
BURBANK SANITARY DISTRICT
REGULAR MEETING AGENDA FOR
January 17, 2023 at 7:00 PM

The meeting will be held at 7:00 p.m. via teleconferencing and anyone interested may also call in.
[call (866) 899-4679 Conference ID: 785-518-013]

The District Office at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, California is closed.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. PUBLIC COMMENTARY – This area is reserved for items **not** listed on the agenda. The Brown Act does not allow discussion of or action on items not on the agenda. The Board may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. There is a three (3) minute limit for individual speakers.

4.A. Visitor Commentary

4.B. Agency Representatives

4.C. Board Commentary

5. AB 361

The Board makes the following findings required by AB 361 in order to hold this meeting by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the California Department of Public Health and the County Health Officer continue to encourage social distancing and strongly recommend that all people wear masks in all indoors public spaces, and (3) due to room capacity limitations, meeting in person could present imminent risks to the health or safety of attendees.

Board Action Required: Review and make findings (1), (2), and (3) required by AB 361.

6. BOARD VACANCIES AND APPOINTMENTS

6.A. Board Vacancies and Appointments. Board action required: Discuss Board Vacancies and Appointments.

7. CLOSED SESSION

7.A. CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION

Government Code Section 54956.9(d)(1) Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

8. UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA

8.A. Burbank 44 – Proposed City-Conducted Annexation Update. Board action required: Discuss Burbank 44 Proposed City-Conducted Annexation.

9. CONSENT CALENDAR

9.A. Approval of Minutes. Board action required: Approve Special Meeting Minutes from 12/12/2022 and 12/23/2022.

10. WARRANTS

- 10.A. Approval of Warrants. Board action required: Approve seven (7) warrants.
1. Mark Thomas & Company, Inc. (District Management Services and BSD CIPs)
 2. First Tech Federal Credit Union (Board of Directors' Payroll)
 3. Armento and Hynes, LLP (District Legal Services)
 4. Richard Tanaka (District Advisor Services)
 5. City of San Jose (TP O&M & Capital Billing Q3 FY2022-23)
 6. Cupertino Sanitary District (Common Interest Agreement Cost Sharing November 2022)
 7. State Water Resources Control Board (Annual Permit Fee 7/1/2022 – 6/30/23)

11. NEW BUSINESS

- 11.A. FY2022-23 Second Quarter Financial Review. Board action required: None.
- 11.B. City of San Jose – 1) Third Quarter Adjustment FY2021-22 Credits. 2) FY2023-24 Revenue Program Timetable. Board action required: None.

12. OLD BUSINESS

- 12.A. COVID-19 Update. Board action required: None.

13. HOUSEKEEPING ITEMS

- 13.A. Updates on Housekeeping Items. Board action required: None.
- 13.B. Agenda Items for Next Upcoming Meeting. Board action required: None.

14. ADJOURNMENT: NEXT REGULAR MEETING – Tuesday, February 7, 2023

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the District Administrator's office at (408) 255-2137. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection at the District Office. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda.

* Pursuant to Government Code 54954 subsection b, subsection 4, this facility constitutes the closest meeting facility for the Burbank Sanitary District, since the District has no other meeting facility within the boundaries of the territory, over which the Burbank Sanitary District exercises jurisdiction.

BURBANK SANITARY DISTRICT

8. UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA

8.A. Burbank 44



Memorandum

TO: PLANNING COMMISSION

FROM: Christopher Burton

SUBJECT: Burbank 44, C20-011 & ER20-146

DATE December 14, 2022

COUNCIL DISTRICT: 6

Type of Permit	Annexation and Pre-zoning
Applicant / Owner	Oak Glen Ventures, LLC
Location	Northeast corner of West San Carlos Street and Brooklyn Avenue (1883-1887, 1891-1995, 1897-1899 West San Carlos Street, and 13 Boston Avenue)
Assessor Parcel Nos.	274-16-050, 052, 053, 069 & 070
Existing Zoning	Unincorporated
Proposed Zoning	Mixed Use Commercial
General Plan Land Use Designation	Mixed Use Commercial
Growth Area	West San Carlos Urban Village
Historic Resource	The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street are eligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks.
Annexation Date	N/A
Annexation Acreage	0.895-gross acres
Pre-zoning Acreage	0.895-gross acres
Project Planner	Angela Wang
CEQA Clearance	Environmental Impact Report for the 1881 West San Carlos Project (Burbank 44/C20-011/ CP20-020/T20-016), State Clearinghouse No. 2020120059
CEQA Planner	Reema Mahamood

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council to take all of the following actions regarding the project site located on the northeast corner of West San Carlos Street and Brooklyn Avenue (1883-1887, 1891-1995, 1897-1899 West San Carlos Street, and 13 Boston Avenue) ("Project Site"):

1. Adopt a Resolution certifying the Environmental Impact Report (EIR) for the 1881 West San Carlos Project (SCH #2020120059), make certain findings concerning significant impacts, mitigation

measures, alternatives, and adopt a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).

2. Approve an ordinance pre-zoning an approximately 0.895-gross acre site in Santa Clara County unincorporated territory designated as Burbank No. 44 into the Mixed Use Commercial Zoning District.
3. Adopt a resolution initiating proceedings and scheduling January 31, 2023, for City Council consideration of the reorganization of territory designated as Burbank No. 44, which involves the annexation to the City of San José of approximately 0.895-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts, excepting the Burbank Sanitary District.

PROJECT BACKGROUND

As shown on the attached **Vicinity Map (Exhibit A)**, the Project Site is located within an unincorporated area of Santa Clara County on the northeast corner of West San Carlos Street and Brooklyn Avenue (1883-1887, 1891-1995, 1897-1899 West San Carlos Street, and 13 Boston Avenue). This approximately 0.895-gross acre site consists of five lots, APNs 274-16-050, 052, 053, 069 & 070, and is currently developed with three connected commercial buildings along West San Carlos Street and the associated parking lot at rear.

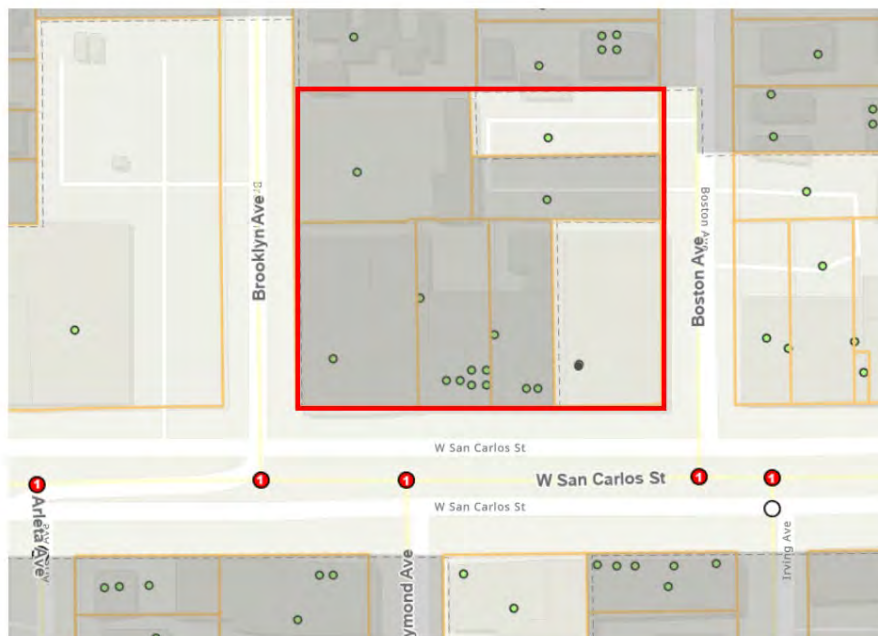
The Project Site is surrounded by commercial buildings to the east and to the east across Boston Avenue, multifamily residential and a parking lot to the north, a parking lot and a commercial building to the west across Brooklyn Avenue, and commercial buildings to the south across West San Carlos Street.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Mixed Use Commercial & Residential Neighborhood	Mixed Use Commercial & N/A – Unincorporated San Jose (County of Santa Clara)	Parking lot and multifamily residential
South	Mixed Use Commercial & Urban Village	Mixed Use Commercial & N/A – Unincorporated San Jose (County of Santa Clara)	Commercial
East	Mixed Use Commercial	Mixed Use Commercial	Commercial
West	Mixed Use Commercial	Mixed Use Commercial	Commercial

On July 13, 2020, the architect, Salvatore Caruso, on behalf of Oak Glen Ventures, LLC, submitted the following four Planning applications:

- Annexation, File No. Burbank 44, to allow the annexation of the approximately 0.895-gross acre site into City of San José jurisdiction from the unincorporated Santa Clara County jurisdiction on the project site situated on the northeast corner of West San Carlos Street and Brooklyn Avenue (1883-1887, 1891-1995, 1897-1899 West San Carlos Street, and 13 Boston Avenue).
- Pre-zoning, File No. C20-011, to pre-zone the above unincorporated area to Commercial Pedestrian Zoning District (the proposed zoning district was later changed to Mixed Use Commercial per City's request during the review).
- Conditional Use Permit (CUP), File No. CP20-020, to allow the demolition of all existing structures on site for the construction of a 7-story, approximately 227,617-square foot mixed-use development consisting of a 246-bed, 125,262-square foot Residential Care Facility for the Elderly (RCFE), 61 multifamily residential units, and 6,000 square-foot ground floor retail space with alternative parking (stackers) on the ground floor and in the basement on an approximately 1.23-gross acre site consisting of seven lots including the above five unincorporated lots and two lots within the City Limits.
- Vesting Tentative Map, File No. T22-016, to merge the existing seven lots into one lot and allow one lot subdivision for condominium purpose to include up to 61 residential condominium units, one senior care facility unit, four commercial condominium units, and one basement parking garage condominium unit (for retail and residential) on the 1.23-gross acre site.

The map below shows the Annexation boundary and the Conditional Use Permit boundary. The area in red lines is the 1.23-acre Conditional Use Permit area, and within this boundary, the area in grey is the unincorporated area proposed to be annexed to the City of San Jose.



The annexation application includes the detachment from the appropriate districts including the Central Fire Protection District, Santa Clara County Lighting Service Area, and Santa Clara County Library Services. The project site would remain in the Burbank Sanitary District.

Only the Annexation and Pre-zoning components of the project are being considered at this time, as [Section 20.120.300](#) of the Zoning Code does not allow the public hearing notice for the related Planning permits (Conditional Use Permit application (CP20-020) and Vesting Tentative Map application (T22-016) to proceed until after the Annexation is certified by the Local Agency Formation Commission of Santa Clara County (LAFCO)) when the site would be consider part of the City of San Jose. The CUP and Tentative Map will therefore be scheduled for public hearing by the Planning Commission, after the annexation has been certified by LAFCO. The analysis of CP20-020 and T20-016 is therefore not included in this staff report but will be analyzed in the staff report for the subsequent Planning Commission hearing.

For purposes of CEQA compliance, the Environmental Impact Report (EIR) was required to analyze all the separate discretionary actions and planning activities associated with project entitlement and development of the 1.23-acre site, including the pre-zoning, annexation, CUP, and tentative map. The EIR identified significant and unavoidable project impacts related to:

- **Cultural Resources:** The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street are eligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks. Demolition of these buildings would result in a significant unavoidable impact.
- **Cumulative Cultural Resources:** Demolition of the structures at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street, which are eligible as Candidate City Landmarks, would constitute a cumulatively considerable impact to the historic structures associated with the Burbank community.

As analyzed in the EIR, there are no feasible mitigation measures to reduce the impact to the cultural resources that would also meet the project objectives to construct the mixed-use project. The EIR was prepared in accordance with Title 21 of the San José Municipal Code and the California Environmental Quality Act of 1970, as amended (CEQA). A statement of overriding consideration is required for environmental impacts that cannot be reduced to a less than significant level. Pursuant to [Section 21.07.020](#) of the San José Municipal Code, the Planning Commission is required to make recommendations to the City Council for projects requiring an EIR and a statement of overriding consideration. Therefore, the EIR, the annexation and pre-zoning applications are before the Planning Commission for a recommendation to the City Council.

ANALYSIS

The proposed **Annexation** and **Pre-zoning** have been analyzed with respect to consistency with:

1. Envision San José 2040 General Plan
2. Municipal Code – Zoning Ordinance
3. City Council Policies
4. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Consistency

As shown in the attached **General Plan Map (Exhibit B)**, the subject site has an Envision San Jose 2040 General Plan designation of **Mixed-Use Commercial**. The site is also within the West San Carlos Urban Village boundary. This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use and residential activity allowed in a secondary role. New development on a property with this designation should accordingly include commercial space equivalent to at least a 0.5 FAR (Floor Area Ratio) for the property with a typically appropriate overall FAR of up to 4.0, allowing for medium-intensity development. Consistent with the General Plan, residential density is allowed up to 50 DU/AC in the Mixed-Use Commercial designation. Appropriate commercial uses include neighborhood retail, office, medium-scale hospitals or other health facilities, and medium-scale private community gathering facilities.

Analysis: The MUC Mixed Use Commercial Zoning District is intended to implement the Mixed Use Commercial general plan land use designation. Therefore, the pre-zoning of the site to Mixed Use Commercial (MUC) Zoning District is the conforming district to this General Plan land use designation.

The proposed pre-zoning is also consistent with the following General Plan policies:

- a. Fiscally Sustainable Land Use Framework Policy FS-3.9: Per City, County and LAFCO policy, locate existing and future urban development within city boundaries. Implement this policy through San José's existing agreement with Santa Clara County which requires that unincorporated properties within the Urban Service Area either annex to the City, if possible, or execute a deferred annexation agreement prior to approval of development.
- b. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan* Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
- c. Implementation Policy IP-1.7 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use / Transportation Diagram, and advance *Envision General Plan* vision, goals and policies.
- d. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

Analysis:

The Project Site is within the City's Urban Growth Boundary and Urban Service Area and is connected to parcels and streets that are within the boundary of the City of San José. The MUC zoning district is a conventional zoning district. Pursuant to Table 20-270 of the Zoning Ordinance Section [20.120.110](#), the MUC Zoning District is a conforming zoning district to Mixed Use Commercial General Plan Land Use designation. The MUC Zoning District also enforces projects within adopted Urban Villages to comply with the adopted Urban Village plan.

Zoning Ordinance Conformance

As shown in the attached **Zoning Map (Exhibit C)**, the subject site is currently located in an unincorporated area of Santa Clara County and is not within an existing City zoning District. The Pre-Zoning would pre-zone the site to the Mixed Use Commercial (MUC) Zoning District. This proposed pre-zoning conforms with Table 20-270 of the Zoning Ordinance Section [20.120.110](#) as discussed above, which identifies the MUC Zoning District as a conforming district to the MUC General Plan Land Use/Transportation Diagram land use designation.

The MUC Zoning District would allow the Project Site to be developed in accordance with the allowable uses listed in Table 20-138 under Zoning Ordinance Section [20.55.203](#), and to be consistent with the MUC General Plan land use designation and conform with the West San Carlos urban village Plan.

The proposed project includes annexation of the approximately 0.895 gross acres of unincorporated Santa Clara County to the City of San José, including detachment from the Central Fire Protection District, Santa Clara Lighting Service Areas and Santa Clara County Library Services. Upon completion of the annexation proceedings, the subject site would be eligible to connect to City services, and the aforementioned MUC zoning would be effective.

The annexation proceedings are being conducted pursuant to California Government Code Section 56757, which designates the City Council of the City of San José as the conducting authority. A full report regarding the proposed annexation will be provided to the City Council for the January 31, 2022 hearing.

City Council Policy Consistency**[City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals](#)**

As indicated above, the annexation and pre-zoning are to facilitate a mixed-use development (CP20-020) which is currently under review. This mixed-use development would include 61 dwelling units therefore it is defined as a Large Development Proposal under this policy. Following City Council Policy 6-30, the required on-site signs have been posted onsite facing each street since December 2, 2020, to inform the neighborhood of the project. A Joint Environmental Scoping and Community Meetings was held on December 17, 2020, via Zoom. Approximately 18 people attended the meeting. Public Notices of the community meeting and public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020120059, was prepared for the 1881 West San Carlos Project (Burbank 44/C20-011/ CP20-020/T20-016/ER20-146) in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The DEIR was circulated for public review and comment from July 15, 2022, through August 30, 2022.

An EIR was prepared because of the potential for significant and unavoidable impacts to cultural resources, namely, the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street which are eligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks. Demolition of these buildings under the proposed project would result in a significant unavoidable impact. While implementation of Mitigation Measures CUL-1.1 and CUL-1.2 would lessen the impact, the impact would remain significant and unavoidable.

Mitigation measures were developed to lessen the following impacts to less than significant levels: exposure of sensitive receptors to toxic air contaminants during construction, disturbance and/or destruction of nesting migratory birds during construction, exposure of sensitive receptors to construction noise for more than one year, and exposure of neighboring historic buildings that could potentially be impacted by vibration during construction.

Standard Permit Conditions are also required to ensure no impacts occur during construction and operation of the project. These Standard Permit Conditions include best management practices for construction related air quality impacts, protection of nesting migratory birds, compliance with the Santa Clara Valley Habitat Plan, protection of unknown subsurface cultural resources and human remains, erosion control during construction activities, water quality impacts during construction, best management practices to control noise during construction, and achieving an interior noise level of less than 45 dBA DNL after construction.

The project includes Conditions of Approval of the project for maintaining an interior noise standard of less than 45 dBA, maintaining any trees planted in the public right-of-way, and installing red curb markings on either side of the project driveway to ensure clear sight lines for drivers exiting the project site.

DEIR Recirculation Unnecessary

The Draft EIR was circulated for public review for 45 days consistent with CEQA Guidelines Section 15132 starting on July 15, 2022 and ending on August 30, 2022.

A First Amendment to the DEIR was prepared that provided responses to public comments submitted during the public circulation period and revisions to the text of the DEIR.

A total of five comment letters were received.

Staff responded to the comments and questions in the First Amendment and none of the comments raised represents new significant information that would warrant recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5(a). The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

Final EIR

The First Amendment was posted on the City's website on December 2, 2022, and all commenters were notified via email of the document's availability. The Draft Environmental Impact Report (DEIR) and First Amendment are available for public review on the City's website:

<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs>.

The First Amendment together with the DEIR constitute the Final Environmental Impact Report (FEIR) for the proposed project.

Statement of Overriding Considerations

The proposed project would result in the following benefits:

- Develop approximately 61 housing units to achieve the Envision San José 2040 General Plan goals of providing housing at higher densities and the City's West San Carlos Urban Village Plan by increasing employment and residential capacities
- Provide 246 senior care beds that responds to the needs of the community including seniors and families in keeping with the Envision San José 2040 General Plan policies for social equity and diversity and the development of multi-generational housing
- Create "new commercial and mixed uses to enhance the circulation within the village", by creating active retail on the ground floor uses along West San Carlos Street as envisioned in the West San Carlos Urban Village Plan
- Support the City's environmental stewardship goals by providing a modern LEED building with sustainable energy and water usage, natural ventilation and electric vehicle parking
- Create a senior care facility and ground floor retail to emphasize economic development within the City to support San José's growth as a center of innovation and regional employment
- Promote the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth activity to an innovative workforce and consistent with the General Plan's environmental goals
- Intensify an existing low-density land use into high-density, mixed-use urban commercial and residential per the Urban Village Plan
- Provide bicycle parking for residents to help support the goals of the Envision San José 2040 General Plan
- Provide a Transit Demand Management (TDM) Program to reduce vehicle trips and parking demand by promoting the use of multimodal transportation options including a ride-share program.

The overriding considerations set forth above constitute a separate and independent grounds for finding that the benefits of the Project outweigh its significant unavoidable environmental impacts. These matters are supported by evidence in the record that includes, but is not limited to, the Envision San José 2040 General Plan and the West San Carlos Urban Village Plan.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the proposed project. Three on-site signs were posted on the property since December 2020. A Joint Environmental Scoping and Community Meetings was held on December 17, 2020, via Zoom. There were approximately 18 members of the public attended the meeting. Two speakers were in favor of the project and the rest asked questions and expressed concerns. Comments and concerns were mainly about the development proposal (CP20-020). Below is a summary of the comments and responses.

December 17, 2020 Virtual Community Meeting
Number of Attendees: 18 +/-
Major Comments and Concerns
Parking: Concerns about overflow parking to streets and the lift parking system.
Sanitary Sewer: How will this project impact sanitary sewer system? Will the sewer fees be increased due to this project?
School: How will local school bonds be impacted by the city becoming part of the City?
Historic Resources: Has a historic resources survey been conducted? Request more information about the existing buildings on site.
CEQA: How will the environmental impacts of project be analyzed?
Building Design: Concerns about the massing/height compatibility to the adjacent two-story buildings.
Construction impact

Parking:

The proposed mixed-use development (CP20-020) is required to meet the minimum parking requirement per Zoning Code.

Sewer:

The project site would remain in Burbank Sanitary District (BSD). The sanitary sewer fees will be assessed by BSD. The City would collect the storm sewer fees.

School:

The developer would be required to pay school fees prior to obtaining the building permit. District Bonds would be a decision of the school district.

Building Design:

The mixed-use development is required to comply with the design guidelines included in the West San Carlos Urban Village Plan, including the height transition requirement. The detail analysis will be provided in the staff report for the second Planning Commission hearing.

Construction Impact:

The Conditional Use Permit, CP20-020 will include construction conditions and mitigation measures to minimize the construction impact.

Environmental Impact Analysis:

An EIR was prepared and circulated as discussed above.

Historic Resources:

A Historic Evaluation of the existing buildings was prepared and two of the existing buildings are identified as eligible City Landmarks. The EIR concludes that the project would result in significant and unavoidable impact to the cultural resources due to the demolition of the Candidate City Landmarks.

Project Managers: Angela Wang

Approved by: /s/ Robert Manford, Deputy Director for Christopher Burton, Planning Director

ATTACHMENTS:	
Exhibit A:	Vicinity Map, Aerial
Exhibit B:	General Plan Land Use Designation
Exhibit C:	Existing Zoning Map
Exhibit D:	Proposed Zoning Map
Exhibit E:	Burbank No. 44 Annexation Initiating Resolution
Exhibit F:	C20-011 Pre-zoning Ordinance
Exhibit G:	Environmental Impact Report Resolution and Mitigation Monitoring and Reporting Program (MMRP)
Exhibit H:	County Certified Burbank 44 Annexation Boundary
Exhibit I:	C20-011 Pre-zoning Plat Map and Legal Description

Applicant/Owner of 1891 West San Carlos St (APN 274-16-053)	Owner of 1883 W San Carlos St & 13 Boston Ave (APN 274-16-050, and 052)	Owner of 1899 W San Carlos St (APN 274-16-069, and 070)
Oak Glen Ventures, LLC 305 Vineyard Town Center, #228 Morgan Hill, CA 95037	Paul Dorsa & Linda Dorsa Trustees 140 W Main St Los Gatos, CA 95030	James V. Thomason & Pat Thomas Trustees 37269 N Wild Barley Path San Tan Valley, AZ 85140

Exhibit A: Vicinity Map/Aerial

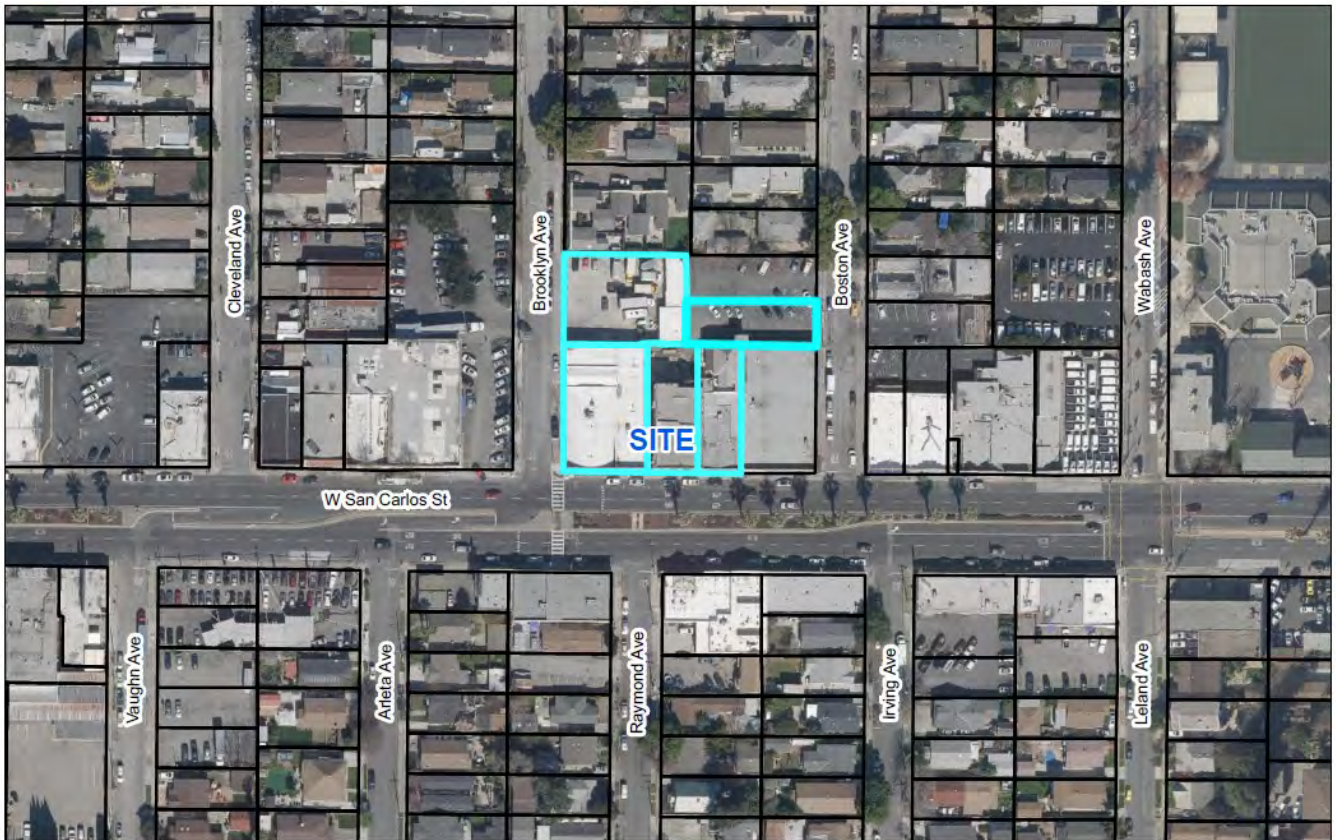


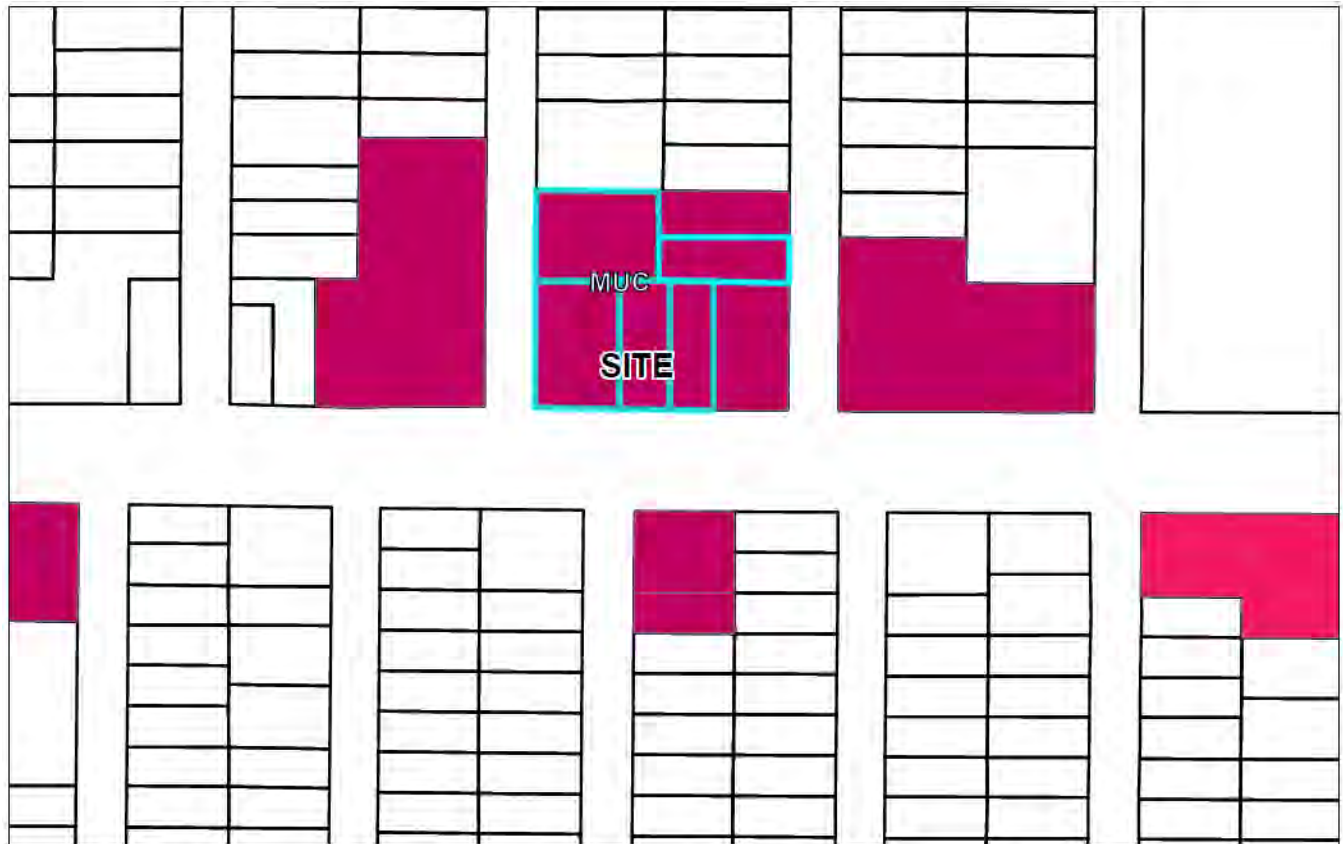
Exhibit B: General Plan Land Use Designation



Exhibit C: Existing Zoning Map



Exhibit D: Proposed Zoning Map



Burbank 44 (Annexation), C20-011 & ER20-146

Links to Attachment E-I

Click on the title to view document

Exhibit E: Burbank No. 44 Annexation Initiating Resolution
Exhibit F: C20-011 Pre-zoning Ordinance
Exhibit G: Environmental Impact Report Resolution and Mitigation Monitoring and Reporting Program (MMRP)
Exhibit H: County Certified Burbank 44 Annexation Boundary
Exhibit I: C20-011 Pre-zoning Plat Map and Legal Description

Public Correspondence received after 12/7/22

BURBANK SANITARY DISTRICT

9. CONSENT CALENDAR

9.A. APPROVAL OF MINUTES

Approve Minutes from Special Meetings of
December 12, 2022 & December 23,2022

**BURBANK SANITARY DISTRICT
BOARD OF DIRECTORS**

**MINUTES OF SPECIAL MEETING
December 12, 2022**

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 4:00 p.m. in person at District Office at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, California and via teleconferencing in accordance with AB361. President Sclafani called the meeting to order at 4:20 p.m.

2. ROLL CALL

Directors Present: Procopio Sclafani, Ken Colson, Rene Prupes, Michelle Kaelker-Boor, Rebecca Yoder
Directors Absent: None
Counsel Present: Valerie Armento (Present for the open session through Item 10)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager)
Advisor: Richard Tanaka
Visitors: Jimmy Lew, Mark Negrete, Kristina Seldal

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Kaelker-Boor

Second: Yoder

Board vote:

Ayes: Sclafani, Yoder, Colson, Prupes, Kaelker-Boor

Noes: None

Absent: None

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – None.

4.C. Board Commentary – None.

5. AB 361

The Board makes the following findings required by AB 361 in order to hold this meeting by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the California Department of Public Health and the County Health Officer continue to encourage social distancing and strongly recommend that all people wear masks in all indoors public spaces, and (3) due to room capacity limitations, meeting in person could present imminent risks to the health or safety of attendees

Motion: Move make findings (1), (2), and (3) in accordance with AB 361.

Move: Colson

Second: Kaelker-Boor

Board vote:

Ayes: Sclafani, Yoder, Colson, Prupes, Kaelker-Boor

Noes: None

Absent: None

6 UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA

6.A. Recruitment of New Board Members Update. Board action required: Interview candidates.

The Board interviewed three Board Member candidates: Jimmy Lew, Mark Negrete and Kristina Seldal.

7. CLOSED SESSION

6.A. CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION

Government Code Section 54956.9(d)(1) Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

There was no closed session.

8. CONSENT CALENDAR

8.A. Approval of Minutes from the Regular Meeting of November 15, 2022

Motion: To approve Meeting Minutes from the Regular Meeting of November 15, 2022

Move: Kaelker-Boor

Second: Colson

Board vote:

Ayes: Kaelker-Boor, Colson, Prupes

Noes: None

Absent: None

Abstain: Sclafani, Yoder

9. WARRANTS

9.A. Approval of Warrants.

1. Mark Thomas & Company, Inc. (District Management Services and BSD CIPs)
2. First Tech Federal Credit Union (Board of Directors' Payroll)
3. Armento and Hynes, LLP (District Legal Services)
4. Richard Tanaka (District Advisor Services)
5. Cupertino Sanitary District (Common Interest Group Cost Sharing October 2022)
6. California Association of Sanitation Agencies (Membership Renewal 2023)
7. Roto-Rooter Plumbing (124 Boston Ave)

Motion: To approve seven (7) warrants as listed.

Move: Yoder

Second: Kaelker-Boor

Board vote:

Ayes: Sclafani, Yoder, Prupes, Kaelker-Boor, Colson

Noes: None

Absent: None

10. NEW BUSINESS

10.A. Oath of Office – Director Sclafani to take Oath of Office

Director Prupes administered the Oath of Office to Director Sclafani.

10.B. Board Elections. Elect a new President and Secretary for 2023. Board action required: Elect Board President and Secretary for 2023.

Director Kaelker-Boor nominated Director Prupes as President and Director Yoder nominated Director Sclafani as Secretary for the year of 2023.

Motion: To elect Director Prupes as Board President and Director Sclafani as Board Secretary

Move: Kaelker-Boor

Second: Yoder

Board vote:

Ayes: Sclafani, Yoder, Prupes, Kaelker-Boor, Colson

Noes: None

Absent: None

10.C. Resolution No 292 & 293 – Commendations for Director Michelle Kaelker-Boor and Director Rebecca Yoder. Board action required: Review and adopt Resolutions No. 292 & 293.

Motion: To adopt Resolutions No. 292 & 293

Move: Prupes

Second: Sclafani

Board vote:

Ayes: Sclafani, Yoder, Prupes, Kaelker-Boor, Colson

Noes: None

Absent: None

10.D. Revised FY2021-22 Operation & Maintenance Cost Sharing.

Board reviewed and noted the revised FY2021-22 Operation & Maintenance Cost Sharing.

10.E. Hybrid Meetings after Termination of State of Emergency. Board action required: Discuss.

Motion: To allow constituents to continue to participate in Board Meeting remotely after the State of emergency has ended

Move: Yoder

Second: Colson

Board vote:

Ayes: Sclafani, Yoder, Prupes, Kaelker-Boor, Colson

Noes: None

Absent: None

11. OLD BUSINESS

11.A. Status of SRF Loan and CIP Update. Board action required: None.

Deputy Manager Woodhouse provided an update on the SRF Loan disbursement.

11.B. Burbank 44 - Proposed City-Conducted Annexation Update. Board action required: Review Correspondence from the City of San Jose

Manager Porter provided an update to the proposed Burbank 44 annexation. The Board directed staff to consider adding an update to the District's website and to add this to the agenda for the first meeting in January..

11.C. GreenWaste Recovery, Inc. – Annual Spring Clean Up Day Planning. Board action required: Consider May 20, 2023 as the Annual Clean Up Day.

Board directed staff to proceed with planning the Spring Clean Up Day for May 20, 2023.

11.D. COVID-19 Update.

No update.

12. HOUSEKEEPING ITEMS

12.A. Updates on Housekeeping Items.

No update

12.B. Agenda Items for Next Upcoming Meeting.

No update

13. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, December 20, 2022

Motion: To adjourn meeting at 6:42 pm.

Move: Kaelker-Boor **Second:** Yoder

Board vote: **Ayes:** Sclafani, Yoder, Colson, Kaelker-Boor, Prupes
Noes: None
Absent: None

Approved: January 17, 2023

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rene Prupes, President

District Manager
Benjamin T. Porter, PE

**BURBANK SANITARY DISTRICT
BOARD OF DIRECTORS**

**MINUTES OF SPECIAL MEETING
December 23, 2022**

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 12:00 p.m. via teleconferencing in accordance with AB361. Acting President Prupes called the meeting to order at 12:05 p.m.

2. ROLL CALL

Directors Present: Procopio Sclafani, Rene Prupes, Michelle Kaelker-Boor, Rebecca Yoder
Directors Absent: Ken Colson (Excused Absence)
Counsel Present: Valerie Armento
Staff: Benjamin Porter (District Manager), Shirley Ho
Advisor: Richard Tanaka
Visitors: None.

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Kaelker-Boor

Second: Yoder

Board vote:

Ayes: Sclafani, Prupes, Kaelker-Boor, Yoder

Noes: None

Absent: Colson

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – None.

4.C. Board Commentary – None.

5. AB 361

The Board makes the following findings required by AB 361 in order to hold this meeting by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the California Department of Public Health and the County Health Officer continue to encourage social distancing and strongly recommend that all people wear masks in all indoors public spaces, and (3) due to room capacity limitations, meeting in person could present imminent risks to the health or safety of attendees

Motion: Move make findings (1), (2), and (3) in accordance with AB 361.

Move: Yoder

Second: Sclafani

Board vote:

Ayes: Sclafani, Prupes, Kaelker-Boor, Yoder

Noes: None

Absent: Colson

6. CLOSED SESSION

6.A. CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION

Government Code Section 54956.9(d)(1) Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Closed session discussion commenced at 12:08 pm and ended at 12:42 pm. Manager Porter and Staff Shirley Ho were excused. No reportable action was taken at the closed session.

7. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, January 3, 2023

The meeting was adjourned by consensus at 12:49 pm

Approved: January 17, 2023

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rene Prupes, President

District Manager
Benjamin T. Porter, PE

BURBANK SANITARY DISTRICT

10. WARRANTS

10.A. APPROVAL OF WARRANTS

1. Mark Thomas & Company, Inc.
2. First Tech Federal Credit Union
3. Armento and Hynes, LLP
4. Richard Tanaka
5. City of San Jose
6. Cupertino Sanitary District
7. State Water Resources Control Board

Warrant List for 01-17-2023

#	Payee	Invoice Date	Invoice No.	Invoice Amount	Description	Warrant No.
1	Mark Thomas & Company, Inc.	1/12/2023	46010	\$ 16,340.06	District Management Services	4056
2	Burbank Sanitary District for Deposits / First Tech Fed Credit Union		n/a		Board Payroll, Processing Fees/Taxes (Amount Deposited)	
	Rebecca Yoder			\$ 231.00	12/12/22, 12/23/22	
	Michelle Kaelker-Boor			\$ 231.00	12/12/22, 12/23/22	
	Ken Colson			\$ 115.50	12/12/2022	
	Rene Prupes			\$ 231.00	12/12/22, 12/23/22	
	Procopio Sclafani			\$ 231.00	12/12/22, 12/23/22	
	Total payment to Directors			\$ 1,039.50		
	Estimated processing fees/taxes			\$ 210.50		
			First Tech Subtotal	\$ 1,250.00		4057
3	Armento and Hynes, LLP	12/30/2022	2022-11	\$ 1,400.00	District Legal Services	4058
4	Richard Tanaka	1/2/2023	2022-12	\$ 1,000.00	District Advisor Services	4059
5	City of San Jose	1/3/2023	1222152	\$ 75,320.00	Operations and Maintenance 3Q FY2022-23	
		1/3/2023	1222153	\$ 17,814.00	Capital Billing 3Q FY2022-23	
			CSJ Subtotal	\$ 93,134.00		4060
6	Cupertino Sanitary District	1/2/2023	N/A	\$ 4,344.58	Common Interest Agmt - November 2022	4061
7	State Water Resources Control Board	1/7/2023	N/A	\$ 3,453.00	Annual Permit Fee 7/1/22 6/30/23	4062
	TOTAL WARRANT AMOUNT			\$ 120,921.64		
	TOTAL YEAR-TO-DATE WARRANT AMOUNT FY 2022-23			\$ 441,065.54		

BURBANK SANITARY DISTRICT

11. NEW BUSINESS

- 10.A. FY2022-23 Second Quarter Financial Review
- 10.B. City of San Jose – Q3 FY2021-22 Credits & FY2023-24 Revenue
Program Timetable

BURBANK SANITARY DISTRICT
2nd Quarter Financial (October 1, 2022 through December 31, 2022)
FISCAL YEAR: July 1, 2022 to June 30, 2023
BUDGET REPORT - EXPENSES

Account Name	Amount budgeted	Prior Expenses	Amount Payable	Total Expenses To Date	Unencumbered Balance	% Expended To Date	Comments
DEC							
Debt Related Expenses							
Revenue Bonds 2009 Series A - Term Ends 2020	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	None this fiscal year
State Revolving Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	None this fiscal year
Special District Fixed Asset Acquisition							
Treatment Plant Capital Improvement Fund	\$206,318.00	\$44,183.00	\$17,814.00	\$61,997.00	\$144,321.00	30.05%	Fiscal Year 2022-23 through Third Quarter (Q3)
Sewer System CIP Projects	\$0.00	\$18,643.37	\$0.00	\$18,643.37	(\$18,643.37)	0.00%	None this month
Service and Supplies							
Wastewater Treatment Plant O&M	\$293,590.00	\$146,794.00	\$75,320.00	\$222,114.00	\$71,476.00	75.65%	Fiscal Year 2022-23 through Third Quarter (Q3)
Wastewater Treatment Plant Equipment	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	0.00%	None to date
San Jose Joint Use O&M	\$10,000.00	\$0.00	\$0.00	\$0.00	\$10,000.00	0.00%	None to date
San Jose Joint Use CIP	\$10,000.00	\$0.00	\$0.00	\$0.00	\$10,000.00	0.00%	None to date
Annual Neighborhood Clean Up Day	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	0.00%	None to date
Preventive Maintenance & Video Inspection	\$40,000.00	\$312.00	\$0.00	\$312.00	\$39,688.00	0.78%	None to date
Emergency Repairs and Stoppages	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.00%	None to date
Repairs and Replacement (mains/laterals)	\$30,000.00	\$0.00	\$0.00	\$0.00	\$30,000.00	0.00%	None to date
Permits (encroachment)	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.00%	None to date
Office Expenses/Publications	\$2,500.00	\$651.99	\$0.00	\$651.99	\$1,848.01	26.08%	None this month
Engineering/Maintenance Management	\$248,800.00	\$64,480.92	\$16,340.06	\$80,820.98	\$167,979.02	32.48%	On Target
Legal - District Counsel	\$35,000.00	\$4,780.00	\$1,400.00	\$6,180.00	\$28,820.00	17.66%	Armento & Hynes - December Legal Services
Legal - Outside Services	\$25,000.00	\$16,572.39	\$4,344.58	\$20,916.97	\$4,083.03	83.67%	Common Interest Group Cost Sharing - November
Legal - District Advisor	\$6,000.00	\$4,100.00	\$1,000.00	\$5,100.00	\$900.00	85.00%	Richard Tanaka - December Services
Audit and Accounting Services	\$13,500.00	\$0.00	\$0.00	\$0.00	\$13,500.00	0.00%	None to date
Taxroll Preparation/Refund	\$1,500.00	\$0.00	\$0.00	\$0.00	\$1,500.00	0.00%	None to date
Annual Memberships (CASA, SWRCB, Website)	\$5,200.00	\$2,312.48	\$3,453.00	\$5,765.48	(\$565.48)	110.87%	SWRCB - Annual Permit for Period 7/1/22 - 6/30/23
Insurance Renewal (CASA)	\$11,650.00	\$11,545.00	\$0.00	\$11,545.00	\$105.00	99.10%	CASA paid in full for FY2022-2023
Conference Registration -Travel	\$4,000.00	\$0.00	\$0.00	\$0.00	\$4,000.00	0.00%	None to date
Website Expenses	\$10,000.00	\$718.75	\$0.00	\$718.75	\$9,281.25	7.19%	None this month
Board Election Expenses	\$5,000.00	\$0.00	\$0.00	\$0.00	\$5,000.00	0.00%	None to date
	\$991,058.00	\$315,093.90	\$119,671.64	\$434,765.54	\$556,292.46	43.87%	
Salary and Benefit Special Districts							
Per Diem - Five Board Members x 24 meetings	\$17,100.00	\$5,050.00	\$1,250.00	\$6,300.00	\$10,800.00	36.84%	12/12/22 and 12/23/22 Meetings - Five Directors in attendance
Per Diem - District Clerk x 24 meetings	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	None this fiscal year
	\$17,100.00	\$5,050.00	\$1,250.00	\$6,300.00	\$10,800.00	36.84%	
TOTAL EXPENSES	\$1,008,158.00	\$320,143.90	\$120,921.64	\$441,065.54	\$567,092.46	43.75%	

BURBANK SANITARY DISTRICT
2nd Quarter Financial (October 1, 2022 through December 31, 2022)
 FISCAL YEAR: July 1, 2022 to June 30, 2023
BUDGET REPORT - REVENUE

Account Name	Account Number	Amount budgeted	Prior Months' Receipts	Current Month Receipts	Total Receipts To Date	Balance of Budget	% Earned To Date	Comments
DEC								
OPERATING								
Interest Allocation	4301100	\$12,000.00	\$5,397.63	\$0.00	\$5,397.63	\$6,602.37	44.98%	None this month
Permits and Connections	4980010	\$8,000.00	\$6,160.00	\$740.00	\$6,900.00	\$1,100.00	86.25%	Two payments received this month; Seven payments received to date
Direct Assessments	4980350	\$1,330,758.00	\$0.00	\$0.00	\$0.00	\$1,330,758.00	0.00%	None to date
SRF Loan		\$1,862,109.00	\$1,677,321.00	\$184,743.00	\$1,862,064.00	\$45.00	100.00%	Payment on Final SRF Loan Invoice
Credit for Treatment Plant CIP		\$75,000.00	\$0.00	\$0.00	\$0.00	\$75,000.00	0.00%	None to date
TOTAL OPERATING REVENUE		\$3,287,867.00	\$1,688,878.63	\$185,483.00	\$1,874,361.63	\$1,413,505.37	57.01%	
TOTAL REVENUE		\$3,287,867.00	\$1,688,878.63	\$185,483.00	\$1,874,361.63	\$1,413,505.37	57.01%	

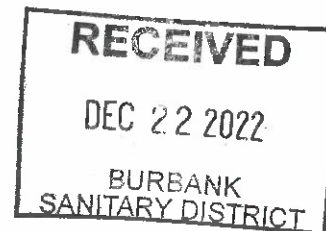
CASH ACCOUNT SUMMARY

Date	Description	Balance
June 30, 2022	Ending balance	1,127,056.05
July 31, 2022	Ending balance	1,012,999.90
August 31, 2022	Ending balance	887,727.78
September 30, 2022	Ending balance	872,575.82
October 31, 2022	Ending balance	\$1,676,753.17
November 30, 2022	Ending balance	\$1,651,058.73
December 31, 2022	Ending balance	\$1,811,433.59



Environmental Services Department

December 20, 2022



Burbank Sanitary District

Attn: Benjamin T. Porter
20863 Stevens Creek Blvd, Suite 100
Cupertino, Ca. 95014-2154

Re: Third Quarter Adjustments for FY21-22 O&M and CIP Billings

Dear Benjamin,

In accordance with Section E.3.b in the 1983 Master Agreement between the City of San Jose-Santa Clara and the Tributary Agencies, "...adjustments in any payment described above shall be on the basis of actual payment to expenditures and shall be made no later than the third quarter billing of the following fiscal year. A statement outlining the method of adjusting costs and actual adjustments shall be included."

In Section G of the 1983 Master Agreement between the City of San Jose-Santa Clara and the Tributary Agencies, "...payment of Agency of any moneys to which it may become entitled may be made by off-setting the amount of such moneys against any payments which Agency may be obligated to pay under the provisions of this Agreement or Agency may request reimbursement of any credit balance. The request for cash reimbursement shall be honored by First Parties within forty-five (45) days following receipt of notice."

As a courtesy we are sending this letter to remind you of your options for reimbursement for your credit. Attached is a reconciliation for the amounts that represent the "credits" for your FY21-22 O&M and CIP billings. Please notify us both by email and in writing by the close of business on January 3, 2023, if you will request a check for a cash reimbursement or a credit adjustment for your credit adjustment. If you have any questions, I may be contacted at laura.burke@sanjoseca.gov

Sincerely,

Laura Burke, Principal Accountant
City of San Jose, Environmental Services Department, 10th Floor
200 E. Santa Clara St.
San Jose, Ca. 95112
Email: laura.burke@sanjoseca.gov

Summary of Q3 FY21-22 Adjustments

O&M Reconciliation for Cash and Non-cash Items		<u>San Jose*</u>	<u>Santa Clara</u>	<u>West Valley</u>	<u>Cupertino</u>	<u>Milpitas</u>	<u>District 2-3</u>	<u>Burbank</u>
Fund 513	\$	1,234,973	\$ 3,562,668	\$ 2,076,532	\$ 1,029,445	\$ 1,109,819	\$ 199,945	\$ 47,841
SBWR Operating Fund - Fund 570	\$	2,975,708	\$ 746,708	\$ 445,928	\$ 271,170	\$ 279,948	\$ 46,896	\$ 11,315
	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Credit/ (Debit) Summary		\$ 4,210,681	\$ 4,309,376	\$ 2,522,460	\$ 1,300,615	\$ 1,389,767	\$ 246,841	\$ 59,156
CIP Reconciliation for Cash and Non-cash Items Fund 512		<u>San Jose*</u>	<u>Santa Clara</u>	<u>West Valley</u>	<u>Cupertino</u>	<u>Milpitas</u>	<u>District 2-3</u>	<u>Burbank</u>
Rolling Average CIP- Fund 512	\$	(136,915,366)	\$ 1,777,725	\$ 824,546	\$ 540,669	\$ 937,436	\$ 63,171	\$ 29,032
Digester Project	\$	(1,627,637)	\$ (64,075)	\$ (11,633)	\$ (7,187)	\$ (12,057)	\$ (1,619)	\$ (380)
Blower Improvements	\$	(7,613,216)	\$ 112,023	\$ 37,944	\$ 24,443	\$ 38,896	\$ 2,853	\$ 1,724
Nitrification Clarifier Rehab	\$	9,321,960	\$ (87,049)	\$ (28,841)	\$ (17,994)	\$ (31,313)	\$ (2,544)	\$ (915)
Headworks Improvements	\$	(496,699)	\$ (19,113)	\$ (7,383)	\$ (4,947)	\$ (8,944)	\$ (758)	\$ (256)
New Headworks	\$	(14,221)	\$ (167,832)	\$ (70,113)	\$ (47,015)	\$ (85,179)	\$ (6,477)	\$ (2,413)
Outfall Bridge & Levee Improvements	\$	2,015,000	\$ (36,406)	\$ (13,200)	\$ (8,604)	\$ (14,680)	\$ (1,263)	\$ (501)
Filter Rehab	\$	(2,149,067)	\$ (130,266)	\$ (58,158)	\$ (39,031)	\$ (70,831)	\$ (5,195)	\$ (1,993)
Sledge Dewatering	\$	419,685	\$ (236,262)	\$ (72,090)	\$ (42,515)	\$ (68,849)	\$ (5,586)	\$ (2,186)
Total Credit/ (Debit) Summary	\$	(137,059,561)	\$ 1,148,745	\$ 601,072	\$ 397,819	\$ 684,479	\$ 42,582	\$ 22,112
Adjustment for San Jose due to open Line of Credit (LOC) for non-expended funds (non-cash items include: Reserve for Encumbrances and CIP Rebudgets)		\$ 300,000,000						
San Jose's Adjusted Cash Position		\$ 162,940,439						

December 9, 2022

TO: Tributary Agencies

SJ: Timetable for Completion of 2023-2024 Revenue Program

Enclosed is a timetable for completion of the 2023-2024 Revenue Program. Please note that mass emission data (Revenue Program forms 1, 2 and 3) for computing the Agencies' estimated shares of 2023-2024 San Jose - Santa Clara Regional Wastewater Facility operating and maintenance costs is due on February 13, 2023.

Please call Lillian Nguyen at 408-975-2567 if clarification of additional information is required.

Thank you,

LAURA BURKE



Principal Accountant
Administration Division
Environmental Services Department

**CITY OF SAN JOSE
ENVIRONMENTAL SERVICES DEPARTMENT**

SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY (RWF)

2023-2024 REVENUE PROGRAM TIMETABLE

DATE	RESPONSIBLE AGENCY	ACTION REQUIRED
2/13/2023	AGENCIES	2023-2024 MASS EMISSION: Submit mass emission data for the 2023-2024 Revenue Program (forms #1 - 3) to the RWF Revenue Program Section.
3/1/2023	SJ/SC WPCP	2023-2024 CAPITAL PROJECT COSTS: Transmit to each tributary agency a distribution of estimated 2023-2024 Capital Project costs.
3/16/2023	SJ/SC WPCP	2023-2024 REVENUE PROGRAM FORMS: Transmit to each tributary agency a distribution of estimated 2023-2024 budgeted operations and maintenance costs, contained in the following forms: <ul style="list-style-type: none"> ● Form 9 - Summary of Capacity Allocation. ● Form 10 - Distribution of Capital Costs. ● Form 11 - Summary of Annual Loadings. ● Form 12 - Distribution of O & M and Replacement Allowance Costs.
8/1/2023	AGENCIES	2023-2024 ADOPTED REVENUE PROGRAM: Submit the final Revenue Program (Forms #1 - 6) and ordinance or resolution adopting the 2023-2024 rate structure to the RWF Revenue Program Section.