 0.5 to 1.63 (300%) . This zoning exception allows for a 5 story high building in a neighborhood instead of a 2 story building where there is not anything above 2 stories high for almost a mile.

Hopefully some compromise can be reached on the extent of this exception where the property owner can make a profit and not impact the 500 or more residents around the project.

Thanks,

... *Bill Korbe*

From: Ned Thomas [mailto:nthomas@ci.milpitas.ca.gov]
Sent: Thursday, January 9, 2020 11:24 PM
To: Parkash Daryani
Cc: Jessica Garner; Lillian Hua; fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; Bill Korbe; Sherry Chang; Tak Liong; Barbara Doll; Barbara Jo Navarro; Badal Choudhary; Bala Chandrasekharan
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hello Parkash:

OK, we are scheduled for 3:00 p.m. tomorrow, Jan. 10. Please check in at the Front Counter on the first floor at City Hall, and they will call me to come down and meet with you. We will meet in the Committee Room on the first floor. The Planning Manager, Jessica Garner, will join us. We look forward to meeting with you and your associates.

Best regards,

Ned

Ned Thomas, AICP

Director of Planning

Direct: [\(408\) 586-3273](tel:4085863273)

Mobile: [\(669\) 213-5528](tel:6692135528)

From: Parkash Daryani <pdaryani@aurigacorp.com>

Sent: Thursday, January 9, 2020 8:09 AM

To: Ned Thomas <nthomas@ci.milpitas.ca.gov>

Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; fbariana@gmail.com;

jainmanu@hotmail.com; johndollemail@yahoo.com; Bill Korbe <wkorbe@hotmail.com>; Sherry Chang

<sherry2525@yahoo.com>; Tak Liong <liongt@gmail.com>; Barbara Doll <dollbf@yahoo.com>; Barbara Jo Navarro

<navarro_4@sbcglobal.net>; Badal Choudhary <badalc@gmail.com>; Bala Chandrasekharan

<cbalakrishnan@gmail.com>

Subject: Re: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

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Ned - Good Morning!!

Thank you for the flexibility. Let's plan to meet on Friday January 10 at 3:00 pm. Hopefully, majority of my colleagues will be able to join us.

Regards,

Parkash

Sent from my iPhone

On Jan 8, 2020, at 5:28 PM, Ned Thomas <nthomas@ci.milpitas.ca.gov> wrote:

Hello Parkash:

I can meet with you tomorrow at 4:00 p.m. or Friday at 11:00 a.m. or 3:00 p.m.

Thank you,

Ned

From: Parkash Daryani <pdaryani@aurigacorp.com>
Sent: Wednesday, January 8, 2020 5:22 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; 'fbariana@gmail.com' <fbariana@gmail.com>; 'jainmanu@hotmail.com' <jainmanu@hotmail.com>; 'johndollemail@yahoo.com' <johndollemail@yahoo.com>; 'liongt@gmail.com' <liongt@gmail.com>
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Ned,

I have not received confirmation from my colleagues for the meeting tomorrow (Thursday) afternoon at 2:30 P.M. I will follow up with them later today in the evening.
Is there any other day or time that is convenient for you? Please advise.
I am sorry for the inconvenience!!

Regards,
Parkash

From: Parkash Daryani
Sent: Tuesday, January 07, 2020 5:43 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

No worry. I will check with my colleagues and confirm the meeting on Thursday at 2:30 P.M.

Regards,
Parkash

From: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Sent: Tuesday, January 07, 2020 5:39 PM
To: Parkash Daryani <pdaryani@aurigacorp.com>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hello Parkash:

I spoke too soon... We are not available on Friday at 11:00 a.m. but can meet with you on Thursday at 2:30 p.m. I will send you a meeting invitation via Outlook. Sorry for any confusion.

Best regards,

Ned

Ned Thomas, AICP

Director of Planning

Direct: [\(408\) 586-3273](tel:4085863273)

Mobile: [\(669\) 213-5528](tel:6692135528)

From: Ned Thomas

Sent: Tuesday, January 7, 2020 5:33 PM

To: Parkash Daryani <pdaryani@aurigacorp.com>

Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com

Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hello Parkash:

Thank you for your email. I am available to meet with you and your group at 11:00 a.m. on Friday for one hour.

I will reserve a conference room for our meeting on Friday.

Best regards,

Ned

Ned Thomas, AICP

Director of Planning

Direct: [\(408\) 586-3273](tel:4085863273)

Mobile: [\(669\) 213-5528](tel:6692135528)

From: Parkash Daryani <pdaryani@aurigacorp.com>

Sent: Tuesday, January 7, 2020 4:32 PM

To: Ned Thomas <nthomas@ci.milpitas.ca.gov>

Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>; fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com

Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Ned,

Sorry, I was tied up in meetings today. Just saw your email.

I am travelling tomorrow (Wednesday). I can meet you on Thursday at 2:30 P.M. or Friday morning between 10:00 A.M. – 12:00 Noon. Please let me know what's convenient for you.

Regards,

Parkash

From: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Sent: Tuesday, January 07, 2020 1:18 PM
To: Parkash Daryani <pdaryani@aurigacorp.com>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>;
fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hello Parkash:

Please confirm if you are available to meet today at Milpitas City Hall at 2:00 p.m. I have reserved a conference room for our meeting for one hour. Please check in at the information desk on the first floor when you arrive, and they will call me to let me know you are here. The Planning Manager, Jessica Garner will join our meeting.

Thank you,

Ned Thomas

Ned Thomas, AICP

Director of Planning

Direct: [\(408\) 586-3273](tel:(408)586-3273)

Mobile: [\(669\) 213-5528](tel:(669)213-5528)

From: Ned Thomas
Sent: Saturday, December 28, 2019 4:25 PM
To: Parkash Daryani <pdaryani@aurigacorp.com>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>;
fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hello Parkash:

I can meet with you on Tuesday, January 7. At present, my schedule is open in the afternoon between 2:00 and 4:30p.m.. Please let me know a time that will work for you.

Thank you,

Ned

From: Parkash Daryani <pdaryani@aurigacorp.com>
Sent: Friday, December 27, 2019 3:11 PM
To: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>;

fbariana@gmail.com; jainmanu@hotmail.com; johndollemail@yahoo.com; liongt@gmail.com
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

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Ned and Jessica,

Hope you had nice Christmas Holidays!!

Thank you for taking the time to meet with us on Tuesday December 17th. We would like to schedule a follow up meeting with you during the week of January 6-10, 2020 to further discuss our concerns about the La Quinta Hotel. Please let us know the date and time that is convenient for you.

Regards,
Parkash Daryani

Happy Holidays & Best Wishes for the New Year!!

From: Ned Thomas <nthomas@ci.milpitas.ca.gov>
Sent: Thursday, December 12, 2019 6:03 PM
To: Parkash Daryani <pdaryani@aurigacorp.com>
Cc: Jessica Garner <jgarner@ci.milpitas.ca.gov>; Lillian Hua <lhua@ci.milpitas.ca.gov>
Subject: RE: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

Hello Parkash:

Thank you for your email. I can meet with you for 30 minutes on Tuesday, 12/17, at 1:00 p.m. I have another meeting at 1:30 p.m., so we will need to make good use of our time. Please come to Milpitas City Hall and ask for me at the information desk. I will reserve a conference room for our meeting.

Best regards,

Ned Thomas

Ned Thomas, AICP
Director of Planning
City of Milpitas
Direct: [\(408\) 586-3273](tel:(408)586-3273)
Mobile: [\(669\) 213-5528](tel:(669)213-5528)

From: Parkash Daryani <pdaryani@aurigacorp.com>
Sent: Thursday, December 12, 2019 2:41 PM

To: Ned Thomas <nthomas@ci.milpitas.ca.gov>

Subject: Meeting Next Week (Tuesday - Wednesday, December 17-18, 2019)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Ned,

It was good meeting with you at the City Planning Commission Meeting, last night. As discussed, I would like to schedule a meeting with you next week on Tuesday and Wednesday to discuss some of the concerns we (I and my neighbors) have regarding the report for the La-Quinta Hotel. Please let me know the date and time that is convenient for you.

Regards,
Parkash

Parkash Daryani, President
Auriga Corporation
www.aurigacorp.com
890 Hillview Court, Suite 130
Milpitas, CA 95035
(P) 408-946-5400 Ext. 6224

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Mary Lavelle

From: Frank Bush <frankinmilpitas@hotmail.com>
Sent: Monday, March 09, 2020 11:23 AM
To: Hotel Milpitas
Subject: Please vote no on the builder's appeal

Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

As a longtime resident of I appose the construction of a 5 story hotel or any building that tall in this location. It is not in keeping with the principlally a residential neighborhood. After reviewing the application for the site I see that they had used ambiguous criteria like "Foster community pride" to avoid performing a full CEQA and traffic study. I assume knowing that either study would stop their plans to build a hotel that tall. With so many people against the project it shows that it does the opposite for community pride. We would welcome a business that would provide services the neighborhood needs and wants.

With the new General Plan to come into effect before the hotel's construction is even finished it seems wrong to move forward with this.

On Tuesday please vote to stop this project.

Thank you,
Frank

Mary Lavelle

From: Corinna Chang <cchang@gmail.com>
Sent: Tuesday, March 10, 2020 10:57 AM
To: Hotel Milpitas; Rich Tran
Cc: Corinna Chang
Subject: NO HOTEL at 1000 Jacklin Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Mayor Tran,

I OPPOSE the project to build a 5-story La Quinta at 1000 Jacklin Road.

This neighborhood business park is not a commercial hub.

- Public transportation to the site is limited.
- Food services are not in walking distance.

The business park cannot support the dining needs of hotel guests and employers, thus requiring both hotel guests and employers to drive to find dining options, adding to the carbon footprint.

Additionally, the developer does not provision parking spaces for hotel employers, which inevitably means employers will seek parking in the neighborhood.

A hotel at this site just does **NOT** make sense.
Please **REJECT** the hotel project.

I heard rumors that the City Council meeting on Mar. 17 might be held virtually due to concerns related to COVID-19 and the gathering of large crowds. I do not think a virtual forum will accurately capture the volume of opposition to the hotel project. Please consider deferring the meeting to a later date rather than holding a virtual session.

Respectfully,
Corinna Chang
944 La Palma Place
Milpitas, CA 95035

Mary Lavelle

From: Conrad Schapira <conrad.schapira@gmail.com>
Sent: Tuesday, March 10, 2020 5:41 PM
To: Hotel Milpitas
Cc: Mark Tiernan
Subject: Re: I support the proposed hotel project at 1000 Jacklin

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

On Thu, Mar 5, 2020 at 12:46 AM Conrad Schapira <conrad.schapira@gmail.com> wrote:
Mayor and City Council Members,

I fully support the proposed hotel project at 1000 Jacklin Rd., less the alcohol permit I do so living in a neighborhood, Gill Park, near the proposed Hotel project.

This project does many things for Milpitas.

- It would be a visual gateway entrance from south 680 into northeast Milpitas.
- It will bring in much valued TOT revenue.
 - These TOT funds would allow the city to fund projects that the residents have suggested through Nextdoor. However these resident do not offer suggestions on how to fund their desired projects, yet they seem to be non supportive of the hotel project.
- It would keep the current building from sitting vacant for an extended period of time, potentially attracting issues into the building and surrounding business park.

A question to ask the developer - Is it possible to divide the parking lot of the existing business park to have KinderCare, the businesses at 870 Hillview and 966 Jacklin enter and exit onto Hillview and the only entrance and exit to and from the proposed hotel would be from Jacklin? Between thus division, could they install EVA movable bollards similar to other close quarter buildings with limited access and similar to the ones found at the corner of 237 and Abel to access the road next to the ATT building.

You will hear from many residents and non residents, those within the immediate area of the proposed hotel project and those from as far away as South Milpitas/Great Mall Area, San Jose and Fremont that opposed the hotel project.

The remarks / complaints that you will hear are about the height of the proposed building at 73 feet. The mis-information about the width and length of the proposed building versus the existing clock tower at 1000 Jacklin. How this project does not foster Community Pride, etc. The non supporters will also bring up San Jose City Council's recent denial of a similar yet very different project in a neighborhood where the proposed hotel would actually share property lines with three (3) residential properties. The proposed project in Milpitas does not share any property lines with any residential properties. They will bring up increase crime and safety of children walking by the proposed project, yet there is no data to support any increase in crime around the building of a hotel. They will discuss additional traffic. Yet the proposed project would actually have less traffic than ever existed when the gym was at its best. The new traffic related to the proposed hotel project would be spread out over a wider amount of hours for arrivals and departures.

There will be some of us there that approve of the project, however our numbers versus the non supporters that want to be heard are much smaller.

This proposed project has been worked on with the city planning department since 2018. The planning department recommended the project. When it came time for the City Planning Commission to vote, the Planning Commission voted emotionally on the lack of fostering Community Pride voice that they were hearing that evening. The Planning Commission vote should have been on the facts of the proposed project that were being disputed, the requested variance to the FAR and the alcohol permit request.

The emotional definition of Community Pride is different to those that do not want this project to move forward as opposed to the actual definition of Community Pride.

The definition of Community Pride is the individual efforts by all of us which collectively leads to an improved sense of community, well being and the outward improvement in the appearance of the municipality.

Community Pride is not about brand names or projects that fit into a zoning ordinance.

All I ask of all of you, is to do what is right for Milpitas related to running Milpitas as a business. When you vote, make your vote decision on whether you approve of the requested variance to the FAR. I understand that the developer has removed the request for an alcohol permit for the project.

Regards,

--

Conrad Schapira

conrad.schapira@gmail.com

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Mary Lavelle

From: Ivan Tam <ivantam@mac.com>
Sent: Thursday, March 12, 2020 11:33 AM
To: Rich Tran; Bob Nuñez; Karina Dominguez; Carmen Montano; Anthony Phan
Cc: Hotel Milpitas
Subject: When will website be updated?

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi City Council,

I've noticed your webpage has not been updated yet about next week's meeting:

<http://www.ci.milpitas.ca.gov/la-quinta-hotel-appeal-1000-jacklin-road/>

I think it is a good idea to postpone the La Quinta Appeal in the interest of public health. But a Facebook announcement by the Mayor may not be sufficient because not everyone is on Facebook.

With the community's health in mind, I think we should announce the change in all channels of communication... the highest priority of which should be the webpage linked above.

No hotel, please.

Milpitas Resident,

Ivan Tam
944 La Palma Place
Milpitas, CA 95035

Mary Lavelle

From: Evelyn Salud <go4e@icloud.com>
Sent: Friday, March 13, 2020 7:32 PM
To: Hotel Milpitas
Subject: no hotel on Jacklin

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Please do not approve the proposed hotel La Quita or any other hotel. I already sent my feedback about a month or so again The hotel will have a negative effect on our neighborhood, community, and our children due to increase traffic near our schools, possible bad influences from certain hotel occupants who may be involved in drug trafficking, human trafficking and prostitution. The hotel will also ruin the landscape of Milpitas, will degrade quality of life caused by increased crime in our neighborhood. Loitering will also be increased, our children who are already under negative influences from peers, from and other groups and maybe other people in their lives will tend to become more interested in non productive, destuctive activities attached to this hotel.

Thank you,
Evelyn Salud
Las Lomas Dr.

Sent from my iPhone

Mary Lavelle

From: Barbara Doll <dollbf@yahoo.com>
Sent: Sunday, March 15, 2020 12:21 PM
To: Hotel Milpitas
Subject: Vote NO on La Quinta Hotel

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

My name is Barbara Doll. I live in Milpitas and I am a registered voter. I am asking my elected representatives to vote NO on building the La Quinta hotel.

This oversized structure is out of character in this quiet 1 and 2 story residential community. It is the wrong size and the wrong place for a hotel.

Respectfully,

Barbara Doll

Mary Lavelle

From: Ivan Tam <ivantam@mac.com>
Sent: Tuesday, March 24, 2020 4:18 PM
To: Rich Tran
Cc: Hotel Milpitas
Subject: Hope things are well...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Good Afternoon Mr. Tran,

Hope things are well with you and your family.

I'm appreciative of all the effort this city and its citizens have shown during this health emergency, and thank you for your leadership and service to the community.

Please continue to focus on the safety of Milpitas, and postpone all City Council meetings involving the public until this crisis is over.

Best regards,

Ivan Tam
415-412-0544
ivantam@mac.com
944 La Palma Place
Milpitas, CA 95035

Mary Lavelle

From: Corinna Chang <cchang@gmail.com>
Sent: Wednesday, March 25, 2020 9:12 AM
To: Rich Tran; Bob Nuñez; Anthony Phan; Karina Dominguez; Carmen Montano; Hotel Milpitas
Cc: Corinna Chang
Subject: Is a Liquidation Sale Allowed Under State-Ordered Lockdown

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Milpitas Councilmembers, City Manager Steven McHarris and City Attorney Christopher Diaz,

I hope you, your staff and your family are all healthy and safe.

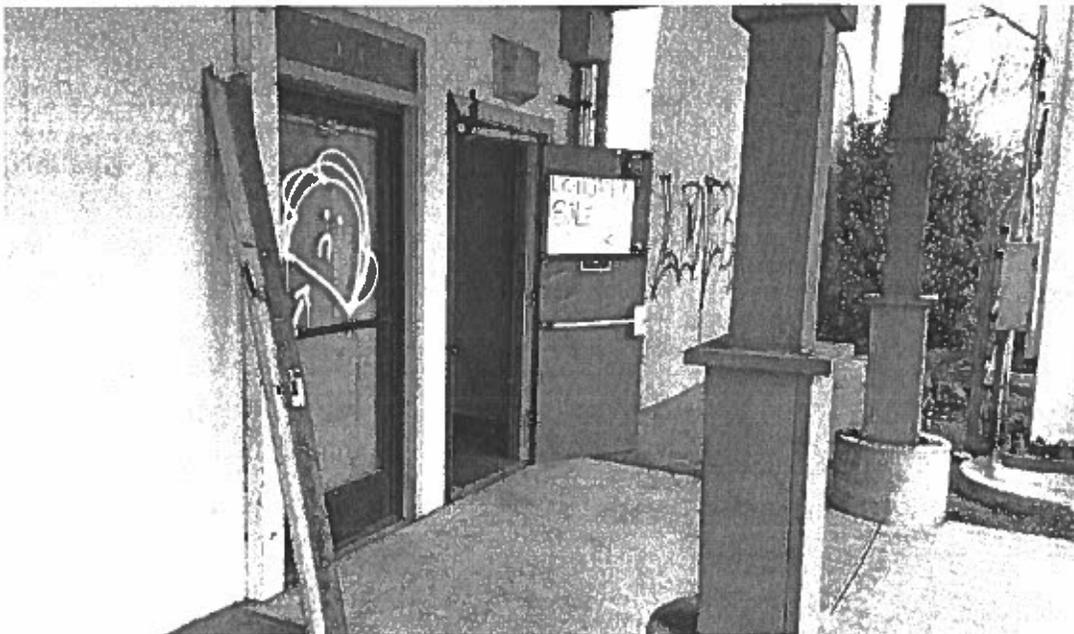
During a neighborhood walk yesterday, a neighbor of mine noticed that the property at 1000 Jacklin Road had their door open with a sign indicating they're having a liquidation sale.

Is a liquidation sale considered an essential business? My personal opinion is that it is not, and that this is a violation of Governor Newsom's **state-ordered lockdown**.

In a time when I'm already trying to manage my paranoia and panic, I am even more so concerned that an activity that I deem non-essential is occurring steps away from my house. They are unnecessarily bringing out-of-area individuals to run the sale into our community.

This further illustrates that the owner of this property does not truly care about the Milpitas community and the residents in the immediate area.

Please stop this liquidation sale.
And when the time comes, please do NOT approve the hotel project.



I experience daily chest tightness due to the uncertainty in the world right now. I worry about my elderly parents. I worry about all the elderly individuals. I worry about my friends who work in healthcare and all the healthcare workers.

This picture brings me to tears of anger. WHERE is the social responsibility in having a liquidation sale?!?!?!?

Please stay safe,
Corinna Chang
944 La Palma Place
Milpitas, CA 95035

Mary Lavelle

From: Ivan Tam <ivantam@mac.com>
Sent: Thursday, March 26, 2020 2:47 PM
To: Rich Tran
Cc: Hotel Milpitas
Subject: Postpone April 7 Appeal Hearing

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Good Afternoon Mr. Tran,

I'm writing to urge the City Council to postpone the La Quinta Hotel appeal hearing until the city can resume business as usual. I understand that the intent is to do this meeting virtually, but this is unfair to the grassroots effort made by Milpitas citizens opposing this project because online meetings ostracize Milpitas citizens who have limited internet access or technical experience.

All voices should be heard, not just those who can afford to participate. Please reconsider holding this hearing AFTER the current crisis is over.

- Ivan

Mary Lavelle

From: Ivan Tam <ivantam@mac.com>
Sent: Tuesday, March 31, 2020 3:26 PM
To: Rich Tran
Cc: Hotel Milpitas
Subject: This is not a canned email!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Mr. Tran,

Hope things are well with your and your family.

I see that the La Quinta Milpitas group has a website that automates the ability to send you guys emails. You do know emails received in this manner can easily be falsified, right?

Hopefully the City and City Council has the wisdom to know the difference between emails from genuinely concerned residents versus others.

Please vote no on hotel.

Best regards,

Ivan Tam
415-412-0544
ivantam@mac.com
944 La Palma Place
Milpitas, CA 95035

Attachment J

Public Hearing (appeal)

April 7, 2020

The 655 page Initial Study/Mitigated Negative Declaration for the La Quinta Hotel development project can be found at the following link:

http://www.ci.milpitas.ca.gov/_pdfs/Commissions/pc/2020/011520/LQ_attachmentD.pdf

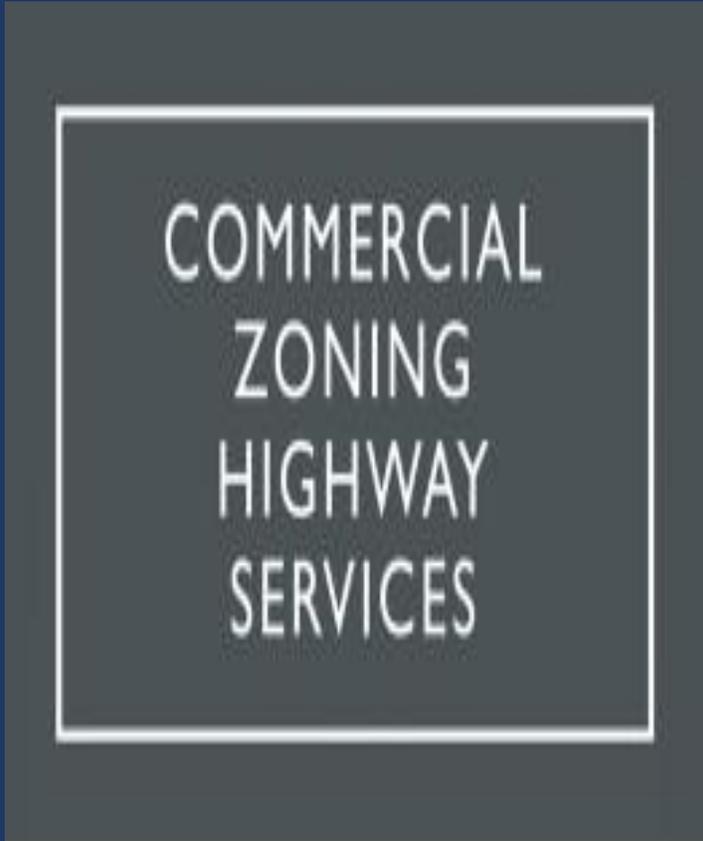


**A COLLABORATION BETWEEN
DEVELOPER, CITY & COMMUNITY**

Milpitas City Council Appeal Meeting 04/07/2020

- **TEAM MEMBERS**

- Joe Gigantino – Property Owner
- Mark Tiernan – Entitlement Consultant
- Brody Percell – Allied Partners, Project Manager
- Norm Matteoni – Matteoni, O’Laughlin & Hechtman, Land Use Attorney
- Alan Ames – Wyndham, Senior Manager Construction
- Mike Leininger – Security Consultant
- Carter Case – Case Design Group, Architect
- Colt Alvernaz – CBG Civil Engineer



The Purpose and intent of this zone is to provide for the wide range of personal and business services primarily oriented to the automobile customer and transient residential uses such as hotels or mobile home parks. It is intended to include those commercial uses which customarily located outside of the Central Business District area and tend to require lots with well-maintained grounds. The highway service uses listed are of a relatively low customer volume. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize potential traffic hazards. The HS District, when appropriate, will be located along State highways and major City thoroughfares and in accordance with the adopted City of Milpitas General Plan.

1000 JACKLIN ROAD
WAS ZONED
HIGHWAY SERVICE
PRIOR TO ORIGINAL
BUILDING DATE of
1979

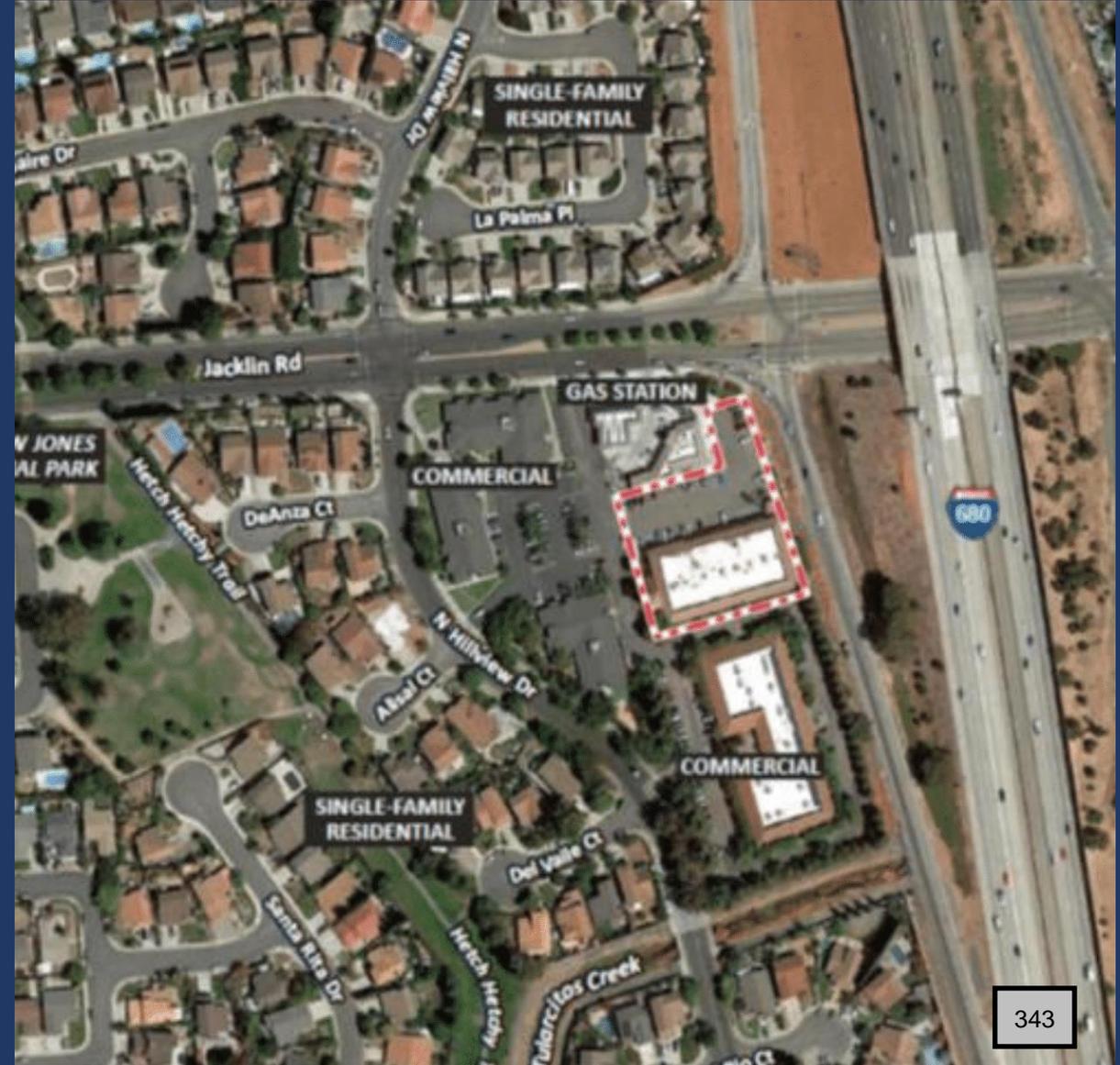
Aerial photo dated 1974



AERIAL PHOTO 1982



AERIAL PHOTO AS OF TODAY



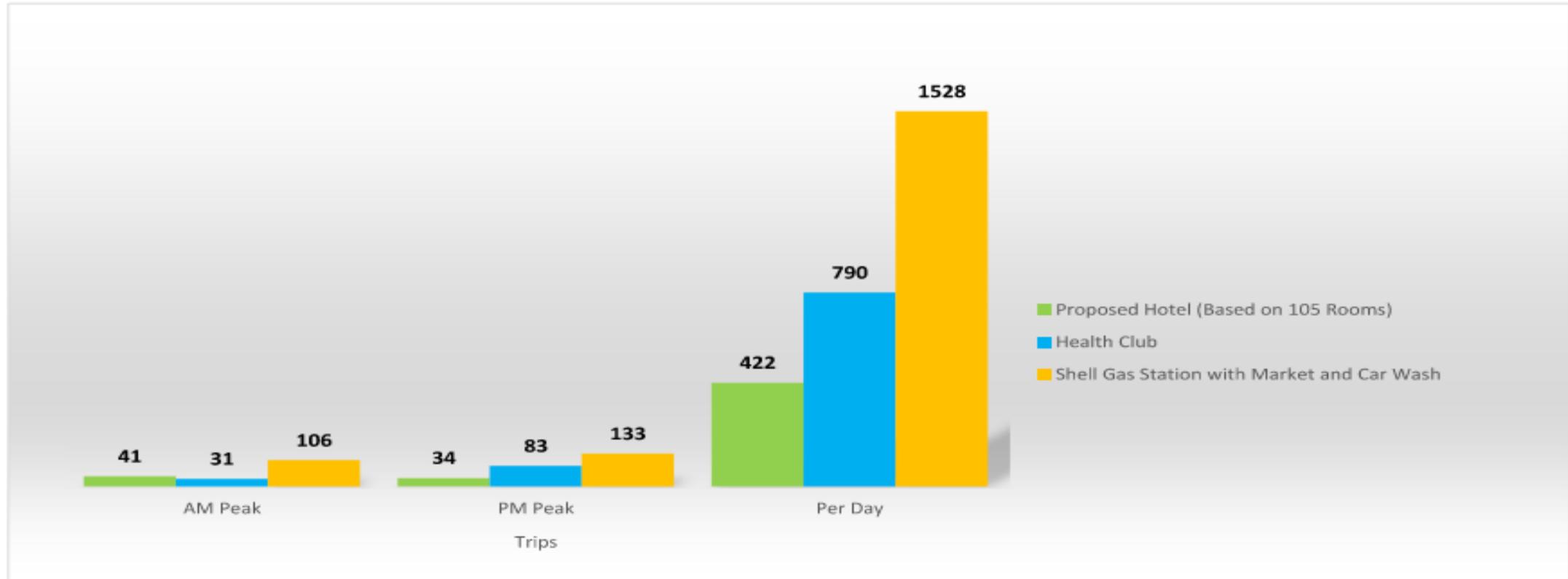
Construction Site Plan



Phase of Work	Work Activities/Safety/Noise/Environmental Mitigation Plan	Estimated Duration in Months	Work Hours	Number of Workers
Existing	Tear down and removal of existing building materials	1	7am-5pm	15
Building Demolition	Site will be fenced off with security allowed access			
	Site will be wetted down to reduce dust using recycled water			
	materials will be sorted for recycling prior to removal			
Site Work	Excavation and preparation of site for building,	1.5	7am-5pm	20
	Utilities, parking lot and landscaping			
Building Foundation	Forming and pouring concrete for building foundation	1	7am-5pm	17
Building Framing	Framing of building structure	1.75	7am-5pm	25
Building Exterior	Installation of siding, windows and roofing materials	1	7am-5pm	20
Building Interior Utilities	Installation of plumbing, electrical, mechanical, fire protection	1.75	7am-5pm	15
Building Interiors	Installation of drywall, texturing, painting	2.5	7am-5pm	10
Building Finishes	Installation of lighting, plumbing fixtures, cabinetry, flooring	2.25	7am-5pm	12
Building Furniture	Installation of room and public space amenities	1.5	7am-5pm	20
	TOTAL	14.25		

Traffic Generation

a low traffic generating hotel



Hotel: Information gathered from Trip Generation Planner (ITE 10th Edition) provided by Hexagon Transportation Consultants and Associates, Inc

Shell Gas Station with Market/Car Wash: Information gathered from Trip Generation Planner (ITE 7th Edition) provided by Kimley-Horn and Associates, Inc

Health Club: Information gathered from Trip Generation Planner (ITE 10th Edition) provided by Hexagon Transportation Consultants and Associates, Inc

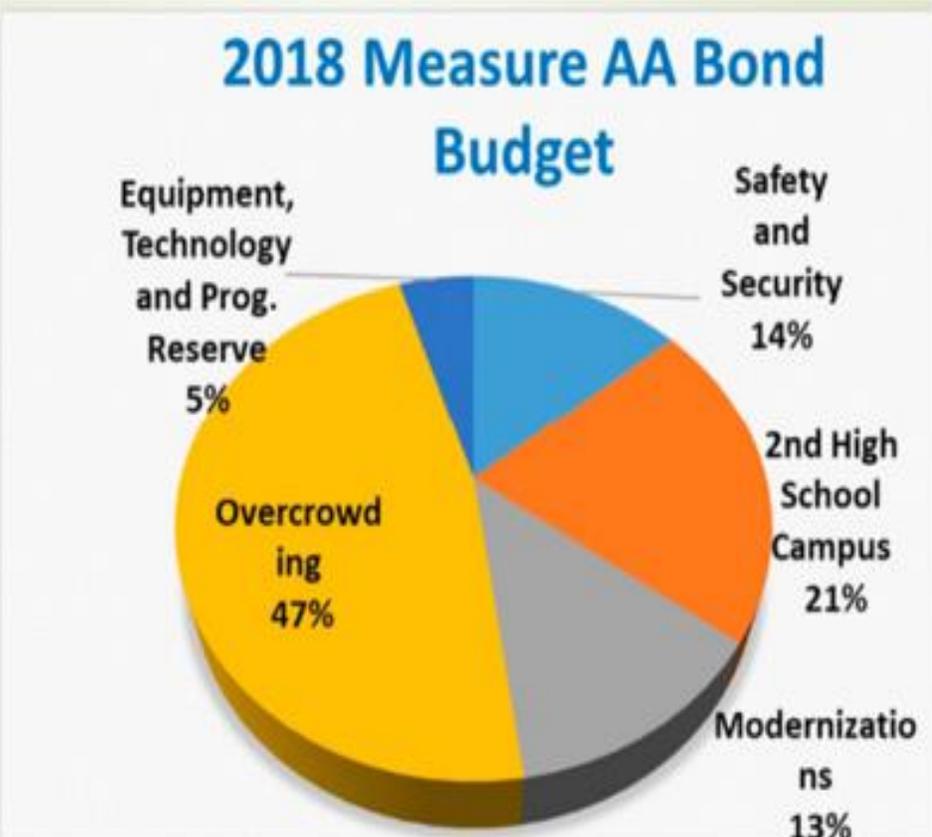
NEW PROJECT TRIP GENERATION ESTIMATES

**Table 1
New Project Trip Generation Estimates**

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
				Rate	Trips	In	Out	Rate	Trips	In	Out
<u>Proposed Use</u>											
Business Hotel ¹	105 units	4.02	422	0.39	41	17	24	0.32	34	18	16
<u>Existing Use</u>											
Existing Fitness Building ²	24,000 sq.ft.	32.93	-790	1.31	-31	-16	-15	3.45	-83	-46	-37
Net Project Trips			-368	10	1	9	-49	-28	-21		

¹ Rates based on ITE Trip Generation, 10th Edition for Business Hotel (ITE 312).
² Rates based on ITE Trip Generation, 10th Edition for Health/Fitness Club (ITE 492).

Bond Measure AA passed at 71.41 percent



Planning for Future Projects

- Project:
 - Mabel Mattos Phase Two
 - Randall Modernization
 - Ayer Ed Park/2nd High School Campus
 - Rancho Track
 - Russell Track
 - Modernization (various sites)
 - Campus Security Upgrades



Information gathered from: Milpitas Unified School District website <https://www.musd.org/bond-measure-aa-construction-updates.html>

Safety/Security

- Facilitate strong communication between Milpitas Police Department and onsite management
- On-site workspace for police to come while on patrol.
- Security cameras at all access points into the hotel, underground parking and parking lot.
- Security footage made readily available to the Milpitas Police Department
- Security cameras shall be operable 24hrs/day, 365 days/year
- Hotel is staffed 24 hours a day.
- Staff is continually trained and re-trained on safety and security topics and practices
- Employee background checks after they have accepted a position
- All side doors are exit only and require guestroom key for re-entry.
- Lobby doors can be programmed to lock at 11PM and require guest keycard for entry.
- The pool, spa, and fitness room require a guest key card for entry.

Distance From Hotel to Neighborhoods



Building Dimensions

Health Club

- 17,391 sf footprint
- 92' 3" wide, 186' 7" long, 30' tall
- 63' tall clock tower

LA QUINTA Hotel

- 13,436 sf footprint
- 67' 10" wide, 203' long, 59' 6" tall (avg)
- 73' tower (only 28% of total building)



Views Looking East

CURRENT BUILDING



LA QUINTA MILPITAS



Resident Privacy

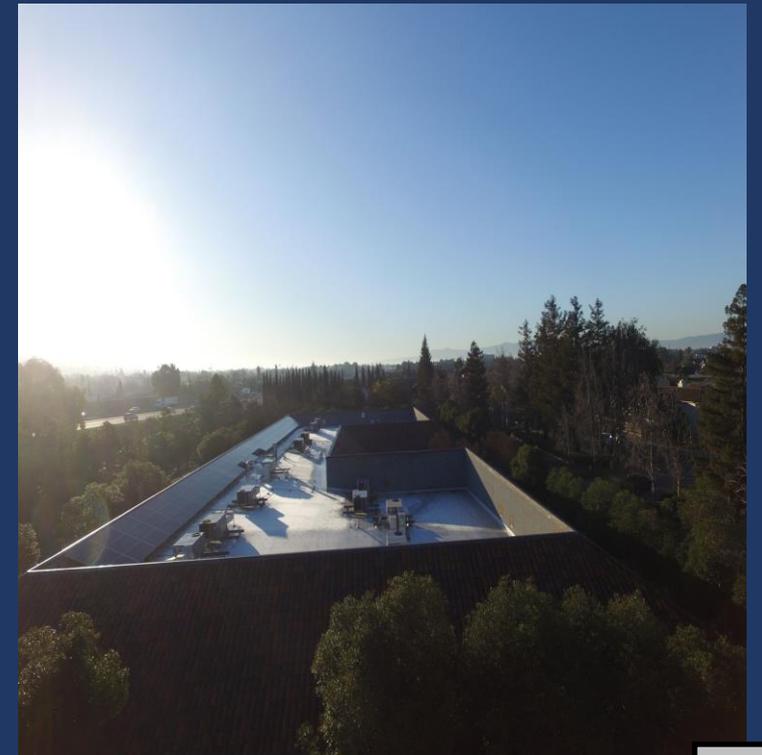
Looking South from
3rd floor



Looking South from
4th floor



Looking South from
5th floor



Resident Privacy

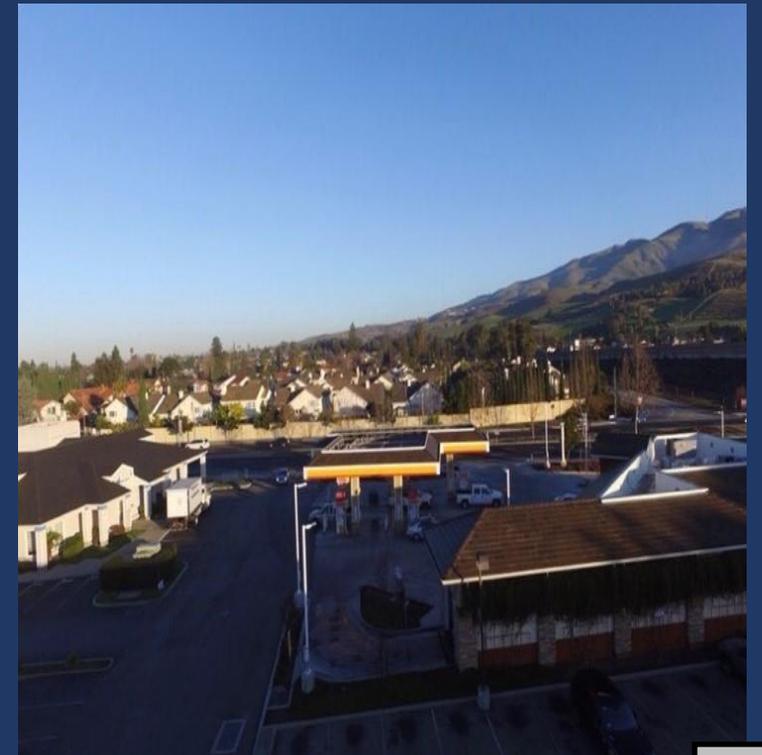
Looking North from
3rd floor



Looking North from
4th floor



Looking North from
5th floor



A PROUD ADDITION
TO THE CITY OF MILPITAS







OUR PROMISE TO THE CITY OF MILPITAS & COMMUNITY IS:

- TAKING PRIDE IN ALL AREAS OF OUR HOTEL
- TAKING PRIDE IN THE SERVICES WE PROVIDE TO MILPITAS FAMILIES
- TAKING PRIDE IN THE SERVICES WE PROVIDE TO OUR MILITARY
- TAKING PRIDE IN THE SERVICES WE PROVIDE TO MILPITAS BUSINESSES
- TAKING PRIDE IN BEING A GOOD NEIGHBOR
- TAKING PRIDE IN SAFETY
- TAKING PRIDE IN APPEARANCE AND PROFESSIONALISM
- TAKING PRIDE IN CURRENTLY BEING A MILPITAS BUSINESS OWNER FOR OVER 20 YEARS
- TAKING PRIDE IN CONTINUING TO PROVIDE THE CITY OF MILPITAS WITH SERVICES AT 1000 JACKLIN RD



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Report of the Economic Development Council Subcommittee
Category:	Reports of Mayor and Councilmembers
Meeting Date:	4/7/2020
Contacts:	Subcommittee Chair Carmen Montano, 408-586-3024 Councilmember Karina Dominguez, 408-586-3031
Recommendation:	Receive update on the Economic Development Council Subcommittee Meeting of March 24, 2020.

Background:

The World Health Organization (WHO) declared COVID-19 a global pandemic. The Governor’s Office of Emergency Services and Santa Clara County’s Office of Emergency Management also declared emergency proclamations. At the March 17, 2020 meeting, Council adopted a Resolution to ratify the City of Milpitas Emergency Proclamation signed on March 12, 2020 by the City of Milpitas’ Emergency Services Director, Interim City Manager Steve McHarris, regarding COVID-19. The declaration on behalf of the City of Milpitas allows for the assistance in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency and mitigate any other effects of this emergency on the Milpitas community.

On March 17, 2020, the City Council established the Economic Development Council Subcommittee to explore small business loan and relief programs as well as business assistance from higher levels of government including Federal, State and County. The Council selected Council Member Carmen Montano and Council Member Karina Dominguez to serve as Subcommittee representatives.

On March 24, the Council’s newly established Economic Development Council Subcommittee met for the first time. Below is information on what was discussed at the Subcommittee meeting.

Analysis:

The March 24 Subcommittee meeting focused on COVID-19 business responses and recovery assistance. The meeting included: selecting Councilmember Carmen Montano as Chair; receiving a presentation from Finance Department Director, Walter C. Rossmann on impact of the COVID-19 pandemic on the City’s budget and services; adopting a Subcommittee purpose of “assist and preserve small businesses with various types of business assistance and relief;” and drafting a Work Plan to explore recommendations for the City Council regarding small business loans including those that other cities may have, relief assistance, small business survey, tracking of business assistance requests, and other relevant possibilities.

Draft Work Plan

The Subcommittee discussed several topic areas of potential assistance, as follows:

- Small business loan program that would provide rent relief and aid in reducing layoffs during the crisis. (Since the March 24 Subcommittee meeting, the federal government established the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act, which provides aid through direct payments, unemployment, payroll taxes, and business loans among other types of relief. The CARES Act a

includes funding for states and municipalities for expenses incurred due to COVID-19 and Low Income Home Energy Assistance Program, among other assistance);

- Assist small businesses with resources becoming available from federal, state, and county resources, and help with marketing and promotions of local businesses;
- Economic stimulus supplement to preserve Milpitas' small businesses;
- Stimulate business recovery and increase revenues for business (such as restaurants through promotions effort);
- Developing co-op business model for multiple businesses operating in one location;
- Partner with Silicon Valley Small Business Development Center (SBDC) for business assistance and guidance;
- Participate on the [Silicon Valley Strong](#) Initiative with Santa Clara County, City of San Jose and other regional cities and attempt to assist with local financial assistance through Silicon Valley Strong Fund. A Silicon Valley Strong Initiative [Information Memo](#) was sent to Council on March 28, 2020;
- Commercial eviction moratorium. (Staff notes that on March 24, the Santa Clara County Board of Supervisors passed an urgency [Ordinance](#) temporarily banning evictions for non-payment of rent for all residential and commercial properties related to the loss of income and medical expenses resulting from COVID-19. The ban on evictions takes effect immediately and lasts through May 31, 2020. For the time being, this critical issue is resolved and will assist our businesses and residents overall);
- Develop and issue a business survey. (Staff notes this work was already in progress and staff forwarded a business survey on April 3, 2020 to approximately 3,500 business license holders and will remain live for several weeks. The business survey includes questions related to COVID-19 impacts, staff reduction, business closures, small business loan needs and purpose of funding, and estimated revenue loss, among other questions);
- Change the Economic Development Council Subcommittee name to something more relative to small business assistance and relief;
- Acknowledge that the Subcommittee is a temporary body since it was established under the March 17, 2020 Council action of adopting a Resolution to ratify the City of Milpitas Emergency Proclamation regarding COVID-19.

The concept of business relocation was also discussed but there was no consensus on this strategy.

The next Economic Development Council Subcommittee is scheduled for Monday, April 6, 2020 at 11:00 a.m. and will be hosted through Zoom, so that the City adheres to the shelter-in-place Order and provides for public participation.

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:

Receive update on the Economic Development Council Subcommittee meeting of March 24, 2020.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women
Category:	Reports of Mayor and Councilmembers
Meeting Date:	4/7/2020
Staff Contact:	Councilmember Karina Dominguez, 408-586-3031; Councilmember Anthony Phan, 408-586-3032
Recommendation:	Adopt Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women

Background:

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. To date, 187 out of 193 United Nations member states have ratified CEDAW. The United States is one of only six countries—along with Iran, Sudan, Somalia, Palau and Tonga—that have not ratified CEDAW. CEDAW defines discrimination and provides a practical blueprint to promote human rights and open opportunities for women and girls in all areas of society. The treaty calls on each ratifying country to overcome barriers to discrimination in the political, social, economic, and cultural fields. This includes addressing issues of domestic violence, trafficking, affordable health care and child care, economic security, pay inequities, paid family leave, and educational and vocational opportunities.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women.

Analysis:

The Convention of Elimination of All Forms of Discrimination Against Women lays out specific universal standards that affirm the fundamental rights of women and girls and offers a framework to foster gender equality and eliminate discrimination against women. It defines what constitutes discrimination against women broadly to encompass policies that negatively affect women’s human rights, and offers a blueprint to create more equitable opportunities and outcomes for the City of Milpitas.

By using an intersectional approach, the City of Milpitas, can help women by building policies that address all aspects of their identity. CEDAW seeks to foster not only equal opportunities, but also more equitable outcomes. Furthermore, the City of Milpitas will be able to form outcomes that will help prevent workplace violence, discrimination and sexual harassment.

Fiscal Impact:

None.

California Environmental Quality Act:

N/A.

Recommendation:

Adopt the resolution in support of the principles of the United Nation Convention on The Elimination of All Forms of Discrimination Against Women, referenced as “CEDAW.”

Attachments:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS IN SUPPORT OF THE PRINCIPLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

WHEREAS, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a comprehensive international women's rights treaty that calls for appropriate measures, such as legislation, to ensure women's rights and equality in all aspects of life, including in the political, social, economic, cultural, and civil fields; and the CEDAW was adopted by the United Nations General Assembly in 1979 and ratified by 187 countries but the United States remains one of only six countries that have not ratified the treaty; and

WHEREAS, the spirit of the Convention is rooted in the goals of the United Nations to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and as CEDAW provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex; and

WHEREAS, CEDAW, sometimes called an International Bill of Rights for Women, obligates those countries which have ratified or acceded to it to take all appropriate measures to ensure the full development and advancement of women in all spheres; political, educational, employment, health care, economic, social, legal, marriage and family relations, as well as to modify the social and cultural patterns of conduct of men and women to eliminate prejudice, customs and all other practices based on the idea of inferiority or superiority of either sex; and

WHEREAS, fifty-two countries, including the United States, signed CEDAW during the 1980 Mid-Decade Conference for Women in Copenhagen, Denmark, and to date 161 countries, representing over half of the world's countries, have now ratified or acceded to the Convention, and yet the United States has not ratified or acceded to it; and

WHEREAS, municipal governments have an appropriate and legitimate role in affirming the importance of international law in our communities as universal norms and to serve as guides for public policy; and

WHEREAS, there are vast gender disparities at the local, state, and national level; women, particularly women of color, disabled women, Native women, immigrant women, trans women, and women from marginalized communities suffer from unequal pay in Santa Clara County; and

WHEREAS, CEDAW provides a comprehensive framework for governments to examine their policies and practice in relation to women and girls and to rectify discrimination based on gender; and

WHEREAS, the adoption would further support the initiative of the California State Legislature in endorsing ratifications of CEDAW, when by resolution in 1997, it encouraged the United States Senate to ratify the Convention.

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

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

materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

- 2. The City Council supports the principles of the United Nations Convention on The Elimination of All Forms of Discrimination Against Women referenced as “CEDAW.”
- 3. The City Council hereby directs staff to come back with an ordinance to implement in the City of Milpitas using the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in city operations.

PASSED AND ADOPTED this _____ day of _____, 2020, 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:	Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law”
Category:	Reports of Mayor and Councilmembers
Meeting Date:	4/7/2020
Staff Contact:	Councilmember Anthony Phan, 408-586-3032 and Mayor Tran, 408-586-3029
Recommendation:	Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” and consider directing staff to send letter of support.

Background:

On February 4, 2020, Councilmember Phan requested his colleagues to consider directing staff to research and consider Council support locally of "Laura's Law" related to mandatory conservatorship by the County for those with severe mental health illness.

Recommendation:

Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” and consider directing staff to send letter of support.

Attachments:

Memorandum by Councilmember Phan and Mayor Tran
 City of San Jose Letter of Support
 Report to San Jose City Council with Attachments



MEMORANDUM

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3000, FAX: 408-586-3056, www.ci.milpitas.ca.gov

TO: City Manager Steve McHarris
City Attorney Chris Diaz
CC: City Clerk Mary Lavelle

DATE: 02/03/2020

FROM: Mayor Rich Tran

Councilmember Anthony Phan

SUBJECT: County Implementation of Laura's Law and Enhanced Conservatorships

RECOMMENDATION

Place the following item on the February 18, 2020 Agenda for Council discussion and action; Direct the City Manager to submit a letter from the City Council to the Santa Clara County Board of Supervisors and the County Executive's Office to request County implementation of Laura's Law (Assisted Outpatient Treatment) and strengthened conservatorship policies, and add these objectives to the City's legislative priorities.

BACKGROUND

In Santa Clara County, homelessness has become a crisis. Nearly 10,000 individuals are currently homeless in Santa Clara County, and these numbers are projected to continue to increase at an alarming rate. Last year, homelessness increased at a drastic increase of 31.3% in Santa Clara County.¹

According to the U.S. Department on Housing and Urban Development, it is estimated that on average, amongst homeless individuals nationally, 45% are mentally ill and 25% are seriously mentally ill. Locally, Santa Clara County statistics show data based on self-reported responses that parall national numbers, with 42% of homeless respondents indicating that they suffer from mental illness of some form and 35% of respondents reporting having experienced alcohol or substance abuse.

BACKGROUND ON LAURA'S LAW AND CONSERVATORSHIP

Laura Wilcox was a teenage college student shot to death in 2001, by a severely mentally deranged individual. Despite pleas from his own family and recommendation from his social worker, the individual actively refused psychiatric treatment and continued to be defiant, as he increasingly became delusional and paranoid, in the events leading up to the shooting.

In 2002, Assisted Outpatient Treatment Demonstration Project Act, also known as Laura's Law, was signed into law by Governor Gray Davis. The legislation aims to help individuals suffering with severe mental health needs by mandating their access to assisted outpatient treatment. The policy applies to those who meet a specific set of exhaustive requirements to demonstrate

¹ "County of Santa Clara, City of San Jose Release Results of 2019 Homeless Census." County News, County of Santa Clara, 16 May 2019, www.sccgov.org/sites/opa/newsroom/Pages/2019homelesscensus.aspx.

their history of non-compliance, such as if they were hospitalized or jailed at least twice within 36 months.

The policy heavily relies on County implementation and enforcement. In California, twenty Counties have opted to implement Laura's Law, with Bay Area Counties including Contra Costa, Marin, San Mateo, San Francisco and San Mateo.

In 2018, Senate Bill 1045 was signed into law, allowing the City and County of San Francisco, Los Angeles, and San Diego Counties to pilot a 5-year program of housing-based conservatorship. The bill establishes conservatorships to individuals suffering from both a severe mental illness and a substance use disorder. Ultimately, the bill increases the responsiveness of courts to individuals lacking capacity to take care of their health and welfare. Senate Bill 40, passed in 2019, similarly addresses procedures regarding 5150 psychiatric holds and expands conservatorship provisions for these often-neglected individuals, many of whom at high risk of harming themselves.

ANALYSIS

Expanding a framework for conservatorship and County implementation of Laura's Law will expand access to critical services and treatment for our community's most vulnerable struggling with severe mental health needs.

Although we acknowledge these policies will help a relatively smaller population of people who are homeless, and that there is much more work to be done to address the crisis in homelessness, however it will go a long way and positively change many lives. Furthermore, it will make our community safer for our residents and our first responders in public safety, who risk their lives every day. In tragic scenarios where officers have no choice but to use deadly force to stop dangerous individuals with severe mental health needs from harming others, it is unacceptable to write off the case as a situation that could not have been avoided.

Our County has the ability to save lives, make our community safer, and prevent these tragedies from occurring. The implementation of Laura's Law and expanded conservatorship will serve as much-needed reform to our negligent and flawed system which has failed our community's most vulnerable people.

The City of Milpitas should support County implementation of Laura's Law and work with the Board of Supervisors and County Administration to expand conservatorship programs through efforts in adding Santa Clara County to Senate Bill 1045 and related legislation.

Dear Santa Clara County Board of Supervisors,

As community leaders, we recognize that Santa Clara County has a mental health crisis. Of the homeless in our County, 42% reported mental illness, yet current efforts in the County to address this issue are tragically lacking.

Homeless individuals who lack capacity because of a severe mental illness to provide for their basic human needs cannot continue to fall victim to uninhabitable living conditions, drug and alcohol abuse, and risks of harm to themselves or [others on the streets](#). It is imperative that we consider the benefits of Laura's Law and strengthened conservatorship in Santa Clara County.

Laura's Law passed the California State Legislature in 2002, aiming to remedy the issues posed by mentally ill individuals occupying the streets: introducing court-mandated assisted outpatient treatment for those who are likely to benefit from it. To date, 20 counties in California have done just this, including the Bay Area Counties of San Mateo, Alameda, Contra Costa, Marin, and San Francisco-- achieving a high degree of success. Specifically, In San Francisco County, 91% of patients saw reduced hospitalization, with 88% reducing their time spent incarcerated and 74% reducing their use of Psychiatric Emergency Services. Not only that, but in Nevada County, where Laura's Law was first implemented, the law has saved between \$1.82 to \$2.52 per \$1.00 invested in the program. Laura's Law is saving lives, saving money, and giving people the help that they need.

Furthermore, in pursuit of the most comprehensive care for suffering residents, conservatorship for substance abusers and the mentally ill also must be re-examined. While Santa Clara County's LPS Conservatorship was an important first step starting in 1972, now is the time to revisit and strengthen this piece of legislation.

In September of 2018, the State of California passed Senate Bill 1045, which provides for the formation of a 5-year pilot program consisting of housing based conservatorship policies in San Francisco and Los Angeles Counties. SB 1045 increases the responsiveness of courts to individuals lacking capacity to take care of their health and welfare in by making available a conservatorship when those individuals are suffering from both a severe mental illness as well as a substance use disorder, something we are unable to achieve under the current standard. Individuals that fail to qualify as "gravely disabled" often get stuck in a chronic cycle of coming in and out of 72-hour psychiatric holds, and are victims of a dysfunctional system that is in desperate need of reform. We would like to see Santa Clara County advocate for inclusion in this or comparable legislation that effectively treats the most vulnerable in our County.

For all these reasons and more, we urge the County to act to strengthen conservatorship laws and to adopt Laura's Law.

Signed:



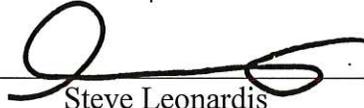
Johnny Khamis
Councilmember, City of San José



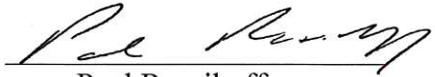
Raul Peralez
Councilmember, City of San José



Lisa Dailey
Treatment Advocacy Center



Steve Leonardis
Mayor, Town of Los Gatos



Paul Resnikoff
Councilmember, City of Campbell



Katherine Decker
Registered Nurse



Stephani Rideau
Parent of Homeless Mentally Ill Adult

Memorandum

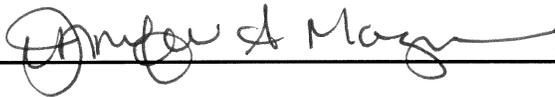
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

**SUBJECT: COUNTY OF SANTA CLARA
BEHAVIORAL HEALTH
PROGRAMS**

DATE: January 22, 2020

Approved



Date

1-22-20

INFORMATION

At the November 20, 2019 Rules and Open Government Committee, the Administration was directed to submit a letter from the City of San José Mayor and City Council to the Santa Clara County Board of Supervisors and the County Administration requesting implementation of Laura's Law (Assisted Outpatient Treatment) as well as a strengthening of conservatorship policies for residents that struggle with serious mental illness. This item was again discussed at the December 10, 2019 City Council meeting under item 3.6¹ where a request was made for additional information regarding the Santa Clara County's expansion of Behavioral Health Services for adults and older adults, which was scheduled for implementation in fall 2019.

In response to Council direction, on December 12, 2019 a letter was submitted to the Santa Clara County Board of Supervisors on behalf of the City of San José Mayor and City Council (*Attachment A*).

Attached to this memorandum are two reports authored by Toni Tullys, Director of the County's Behavioral Health Services. The first report was submitted to the Health and Hospital Committee on August 22, 2019 providing an update on Assisted Outpatient Treatment (*Attachment B*). It summarizes the 2002 California Assembly Bill 1421 (Laura's Law) and its implementation in California through April 2017 as summarized by the State of California's Department of Health Care Services, Mental Health and Substance Use Disorder Services in its July 2018 Report. This memo also outlines the County's Behavior Health Services expansion of programs for its adult system of care.

¹ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4263938&GUID=32623866-8137-46E7-8D24-DFCECA1C562B&Options=&Search=>

January 22, 2020

Subject: County of Santa Clara Behavioral Health Programs

Page 2

The second memorandum was submitted to the Board of Supervisors on December 17, 2019 as part of a report requested by Supervisors Chavez and Cortese (Board Referral Item Number 16 ID#98761 approved on November 5, 2019)², which directed the Behavioral Health Services Department to provide options for consideration relating to the provision of safe places and support services for members of the community with high needs, who are severely mentally ill, dually diagnosed, and unhoused (*Attachment C*).

The Administration understands the Mayor and City Council's shared interest in ensuring that adequate and high quality resources are available and accessible to residents struggling with mental illnesses, substance use, or both. As part of its work in helping draft the Community Plan to End Homelessness, the City Manager's Office and Housing Department are working with their County partners to better assess the existing capacity of behavioral health resources against the need in the community. As the City moves from the planning and community engagement phases of this process to implementation of a San José-specific operational plan, the Administration will continue to advocate for the resources necessary to close any existing resource gaps.

/s/

LEE WILCOX

Chief of Staff, City Manager's Office

For questions, please contact Sarah Zárate, Assistant to the City Manager, at (408) 535-5601.

Attachments:

Attachment A: December 12, 2019 Letter to Board of Supervisors regarding Conservatorship in Santa Clara County

Attachment B: County of Santa Clara Behavioral Health Services Update on Assisted Outpatient Treatment (Laura's Law)

Attachment C: County of Santa Clara Behavioral Health Services Report on Safe Places and Support Services for Mentally Ill/Dually Diagnosed Individuals

² http://sccgov.iqm2.com/Citizens/Detail_Legifile.aspx?Frame=SplitView&MeetingID=11147&MediaPosition=&ID=99307&CssClass=



December 12, 2019

Board of Supervisors
County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

Re: Conservatorship in Santa Clara County

Dear Santa Clara County Board of Supervisors,

We write on behalf of the City of San José to encourage the County to pursue additional options in addressing mental health treatment for homeless individuals, including conservatorship. Currently the County of Santa Clara staff, Destination: Home, and City of San José staff are working to finalize a new Community Plan to End Homelessness—better aligning our goals and strategies. As we embark on implementing this plan we must collectively align our operations, resources, and policies to meet these goals.

To that end, we share the position outlined in the November 5, 2019 memo from Supervisors Chavez and Cortese that “the County of Santa Clara needs to act with urgency as it relates to providing safe places and supportive services to very vulnerable members of our community who are severely mentally ill, dually-diagnosed, unhoused and unable to proactively access community-based mental health services.”

According to the 2019 City of San José Homeless Census and Survey, 42% of homeless survey respondents reported a psychiatric or emotional condition in the City of San José. Homeless individuals who lack capacity because of a severe mental illness to provide for their basic human needs cannot continue to fall victim to uninhabitable living conditions, drug and alcohol abuse, and risks of harm to themselves or others on the streets. It is imperative that we examine conservatorship options, including implementing Laura’s Law in Santa Clara County for outpatient services and inpatient options to address a portion of this population’s needs.

As you know, the State of California passed Laura’s Law in 2002 to introduce court-mandated assisted outpatient treatment for those who are likely to benefit from it. To date, 20 counties in California have implemented Laura’s Law, including the Bay Area Counties of San Mateo, Alameda, Contra Costa, Marin, and San Francisco. In San Francisco County, 91% of patients saw reduced hospitalization, with 88% reducing their time spent incarcerated, and 74% reducing their use of Psychiatric Emergency Services. Not only that, but in Nevada County, where Laura’s Law was first implemented, the law has saved between \$1.82 to \$2.52 per \$1.00 invested in the

District 1-Chappie Jones, Vice Mayor
District 3-Raul Peralez
District 5-Magdalena Carrasco
District 7-Maya Esparza
District 9-Pam Foley

Sam Liccardo, Mayor

District 2-Sergio Jimenez
District 4-Lan Diep
District 6-Dev Davis
District 8-Sylvia Arenas
District 10-Johnny Khamis

Letter from City of San José City Council
Conservatorship in Santa Clara County
December 12, 2019

program. Laura's Law is saving lives, saving money, and giving people the help that they need.

Additionally, in September of 2018, the State of California passed Senate Bill 1045, which allows the City and County of San Francisco, Los Angeles, and San Diego Counties to pilot a 5-year program of housing-based conservatorship. SB 1045 increases the responsiveness of courts to individuals lacking capacity to take care of their health and welfare by making available a conservatorship when those individuals are suffering from both a severe mental illness as well as a substance use disorder. Individuals that fail to qualify as "gravely disabled" often get stuck in a chronic cycle of coming in and out of 72-hour psychiatric holds, and are victims of a dysfunctional system that is in desperate need of reform. We encourage Santa Clara County to advocate for inclusion in this or comparable legislation that effectively treats the most vulnerable in our County.

We are heartened that the County is examining additional service needs for homeless individuals, including those suffering mental health disease and drug addiction. We share your goals of ending homelessness in our community, and look forward to continuing to collaborate on solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Liccardo". The signature is fluid and cursive, with a large initial "S" and "L".

Mayor Sam Liccardo
on behalf of the City of San José City Council

C. County Administration
City Manager



DATE: August 22, 2019
TO: Health and Hospital Committee
FROM: Toni Tullys, Director, Behavioral Health Services
SUBJECT: Update on Assisted Outpatient Treatment (Laura's Law)

On June 19, 2019, at the request of Supervisor Ellenberg, the Behavioral Health Services Department (the Department) was asked to provide an update on Assisted Outpatient Treatment (AOT), also known as Laura's Law, at the August 2019 Health and Hospital Committee.

On September 13, 2017, the Department provided a detailed report to the Board of Supervisors (Board) through the Health and Hospital Committee related to the possible implementation of Assisted Outpatient Treatment (also known as Laura's Law), which allows using the judicial system when constituents are in high need of mental health services (LF # 88121). The report describes the history of the AOT legislation, the 2004 development of the Mental Health Services Act (MHSA), which emphasized voluntary programs, and the AOT goals, eligibility criteria and court process.

In 2002, California Assembly Bill 1421 (Laura's Law) authorized the provision of AOT which is defined as categories of outpatient services that have been ordered by a court per California Welfare and Institution Code (WIC) 5346. The bill was a result of a Nevada County shooting death of three people, including Laura Wilcox, by an individual with mental illness who was not participating in treatment. While the law was passed, it was not funded, leaving County Boards of Supervisors to decide whether or not they would implement AOT and how they would fund the program. Each County Board of Supervisors must approve AOT implementation in their county. Per state statute, no voluntary mental health programs may be reduced as a result of the implementation of AOT.

Update on California's AOT Implementation

While Nevada County implemented AOT in 2008 and Yolo County in 2013, the majority of counties who chose to implement AOT did not begin implementation until 2015-2016. As reported in the Department's September 2017 AOT report, 14

counties had implemented the program, three had adopted AOT, but had not implemented, and one county was considering AOT. Currently, 20 counties have implemented AOT as an available tool for people with serious mental illness who are unable and/or unwilling to participate in treatment and meet the criteria for AOT in the WIC 5346. The 20 counties are:

- | | | |
|-----------------|---------------------|-------------------|
| 1. Alameda | 8. Nevada | 15. Santa Barbara |
| 2. Contra Costa | 9. Orange | 16. Shasta |
| 3. El Dorado | 10. Placer | 17. Solano County |
| 4. Kern | 11. San Diego | 18. Stanislaus |
| 5. Los Angeles | 12. San Francisco | 19. Ventura |
| 6. Marin | 13. San Luis Obispo | 20. Yolo |
| 7. Mendocino | 14. San Mateo | |

AOT Evaluations and Results

In July 2018, the California Department of Health Care Services (DHCS) Mental Health and Substance Use Disorder Services released a report on Laura’s Law: Assisted Outpatient Treatment Demonstration Project Act of 2002 (Attached). DHCS is required to establish criteria and collect outcomes data from counties that choose to implement the AOT program and to produce an annual report on the program’s effectiveness, which is due to the Governor and Legislature annually by May 1. The attached report is based on May 2016 - April 2017 data, which was provided by six counties: Contra Costa, Los Angeles, Nevada, Orange, Placer and San Francisco. The Report Summary stated that there are three important developments for this reporting period:

- 1) Two additional counties provided data on AOT clients as compared to the previous reporting period,
- 2) The six counties that provided data to DHCS reported a positive impact on the three data items emphasized by the statute governing AOT (WIC Sections 5345-5349.5) – homelessness, hospitalizations, and incarcerations, and
- 3) Counties continue to report that few individuals require court involvement to participate in AOT services.

There were 63 court-ordered involved individuals in the six counties that provided data. A total of 380 individuals were served voluntarily by the six counties reporting data and the majority were in Los Angeles and Orange counties.

The programs reported that the majority of their AOT referrals responded to the initial invitation to participate in voluntary services and did not require a court petition or process. Counties reported that this is due to a successful engagement process, as most individuals referred for assessment accept the first offer for voluntary services. Many individuals due to their symptoms, do not immediately access mental health services, but may accept a voluntary service in response to county engagement efforts and to avoid a court process.

DHCS also identified several limitations of this analysis. While the data has increased since additional counties have implemented AOT programs, the number of court-ordered participants remains small and counties were not using standardized measures. There was no comparison and/or control group, so it was unknown as to whether the improvements were a result of AOT program services, or other factors. The report was based on aggregated outcomes of the 63 individuals from the six counties that reported court-ordered services.

In conclusion, the DHCS report indicated that the program was successful in reducing the need for hospitalizations and/or incarcerations, largely due to an increased amount of support and increasing employment during the reporting period.

Contra Costa and San Francisco Counties recently completed extensive evaluations of their AOT pilot programs. Contra Costa completed their evaluation in October 2018, following two and a half (2 ½) years of implementation, and served 80 individuals in the Assertive Community Treatment (ACT) program; 63 volunteered and 17 were court-ordered. San Francisco completed their three-year evaluation in March 2019 and 89 out of 129 individuals in the AOT program voluntarily engaged in services; 85 individuals remained connected to a treatment provider at the time of the evaluation. The AOT team provided clinical case management to 43 of these individuals (26 voluntary and 17 court ordered). Both counties reported positive client outcomes (decrease in crisis services, inpatient psychiatric hospitalization and incarceration), cost savings, and small numbers of court-ordered individuals.

Summary of Findings

A significant majority of individuals that have been referred and meet the criteria for AOT programs voluntarily accept services and achieve positive outcomes, including reductions in crisis/emergency psychiatric services, inpatient psychiatric hospitalization, homelessness and incarceration. There are small numbers of court-ordered clients in AOT programs, which cannot show statistical significance.

However, court-ordered clients have demonstrated individual progress and some have achieved the same types of positive outcomes as the voluntary clients.

Counties have developed and learned from AOT pilots, implemented AOT outreach, engagement and clinical teams to serve the population, and utilized Full Service Partnerships (FSPs) or ACT teams for clinical services. Consistent outreach and peer support have been important components to engage and support individuals in AOT services.

AOT program costs may vary based on each county, but the primary costs are for direct service staff, which often includes a program manager, clinical staff, peer workers and administrative support. Orange County and Nevada County estimated the AOT mental health treatment costs at \$35,000 to \$40,000 per person per year. This aligns with the estimated cost for the Department's new ACT program for adults with serious mental illness that need intensive outpatient services.

In reviewing the evaluations and discussing AOT services with county and consultant colleagues, AOT can be a useful tool to identify, engage and treat a small group of people with serious mental illness who would otherwise be unable to participate in services that they need. However, the data on court-ordered individuals enrolled is limited, and while AOT has produced positive outcomes, it will not engage every person with serious mental illness into services or every loved one that a family member cares about.

Expansion of Behavioral Health Services for Adults and Older Adults

Over the past year, the Department has implemented several new programs to address gaps, expand the continuum of care, outreach and engage individuals for services, and track and evaluate client/consumer outcomes. The intent of the new programs is to connect Adults/Older Adults into the appropriate services for their needs.

New programs include the County-operated In-home Outreach Team (IHOT), which will outreach to Emergency Psychiatric Services (EPS) clients/consumers and connect them to services, and the IHOT community-based teams that will serve clients/consumers and families across the county. For individuals in crisis, there is a Crisis Text Line (text RENEW to 74141) and Adult Mobile Crisis Response Teams that assess individual needs over the phone, identify and connect callers to services, and make home visits when needed. These new services are available 24/7.

Vendors have been selected to provide ACT and Forensic ACT (FACT) services, which are evidence-based and the highest level of outpatient services for individuals with serious mental illness. While these are new services in Santa Clara County, ACT and FACT have demonstrated positive and consistent consumer outcomes for many years and are designed for individuals coming out of hospitals or custody and/or those who need intensive and frequent services. In addition, new Intensive

Full Service Partnerships (FSPs) will provide “whatever it takes” mental health services for Transitional Age Youth, Adults and Older Adults. The ACT, FACT and Intensive FSPs will provide 800 new service slots for adult consumers. Substance Use Treatment Services has increased outpatient services by 220 slots and anticipates serving an additional 800 clients in the next year. Detoxification beds also have been increased from 28 to 36 with an expectation to serve over 500 clients.

The Department’s expansion of Adult/Older Adult services was designed to outreach, engage, connect, and support individuals with serious mental illness and substance use disorders in voluntary, evidence-based services. The new ACT/FACT programs and Intensive FSPs are the same services utilized in the AOT programs.

Implementation is planned for October 2019 and the Department expects an increase in the number of people receiving these intensive services and a decrease in EPS visits, psychiatric hospitalization, incarceration and homelessness over time.

Attachment:

- DHCS Laura’s Law: Assisted Outpatient Treatment Demonstration Project Act of 2002, July 2018



Laura's Law: Assisted Outpatient Treatment Demonstration Project Act of 2002

**For the Reporting Period
May 2016 – April 2017**

**Department of Health Care Services
Mental Health and Substance Use Disorder Services**

JULY 2018

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EXECUTIVE SUMMARY

Assembly Bill (AB) 1421 (Thomson, Chapter 1017, Statutes of 2002) established the Assisted Outpatient Treatment Demonstration Project Act of 2002 in Welfare and Institutions Code (WIC) Sections 5345 – 5349.5, known as Laura’s Law (named after one of the individuals killed during a 2001 incident in Nevada County, California). Laura’s Law requires the Department of Health Care Services (DHCS) to establish criteria and collect outcomes data from counties that choose to implement the AOT program and produce an annual report on the program’s effectiveness, which is due to the Governor and Legislature annually by May 1. Using data provided by participating counties, DHCS is required to provide an evaluation of the effectiveness of the county programs in developing strategies to reduce the clients’ risk for homelessness, hospitalizations, and involvement with local law enforcement. This report serves as the May 1, 2017 annual report and provides outcomes for the May 2016 – April 2017 reporting period.

The table below shows a list of counties that have received Board of Supervisors approval to operate an AOT program, counties that submitted an AOT report to DHCS and, of those, which county AOT reports provided data to DHCS during this reporting period. Seventeen counties have Board of Supervisors approval to operate an AOT program: Alameda, Contra Costa, El Dorado, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Stanislaus, Ventura, and Yolo¹. During this reporting period, 12 counties submitted reports to DHCS: Alameda, Contra Costa, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Francisco, San Mateo, Ventura, and Yolo. Six of these counties had data to report on AOT court ordered or settled² individuals: Contra Costa, Los Angeles, Nevada, Orange, Placer and San Francisco. The remaining six programs did not have court-ordered individuals or had too little data for the reporting year to report to DHCS, but provided information on their programs’ progress. Accordingly, this report reflects aggregate outcomes for 63 individuals from the six counties that reported court-ordered or settled AOT client data to DHCS. This is more than double the number of participants compared to the previous 2015-16 reporting period, which included 28 court-involved individuals in AOT programs.

Participating County Implementation and Reporting Status (as of April 2017)*

County	Board of Supervisors Approval	Submitted a Report to DHCS	Report Included AOT Data
Alameda	X	X	
Contra Costa	X	X	X
El Dorado	X		
Kern	X	X	

¹ Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

² Court “settled” means that the individual receives services through a court settlement, rather than a hearing.

County	Board of Supervisors Approval	Submitted a Report to DHCS	Report Included AOT Data
Los Angeles	X	X	X
Mendocino	X	X	
Nevada	X	X	X
Orange	X	X	X
Placer	X	X	X
San Diego	X		
San Francisco	X	X	X
San Luis Obispo	X		
San Mateo	X	X	
Santa Barbara	X		
Stanislaus	X		
Ventura	X	X	
Yolo	X	X	

*Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

2016-17 Report Summary

There are three important developments for this reporting period: 1) two additional counties provided data on AOT clients as compared to the previous reporting period, 2) the six counties that provided data to DHCS reported a positive impact on the three data items emphasized by the statute governing AOT (WIC Sections 5345-5349.5) – homelessness, hospitalizations, and incarcerations, and 3) counties continue to report that few individuals require court involvement to participate in AOT services. In this reporting period, there were 63 court-involved individuals in the six counties that provided data³.

Laws governing AOT programs require individuals whose cases are court-ordered or settled to receive services in a program that also provides the same services to individuals who are participating in the program voluntarily. Individuals referred for an AOT assessment must be offered voluntary services first before a court petition is considered. The programs reported that the majority of their AOT referrals responded to the initial invitation to participate in voluntary services, and did not require a court petition or process. Counties report that this is due to a successful initial engagement process, as most individuals referred for assessment accept the first offer for voluntary services. Many individuals, due to the symptoms of their mental illness, do not initially access local mental health services, but may accept a voluntary services offer

³ 380 individuals were served voluntarily by the six counties reporting data, the majority were in Los Angeles and Orange counties.

in response to county engagement efforts and to avoid a court process.

Due to the small number of court-ordered or settled individuals in each county AOT program, health privacy laws prevent DHCS from reporting specific numbers on each of the required outcomes. This report reflects the following aggregate findings for the AOT program clients, using data for the six counties that reported data from their AOT services, which were provided during this reporting period:

- Homelessness decreased amongst individuals participating in the program.
- Hospitalization decreased amongst individuals participating in the program.
- Contact with law enforcement decreased amongst individuals participating in the program.
- Most individuals remained fully engaged with services.
- Some individuals were able to secure employment.
- Little victimization⁴ was reported for individuals in the program.
- Violent behavior decreased during the reporting period for some individuals.
- Some clients had co-occurring diagnoses. Many of those individuals were able to reduce substance use.
- Some clients were subject to enforcement mechanisms⁵ ordered by the court during AOT. Some of these individuals were involuntarily evaluated, many had additional status hearings, and many received medication outreach.
- Many individuals achieved moderate to moderately high levels of social functioning.
- Some clients agreed to participate in satisfaction surveys and indicated high levels of satisfaction with services.

There are several noteworthy limitations of DHCS' analysis. Although the reportable data has increased since additional counties have implemented AOT programs, court-ordered participant numbers remain small and counties are not using standardized measures. This makes it difficult to make a comparable evaluation across counties, and further, there is no comparison and/or control group, so it is unknown as to whether or not all of the improvements in participant outcomes were a result of AOT program services or if other factors were involved. Some of the measures are based on self-reports and/or recollections of past events, which may or may not be accurate or reliable. Furthermore, individuals were followed for different periods of time (e.g., individual A may have been followed for one week, while individual B may have been followed for the entire reporting year). As with other programs that have transitory populations in different phases of program completion, there may be carry over data from the prior reporting year. Despite these limitations, the data submitted by counties indicate improvements to many of the reported outcomes for individuals who were served during this reporting period.

⁴ Victimization is based on county definitions and reports of victimization include descriptions of the incidents.

⁵ Examples of enforcement mechanisms used by courts include, but are not limited to, involuntary evaluation, increased number of status hearings, and medication outreach.

INTRODUCTION

AB 1421 (Thomson, Chapter 1017, Statutes of 2002) established the Assisted Outpatient Treatment (AOT) Demonstration Project Act of 2002, known as Laura's Law. AB 1569 (Allen, Chapter 441, Statutes of 2012) extended the sunset date for the AOT statute from January 1, 2013, to January 1, 2017; and AB 59 (Waldron, Chapter 251, Statutes of 2016) extended the sunset date for the AOT statute until January 1, 2022, and added the Governor as a direct recipient of this report. The program was transferred from the former Department of Mental Health (DMH) to the Department of Health Care Services (DHCS) and incorporated into DHCS' county mental health performance contracts with the enactment of SB 1009 (Committee on Budget and Fiscal Review, Chapter 34, Statutes of 2012).

DHCS is required to annually report to the Governor and Legislature on the effectiveness of AOT programs by May 1 of every year. Pursuant to WIC Section 5348, effectiveness of AOT programs is evaluated by determining whether persons served by these programs:

- Maintain housing and participation/contact with treatment;
- Have reduced or avoided hospitalizations; and
- Have reduced involvement with local law enforcement, and the extent to which incarceration was reduced or avoided.

To the extent data are provided by participating counties, DHCS must also report on:

- Contact and engagement with treatment;
- Participation in employment and/or education services;
- Victimization;
- Incidents of violent behavior;
- Substance use;
- Required enforcement mechanisms;
- Improved level of social functioning;
- Improved independent living skills; and
- Satisfaction with program services.

The AOT statute provides a process for designated individuals who may refer someone to the county mental health department for an AOT petition investigation. In order for an individual to be referred to the court process, the statute requires certain criteria to be met, voluntary services to be offered, and options for a court settlement rather than a hearing to be provided.

BACKGROUND

The statutory requirements for Laura’s Law do not require counties to provide AOT programs and do not appropriate any additional funding to counties for this purpose. For many years, only Nevada County operated an AOT program. The passage of SB 585 (Steinberg, Chapter 288, Statutes of 2013) authorized counties to utilize specified funds for Laura’s Law services, as described in WIC Sections 5347 and 5348. Since the enactment of this legislation, an increasing number of counties have implemented AOT. See Appendix A for a history of AOT in California.

Implementation of Laura’s Law

The table below shows a list of counties who have received Board of Supervisors approval to operate an AOT program, counties that submitted an AOT report to DHCS and, of those, which county AOT reports provided data to DHCS during this reporting period. Seventeen counties have Board of Supervisors approval to operate an AOT program: Alameda, Contra Costa, El Dorado, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Stanislaus, Ventura, and Yolo.⁶ Most AOT programs are still in early implementation stages and have few or no clients who are court-ordered or settled.

The following 12 counties submitted reports to DHCS on their AOT programs for the reporting period: Alameda, Contra Costa, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Francisco, San Mateo, Ventura, and Yolo. Of these, Contra Costa, Los Angeles, Nevada, Orange, Placer, and San Francisco counties had data to report based on the individuals participating in their AOT programs that were court-ordered and/or settled. Kern and Yolo Counties reported on their programs, but did not yet have any individuals in AOT programs or did not have enough data to include. Alameda, Mendocino, San Mateo, and Ventura Counties reported on their new programs, but did not have clients during most of the reporting period, and therefore did not have enough data to include.

Participating County Implementation and Reporting Status (as of April 2017)*

County	Board of Supervisor Approval	Submitted a Report to DHCS	Report Included AOT Data
Alameda	X	X	
Contra Costa	X	X	X
El Dorado	X		
Kern	X	X	
Los Angeles	X	X	X
Mendocino	X	X	
Nevada	X	X	X
Orange	X	X	X

⁶ Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

County	Board of Supervisor Approval	Submitted a Report to DHCS	Report Included AOT Data
Placer	X	X	X
San Diego	X		
San Francisco	X	X	X
San Luis Obispo	X		
San Mateo	X	X	
Santa Barbara	X		
Stanislaus	X		
Ventura	X	X	
Yolo	X	X	

* Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

DATA COLLECTION AND REPORTING METHODOLOGY

Most counties have implemented their AOT programs as part of their Mental Health Services Act (MHSA) Full Services Partnership (FSP) programs. Welfare and Institutions Code §5348(d) sets forth the reporting requirements for both the counties and the State and lists the required data elements that, if available, must be included. As a result, counties obtain data for AOT clients from some or all of the following sources:

- Client intake information
- MHSA FSP Outcome Evaluation forms
 - Partnership Assessment Form – The FSP baseline intake assessment.
 - Key Event Tracking (KET) – Tracks changes in key life domains such as employment, education, and living situation.
 - Quarterly Assessment – Tracks the overall status of a partner every three months. The Quarterly Assessment captures data in different domains than the KETs, such as financial support, health status, and substance use.
- “Milestones of Recovery Scale” (MORS)⁷
- Global Assessment of Functioning – Indicates the level of presence of psychiatric symptoms.

⁷This scale was developed from funding by a Substance Abuse and Mental Health Services Administration grant and designed by the California Association of Social Rehabilitation Agencies and Mental Health America Los Angeles researchers Dave Pilon, Ph.D., and Mark Ragins, M.D., to more closely align evaluations of client progress with the recovery model. Data collected from the MORS is used with other instruments in the assessment of individuals functioning level in the Social Functioning and Independent Living Skills sections. Engagement was determined using a combination of MORS score improvement, contact with treatment team tolerance and social activity.

- Mental Health Statistics Improvement Program Consumer Surveys – Measure matters that are important to consumers of publicly funded mental health services in the areas of access, quality, appropriateness, outcomes, overall satisfaction, and participation in treatment planning

Counties collected and compiled the required information into written reports, which were submitted to DHCS. Due to the small population sizes reported, AOT clients may be identifiable. DHCS is committed to complying with federal and state laws pertaining to health information privacy and security.⁸ In order to protect clients' health information and privacy rights, summary numbers for each of the specified outcomes cannot be publicly reported. In order for DHCS to satisfy its AOT program evaluation reporting requirement, as well as protect individuals' health information, DHCS adopted standards and procedures to appropriately and accurately aggregate data, as necessary.

⁸ Federal laws: Privacy Rule and the Security Rule contained in the Health Insurance Portability and Accountability Act and clarified in Title 45 Code of Federal Regulations Part 160 and Subparts A and E of 164. State Laws: Information Practices Act and California Civil Code Section 1798.3, et. seq.

FINDINGS FOR REPORTING PERIOD May 1, 2016 – April 30, 2017

Based on county-reported data, there are very few individuals entering the AOT programs as a result of court orders or settlements. Individuals referred for an AOT assessment must be offered voluntary services before a court petition is considered. The programs reported that the majority of their AOT referrals responded to the initial invitation to voluntary services and did not require a court petition or process. Counties report that this is due to a successful initial engagement process, as most individuals referred for assessment accept the first offer for voluntary services.

Although 16 counties have implemented AOT programs, the data summarized in this report reflect the six counties that had data for court-ordered or settled individuals. Data for these counties are aggregated, with highlights of each program listed first. The six counties' AOT programs collectively served a total of 63 court involved individuals. This is more than double the number of participants as compared to the last reporting period, in which 28 individuals were in AOT programs.

Part I: County Programs Serving AOT Court-Involved Individuals – Contra Costa, Los Angeles, Nevada, Orange, Placer, and San Francisco

County Program Unique Highlights

Contra Costa County reported that, during its first year of operation, 91 percent of individuals referred for assessment for AOT services accepted voluntary services.

Los Angeles County reported serving voluntary clients since 2010 in a pilot AOT program. The county then fully implemented and expanded its AOT program in 2015. This is the first reporting year that Los Angeles has had court-ordered or settled AOT participants. As with the other counties, the Los Angeles court-ordered or settled participants are a fraction of its overall number of AOT participants.

Nevada County has had the longest running AOT program, dating back to 2008. Consistently over that time, the majority of the referred individuals accepted the program's invitation to participate in voluntary services rather than requiring a court-order or settlement.

Orange County noted that, while there was overall improvement in housing over the reporting period, participants still experienced challenges finding and maintaining housing.

Placer County continues to be in the early stages of providing AOT services to individuals and has a small number of participants.

San Francisco County has developed an [AOT Care Team](#), which is responsible for AOT court petitions and advocating for AOT individuals with preexisting charges to be referred to collaborative courts such as Behavioral Health Court. Behavioral Health Court is focused on family support including offering resources such as a Family Liaison, information, and assistance navigating the mental health and criminal justice systems. San Francisco County continues to host a quarterly conference call with other counties that have implemented AOT to share information and experiences of AOT programs.

Demographic Information

Counties reported that the majority of participating individuals were Caucasian males between ages 26 and 59. This is similar to the information from the last reporting period, which indicated the majority of individuals in the programs were males identifying as Caucasian between 26 and 59 years of age. Some counties reported seeing more racial diversity in their AOT populations, and more female participants.

Homelessness/Housing

In the previous reporting period, homelessness among those served decreased. For this reporting period, counties reported modest reductions in homelessness, with the majority of clients obtaining and maintaining housing while in the AOT program.

Hospitalization

In the last reporting period, many of the individuals who were hospitalized prior to receiving AOT services experienced decreases in their hospitalization days. This reporting period, most programs reported that the majority of clients with psychiatric hospitalizations prior to AOT either reduced their days of hospitalization during AOT or entirely eliminated hospitalizations.

Law Enforcement Contacts

In the last reporting period, programs reported law enforcement contacts (measured as “days of incarceration”) were reduced for all individuals that had experienced incarceration days prior to AOT. For this reporting period, this trend continues as all programs reported reductions in law enforcement contact for participants in AOT programs.

Treatment Participation / Engagement

For the previous reporting period, participants’ ability to engage and participate in treatment varied significantly. Counties indicated that programs focused on assisting individuals with critical symptoms who were reluctant to approach treatment, and most participants were able to achieve at least moderate levels of engagement. For this reporting period, the majority of the participants again were able to engage in treatment and remain in contact with their programs. This continues to result in positive outcomes for reducing hospitalizations, incarcerations, and homelessness.

Employment

In the prior reporting period, few clients were employed while in the program. Generally, clients were either not far enough along in treatment to gain employment or the AOT program had not yet implemented employment services as a component. For this reporting period, there was an increased level of employment for individuals across programs, including some participation in education.

Victimization

For the previous reporting period, there were few reported instances of victimization for participants prior to AOT program participation, and none reported for individuals during their AOT program participation. For this reporting period, there were again few reports of victimization, with some programs reporting that individuals were reluctant to share such information via the questionnaires that were used. These programs indicate that they will modify their questionnaires and/or programs to provide more comfortable means for individuals to share such sensitive information.

Violent Behavior

In the prior reporting period, counties reported an overall decrease in violent behavior. In the current reporting period, some programs reported violent episodes for individuals who were struggling with initial phases of stability, and other programs reported that the AOT program participants displayed decreased violent behavior or that they did not collect data on this outcome measure.

Substance Abuse

During the last 2015-16 reporting period, one AOT program reported a decrease in substance use for the majority of its clients; however, most AOT programs could not report on the AOT program's impact on substance use due to lack of information provided by the participants.

For the 2016-17 reporting period, all programs reported varying levels of challenges with participant substance use. The majority of individuals in AOT have co-occurring diagnoses, meaning that they have both mental health and substance use disorder diagnoses. This presents a complication for programs to support individuals in recovery from both issues. In some cases, the majority of individuals in the programs relapsed during AOT, while other programs reported the majority were able to avoid substance use.

Enforcement Mechanisms

For the last reporting period, medication outreach (e.g., visiting clients to discuss medication, helping prepare medication boxes) was the enforcement mechanism used most often to support individuals who experienced challenges in managing and regularly administering their own medications. Some programs used status hearings as a vehicle to help individuals re-focus on their treatment goals and self-care when they were

missing appointments and their mental health was beginning to decompensate.

For this reporting period, the most common enforcement mechanisms used were additional status hearings, with a small group of individuals receiving orders for hospitalization for the purpose of psychiatric evaluation. Some programs provided medication outreach as a regular support for their participants.

Social Functioning

For the prior reporting period, all AOT programs provided DHCS with anecdotal information on clients' increased social functioning, generally credited to the staff's ability to develop good rapport with the clients.

For this reporting period, overall, AOT programs reported increased social functioning and considered the participants' ability to interact with staff and tolerate therapeutic interactions a significant outcome in this area.

Independent Living Skills

For the last reporting period, most programs communicated to DHCS that the participants needed guidance with a wide array of independent living skills, such as medication management, money management, housing maintenance, and activities of daily living (e.g., dental hygiene), especially those who were generally homeless or frequently hospitalized prior to the court order.

During this period, programs reported that the majority of individuals improved in their independent living skills, as indicated by improved scores on the Milestone of Recovery Scale, and demonstrated strengthened skills in stress management, improved hygiene, food preparation, and transportation.

Satisfaction with Services

For the last reporting period, most AOT programs leveraged the annual Mental Health Statistics Improvement Program to report satisfaction with services. Because satisfaction surveys are voluntary, some clients refused to complete them. AOT Programs that surveyed clients and families found that the majority responded positively about the program and services.

For this reporting period, the majority of surveyed individuals were also satisfied with their services. Some programs have or are developing their own survey tool to capture individual responses that are unique to AOT programs rather than utilizing a pre-established survey, which include services beyond AOT.

Part II: Programs with No AOT Court Ordered Individuals –

El Dorado, Kern, Mendocino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Ventura, and Yolo Counties

County Program Unique Highlights

El Dorado County is implementing AOT by conducting a pilot program and currently has voluntary clients.

Kern County began services in Fall 2015 and continues to have only voluntary clients during both the current and previous reporting periods.

Mendocino County has implemented a four-slot pilot program for AOT and had no court-ordered or settled participants.

San Diego County just completed the first year of their new program with no court-ordered or settled participants.

San Luis Obispo County is still in the early stages of implementing their new program.

San Mateo County assembled a team consisting of a Clinical Services Manager, one half-time Psychologist, one Psychiatric Social Worker, one half-time Deputy Public Guardian and two half-time Peer Support Workers that travel throughout the county to evaluate individuals and provide referrals to services if needed. San Mateo County includes a Peer Support Worker to enhance engagement and support for individuals encountering the AOT program.

Santa Barbara County did not have a full year of the new program for this reporting period and did not have any court-ordered or settled participants.

Ventura County recently began receiving individuals, but did not have any during the reporting period.

Yolo County has a five slot AOT program, which was implemented three years ago. To date, it has only voluntary individuals have utilized the program.

Summary of Programs

The numbers of individuals participating in AOT services statewide has increased since more counties have implemented AOT programs. Programs report that ongoing efforts to develop robust engagement and support strategies have led to more engaged participation in AOT programs and voluntary participation in AOT services. With continued success in this area, programs are likely to maintain low numbers of individuals that require court involvement.

LIMITATIONS

There are several noteworthy limitations of DHCS' analysis. Although participating counties have provided additional data, court ordered client numbers remain small. The small population size makes it difficult to determine if the data allows for statistically significant conclusions. Additionally, counties are not using standardized measures, which makes it difficult to make comparisons across counties. Further, there is no comparison and/or control group, so it is unknown as to whether or not the improvements were a result of AOT program services, or other factors. Some of the measures are based on self-reports and/or recollections of past events, which may or may not be accurate or reliable. Furthermore, individuals were followed for different periods of time (e.g., individual A may have been followed for one week, while individual B was followed for the entire reporting period). As with other programs that have transitory populations in different phases of program completion, there may be carry over data from the prior reporting period.

Despite these limitations, DHCS' analysis suggests improved outcomes for AOT program participants served during the reporting period. Notably, the majority of individuals referred for an assessment opt to engage in voluntary AOT program services after being offered those services as part of the assessment process.

DISCUSSION

The data provided by counties suggest that individuals have benefited from participation in AOT programs, as evidenced by reductions in hospitalizations, homelessness, contact with law enforcement, and substance use. With respect to individuals that have both substance use and mental health issues, it is important to understand that concurrently recovering from both represents enormous challenges and requires a great deal of support and counseling. Some counties found that there were challenges with participants relapsing and at times relapses lead to further psychiatric hospitalizations.

Prior to participating in an AOT program, many individuals' experience with mental health treatment mainly involved locked facilities or hospitalization. Therefore, many clients had to adjust to forming relationships with supportive community mental health workers and to receiving intensive services outside of a locked setting. The success of this adjustment was indicated by the engagement by most individuals in AOT programs overall, whether voluntary or involuntary, and by the majority of individuals who completed a satisfaction survey indicating that they were satisfied with the services and supports.

Counties continue to report that only a small fraction of their overall AOT program populations (voluntary plus involuntary individuals) require a court order or settlement to participate. This suggests that counties are maintaining a strong effort to engage individuals in voluntary services and avoiding the court petition process.

CONCLUSION

Seventeen counties currently have Board of Supervisors approval to operate an AOT program. During this reporting period, 12 counties submitted reports to DHCS, six of which had data to report on AOT court-ordered or settled individuals. The other reporting AOT programs did not have court-ordered or settled client data to report to DHCS, but provided information on their programs' progress. This report includes aggregate outcomes from 63 individuals from the six counties that reported court-ordered or settled AOT client data to DHCS.

The data indicates that the program was successful in reducing the need for hospitalizations and/or incarcerations, largely due to an increased amount of support, and increasing employment during this reporting period. DHCS recommends continuing to monitor the progress and effectiveness of the services in the programs as counties develop and expand their programs, and ensuring that any other counties that choose to implement Laura's Law report data to DHCS, as required.

Appendix A

History of Involuntary Treatment and the Development of Laura's Law in California

Among significant reforms in mental health care, the Lanterman-Petris-Short (LPS) Act (Chapter 1667, Statutes of 1967) created specific criteria by which an individual could be committed involuntarily to an inpatient locked facility for a mental health assessment to eliminate arbitrary hospitalizations. To meet LPS criteria, individuals must be a danger to themselves or others, or gravely disabled due to a mental illness (unable to care for daily needs). Following LPS, several state hospitals closed in 1973 to reduce the numbers of individuals housed in hospitals, and the intent at the time was to have communities provide mental health treatment and support to these discharged patients. However, due to limited funding, counties were unable to secure the resources necessary to provide adequate treatment or services. As a result, many of the individuals released from the hospitals ended up homeless or imprisoned with very little or no mental health treatment.⁹

In 1999, the state of New York (NY) passed a law that authorized court-ordered AOT for individuals with mental illness and a history of hospitalizations or violence requiring that they participate in community-based services appropriate to their needs. The law was named Kendra's Law in memory of a woman who died after being pushed in front of a New York City subway train by a man with a history of mental illness and hospitalizations. Kendra's Law defines the target population to be served by the AOT programs as "...mentally ill people who are capable of living in the community without the help of family, friends and mental health professionals, but who, without routine care and treatment, may relapse and become violent or suicidal, or require hospitalization." The program is required in all counties in NY and the individuals served by court order have priority for services. Kendra's Law improved a range of important outcomes for its recipients,¹⁰ but differs from California's Laura's Law in two significant ways. It requires that all counties in NY implement AOT programs, and requires that the clients accessing these programs have priority for services.

Patterned after Kendra's Law, California passed AB 1421 (Thomson, Chapter 1017, Statutes of 2002), known as Laura's Law, that provides for court-ordered community

⁹ For additional historical information, see Laura's Law legislative report 2011 at:

<http://www.dhcs.ca.gov/services/MH/Documents/4LaurasLawFinalReport.pdf>

¹⁰ See Kendra's Law, Final Report on the Status of Assisted Outpatient Treatment Outcomes for Recipients during the First Six Months of AOT [Office of Mental Health, State of New York 2005, http://www.omh.ny.gov/omhweb/kendra_web/finalreport/outcomes.htm] and the New York State Assisted Outpatient Treatment Program Evaluation [Swartz, MS et al. Duke University School of Medicine, Durham, NC, June, 2009, http://www.macarthur.virginia.edu/aot_finalreport.pdf].

treatment for individuals with a history of hospitalization and contact with law enforcement. It is named after a woman who was one of three killed in Nevada County by an individual with mental illness who was not following his prescribed mental health treatment. The legislation established an option for counties to utilize courts, probation, and mental health systems to address the needs of individuals who are unable to participate on their own in community mental health treatment programs without supervision. Laura's Law authorizes counties to implement an AOT program and specifies that funding for established community services may not be reduced to accommodate the program. Laura's Law has resulted in reductions in homelessness, incarceration, and hospitalization for these individuals.

County of Santa Clara
Santa Clara Valley Health & Hospital System
Mental Health Services



99307

DATE: December 17, 2019
TO: Board of Supervisors
FROM: Toni Tullys, Director, Behavioral Health Services
SUBJECT: Report on Safe Places and Support Services for Mentally Ill/Dually Diagnosed Individuals

RECOMMENDED ACTION

Under advisement from November 5, 2019 (Item No. 16): Receive report relating to safe places and support services for individuals who are mentally ill and dually diagnosed. (Behavioral Health Services Department)

FISCAL IMPLICATIONS

This is an informational report; therefore, there is no net fiscal impact as a result of this action.

CONTRACT HISTORY

Not applicable.

REASONS FOR RECOMMENDATION

At the request of Supervisor Chavez and Supervisor Cortese, Board Referral Item Number 16 (ID# 98761) approved on November 5, 2019, directs the Behavioral Health Services Department (Department) to provide a report on December 17, 2019 with options for consideration relating to the provision of safe places and support services for members of the community with high needs, who are severely mentally ill (SMI), dually diagnosed, and unhoused.

The following report addresses the options available to enhance engagement and provide support to provide for this population's safety and wellbeing. In addition, these options would help ensure that traditionally hard to engage members of the community would be able to gain access to and sustain participation in services that are safe and available day and night.

To better evaluate the potential options for enhancing engagement with services, included below is an overview of the support services the County currently provides for high needs, SMI, dual diagnosed, and unhoused people.

This Fall, in an effort to increase the services available for this population, the Department stood up the Assertive Community Treatment (ACT) Program, Forensic Assertive Community Treatment (FACT) Program and the In-Home Outreach Team (IHOT). Additionally, the Department has selected vendors to provide Intensive Full-Service Partnerships (IFSPs), which are based on the ACT model. These services will provide 800 new service slots for adult/older adult consumers. Substance Use Treatment Services (SUTS) has increased outpatient services by 220 slots and anticipates serving an additional 800 clients in the next year. Community-based detoxification beds also have been increased from 28 to 36 with an expectation of serving over 500 clients.

To ensure that clients/consumers and family members could provide their suggestions on the new and expanded services, the Department held a Peer and Family Support Services Discussion Group Meeting on December 5, 2019. Clients/consumers, peer workers, family members and National Alliance on Mental Illness (NAMI) staff met with Department leaders and senior managers to share their ideas for the service delivery system.

Intensive Services Launched Fall 2019

The ACT program is a long-standing evidence-based practice that has been widely used across the country for individuals with intensive mental health needs. With fidelity to the ACT model, outcomes are positive for high need clients. The ACT program will provide a comprehensive approach to serve 200 severely mentally ill individuals and will assist the homeless, severely mentally ill and individuals with both mental illness and substance use disorders by using a multi-disciplinary team approach to care. The treatment will include a psychiatrist, nurse, case managers, and peer support workers. The program is characterized by 1) low client to staff ratio, 2) a shared caseload among team members providing a coordinated care approach to service delivery, and 3) 24-hour staff availability. Referrals for this level care of care can occur through system partners such as the Office of the Public Guardian (OPG), the Office of Supportive Housing (OSH), and Whole Person Care (WPC).

The FACT Program serves high-risk criminal justice-involved adults (ages 18 to 59) and older adults (ages 60 and over) with severe and persistent mental health and/or co-occurring conditions that result in substantial functional impairments or symptoms. Due to the recalcitrant nature of their symptoms, these individuals are more likely to experience a high utilization and repetitive cycle of incarceration, homelessness, substance use, crisis, and/or hospitalization.

The FACT team, upon making a determination that the consumer has a history of chronic homelessness, will complete the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT) to quickly assess the health and social needs of homeless individuals - matching them with the most appropriate services, support and housing interventions available. Immediate assistance with securing supported housing arrangements, including linkage to safe and permanent housing upon graduation from FACT, will be provided to these individuals.

The provision of FACT services will result in a diversion of individuals from correctional/judicial systems and higher levels of care which in turn will help reverse the cycle of ongoing criminal justice involvement. From the inception of treatment, FACT teams will address housing challenges for this population by conducting the VI-SPDAT which will play a critical role in addressing resistance from participants around housing, finding appropriate housing options for this population, and teaching participants skills necessary to live independently. This will prepare the individual for a more seamless transition into long-term permanent housing.

Pay for Success “Partners in Wellness” Update and Outcomes

On October 18, 2019, the Department submitted an off-agenda report to the Board of Supervisors on the outcomes to date of the County’s Pay for Success “Partners in Wellness” program. (Attached) In 2015, the Office of the County Executive (“County”) recognized that the Department cared for many high-need individuals who make extensive use of 24-hour psychiatric services (e.g., EPS, Barbara Aarons Pavilion, Institutes of Mental Disease (IMDs) and contract inpatient psychiatric hospitals) without finding stable recovery in the community. This was obviously hard on those clients and posed significant fiscal and logistical challenges for the county. To serve such individuals more effectively, while also being a good steward of public funds, the County launched a highly innovative “pay for success” mental health initiative in 2016.

The Department contracted with Telecare Corporation, the selected vendor in a procurement process, to provide a package of ACT and Supported Housing to individuals who both experience serious mental illness and have a history of extensive, repeated 24-hour psychiatric service utilization.

The Telecare agreement included two key components. First, individuals were randomly assigned to Telecare versus standard services, which will allow a rigorous assessment of the project’s conclusion about its clinical impact on clients. Second, under a novel financial agreement, Telecare would receive financial bonuses if it were unusually successful at reducing unnecessary 24-hour psychiatric utilization and would face financial penalties if they were not successful in this task.

During the first evaluation period (January 1, 2017 – June 30, 2017) and the second evaluation period (July 1, 2017 -June 30, 2018), Telecare patients required substantially lower than expected 24-hour psychiatric services. This included Telecare exceeding targets for reduced use of acute BAP services by 50% and use of IMDs by over 60%. For both periods, Telecare received the maximum pay for success bonus because they had overperformed so significantly. Analysis of the third evaluation period (July 1, 2018 – June 30, 2019) is nearly complete and while not finalized, again indicates very strong performance by Telecare at reducing psychiatric utilization.

As noted above, the Department has implemented ACT across the Adult and Older Adult (AOA) System with the goal of improving outcomes for all clients that would benefit from this level of care.

In-Home Outreach Team Launched Fall 2019

The IHOT is comprised of county-operated and contracted providers. This program is designed to 1) serve as an after-care program for individuals referred by law enforcement to the Mobile Crisis Response Team (MCRT). The IHOT will provide intensive outreach services by engaging the individuals and linking them to on-going services. The county-operated IHOT will also coordinate with Emergency Psychiatric Services (EPS) and provide outreach and engagement services to individuals who do not meet the criteria for inpatient hospitalization but require assistance in linkage to on-going outpatient services. Finally, the IHOT will serve as a care coordination team for individuals who may be receiving services through the OSH or through a conservatorship.

Enhanced Street Outreach and Engagement

Since the implementation of the Homeless Mentally Ill Outreach and Treatment (HMIOT) program, over 200 VI-SPDAT assessments have been completed. When HMIOT identifies homeless individuals with mental illness, they are referred to the HMIOT clinical outreach team. Currently, over 40 clients are enrolled and actively working with the clinical outreach team for continual engagement, crisis intervention, and linkage to services. Among those enrolled in HMIOT program, there was zero utilization of EPS. This is a 100% reduction in EPS services. The clinical outreach team responds to special cases addressing the needs of the homeless severely mentally ill individuals on the streets. As needed and as appropriate these individuals are assessed, provided with basic needs, interim housing/shelter, and continual follow up until they are linked to services. Among those who are enrolled with the clinical outreach team, over 50% are enrolled in Permanent Supportive Housing (PSH) programs, waiting for housing to become available.

Expansion of Wellness and Drop-In Centers

The Department continues to work on implementing culturally specific wellness and drop-in centers countywide. A Request for Proposal (RFP) to expand Wellness Centers and other community-based support services will be released in December 2019. These centers are designed to help create access and linkage to behavioral health treatment for unserved and underserved individuals and their families using strategies that are non-stigmatizing. Unlike the traditional Medi-Cal authorized services, the drop-in centers will operate using an open-door policy, whereby individuals not diagnosed with behavioral health-related disorders will also be welcome and free to attend. These wellness or drop-in centers can be co-located with non-clinical cultural services. These centers are expected to begin operations in July 2020.

The Call Center: “No Wrong Door” Approach

Through the use of updated workflows, additional staff training, and technology enhancements, the Call Center has implemented a concept typically referred to as the “No Wrong Door” approach. While supporting the Department’s compliance with network adequacy requirements, this concept has also proved to be beneficial in supporting individuals with coexisting mental health and substance abuse problems. Using this approach, individuals are connected to the appropriate services, resulting in “no wrong door” for access to these services. This includes services related to “same-day” access, and/or direct access to both mental health and substance use treatment services. With the new and expanded levels of care, individuals can more easily be directed or transitioned to levels of service which best meet their needs.

Crisis Stabilization Unit and Sobering Center

These are two distinct services that are offered by the Department. The Crisis Stabilization Unit (CSU) program provides up to 23 hours of psychiatric care to individuals experiencing a mental health crisis. The CSU provides crisis intervention, crisis stabilization, limited medical evaluation, and support. The program offers linkages to culturally and linguistically appropriate follow-up care for outpatient individuals within the Department’s continuum of care. Individuals can be brought in by law enforcement, be referred by community providers, or receive referrals from the EPS for follow-up care and coordination.

The Sobering Center provides up to 23 hours of care to individuals that are under the influence of alcohol. This program provides support during the individual’s stay while they dissipate the effects of alcohol intoxication. Staff assess the health and social needs of individuals and make referrals to appropriate community resources upon discharge from the program. Referrals are principally from local law enforcement agencies, followed by the EPS and/or the Emergency Department (ED), and individuals who voluntarily enter the program.

Both programs serve the community and provide alternative services to incarceration. Individuals that are provided housing are either affected by a mental health crisis or have relapsed to alcohol use that can negatively affect their permanent housing. These interim

services allow for stabilization and augmented case management services to address the stressors that have resulted in crisis or abuse of alcohol.

Expansion of Walk-In Shelter Beds (Short-Term Needs)

As of April 2019, there were 98 programs with a total unit capacity of 1,742. Over the past year, these programs have collectively served almost 7,500 individuals.

Inclement weather utilization increased from 27% to 44% over the past year. This increase is due to improved coordination with partners such as the National Weather Service, 211, Alert SCC, and the City of San Jose. In addition, through increased outreach and advanced inclement weather episode notification to homeless individuals; there was an enhanced awareness of the availability of beds that resulted in higher utilization. The majority of individuals and families accessing shelter and transitional programs are assessed at entry. The assessment provides information about the level of need for the household, as well as adds the household to the community queue for housing programs. During this reporting period, the individuals enrolled in the shelter and transitional programs had the following characteristics:

- Forty percent (40%) of shelter participants and 23% of transitional participants were assessed in the Permanent Supportive Housing range, indicating they may need permanent assistance to obtain and retain stable housing. Thirty-six percent (36%) of shelter participants and 43% of transitional participants were assessed at the Rapid Rehousing level, indicating a need for time-limited assistance to obtain and retain housing. The number of participants assessed at these levels far exceeds the resources available to serve all participants accessing either program.
- Participants of both shelter and transitional programs indicated a significant number of challenges related to personal wellness, demonstrating a need to address a wide range of issues to increase the participants' ability to obtain and maintain stable housing. This includes 51% of shelter participants and 25% of transitional participants reporting abuse or trauma and 27% of shelter participants and 12% of transitional participants reported a mental health issue or concern.
- Approximately a quarter (23%) of participants leaving shelter and half (48%) of the participants leaving Transitional Housing are exiting to a permanent destination. Until additional housing programs are available to serve participants (as they leave either of these programs), this percentage will likely remain stable.

New Adult Residential Treatment Program

The Department is implementing a new Adult Residential Treatment (ART) program designed for individuals who can take part in programs in the general community, but who without the supportive counseling in a therapeutic setting would be at risk of hospitalization. Without the long-term unlocked residential treatment, these individuals are more likely to be hospitalized. The ART program's goal is to provide a structured recovery-oriented residential setting that assists consumers to improve life skills and reduce functional impairments. The ART will serve individuals diagnosed with SMI and substance use disorders. The program is expected to engage adults and older adults with complex risk factors that include violence, homelessness, neglect, justice-involved and those exposed to trauma.

The ART RFP was released on November 20, 2019, with the intent of selecting one or more vendors by May 12, 2020 with an estimated contract start date on July 1, 2020. The RFP is requesting proposals that can provide both direct services and manage facility needs.

Measures to Increase and Prevent Decline of Board and Care Homes and Beds

The AOA System of Care is working with the OSH and Facilities and Fleet (FAF) to purchase board and care homes that have plans to close and go out of business. To support potential purchase(s) for the SMI/co-occurring population, the Department included the County's maximum allowable Mental Health Services Act (MHSA) funding (\$8 million) in the MHSA Plan Update to purchase and operate residential care facilities; this funding can be used for up to ten (10) years. By purchasing and preventing the closure of these homes, the intention is to mitigate the displacement of consumers currently living in these homes and abate further homelessness.

In addition, the Department recently received the Los Angeles County Mental Health Department (LADMH) report on stabilizing board and care facilities, recognizing the critical importance of maintaining and increasing these facilities. This report was approved by the Los Angeles County Board of Supervisors on November 12, 2019 and the Department, with OSH, plans to follow up with the LADMH team in December 2019.

In an effort to increase and prevent the decline of the board and care homes and beds, the AOA System of Care Division Director convenes a quarterly stakeholder meeting with the State Community Care Licensing staff and the Public Guardian Office. This meeting is used to collaborate and discuss ways to provide on-going support for existing board and care facilities that are struggling to maintain their licensure due to several deficiencies in their facility.

Hospital Discharge Transition Treatment Team

The Department continues to work on reducing the use of inpatient psychiatric hospital services for individuals diagnosed with serious mental illness. The readmission rate measures the unplanned readmissions of individuals who have been discharged from acute psychiatric

hospitals within the past 30 days. The AOA Hospital Liaison implemented a practice management solution to improve data captured at the Barbara Aarons Pavilion (BAP) and contract hospitals to allow for more efficient intervention.

To address the readmission rate, a pilot project using an Inpatient Liaison was instituted at the BAP in 2017, with the aim to provide care coordination for patients discharging from the hospital. Care coordination has improved for consumers transitioning from inpatient hospitals back into the community. In addition, the Inpatient Liaison has improved relationships with the Outpatient Treatment Team service providers and inpatient providers by instituting quarterly meetings with the inpatient and outpatient providers to discuss challenging issues that affect clients. Another area of improvement is the Inpatient Liaison's ability to flag consumers with two hospitalizations, through early identification and proactive case management of these high-risk patients, thereby reducing readmissions. The AOA System continues to track the monthly readmission rate, which is currently 10.7 %, a slight increase in the readmission rate due to several high-need, high acuity clients waiting for state hospital beds.

New Step Down Service Option to Support Wellness and Recovery

The new Wellness and Recovery Medication Services (WARMS) was initially piloted in County-operated mental health clinics and has been fully implemented at the Downtown Mental Health and Narvaez Clinics. WARMS was developed to support adult outpatient clients in maintaining their level of wellness with case management, peer support and medication support that is provided every 4-12 weeks from a psychiatrist and licensed psychiatric technician. For this lower level of care, clients continue to receive: 1) an annual mental health assessment, 2) ongoing treatment planning, and 3) light touch case management. In the past fiscal year, mental health contract providers communicated their interest in implementing WARMS to support their outpatient level of care. Currently, there are six (6) contract providers utilizing this option, and in the next fiscal year, the program will be expanded to all AOA outpatient providers.

Exploration of Medical-Detoxification Services (MHTC)

The MHTC is a service benefit covered under the Drug Medi-Cal Organized Delivery System Waiver (DMC-ODS). This would not be a "center," but rather a medical service provided in a hospital setting. The Department is working with Valley Medical Center leadership to explore implementation of an MHTC service that would provide medical detoxification and supportive treatment for clients. The intervention addresses severe addiction to drugs and/or alcohol that requires medical supervision as the individual detoxes from the substance. For individuals who are severely addicted to alcohol and other drugs, such as benzodiazepines, detoxification can be life-threatening during the early stages of detoxification. This is further exacerbated when an individual also has a chronic health condition that can further complicate the detoxification process.

To manage detoxification in these circumstances, medical interventions (including the administering of medication to minimize the deleterious effects of the detoxification process) are required. The services offered through SUTS are routinely provided to individuals that are homeless, involved with the criminal justice system, and have co-occurring mental health symptoms. These augmented services would effectively address and stabilize individuals with acute addiction issues who are involved with all system partners that also serve this population.

Enhanced Lanterman-Petris-Short (LPS) Act Conservatorship

Mental health conservatorships, also known as LPS conservatorships, are established to provide mental health services for Santa Clara County residents who are gravely disabled (unable to provide for their food, clothing or shelter) due to serious mental illness. These individuals have been found by the Court unable or unwilling to accept voluntary treatment. Mental health conservatorships are also known as Lanterman-Petris-Short conservatorships or “LPS”, named after the state Assemblyman and Senators who wrote the legislation. The law went into effect in 1972. This procedure is established in the California Welfare and Institutions Code (WIC).

Mental health conservatorship is a legal procedure through which the Superior Court appoints a conservator of the person to authorize psychiatric treatment, including the use of psychotropic medications and placement in a locked facility. The conservatee must meet the narrow definition of grave disability due to a serious mental disease.

LPS conservatorships may only be initiated by a psychiatrist while a client is in an acute psychiatric setting. Only psychiatric facilities (including jail psychiatry), may make referrals for conservatorships. Clinicians have discretion about when to refer; the treating physician may choose not to refer if it is believed that a client will recover before the hold expires. If a person reaches the 17-day limit for a hospital hold, they must be released unless a conservatorship is in place.

LPS conservatorships start with a 72-hour psychiatric hold (also known as a Welfare and Institution Code (WIC) Section 5150 hold). If clients continue to be considered gravely disabled and need additional intensive treatment, a psychiatric clinician may file for a 14-day hold (WIC Section 5250 hold). Under these WIC provisions, a patient can be held for a maximum of 17 days without conservatorship. After the first three days, the client has the right to a hearing and representation by the Public Defender.

Upon receiving a referral, the Public Guardian Conservator will determine if the referral is appropriate (that the client is a Santa Clara County resident and is on an involuntary hospital hold). If deemed appropriate, the Public Guardian Conservator works with County Counsel to petition the Superior court to grant a temporary conservatorship (T-con). This ensures that

the client will continue to receive appropriate care during the judicial process. Once the T-con is granted, the Public Conservator completes an investigation, including consulting with the psychiatrist, reviewing medical records and meeting with family (if appropriate). The Public Guardian Conservator then works with County Counsel to file a petition with the Court for continued conservatorship. If the T-con expires before the petition is ready, the Court may grant a 30-day extension.

Proposed conservatees are appointed representation by an attorney from the Office of the Public Defender. If the Court determines that the client is gravely disabled due to serious mental illness and are unable or unwilling to accept voluntary treatment, the client is placed on a “permanent” conservatorship, which lasts up to one year. The client has a right to appeal the conservatorship and may request a trial.

The Public Guardian Conservator works with the Department’s 24-Hour Care team to place the client in treatment, which generally includes finding an appropriate residential facility based on the physician’s recommendation and the needs of the client. The Public Guardian Conservator:

- Prepares reports for the Court
- Recommends appropriate level of placement, seeking the best and most independent living environment available, within the conservatee’s abilities and resources
- Monitors psychiatric care in collaboration with treatment team
- Consents to medical treatment and psychiatric medications when authorized
- Advocates on behalf of conservatees
- Provides case management for clients

A general LPS conservatorship lasts for a year or until it is determined that the conservatee no longer meets the legal criteria for conservatorship. At the end of the year, if the conservatee continues to meet the criteria for conservatorship, County Counsel files a petition for renewal of conservatorship.

Implementation of Assisted Outpatient Treatment (AOT)

In 2002, California passed The Assisted Outpatient Treatment Demonstration Project Act, aka Laura’s Law, authorizing the provision of assisted outpatient treatment (AOT). As explained in reports to the Health and Hospital Committee (HHC) on September 13, 2017 (ID# 88121) and August 22, 2019 (ID# 97937),¹ this law allows courts, in certain circumstances after following a specific set of procedures, to order people to receive

¹ These reports are attached to this report for ease of reference.

involuntary outpatient mental health services.² The 2002 law did not provide any funding for implementing AOT³ and specifies that funding for voluntary mental health programs may not be reduced as a result of the implementation of AOT. Each County Board of Supervisors must approve AOT implementation in its county.

Currently, 20 counties have implemented AOT and are able to use the court system to enroll in involuntary outpatient treatment people with serious mental illness who are unable and/or unwilling to participate in treatment and meet the criteria established in Welfare & Institutions Code § 5346. As part of the AOT process, before AOT proceedings can begin, the person must have been offered an opportunity to participate in a treatment plan and continue to fail to engage in treatment. So far, the vast majority of people involved in an AOT program voluntarily engaged with services before court proceedings began.

The most recent information available about the outcomes of those 20 AOT programs is derived from data six counties provided⁴ to the California Department of Health Care Services (DHCS) for the 2016-2017⁵ time period. During that time period, there were 63 court-involved individuals in the six reporting counties. All of the data collected indicates that those 63 people benefited from being connected to treatment via AOT: homelessness, hospitalization, and contact with law enforcement decreased; some people secured employment; and most individuals remained fully engaged with services at the end of their court ordered treatment. However, none of the reports used standardized measures, followed participants for a standard period of time, included a large enough sample size, or compared the AOT participants to a control group that did not face the threat of court order to enter treatment. Given these limitations, the utility of this outcome data is quite limited and cannot demonstrate a causal relationship between the AOT process and the outcomes for the participants.⁶

As detailed in other sections of this report, Santa Clara County recently stood up new FACT, ACT, and FSP services. These services use evidence-based practices to provide the level of care most AOT participants would require, using a “whatever it takes” approach. The Department has also been making efforts to expand the breadth and methods of its community engagement. AOT participants have the option of engaging Mobile Crisis Response Team, In-Home Treatment program, Crisis Text Line, Homeless Mentally Ill Outreach and Treatment program, and call center. With the recent expansion of services and

² Please see the September 13, 2017 report for more detailed description of the goals of AOT (packet pages 585-86), eligibility criteria (586-87), court process (587), and service program requirements (588).

³ Orange County and Nevada County estimated treatment costs at \$35,000-\$40,000 per person per year.

⁴ The other counties did not have enough data to report.

⁵ Most of the counties currently using AOT, did not begin implementation until 2015-2016.

⁶ San Francisco and Contra Costa Counties have also released evaluation reports on their AOT implementation. These counties reported similar findings and the utility of their data is similarly limited.

continued efforts at voluntary engagement, the Department is already providing many of the beneficial pieces associated with AOT in Santa Clara County.

At the August 22, 2019 HHC meeting, Supervisors Ellenberg and Simitian asked the Department to provide the HHC with quarterly reports on the progress of these new services and include in those reports an analysis of the possibility of implementing an AOT program. Given how new the ACT, FACT, and FSP services are to the County, these reports will allow the HHC to keep a close eye on their implementation and gauge their effectiveness.

The recommended action supports the County of Santa Clara Health System's Strategic Road Map goals by increasing the number of healthy life years through improving access to safe, supportive, and effective care.

CHILD IMPACT

The recommended action would have a positive impact on children by providing information on projects and resources for homeless, dually diagnosed, and severely mentally ill clients from this target population.

SENIOR IMPACT

The recommended action would have a positive impact on seniors by providing information on projects and resources for homeless, dually diagnosed, and severely mentally ill clients from this target population.

SUSTAINABILITY IMPLICATIONS

The recommended action balances public policy and program interests and enhances the Board of Supervisors' sustainability goals of social equity and safety by outlining and developing processes and procedures to address the needs and engage homeless individuals, dually diagnosed and SMI individuals in Santa Clara County.

BACKGROUND

At the August 22, 2019 HHC, the Department provided information on the Fiscal Year (FY) 2019 Work Plan and accomplishments, including expansion of the AOA System's crisis continuum, diversion and post justice services and planned implementation of new and expanded services (ID# 97937). These services include Assertive Community Treatment, Forensic Assertive Community Treatment, Intensive Full-Service Partnerships and the In-Home Outreach Teams. In addition, the Blackbird House, a new Peer Respite program operated by Caminar, opened its door in December 2018. The Department also reviewed the FY2020 Work Plan (ID# 97937) which includes new services in both County-operated programs and RFPs for new contract provider services. These services were designed to meet the needs of clients with intensive mental health and substance use issues.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve recommended action would result in the inability of the Board of Supervisors to receive a report on the current and future projects, plans, and services that would help engage house, and serve homeless, dually diagnosed, and SMI individuals.

LINKS:

- Linked To: 98761 : 98761
- Linked To: 88121 : 88121
- Linked To: 97937 : 97937

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

Request No.	Topic	Submitted by:	A, F, or CM	Date requested or Rec'd Form	To CC Rules Subcomm:	on City Council meeting agenda this date:
2020						
12	Community Workforce Agreement	Nuñez	A	2/18/2020		
11	Discuss having 4th of July parade	Nuñez	A	2/18/2020		
10	Responsible Construction Ordinance	Phan	A	2/4/2020		3/3/2020
9	Support for Laura's Law	Phan	A	2/4/2020		3/3/2020
8	Parade for MHS Trojans Football	Tran, City Manager	A	1/21/2020		1/28/2020
7	Request for Dumpster Days	Tran	A	1/7/2020		
6	Resolution in support of elimination of discrimination v. women	Dominguez	A	1/7/2020		3/17/2020
5	Proposed ban on vaping, restrict smoking	Montano	A	1/7/2020		3/3/2020
4	Street/traffic calming update	Nuñez	A	1/7/2020		3/3/2020
3	Report on parking in The Pines	Nuñez	A	1/7/2020		2/18/2020
2	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	A	1/7/2020		
1	Info. on new SB 50	Phan	A	1/7/2020		memo
2019						
10	Maintain Dagupan, P.I. as a Sister City	Tran, Montano	F	9/17/2019	9/20/2019	12/17/2019
9	Have "Dumpster Days"	Tran, Montano	F	9/17/2019	9/20/2019	
8	Add Green Bike Lanes	Tran, Montano	F	9/17/2019	9/20/2019	1/28/2020
7	Establish Railroad quiet zone	Tran, Montano	F	9/17/2019	9/20/2019	
6	Rename Augustine Park to include "Sunnyhills"	Tran, Montano	F	9/17/2019	9/20/2019	2/4/2020
5	Community Theater, perhaps with MUSD	Nuñez, Phan	F	8/20/2019	8/23/2019	
4	Consider Community Museum and Park on Main St.	Nuñez, Phan	F	8/20/2019	8/23/2019	
3	Rename Dixon Landing Rd. as Barack Obama Blvd	Nuñez, Phan	F	8/20/2019	8/23/2019	

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

2	policy for Proclamations and Commendations	Nuñez, Phan	F	8/20/2019	8/23/2019	
1	policy for Social Media	Nuñez, Phan	F	8/20/2019	8/23/2019	

A: @Announcements

F: on a Form

CM: to City Manager

REGULAR MEETING OF THE MILPITAS CITY COUNCIL

PREVIEW LIST OF AGENDA ITEMS

FOR TUESDAY, APRIL 21, 2020

PRESENTATIONS

Proclaim Affordable Housing and Building Safety Month
Proclaim National Public Safety Telecommunications Week
Proclaim Earth Day

CONSENT CALENDAR

- 1) Receive City Council calendars for April and May 2020 (Mary Lavelle)
- 2) Approve City Council meeting minutes of April 7, 2020 (Mary Lavelle)
- 3) Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for The Edge Subdivision at 765 Montague Expressway by Lago Vista Milpitas and Granting Authorization to the City Engineer to Release the Performance Bond After 1-Year Warranty (Steve Erickson)
- 4) Adopt a Resolution listing the projects for Fiscal Year 2020-21 to be funded by SB 1: The Road Repair and Accountability Act of 2017 (Steve Erickson)
- 5) Adopt a Resolution to receive total of unclaimed checks (Jane Corpus)
- 6) Award Contract for Auditing Services (Walter Rossmann)
- 7) Authorize City Manager to Execute Amendment No. 1 to Contract with NTT America Solutions, Inc. to Extend Cisco Smartnet Maintenance & Support Agreement for Network Switches and wifi for an amount not to exceed \$127,634.13 (Mike Luu)

COMMUNITY SERVICES

- 8) Receive Report on Final Energy and Water Savings Conservation Measures for Implementation on City Facilities and Land (Tony Ndah)

REPORTS from Mayor and Councilmembers on assigned Committees, Commissions and outside bodies

PREVIEW NEXT AGENDA

- 9) Preview list of items for May 5, 2020 (Mary Lavelle)