Mayor Tran, Vice Mayor Grilli, and Council Members,

The following updates are as follow…

FINANCE DEPARTMENT

The City Council recently identified five priorities that it wishes to address in the City’s FY 2018-19 Operating Budget and 2018-2023 Capital Improvement Plan: a) Public Safety, b) Infrastructure and Community Facilities Maintenance c) Transportation and Transit, d) Economic Development and Job Growth, and e) Fiscal Responsibility. Over the past week, the City Manager’s Office and Finance Department met with all department directors to discuss their budget initiatives and to ensure that they met Council identified objectives and could be properly funded. Discussions also occurred regarding recommended and required expenditures necessary to serve the needs of the Milpitas community. Staff looks forward to presenting the preliminary FY 2018-19 Operating Budget and 2018-2023 Capital Improvement Plan to the City Council and public during the April 10 and 12 (if necessary) workshops and further collaborating on the City’s future financial plans for the benefit of Milpitas.

BUILDING DEPARTMENT

Building permit was issued to McCarthy Center Holdings, LLC, for tenant improvements at the vacant building in preparation for future tenant move-in located at 430 North McCarthy Boulevard at an estimated construction cost of $1.43M.

Building permit applications were submitted by:
1) Coresite, a data center, for installation of (9) Bloom energy fuel cell energy servers which provides an alternative to solely pulling power from the existing energy grid in the parking lot located at 1656 McCarthy Boulevard at an estimated construction cost of $1.2M.
2) Big Al’s, a new entertainment facility including bowling, sports bar and video arcade for tenant improvements at their approx. 45,000 sq. ft. facility located at 15 Ranch Drive, at an estimated construction cost of $4M.
3) Sprig Electric Company, for installation of 175 KW roof mounted photovoltaic system for Devcon Construction, a construction company located at 690 Gibraltar Drive at an estimated construction cost of $225,000.

Occupancy permit applications were submitted by four new businesses moving to Milpitas:
 a) Allegra Home Care LLC, office for care assistance for elderly located at 40 North Park Victoria Drive.
 b) Electronics recycling service, Inc., repair, refurbish, & shipping business for electronic items relocating from San Jose to 1664 Watson Court.
 c) Matrix HG, a new mechanical construction company located at 1765 South Main Street.
 d) Gong Cha, San Jose-based tea café opening another café at 372 Barber Court.

The following businesses have received final inspection and are now open for operation:
i. Iflyteck Inc., an administrative office located at 1851 McCarthy Boulevard.
ii. Krystal Hair & Nails, a salon located at 1774 Milmont Drive.
iii. Digital World Pay, mail box business located at 45 South Park Victoria Drive.
iv. Victoria Salon Hair & Nails, salon located at 96 South Park Victoria Drive.
CONSTRUCTIONS UPDATE:

**Flex at 568 Gibraltar Drive:** To allow earlier start of operation, a temporary occupancy permit for multi-purpose room including new restrooms was issued to Flex, electronics manufacturing company.

**Great Mall located at 1100 South Main Street:**

The photo on both sides shows the cosmetic upgrades to main entries, tower, and signage at the Great Mall.

**Centre Pointe Townhomes, 241 townhomes development by DR Horton, located at 1501 Centre Pointe Drive:** The model home which is the first, 3-story building with total of 9 units has received final inspection out of 241 townhome residential units’ development. See photos below.

CITY CLERK’S OFFICE

---

**U.S. Passport Application Service Available at City Clerk’s Office**

**Apply or renew U.S. Passports at Milpitas City Hall**

**One-Day Passport Fair 2018**

*Saturday, March 31, 2018*

9:00 am until 12:00 pm

Open on a “walk-in” basis on this one special day!

It’s City of Milpitas passport facility’s 15-Year Anniversary!

It is also the last day before APRIL 2ND—the first day that the Passport Execution Fee goes up from $25.00 to $35.00

For more information, call the City of Milpitas—City Clerk’s office at (408) 586-3009 or visit http://www.ci.milpitas.ca.gov/milpitas/departments/city-clerk/passport-services
3 Bingo Games Renewal Licenses for 2018: Each year in February, 3 licensed Bingo Games operators in the City of Milpitas are required to final their annual report with the City Clerk and pay a $10.00 renewal fee, according to Milpitas Municipal Code. Following receipt of the reports plus fee, the City Clerk has recently issued licenses to Pioneer Mobilehome Park, Barbara Lee Senior Center, and St. John the Baptist Catholic Church.

ECONOMIC DEVELOPMENT DIVISION

I am pleased to inform you that there are two new companies moving in the City with over 400 new jobs!

SF Motors is a Chinese-based company with its headquarter in Santa Clara. SF Motors will hire over 300 employees to develop electric/autonomous cars in the US. They are leasing over 130,000 square feet of space from the Sprig Center off of McCarthy. Economic Development staff is now working on the groundbreaking event. Staff will also work diligently to ensure a seamless process for SF Motors occupancy permits.

Advanced Energy is moving their operations from San Jose to Milpitas. Advanced Energy develops power and control technologies for semi-conductor and industrial customers. Staff is now in the process of gathering the pre-submittal team to assist them in their permitting process. They will be bringing 80-100 employees to the Tasman Tech campus.

ENGINEERING DEPARTMENT

The Extended Polystyrene (EPS) Ordinance No, 293 approved by the City Council in August of 2017 will go into effect July 1, 2018. Ordinance No. 293 requires all restaurants and other food establishments to use alternatives for foam food ware for both dine-in and takeout. <EPS Ordinance No. 293 is attached>

The attached informational postcard will be sent out on Monday and provides a 3-month notice of the ordinance requirements to establishments in Milpitas. Approximately 400 restaurants and other food establishments within the City of Milpitas will receive this reminder postcard the week of March 26.

Purpose is to remind business owners and managers that alternatives to foam food containers are required as of July 1, 2018. The postcard offers information on the City’s website to alternative types with sample pricing and a fact sheet about the ordinance. [Fact Sheet is attached]

A translated letter about the ordinance and application for a three-month extension was mailed in November 2017. There were no applications received for the extension. Questions about Ordinance No. 293 may be directed to Leslie Stobbe at 408-586-3352.

FIRE DEPARTMENT

- The Fire Prevention Division continues to work with the Lyons development to assist with the next phase of the development.
- The Fire Prevention Division is also working with the Planning Department for a risk assessment plan for the proposed assembly at 372 / 374 Turquoise. This is change in zoning approved last year.
- The Office of Emergency Services is coordinating with the Red Cross for a smoke alarm program that will be part of the presentation to council on 3/20.
• The Fire Department completed three days of emergency response mutual aid training for the Milpitas BART extension. Twenty-eight Firefighters per day participated in a training scenario with a simulated fire on a BART train located at the Dixon Landing sublevel underpass. Highlights included practicing fire suppression, search and rescue, medical triage, and communications. Strong collaboration and lessons learned for the future opening of the system. Special thanks to San Jose for participating in this regional event.

• Three Milpitas Fire personnel are scheduled to participate in a FEMA Urban Search and Rescue exercise on “Sentinel Exercise” March 22nd through the 23rd. The deployment exercise will focus on rescue team deployment to the Travis Air Base. US&R activities to include medical, search and extraction, decontamination, civil support team, air lift assets, communications, and mission command elements.
HUMAN RESOURCES DEPARTMENT

CURRENT EMPLOYMENT OPPORTUNITIES

Human Resources is accepting applications this week for the following employment opportunities. Interested candidates can find additional information on www.ci.milpitas.ca.gov/jobs and www.calopps.org. Human Resources also posts job opportunities on the City of Milpitas LinkedIn page and Twitter: @MilpitasCityJob.

**Open Competitive Opportunities:**
- Associate Civil Engineer – Land Development
- Building and Safety Director
- Capital Improvement Projects (CIP) Manager
- Communications Dispatcher
- Fire Chief
- Firefighter Recruitment Guide posted (City will accept applications starting April 23rd)
- Maintenance Worker I/II - Utilities
- Police Officer (entry-level and lateral)
- Water System Operator

**Internal Recruitments (City Employees Only)**
- Fire Prevention Inspector (closes 3/26/18)
- Fire Engineer
- Maintenance Custodian I/II (closes 3/30/18)
- Police Sergeant

**Open Recruitments (Temporary Position with Benefits)**
- Building Inspector – continuous

**Temporary Opportunities & Internships:**
- Adult Crossing Guard
- Economic Development Intern
- Fitness Instructor
- Lifeguard/Swim Instructor
- Recreation Attendant
- Recreation Events Intern
- Recreation Leader: Administrative Assistant
- Recreation Leader: Referee
- Senior Services Intern (Volunteer)

ICMA Webinar: Entrepreneurial Solutions for Local Government, March 28, 10:30AM – 12:00PM, register on-line at www.icma.org

POLICE DEPARTMENT

On Friday, March 2, 2018, the Milpitas Police Department received a report of a suspicious social media posting regarding a possible threat at a nonspecific school. The Milpitas Police Department established the posting was based on several levels of hearsay and has not found any evidence to validate the possible threat. Although we have not identified an immediate danger to public safety, in an abundance of caution, there is an increased police presence on schools grounds.
On Saturday, March 10, 2018 at 8:30am, Chief Corpuz attended the Opening Ceremonies for the Milpitas National Little League at the Milpitas Sports Complex, located at 1325 E. Calaveras Boulevard, and threw the first pitch of the season! Officer Denise Lynch and K9 Ares attended as well, representing the Milpitas Police Department and greeting the children. Please see attached photos.

On Tuesday, March 13, 2018 from 9:00am to 1:00pm, the Homeless Outreach team was deployed and came in contact with five (5) homeless people. Of the individuals contacted, four (4) were on probation/parole.

On Wednesday, March 14, 2018, approximately 200 Milpitas High School students participated in the nationwide student walk out to speak out against gun control and school violence. The students walked to the front parking lot of the Milpitas Police Department, held a 17-minute moment of silence, spoke on an open mic, and walked back to the high school.

KPIX 5 was on scene filming the event. Milpitas Police Department provided traffic control for the event and there were no issues.

There is a planned protest scheduled for Friday, April 20th. See photo on the right.

The Police Community Relations (PCR) Unit presented a Run, Hide, Fight! Presentation for Milpitas High School staff and administration on Thursday, March 22, 2018 from Noon to 1:30pm. PCR staff also participated in Career Day at Calaveras Hills on Friday, March 23, 2018 from 9:30am to 11:00am.

The Personnel and Training Unit attended Mid-Term Inspection for police officer trainee Victor Madarang on Thursday, March 22nd at the Santa Clara County Justice Training Center in Morgan Hill. Recruits will be evaluated for their knowledge learned in the academy, and will present themselves in their uniform.
### UPCOMING MEETINGS AND EVENTS:

<table>
<thead>
<tr>
<th>DATE &amp; TIME</th>
<th>WHAT</th>
</tr>
</thead>
</table>
| Monday, March 26, 2018 @ 10:00am | Commission Appointments Subcommittee  
City Hall, Committee Conference Room – 1st Floor |
| Monday, March 26, 2018 @ 5:00pm    | City/MUSD Communication Subcommittee  
School District Boardroom, 1331 E Calaveras Blvd. |
| Tuesday, March 27, 2018 at 5:30pm | Ad Hoc Subcommittee on Cannabis  
City Hall, Committee Conference Room – 1st Floor |
| Wednesday, March 28, 2018 at 7:00pm | Milpitas Planning Commission  
City Hall, Council Chambers – 2nd Floor |
| Thursday, March 29, 2018 @ 5:30pm  | Special City Council Meeting RE: General Plan Update  
Community Center, Room 7/8 |
| Tuesday, April 3, 2018 at 6:00 pm | Regular City Council Meeting |
| Wednesday, April 4, 2018 @ 7:00pm | MLK Candlelight Vigil and March  
Cesar Chavez Plaza – light refreshments will be served |
| Tuesday, April 10, 2018 at 12:30pm | Ad Hoc Subcommittee on Cannabis  
City Hall, Committee Conference Room – 1st Floor |
| Wednesday, April 11, 2018 @ 4:30pm | Monthly Finance Subcommittee  
City Hall, Committee Conference Room – 1st Floor |
| Tuesday, April 17, 2018 at 6:00 pm | Regular City Council Meeting |
| Wednesday, April 18, 2018 @ 5:30pm | General Plan Advisory Committee (tentative)  
City Hall, Committee Conference Room – 1st Floor |
| Thursday, April 19, 2018 at 11:30 am | South Bay Odor Stakeholders Group meeting  
Sonesta Hotel, 1820 Barber Lane |

### ATTACHMENTS:

- EPS Adopted Ordinance No. 293
- EPS Foodware Postcard
- EPS Fact Sheet
REGULAR

NUMBER: 293

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING CHAPTER 8 OF TITLE III OF THE MILPITAS MUNICIPAL CODE RELATING TO THE PROHIBITION OF EXPANDED POLYSTYRENE (EPS) FOAM FOOD SERVICE WARE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of May 16, 2017, upon motion by Councilmember Nuñez and was adopted (second reading) by the City Council at its meeting of August 15, 2017, upon motion by Councilmember Nuñez. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES: (5) Mayor Tran, Vice Mayor Grilli, Councilmembers Nuñez, Barbadillo, and Phan

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST: Mary Lavelle
Mary Lavelle, City Clerk

APPROVED: Rich Tran, Mayor

APPROVED AS TO FORM:
Christopher J. Diaz, City Attorney
RECATIALS AND FINDINGS:

WHEREAS, plastic debris and, in particular, expanded polystyrene foam ("EPS") is a distinctive litter concern because it is lightweight, floats, breaks down into small pieces, and readily travels from land to inland waterways and out to the ocean where it can be mistaken for food by birds and other marine wildlife; and

WHEREAS, the Bay Area Stormwater Management Agencies Association (BASMAA) found in its May 2014 study San Francisco Bay Area Stormwater Trash Generation Rates that EPS disposable food service ware comprises 6% by volume of trash observed in storm drains; and

WHEREAS, the Santa Clara Valley Urban Runoff Pollution Prevention Program found in its September 2016 study Storm Drain Trash Monitoring and Characterization Project – Technical Report that "...there was a 74% decrease in the volume of EPS food service ware observed in the 53 sites in common between this Project and the BASMAA Trash Generation Rates Study (BASMAA 2014). This large decrease coincides with ordinances that have been adopted throughout most of the Santa Clara Valley."); and

WHEREAS, EPS disposable food service ware is currently used by some food vendors in Milpitas; and

WHEREAS, the proposed prohibition of EPS disposable food service ware would require food vendors to use alternative food service ware that will result in a reduction of EPS litter, reduce the risk of harm to aquatic wildlife, and improve water quality in the Milpitas creeks and the Southern San Francisco Bay; and

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

SECTION 1. RECORD AND BASIS FOR ACTION

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

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

The City Council hereby finds that the Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to a Class 7 categorical exemption (State CEQA Guidelines, § 15307), which consists of actions by a regulatory agency for protection of the natural resources, and also a Class 8 categorical exemption (State CEQA Guidelines, § 15308), which consists of actions by a regulatory agency for protection of the environment. The City Council hereby determines that the prohibition of EPS foam food service ware qualifies for Class 7 and Class 8 exemptions because it involves a reduction in EPS litter and risk of harm to aquatic wildlife, and an improvement in water quality in the Milpitas creeks and the Southern San Francisco Bay. Thus, the Ordinance is exempt from CEQA pursuant to State CEQA Guidelines, section 15307 and 15308. Each exemption is separately and independently sufficient to exempt the entire ordinance from CEQA. To the extent that the Class 7 and Class 8 categorical exemptions apply to the Ordinance, the City Council hereby finds and determines that none of the exceptions to the categorical exemptions outlined in State CEQA Guidelines section 15307 applies.
SECTION 3. AMENDMENT OF MULPITAS MUNICIPAL CODE

Chapter 8 of Title III of the Milpitas Municipal Code is hereby added with the text below to read as follows:

Chapter 8

PROHIBITION OF EXPANDED POLYSTYRENE (EPS) FOAM FOOD SERVICE WARE

Sections:
  III-8-1  Findings and Purpose
  III-8-2  Definitions
  III-8-3  Polystyrene Foam Disposal Food Service Ware Prohibition
  III-8-4  Temporary Exemptions to Polystyrene Foam Disposal Food Service Ware Prohibition
  III-8-5  Enforcement

Section 1  Findings and Purpose

III-8-1.00

The City Council finds and determines that the regulation of expanded polystyrene (EPS) foam food service ware is necessary to protect the public health, safety and welfare based on the following reasons:

A. Plastic debris and, in particular, expanded polystyrene foam ("EPS") is a distinctive litter concern because it is lightweight, floats, breaks down into small pieces, and readily travels from land to inland waterways and out to the ocean where it can be mistaken for food by birds and other marine wildlife;

B. The Bay Area Stormwater Management Agencies Association (BASMAA) found in its May 2014 study San Francisco Bay Area Stormwater Trash Generation Rates that EPS disposable food service ware comprises 6% by volume of trash observed in storm drains; and

C. The Santa Clara Valley Urban Runoff Pollution Prevention Program found in its September 2016 study Storm Drain Trash Monitoring and Characterization Project – Technical Report states “...there was a 74% decrease in the volume of EPS food service ware observed in the 53 sites in common between this Project and the BASMAA Trash Generation Rates Study (BASMAA 2014). This large decrease coincides with ordinances that have been adopted throughout most of the Santa Clara Valley.”; and

D. EPS disposable food service ware is currently used by some food vendors in Milpitas; and

E. The proposed prohibition of EPS disposable food service ware would require food vendors to use alternative food service ware that will result in a reduction of EPS litter, reduce the risk of harm to aquatic wildlife, and improve water quality in the Milpitas creeks and the Southern San Francisco Bay.
This City Council does, accordingly, find and declare that it should restrict the provision of EPS foam food service ware.

Section 2 Definitions

III-8-2.00

The definitions set forth in this Section shall govern the application and interpretation of this Chapter.

A. “Disposable food service ware” means single-use disposable products used in the restaurant and food service industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells). Disposable food service ware does not include straws, utensils, drink lids, or ice chests.

B. “Food vendor” means any establishment located in the City of Milpitas that sells or otherwise provides prepared food for consumption on or off its premises, and includes, but is not limited to, any shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, vehicle or cart, or roadside stand.

C. “Polystyrene foam” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene) including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blown molding (extruded foam polystyrene). “Polystyrene foam” is commonly made into disposable food service ware products. “Polystyrene foam” does not include clear or solid polystyrene (oriented polystyrene).

D. “Prepared food” means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises. “Prepared food” does not include (1) any raw, uncooked meat products, fruits, or vegetables, unless it is intended for consumption without further preparation; or (2) prepackaged food that is delivered to the food vendor wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food vendor in the same container or packaging.

Section 3 Polystyrene Foam Disposal Food Service Ware Prohibition

III-8-3.00

No food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after July 1, 2018.

Section 4 Temporary Exemptions to Polystyrene Foam Disposal Food Service Ware Prohibition

III-8-4.00

A. A food vendor may seek a grace period from the prohibition under Section III-8-3.00 due to a “unique packaging hardship” under Subsection B of this Section, or the grace period for “unused inventory” under Subsection C of this Section.
B. The food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a “unique packaging hardship” exemption.

C. The food vendor must demonstrate that before December 31, 2017, it purchased the polystyrene foam food service ware, which cannot be returned to the distributor, and, despite the food vendor’s best efforts, will remain in inventory on July 1, 2018, to qualify for an “unused inventory” grace period.

D. Food vendors may submit a written application for grace period on a form provided by the Engineering Department. The City Engineer or his or her designee may require the applicant to submit additional information or documentation to make a determination regarding the grace period request. A request for grace period under Subsection B shall be reviewed upon a case-by-case basis, and may be granted in whole or in part, with or without conditions, for a period of up to twelve (12) months. A food vendor must apply for a new grace period under Subsection B no later than sixty (60) days prior to the expiration of the then-current grace period to preserve a continuous exemption status. A request for grace period under Subsection C shall be reviewed upon a case-by-case basis, and may be granted in whole or in part, with or without conditions, for a period of up to three (3) months or to October 1, 2018, whichever comes first. The determination of the City Engineer or designee shall be final and is not subject to appeal.

Section 5 Enforcement

III-8-5.00

In addition to any other remedy available at law, the City may enforce any violation of this Chapter pursuant to Section I-1-4.09 of the Milpitas Municipal Code or by administrative citation pursuant to Title I, Chapter 21 of the Milpitas Municipal Code.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE AND POSTING

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

SECTION 6. NOTICE OF EXEMPTION

The City Council hereby directs staff to prepare and file a Notice of Exemption with the Santa Clara County Office of the County Clerk-Recorder within five (5) working days of the adoption of this Ordinance.
Starting **July 1, 2018**

**No Styrofoam™ Food Containers!**

Restaurants must use alternatives for both dine-in and takeout.

Find out how at

[www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services](http://www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services)
Dear Restaurant Owners and Managers, March 30, 2018

Milpitas Ordinance No. 293 prohibiting the use of foam food ware goes into effect July 1, 2018. It requires all restaurants and other food establishments to use alternatives for foam food ware for both dine-in and takeout. Restaurants owners and managers may choose the best alternative for their business needs.

This ordinance aims to reduce litter by banning food service ware made from expanded polystyrene (EPS) foam, commonly referred to as Styrofoam™. EPS foam is uniquely problematic when littered because it does not degrade. It breaks easily into tiny pieces, making it difficult to clean up. Those small pieces are often mistaken as food by fish and wildlife and are harmful to their health.

If you have any questions about Ordinance No. 293, or how to find alternatives for EPS foam food ware please visit www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services.
**What does this ordinance propose?**
No food vendor shall sell or otherwise provide prepared food in extended polystyrene (EPS) foam food ware on or after July 1, 2018.

**Who has to follow this law?**
Food vendors or establishments located in the City of Milpitas that sell or otherwise provide prepared food for consumption on or off its premises, and includes, but is not limited to, any shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, gas station, vehicle or cart, or roadside stand.

**What are the requirements of this ordinance?**
As of July 1, 2018, this ordinance bans the use, sale or distribution of both dine-in and take-out EPS foam food service ware made, in whole or in part, from polystyrene foam (also called Styrofoam™ and expanded, extruded or blown polystyrene).

- EPS foam food ware includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells) used in the restaurant and food service industry for serving prepared food.

**What products are acceptable alternatives to polystyrene foam?**
Packing materials and disposable food ware used or distributed be food vendors in the City of Milpitas must be compostable or recyclable in the City’s collection programs. Examples include those made with paper, cardboard, molded or rigid pulp or plastic. Types of product alternatives are posted at [www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services](http://www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services).

**Are exemptions available?**
The City of Milpitas may grant an exemption to the ordinance if a food vendor requires a grace period due to “unique packaging hardship.” Food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware. This exemption may be granted, in whole or in part, for up to twelve (12) months.

Requests for exemption must be submitted on a written application on a form approved by the City of Milpitas and will be reviewed upon a case-by-case basis. Determination shall be final and is not subject for appeal. For questions about exemptions, please call: (408) 586-3352.