

Planning Commission Date: July 11, 2007

Item No. **2.**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

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Public Hearing: Yes: X No:

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TITLE:

**SOUTH MAIN STREET PROJECT - GENERAL PLAN
AMENDMENT NO. GP2006-2, ZONE CHANGE NO. ZC2006-
2, SITE PLAN AND ARCHITECTURAL APPROVAL NO.
SZ2006-7, TENTATIVE MAP NO. MA2006-3 AND
ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2006-5**

Proposal:

A request for a General Plan Amendment, Midtown Specific Plan Amendment, Rezoning, Site Plan and Architectural Review, Major Tentative Map, Planned Unit Development and Environmental Impact Assessment to allow for the construction of a 126-unit podium style residential condominium development on a 2.72 acres vacant parcel at the intersection of South Main Street and South Abel Street (APN: 086 16 100.) The property is proposed to be redesignated from General Commercial with Transit Oriented Development Overlay to Multi-Family Very High Density (31 to 40 dwelling units per acre) with Transit Oriented Development Overlay and rezoned from General Commercial with Transit Oriented Development and "S" Zone Overlay District "C2-TOD-S" to Multi-Family Very High Density with Transit Oriented Development and "S" Zone Overlay District "R4-TOD-S." The project includes a Planned Unit Development approval for approximately 2,800 square feet of retail use. A Mitigated Negative Declaration has been prepared for this project

Location:

South Main & Abel Streets

APN:

086-16-100

RECOMMENDATION: **Close Public Hearing. Adopt Resolution Recommending to the City Council Approval of General Plan Amendment No. GM2006-2 and Midtown Specific Plan Amendment and Zone Change No. ZC2006-2. Recommend Approval of Major Tentative Map No. MA2006-3 based on the Findings and**

Recommended Special Conditions below. Approve Site Plan and Architectural Approval No. SZ2006-7 based on the Findings and Recommended Special Conditions below.

Applicant: John Baer, Matteson Real Estate Equities, 1991 Broadway, Suite 300, Redwood City, CA 94063

Property Owner: John Baer, Matteson Real Estate Equities, 1991 Broadway, Suite 300, Redwood City, CA 94063

Previous Action(s): None

Environmental Info: An Initial Study/Mitigated Negative Declaration has been prepared and circulated for this project.

General Plan Designation: General Commercial with a Transit Oriented Development Overlay

Present Zoning: C2, General Commercial with a Transit Oriented Development Overlay

Existing Land Use: Vacant Land

Agenda Sent To: Applicant and owner as noted above

Attachments: *Attachment A* – Resolution for Recommending Approval of General Plan Amendment and Midtown Specific Plan Amendment & Map Exhibits No. 504
Attachment B – Resolution for Recommending Approval of Zoning Change & Map Exhibit no. 505
Attachment C – Project Plans & Tentative Maps
Attachment D – Applicant Project Description
Attachment E – Draft Initial Study/Mitigated Negative Declaration
Attachment F – Final Initial Study/Mitigated Negative Declaration
Attachment G – Storm Water Control Report (March 6, 2006)
Attachment H – Burrowing Owl Survey & Habitat Report (April 19, 2006)
Attachment I – Draft Transportation Impact Analysis (August 4, 2006)

PJ #3206

BACKGROUND

Mixed Use Development

The Midtown Specific Plan specifically designates mixed-use development area between Abel Street and Main Street from Curtis Ave. north to Calaveras Blvd.

Land Use Compatibility- This parcel of land is designated General Commercial in the Midtown Specific Plan. The site is mainly surrounded by residential land use within the City of Milpitas. The D.R. Horton Centria project is located to the north and the Starlite Pines residential area is located to the west.

Site Description

The project site is located on a 2.72-acre parcel at the north corner of the intersection of South Main Street and South Abel Street. The land is currently vacant.

West of the project site is the Starlite Pines single-family residential district. Construction is currently underway north of the project site for a 464-unit condominium project called the Centria. The area to the east of the project is currently used for industrial uses but has been zoned R4 by the Midtown Specific Plan. The Light Rail System is located just north of the site as well as the Great Mall.



THE APPLICATION

The applicant is requesting a General Plan Amendment, Midtown Specific Plan Amendment, a re-zone, Site Plan and Architectural Review, Major Tentative Map and a positive recommendation for certification from the Planning Commission to the City Council regarding the Environmental Impact Assessment. The applicant is requesting approval of a Major Tentative Tract Map, pursuant to Section XI-1-4.00 (Tentative Map) of the Subdivision Ordinance. The applicant is requesting approval for a Site Plan and Architectural (“S” Zone”) Approval pursuant to Section 42 of the Zoning Ordinance.

Project Description

The approval of the project will allow for the construction of 126-unit mixed-use condominium project with at grade parking, ground floor retail, and recreational and open space facilities on 2.72 acres.

The units will be offered in a mix of 25 one-bedrooms (19 with den’s), 80 two –bedrooms and 21 three-bedroom units (3 with den’s). The units will range in size from 692 to 1665 square feet. The 2800 square foot retail space will be located on the ground floor at the corner of South Main & Abel Streets. The retail space will open up to an outdoor seating area. The project is three stories high above at-grade parking. The project includes two buildings that are interconnected surrounding two courtyards and a pool and spa. There are a total of 248 parking spaces onsite, 226 spaces are in the garage (including 28 tandem) and 22 are located outside the building.

Table 1: Proposed Residential Units

Unit type	# of Bedrooms	Size (sq ft)	# of units
1A	1	692	6
1B	1 (+ den)	837	19
2	2	1040	65
3	3	1665	3
4	2	1096	6
5	2	1088	6
6	2	1086	3
7A	3	1408	12
7B	3 (+ den)	1436	3
8	3	1266	3

The project proposes recreational amenities, such as a pool and spa. The project offers generous open space and new landscaping. Each of the residential buildings will have either a private

courtyard space or landscaped paseos between the buildings for an open space amenity. The streetscape design along South Main Street will incorporate the City's recently adopted South Main Street and South Abel Street Plan Line Study.

General Plan Amendment

The applicant is requesting a General Plan Amendment for the project site. The existing land use designation is General Commercial. The proposed land use designation is Multi-Family, Very High Density (31 to 40 dwelling units per acre) and with a Transit Oriented Overlay the density is increased to 41 to 60 dwelling units per acre. There are 126 residential units proposed on 2.72 acres. The project meets the density requirement for the proposed land use designation at 46 dwelling units per acre.

The project site is mainly surrounded by properties with a residential land use designation. The Starlite Pines neighborhood to the west is an established residential neighborhood with a land use designation of Single Family, Low Density (3 to 5 dwelling units per acre.) The properties to the east of the project site were re-designated Multi-Family, Very High Density (31 to 40 dwelling units per acre) with the adoption of the Midtown Specific Plan in 2002. The area to the east is also in the Transit Oriented Overlay, which can increase the density to 41 to 60 dwelling units.

Midtown Specific Plan Amendment

The Midtown Specific Plan was adopted by the City Council on March 19, 2002 to guide the development and further evolution of the Milpitas Midtown Planning Area and encourage "development that responds to City and regional objectives, such as a compatible mixture of residential, retail and commercial uses."¹ With the adoption of the Midtown Specific Plan, the land use designation of a majority of the industrial and commercial properties along South Main Street and South Abel Street were re-designated to Mixed Use and Multi-Family, Very High Density. The density requirements were changed to 31 to 40 dwelling units per acre and up to 60 dwelling units per acre within the Transit Oriented Development Overlay.

The project site is located at the southern end of the Midtown Specific Plan Area. The land use designation of the South Main Street and South Abel Street corridor, between Great Mall Parkway and Montague Expressway, was re-designated to Multi-Family, Very High Density with the adoption of the Midtown Specific Plan and this area has experienced interest by many private investors to develop Multi-Family housing projects. Starting from the north, there is the "Centria" development by D.R. Horton, "Bay Stone" development by Bay Stone, "Aspen" development by Global Premier and "Paragon" development by D.R. Horton. The Midtown Specific Plan features this project site as an "Opportunity Site"². The Midtown Plan dictates that the site is zoned for General Commercial; therefore, the applicant is proposing to redesignate the land use to Multi-Family, Very High Density. The proposed Midtown Specific Plan Amendment would allow this parcel to be consistent with the existing surrounding residential land use designations within the area. (See Attachment A, Exhibit B)

Rezoning

¹ Midtown Specific Plan, City of Milpitas

The applicant is requesting a rezoning for the project site for conformance with the proposed General Plan and Midtown Specific Plan land use designation changes. The existing zoning designation is C2 – General Commercial with “S” Zone Overlay District and Transit Oriented Overlay. The proposed zoning designation is R4-S - Multi-Family Very High Density with “S” Zone Overlay District and Transit Oriented Overlay.

Analysis for General Plan Amendment, Midtown Specific Plan Amendment and Rezoning:

As stated above, the project site is surrounded by residential land uses. Given the presence of surrounding single-family and multi-family residential land uses, proximity to schools, major arterial streets and transit hubs and availability of public service capacity in the area, the proposed project and change in land use designation would result in a more compatible land use. If approved, the proposed General Plan Amendment, Midtown Specific Plan Amendment and Zone Change would be considered a logical land use designation, consistent with existing General Plan Guiding Principles and Implementing Policies.

Guiding Principle 2.a-G-2 Maintain a relatively compact urban form.

Guiding Principle 2.a-G-3 Provide for a variety of housing types and densities that meet the needs of individuals and families.

Implementing Policy 2.a-I-2 Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

Implementing Policy 2.b-I-3 Provide housing opportunities in Milpitas by meeting the City’s regional fair-share housing obligations.

Analysis: The proposed General Plan Amendment is compatible with the Guiding Principles and Implementing Policies listed above because the development encourages a compact development with the use of higher densities, provides for a variety of housing types and densities to meet the demands of varying families, promotes in-fill development and provides housing opportunities in Milpitas by contributing to the City’s regional fair-share housing obligations.

If approved, the proposed General Plan Amendment, Midtown Specific Plan Amendment and Zone Change would be consistent with existing Midtown Specific Plan Goals and Policies.

Goal 1 Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown area.

Goal 2 Provide for a significant component of new housing within the area in order to: improve the vitality of the Midtown Area; address local and regional housing needs; and reinforce the use of transit.

Goal 3 Promote the intensity of development in the Midtown area that is appropriate to its central location.

Goal 4 Provide for a land use mix that supports major transit facilities.

Policy 3.1 Allow for up to 4,860 new housing units in Milpitas Midtown.

Policy 3.4 Establish a minimum density of 21 units per gross acre in the Mixed-Use District, 31 units per gross acre in the multifamily, very high density area and a minimum of 41 units per gross acre around the transit stations.

Analysis: The proposed Midtown Specific Plan Amendment is compatible with the Goals and Policies listed above because the proposed project would ensure compatibility with residential land uses to the north, east and west, improve the vitality of the Midtown Area, address local and regional housing needs, contribute to new housing units in the Milpitas Midtown, increase use of transit and meets the minimum density requirement of the Multi-Family, Very High Density land use designation.

Major Tentative Tract Map

The applicant is requesting a major tentative tract map for the subdivision of the existing 2.75-acre parcel to 1 parcel and creating a total of 126 residential condominium units. The open space parcels, private streets and private courts will be common parcels. The tentative map also includes proposed grading, utility and on/off-site improvements. The map approval would allow for the creation of separately owned condominium units, encouraging home ownership in the community.

Conformance with the State Subdivision Map Act & Subdivision Ordinance

The State Subdivision Map act defers to the local ordinance with respect to the approval of a tentative tract map. The City's Subdivision Ordinance requires design and improvement consistent with the General Plan. As previously analyzed in the "Conformance with the General Plan section" of this report, the proposed project and tentative tract map are in conformance with the General Plan.

"S" Zone Application

A. Site and Architectural Compatibility with Surrounding Development

1) Site Layout

As mentioned earlier in the staff report, the project will allow for the construction of a 126-unit mixed-use condominium project with at grade parking, ground floor retail, and recreational and open space facilities on 2.72 acres.

The units will be offered in a mix of one, two and three-bedroom units. The units will range in size from 692 to 1665 square feet. The 2800 square foot retail space will be located on the ground floor at the corner point of South Main & Abel Streets. The retail space will open up to an outdoor seating area. The project is three stories high above at grade parking. The project includes two buildings that are interconnected surrounding two courtyards and a pool and spa. Just north of the pool is a fitness/recreation center as well as a business/meeting center. The project will be served by a pedestrian pathway system (sidewalks, crosswalks and paseos) that links the buildings to the public streets, transit, recreational amenities and private open space areas.

The proposed layout maximizes density, provides for adequate access for emergency service vehicles, provides pedestrian access and walk-ability throughout the site, and provides for building variety and interest along South Main Street.

2) Building Architecture

The project has been designed in the Spanish Colonial Revival style that characterizes older towns throughout California, many examples of which exist in the San Francisco Bay Area. This style evolved from the more simplistic Mission Revival style. The podium buildings are four stories and incorporate various architectural treatments reflecting the Spanish Colonial Revival and Mission Revival styles such as low-pitched tile roofs, stucco walls, multi-paned windows, paired windows, tower elements, dormers and arcaded porches. The building design is well articulated with a consistent style, changes in roof heights and vertical planes to reduce mass, use of balconies and varied building silhouettes, which are all consistent with the Midtown Specific Plan Design Guidelines.

3) Landscaping

The project offers generous new landscaping throughout the development. Most of the landscaping is in the setback areas along the perimeter of the project site and in the two interior courtyards.

Streetscape

The streetscape design along South Main Street will incorporate the City's recently adopted South Main Street and South Abel Street Plan Line Study. The improvements will include the removal and replacement of existing sidewalks, trees and lighting in front of the development and the installation of a new raised median island with lighting, landscaping and irrigation. Special paving treatments are proposed at vehicular entry points into the development.

4) Parking

The project proposes an at grade garage and outside parking facilities. There are 248 parking spaces in all, 198-garage parking, 28 tandem parking in the garage, and 22 at grade parking. The total required for the project is 233.5, which gives the project an excess of 14.5 parking spaces. The project is also proposing 35 bicycle parking spots.

The project is proposing 28 tandem spaces that will be in the recessed garage. 28 spaces represent 11% of the total on-site parking provided. The 28 tandem spaces will be designated in accordance with the project's CC&Rs to specific unit owners to ensure well-coordinated usage.

The 20 retail spaces will be designated as "shared parking" between the residential and commercial uses. Between the hours of 8am and 6pm, Monday through Saturday, these 20 shared spaces are available for parking on a first-come-first-serve basis by any project resident or guest, as well as any employee or client of the retail tenant. Parking in these shared spaces during the designated shared parking hours is restricted to a 3-hour maximum time limit. After 6pm and all day on Sunday, the 20-shared spaces revert to private residential parking for use by project residents and guests.

5) Park & Open Space

The applicant is proposing .94 acres of the 2.75 acres parcel as common and private open space. The common open space (.74 acres) consists of two courtyards; a corner retail plaza and surrounding landscaping. One courtyard surrounds a pool/spa area that includes landscaping and decorative hard-scaping. The second courtyard is designed with a more quiet setting in mind for reading and quiet conversation. The corner retail area will provide outdoor seating for customers, residents and guests of the project. The surrounding landscaping will include a 10 foot wide pedestrian sidewalk with a significant number of new trees around the perimeter of the project. The private open space (.20) areas are balconies or patios for those on the first floor.

The proposed development is located in the Midtown Specific Plan Area and is required to provide public and private park space at a ratio of 3.5 acres per 1,000 population. Based on the park fee calculation, the total required park space to be dedicated is 1.11 acres of which .64 acres should be public park space and .48 acres should be private park space.

Section XI-1-9.08 of the Subdivision Ordinance allows for “private open space for park and recreational purposes ~ privately owned and maintained by the future residents of the subdivision” to be credited against the requirement of dedication for park and recreation purposes or the payment of fees in lieu provided that the City Council “finds it in the public interest to do so” and the following standards are met:

- 9.08-1 That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
- 9.08-2 That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
- 9.08-3 That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the City Council; and
- 9.08-4 That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and
- 9.08-5 That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the general plan, and are approved by the City Council.

Based on these standards, the open space areas designated for recreation purposes and park like area has been achieved. The project will provide .94 acres of common and private open space and no public open space. **Staff recommends** A park in-lieu fee of \$396,054.00.

6) Solid Waste

The project proposes that there are three trash rooms distributed on every floor above the garage level. Each trash room contains two separate trash chutes: one for recycling and one for garbage.

The trash chutes funnel the recyclables and trash into separate collection dumpsters into the three main trash rooms on the garage level. On a schedule coordinated with the Solid Waste Removal Company, the Home Owners Associate Property Management company will use an industrial golf cart or “trainable carts” to transfer the recyclable and trash from the main trash enclosures in the garage to the main trash enclosure located on the north side of the surface parking lot.

The retail tenants will be responsible for placing their recyclables and trash into the trash enclosure located behind the retail area. They will then be transferred to the main trash enclosure on the north side of the surface parking lot.

7) Stormwater Runoff

The new C.3 Stormwater requirements require developments over 10,000 square feet in size to treat stormwater runoff before it discharges into City storm drains or creeks. Surface runoff is required to be reduced and treated for pollutants. Consistent with this, the applicant has submitted a Stormwater C.3 Report prepared by BKF, dated March 6, 2006. The project proposes to use the following BMP applications: “vegetated swale and treatment control device.”²

B. Conformance with Zoning Ordinance

Pursuant to Section XI-10-8.05 of the Zoning Ordinance, the project conforms to the land use and development standards of the “R4” – Multi-Family Very High Density zoning district with Transit Overlay as shown on Table 2 below:

Table 2: Zoning District Compliance

Zoning Code Development Standards	Proposed Project	Complies?
Residential Density = 41 to 60 dwelling units / acre	46 dwelling units / acre	Yes
Building Height <ul style="list-style-type: none"> ▪ 5 floors ▪ 75 feet 	<ul style="list-style-type: none"> ▪ 3 stories over garage ▪ 50 feet 	Yes
Parking Requirement = 233.5 <ul style="list-style-type: none"> ▪ Residential = 191.5 ▪ Guest = 28 ▪ Retail -- 14 	Parking Provided = 248 <ul style="list-style-type: none"> ▪ Residential = 191.5 ▪ Guest = 28 ▪ Retail – 14 ▪ Extra spaces -- 14.5 	Yes
Front & Street Side Setbacks = 8 to 15 feet from back of 10 foot sidewalk	<ul style="list-style-type: none"> ▪ Front Setback --13 feet ~ due to building design and articulation to break up massing ▪ Street Side Setback – varies 15 feet ~ 22 feet due to building design and articulation to break up massing 	Yes

² Stormwater C.3 Report, BKF

Interior & Rear Setbacks = 10 feet	14 feet	Yes
Park & Open Space = 1.11 acres required <ul style="list-style-type: none"> ▪ Public = .64 acres ▪ Private = .48 acres 	<ul style="list-style-type: none"> ▪ Public = .00 acres ▪ Private = .94 acres 	No, for public acres Yes, for private space
Utilities: Setback from street, screened with landscape or other material, located in a single area, in wells, underground, etc.	Staff will ensure conformance upon review of Site Improvement Plans for Building Permit.	TBD

C. Conformance with Midtown Specific Plan

All proposed projects in the Midtown Area subject to an “S” Zone Approval require compliance with the Midtown Specific Plan Development Standards and Design Guidelines. No S-Zone approval shall be issued by the City without the decision making body making the following findings:

“The proposed project conforms to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines.”³

As analyzed in the “S” Zone Application section of this report which included Site and Architectural Compatibility as well as Conformance with the Zoning Ordinance, the proposed project complies with the “R4” zoning district development standards and transit overlay standards and requirements as well as with the Development Standards and Design Guidelines of the Midtown Specific Plan.

Conformance with Affordable Housing Policy

The City of Milpitas General Plan Housing Element and Midtown Specific Plan Policy requires 20% affordable housing within each residential development project. For the proposed 126-unit project, this would require a total of 25 affordable units. However, staff is recommending 15% affordability requirement (as required by California Redevelopment Law) within the Matteson project based on the following public benefits: 1) The project has incorporated mixed-use commercial retail component which will enhance the Midtown Specific Plan goals and objectives and will provide long-term income tax revenue for the City of Milpitas, 2) the developer will be incorporating elements of the South Main Street Plan Study Line design features into their project which includes decorative paving, street trees and landscape median and 3) compared to the amount of tax-increment that will be generated from the project and considering that the developer has only requested limited funding from the Milpitas Redevelopment Agency (\$500,000) to financially assist the project, the reduction of 6 units does not negatively impact

³ Milpitas Midtown Specific Plan, March 19, 2002.

the City's overall affordable housing production goals. Staff recommends a total of 19 affordable units (14 moderate-income and 5 low-income) be provided within the Matteson project.

Owner Participation Agreement

If the project is approved by the Planning Commission, City and Legal Staff will prepare a Owner Participation Agreement (OPA) The Owner Participation Agreement will set out in detail the responsibilities of the Agency and the developer, specifically with regards to the loan, affordability, covenants and the use of the property. The OPA and related documents, which include a note, deed of trust, option and right of first refusal agreement and regulatory agreement would be submitted to the City Council/Redevelopment Agency for review and approval

In summary, the OPA would commit a total of \$500,000 in affordable housing funds for the development of 19 low and moderate-income housing units. The proceeds of Agency's funding would be used to pay project impact fees (park in-lieu, traffic, school, building permit).

Conformance with CEQA

The Initial Study/Mitigated Negative Declaration (IS/MND) for the South Main Street proposal has been prepared to disclose environmental impacts to meet the requirements of the California Environmental Quality Act (CEQA). The IS/MND must be circulated for public review and comment for a minimum of 20 days prior to any action being taken on the project. The review/comment period began on June 21, 2007 and ended July 11, 2007.

An Initial Study/Mitigated Negative Declaration is an objective informational document to inform the public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. A public agency shall consider the information in the IS/MND along with other information that may be presented to the agency regarding the proposed project. The South Main Street project did not identify any potentially significant environmental impacts. More specific mitigation measures conforming to the policies would be incorporated into or required of a development/construction proposal as a condition of approval.

A more detailed description of the mitigation measures are described in the Initial Study/Mitigated Negative Declaration (IS/MND) previously sent to Planning Commission.

Neighborhood Compatibility

The project site is situated in an area consisting of an established residential neighborhood to the west and new residences under development to the north. There are also existing commercial businesses across South Main Street to the east and south.

The applicant conducted a neighborhood meeting on January 17, 2007 at Pearl Zanker Elementary School to provide information about the developer and proposed project, gather neighborhood input and create a dialogue with the existing community.

The residents main concerns were traffic impacts and privacy. Based on the analysis and conclusions of this report, the proposed project is not anticipated to have adverse impacts on the

parking, traffic, and noise or be detrimental to the health and safety of the public. In addition, as conditioned, the project will not have adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction or loss of privacy.

RECOMMENDATION

Close the Public Hearing. Based on the Findings and subject to the recommended Special Conditions below, approve and adopt the following: Resolution No. 501 recommending approval of General Plan Amendment No. GM2006-1 and Midtown Specific Plan Amendment to City Council, Resolution No. 502 recommending approval of Zone Change No. ZC2006-1 to City Council, Resolution No. 503 recommending the certification of the Supplemental Environmental Impact Report (Environmental Impact Assessment) No. EA2006-4 to City Council, recommend approval of Major Tentative Map No. MA2006-2 to City Council, and Site Plan and Architectural Approval No. SZ2006-5.

FINDINGS FOR SITE AND ARCHITECTURAL REVIEW APPROVAL (SZ2006-5)

1. As conditioned, the project development is consistent with the City of Milpitas General Plan in terms of land use and density because the proposed project is a multi-family residential project with a Transit Overlay with a proposed density of 46 dwelling units per acre.
2. As conditioned, the proposed development is consistent with the City of Milpitas Zoning Ordinance in terms of land use and development standards for Multi-Family, Very High Density zoning with an "S" Zone Overlay District because the proposed development is a very high density residential development that promotes a pedestrian friendly environment.
3. As conditioned, the proposed development is consistent with the intent and specific requirements of the Midtown Specific Plan in that it complies with the development standards of the "R4" zoning district, the Midtown Specific Plan's Land Use Goals and is in conformance with the specific requirements of the Development Standards and Design Guidelines.
4. As conditioned, the proposed residential development will not be detrimental or injurious to the public health, safety, and general welfare to future residents and to the surrounding community because the project includes the construction of a high quality, high density use in a residentially designated neighborhood.

SPECIAL CONDITIONS

1. "S" ZONE APPROVAL: This "S" Zone Approval No. SZ2006-5 is for a multi-family residential development for 126 condominium units and associated site improvements in accordance with the plans reviewed on April 11, 2007, and as amended by the conditions below. Any modification to the project as proposed will require an "S" Zone Approval Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for processing as per Section 42 of the Milpitas Municipal Code. (P)

2. GENERAL: This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations, and in conformance with the approved plans. (P)
3. ENVIRONMENTAL: Supplemental Impact HYD-1: Water quality. Implementation of the proposed project will increase stormwater runoff from the project site. (IS/MND p.41.)

Mitigation: Level I – Source Control. The source control program for the development will incorporate the following strategies:

- a) *Education and Outreach.* The storm drain inlets on the project site shall be stenciled “No Dumping – Drains to Bay”. In addition, the future homeowners association will provide an orientation to new homeowners on the projects Stormwater Control Plan, non-point source pollution control measures, and secure their written commitment to participate in the plan where applicable.
- b) *Storm Drain Inlet Cleaning.* The homeowners association shall perform maintenance on privately owned storm drain inlets, which includes the collection and disposal of build-up materials inside the inlets.
- c) *Trash Collection Areas.* There shall be a centralized common trash collection area for this site. The runoff from this area will drain into the sanitary sewer system.
- d) *Fire Sprinkler Connections.* Fire sprinkler test water shall drain through the landscaping before entering the storm drain system. (P)

Level II – Treatment Control. The treatment control program from the development will incorporate the following:

- a) *Vegetated Swale.* A vegetated swale shall be located along the western boundary of the site. This swale will be approximately 120 feet long and planted with vegetation. It will be graded to promote infiltration and will treat stormwater runoff from the project site. An inlet will be at the low end of the swale to receive surface flows and convey it to the storm drainage system. The swale has been designed to accommodate peak runoff from a 10-year storm event; no bypass system is required.
- b) *Treatment Control Device.* In areas where stormwater will not pass through some sort of surface treatment (i.e., swales) prior to entering the storm drainage system, hydrodynamic devices shall be installed to provide in-line treatment prior to discharge into the City storm drain system. In addition to providing filtration for runoff, these devices will meter stormwater runoff so that it enters the storm drainage system at a consistent rate, regardless of the flow rate into the devices. The treatment control devices have been designed to accommodate peak runoff from a 10-year storm event. These devices will be maintained by the homeowners association.(P)

Monitoring and Maintenance. The stormwater treatment systems listed above will need adequate routine maintenance to function as designed. The homeowners association shall be responsible

for the implementation and/or oversight of the monitoring and maintenance program for this project. To ensure proper function, drain inlets and treatment control devices will need to be cleaned a minimum of once a year and inspected a minimum of two times per year.(P)

4. ENVIRONMENTAL: Supplemental Impact HYD-2: Development could cause a significant temporary increase in the contaminants in storm water runoff during construction. (IS/MND p. 42.)

Mitigation: The following measures, based on Regional Water Quality Control Board Best Management Practices, have been included in the project to reduce construction-related and post-construction water quality impacts:

- a) All unpaved driveways shall be filled with rock to knock mud from truck tires prior to entering City streets. A wash tire system may be employed.
- b) Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- c) Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- d) All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- e) Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- f) All trucks hauling soil, sand, and other loose materials shall be covered and/or all trucks would be required to maintain at least two feet of freeboard.
- g) All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- h) Vegetation in disturbed areas shall be replanted as quickly as possible.
- i) The Stormwater Permit will be administered by the Regional Water Quality Control Board. Prior to grading of the project site, the applicant shall file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:
 - Preclude non-stormwater discharges to the stormwater system.
 - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
 - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
 - Perform monitoring of discharges to the stormwater system.

- j) The project shall submit a copy of the draft SWPPP to the City of Milpitas for review and approval by the Director of Public Works prior to construction of the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
 - k) When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the Regional Water Quality Control Board and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site. (P)
5. ENVIRONMENTAL: Supplemental Impact GEO-1: Expansive soil conditions on the project site have the potential to damage structures and improvements and groundshaking at the site could damage buildings and threaten the welfare of the residents. (IS/MND p.34.)

Mitigation: Buildings shall be designed and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies specific design features that will be required for the project, including: site preparation, compaction, trench excavations, exploration, and borings and test pits of the former creek area. The geotechnical investigation shall be reviewed and approved by the City's Director of Public Works prior to issuance of a building permit for the project. (P)

6. ENVIRONMENTAL: Supplemental Impact CUL-1: Development of the project site could result in a significant impact to buried cultural resources which could be present on the site. (IS/MND p.29.)

Mitigation: The following measures, as required by the state and as identified in the Midtown Milpitas Specific Plan Draft EIR⁴, would be incorporated as part of the project and will be implemented in the event that historic or prehistoric resources are uncovered during project construction:

- a) During site clearing, initial grading, and excavation, a qualified archaeologist shall be on-site to monitor all ground disturbing activities to determine if any unknown resources are located on-site.
- b) Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-intern the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- c) In the event that any archaeological site indicators are found, work will be stopped within 50 feet of the discovery until a qualified archaeologist has inspected the resource and made a determination of significance. If the resource is determined to be insignificant, work can resume

with no further action. If the resource is determined to be significant, then recommendations for recordation and preservation of the resource will be made by the archaeologist and a data recovery work plan will be prepared and submitted to the City's Director of Planning for approval. Construction work will not be allowed within the designated 50-foot zone until the archaeologist completes the data recovery.(P)

7. ENVIRONMENTAL: Supplemental Impact AIR-1 Construction activities related to the proposed project could result in significant short and long-term air quality impacts. (IS/MND p. 20.)

Mitigation: The BAAQMD has prepared a list of feasible dust control measures that can reduce construction impacts to a less than significant level. The following measures will be implemented during all phases of construction on the project site: Watering should be used to control dust generation during demolition of structures and break-up of pavement.

- a) The project applicant shall water all active construction areas at least twice daily or as often as needed to control dust emissions.
 - b) The project applicant shall cover all trucks hauling soil, sand, and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - c) The project applicant shall sweep daily or as often as needed with water sweepers on all paved access roads, parking areas, and staging areas at construction sites to control dust.
 - d) The project applicant shall sweep public streets daily or as often as needed to keep streets free of visible soil material.
 - e) The project applicant shall enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
 - f) The project applicant shall replant vegetation in disturbed areas as quickly as possible.(P)
8. ENVIRONMENTAL: Supplemental Impact Bio-1: Construction activities during the nesting season may result in the loss of individual Burrowing Owls foraging on or occupying the project site. (IS/MND p. 25.)

Mitigation: The following specific development mitigation measures will be implemented during construction to avoid take of Burrowing Owls:

- a) Pre-construction surveys for Burrowing Owls shall be completed in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is required. However, if Burrowing Owls are located on or immediately adjacent to the site the following mitigation measures will be implemented:
- b) If Burrowing Owls are present during the nonbreeding season (1 September to 31 January), a 150-foot buffer zone, within which no new activity will be permissible, shall be maintained around the occupied burrow(s). During the breeding season (1 February to 31 August), a 250-foot buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on-site after 1 February will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will

remain in effect until 31 August, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

- c) If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation of eviction plans by, and receipt of formal written approval of the relocation from the CDFG. No Burrowing Owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring.
- d) If destruction of occupied (breeding or non-breeding season) burrows, or any burrows that were found to be occupied during pre-construction surveys, is unavoidable, a strategy shall be developed to replace such burrows by enhancing existing burrows or creating artificial burrows on permanently protected lands adjacent to occupied burrowing owl habitat. This strategy will include permanent protection of a minimum of 6.5 acres of Burrowing Owl habitat per pair or unpaired resident owl. A plan shall be developed and approved by the County describing creation or enhancement of burrows, maintenance of burrows and management of foraging habitat, monitoring procedures, funding assurance, annual reporting requirements, and contingency and remediation measures.

9. ENVIRONMENTAL: Supplemental Impact BIO-2: Implementation of the proposed project will result in the loss of one tree protected by the City of Milpitas Zoning Ordinance. (IS/MND p.26.)

Mitigation: The following mitigation measures are included in the proposed project to reduce the impact of the loss of the protected tree.

- a) In conformance with the City of Milpitas Zoning Ordinance, all trees removed from the site that measure 37-inches or greater in circumference (12-inches in diameter) at four feet six inches above the ground surface shall be replaced in-kind at a 3:1 ratio within the project site.
- b) Trees that are removed but cannot be mitigated for on-site, due to lack of available planting area, shall be mitigated by fees paid to the City. The funds will be deposited in the City's Tree Replacement Fund and will be used to plant trees within the City of Milpitas..

10. ENVIRONMENTAL: Supplemental Impact NOISE-1: Future residents would be exposed to exterior noise levels greater than 60 dBA DNL which exceeds the noise and land use compatibility standards presented in the City of Milpitas's General Plan. Interior noise levels would be expected to exceed 45 dBA DNL. (IS/MND p.54)

Mitigation: Project-specific acoustical analyses are required to insure that interior noise levels will be reduced to 45 dBA L_{dn} or lower. Building sound insulation requirements shall need to include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to South Main Street and South Abel Street. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the analysis, including the

description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower.

11. ENVIRONMENTAL : Supplemental NOISE-2: The project site is bordered by existing residential land uses to the south, and commercial uses to the east and west. Noise generated by construction activities would have a significant temporary impact on nearby sensitive receptors. (IS/MND p 55)
 - a) Pursuant to the City of Milpitas Municipal Code, no person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 AM to 7:00 PM on weekdays and weekends.
 - b) The contractor shall be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.
 - c) The contractor shall be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors.
 - e) The contractor shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to all complaints about noise and take the necessary steps to reduce the problem.
12. PARK FEES: Prior to building permit issuance, the applicant shall pay a park-in-lieu fee in the amount of \$396,054.00. (P)
13. PJ ACCOUNT: If at the time of application for building permit, there is a past due project job account balance owed to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
14. PJ ACCOUNT: If at the time of application for certificate of occupancy, there is a project job account balance due to the City for recover of review fees, review of permits will not be initiated until the balance is paid in full. (P)
15. PAVERS & ACCENT TILES: Prior to building permit issuance, the applicant shall submit details of the decorative paving material for the sidewalks, crosswalks, vehicular entry, paseos and details of the tile accents to be used on the paseo pedestrian entry structure. (P)
16. NOISE: Prior to building permit issuance, a detailed noise analysis will be required to determine the building upgrades necessary to keep the interior noise levels below 45 dB Ldn.

- The analysis shall include, noise sources between residential units as well as between mechanical/utility rooms. (P)
17. LIGHTING: Prior to building permit issuance, the applicant shall submit details and elevations of all site lighting fixtures to the Planning Division for review and approval. (P)
 18. SIGNAGE: Prior to approval of any signage for the multi-family development, proper applications, depending on signage type will need to be submitted to the Planning Division. (P)
 19. LANDSCAPE: All planter areas (including containerized planters) shall be serviced by a sprinkler or drip system. (P)
 20. LANDSCAPE: All required landscaping, as approved on the final landscape plan, shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)
 21. LANDSCAPE: Prior to certificate of occupancy permit issuance, all required landscaping shall be planted in place. (P)
 22. LANDSCAPE: All landscape planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. (P)
 23. STREETSCAPE PLAN: Prior to building permit issuance, the applicant shall submit streetscape plans reflecting the recently adopted South Main Street and South Abel Street Plan Line Study.
 24. AFFORDABLE HOUSING: Prior to the issuance of any permit, the applicant shall provide documentation to the approval of the City Attorney that the following 19 affordable housing units (15% of total number of units: 126) will be available at a housing cost affordable to very low-income and low income households. (P)
 25. AFFORDABLE HOUSING: The applicant shall provide the following information as it relates to the number of affordable housing units, types of units (one, two and three bedrooms) and the income levels of the proposed affordable housing units as illustrated below. (P)

	1 - BR	2 - BR	3 - BR	Total
Low	2	2	1	5
Median	2	10	2	14
Total	4	12	3	19

26. **AFFORDABLE HOUSING:** As part of the identified public benefit for this project, prior to issuance of building permits, the following conditions shall be met:
- The applicant shall provide to the City of Milpitas Housing Division documentation that the 19 affordable housing units have been provided on site. The affordable housing units shall be dispersed equally throughout the development and shall contain the same architectural features, design and amenities as the fair market rate units in the development. (P)
27. **AFFORDABLE HOUSING:** Income eligibility for the required number of affordable units shall be determined pursuant to the California Health and Safety Code Sections 50079.5, 50093 and 50105, which provide that the very low limits established by the U.S. Department of Housing and Urban Development (HUD) are the state limits for that income category. (P)
28. **AFFORDABLE HOUSING:** The applicant and the City of Milpitas shall enter into Restriction Agreements that outline the provisions for maintaining the long-term affordability of the required affordable rental units. The Restriction Agreements shall be approved to form by the Milpitas City Attorney's Office, executed by the City Manager and recorded with the County of Santa Clara. (P)
29. **AFFORDABLE HOUSING:** The Restriction Agreements shall require that the long-term affordability of the rental housing units shall remain in effect for 55 years. Any change to this requirement is subject to review and approval by the Milpitas City Council.
30. **AFFORDABLE HOUSING:** The applicant shall work with the Housing Division staff in establishing and determining the waiting list of eligible residents that are qualified for the project. (P)
31. **AFFORDABLE HOUSING:** The established affordable prices for the for-sale housing units shall be pursuant to income eligibility provided by the California Health and Safety Code Sections 50079.5, 50093 and 50105 which provide the "low" and "moderate" limits established by the U.S. Department of Housing and Urban Development (HUD) are the state limits for those income categories and State of California Redevelopment Agency Law. The final affordable for-sale prices established for the housing units shall not exceed the maximum allowable prices for "low and moderate-income" households as defined in the above code sections. Said for-sale housing prices shall be approved for consistency with the definitions by the Housing Division staff. (P)
32. **MECHANICAL EQUIPMENT:** All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts. (P)
33. **ROOFTOP EQUIPMENT:** Rooftop mechanical equipment shall be concealed from street level views through roof design that is architecturally integrated with the building, such as equipment wells and parapets. (P)

34. FENCE: The fence along Penitencia Creek should be designed to match the proposed project instead of the cyclone fence suggested by Santa Clara Valley Water district in order to maintain the quality of the development and the neighborhood.
35. SCHOOL IMPACT FEES: The developer should pay the required fees as determined by the school district.
36. STORMWATER: Implement standard best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils with fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system. (P)
37. STORMWATER: During all construction activities onsite, the project applicant/developer shall adhere to the following Best Management Practices as suggested by the Bay Area Air Quality Management Board:
 - a. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
 - b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2-foot freeboard level within their truckbeds;
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - e. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
 - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
 - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - h. Limit traffic speeds on unpaved areas to 15 mph;
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 - j. Plant vegetation in disturbed areas as quickly as possible; and

k. Suspend excavation and grading (all earthmoving or other dust-producing activities) or equipment during periods of high winds when watering cannot eliminate visible dust plumes. (P)

38. TRASH MAINTENANCE: The trash bins, compactors and trash/recycling enclosure areas shall be kept clean by double-bagging garbage and by frequent sweeping and disposal of any spilled solid waste. Refuse and recycling containers shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular access way. (P)

39. TRASH ENCLOSURE: Trash enclosure walls shall incorporate building materials and colors that match the architecture of the building, and be well landscaped. (P)

40. UTILITIES: Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces. (P)

41. ADDRESSES: Prior to building permit issuance, the applicant shall submit a request for new addresses to be assigned to the development. (P)

ENGINEERING DEPT SPECIAL CONDITIONS

42. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

43. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer, for the water, sewer and storm drain studies of this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)

44. Prior to any building permit issuance developer shall submit an executed petition to annex the subject property into the CFD 2005-1, with respect to the property, the special taxes levied by Community Facility District (CFD 2005-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The developer shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. (E)

45. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. In addition, the proposed development is within existing floodplains should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. A floodplain analysis shall be prepared to delineate the post development floodplain depth and lateral extend. All studies shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval. (E)
46. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along South Main Street and South Able Street, including but not limited to curb and gutter, pavement, sidewalk, signage and striping, bus stops and bus pads, traffic signal modification and upgrades, median installation along Main and Abel Street, median and street decorative lighting, median landscaping, Main/Abel corner plaza improvements, street lights, Street trees and tree wells, street furniture installation, fire hydrants, storm drain, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The locations of public facilities such as water meters, RP backflow preventers, sewer clean outs, etc. shall be placed so access is maintained and kept clear of traffic. *All improvements along Main and Abel street frontage must be in accordance with the 2007 South Main Street & South Abel Street Plan Line Study, and all public improvements shall be constructed and accepted by the City prior to building occupancy permit issuance.* (E)

46. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:
- a) Storm water connection fee of **\$58,735** based on 2.724 acres @ \$21,562 per acre. The water, sewer and treatment plant fee will be calculated at the time building plan check submittal.
 - b) Water Service Agreement(s) for water meter(s) and detector check(s).
 - b) Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)

47. Prior to building permit issuance, the developer shall pay its fair share cost of purchasing adequate public system sewage capacity for the development. Fees shall consist of treatment plant fees up to the Master Plan level and connection fees. Impact fees for discharges above

master plan levels for sewage collection system infrastructure improvements, and regional plant capacity needs (above the master plan capacities), as determined by the City Engineer. This amount is estimated to be **\$132,257**, as of December 2006, to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee. (E)

48. Prior to any building permit issuance, the developer shall provide for adequate sewage pumping capacity at the Milpitas Main Sewage Pump Station for the respective developments. The developer can fulfill this obligation by payment of **\$40,206** to the City for this purpose. This amount is as of December 2006, and to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee. (E)
49. Prior to building permit issuance; the developer shall pay its fair share cost of purchasing adequate public system water for the respective developments, including costs for capacity and storage needs above master plan capacities, as determined by the City Engineer. This amount is estimated to be **\$41,694**, as of December 2006, to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee. (E)
50. Prior to building permit issuance, the applicant shall contribute a “fair share” traffic impact fee in the amount of **\$106,229** (based on a Midtown impact fee of \$113 per peak hour trip, assuming 109 trip, and Montague Expressway impact fee of \$903 per peak hour trip, assuming 104 trip). (E)
51. *In lieu of contribution toward South Main Street and Abel Street Plan Line Study, the developer is required to construct the required improvements along South Main and Abel Street frontage. Proposed median and all improvements along Main and Abel street frontage must be in accordance with the 2007 South Main Street & South Abel Street Plan Line Study, and shall be constructed and accepted by the City prior to building occupancy permit issuance.* (E)
52. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% permit automation fee. (E)
53. The tentative map and final map shall designate all common lots and easements as lettered lots or lettered easements. (E)
54. Show on the tentative map how the site will drain. Drainage facilities outletting sump conditions shall be designed to convey the 100-Year flows with provisions for emergency overland outlets and protect all buildings. (E)

55. Prior to recordation of any final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)
56. Prior to any building permit issuance, the developer shall submit a tentative tract map for review and approval, and record the final map. (E)
57. Prior to final map approval, the developer shall successfully process an application through the City to vacate that portion of S. Main and Abel Street as public streets, and portion of the existing Public Service Utility Easement, as shown on the Engineering Services Exhibit "T", dated 6/19/2007. (E)
58. Prior to final map approval, the developer shall establish a homeowner association. The homeowner association shall be responsible for the maintenance of the landscaping, walls, private on-site lights, common area and private access ways and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)
59. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)
60. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following:
 - a) At the time of building permit plan check submittal, the developer shall submit a "final" Stormwater Control Plan and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - b) Prior to building permit issuance, the developer shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 treatment facilities.
 - c) Prior to building occupancy permit issuance, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities. (E)
61. Prior to issuance of Certificate of Occupancy, the applicant shall submit a Stormwater Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment BMPs and other stormwater control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The stormwater control operation and maintenance plan shall include the applicant's signed

statement accepting responsibility for maintenance until the responsibility is legally transferred. (E)

62. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the applicant's approved Stormwater Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants. Any changes to the approved Stormwater Control Plan shall require Site & Architectural ("S" Zone) Amendment application review. (E)
63. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
64. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. (E)
65. Prior to occupancy permit issuance, developer shall construct a trash enclosure to accommodate the required number of bins needed to serve this development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)
66. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the

applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)

67. Per Chapter 200, Title V of Milpitas Municipal Code (Ord. No. 48.7) solid waste enclosures shall be designed to limit the accidental discharge of any material to the storm drain system. The storm drain inlets shall be located away from the trash enclosures (a minimum of 25 feet). This is intended to prevent the discharge of pollutants from entering the storm drain system, and help with compliance with the City's existing National Pollution Discharge Elimination System (NPDES) Municipal permit. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

68. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)

69. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Special Flood Hazard Zone AO (**depth 1**), therefore, floodproofing is required. Floodproofing can be accomplished by elevating the structure. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finish floor) of each structure shall be at least one foot above the BFE and the pad elevation shall be at or above the BFE which is approximately one-foot above the highest adjacent grade. The structures pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion. In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and it shall have appropriate protection from erosion and scour. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection, certifying the "as built" lowest floor elevation. Forms are available in the Engineering Division. Additionally, applicant shall demonstrate that this development will not cause any significant increase in flood levels during the occurrence of the base flood discharge. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Regulations. Flood insurance is required for any construction that is financed by government backed loans. (E)

69. Prior to building permit issuance developer shall submit an engineering report detailing how adequate water supply pressures will be maintained. Multistory buildings as proposed require water supply pressures above that which the city can normally supply. Additional

evaluations by the applicant are required to assure proper water supply (potable or fire services). Contact the Utility Engineer at 586-3345 for further information. (E)

70. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:

- a) Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
- b) Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. (E)

71. Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240), the landscape irrigation system must be designed to meet the City's recycled water guidelines and connect to recycled water system *when available*. The developer is encouraged to retrofit the entire landscaped area for recycled water connection. If the site is not properly retrofitted for recycled water at this time, the entire site will be required to retrofit when recycled water becomes available. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for design standards to be employed. (E)

72. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)

73. Multistory buildings as proposed require water supply pressures above that which the city can normally supply. Additional evaluations by the applicant are required to assure proper water supply (potable or fire services). The developer shall submit an engineering report detailing how adequate water supply pressures will be maintained. Contact the Utility Engineer at 586-3345 for further information. (E)

74. Prior to any work within public right of way or City easement, the developer shall obtain necessary encroachment permits from City of Milpitas Engineering Division. (E)

75. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District, Santa Clara Transportation Agency, and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division. (E)

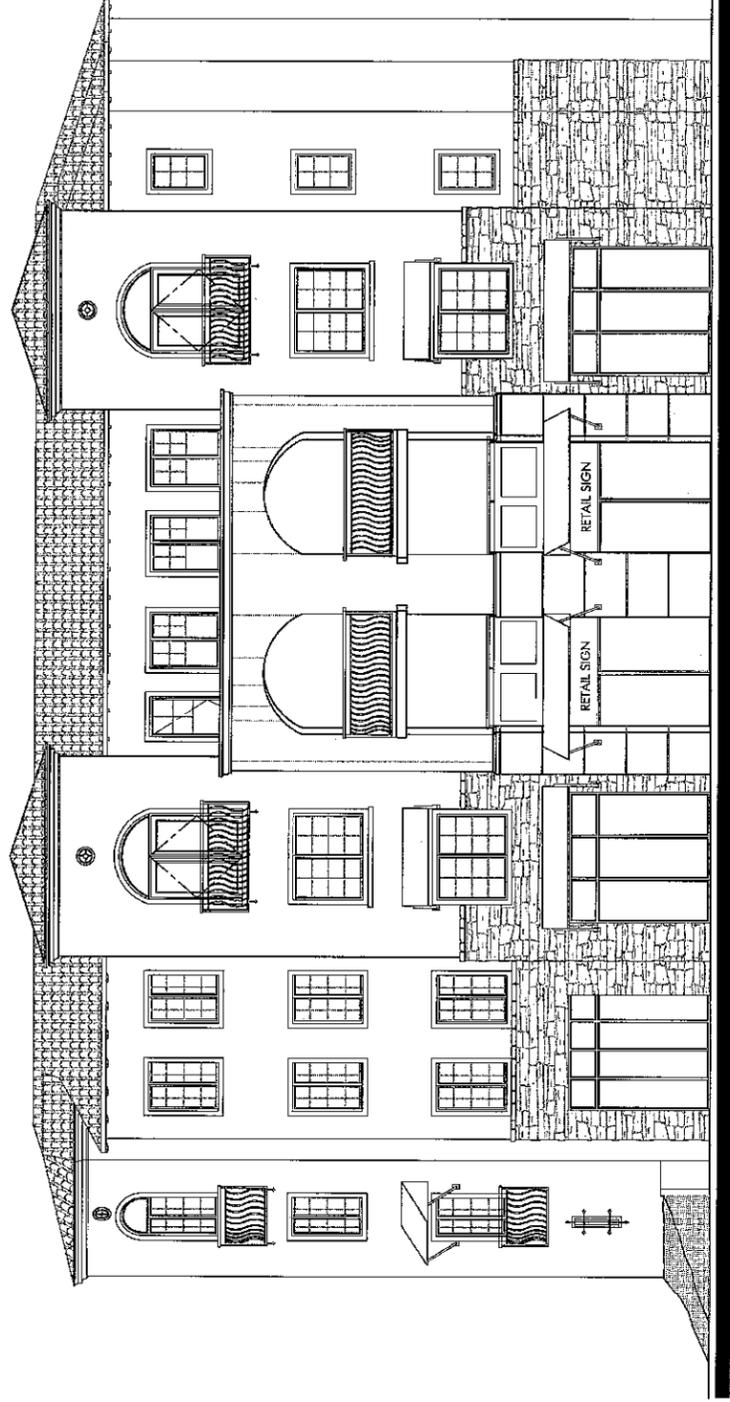
76. Prior to any building permit issuance, the developer shall submit construction plans to Santa Clara Valley Water District (SCVWD) and obtain necessary permits or approvals. (E)
77. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
78. The developer shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. (E)
79. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. (E)
80. Make changes as noted on Engineering Services Exhibit "T"(dated 6/19/2007) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)

Planning Division = (P)

Engineering Division = (E)

Fire Department = (F)

SOUTH MAIN ST. BY THE MATTESON COMPANIES MILPITAS, CA



PROJECT LOCATION

 NORTH
 VICINITY MAP
 NO SCALE

PROJECT DATA

SITE DATA

SITE ZONING	R-4
SITE AREA	118,458 SF = 2.724 AC
USABLE OPEN SPACE	37,777 SF = .87 AC (31.8% OF SITE)
BUILDING AREA (1st FLOOR)	80,657 SF = 1.85 AC (68.2% OF SITE)

BUILDING DATA

GROSS FLOOR AREA	150,440 SF = 3.45 AC
RETAIL AREA	2,800 SF = 0.064 AC
PRIVATE OPEN SPACE	15,726 SF = .36 AC (13.2% OF SITE)
STAIRS AND CORRIDORS	32,697 SF = .75 AC (27.5% OF SITE)
FAR (FLOOR AREA RATIO) = 1.27	
(126 UNITS TOTAL) • (8) STORES SCHEME	
DENSITY = 46.25 UNITS PER ACRE	
(126 UNITS TOTAL) • (8) STORES SCHEME	

GARAGE DATA

PARKING AREA (GARAGE)	69,928 SF = 1.60 AC (59.7% OF SITE)
PARKING AREA (GUEST)	11,577 SF = .27 AC (10% OF SITE)

PARKING REQUIREMENTS

UNIT TYPE	# of Units	# of Spaces per Unit	# of Spaces	Notes
UNIT 1A (1) BED UNIT	6	1.5	9	9 Standard
UNIT 1B (1+DEN) BED UNIT	19	1.5	28.5	28.5 Standard
UNIT 2 (2) BED UNIT	45	2	90	90 Standard
UNIT 3 (3) BED UNIT	3	2	6	6 Standard
UNIT 4 (2) BED UNIT	6	2	12	12 Standard
UNIT 5 (2) BED UNIT	6	2	12	12 Standard
UNIT 6 (2) BED UNIT	3	2	6	6 Standard
UNIT 7 (3+DEN) BED UNIT	15	2	30	30 Standard
UNIT 8 (2) BED UNIT	3	2	6	6 Standard
SUB-TOTAL	126		239.5	239.5 Standard

RETAIL PARKING PROVIDED

BICYCLE SPACES (Retail)	14	Standard
BICYCLE SPACES (Retail)	38	Standard
RETAIL PARKING REQUIRED		
GARAGE (Retail)	13	Standard
RETAIL PARKING PROVIDED		
STANDARD	18	Standard
HANDICAP	2	Standard
TOTAL	20	Standard

RESIDENTIAL PARKING REQUIRED

GARAGE	239.5	Standard
GUEST SPACES (Retail)	35	Standard
TOTAL	274.5	Standard
TOTAL (Includes 20 Handicap)	220	Standard

RESIDENTIAL PARKING PROVIDED

SURFACE (Retail)	21	Standard
STANDARD		
HANDICAP (Retail)	2	Standard
TOTAL	23	Standard
GARAGE (Retail)		
STANDARD	198	Standard
TANDEM	28	Standard
% TANDEM	14%	
TOTAL	226	Standard
TOTAL SPACES (Includes 20 Handicap)	249	Standard

CONSULTANTS

DEVELOPER
 THE MATTESON COMPANIES
 One Laguna Drive Suite 200
 Milpitas, CA 94503-1562
 (650) 800-1881
 FAX: (650) 802-1811

ARCHITECT
 DARTIN GROUP, INC.
 1700 North Shoreline Blvd.
 Fremont, California 94538
 (415) 871-2000
 FAX: (415) 871-2001
 Attn: Eliza Stamatou

LANDSCAPE ARCHITECT
 GUYER ASSOCIATES
 2671 Central Expressway
 Milpitas, CA 94503
 (408) 945-2100
 (408) 945-2101
 Attn: Madeline B. Peterson

CIVIL ENGINEER
 BEY ENGINEERS
 881 Redwood Ave. Suite 109
 San Jose, CA 95128
 (408) 435-3100
 (408) 435-3101
 Attn: Madeline B. Peterson

DRAWING INDEX

T1.0 COVER SHEET

CIVIL DRAWINGS

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 TM-2 MAP SHEET
 TM-3 PARKING GARAGE LEVEL PLAN
 TM-4 PODIUM LEVEL PLAN
 TM-5 PRELIMINARY GRADING AND DRAINAGE PLAN
 TM-6 PRELIMINARY UTILITY PLAN

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 A3.1 BUILDING PLAN - FIRST FLOOR
 A3.2 BUILDING PLAN - SECOND FLOOR
 A3.3 BUILDING PLAN - THIRD FLOOR
 A3.4 BUILDING PLAN - ROOF PLAN
 A4.1 UNIT FLOOR PLAN - 1, 2A, 2B
 A4.2 UNIT FLOOR PLAN - 3, 4, 5
 A4.3 UNIT FLOOR PLAN - 6, 7
 A4.4 UNIT FLOOR PLAN - 8
 A5.0 OVERALL STREETSCAPE
 A5.1 ELEVATIONS - EAST, SOUTH & SOUTH-EAST
 A5.2 ELEVATIONS - NORTH, WEST
 A5.3 POOL COURTYARD ELEVATIONS - SOUTH, EAST
 A5.4 POOL COURTYARD ELEVATIONS - NORTH, WEST
 A5.5 COURTYARD ELEVATIONS - NORTH, EAST, WEST
 A6.0 SHADOW STUDY 12/22/06
 A6.1 SHADOW STUDY 12/22/06
 A7.2 SHADOW STUDY 9/22/06
 A7.3 SHADOW STUDY 9/22/06
 A7.4 SHADOW STUDY 12/22/06

LANDSCAPE DRAWINGS

L-1 PRELIMINARY LANDSCAPE PLAN
 L-2 PRELIMINARY ENLARGED PLANS & SECTIONS

PHOTOMETRIC STUDY

PS-1 EXTERIOR PARKING AND STEPS

PRELIMINARY JOINT TRENCH

JNT-1 JOINT TRENCH INTENT

RECEIVED

MAR 22 2007
 CITY OF MILPITAS
 PLANNING DIVISION
 WITH REVISED PAGES

COVER SHEET

March 5, 2007 PROJECT NO. 221.001



5845 Owens Drive
 Fremont, CA 94588
 925.251.7200
 925.251.7201 Fax

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.

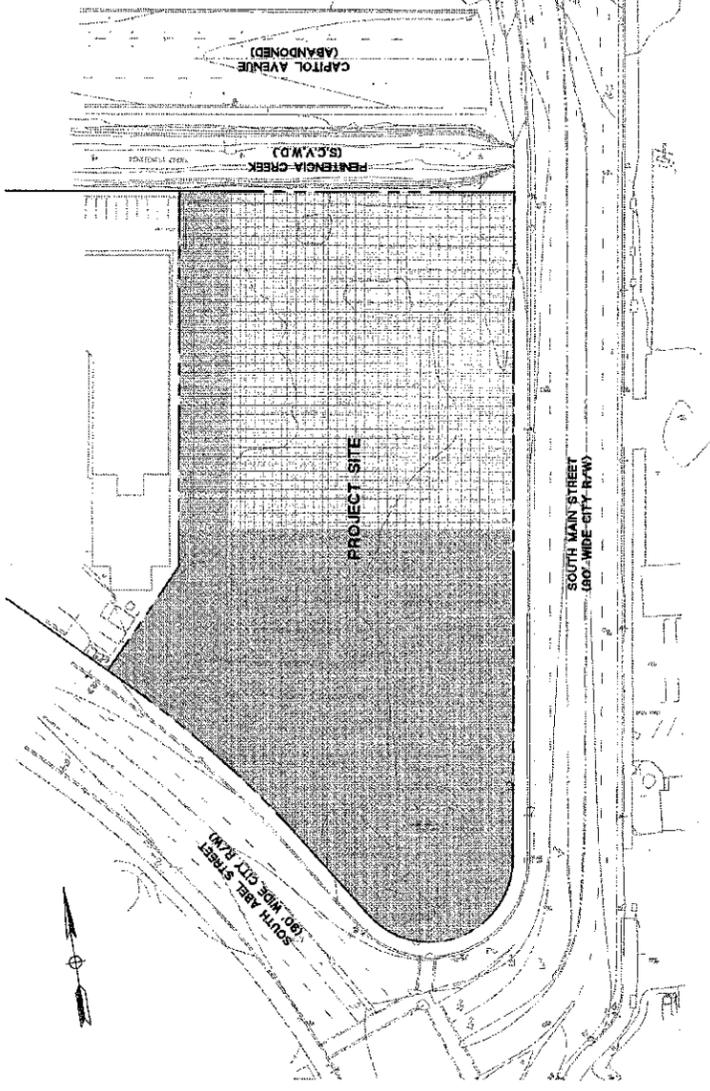
SOUTH MAIN STREET TENTATIVE MAP FOR CONDOMINIUM PURPOSES CITY OF MILPITAS, CALIFORNIA

ABBREVIATIONS & LEGEND

PROPERTY LINE	---
LOT LINE	---
CONTOUR LINE	---
STORM DRAIN MAIN	---
SANITARY SEWER MAIN	---
WATER MAIN	---
JOINT TRENCH	---
GAS LINE	---
WATER VALVE	⊕
FIRE HYDRANT	⊕
SIGN	⊕
ELECTROLIER	⊕
GAS VALVE	⊕
FENCE LINE	---
ASPHALTIC CONCRETE	AC
AREA DRAIN	AD
BUILDING CORNER	CB
CATCH BASIN	CB
CONCRETE	C/CONC
CHAIN LINK FENCE	CLF
ELECTRIC	E/ELEC
EDGE OF PAVEMENT	EP
FOUND	FND
GAS	G
HANDICAP RAMP	HCR
HIGH POINT	HP
INVERT	INV
LIP OF GUTTER	LG
MANHOLE	MH
POWER POLE	PP
PUBLIC SERVICE/UTILITY EASEMENT	P.S.U.E.
RIM	R
STORM DRAIN CATCH BASIN	SDCB
STORM DRAIN DROP INLET	SDDI
STORM DRAIN MANHOLE	SDMH
SANITARY SEWER CLEANOUT	SSCO
SANITARY SEWER MANHOLE	SSMH
TOP OF CURB/FACE OF CURB	TC/FC
WATER VALVE	WV

PURPOSE:

PARCEL 2 OF 610 PARCEL MAP PAGES 20-21 RECORDED FEBRUARY 09, 1990 TO BE DIVIDED INTO 128 RESIDENTIAL AND 1 PARKING GARAGE CONDOMINIUM UNITS BY A SEPARATE CONDOMINIUM PLAN.



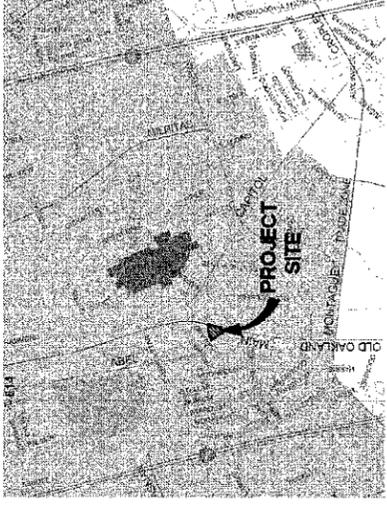
GENERAL NOTES

- OWNER: BERRUETA FAMILY LLC
1600 FRONTERO AVENUE
LOS ALTOS, CA 94024-5949
- DEVELOPER: THE MATTESON COMPANIES
1 LAGOON DRIVE, SUITE 200
REDWOOD CITY, CA 94065
(650) 802-1800
- MAP PREPARED BY: MARTIN B. PARISSENTI, P.E.
R.C.E. 30747
BKF ENGINEERS
CONSULTING ENGINEERS
1650 TECHNOLOGY DR., SUITE 650
SAN JOSE, CA 95110
(408) 467-9100
- FIELD TOPOGRAPHY AND EXISTING UTILITIES BY BKF ENGINEERS, 1650 TECHNOLOGY DRIVE, SUITE 650, SAN JOSE, CA 95110 (408)467-9100
- AERIAL TOPOGRAPHY BY AERO-GEODETTIC CORPORATION, 1180 COLEMAN AVENUE, SAN JOSE, CA 95110 (408)298-3600
- THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF MILPITAS.
- ALL OWNERS AND RESIDENTS HAVE ACCESS AND INGRESS/EGRESS RIGHTS FOR THE COMMON AREAS OF THE PARKING GARAGE UNIT.
- ALL OWNERS AND RESIDENTS HAVE ACCESS AND INGRESS/EGRESS RIGHTS FOR THE COMMON AREAS ON THE PODIUM.
- THE PROPOSED SITE SHALL BE A ONE LOT CONDOMINIUM PROJECT BASED ON A FINAL MAP.

NOTES

- ASSESSORS PARCEL NO.: 086-16-100
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: MIXED USE - RESIDENTIAL/COMMERCIAL
- EXISTING ZONING: C2 - GENERAL COMMERCIAL
- WATER: CITY OF MILPITAS
- SANITARY SEWER: CITY OF MILPITAS
- STORM DRAIN: CITY OF MILPITAS
- ACREAGE OF PROPOSED PARCEL 2=2.724 ACRES
- PROPOSED NUMBER OF RESIDENTIAL CONDOMINIUM UNITS = 1
- PROPOSED NUMBER OF RESIDENTIAL PARKING GARAGE CONDOMINIUM UNIT = 1
- COMMERCIAL AREA: 2,800 S.F. / NUMBER OF TENANT: 1
- GAS & ELECTRIC: PG & E
- TELEPHONE: SBC
- CABLE TV: AT & T
- STREET TREES: INSTALLED PER CITY STANDARD DETAIL 448
- WATER, SEWER & STORM FACILITIES: ALL ON-SITE FACILITIES WILL BE PRIVATE AND MAINTAINED BY HOA
- EXISTING WELLS ON-SITE: NONE
- STREET LIGHTS: INSTALLED PER CITY STANDARD DETAIL 442
- SOUND WALLS AND MASONRY WALLS: ALL WALLS WILL BE PRIVATE FACILITY AND MAINTAINED BY HOA
- FLOOD ZONE: AO (DEPTH 1 FT.) FIRM PANEL 060344 0003 G, 06/22/1998
- DATUM: CITY OF MILPITAS DATUM NGVD29. FOUND CITY OF MILPITAS BENCH MARK "CAP=MAI" 3 1/2" PUNCHED BRASS DISK IN MON. WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE. STAMPED "1594--334, NO. 2, CITY OF MILPITAS", ELEVATION = 30.076 FEET

VICINITY MAP



SOUTH MAIN STREET TENTATIVE MAP TITLE SHEET

MILPITAS

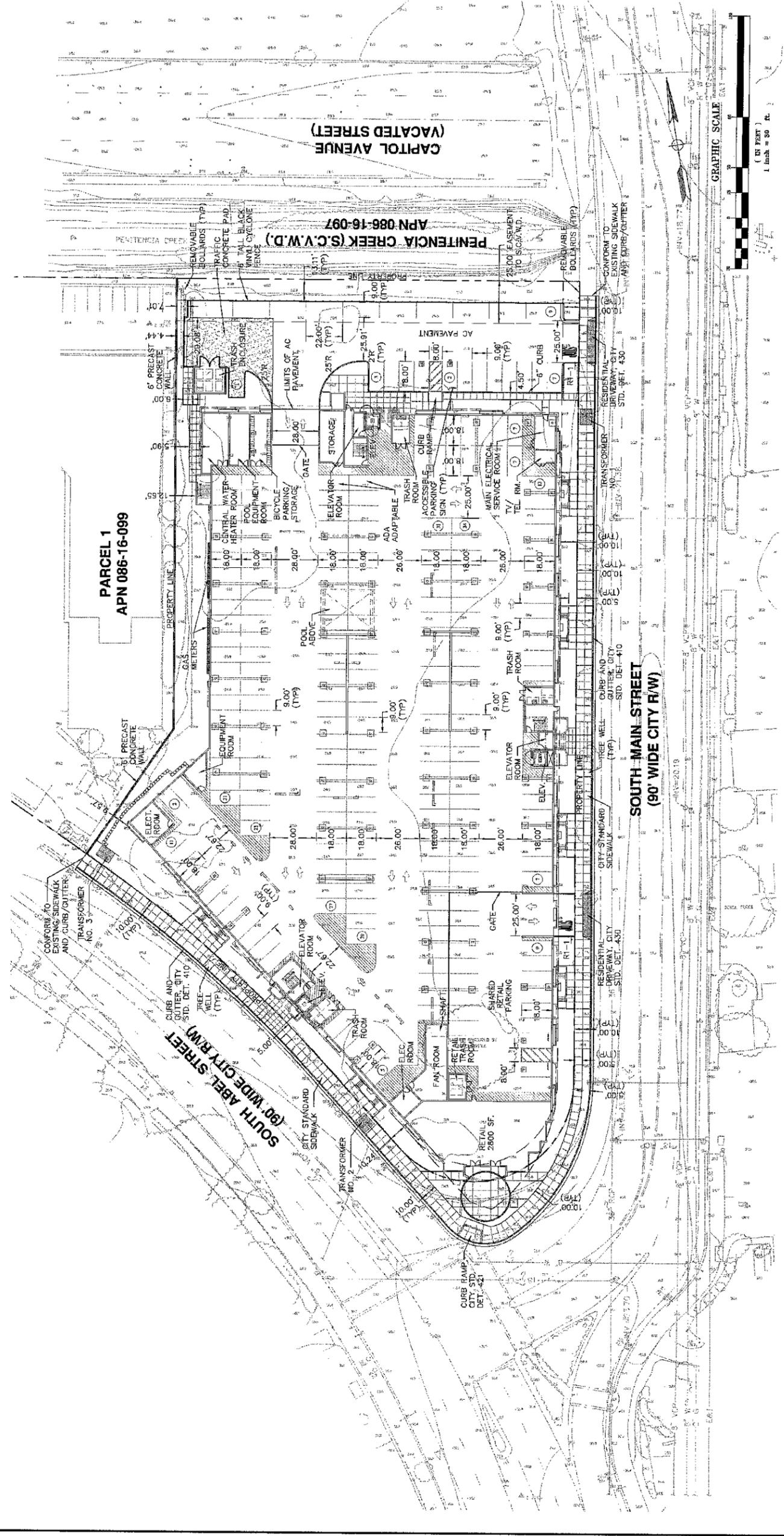
Revisions	No.	Date	Description

Job No 09003-10
Approved BKF
Design ATN
Scale NONE
Date 03/05/07
Drawing Number
TM-1
1 OF 7



961 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408/467-9199 (FAX)

Revisions	No.	
Scale	1"=30'	
Design	ATN	
Drawn	ATN	
Approved	MR	
Job No	0303-13	
Date	03/03/07	



FLOOD ZONE DATA: FIRM 060344 0003 G, 06/22/1998
 THIS SITE IS IN FLOOD ZONE "AO (DEPTH 1 FT)", SPECIAL FLOOD HAZARD AREAS (INDICATED BY 100-YEAR FLOOD FLOoding TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN) AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED.

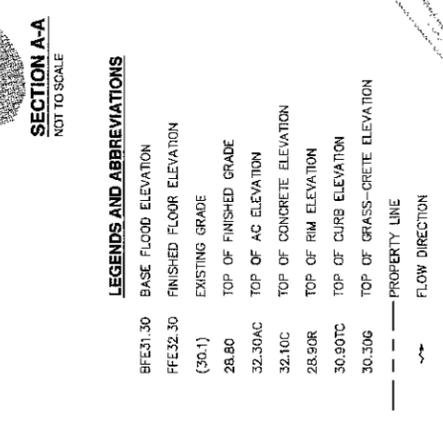
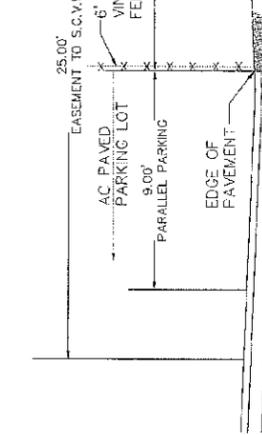
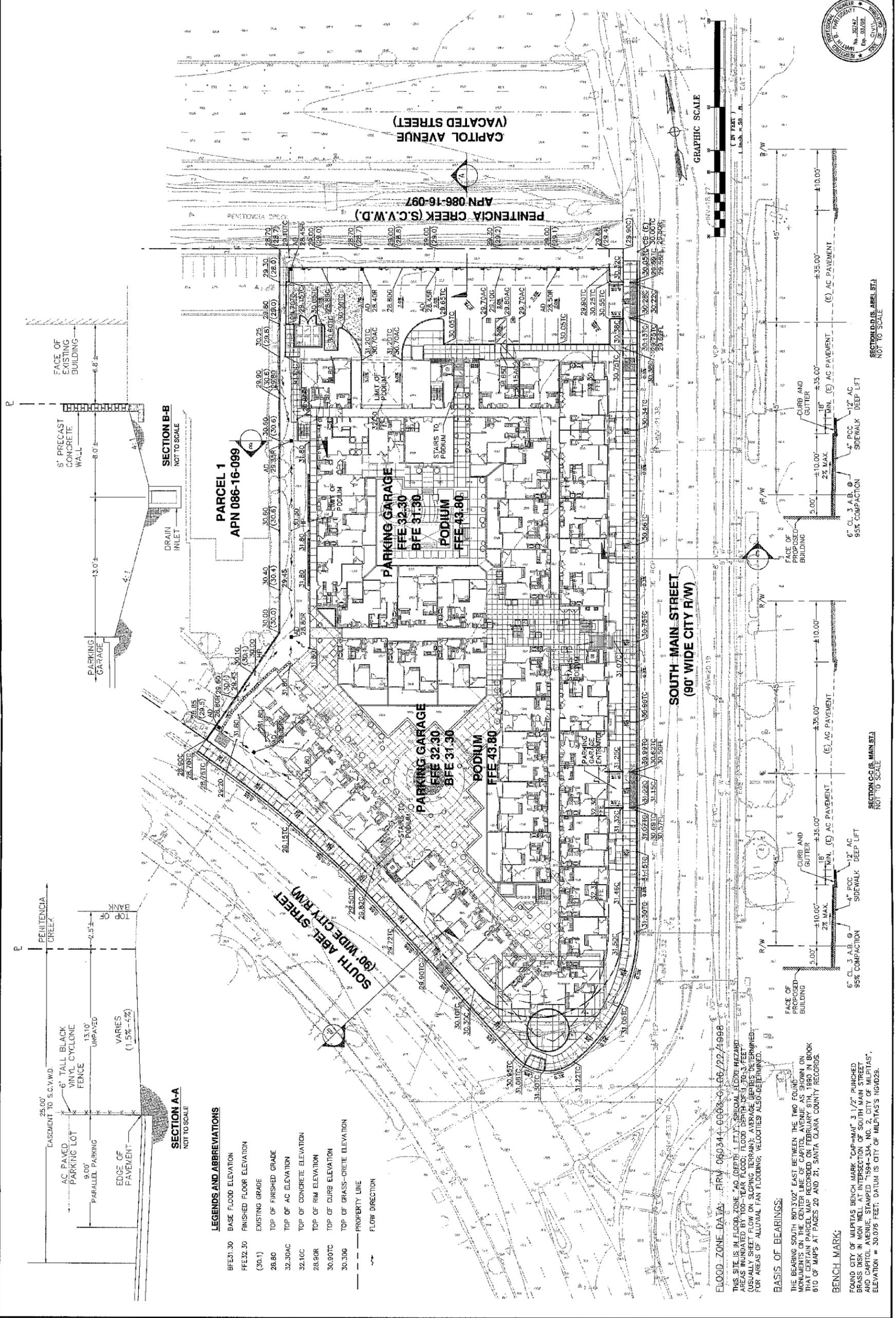
BASIS OF BEARINGS:
 THE BEARING SOUTH 80°13'02" EAST BETWEEN THE TWO FOUND MONUMENTS ON THE CENTER LINE OF CAPITOL AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON FEBRUARY 9TH, 1980 IN BOOK 610 OF MAPS AT PAGES 20 AND 21, SANTA CLARA COUNTY RECORDS.

BENCH MARK:
 FOUND CITY OF MILPITAS BENCH MARK "CAP=MA", 3 1/2" PUNCHED BRASS DISK IN MON WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED "1994-334, NO. 2, CITY OF MILPITAS", ELEVATION = 30.076 FEET; DATUM IS CITY OF MILPITAS'S NGVD29.

**SOUTH MAIN STREET
VESTING TENTATIVE MAP
AND DRAINAGE PLAN**

Job No. 06034-10	Revised
Design ATN	Scale 1"=30'
Drawn ATN	Date 03/05/07
Approved MFP	Drawing Number

TM-5
5 OF 7



- LEGENDS AND ABBREVIATIONS**
- BFE31.30 BASE FLOOD ELEVATION
 - FFE32.30 FINISHED FLOOR ELEVATION
 - (30.1) EXISTING GRADE
 - 28.80 TOP OF FINISHED GRADE
 - 32.30AC TOP OF AC ELEVATION
 - 32.10C TOP OF CONCRETE ELEVATION
 - 28.90R TOP OF RIM ELEVATION
 - 30.90TC TOP OF CURB ELEVATION
 - 30.30G TOP OF GRASS-CRETE ELEVATION
 - PROPERTY LINE
 - ~ FLOW DIRECTION

FLOOD ZONE DATA: FIRM 06034-0008-01-06/22/4988
THIS SITE IS IN FLOOD ZONE "AO (DEPTH 1 FT) SPECIAL FLOOD HAZARD AREAS ILLUSTRATED BY 100-YEAR FLOOD FLOOD DEPTH OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE BEARS DETERMINED FOR AREAS OF ALLUVIAL FAN FLOODING; VELOCITIES ALSO DETERMINED.

BENCH MARKS:
THE BENCHING SOUTH 807302' EAST BETWEEN THE TWO FOUNDATION MONUMENTS ON THE CENTER LINE OF THE INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED 1594-334, NO. 2, CITY OF MILPITAS, 810 OF MAPS AT PAGES 20 AND 21, SANTA CLARA COUNTY RECORDS.
FOUND CITY OF MILPITAS BENCH MARK "CAP-MAF" 3 1/2" PUNCHED BRASS DISK IN IRON WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED 1594-334, NO. 2, CITY OF MILPITAS, ELEVATION = 30.076 FEET; DATUM IS CITY OF MILPITAS'S NGVD25.

GRAPHIC SCALE
1" = 30'

SECTION D-D (S. ADEL ST.)
NOT TO SCALE

SECTION C-C (S. MAIN ST.)
NOT TO SCALE

GARAGE DATA

PARKING AREA (GARAGE)
 48,918 SF = 1.60 AC (68.7% OF SITE)
 PARKING AREA (GUEST)
 11,577 SF = .27 AC (10% OF SITE)

PARKING REQUIREMENTS

UNIT TYPE	# Units	# Spaces/Unit	Total Spaces
UNIT 1A (1) BED UNIT	6	1.5 (Guest)	9 (Guest)
UNIT 1B (1+DEN) BED UNIT	19	1.5 (Guest)	28.5 (Guest)
UNIT 2 (2) BED UNIT	65	2 (Guest)	130 (Guest)
UNIT 3 (3) BED UNIT	3	2 (Guest)	6 (Guest)
UNIT 4 (2) BED UNIT	6	2 (Guest)	12 (Guest)
UNIT 5 (2) BED UNIT	6	2 (Guest)	12 (Guest)
UNIT 6 (2) BED UNIT	3	2 (Guest)	6 (Guest)
UNIT 7 (2+DEN) BED UNIT	15	2 (Guest)	30 (Guest)
UNIT 8 (2) BED UNIT	3	2 (Guest)	6 (Guest)
UNIT 9 (2) BED UNIT	3	2 (Guest)	6 (Guest)
SUB-TOTAL	128		239.5 (Guest)

BICYCLE PARKING

BICYCLE SPACES (Retail)	14
BICYCLE SPACES (Residential)	38

RETAIL PARKING REQUIRED

GARAGE (Retail)	13
-----------------	----

RETAIL PARKING PROVIDED

STANDARD	18
HANDICAP	2
TOTAL	20

RESIDENTIAL PARKING REQUIRED

GARAGE	239.5
GUEST SPACES (10% of 239.5)	35
TOTAL	274.5
TOTAL (Retail + Residential)	299.5

RESIDENTIAL PARKING PROVIDED

SURFACE (Guest parking)	21
STANDARD	21
HANDICAP (Guest)	2
TOTAL	23

GARAGE (Resident parking)

STANDARD	198
TANDEM	28
% TANDEM	14%
TOTAL	226
TOTAL SPACES (Retail + Resident)	249

ACCESSIBLE PATH



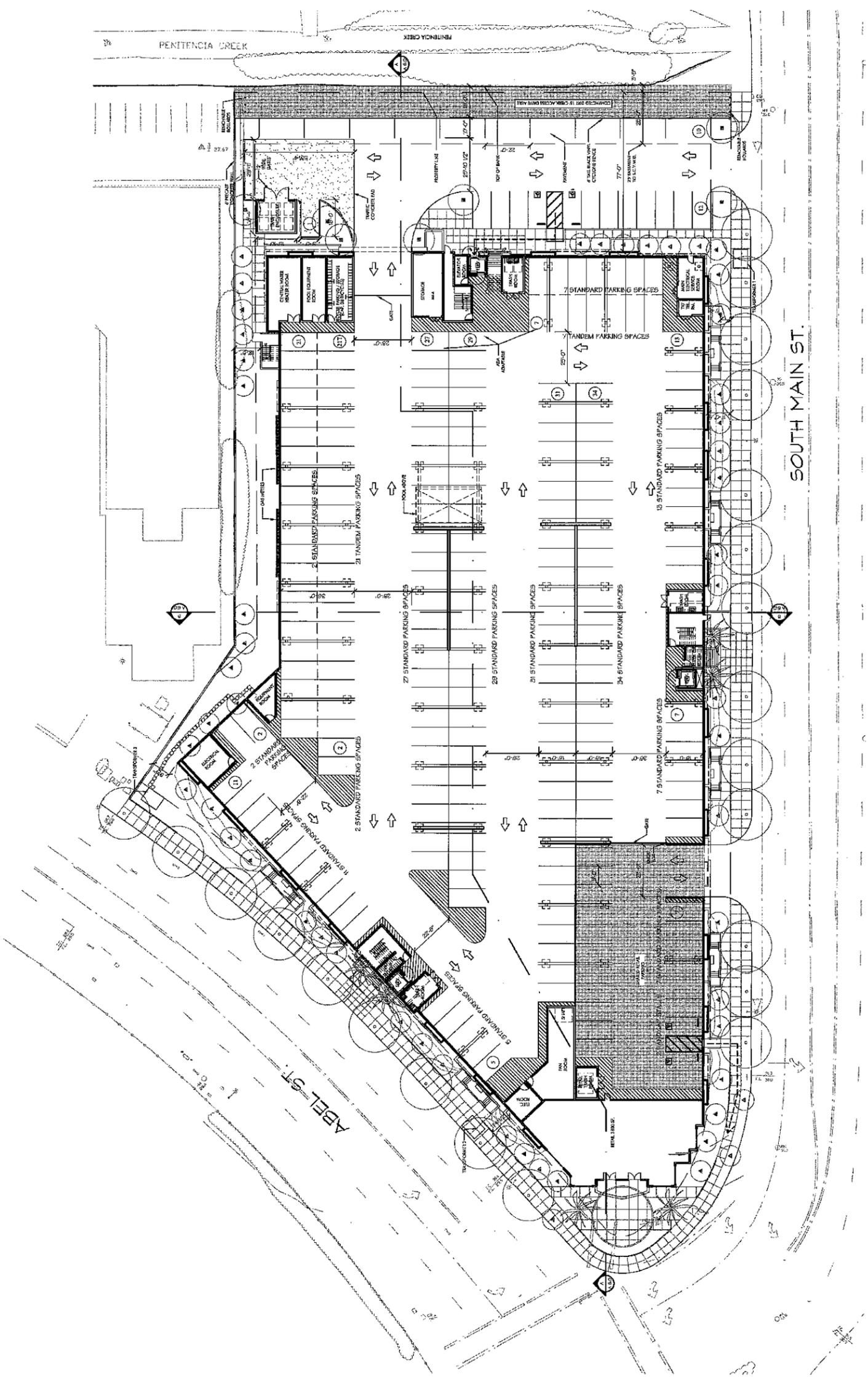
**ARCHITECTURAL SITE PLAN
 PARKING LAYOUT**



March 5, 2007
 SCALE: 1/8" = 1'-0"
 PROJECT NO.: 221.001



3855 Owens Drive
 Milpitas, CA 95038
 925.951.2200
 925.951.2201 Fax



of units
2
5
21
1
2
2
1
5
1
40

TELE PLAN

SCALE: 1/8" = 1'-0"
PROJECT NO: 21,001

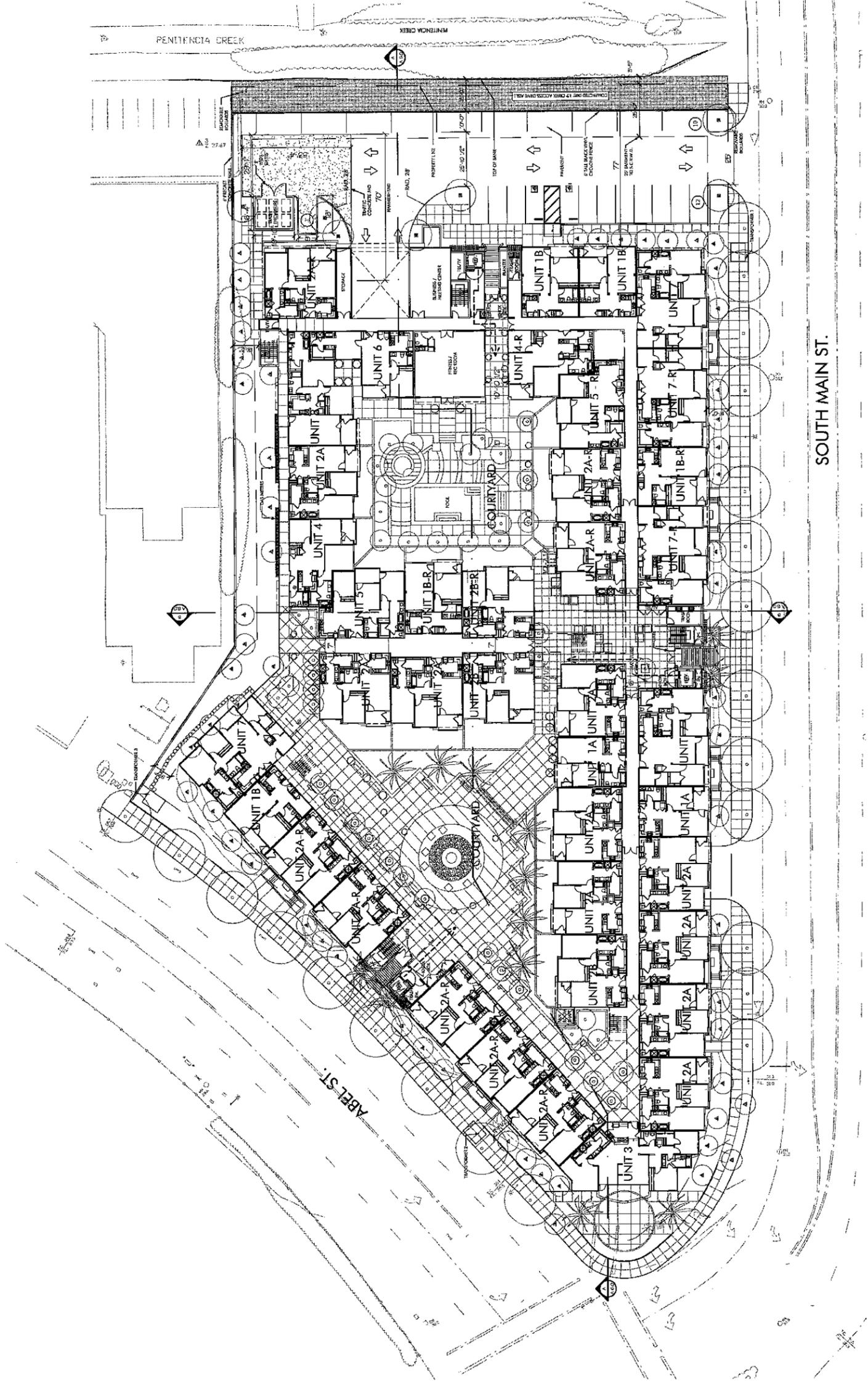


5445 Owens Drive
Palo Alto, CA 94308
765.251.7200
765.251.7201 Fax

PROJECT DATA

LEVEL 1 - UNIT COUNTS

UNIT TYPE	# of units
UNIT 1A (1) BED UNIT	2
692 SF	
UNIT 1B (1+DEN) BED UNIT	5
837 SF	
UNIT 2 (2) BED UNIT	21
1,040 SF	
UNIT 3 (3) BED UNIT	1
1,665 SF	
UNIT 4 (2) BED UNIT	2
1,094 SF	
UNIT 5 (2) BED UNIT	2
1,160 SF	
UNIT 6 (2) BED UNIT	1
1,889 SF	
UNIT 7 (3+DEN) BED UNIT	5
1,725 SF	
UNIT 8 (2) BED UNIT	1
1,236 SF	
SUB-TOTAL	40



ACCESSIBLE PATH



ARCHITECTURAL SITE PLAN

FIRST FLOOR



March 5, 2007

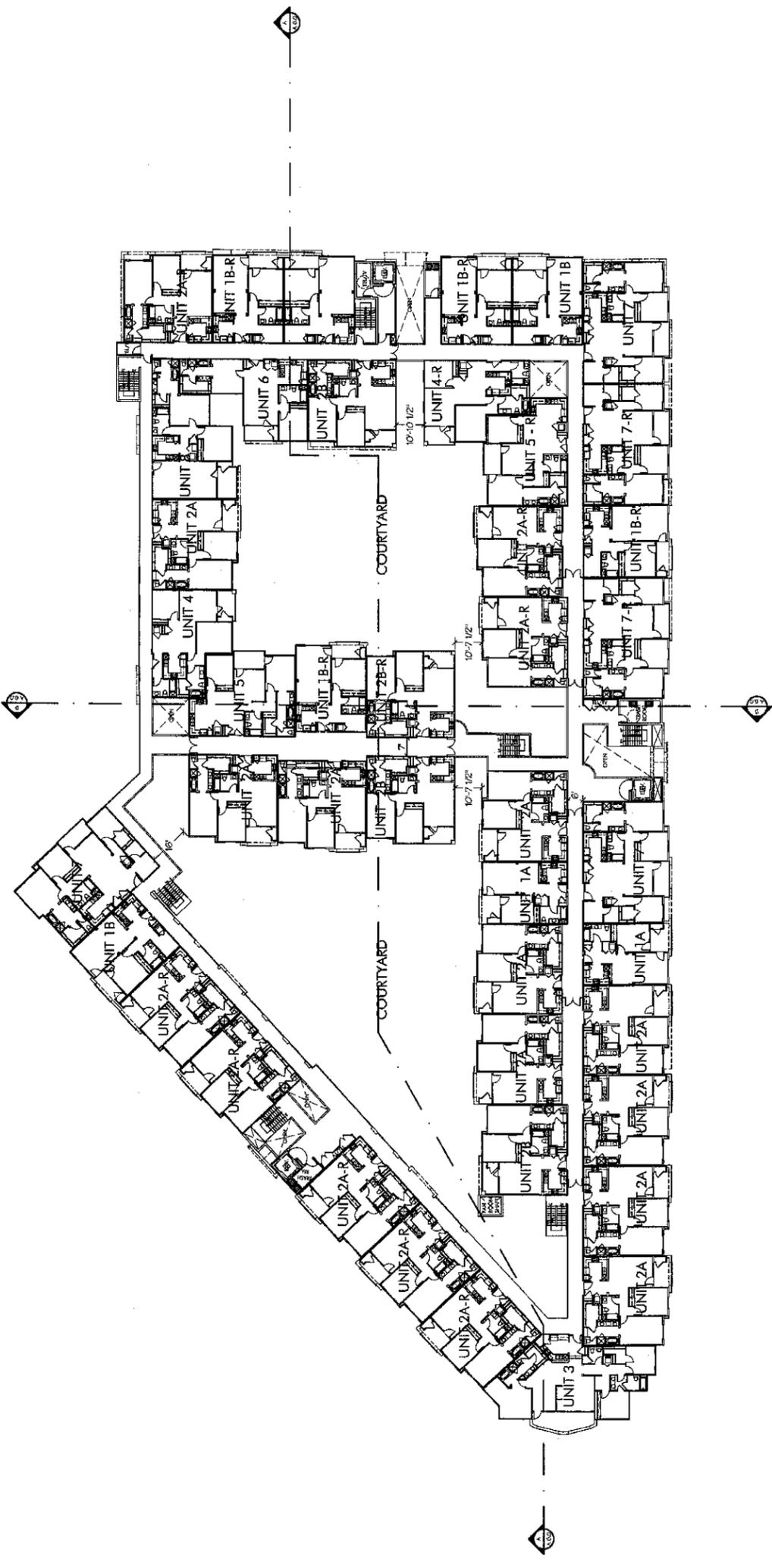
PROJECT NO: 221.001



SOUTH MAIN STREET MILPITAS, CALIFORNIA
MATTESON DEVELOPMENT PARTNERS, INC.

PROJECT DATA

LEVEL 2 - UNIT COUNTS		# of units
UNIT 1A (1) BED UNIT	692 SF	2
UNIT 1B (1 + DEN) BED UNIT	837 SF	7
UNIT 2 (2) BED UNIT	1,040 SF	22
UNIT 3 (3) BED UNIT	1,655 SF	1
UNIT 4 (2) BED UNIT	1,095 SF	2
UNIT 5 (2) BED UNIT	1,160 SF	2
UNIT 6 (2) BED UNIT	1,186 SF	1
UNIT 7 (3 + DEN) BED UNIT	2,275 SF	5
UNIT 8 (2) BED UNIT	1,280 SF	1
SUB-TOTAL		43



ARCHITECTURAL SITE PLAN
SECOND FLOOR

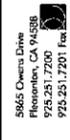
February 15, 2007

SCALE: 1/8" = 1'-0"

PROJECT NO: 221.001

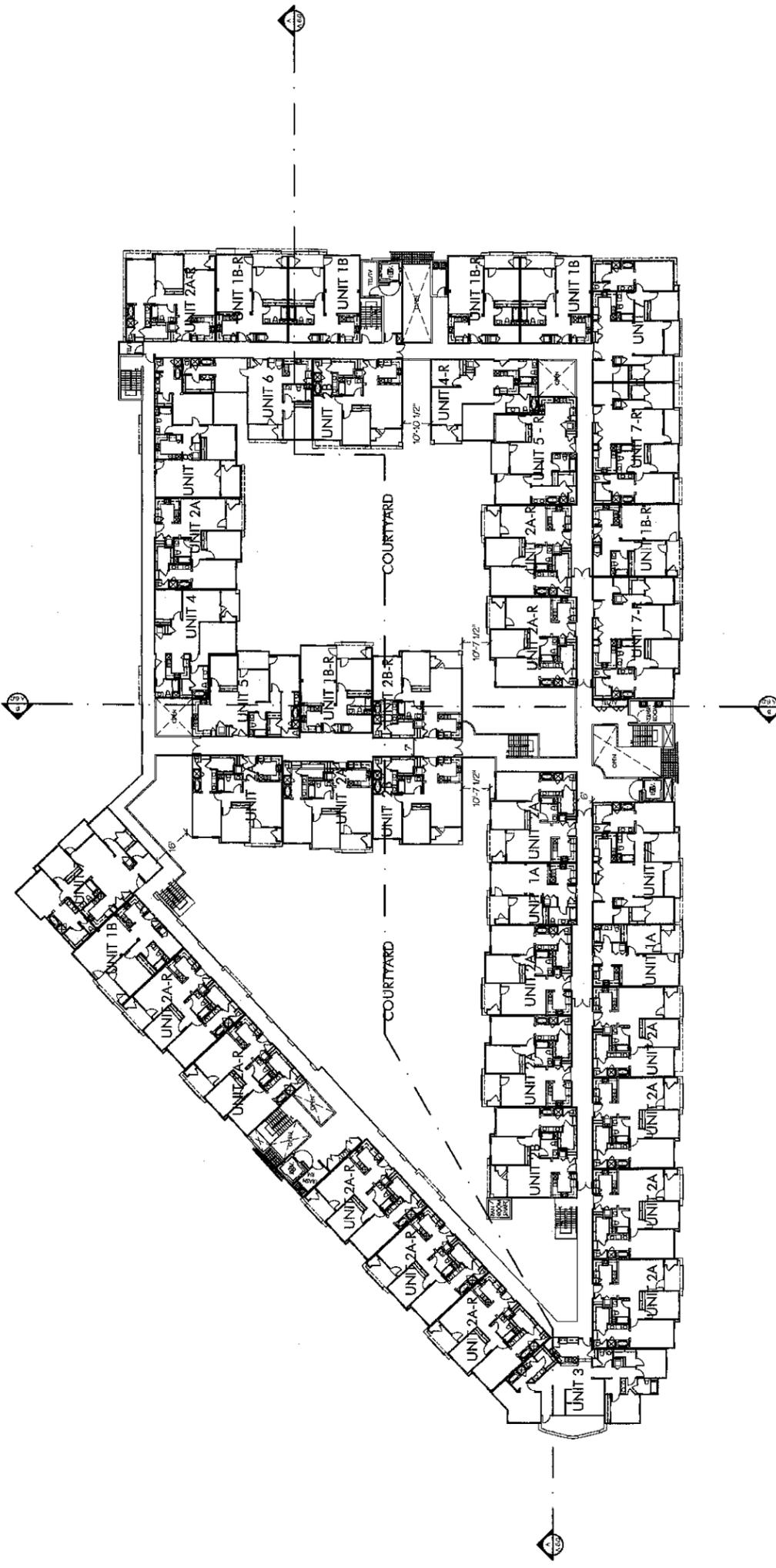
SOUTH MAIN STREET MILPITAS, CALIFORNIA
MATTESON DEVELOPMENT PARTNERS, INC.

5865 Owens Drive
Pleasanton, CA 94566
925.251.7200
925.251.7201 Fax

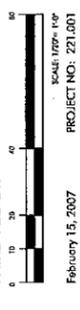


PROJECT DATA

LEVEL 3 - UNIT COUNTS		# of units
UNIT 1A (1) BED UNIT	692 SF	2
UNIT 1B (1 + DEN) BED UNIT	837 SF	7
UNIT 2 (2) BED UNIT	1,040 SF	22
UNIT 3 (3) BED UNIT	1,665 SF	1
UNIT 4 (2) BED UNIT	1,096 SF	2
UNIT 5 (2) BED UNIT	1,660 SF	2
UNIT 6 (2) BED UNIT	1,286 SF	1
UNIT 7 (3 + DEN) BED UNIT	1,475 SF	5
UNIT 8 (2) BED UNIT	1,266 SF	1
SUB-TOTAL		43

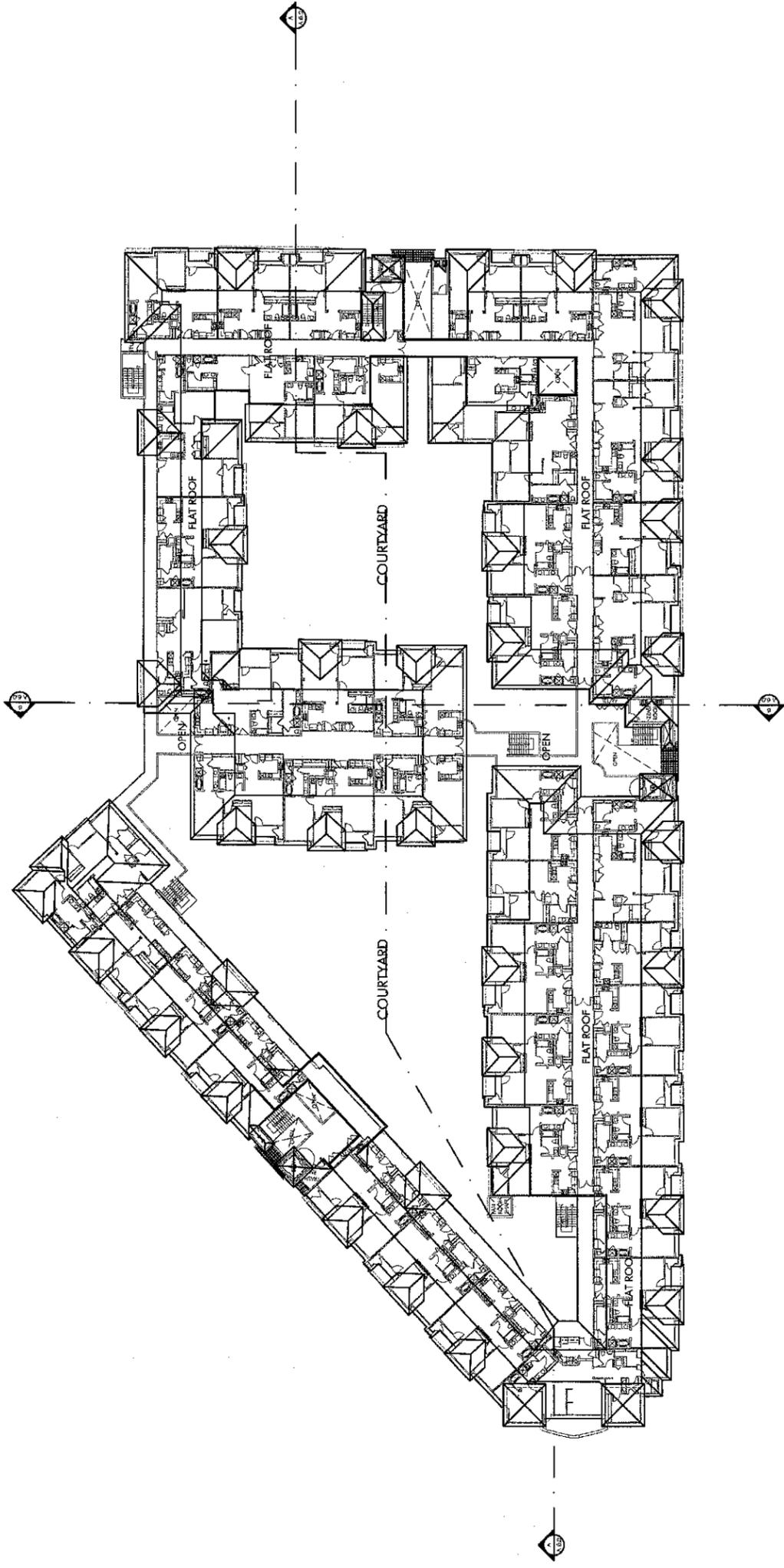


ARCHITECTURAL SITE PLAN
THIRD FLOOR



February 15, 2007
SCALE: 1/8" = 1'-0"
PROJECT NO: 221.001





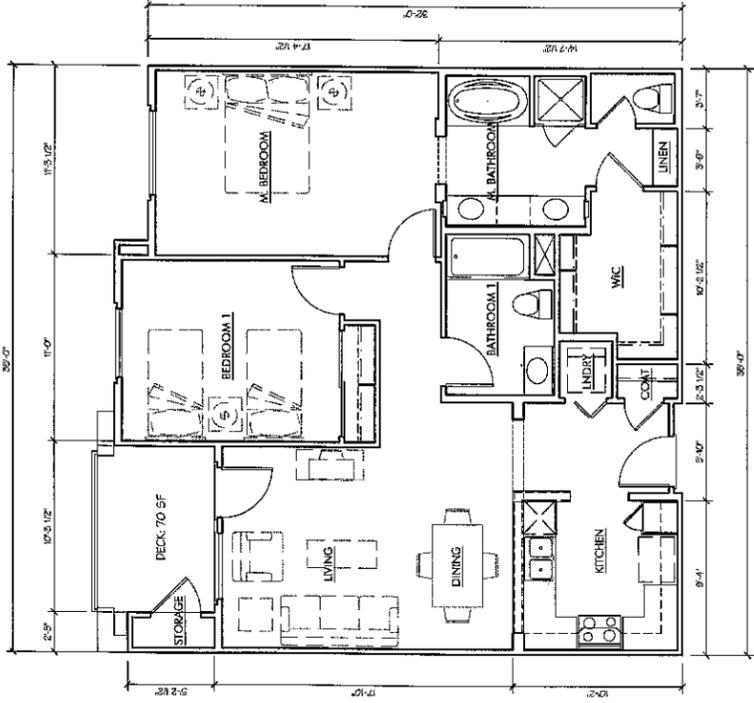
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 February 15, 2007 PROJECT NO: 221,001



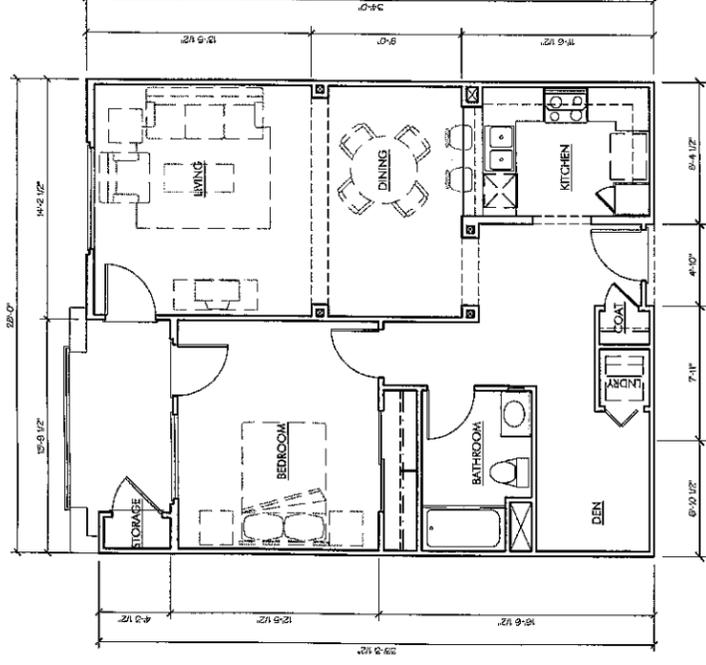
5845 Owens Drive
 Pleasanton, CA 94588
 925.251.7200
 925.251.7201 Fax

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.

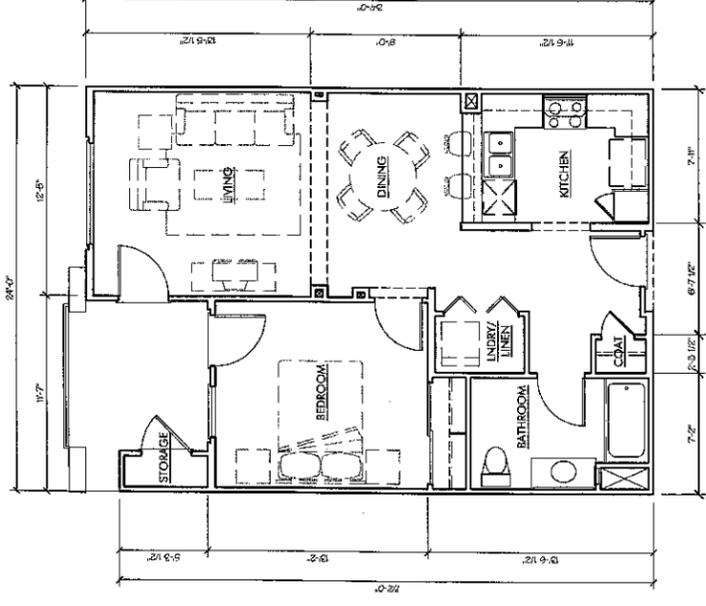
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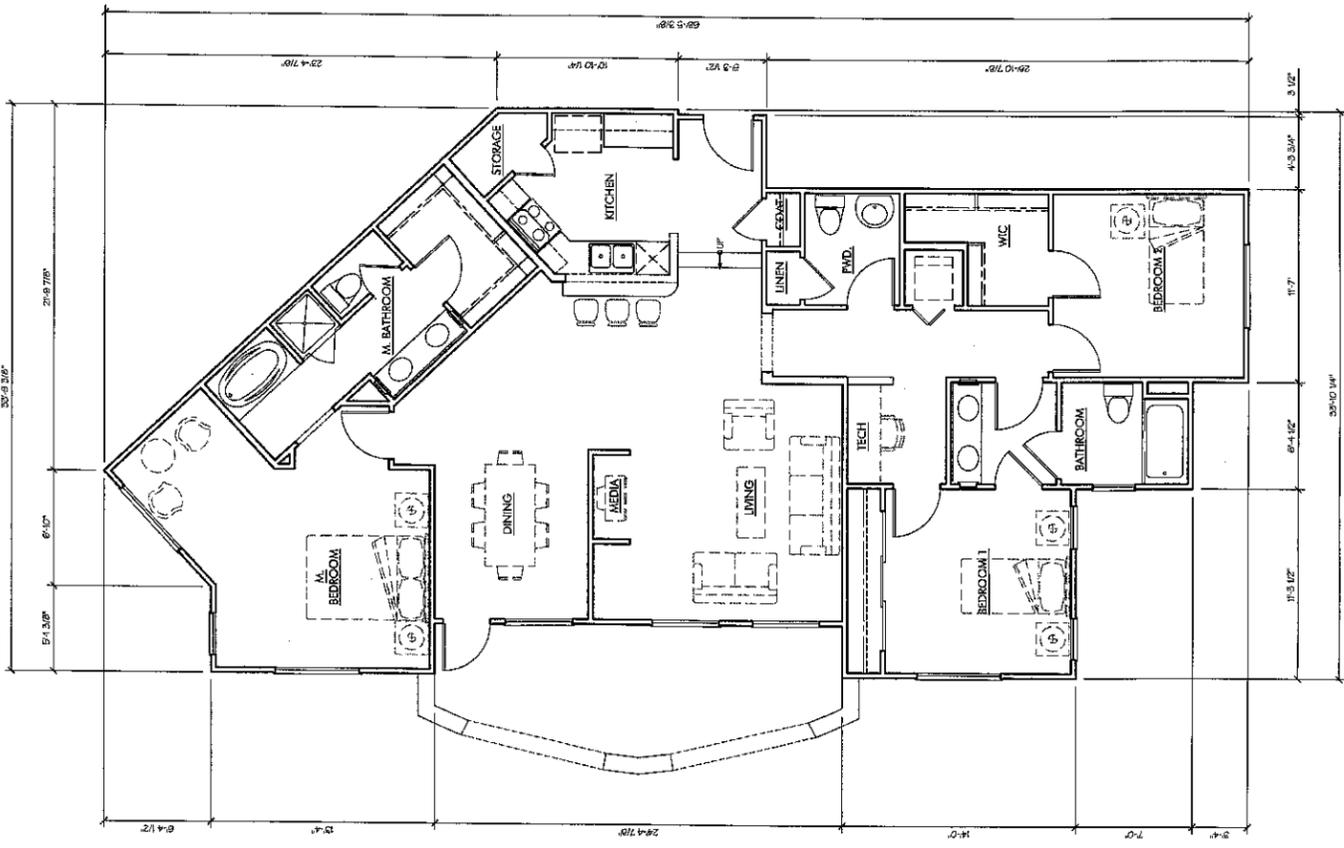
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(1 + DEN) BED UNIT FLOOR PLAN
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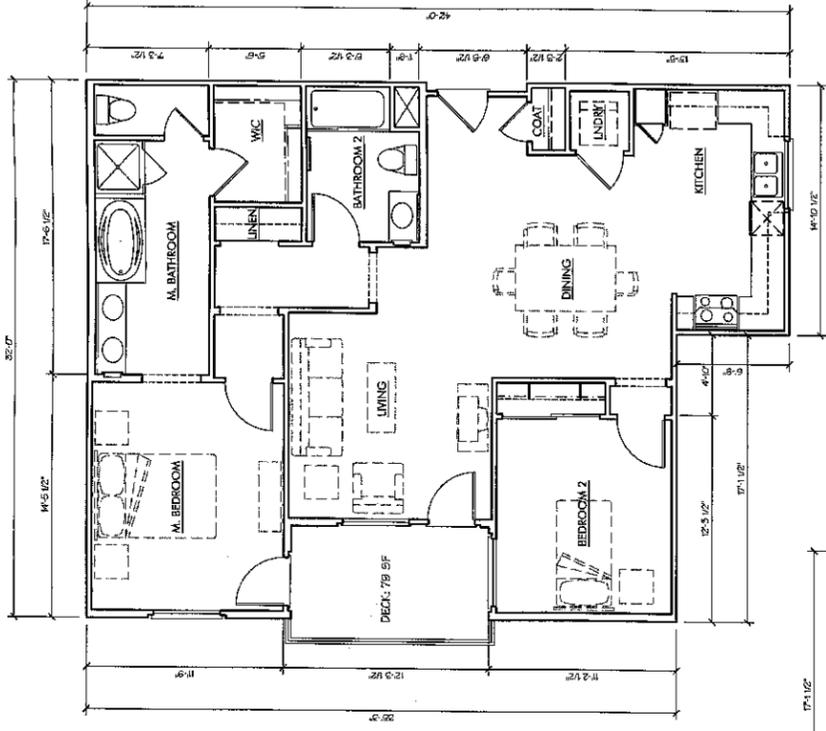
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(1) BED UNIT FLOOR PLAN
692 SQ FT

ARCHITECTURAL FLOOR PLAN
UNIT 1, 2A & 2B
SCALE: 1/4" = 1'-0"
February 15, 2007 PROJECT NO: 221.001

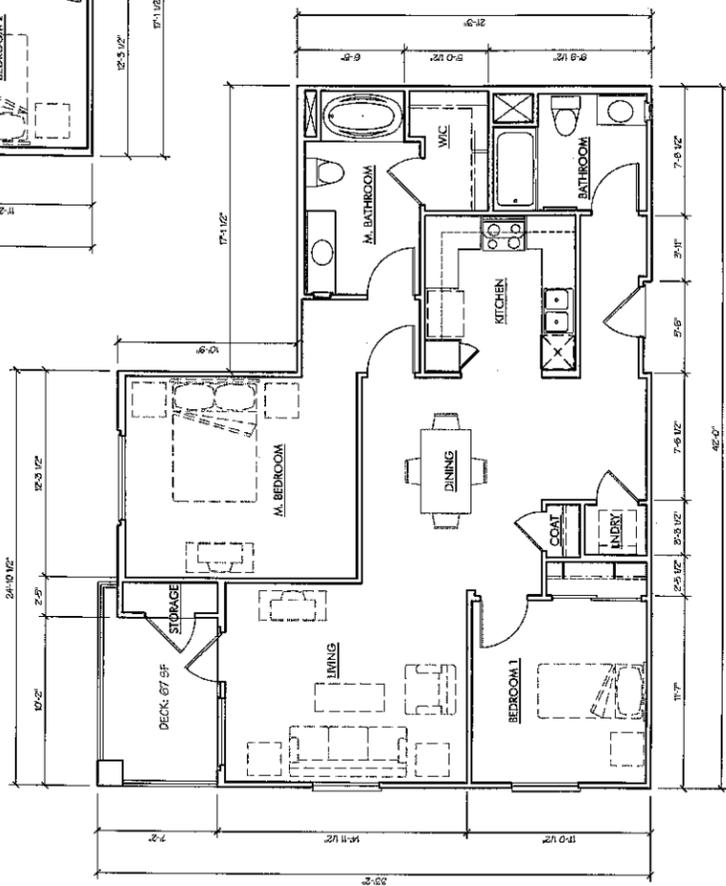




UNIT 3
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UNIT 5
 (2) BED UNIT FLOOR PLAN
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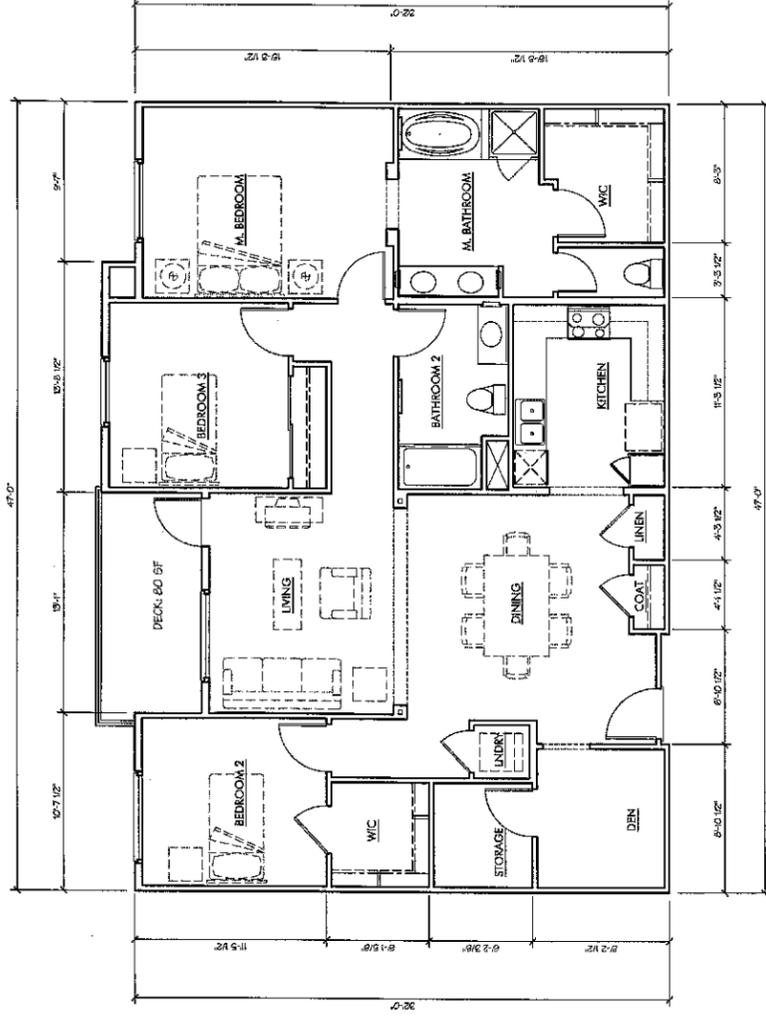


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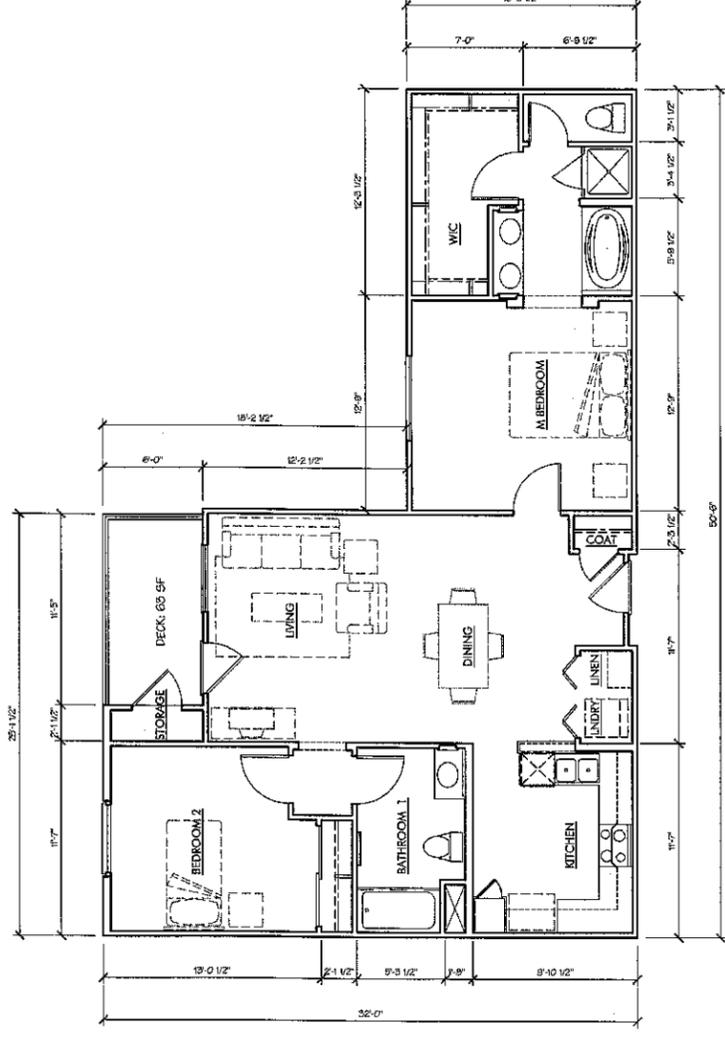
ARCHITECTURAL FLOOR PLAN
 UNIT 3, 4 & 5
 SCALE: 1/8" = 1'-0"
 PROJECT NO.: 221.001
 February 15, 2007.



5865 Owens Drive
 Pleasanton, CA 94588
 925.251.7900
 925.251.7201 Fax



UNIT 7
 (3+DEN) BED UNIT FLOOR PLAN
 1,475 SQ. FT.



UNIT 6
 (2) BED UNIT FLOOR PLAN
 1,086 SQ. FT.

ARCHITECTURAL FLOOR PLAN

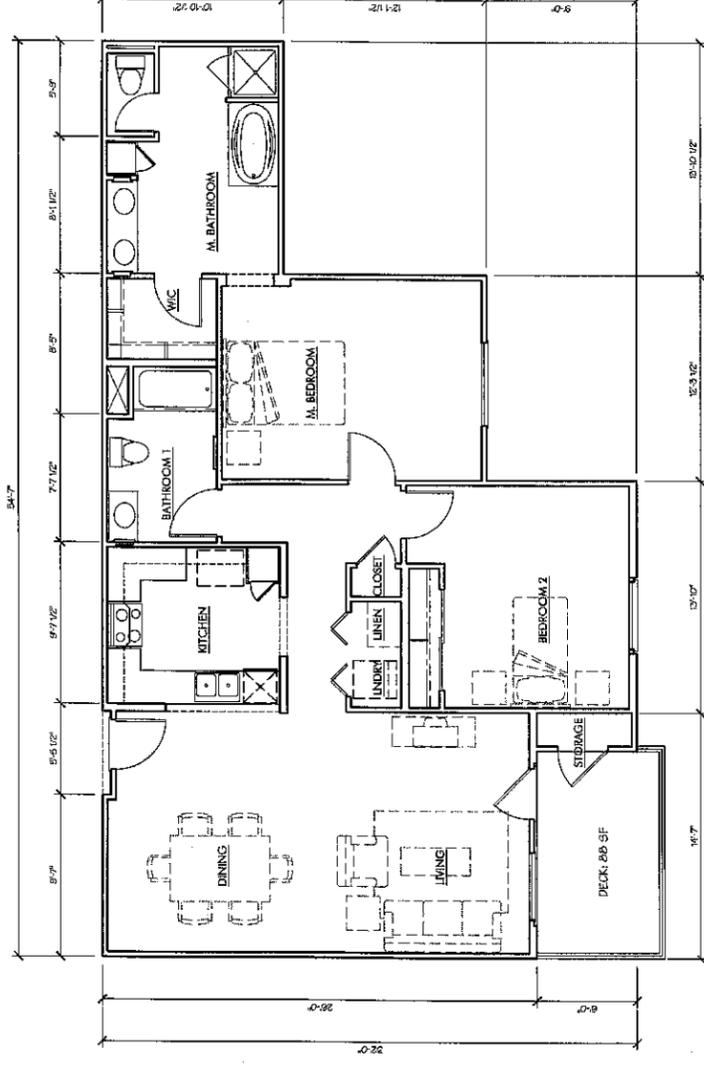
UNIT 6, 7



SCALE: 1/4" = 1'-0"

FEBRUARY 15, 2007 PROJECT NO.: 221.001





UNIT 8
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ARCHITECTURAL FLOOR PLAN

UNIT 8

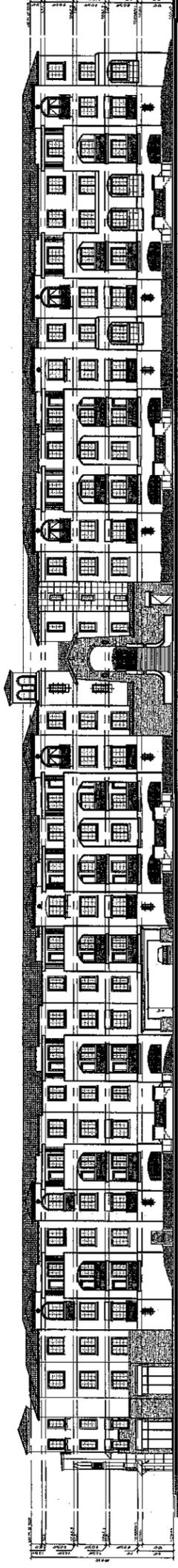


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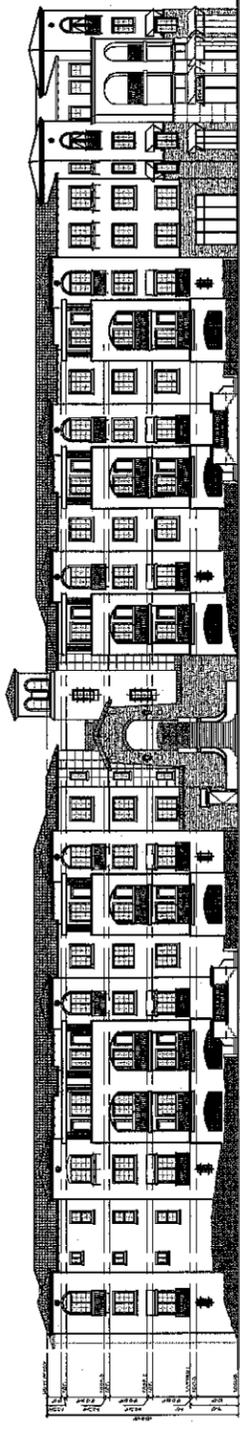
PROJECT NO: 221.001

February 15, 2007

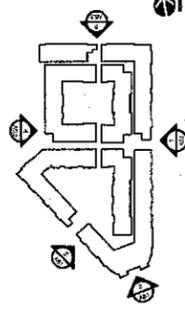




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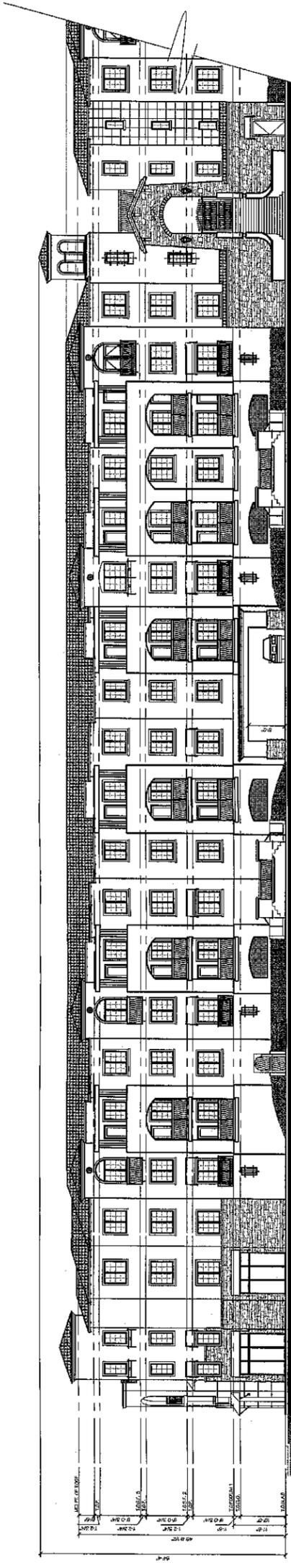


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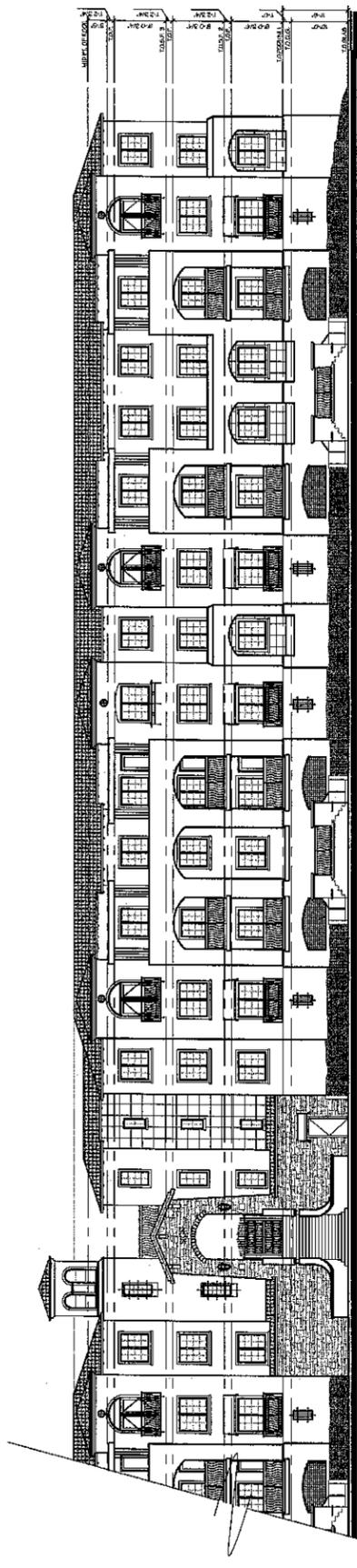


OVERALL STREETSCAPE
SCALE: 1/16" = 1'-0"

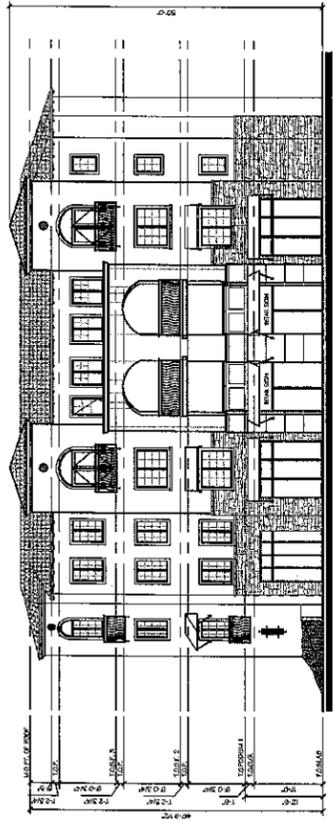




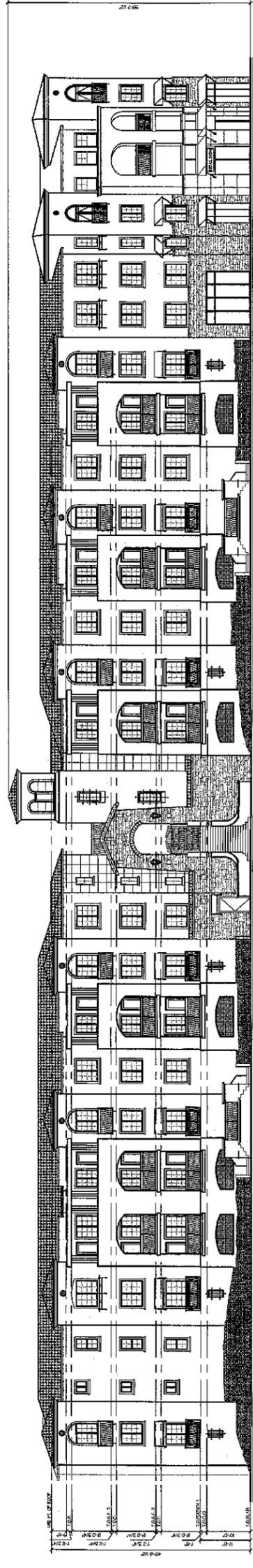
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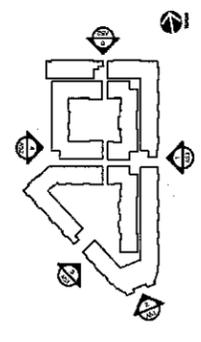
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2. SOUTH - EAST ELEVATION AT CORNER



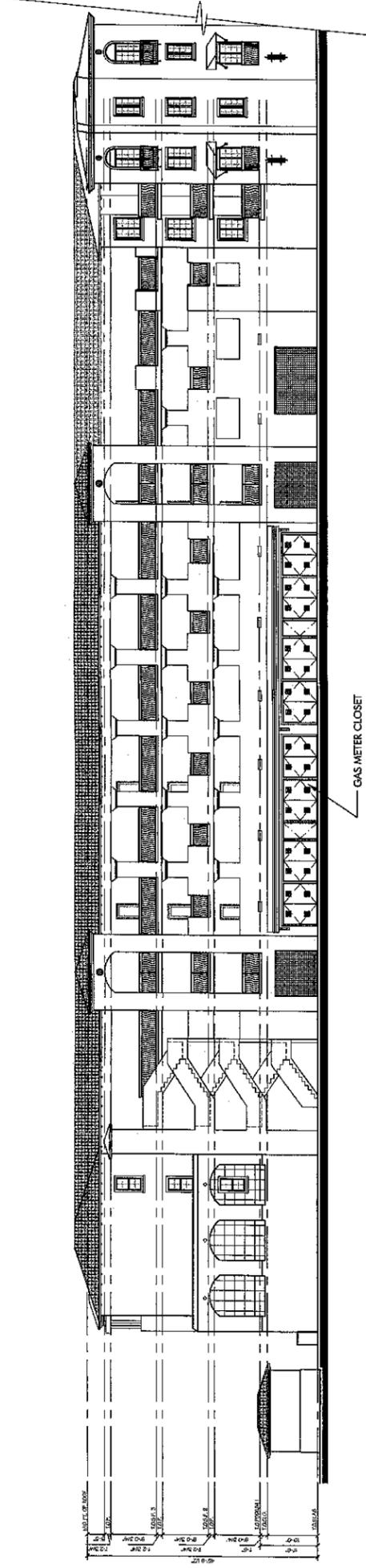
3. ABEL ST. ELEVATION



ARCHITECTURAL ELEVATIONS
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February 15, 2007 PROJECT NO: 221.001

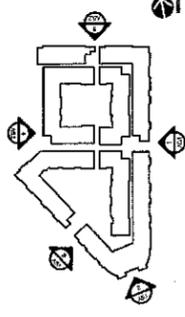




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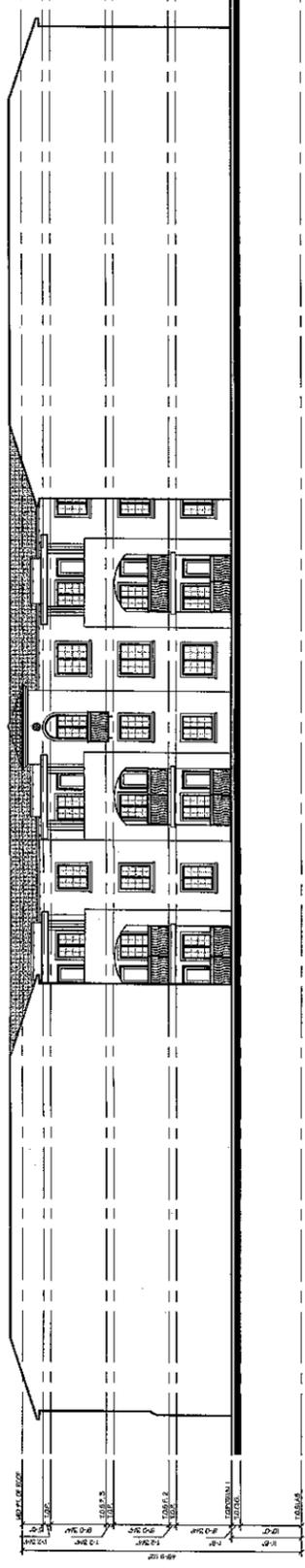
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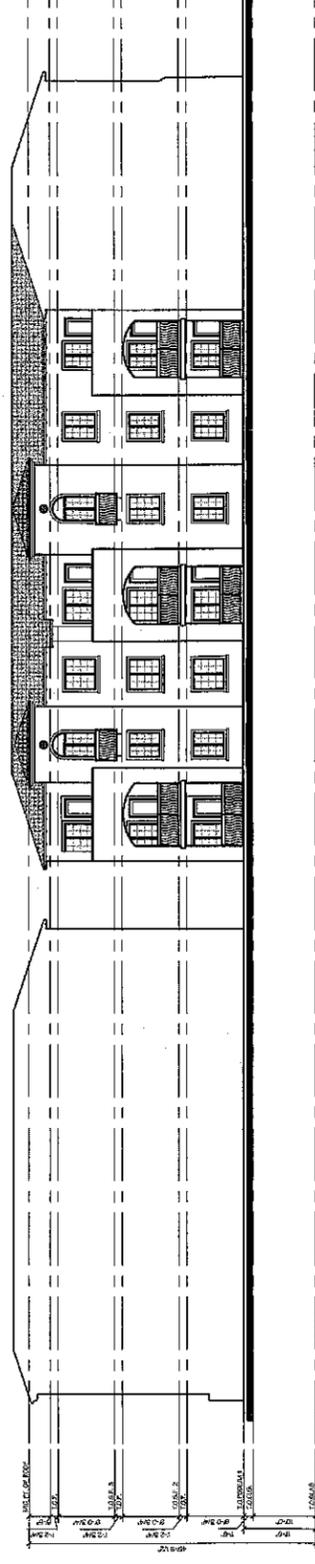
ARCHITECTURAL ELEVATIONS
SCALE: 3/32" = 1'-0"

February 15, 2007 PROJECT NO. 221.001

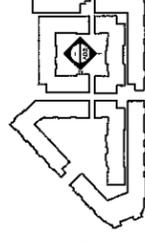




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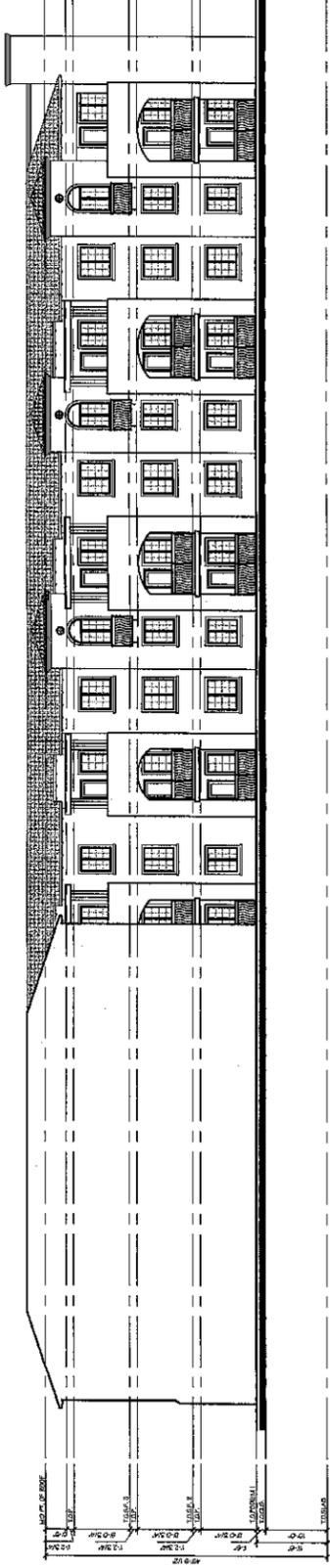
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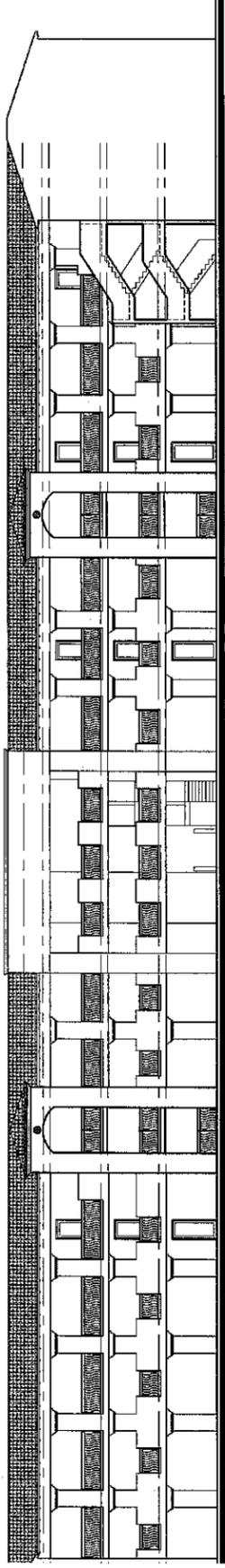
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SCALE: 3/32" = 1'-0"

February 15, 2007 PROJECT NO: 221.001

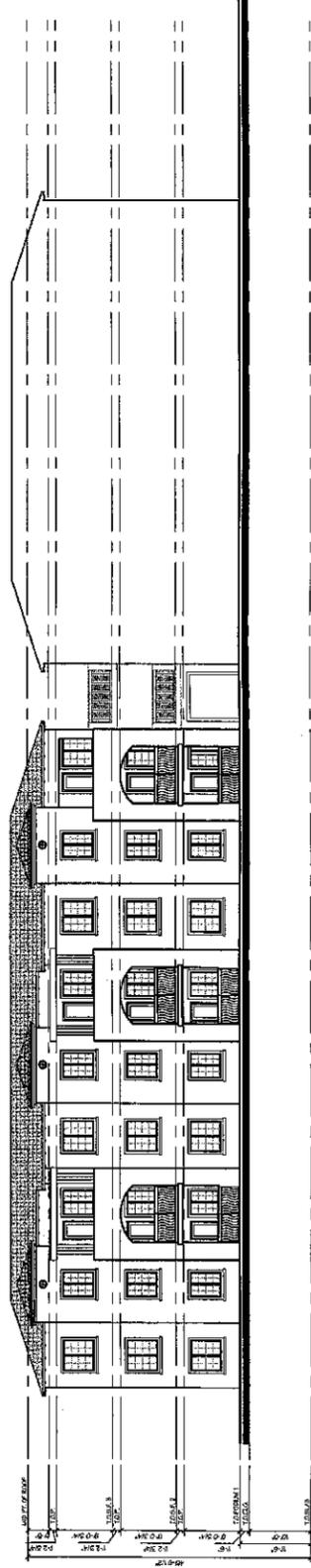




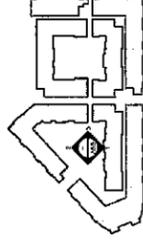
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2. COURTYARD SOUTH-WEST ELEVATION



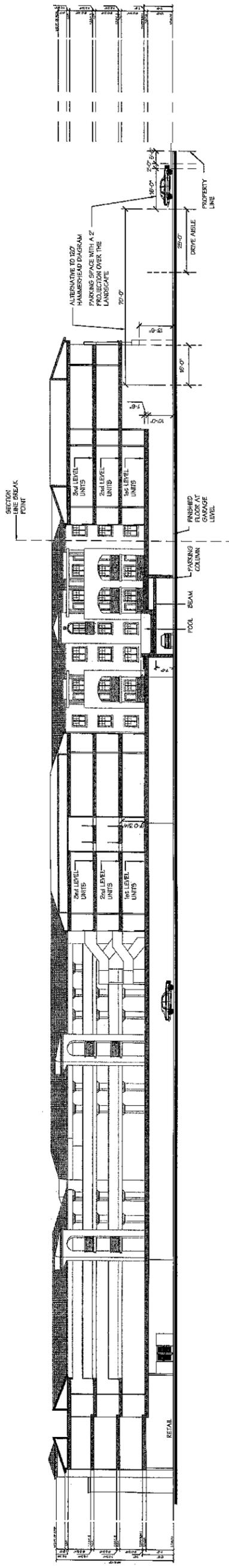
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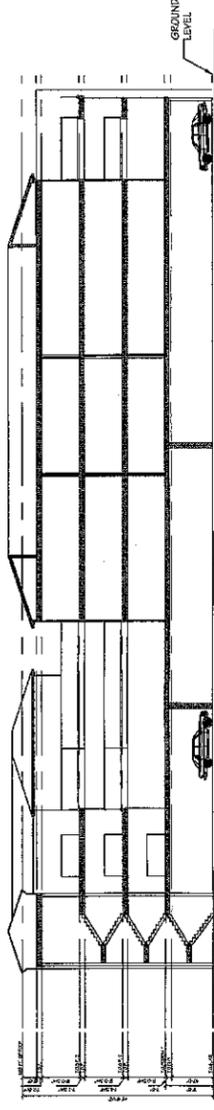
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February 15, 2007 PROJECT NO: 221.001

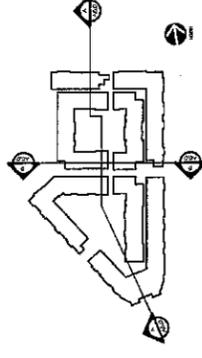




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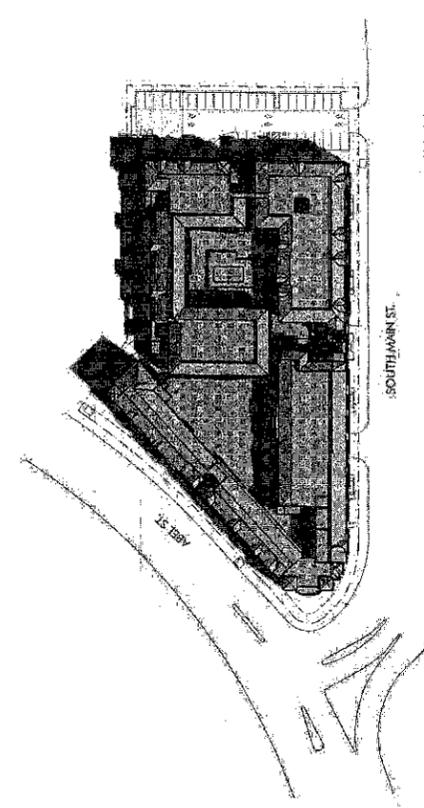
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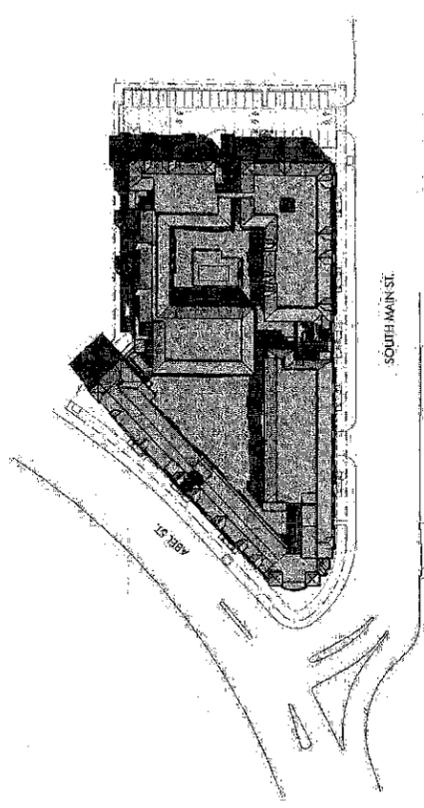
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February 15, 2007 PROJECT NO. 221.001

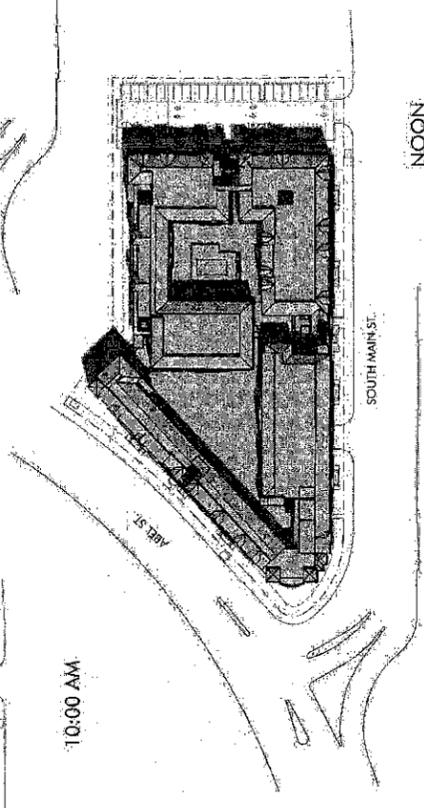




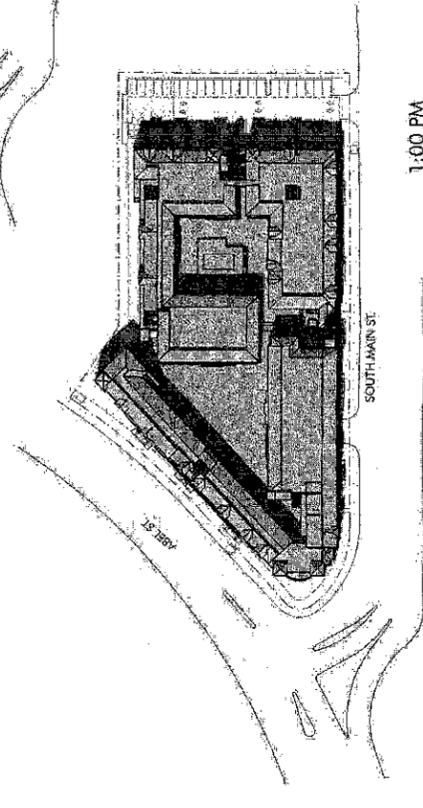
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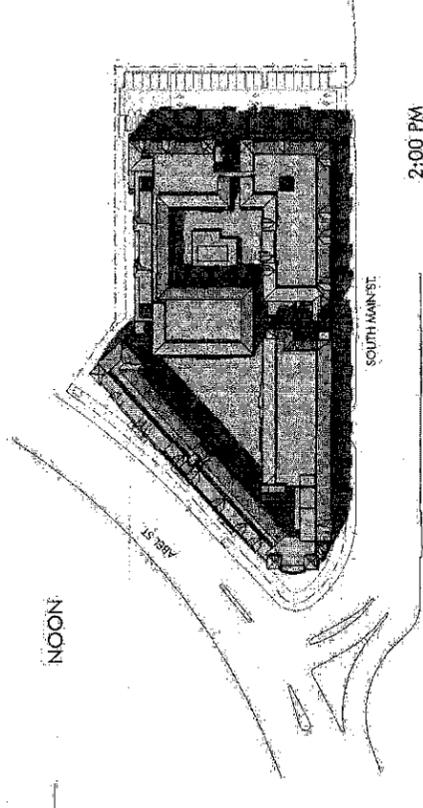
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2:00 PM
MARCH 22, 2006

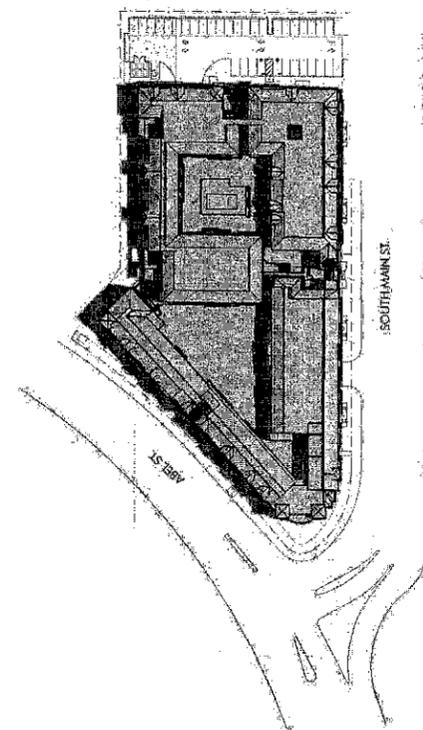
SOUTH MAIN STREET MILPITAS, CALIFORNIA
THE MATTESON COMPANIES

SHADOW STUDIES
BETWEEN 10 AM & 2 PM
N.E.S.
February 13, 2006 PROJECT NO. 291102



DAHLIN GROUP
ARCHITECTS

2075 Olive Street
Milpitas, CA 95035
781.877.2044



10:00 AM
JUNE 22, 2006

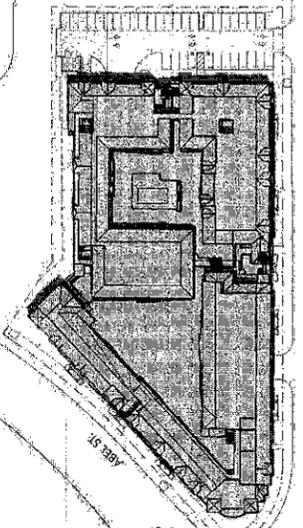
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AEBL ST.

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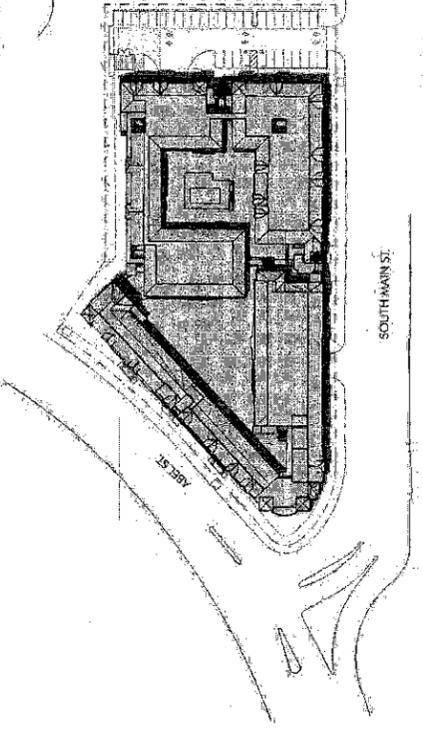
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NOON

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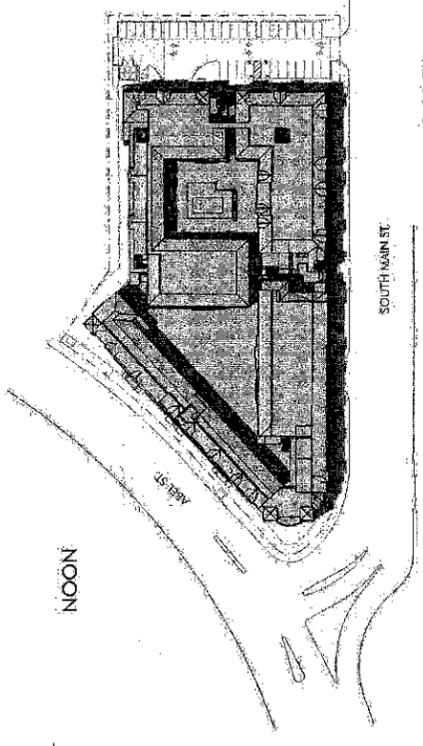
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JUNE 22, 2006

SOUTH MAIN ST.

AEBL ST.



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JUNE 22, 2006

SOUTH MAIN ST.

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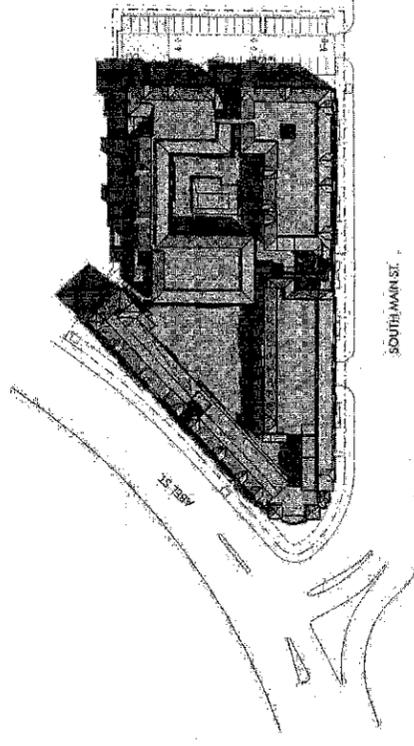
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N.T.S.
REVISED 10/16/07



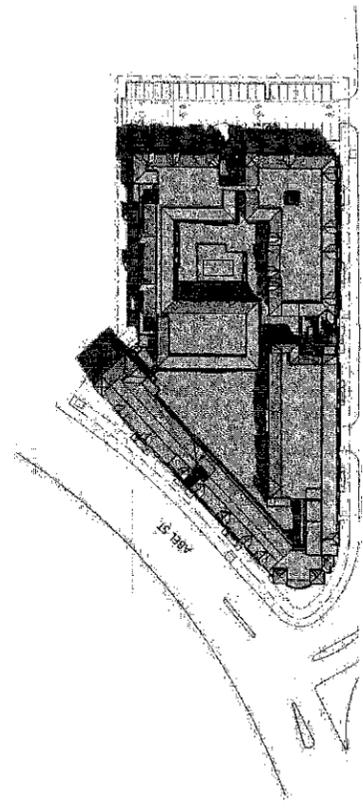
DAHLIN GROUP

1000 W. BROADWAY
SUITE 200
MILPITAS, CA 95035
PH: 408.358.1000
WWW.DAHLINGROUP.COM

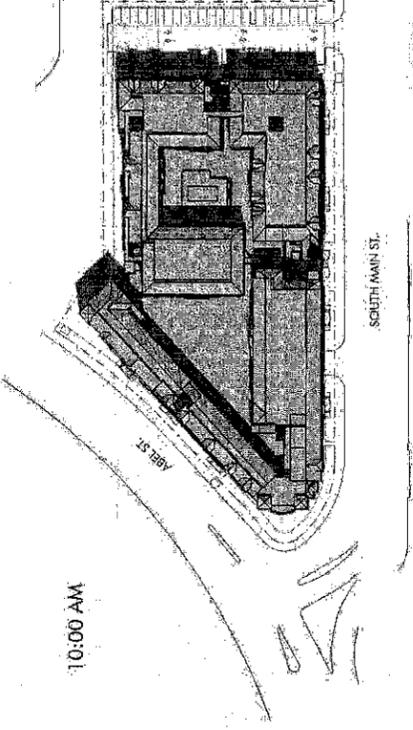
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THE MATTESON COMPANIES



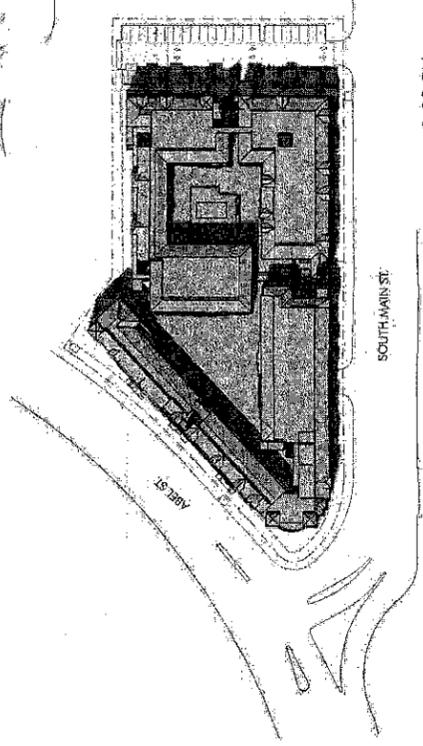
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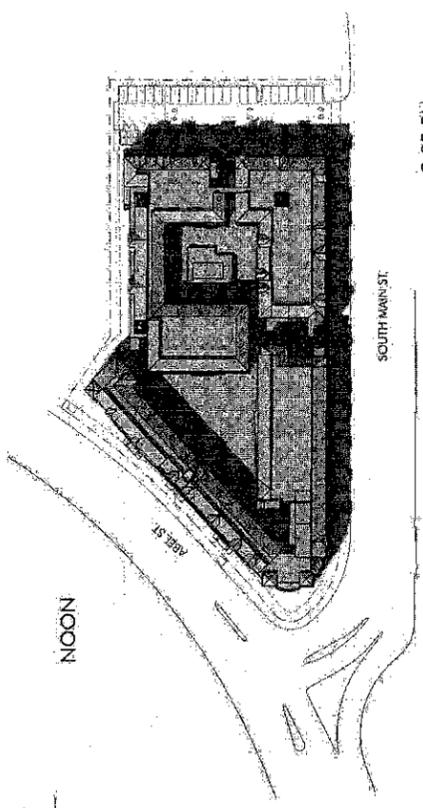
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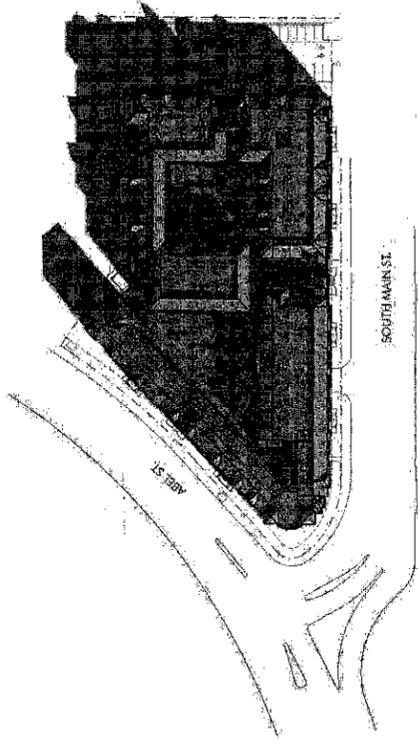
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THE MATTESON COMPANIES



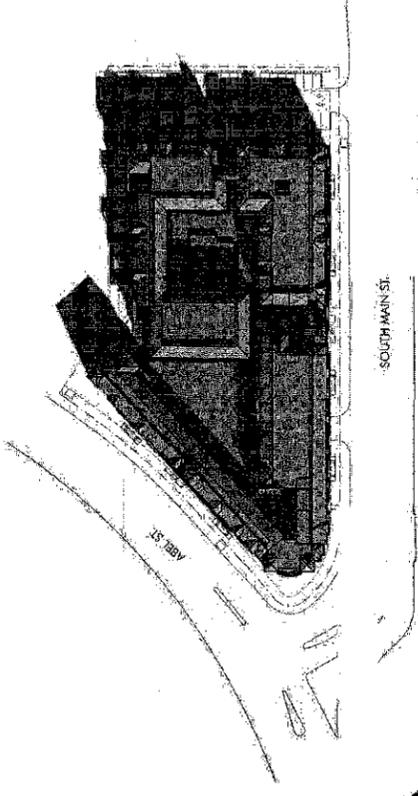
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REVISED 1/6/2007 PROJECT NO. 221001



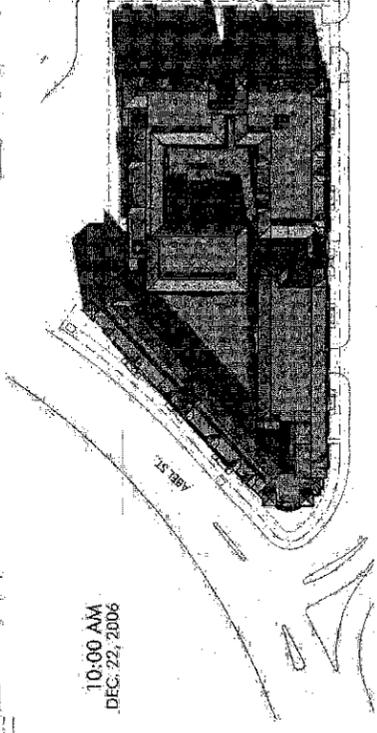
3975 East Capitol
Milpitas, CA 95035
PH: 408.267.1200
FAX: 408.267.1201



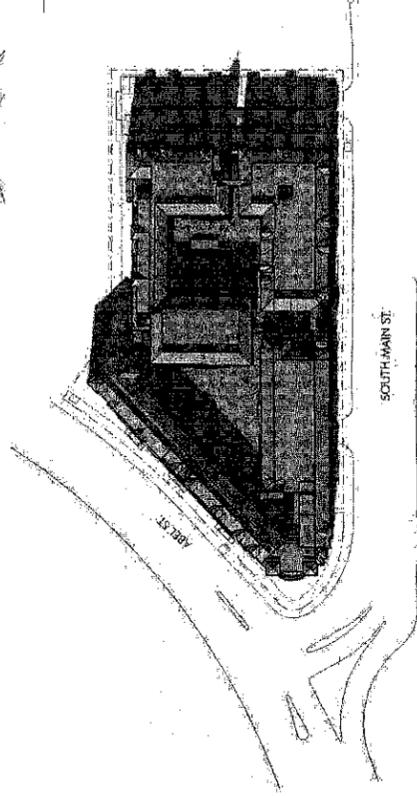
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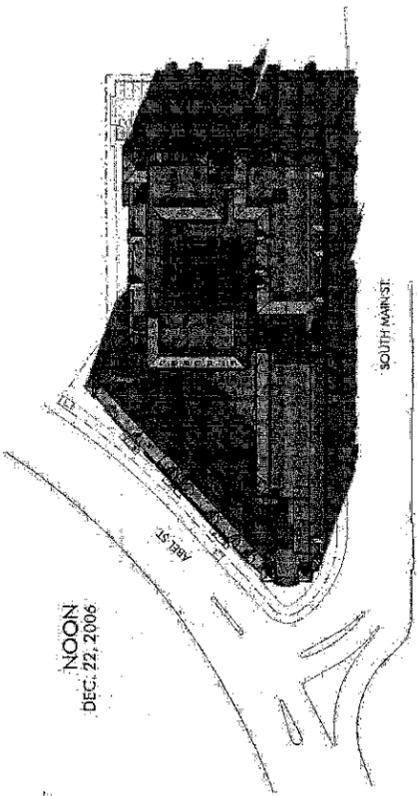
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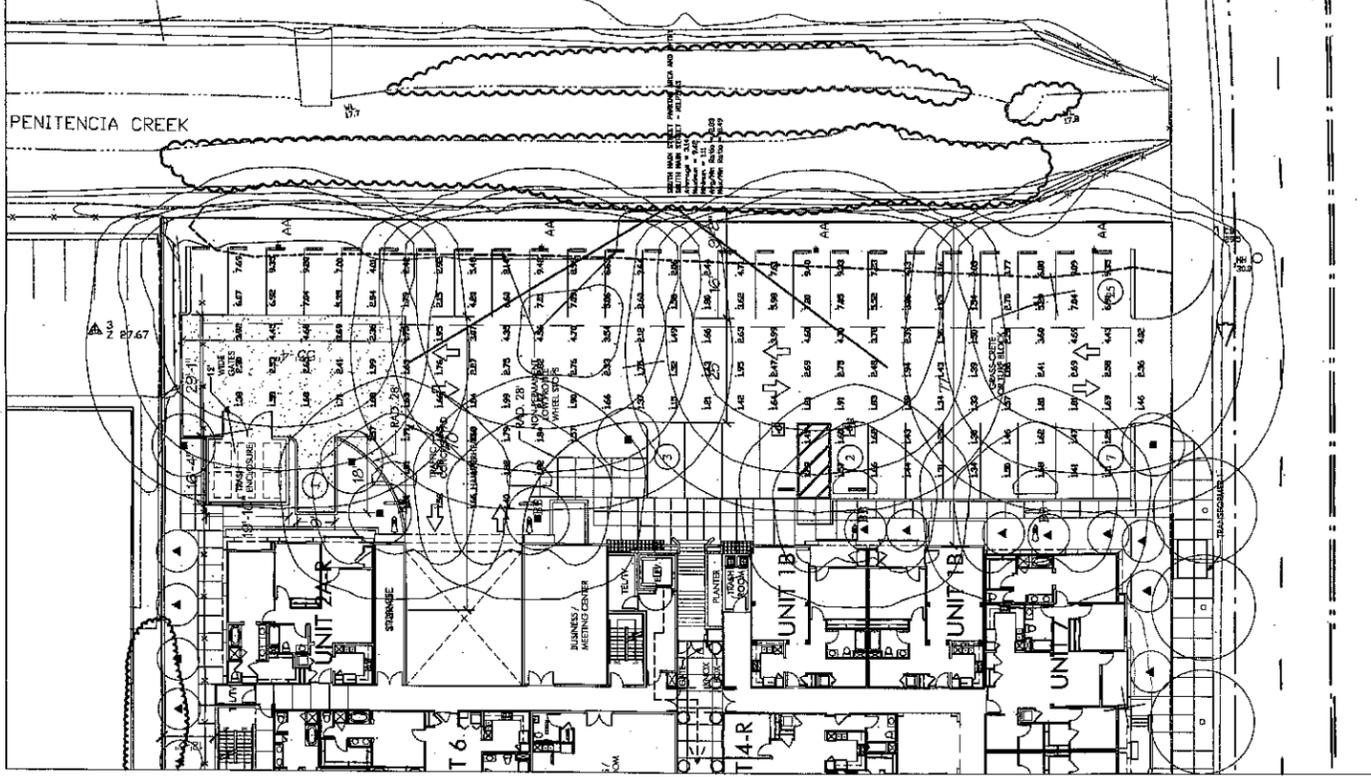


2:00 PM
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SHADOW STUDIES
BETWEEN 10:00 AM & 2:00 PM
N.T.S.
revised 10/20/06
DAHLIN GROUP

SOUTH MAIN STREET MILPITAS, CALIFORNIA
THE MATTESON COMPANIES



Luminaire Schedule

Project	Symbol	Qty	Label	Arrangement	Lumens	LF	Description	Fluorene
SOUTH MAIN STREET - MILPITAS	AA	4	AA	SINGLE	2900	4800	EMD SCAB 1 FN - 250WPS B 2P	EDF804LES
SOUTH MAIN STREET - MILPITAS	BB	4	BB	SINGLE	6300	4800	HANDI V21 - 200WPS - BY FILE 11 LC	HUC0394LES

Numeric Summary

Project	Description	Calc Type	Units	Avg	Min	Max	Avg/Min	Max/Min	# Fts
SOUTH MAIN STREET PARKING AREA AND ENTRY	Blunounce	FC	3.15	9.42	1.11	2.83	8.49	17.1	

Luminaire Location Summary

Section	Label	X	Y	Z	Orient	Tilt
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7	AA	322.56	1159.322	20	180	0
8	AA	322.56	1222.329	20	180	0
9	BB	254.824	1941.008	11	0	0
10	BB	254.824	1884.338	11	0	0
28	AA	322.56	1093.66	20	180	0
127	BB	256.147	1194.636	11	0	0
128	BB	256.147	1162.289	11	0	0



ASSOCIATED LIGHTING REPRESENTATIVES, INC.
 648 ENTERPRISE WAY
 P.O. BOX 2225
 INCLAVILLE, CA 94528
 PHONE: (925) 638-8188 - FAX: (925) 638-2998

ALL VALUES SHOWN ARE MAINTAINED HORIZONTAL FOOTCANDLES AT GRADE

PHOTOMETRIC DATA USED AS INPUT FOR THESE CALCULATIONS IS BASED ON ESTABLISHED TEST PROCEDURES AND PUBLISHED LAMP DATA. THIS DATA DOES NOT TAKE INTO ACCOUNT ACTUAL LAMP BURNING HOURS, ELECTRIC AND SITE CHARACTERISTICS.

Calculations have been performed according to IES standards and good practice. Some differences between measured values and calculated results may occur due to tolerances in calculation methods, testing procedures, component performance, variations in lamp output, and site conditions. Input data used to generate the attached calculations, such as error in photometric data, may affect the results. Lighting calculations do not match the photometric data if the real environment conditions do not match the input data, differences will occur between measured values and calculated values.

REPORT FOR DARLIN GROUP, MARIO SANCHEZ-PALACIOS
 BY APPLICATIONS ENGINEERING, RAMON ZAPATA
 SALES REPRESENTATIVE: ALI, CATHY GOTTARDI

DATE: APRIL 6, 2005
 AGEZ VEKSDIN, LBA
 100 WEST CHATELAIN AVENUE, SUITE 300, LITTLETON, CO 80127

AIR

Associated Lighting Representatives

PROJECT: SOUTH MAIN STREET - MILPITAS
 EXTENDER PARKING
 DRAWING: 027100T-A1.DWG / 027100T-A1.A32
 SCALE: 1" = 16'
 DATE: 04.06.2005
 REV: 1

PHOTOMETRIC STUDY
 February 15, 2007
 PROJECT NO: 221.001



SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.

STORMWATER CONTROL REPORT

SOUTH MAIN STREET



For
Stormwater C.3 Guideline Compliance Submittal
With
Tentative Map

March 6, 2006

Prepared By:

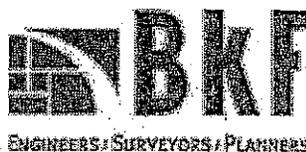


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SECTION 1

C.3 STORMWATER CONTROL PLAN FOR SOUTH MAIN STREET

March 6, 2006

Introduction

This report represents the Stormwater Control Plan (SWCP) for the South Main Street, a residential development in the City of Milpitas, California. As such, it sets forth the strategy for management of post-construction stormwater runoff quality as required by the San Francisco Bay Regional Water Quality Control Board (Regional Board or RWQCB). The City of Milpitas is the local authority for the SWCP, including enforcement action and penalties for non-compliance. Proposed permanent Best Management Practices (BMPs) for the project are presented in this report. BMP technical requirements are presented in the Stormwater C.3 Guidebook, 3rd Edition adopted by the City of Milpitas on October 06, 2005.

South Main Street development is located at the north intersection of South Abel Street and South Main Street in the city of Milpitas, as shown in Figure 1. The project site covers an area of 2.724 acres and is bounded by South Abel Street to the southwest, existing commercial parcel to the northwest, South Main Street to the east and Penitencia Creek to the north.

The project site is currently a vacant lot. The proposed improvements will include a three-story residential condominium with a total of 128 units, on-grade parking and landscaping areas. Figure 2 shows the proposed South Main Street development.

Currently the project site, 2.724 acres, is an undeveloped land (100% pervious). The proposed development will divide the land as follows: approximately 2.3 acres (86%) of the site will be covered by impervious surface and about 0.4 acres (14%) will be covered by pervious surface. Pervious surface will include planting areas and vegetated swales.

On-site Conditions

Currently the project site is divided into two drainage areas. Drainage area 1, approximately 1.2 acres, stormwater runoff flows overland northwest towards South Abel Street to existing storm drain inlets located in the street. Drainage area 2, approximately 1.5 acres, stormwater runoff flows overland northeast towards Penitencia Creek. The existing drainage patterns of the project site are shown in Figure 3. The existing storm drain facilities in the public right-of-way are shown in Figure 4.

The project site has been divided into three drainage areas for the purpose of Stormwater Control Plan. Each drainage area is further divided by surface type (pervious or

impervious), which is shown in Figure 5 and 6. The corresponding land type areas are shown in Table 1 and 2. The stormwater runoff for the entire development will be discharged into the existing City storm drain system within South Main Street.

Additional On-site Conditions:

- Soil Type: According to the geotechnical investigation by Lowney Associates for the project site, the subsurface soils consist of approximately 2 to 3 feet of clay underlain by silty sand to a depth of 8 feet. Below 8 feet, the subsurface consists of interbedded layers of silts and clays to a depth of 45 feet, the maximum depth explored.
- Ground Water: According to the geotechnical investigation by Lowney Associates for the project site, free ground water was encountered in one of the three borings at a depth of approximately 12 feet below existing grade at the time of drilling. Based on available published data, "historical high ground water" on the order of 7 feet below the ground surface could be expected for the site vicinity (CDMG Seismic Hazard Zone Report 051 – Milpitas Quadrangle, 2001). In addition, the water level in Penitencia Creek was approximately 10 feet below existing site grade. Fluctuations in the level of the ground water may occur due to variations in rainfall.

Hydrology

Runoff coefficients for existing and proposed on-site conditions are based on values given in the City of Milpitas Land Development Engineering Manual and are shown in Table 1 and 2.

Sizing of the treatment flow-based BMPs was based on the City of Milpitas Stormwater C.3 Guidebook, which uses the rainfall intensity value of 0.2 (2x85th percentile hourly rainfall intensity) inches per hour. The Rational Method is used to calculate treatment flow runoff and 10-year peak runoff rates for each drainage area. Existing and proposed treatment runoff rates are shown in Table 1 and 2. Table 3 presents the 10-year peak runoff rates for each drainage area within the project site.

Proposed Permanent BMPs

South Main Street development presents a main challenge with regard to formulating a Stormwater Management Plan. This main challenge is due to the large amount of impervious surface, along with the minimum amount of open space usually associated with a mid-to-high density development of this type. The potential pollutant sources for the project site include household and lawn-care chemicals (insecticides, herbicides, fungicides and rodenticides), heavy metals (i.e. copper, lead, zinc, cadmium), oils and greases, and nutrients (nitrogen and phosphorus).

In light of the opportunities and constraints that present at the project site, it is possible to establish a BMPs implementation framework that can guide further refinements in the site plan. The BMPs framework is based on a hierarchical approach advocated by stormwater quality regulators (e.g. see BASMAA, 1999). The hierarchical approach has the following levels:

Level I – Source Control: The source control program for the development will incorporate a number of strategies.

- *Education and Outreach.* The City of Milpitas will remain active in formulating outreach strategies to engage residents in the need to control non-point source pollution, but the ultimate responsibility for this lies initially with the developer, and subsequently with the homeowners and the Homeowner's Association. One proven tactic in this regard is the marking of storm drain inlets and collection points to indicate that runoff can directly impact receiving waters. At this site markings will be along the lines "No Dumping – Drains to Bay". In addition, it is expected that the Association will provide orientation on this SWCP and non-point source pollution control measures to new home owners and secure written commitment for their participation.
- *Storm Drain Inlet Cleaning.* Drain inlets are often an accumulation point for sediment and debris that is mobilized by stormwater runoff. The Homeowner's Association will perform maintenance on privately-owned storm drain inlets, which includes the collection and disposal of built up material inside the inlets.
- *Trash Collection Areas.* There will be centralized common "trash area" for this development. These areas will be covered to prevent rainfall from mobilizing pollutants from these locations.
- *Fire Sprinkler Connections.* Fire sprinkler test water (when applicable), will drain through landscaping to the storm drain system.
- *Recycling and Waste Disposal.* The City of Milpitas will continue its ongoing program to recycle paper, plastic and metal products concurrently with the standard trash collection service to this site. In addition, Santa Clara County has facilities to dispose of hazardous household waste products.

Level II – Treatment Control. Included in the project will be a predominant vegetated swale to enhance stormwater runoff quality.

- *Vegetated Swale.* This swale will be approximately 120 feet long and 3:1 (max.) side slopes planted with vegetation. It will surface graded with a longitudinal slope of 2% maximum, to promote infiltration and provide water-quality cleaning action. An inlet will be at the low end of the swale to receive surface flow and

convey it to the storm drainage system. See Section 4 for typical vegetated swale detail.

- *Treatment Control Device.* In areas where storm water cannot pass through some sort of surface treatment prior to entering the ultimate conveyance system, commercially available hydrodynamic devices are being installed to provide “in-line” treatment of stormwater prior to discharging into the city storm drain system. In the case of large storm events, the treatment control devices will have a built-in bypass to allow excess stormwater to flow into the storm drainage system, thus preventing any upstream flooding. The device will be maintained by the Homeowner’s Association. See Section 4 for hydrodynamic device detail.

Note that future changes to any of the above BMPs are prohibited, unless otherwise reviewed and approved by the City of Milpitas.

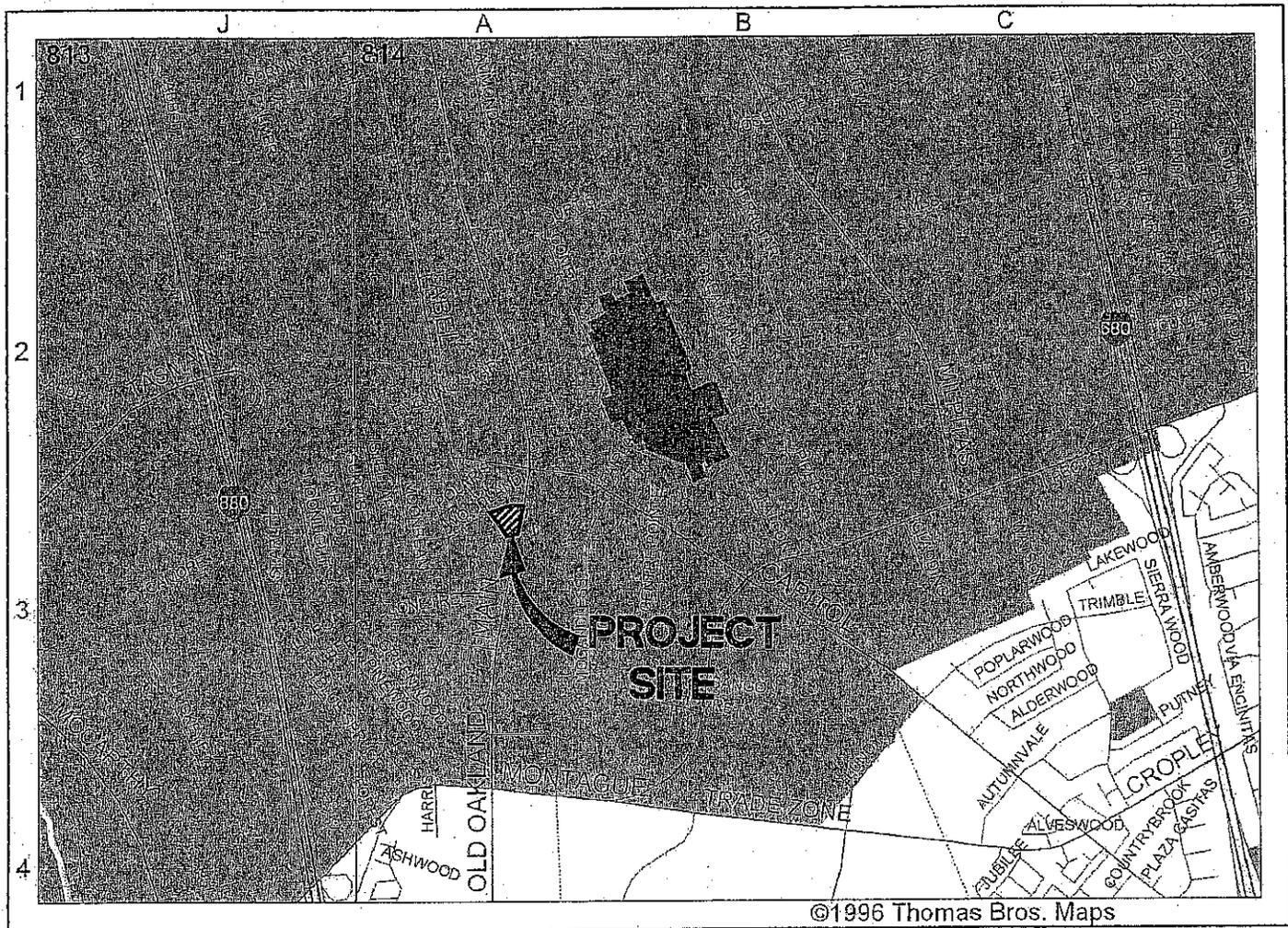
BMPs Monitoring and Maintenance

The proposed permanent BMPs for the South Main Street development should be able to operate in an automatic and reliable manner. However, the stormwater treatment systems, as with all physical infrastructures, will need adequate routine maintenance to function as designed. Schedule 1 provides a summary of the main elements of the monitoring and maintenance program for the project site. The Homeowner’s Association is responsible for the implementation and/or oversight of the monitoring and maintenance program for the BMPs at the South Main Street development.

- *Drain Inlet Cleaning.* Drain inlets can function as effective sediment traps for heavier materials. Therefore, these structures will need to be maintained and cleaned on, at least, an annual basis. Maintenance schedules for these activities include a thorough inspection and cleaning in late summer or early fall and a mid-winter inspection to identify any new problems that may have arisen. (Refer to Schedule 1)
- *Treatment Control Device Maintenance.* Devices will need to be maintained on a regular basis to insure their effectiveness. Removal of captured pollutants at least once a year for devices of this type. (Refer to Schedule 1)

The Homeowner’s Association may refine the maintenance schedules as necessary to achieve the goals of this Stormwater Control Plan.

SECTION 2



NOT TO SCALE

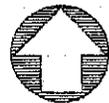


FIGURE 1
VICINITY MAP
 SOUTH MAIN STREET
 SANTA CLARA COUNTY, CALIFORNIA
 DATE: MARCH 2006



981 RIDDER PARK DRIVE
 SUITE 100
 SAN JOSE, CA 95131
 408-467-9100
 408-467-9199 (FAX)

Subject SOUTH MAIN STREET
 Job No. 20050085-10
 By ATN Date 03/06 Chkd. _____
 SHEET _____ OF _____



NOT TO SCALE

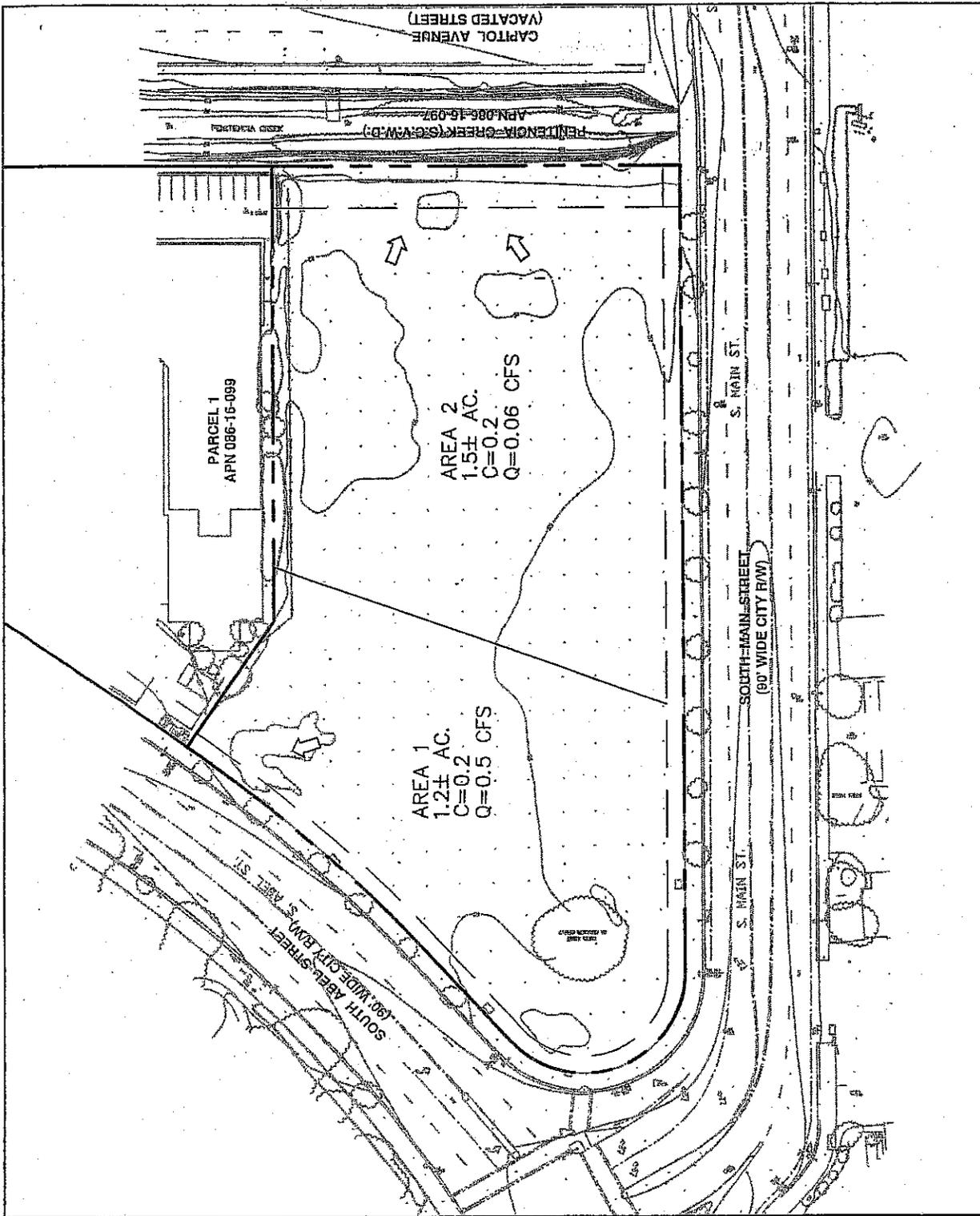


FIGURE 2
AERIAL PHOTO EXHIBIT
SOUTH MAIN STREET
SANTA CLARA COUNTY, CALIFORNIA
DATE: MARCH 2006



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LEGEND:

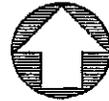
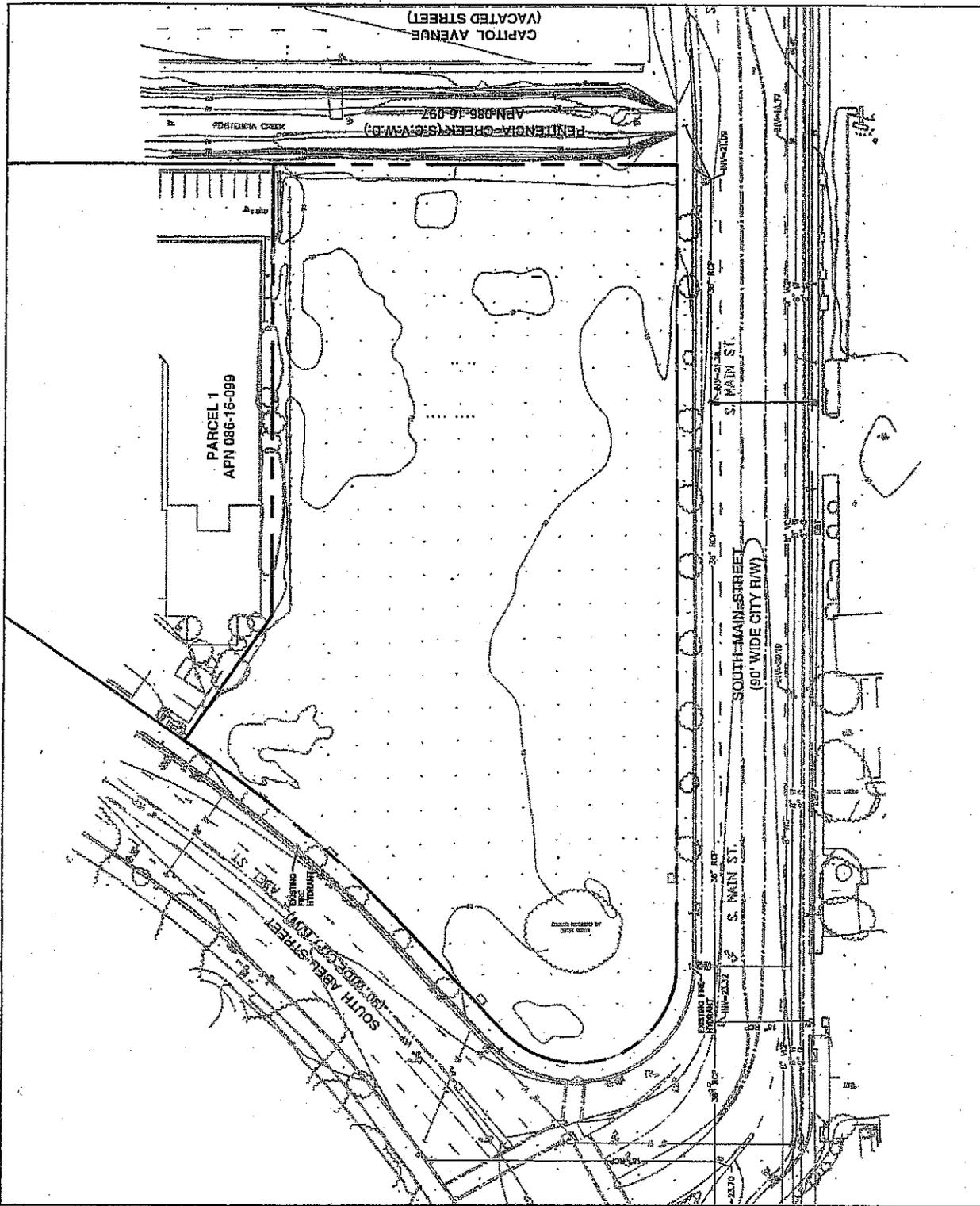
➔ DIRECTION OF SURFACE RUNOFF

FIGURE 3
EXISTING
ON-SITE DRAINAGE CONDITIONS
 SOUTH MAIN STREET
 SANTA CLARA COUNTY, CALIFORNIA
 DATE: MARCH 2006



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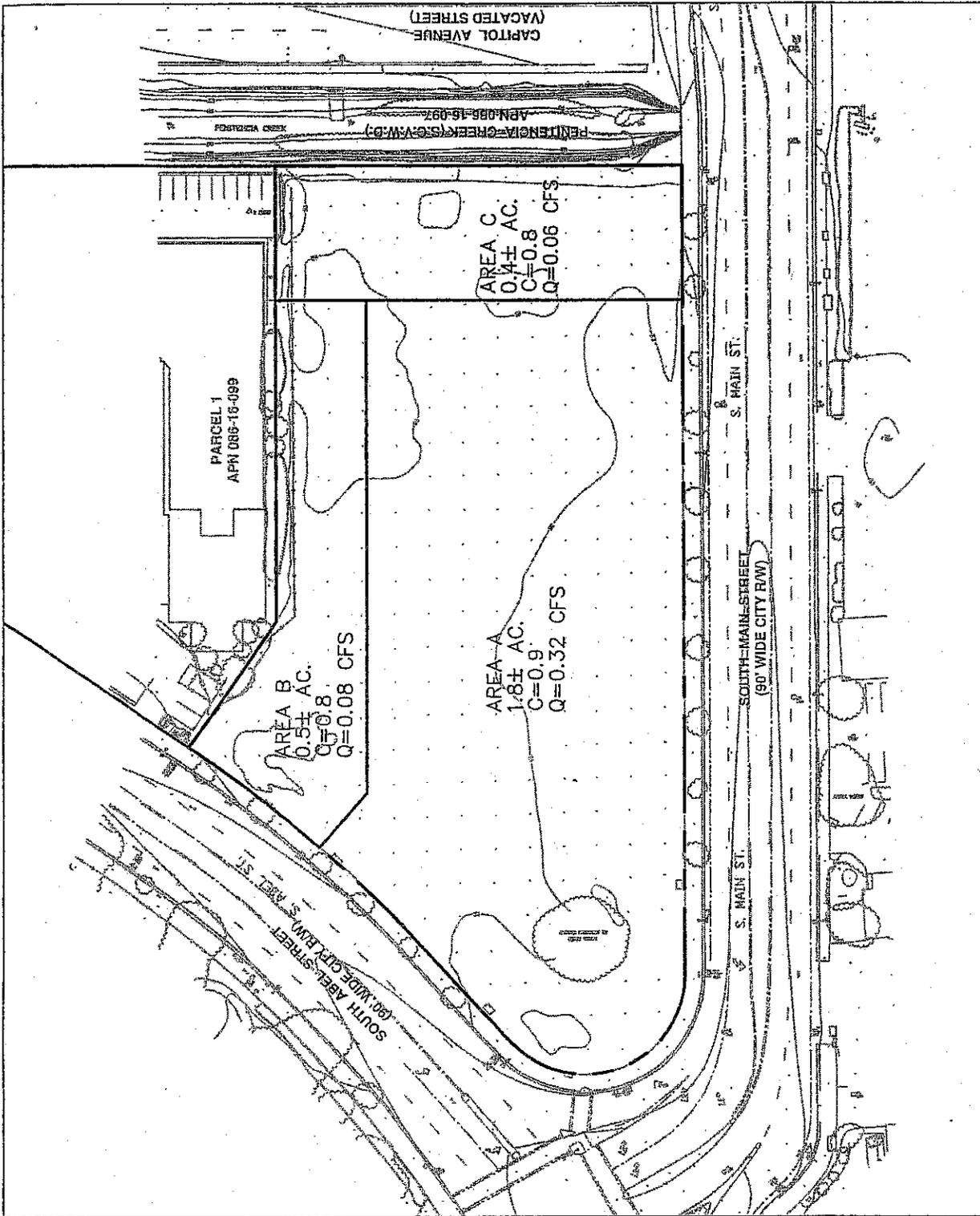
NOT TO SCALE

FIGURE 4
 EXISTING STORM DRAIN FACILITIES
 SOUTH MAIN STREET
 SANTA CLARA COUNTY, CALIFORNIA
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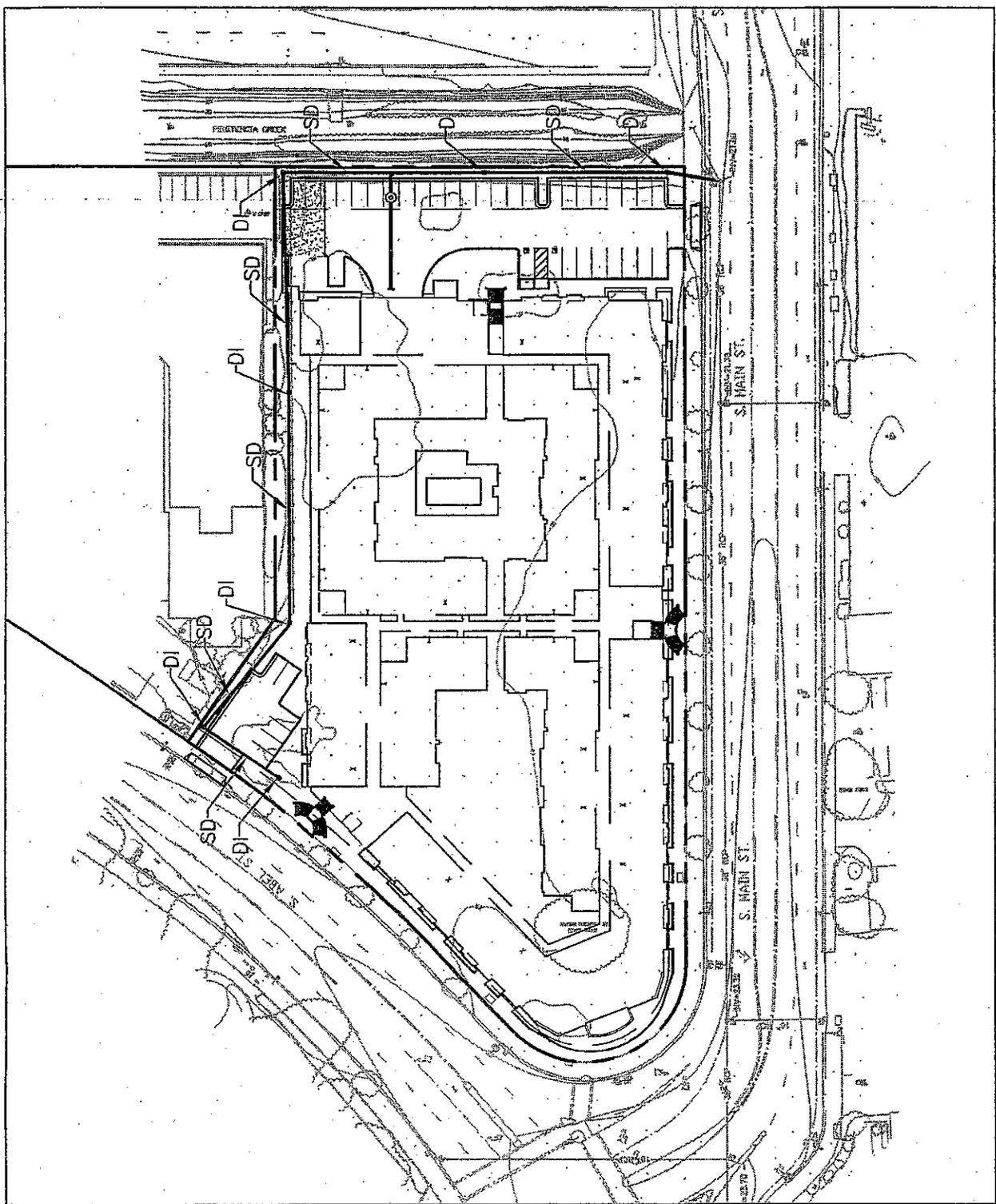
NOT TO SCALE

FIGURE 5
PROPOSED
ON-SITE DRAINAGE CONDITIONS
 SOUTH MAIN STREET
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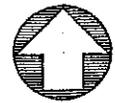
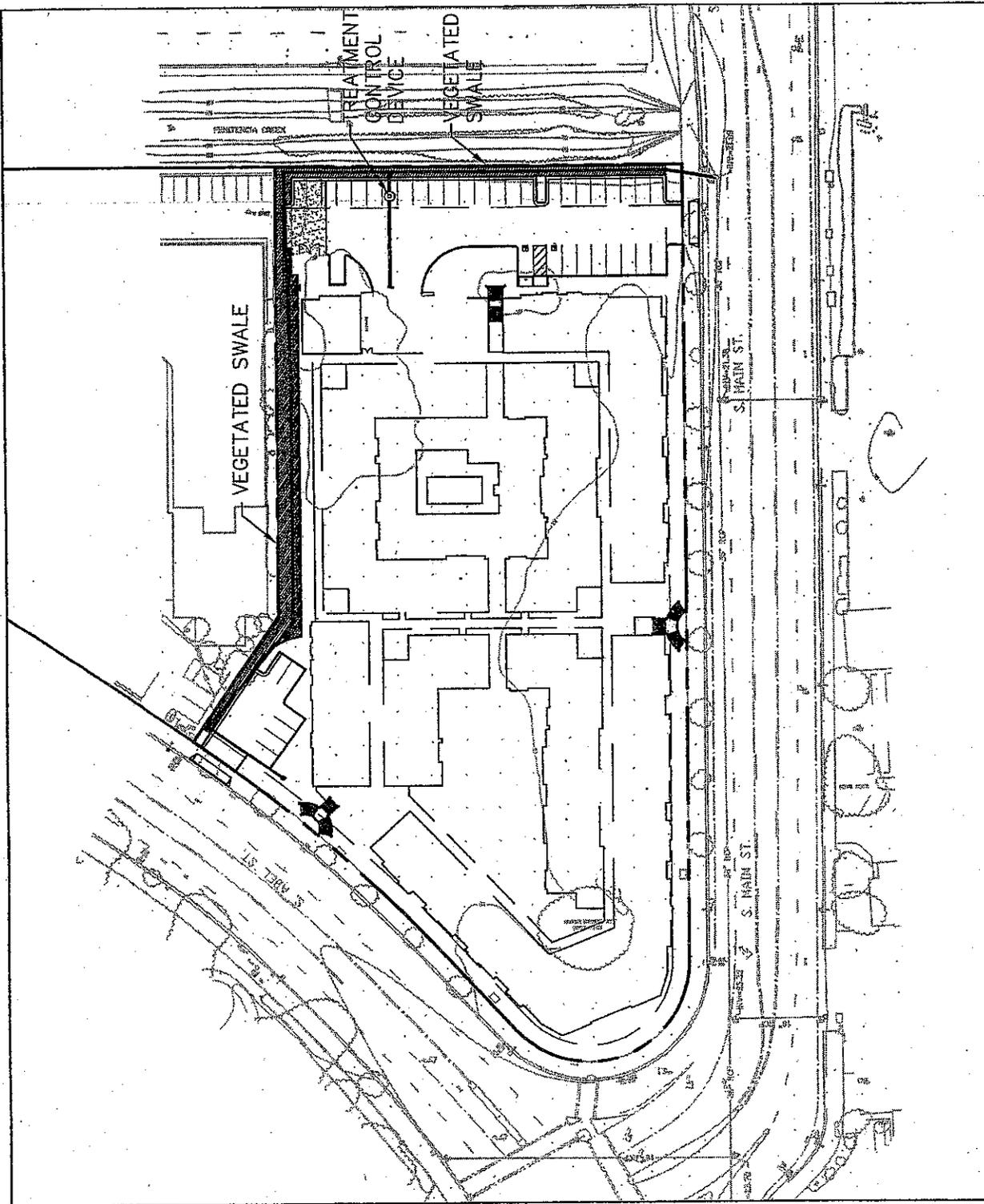
- DI □ DRAIN INLET
- VORTSENTRY UNIT OR SIMILAR
- SD — STORM DRAIN LINE

FIGURE 6
PROPOSED STORM DRAIN FACILITIES
 SOUTH MAIN STREET
 SANTA CLARA COUNTY, CALIFORNIA
 DATE: MARCH 2006



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 Job No. 20050085-10
 By ATN Date 03/06 Chkd. _____
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NOT TO SCALE

FIGURE 7
 PROPOSED BMP LOCATIONS
 SOUTH MAIN STREET
 SANTA CLARA COUNTY, CALIFORNIA
 DATE: MARCH 2006



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 Job No. 20050085-10
 By ATN Date 03/06 Chkd. _____
 SHEET _____ OF _____

SECTION 3



ENGINEERS / SURVEYORS / PLANNERS

Subject SOUTH MAIN STREET

MILPITAS, CALIFORNIA

Job No. 20050085 Sheet No. 1 of 1

By ATW Date 3/8/06 Chkd. By _____ Date _____

TABLE 1 EXISTING ON-SITE FLOWS

DRAINAGE AREA ID	LAND TYPE	AREA (ACRES)	C	FLOW (CFS)
AREA 1	NATURAL EARTH	1.2	0.2	0.05
AREA 2	NATURAL EARTH	1.5	0.2	0.06
TOTAL		2.7	0.2	0.11

RAINFALL INTENSITY (IN/HR) = 0.2 (2x 0.5th PERCENTILE SEPM)



ENGINEERS / SURVEYORS / PLANNERS

Subject SOUTH MAIN STREET

MILPITAS, CALIFORNIA

Job No. 20050085 Sheet No. 1 of 1

By ATJ Date 8/06 Chkd. By _____ Date _____

TABLE 2 PROPOSED FLOWS

DRAINAGE AREA ID	LAND TYPE	AREA (ACRES)	C	FLOW (CFS)
AREA A - IMPERVIOUS	ROOF	1.82	0.9	0.32
AREA B - IMPERVIOUS - PERVIOUS	PARKING/DRIVEWAY/ WALK	0.4	0.9	0.07
	LANDSCAPING	0.1	0.2	0.004
AREA C - IMPERVIOUS - PERVIOUS	PARKING/DRIVEWAY/ WALK	0.3	0.9	0.05
	LANDSCAPING	0.1	0.2	0.004
TOTAL		2.7	0.95	0.46

RAINFALL INTENSITY (IN/HR) = 0.2 (2 X 0.05% PERCENTILE SCORM)



ENGINEERS / SURVEYORS / PLANNERS

Subject SOUTH MAIN STREET

MILPITAS, CALIFORNIA

Job No. 20050085 Sheet No. 1 of 1

By AK Date 3/8/06 Chkd. By _____ Date _____

TABLE 3. PEAK RUNOFF CALCULATION

PERMEABLE AREA ID	LAND TYPE	AREA (ACRES)	C	PEAK RUNOFF 10-YR (CFS)
AREA A - IMPERVIOUS	ROOF	1.8	0.9	4.60
AREA B - IMPERVIOUS	PARKING / DRIVEWAY /	0.4	0.9	1.02
	WALK			
- PERVIOUS	LANDSCAPING	0.1	0.2	0.06
AREA C - IMPERVIOUS	PARKING / DRIVEWAY /	0.3	0.9	0.77
	WALK			
- PERVIOUS	LANDSCAPING	0.1	0.2	0.06
TOTAL		2.7	0.85	6.50

RAINFALL INTENSITY (IN/HOUR) = 2.24 (10-YR STORM)

Tc (MIN) = 5 (TYPE OF CONCENTRATION)

TABLE 4 BMP SIZING - VEGETATED SWALE

DRAINAGE AREA ID	LAND USE	AREA (SF)	BMP TYPE	SIZING FACTOR	SURFACE AREA REQ'D (SF)	SURFACE AREA PROVIDED (SF)
B	PARKING/DRIVEWAY/WALK	17,400	VEGETATED SWALE	0.2125	3,700	4,400
C	PARKING/DRIVEWAY/WALK	13,100	VEGETATED SWALE	0.2125	2,800	4,300

SIZING FACTOR

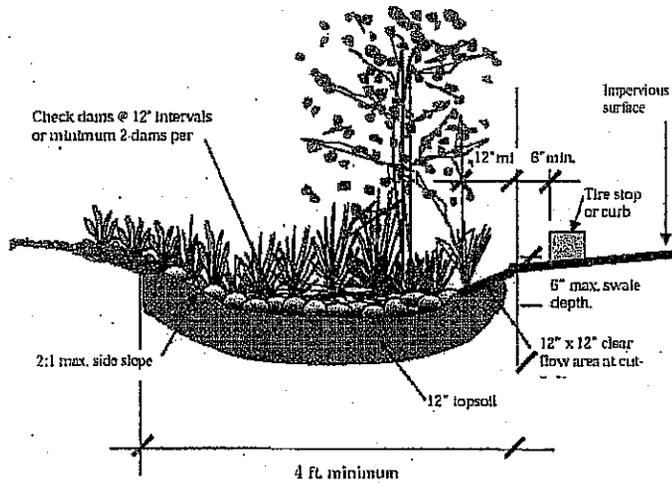
VEGETATED SWALE 0.2125 *

* THE EQUIVALENT SIZING FACTOR OF 0.17 ASSUMES THAT THE TREATMENT BMP CAN INFILTRATE RUNOFF FROM 100% IMPERVIOUS AREA AT 0.17 INCHES PER HOUR INTENSITY THROUGH SOIL OR SAND WITH A MINIMUM INFILTRATION RATE OF 1 INCHES PER HOUR (0.17/0.8) = 0.2125

THE SOIL MATERIAL TO BE USED WITHIN THE SWALE AREAS SHALL HAVE A MINIMUM INFILTRATION RATE OF 0.8 INCHES PER HOUR TO MEET THE MINIMUM TREATMENT CRITERIA ABOVE

SECTION 4

► **LANDSCAPE SWALE**



Minimum length: 20 feet.

Maximum slope: 6%.

Soils in the top 12" to be equivalent to a sandy loam with a minimum infiltration rate of 5 inches/hour.

Irrigation required to maintain plant viability.

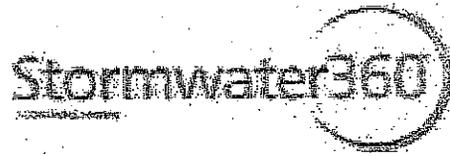
Check dams should extend the width of the swale, be 12" in length along the swale, 3"-5" high and constructed of rock, old brick, concrete, or similar.

No bypass required for larger storms.

Provide liner where required to protect groundwater. Provide underdrain system in "D" soils or where liner is required.

Drawing courtesy City of Portland, OR.

VEGETATED SWALE DETAIL



VortSentry®

TECHNICAL DESIGN MANUAL

INCLUDING:
DESIGN & OPERATION
MAINTENANCE
LABORATORY TESTING DATA

SAMPLE

Design and Operation

Basic Operation

The VortSentry® is a compact, below grade stormwater treatment system that employs vortex technology to enhance gravitational separation of floating and settling pollutants from stormwater flows. The device has no moving parts and is fabricated from concrete and marine grade aluminum.

During operation, stormwater runoff enters the unit tangentially to promote a gentle swirling motion in the treatment chamber. As polluted water circles within the chamber, settleable solids fall into the sump and are retained. Buoyant debris and oil and grease rise to the surface and are separated from the water as it flows under the baffle wall. Finally, treated water exits the treatment chamber through a flow control orifice located behind the baffle wall.

During low-flow conditions all runoff is diverted into the treatment chamber by the flow partition. At higher flow rates, a portion of the runoff spills over the flow partition and is diverted around the treatment chamber to prevent re-suspension and washout of previously trapped pollutants. Water that spills over the partition flows into the head equalization chamber above the treatment chamber outlet. As the head equalization chamber fills, the head differential driving flow through the treatment chamber collapses. The result is that flow rates in the treatment chamber remain relatively constant even as total flow rates increase substantially. This configuration further reduces the potential for re-suspension or washout.

Design Process

The VortSentry® is sized one of two ways:

- To reduce the net annual TSS load by a specific percentage using the Rational Rainfall Method™, or
- To reduce the TSS concentration by a specific percentage at the water quality flow rate.

Rational Rainfall™ Method

Differences in local climate, topography and scale make every site hydraulically unique. It is important to take these factors into consideration when estimating the long-term performance of any stormwater treatment system. To estimate efficiencies as accurately as possible, Stormwater360 has developed the Rational Rainfall Method™, a sizing program that estimates a net annual TSS load reduction for a particular VortSentry® model based on:

- Site size
- Site runoff coefficient
- Regional rainfall intensity distribution
- Anticipated pollutant characteristics

Historic rain gauge records from across the United States and Canada were analyzed by Stormwater360 to determine the percent of the total recorded rainfall depth that fell at each intensity for each site. Rainfall depths at US stations were totaled either every 15-minutes or hourly and recorded in 0.01-inch increments. At Canadian stations, depths were recorded hourly with 1 mm resolution. One trend was consistent at all sites; the vast majority of precipitation fell at low intensities and high intensity storms contributed relatively little to the total annual depth. The tabular summary of this information developed for each site, the rainfall intensity distribution, is integral to the Rational Rainfall Method™.

These rainfall intensity distributions, combined with site area, runoff coefficient and time of concentration information can be converted into runoff rates using the rational method. The result

is a runoff frequency distribution for the site that is directly linked to local historic rainfall patterns. Since most sites are relatively small and highly impervious, the rational method is appropriate for this purpose. Based on the runoff rates calculated for each intensity, an operating rate within a proposed VortSentry® is determined. Finally, a removal efficiency is selected for each operating rate based on anticipated pollutant characteristics and on full-scale laboratory tests. The net annual removal rate can be estimated by integrating the resulting removal efficiency frequency distribution.

Water Quality Flow Rate Method

Stormwater360 typically selects the VortSentry® model that will provide an 80% annual TSS load reduction based on laboratory generated performance curves for 110-micron sediment particles, however the Rational Rainfall Method™ can accommodate other removal efficiency or particle size targets.

In many cases, a specific water quality design flow rate is required to be treated as a benchmark performance objective that will result in a system sized to meet a longer term performance objective. In many cases this water quality flow rate (WQQ) represents the peak flow rate from an event with a specific recurrence interval (i.e. the six-month storm) or it may represent the peak flow rate associated with a water quality depth (i.e. ½ inch).

The VortSentry® is designed to treat all flows up to the WQQ and to increase treatment chamber flow rates only minimally once the WQQ is surpassed. At influent rates higher than the WQQ, the flow partition will direct most flow exceeding the treatment flow rate around the treatment chamber. This allows removal efficiency to remain relatively constant in the treatment chamber and reduces the risk of washout regardless of influent flow rates.

Treatment flow rates are defined as the rate at which the VortSentry® will remove a specific gradation of sediment at a specific removal efficiency. Therefore they are variable based on the gradation and removal efficiency specified by the design engineer. Stormwater360 may select default values if that information is not available.

Treatment Flow Rate

The treatment chamber outlet is sized to allow the WQQ to pass entirely through the treatment chamber at a water surface elevation equal to the crest of the flow partition. The head equalizing baffle is set with a crest equal to the crest of the flow partition and with a lower edge at the water surface elevation produced in the outlet chamber at the WQQ. It will not restrict flow until the WQQ is exceeded. At that point, water overtopping the flow partition will combine with the flow leaving the treatment chamber and will submerge the opening under the head equalizing baffle. As the head equalizing chamber fills, it offers resistance to flow leaving the treatment chamber. As a result, even at influent rates several times higher than the treatment flow rate, the flow rate through the treatment chamber remains low.

Hydraulic Capacity

VortSentry® hydraulic capacity is determined by the length and height of the flow partition and by the maximum allowable head in the system. Typical configurations allow hydraulic capacities of up to four times the treatment flow rate. As needed, the crest of the flow partition may be lowered and the flow partition area may be widened to increase the capacity of the system at a given water surface elevation.

Maintenance

The VortSentry® should be inspected at regular intervals and maintained when necessary to ensure optimum performance. The rate at which the system collects pollutants will depend more heavily on site activities than the size of the unit, e.g., unstable soils or heavy winter sanding will cause the grit chamber to fill more quickly but regular sweeping will slow accumulation.

Inspection

Inspection is the key to effective maintenance and is easily performed. Stormwater360 recommends ongoing quarterly inspections of the accumulated sediment. Pollutant deposition and transport may vary from year to year and quarterly inspections will help insure the system is cleaned out at the appropriate time. Inspections should be performed more often in the winter months in climates where sanding operations may lead to rapid accumulations, or in equipment washdown areas. It is very useful to keep a record of each inspection. A simple form for doing so is provided.

The VortSentry® should be cleaned when inspection reveals that the sediment depth has accumulated to a depth of three feet in the treatment sump. This determination can be made by taking two measurements with a stadia rod or similar measuring device; one measurement from the manhole opening to the top of the sediment pile and the other from the manhole opening to the water surface. If the distance measured is less than the distance given in the following table, the VortSentry® should be maintained to ensure effective treatment.

VortSentry® Maintenance Indicators

VortSentry® model designation	Diameter		distance between water surface and top of storage sump		sediment storage	
	ft	M	ft	m	yd ³	m ³
VS30	3	0.9	2.4	0.7	0.8	0.6
VS40	4	1.2	3.5	1.1	1.4	1.1
VS50	5	1.5	4.4	1.3	2.2	1.7
VS60	6	1.8	5.3	1.6	3.1	2.4
VS70	7	2.1	6.1	1.9	4.3	3.3
VS80	8	2.4	7.0	2.1	5.6	4.3

Note: to avoid underestimating the volume of sediment in the chamber, the measuring device must be lowered to the top of the sediment pile carefully. Finer, silty particles at the top of the pile typically offer less resistance to the end of the rod than larger particles toward the bottom of the pile.

Cleaning

Maintaining the VortSentry® is easiest when there is no flow entering the system. For this reason, it is a good idea to schedule the cleanout during dry weather. The most effective method of excavating pollutants from the VortSentry® is to use a vacuum truck. Since there are no internal components that block access or view of captured pollutants, maintenance is virtually identical to maintaining a catch basin with a deep sump. Simply remove the manhole cover and insert the vacuum hose into the grit chamber. All pollutants can be removed from this one access point. Once the system is empty, manhole covers should be securely seated to ensure that surface runoff does not leak into the unit from above.

If a vacuum truck is not available, a "clamshell" grab may be used, but it is difficult to remove all accumulated pollutants with such devices.

In VortSentry® installations where the risk of large petroleum spills is small, floating liquid contaminants may not accumulate as quickly as sediment. However, any spill should be cleaned out immediately. Motor oil and other hydrocarbons that accumulate on a more routine basis should be removed when an appreciable layer has been captured. To remove these pollutants, it may be preferable to use adsorbent pads since they are usually cheaper to dispose of than the oil water emulsion that may be created by vacuuming the oily layer. Floating debris can be vacuumed or netted out separately if accumulation outpaces sediment accumulation.

VortSentry® Inspection & Maintenance Log – Sample

Model: VS80			Location: Anytown, North America		
Date	Water Surface to Sediment Distance	Floatable Layer Thickness	Maintenance Performed	Maintenance Personnel	Comments
12/1/01	10"	0"	N/A	B. Johnson	Installed
3/1/02	9.5"	Sheen	None	B. Johnson	Swamp banking at
6/1/02	9"	Heavy Sheen	None		
8/1/02	8.5"		Sorbent pads deployed to remove captured oil	S. Riley	Oil spill
12/1/02	8"	Sheen	None	S. Riley	
2/1/03	7.0"	0.5"	Cleanout scheduled	S. Riley	heavy floating debris
4/15/03	10"	0"	Grp Chamber evacuated	ACE Environmental Services	Cleanout completed
SAMPLE SHEET					

- The water depth to sediment is determined by taking two measurements with a stadia rod: one measurement from the manhole opening to the top of the sediment pile and the other from the manhole opening to the water surface. When the difference between the two measurements is less than the value from the table below, maintenance should be performed.

VortSentry® Maintenance Indicators

VortSentry® model designation	diameter		distance between water surface and top of storage sump		sediment storage	
	ft	m	ft	m	yd ³	m ³
VS30	3	0.9	2.4	0.7	0.8	0.6
VS40	4	1.2	3.5	1.1	1.4	1.1
VS50	5	1.5	4.4	1.3	2.2	1.7
VS60	6	1.8	5.3	1.6	3.1	2.4
VS70	7	2.1	6.1	1.9	4.3	3.3
VS80	8	2.4	7.0	2.1	5.6	4.3

- For optimum performance, the system should be cleaned out when the floating hydrocarbon layer accumulates to an appreciable thickness. In the event of a spill, the system should be cleaned immediately.

Laboratory Testing Data

Removal efficiency data for the VortSentry® was collected using a full-scale VortSentry® VS40 configured without the standard three-foot (0.9 m) sediment storage sump. This configuration simulates operating conditions in a system that is operating with 100% of its sediment storage capacity consumed. Testing the system in this manner produces a conservative estimate of system performance, since the addition of a three-foot (0.9 m) sump would decrease internal velocities, increase system residence time and presumably lead to improved removal efficiencies. The result is that systems in the field that are sized based on this data can be expected to consistently achieve equivalent or higher removal efficiencies for similarly sized material.

Laboratory testing of the VortSentry® was conducted using OK-110, a pure silica sample with an average particle size of 110-microns. This material was metered into the four-foot diameter (1.2 m) VortSentry® at an average concentration of 110 mg/L at flow rates ranging from 0.2-cfs to 2.0-cfs (6 l/s to 56 l/s). Removal efficiencies at each flow rate were calculated based on net sediment loads passing the influent and effluent sampling points. Results are illustrated in Figure 1, below. The laboratory testing protocol followed during these tests is summarized on the following page.

**VortSentry® Removal Efficiencies for
110-micron Sediment Particles**

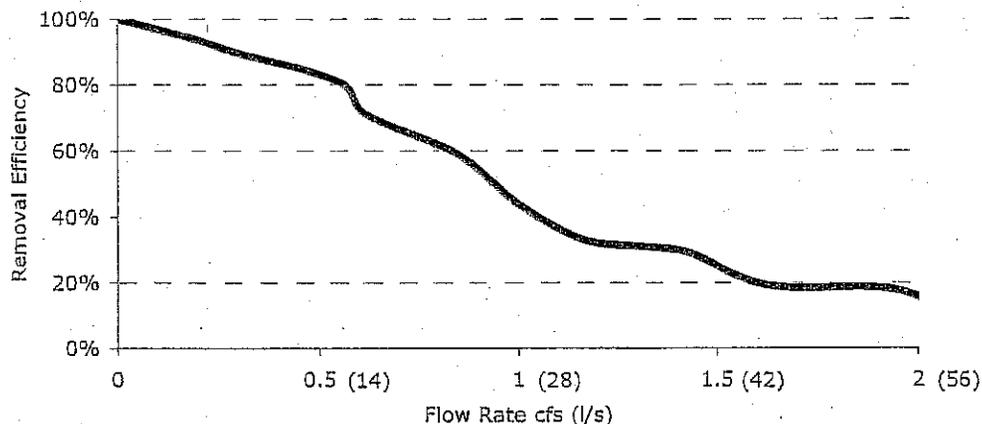


Figure 1

Flow through the VortSentry® may pass entirely through the treatment chamber or a portion of the flow may be diverted around treatment, depending on the water surface elevation in the inlet chamber. All flow passes through the treatment chamber at flow rates lower than 0.6-cfs (17 l/s) in the laboratory model. The flow partition directs a portion of the flow into treatment and the remainder is diverted in the head equalization chamber at influent flow rates higher than 0.6-cfs (17 l/s).

Runoff pooling in the head equalization chamber suppresses the rate of flow through the treatment chamber by reducing the head on the treatment chamber orifice. The result is that even as total flow rates through the VortSentry® increase dramatically, flow rates through the treatment chamber remain relatively constant. Removal efficiencies through the treatment chamber also remain high and the risk of re-suspension is minimal.

Assuming that sediment in the inlet chamber is ideally mixed, removal rates through the system will decay according to the percentage of flow bypassed. This effect has been observed in the laboratory where the test system is designed to produce a thoroughly mixed inlet stream.

All VortSentry® models have the same aspect ratio regardless of system diameter (i.e. an increase in diameter results in a corresponding increase in depth). Operating rates are expressed volumetrically. Removal efficiency at each operating rate is calculated according to the average of volumetric and Froude scaling methods and is described by equation 1.

Equation 1
$$\left(\frac{\text{FlowRate Prototype}}{\text{FlowRate Model}} \right) = \left(\frac{\text{Diameter Prototype}}{\text{Diameter Model}} \right)^{2.75}$$

Equation 1 and actual laboratory test results were used to determine the flow rate which would be required for the various VortSentry® models to remove 80% TSS.

Laboratory Quality Control Brief

The following protocol describes the operating procedures used to obtain the data included in Figure 1.

Sediment Source

The sediment used in the performance tests described in this paper was OK-110, a pure silica product available through U.S. Silica Company. The specific gravity is 2.65 and the particle size distribution is as described in Table 2.

U.S. Silica OK-110 Particle Size Distribution

Particle Size		Cumulative Passing %
USA Standard Sieve Size	Micron	
70	212	99.8
100	150	98.8
120	125	83.8
140	106	43
170	88	18
200	75	3

Table 2

Flow Measurement and Regulation

Flow through the VortSentry® is measured by an Isco 4250 area-velocity flow meter with a low profile flow sensor. Flow is regulated by a 12-inch (300 mm) butterfly valve located upstream of the VortSentry®. In order to simulate field conditions, flow rates are changed gradually to avoid flow surges through the system. Before sediment metering is initiated, the system is stabilized at the design flow rate for a minimum of five minutes.

Sediment Metering

All sediment is injected into the inlet pipe via a ¼-inch (6 mm) flexible tube using a Watson Marlow 5058 peristaltic metering pump. OK-110 sediment and water are combined in approximately a ½ pound/gallon ratio in a holding tank and homogenized by a mixing propeller powered by a 1/3 horsepower motor. The mixer is activated before the flow control valve is opened and runs continuously throughout the test. The metering pump is activated once the system has been stabilized at the target flow rate for at least five minutes. The pump is run continuously until the last effluent sample is taken.

Sample Collection

All influent samples are taken from a six-inch (150 mm) gate valve located upstream of the VortSentry®. A collection bin housing a 500-mL sample container is positioned beneath the valve. Immediately before each sample is taken, the valve is quickly opened and closed to eliminate any interference from particles that have settled in the low velocity region of the gate. This eliminates artificially high influent readings. Influent samples are taken after a minimum of three detention times have passed from the time that the metering pump is initiated. The time of each influent sample is recorded, and then the corresponding effluent sample is collected after the detention time. Effluent grab samples are collected at the discharge pipe, by sweeping the mouth of a 500-mL bottle through the exiting flow stream. Samples are annotated and refrigerated or immediately analyzed.

Background Concentrations

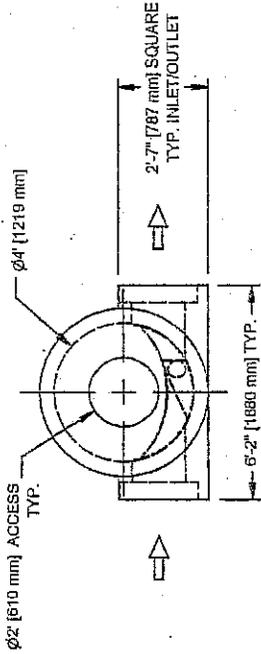
The Stormwater360 laboratory test system recirculates water throughout each test. Initially water is stored in a 6000-gallon (22710 L) supply tank. Once the flow control valve is opened, water flows through a 12-inch (300-mL) pipe into the test tank. Upon exiting the test tank, effluent is held in a catch tank until it is pumped back into the supply tank.

In the event that sediment passes through the VortSentry®, it is important to stop it from recirculating through the test system. Two silt fences are installed in the catch tank to prevent this from happening. To account for sediment that also passes through the silt fences, grab samples are taken from the supply tank at a point near the mouth of the pipe leading to the VortSentry®. The concentration of these background samples is subtracted from the influent and effluent sample concentrations. Typical background concentrations are between 0 and 5 mg/L.

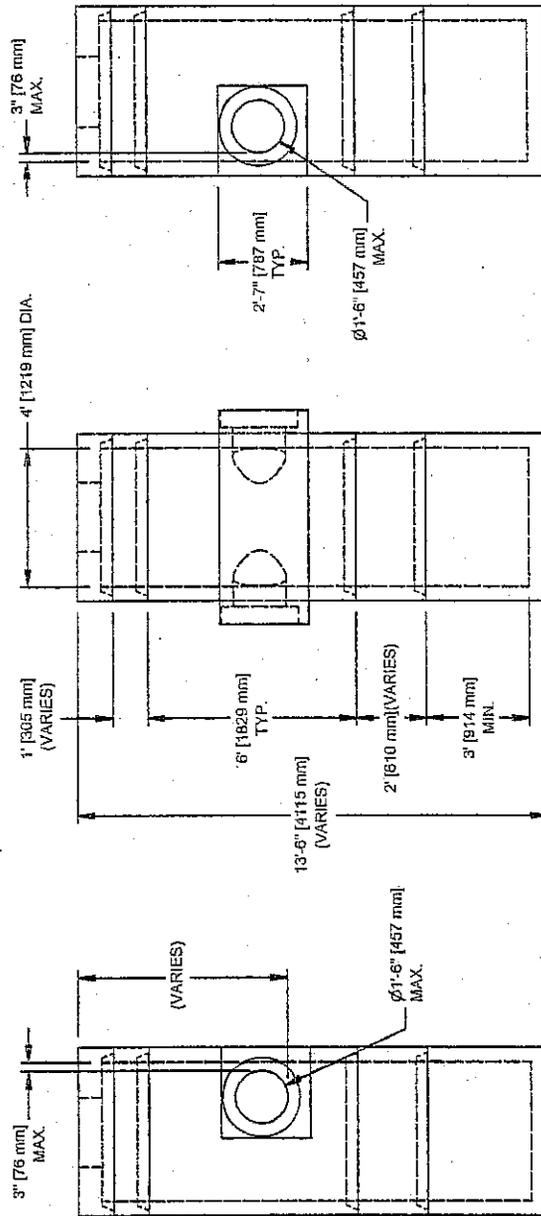
Sample Analysis

TSS samples are analyzed in the Stormwater360 laboratory, following EPA method 160.2, a method for the measurement of total non-filterable solids. Volume measurements are accurate to 0.6-mL using a 500-mL graduated cylinder. An Acculab V-1 analytical balance with a readability of 0.001g is used to measure mass.

This CAD file is for the purpose of specifying stormwater treatment equipment to be furnished by Vortech, Inc. and may only be transferred to other documents exactly as provided by Vortech, Inc. Title block information, including the VortSanity Stormwater Treatment System and patent pending designations, may be deleted if necessary. Revisions to any part of this CAD file without prior coordination with Vortech shall be considered unauthorized use of proprietary information.

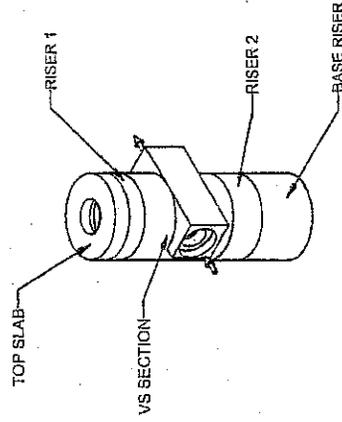


PLAN VIEW



ELEVATION VIEW

RIGHT SIDE VIEW



ASSEMBLY VIEW

NOTES:

1. STORMWATER TREATMENT SYSTEM (SWTS) SHALL BE DESIGNED TO MEET PERFORMANCE GOALS BASED ON FULL SCALE LABORATORY PERFORMANCE DATA.
2. SWTS SHALL BE DESIGNED TO RETAIN FLOATABLES AND TRAPPED SEDIMENT AT FLOW RATES UP TO AND INCLUDING PEAK TREATMENT CAPACITY.
3. SWTS INVERTS IN AND OUT SHALL BE AT THE SAME ELEVATION.
4. SWTS SHALL NOT BE COMPROMISED BY EFFECTS OF DOWNSTREAM TAILWATER.
5. SWTS SHALL HAVE NO INTERNAL COMPONENTS THAT OBSTRUCT MAINTENANCE ACCESS.
6. PIPE ORIENTATION MAY VARY. SEE SITE PLAN FOR SIZE AND LOCATION.
7. PURCHASER SHALL NOT BE RESPONSIBLE FOR ASSEMBLY OF INTERNAL COMPONENTS.
8. (1) MANHOLE FRAME AND COVER SUPPLIED WITH SYSTEM, NOT INSTALLED.
9. PURCHASER TO PREPARE EXCAVATION AND PROVIDE LIFTING EQUIPMENT.
10. CONTACT VORTECHNICS AT (877) 907-8676 FOR SIZING AND ORDERING INFORMATION.

LEFT SIDE VIEW

ELEVATION VIEW

RIGHT SIDE VIEW

STD

**STANDARD DETAIL
VORTSENTRY™ VS40
STORMWATER TREATMENT SYSTEM**



200 Enterprise Drive
Scarborough, ME 04074
Tel.: 207-885-9830
Fax: 207-885-9825

THE VORTSENTRY SECTION SHALL BE STENCILED WITH THE VORTECHNICS NAME AND LOGO. PIPE OPENINGS SHALL BE STENCILED INLET OR OUTLET AS APPROPRIATE.

SCALE:	NONE	PATENT PENDING
DRAWN BY:	REC	
CHECKED BY:	NDG	
FILE NAME:	STDVS40	
DATE:	08/16/04	

FOR INFORMATIONAL PURPOSES ONLY - NOT INTENDED FOR CONSTRUCTION

**Schedule 1. Summary of BMP Monitoring and Maintenance Program Elements,
South Main Street, City of Milpitas, California.**

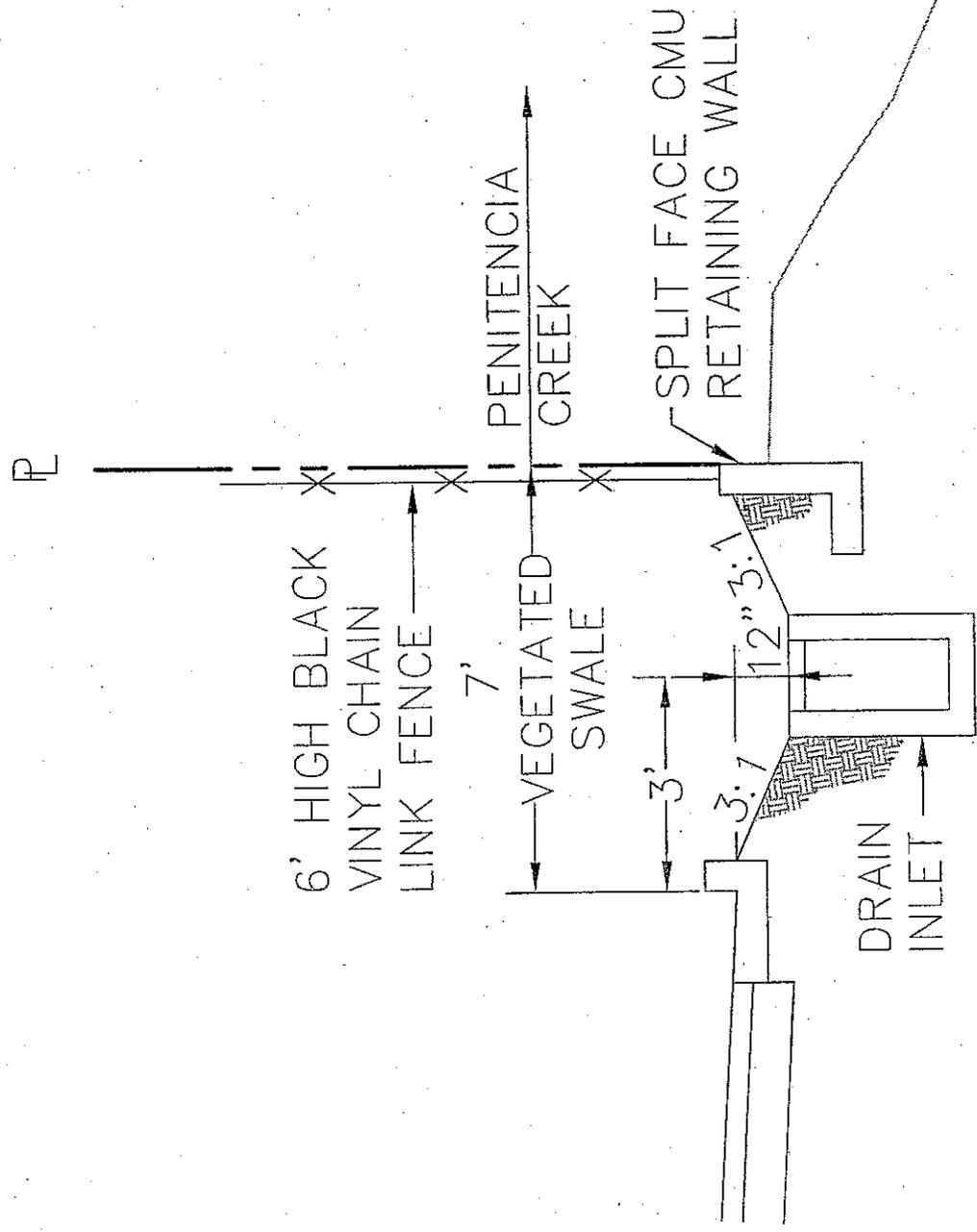
General Monitoring and Maintenance Guidelines

- Existing landscape areas are to remain as landscape and not replaced with impervious surfaces. Any changes to existing BMP's are prohibited unless reviewed and approved by the City of Milpitas.
- A thorough inspection and maintenance visit will be conducted in late summer or early fall prior to the rainy season.
- Monitoring will also be conducted at least once mid-wet season (typically December).
- The water-quality basin and other BMPs will be monitored following flood events.
- Routine basin maintenance should be carried out in late summer with the water surface drawn down below the normal elevation.
- Remedial maintenance will be performed immediately or scheduled to take place within a reasonable time frame.
- Repair of critical features will be performed as immediately as conditions allow.
- Monitoring, maintenance and observations and recommendations for corrective measures (if any) shall be performed by the Homeowner's Association.
- Records of observations and recommendations shall be kept by the Homeowner's Association and made available to the City of Milpitas upon request.
- Representatives of the City, the local vector control district and the Regional Water Quality Control Board may enter the common areas for purposes of verifying proper operation and maintenance of the storm water treatment best management practices outlined in the approved plan.

Specific Monitoring and Maintenance Guidelines

Activity	
Storm Drains Inlets	Inspect inlets Inlets cleaning Once prior to storm season; once mid-storm season; following storm events. Once annually, min.; As needed.
Vegetated Swales	Inspect for damage or erosion Inspect for condition of planting Debris removal (if any) Once prior to storm season; once mid-storm season; following storm events. Once prior to storm season; once mid-storm season; following storm events. As needed.
Treatment Control Devices	Inspect devices Device cleaning Once annually, min.; Prior to storm season; following storm events. Once annually, min.; Prior to storm season.

NOT TO SCALE



TYPICAL VEGETATED SWALE
 ADJACENT TO PENITENCIA CREEK
 SOUTH MAIN STREET
 SANTA CLARA COUNTY, CALIFORNIA
 DATE: MARCH 2006



981 RIDDER PARK DRIVE
 SUITE 100
 SAN JOSE, CA 95131
 408-467-9100
 408-467-9199 (FAX)

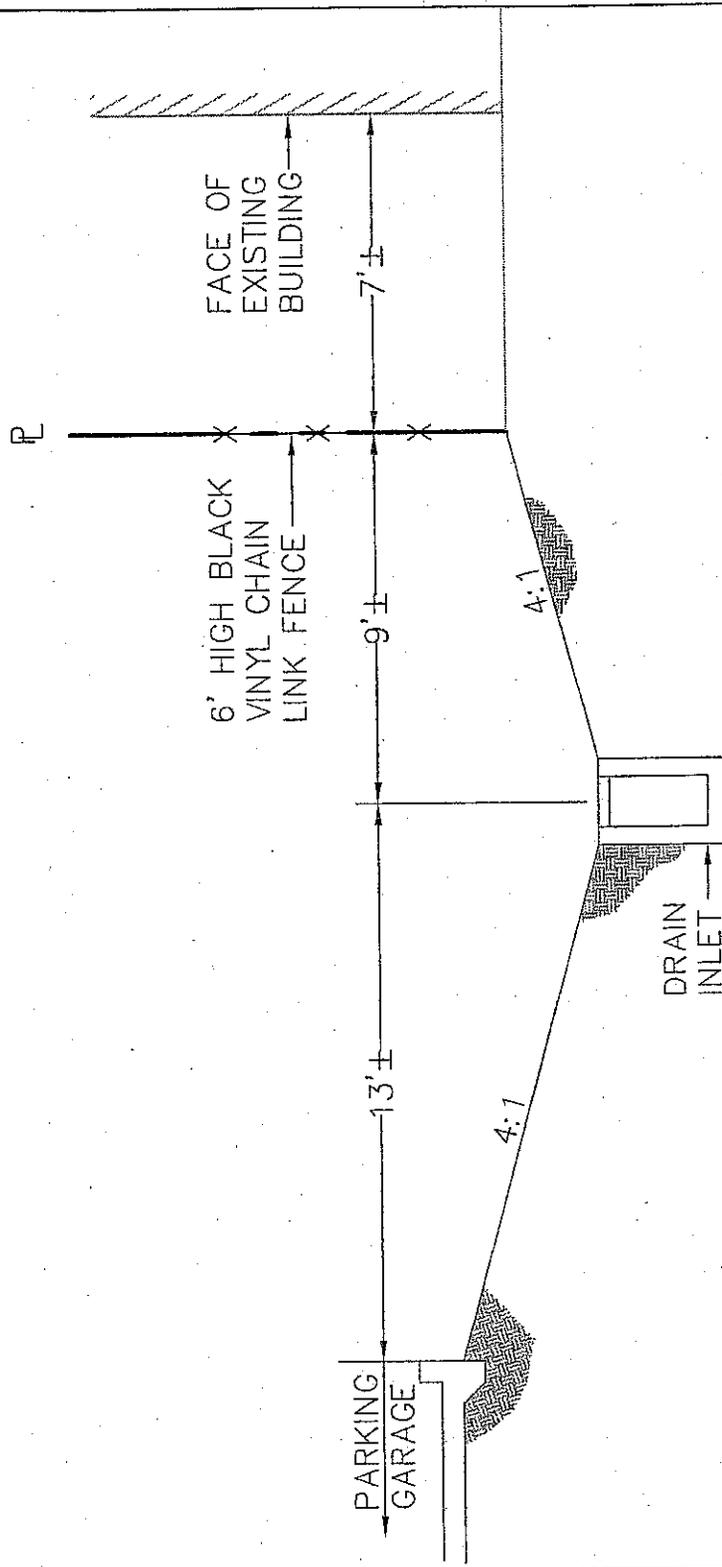
Subject SOUTH MAIN STREET

Job No. 20050085-10

By ATN Date 03/06 Chkd. _____

SHEET _____ OF _____

NOT TO SCALE



TYPICAL VEGETATED SWALE ALONG WEST PROPERTY LINE

SOUTH MAIN STREET
SANTA CLARA COUNTY, CALIFORNIA

DATE: MARCH 2006



981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408-467-9100
408-467-9199 (FAX)

Subject SOUTH MAIN STREET
Job No. 20050085-10
By ATN Date 03/06 Chkd. _____
SHEET _____ OF _____



ENGINEERS
SURVEYORS
PLANNERS

March 08, 2006
Job No. 20050085

Mr. Babak Kaderi
CITY OF MILPITAS
Engineering Department
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Stormwater Control Plan Certification
South Main Street
APN: 086-16-100
Milpitas, California

Dear Mr. Babak,

The selection, sizing, and preliminary design of treatment BMP's and other control measures in this plan meet the requirements of Regional Water Quality Control Board Order 01.119.

Very truly yours,

Martin B. Parissenti, P.E.
Project Manager



981 Ridder Park Drive
Suite 100
San Jose
California 95131-2305
phone 408.467.9100
fax 408.467.9199
www.bkf.com

K:\ENG05\050085\SWMP\Certification.doc



ENGINEERS / SURVEYORS / PLANNERS

Subject SOUTH MAIN STREET

MILPITAS, CALIFORNIA

Job No. 20050085 Sheet No. 1 of 1

By ATN Date 3/8/06 Chkd. By _____ Date _____

CONSTRUCTION PLAN C-3 CHECKLIST

STORMWATER CONTROL PLAN PAGE #	BMP DESCRIPTION	SEE PLAN SHEET #
FIGURE 7	VEGETATED SWALE	
FIGURE 7	TREATMENT CONTROL DEVICE (INVERTED UNIT OR SIMILAR)	



Submit with
Stormwater
Control Plan

When Should This Form Be Completed?

Complete this form if any of the following applies:

- Project was "deemed complete" between Oct. 15, 2003 – Oct. 5, 2005 and has added or replaced an impervious surface area of 1 acre (43,500 square feet) or more.
- Project was "deemed complete" after Oct. 6, 2005 and has added or replaced an impervious surface area of 10,000 square feet or more and falls within the Group 2A categories (see below).

Note: For public roadways, include new impervious surface areas, but not replaced impervious surface areas.

What is an Impervious Surface?

Any surface on or above ground that prevents the infiltration or passage of water into the soil. Impervious surfaces include, but are not limited to, non-absorbent rooftops, paved or covered patios, driveways, parking lots, paved walkways, compacted soil or rock, and streets. It includes streets, roads, highways, and freeways that are under the City of Milpitas' jurisdiction and any newly constructed paved surface used primarily for the transportation of automobiles, trucks, motorcycles, and other motorized vehicles. Excluded from this category are public sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features.

How To Determine the Date "Deemed Complete"

Private projects are "deemed complete" when the list of requirements needed for planning application submittals (provided by the Planning Division) is complete and ready to be processed. This list includes the Stormwater Control Plan. Public projects are "deemed complete" when City Council approves design funding.

What are the Group 2A Categories?

- Gas stations;
- Auto wrecking yards;
- Loading dock areas and surface parking lots containing more than 10,000 square feet or more of impervious surface area;
- Vehicle or equipment maintenance areas (including washing and repair), outdoor handling or storage of waste or hazardous materials, outdoor manufacturing area(s), outdoor food handling or processing, outdoor animal care, outdoor horticultural activities, and various other industrial and commercial uses where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control and site design practices.

For More Information

Contact the Planning Division at 408-586-3279.

Date: 03-08-06 APN# 086-16-100
 Project Name: SOUTH MAIN STREET
 Project Description: 128 UNITS RESIDENTIAL CONDOMINIUM
 Project Location (Address): INTERSECTION OF S. ADEL AND S. MAIN ST.
 Applicant Info (Name, Address, Phone #): THE HATTESON COMPANIES
1991 BROADWAY, SUITE 300, REDWOOD CITY, CA 94063 (650)556-1500
 Contractor / Designer Info (Name, Company, Address, Phone #):
TO BE DETERMINE

1. Public Private
2. New Redevelopment
3. Project Type (select one):

<input type="checkbox"/> Commercial/Industrial	<input type="checkbox"/> Restaurant / Retail
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Shopping Center
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Streets / Roads / Highways

4. Impervious Surface Area (SF = Square Feet):

a. Entire Site Size	<u>118,657</u> SF
b. EXISTING Impervious Surface Area	<u>0</u> SF
c. EXISTING Impervious Surface Area to be Removed	<u>0</u> SF

d. NEW Impervious Surface Area to be Added or Replaced 99,600 SF

e. TOTAL Impervious Surface Area (b-c+d) 99,600 SF

50% Rule (only applies to existing developments NOT subject to stormwater treatment measures):

f. Percent Impervious Surface Area in Final Design (e/a x 100%) 84 %

For Significant Redevelopments (check appropriate box):

If 50% or more, the entire project must be included in the treatment measure design.

If less than 50%, only that affected portion must be included in the treatment measure design.

g. Total Land Disturbance During Construction 118,657 SF
Includes clearing, grading, and excavating.

5. Pesticide Reduction Measures Used (Check all that apply):

- None - Doesn't Apply
- Education
- Conditions of Approval
- Physical and Mechanical Horticultural Measures
- Environmental Measures
- Biological Measures
- Chemical Measures
- Other _____

6. Stormwater Control Measures Used (Check the appropriate boxes that apply to the project):

SITE DESIGN

STORMWATER TREATMENT

SOURCE CONTROLS

- Minimize land disturbance
- Minimize impervious surfaces
- Minimum-impact street design
- Minimum-impact driveway or parking lot design
- Cluster structures/pavement
- Disconnect downspouts
- Alternative driveway design
- Microdetention in landscape
- Preserve open space: _____ sq. ft.
- Protect riparian and wetland areas, riparian buffers (setback from top of bank: _____ ft.)
- Minimize change in runoff hydrograph
- Other: _____

- Bioretention
- Drain Insert
- Exfiltration Trench
- Extended Detention Basin
- Hydrodynamic Separators
- Infiltration Basin
- Infiltration Trench
- Media Filter
- Multiple Systems
- Planter Boxes
- Porous Pavement
- Retention/Irrigation
- Roof Gardens
- Underground Detention Systems
- Vegetated Buffer Strip
- Vegetated Swale
- Vortex Separator*
- Water Quality Inlet
- Wet Pond
- Wet Vault
- Wetland
- Other: _____

- Alternative building materials
- Wash area/racks, drain to sanitary sewer
- Covered dumpster area, drain to sanitary sewer
- Swimming pool/fountain drain to sanitary sewer
- Beneficial landscaping (minimizes irrigation, runoff, pesticides and fertilizers; promotes treatment)
- Outdoor material storage protection
- Covers, drains for loading docks, maintenance bays, fueling areas
- Maintenance (street sweeping, catch basin cleaning)
- Permeable pavement
- Storm Drain Signage
- Green or Blue Roofs
- Other: INLET STENCILS
"NO DUMPING - FLOW TO BAYS"

FOR CITY STAFF ONLY

PRIVATE PROJECTS

PUBLIC PROJECTS

Planning:

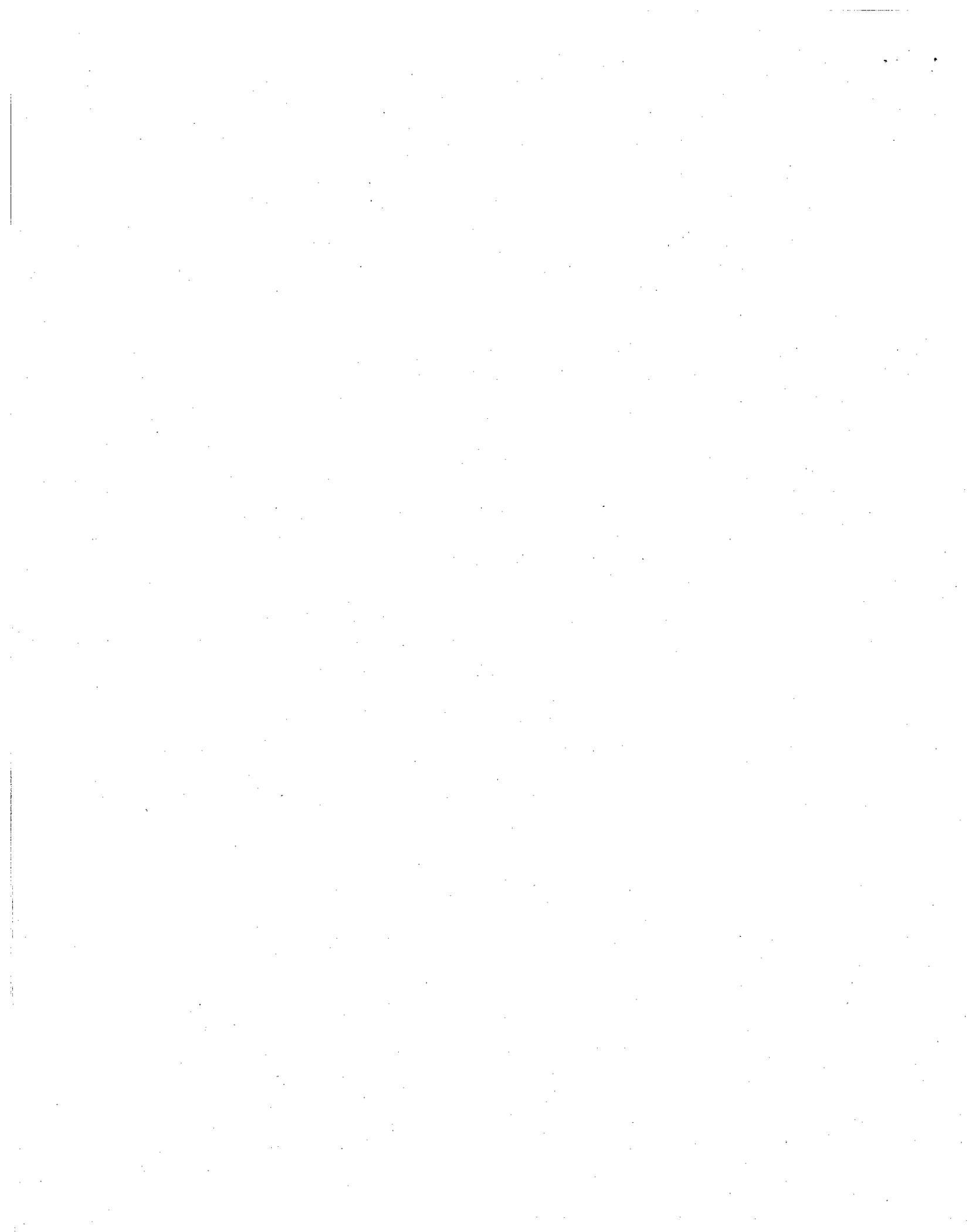
Date Received: _____
 By (Name): _____
 Permit #: _____
 Project #, if applicable: _____
 Master Permit #, if applicable: _____

Date Entered into Database: _____
 By (Name): _____

Design & Construction Engineering / Special Projects:

Date Received: _____
 By (Name): _____
 Permit #: _____
 Project #, if applicable: _____
 Master Permit #, if applicable: _____

Date Entered into Database: _____
 By (Name): _____



BURROWING OWL SURVEY AND HABITAT REPORT

2.75 ACRE MILPITAS SITE

for

MATTISON REALTY COMPANY

by

Dean Carrier
Certified Wildlife Biologist
3655 Sunview Road
Paradise, CA 95969
(530)876-9393

April 19, 2006

BURROWING OWL STATUS, RANGE AND HABITAT

The burrowing owl (*Athene cunicularia*) is listed by the State of California to be a Species of Special Concern due to habitat loss caused by intense development of open, flat, grasslands in California (Calif. Burrowing Owl Consortium 1993). This species occupies a variety of habitats where friable soils where the burrowing activities of small mammals provide for suitable nesting habitat.

PURPOSE OF SURVEY

The purpose of this survey was to investigate A 2.75 acre site (APN 86-16-2) adjacent to an 8.2 acre site previously surveyed in 2002 and 2004 (Carrier 2002 and 2004). The purpose of this survey was to determine whether burrowing owls utilize the project area for nesting, roosting or foraging.

The *Staff Report on Burrowing Owl Mitigation* by the California Department of Fish and Game (CDFG 1995) provides protocol for site assessment. According to these guidelines, the site assessment must assess:

1. Disturbance within 50 meters (160 feet) which may result in harassment of owls at occupied burrows.
2. Destruction of natural and artificial burrows (culverts, concrete slabs, and debris piles that provide shelter to burrowing owls); and
3. Destruction and/or degradation of foraging habitat adjacent (within 100 m) of an occupied burrow.

PROJECT AREA

The project area is a 2.75-acre parcel of previously disturbed, but currently vacant land located in Santa Clara County, California. It is located on the USGS Milpitas Quad (See attached site map).

SURVEY REQUIREMENTS¹

- Date and time of visit(s) including name of the qualified biologist conducting surveys, weather and visibility conditions, and survey methodology;
- Description of the site including location, size, topography, communities, and animals observed during visit(s);
- Assessment of habitat suitability for burrowing owls; Map and photographs of the site; vegetation
- Results of transect surveys including a map showing the location of all burrow(s) (natural or artificial) and owl(s), including the numbers at each burrow if present and tracks, feathers, pellets, or other items (prey remains, animal scat);
- Behavior of owls during the surveys;
- Summary of both winter and nesting season surveys including any productivity information and a map showing territorial boundaries and home ranges; and

¹ From CDFG, 1995

- Historical information (Natural Diversity Database, Department regional files, Breeding Bird Survey data, American Birds records, Audubon Society, local bird club, other biologists, etc.) regarding the presence of burrowing owls on the site

SURVEY METHODS

The habitat assessment was conducted by W. Dean Carrier, Certified Wildlife Biologist

- The area was surveyed on foot. Potential sites for occupancy (burrows, mounds, culverts, etc.), if any, were scrutinized for traces of burrowing owl occupancy. Signs, fence posts and other potential perching sites were viewed with binoculars.
- The survey began at 7:30 a.m. and concluded at 8:30 a.m., April 17, 2006.
- Climatic conditions during the survey were documented and included in the report.
- Site photographs were taken using a digital camera.
- A report was completed regarding the results of the survey and a list of all wildlife species noted.

CLIMATIC CONDITIONS

Weather conditions during the survey were sunny with scattered clouds. Heavy rain the previous night had left the ground and vegetation extremely wet with numerous puddles. Visibility was good. There was no wind and the temperature was 46° F. at the beginning of the survey and 50° at its conclusion.

SITE CONDITIONS

The project site is imbedded within a commercial/residential area of the City of Milpitas. It is bounded on the south by Able Street; on the west by a commercial complex housing several businesses, including an Asian Restaurant; the east by South Main Street; and the north by a channelized segment of Penetencia Creek.

The site is flat and is 100% covered by dense ruderal vegetation of primarily non-native grasses and forbs. These included: Milk thistle (*Silybum marianum*), cheeseweed (*Malva* sp.), black mustard (*Brassica nigra*), wild radish (*Raphanus sativas*) and others. Some of this vegetation exceeded 7-feet in height and no area had less than 1-foot of vegetative cover. No areas of bare ground were located within the parcel with the exception of a graveled road adjacent to Penetencia Creek on the north end. It is expected that annual disking for weed abatement purposes has been conducted annually in the past. A single Eucalyptus tree is located on the SE corner of the property.

The channelized segment of Penetencia Creek is partially rip rapped and appears to be periodically cleared of vegetation. Some emergent aquatic vegetation was growing in the channel.

SURVEY RESULTS

The survey found no sign of burrowing owls or unoccupied burrows on the site. The absence of small rodent burrows and open areas likely precludes their occupancy. While the site may be large enough to provide for burrowing owl occupancy if it were not isolated from other populations, it occurs in a heavily impacted urban area and is prone to disturbance from the encroachment of urban/commercial construction.

With the exception of one jackrabbit (*Lepus californiacus*) and one small rodent hole in the gravel road, no mammals or mammal sign was noted. Several redwing blackbirds (*Agelaius phoeniceus*) were defending territories within and adjacent to this site. Other wildlife species noted on the site or in the vicinity included American crow (*Corvus branchyrhychos*), black phoebe (*Sayornis nigricans*), cliff swallows (*Petrochelidon pyrrhonota*) and rock doves (*Columba livia*). A pair of mallards (*Anas platyrhychos*) and a male common merganser (*Mergus merganser*) were noted in the channel of Penetencia Creek.

CONCLUSIONS

The site has no functional potential for providing suitable habitat for burrowing owl occupation. The increasing urban/commercial including light rail, automobile traffic activity levels, associated human disturbance, annual disking requirements, and occurrence of domestic housecats in the adjacent residential areas render the site unusable for occupancy by this species.

REFERENCES

- Carrier, W.D. 2002. Burrowing owl survey report for BRE properties for Latham & Watkins attorneys at law.
- Carrier, W. D. 2004. Burrowing owl survey report for Fairfield Residential LLC. Unpublished report provided to Fairfield Residential LLC.
- Calif. Dept of Fish and Game 1995. *Staff Report on Burrowing Owl Mitigation*. Sacramento, CA. 8 pp.



Photo 1—Looking S from NE corner

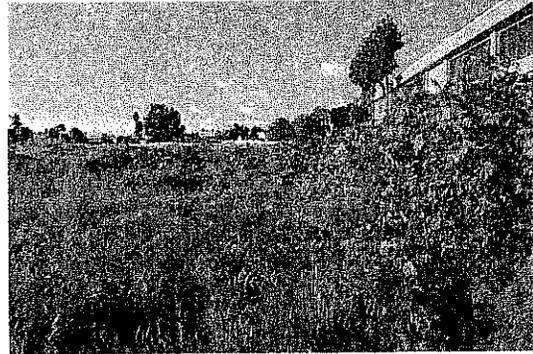


Photo 5—Looking S from NW corner

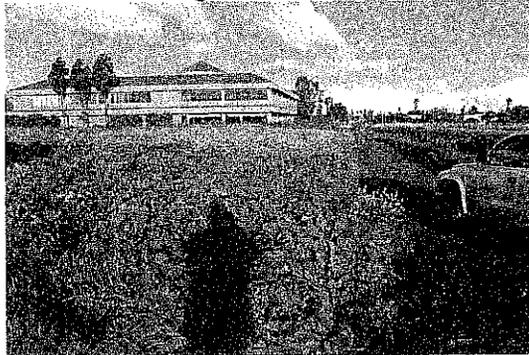


Photo 2—Looking W from NE corner

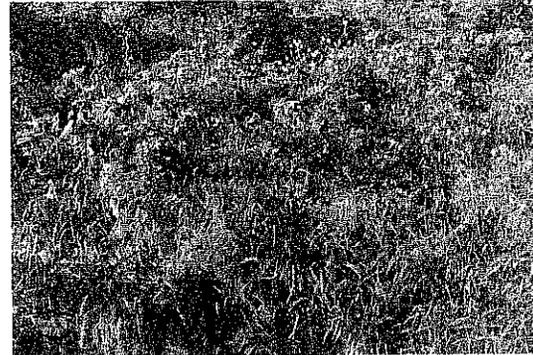


Photo 6—Density of vegetation on property



Photo 3—Looking W from SE corner



Photo 7—Redwind blackbird on site



Photo 4—Looking N from S boundary



Photo 8—Eucalyptus on SE corner

RESOLUTION NO. 504

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AND MIDTOWN SPECIFIC PLAN AMENDMENT NO. GM2006-2 TO DESIGNATE APPROXIMATELY 2.72 ACRES LOCATED ON THE CORNER OF SOUTH MAIN AND ABEL STREETS AS MULTI-FAMILY, VERY HIGH DENSITY

WHEREAS, the project applicant, Matteson Real Estate Equities, has initiated this General Plan and Midtown Specific Plan amendment to redesignate the property located on the corner of South Main & Abel Streets in the City of Milpitas, State of California, as further depicted in the maps contained in Exhibit A ("Property"), from General Commercial to Multi-Family, Very High Density; and

WHEREAS, this General Plan and Midtown Specific Plan amendment is accompanied by a proposal to change the Zoning District (ZC2006-2) for the Property to Multi-Family, Very High Density with "S" Zone Overlay District "R4-S"; and

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act, California Public Resources Code §§ 21000, et seq. (CEQA), an Initial Study/Mitigated Negative Declaration was prepared and properly circulated for public review wherein it was determined that environmental impacts could be reduced to a level of less than significant through incorporation of project requirements and mitigation measures; and

WHEREAS, in accordance with Milpitas Municipal Code section XI-10-54.17-6, and based on the entirety of the record, the Planning Commission finds that school availability is not unreasonably burdened by the project because there is no substantial lack of school availability to serve this project, and further that the applicant has agreed to pay a school impact fee pursuant and according to section XI-10-54.17 of the Milpitas Municipal Code; and

WHEREAS, the Planning Commission held a properly noticed public hearing on July 11, 2007 to consider General Plan Amendment and Midtown Specific Plan Amendment No. GP2006-2; and

WHEREAS, all documents and other materials constituting the record for this matter, upon which the City's decision and its findings are based, are located at the Planning Division of the City of Milpitas, 455 East Calaveras Blvd., Milpitas, CA 95035.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find that approval of GP2006-2 is in the public interest and that the General Plan so amended will remain internally consistent.

BE IT FURTHER RESOLVED that based on the entirety of the record, which includes without limitation, the Milpitas General Plan, the Midtown Specific Plan, the application and supporting documentation for the General Plan and Specific Plan amendment, the previously certified EIR (SCH#2000092027) and recently prepared Initial Study/Mitigated Negative Declaration, the Planning Commission meeting of July 11, 2007, including all staff reports, consultant reports, documents and minutes prepared in connection thereto, the Planning Commission does hereby recommend to the City Council approval of the General Plan Amendment and Midtown Specific Plan Amendment (GP2006-2) to redesignate the corner of South Main and Abel Streets from General Commercial to a Multi-Family, Very High Density designation.

PASSED, APPROVED, AND ADOPTED this ___ of July 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Veronica Bejines
Secretary to the Planning Commission
City of Milpitas

EXHIBIT A

Maps of Property



City of Milpitas
 General Plan Amendment
 Exhibit A
 July 2007

Legend



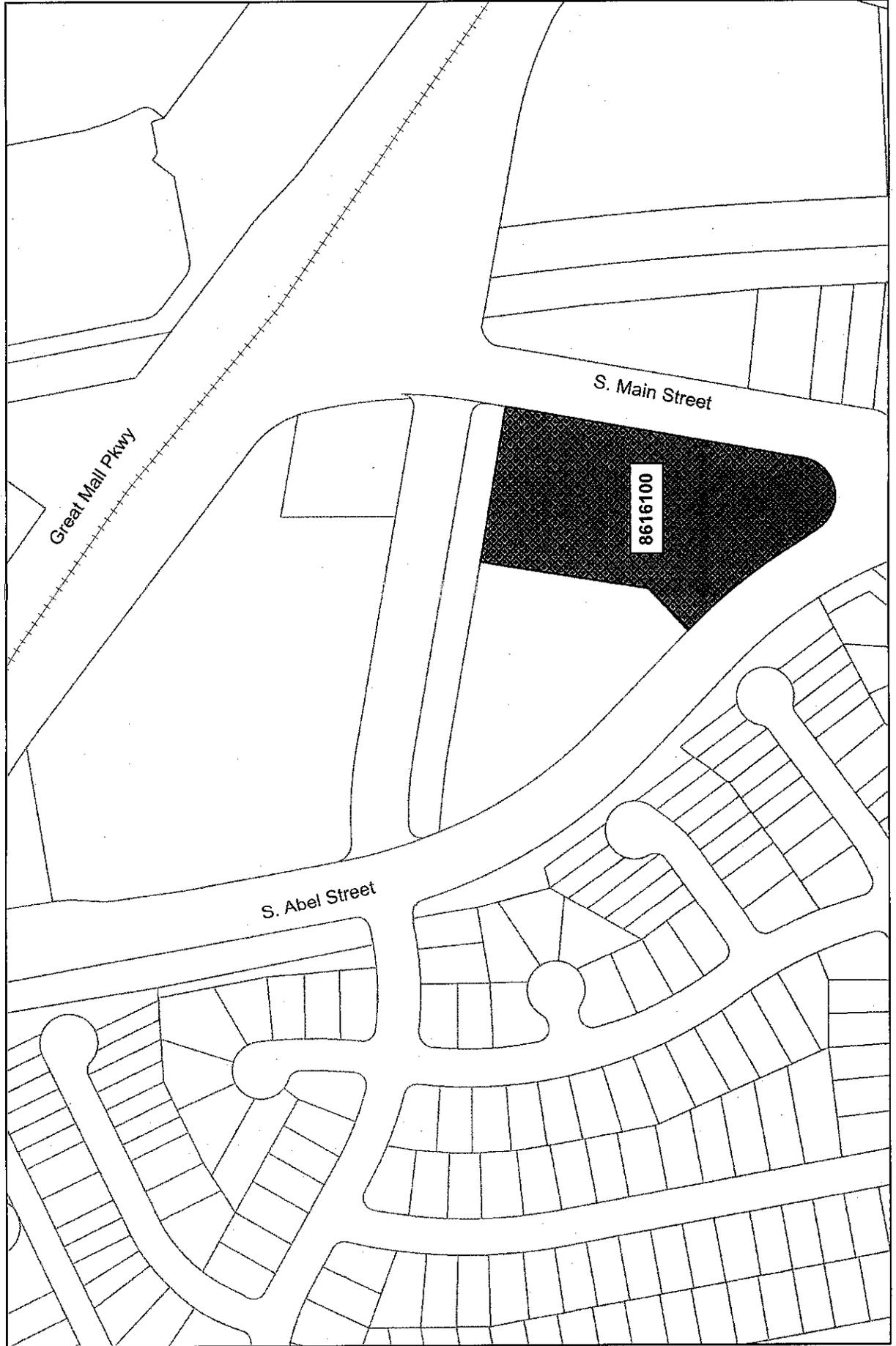
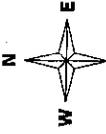
TOD OVERLAY



R4 - MULTI-FAMILY, VERY HIGH DENSITY

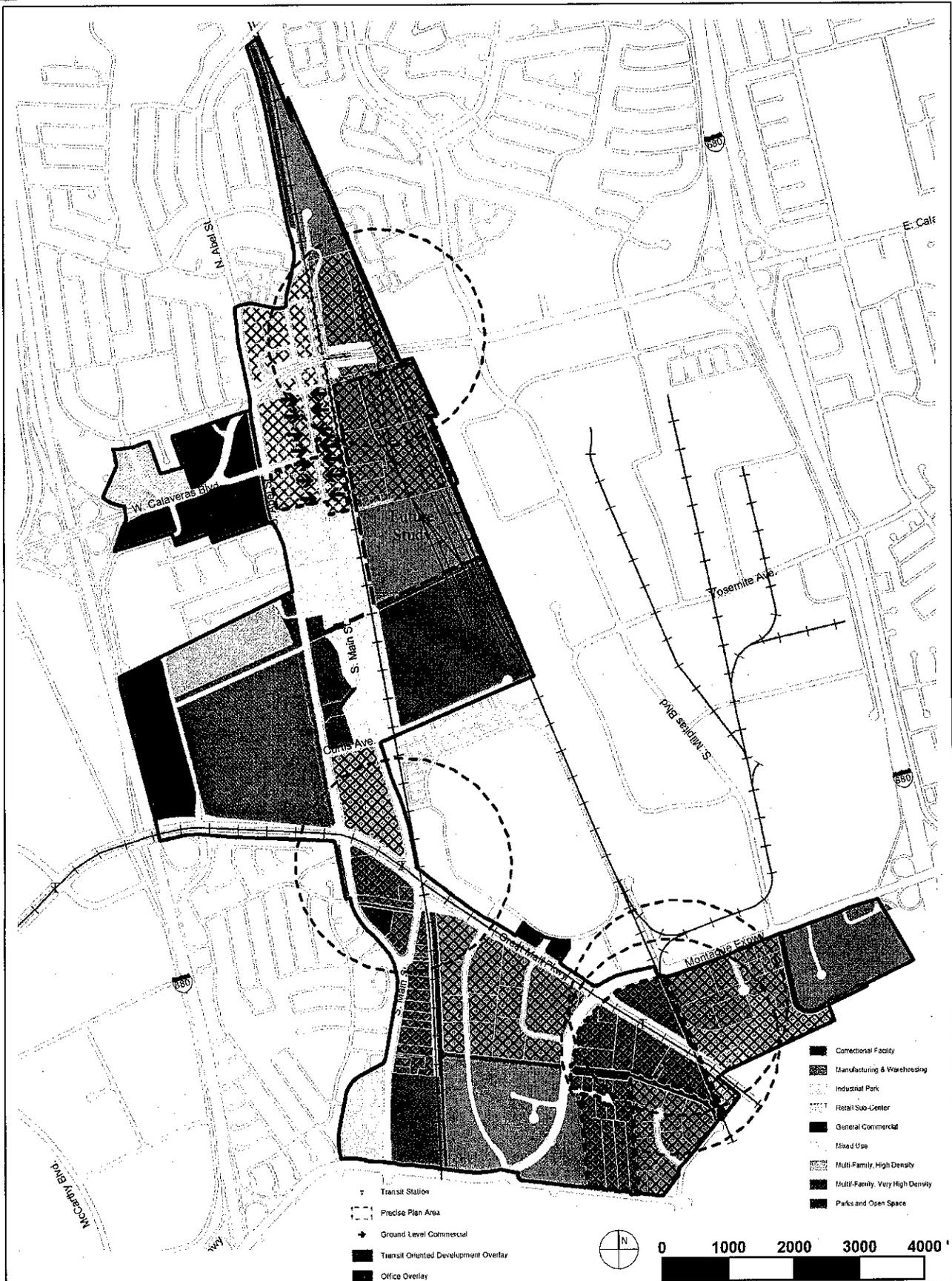


VTA LRT





City of Milpitas
 Milpitas Midtown Specific Plan Map Change
 Planning Commission Resolution No. 504
 Exhibit B
 July 2007



RESOLUTION NO. 505

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING TO THE CITY COUNCIL A CHANGE BY ORDINANCE TO THE CITY'S ZONING MAP TO REFLECT THE REZONE OF APPROXIMATELY 2.72 ACRES LOCATED ON THE CORNER OF SOUTH MAIN & ABEL STREETS FROM GENERAL COMMERCIAL WITH TRANSIT ORIENTED DEVELOPEMENT OVERLAY TO MULTI-FAMILY, VERY HIGH DENSITY WITH "S" ZONE OVERLAY DISTRICT "R4-S"

WHEREAS, the project applicant, Matteson Real Estate Equities, has initiated a Zoning Change (ZC2006-2) to rezone the property located on the corner of South Main & Abel Streets in the City of Milpitas, State of California, as further depicted in the maps contained in Exhibit A ("Property"), from General Commercial with Transit Oriented Development Overlay "CG" to Multi-Family, Very High Density with "S" Zone Overlay District "R4-S"; and

WHEREAS, this Zoning Change is accompanied by a proposal to amend the General Plan and Midtown Specific Plan (GP2006-2) to redesignate the Property to Multi-Family, Very High Density with "S" Zone Overlay District "R4-S"; and

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act, California Public Resources Code §§ 21000, et seq. (CEQA), an Initial Study/Mitigated Negative Declaration was prepared, properly circulated for public review (EA2006-5), in which it was determined that most impacts could be reduced to a level of less than significant through incorporation of project requirements and mitigation measures; and

WHEREAS, the Planning Commission held a properly noticed public hearing on July 11, 2007 to consider Zoning Change No. ZC2006-2; and

WHEREAS, all documents and other materials constituting the record for this matter, upon which the City's decision and its findings are based, are located at the Planning Division of the City of Milpitas, 455 East Calaveras Blvd., Milpitas, CA 95035.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find that approval of ZC2006-2 is in the public interest and that the Zoning Ordinance so amended, and General Plan will remain internally consistent.

BE IT FURTHER RESOLVED that based on the entirety of the record, which includes without limitation, the Milpitas General Plan, the Midtown Specific Plan, the application and supporting documentation for the General Plan and Specific Plan amendment, the previously certified EIR (SCH #2000092027) and recently prepared Initial Study/Mitigated Negative Declaration, the Planning Commission meeting of July 11, 2007, including all staff reports, consultant reports, correspondence, documents and minutes prepared in connection thereto, the Planning Commission does hereby recommend to the City Council approval of the Zoning Change (ZC2006-2) by ordinance to rezone the corner of South Main & Abel Streets from General Commercial with Transit Oriented Development Overlay "CG" to Multi-Family, Very High Density with "S" Zone Overlay District "R4-S".

PASSED, APPROVED, AND ADOPTED this ___ of July 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Veronica Bejines
Secretary to the Planning Commission
City of Milpitas

EXHIBIT A

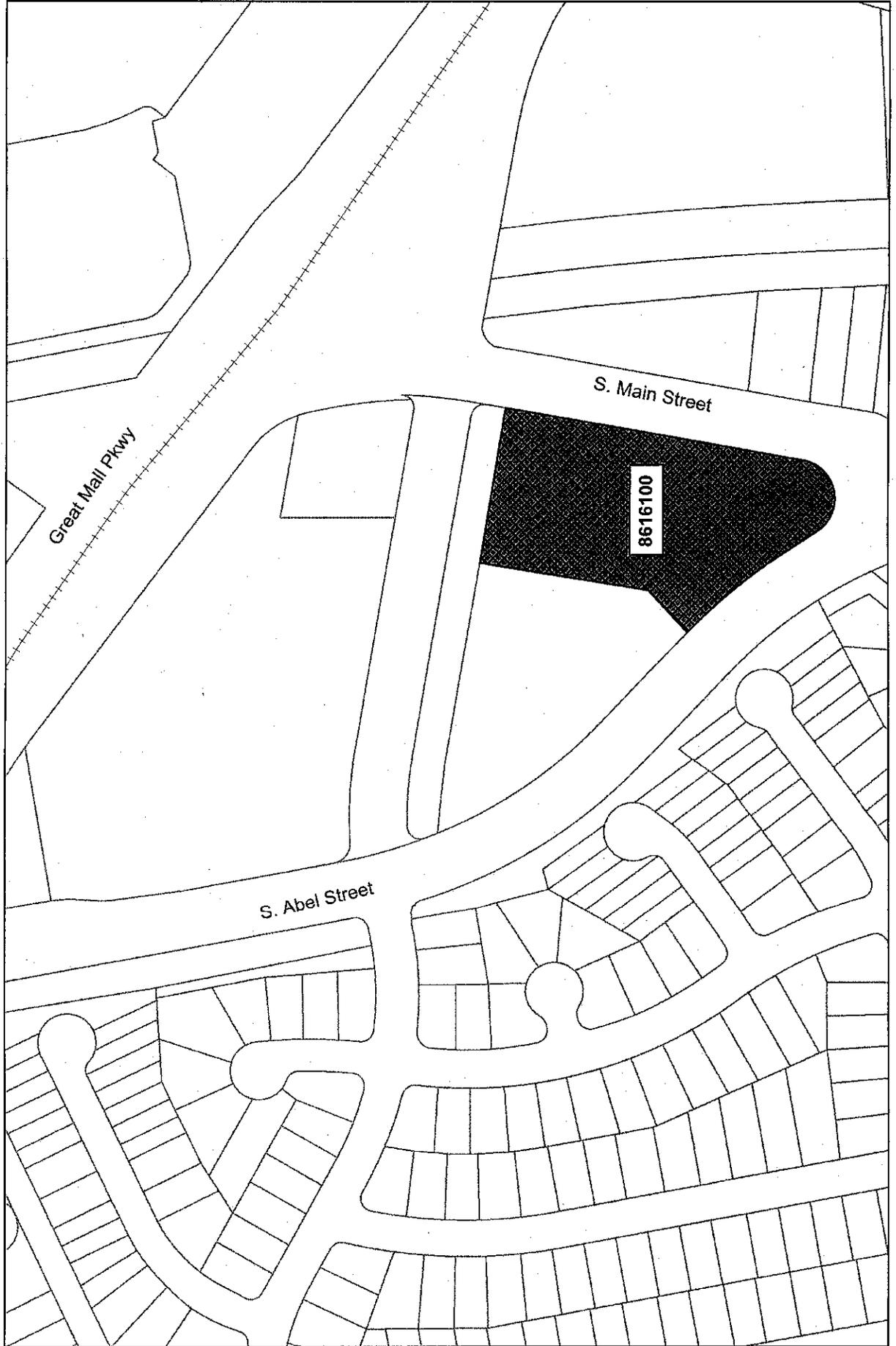
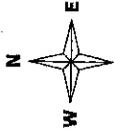
Maps of Property



City of Milpitas
 New Zoning Designation
 Sectional District Map No. 568
 Exhibit A
 July 2007

Legend

-  TOD OVERLAY
-  R4 - MULTI-FAMILY, VERY HIGH DENSITY
-  VTA LRT



South Main Street, Milpitas Development Statement



Submitted to the City of Milpitas
June 25th, 2007

This package is submitted to the City of Milpitas to support the approval of a proposed 126-unit mixed-use condominium project located at the intersection of South Main Street and Abel Street.

The applicant is Matteson Real Estate Equities, a Redwood City based real estate Company focused on the acquisition and development of residential, commercial and mixed-use projects throughout the Western United States.

These materials seek to identify this project as a unique opportunity for the City of Milpitas to provide quality for-sale attached housing in a transit district that is evolving into a regional hub of retail activity, public transit and major employment.

These materials are divided into the following sections:

I. Project Overview

- Project Summary
- On Site Parking
- Courtyards and Open Space
- Corner Retail and Plaza Area
- Landscaped Median Improvements
- Santa Clara Valley Water District Easement
- Rezoning From General Commercial to Very High Density Residential
- Compliance with the Zoning Code for Very High Density Residential

II. Project Benefits

- Support of the Transit Area Concept Plan
- Ownership Housing Walk-able to Transit, Employment and Goods & Services

PROJECT SUMMARY

The Development Site

South Main consists of 2.75 acres located across the street from the Great Mall retail center and the VTA light rail station. The site is zoned C2 – General Commercial. This zoning appears to be at odds with the forecasted uses in the immediate area based on the General Plan and the Transit Area Concept Plan both of which anticipate high density housing and vertical mixed use. Re-zoning from General Commercial to Very High Density Residential will be required for the development.

Current Use:

The site is currently an undeveloped dirt parcel. The two adjacent uses include a recently approved high density residential project along Capital Avenue and a 1970's retail center that has a narrow mix of good and services offered by a collection of non-credit tenants. The retail center suffers from an inability to compete with the quality retail and restaurant offerings located across the street at the Great Mall.

The Proposed Development:

The proposed re-development is a 126-unit mixed use condominium project:

- ❖ The 126 units will be offered in a mix of 25 one-bedrooms, 83 two-bedrooms and 18 three-bedroom units. The units range in size from 700 to 1600 square feet. As part of our development approvals, we will comply with the City's affordability requirements.
- ❖ The project will provide a 2800 square foot ground floor retail space at the focal point intersection of South Main and Abel. This retail space will open directly to a highly finished outdoor plaza seating area. The intent of the developers is to secure an active retail use, such as a Peets Coffee & Tea, which will create a vibrant gathering place for residents of the Project, the adjacent Centria complex and the nearby Pinewood neighborhood.
- ❖ The buildings rise three stories over an on-grade parking structure to a maximum height just under 50' measured to the top of roof ridge. At focal points along the façade are feature towers, which provide a strong architectural edge. The height and massing of the proposed building is compatible with the recently approved higher density residential project along Capital Avenue.
- ❖ The project consists of two interconnected buildings which orient around two centralized courtyards. These courtyards offer a meandering expanse of landscaping, decorative paving and quiet alcoves. A highly finished pool / spa facility is offered as a private amenity for project residents and guests.
- ❖ A total of 248 on-site parking spaces are provided with 226 spaces in a structured parking garage and 22 spaces on-grade. Of the 226 spaces in the garage, 28 are tandem spaces. These 248 spaces result in a parking count of 1.97 spaces per residential unit and 1.01 spaces per bedroom.

- ❖ Because this site is located in an active 100 year flood zone district, the parking garage must be constructed above the expected 100 year flood level (BFE) pinpointed at 31.3' above sea level. This was a non-negotiable constraint established by the Milpitas engineering department.

Proximity To The Great Mall

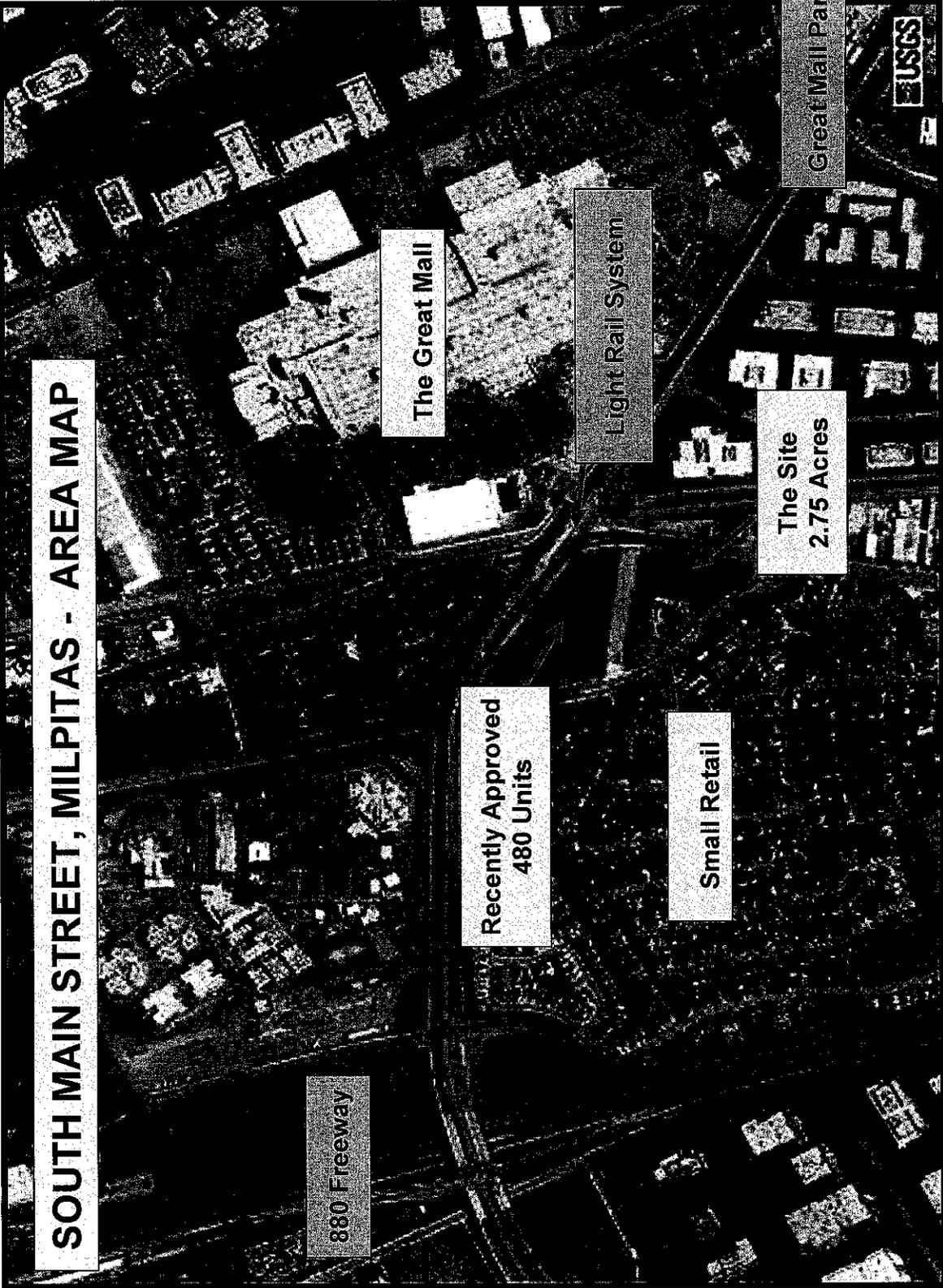
The project site is located just across Capital Avenue from the Great Mall retail center. This proximity allows residents to walk to a broad offering of goods and services.

Proximity to VTA Light Rail and The future BART Station

The project is also located immediately adjacent to the VTA light rail station which provides efficient public transit to major employment centers in the north San Jose employment corridor. In addition, the project is well situated to benefit from the proposed new regional BART Transit Center envisioned as part of the proposed Transit District Concept Plan.

(SEE EXHIBITS)

SOUTH MAIN STREET, MILPITAS - AREA MAP



The Great Mall

Light Rail System

The Site
2.75 Acres

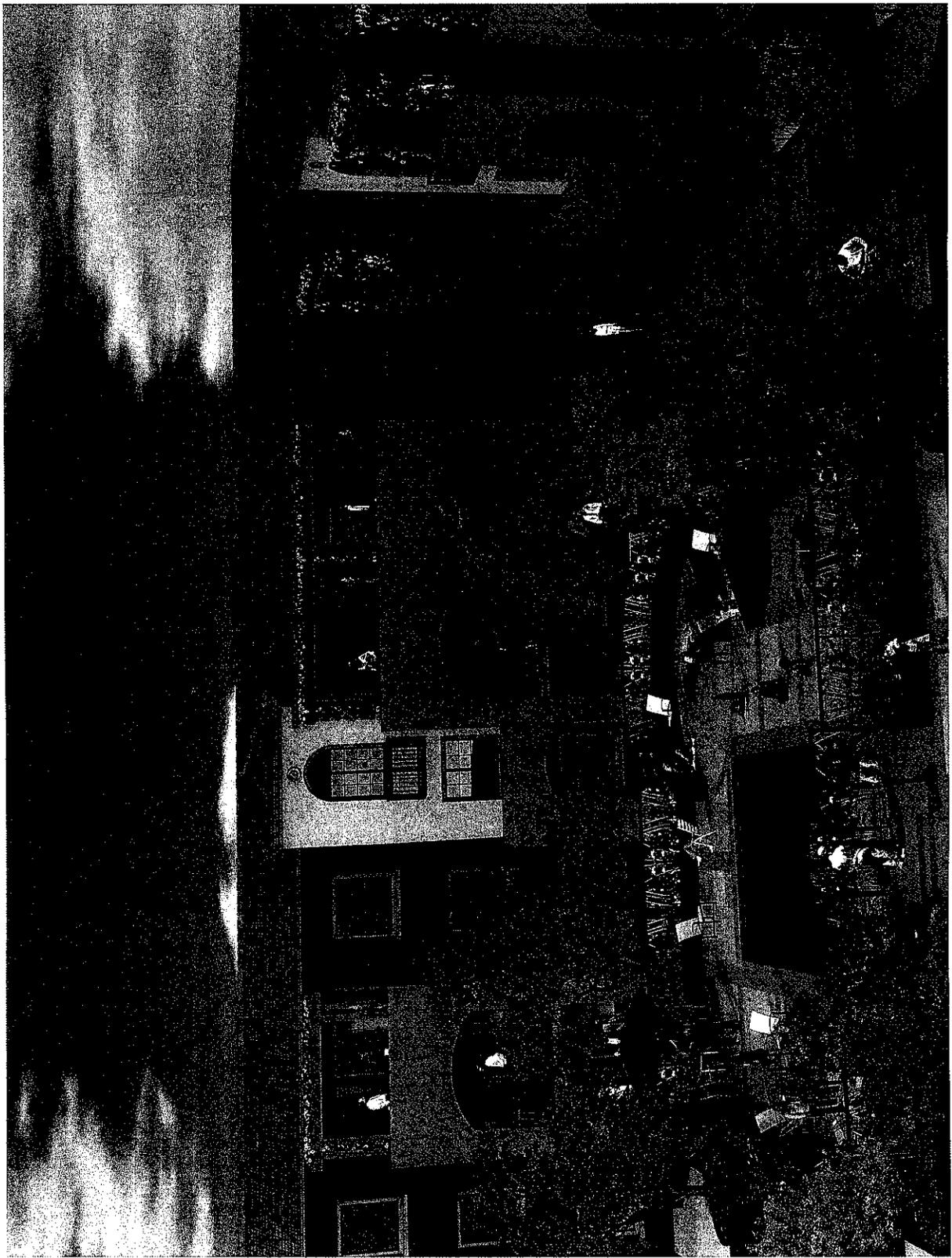
Recently Approved
480 Units

Small Retail

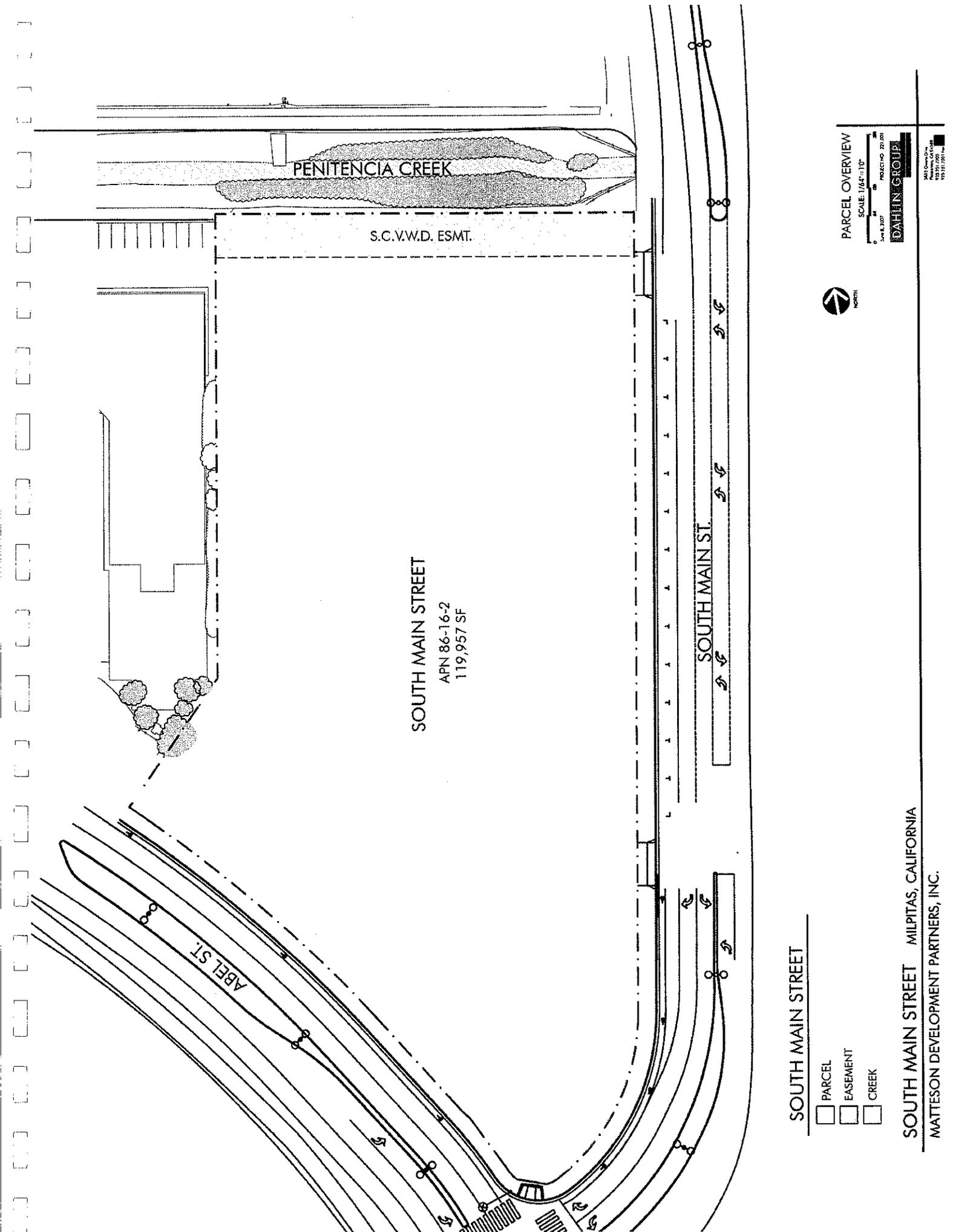
880 Freeway

Great Mall Parkway

USGS







SOUTH MAIN STREET
 APN 86-16-2
 119,957 SF

PENITENCIA CREEK

S.C.V.W.D. ESMT.

SOUTH MAIN ST.

ABEL ST.

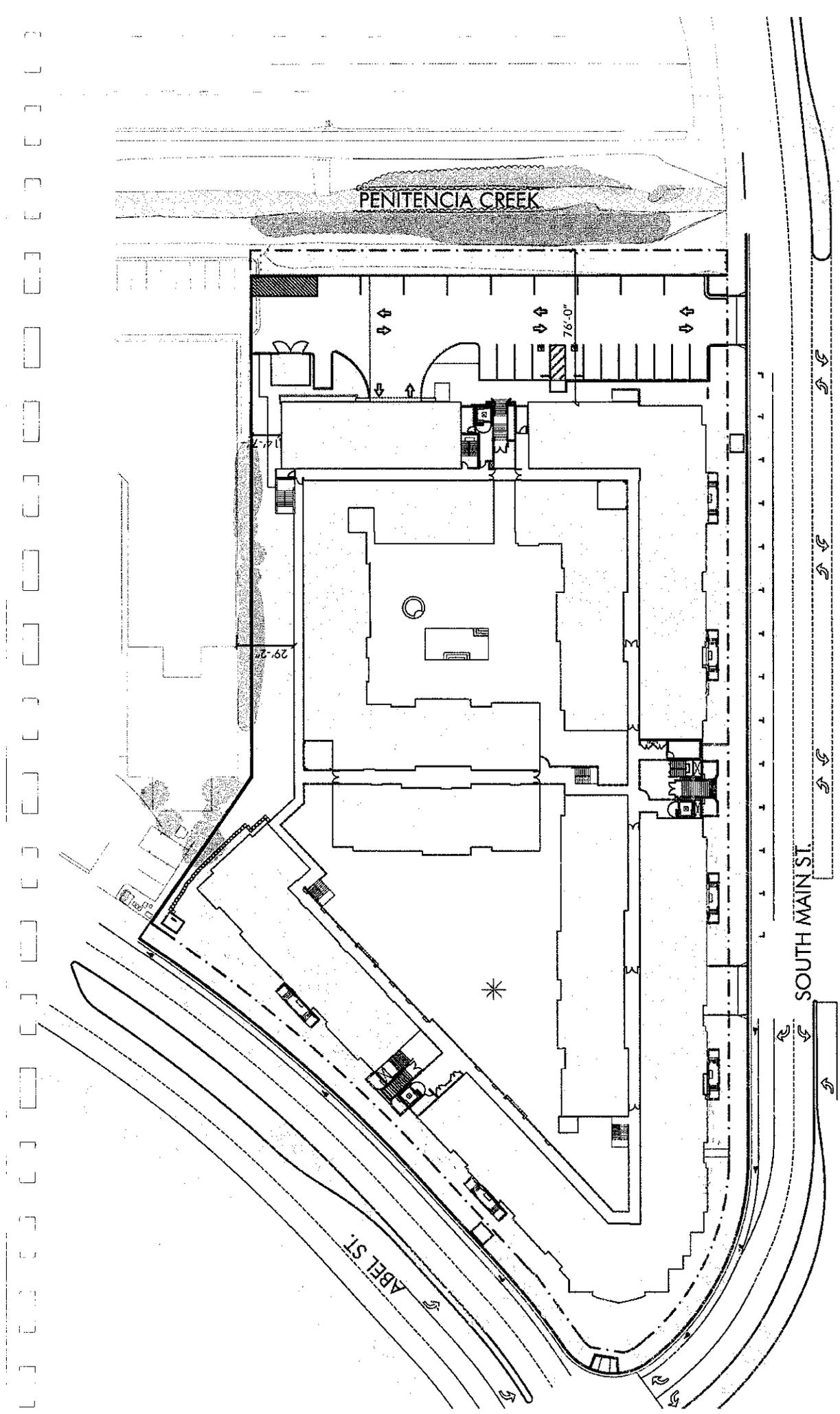
SOUTH MAIN STREET

- PARCEL
- EASEMENT
- CREEK



PARCEL OVERVIEW
 SCALE: 1/64" = 10"
 DATE: 1-4-2007
 PROJECT NO: 201.001
DAHLIN GROUP
 443 Ocean Drive
 Milpitas, CA 95034
 408.351.2200

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.

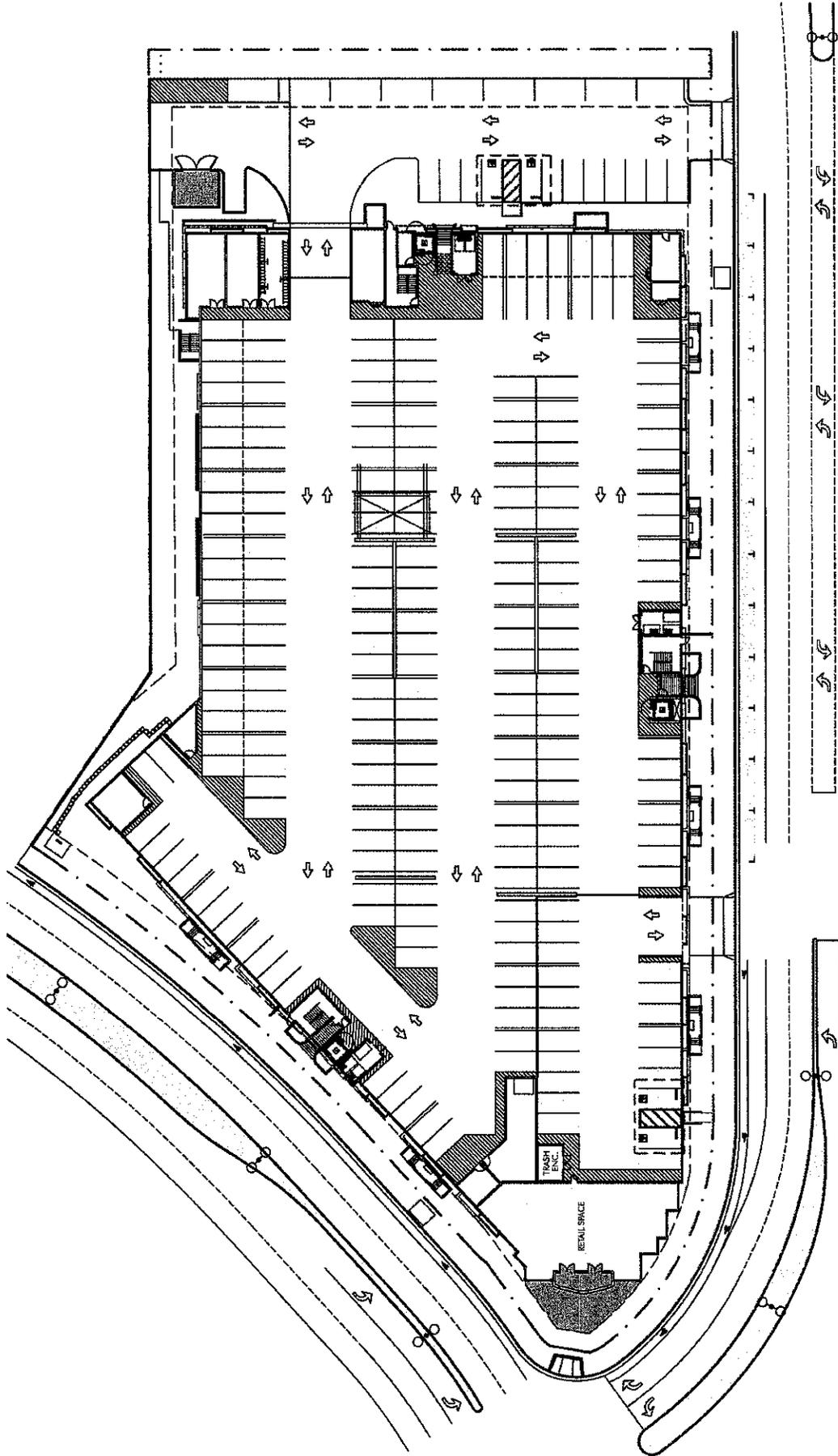


SITE PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 11.15.10
 PROJECT NO.: 201101
DAHLIN GROUP
 3415 Owens St.
 Milpitas, CA 95035
 408.371.7200
 408.371.7201



- SOUTH MAIN STREET**
- BUILDING
 - PLANTING AREAS
 - AUTO DRIVEWAY / PARKING
 - POOL / SPA
 - HARDSCAPE
 - ART FEATURE / FOUNTAIN

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.



SOUTH MAIN STREET

-  MAIN TRASH ENCLOSURE
-  NEW MEDIAN STRIP
-  GARAGE PARKING SPACES
-  ACCESSIBLE SPACES
-  STREET PARKING
-  RETAIL SPACE
-  DRIVEWAY - OUTDOOR SPACES
-  CORNER PLAZA AREA

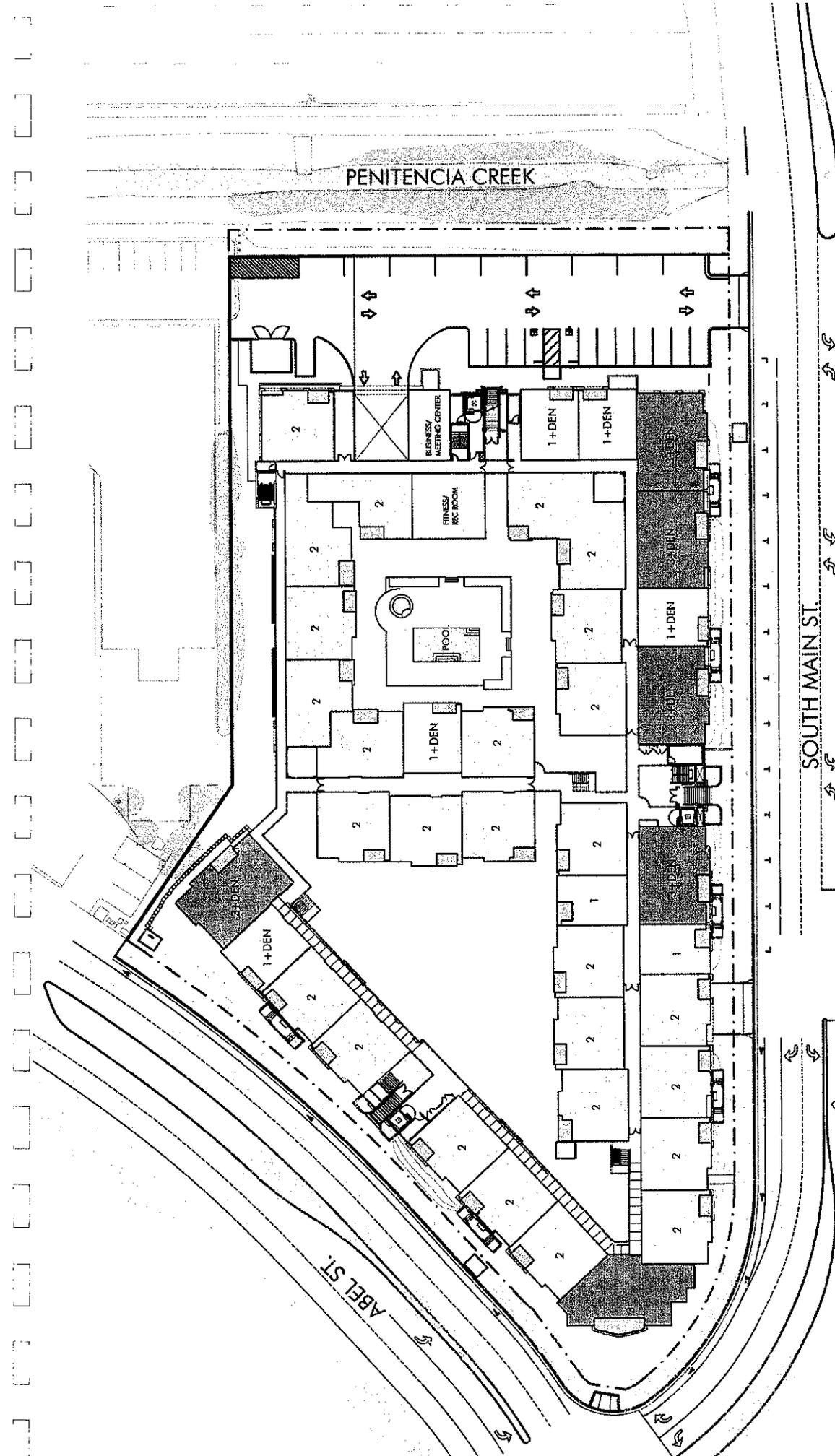


FIRST FLOOR PLAN
 SCALE: 1/64" = 1'-0"
 DATE: 8. 7.02
 PROJECT NO. 07.001



4445 S. Bascom Ave.
 Milpitas, CA 95028
 408.371.7200
 408.371.7200

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.



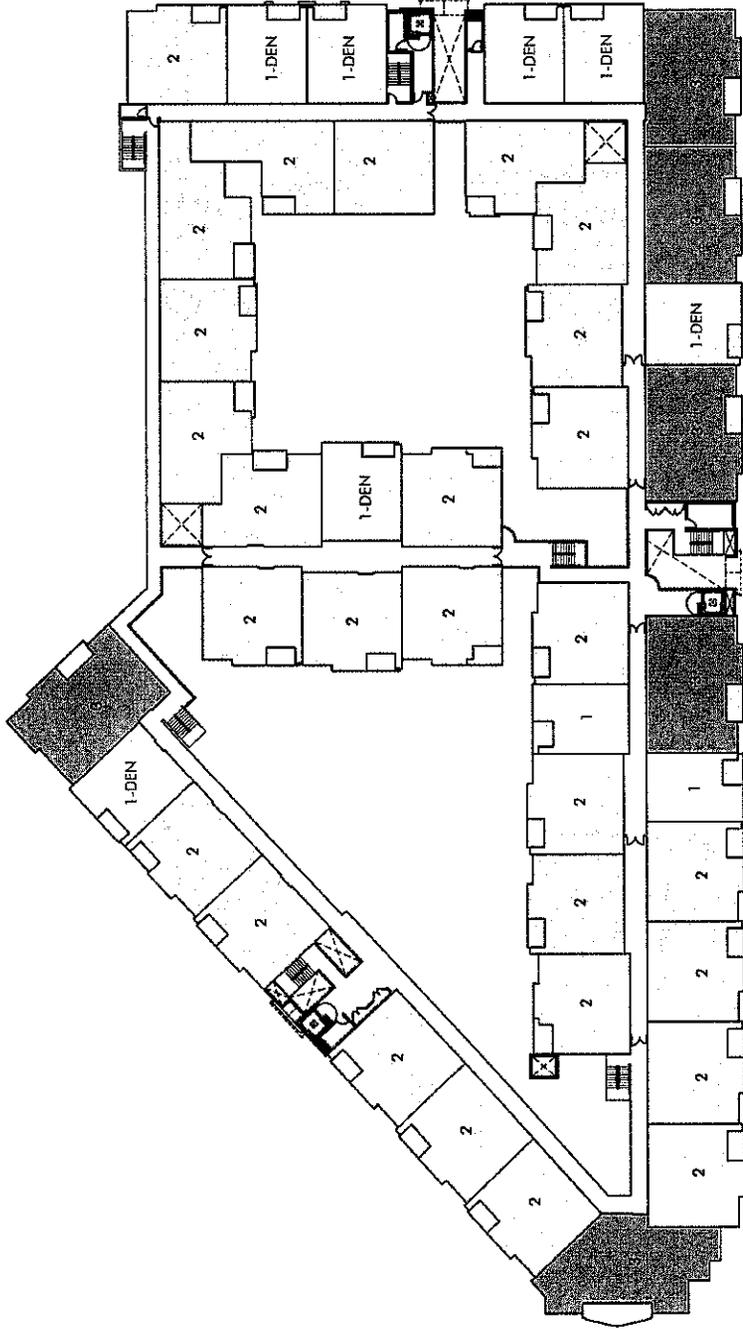
PROJECT MIX	RESIDENTIAL LEVELS			
	L2	L3	L4	T
1 BEDROOM	2	2	2	6
1 BEDROOM + DEN	5	7	7	19
2 BEDROOM	27	28	28	83
3 BEDROOM	6	6	6	18
TOTAL UNITS	40	43	43	126

- SOUTH MAIN STREET**
- 1 BEDROOM UNITS
 - 2 BEDROOM UNITS
 - 3 BEDROOM UNITS
 - ENTRY / AMENITIES
 - PRIVATE PATIOS
 - POOL / WATER
 - COURTYARD / PLAZA
 - DRIVEWAY / PARKING



SECOND FLOOR PLAN
 SCALE: 1/64" = 1'-0"
 DATE: 4.23.07 PROJECT NO: 271.001
DAVEN GROUP
 1411 Orange Ave., Suite 200
 Milpitas, CA 95035
 408.391.7000

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.



RESIDENTIAL LEVELS

PROJECT MIX	RESIDENTIAL LEVELS			
	L2	L3	L4	T
1 BEDROOM	2	2	2	6
1 BEDROOM+DEN	5	7	7	19
2 BEDROOM	27	28	28	83
3 BEDROOM	6	6	6	18
TOTAL UNITS	40	43	43	126

SOUTH MAIN STREET

- 1 BEDROOM UNITS
- 2 BEDROOM UNITS
- 3 BEDROOM UNITS
- PRIVATE PATIOS



THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

JUN 8, 2007

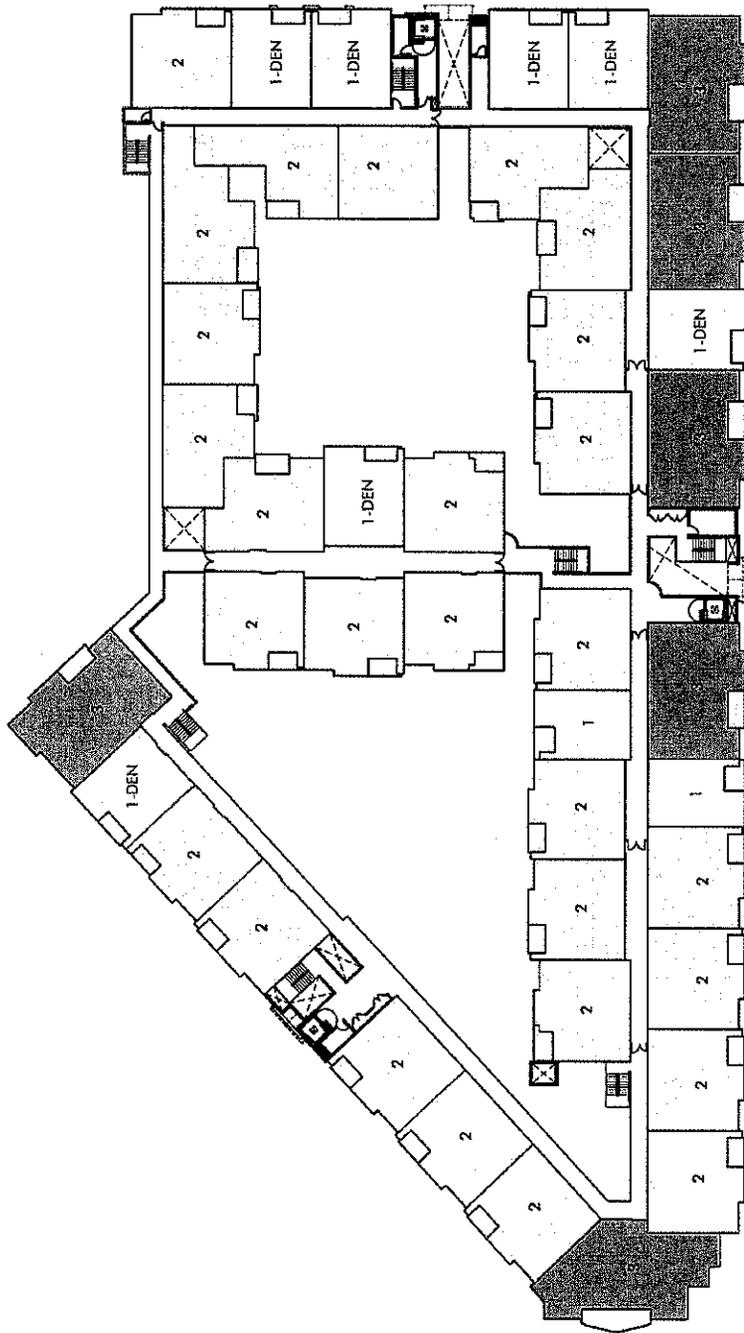
PROJECT NO. 21.001

DAHLIN GROUP

1000 GATEWAY CENTER
MILPITAS, CA 95034
650.937.7000
10/21/07

SOUTH MAIN STREET MILPITAS, CALIFORNIA

MATTESON DEVELOPMENT PARTNERS, INC.



FOURTH FLOOR PLAN

SCALE: 1/64" = 10'
 DATE: 10/20/11 PROJECT NO. 211201



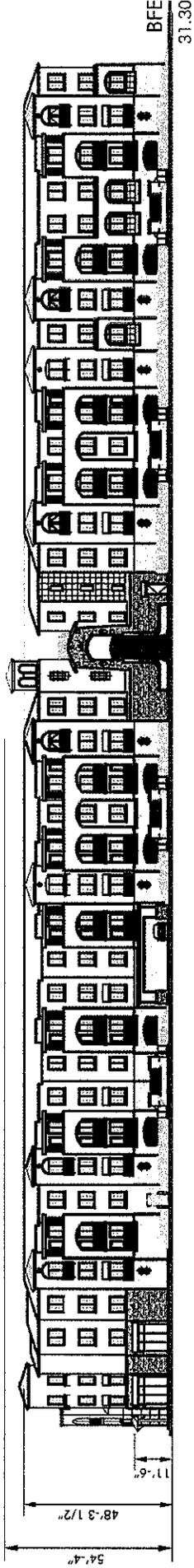
3445 Owens St.
 Milpitas, CA 95035
 950 351 7700
 950 351 7701

PROJECT MIX	RESIDENTIAL LEVELS			
	L2	L3	L4	T
1 BEDROOM	2	2	2	6
1 BEDROOM+DEN	5	7	7	19
2 BEDROOM	27	28	28	83
3 BEDROOM	6	6	6	18
TOTAL UNITS	40	43	43	126

SOUTH MAIN STREET

- 1 BEDROOM UNITS
- 2 BEDROOM UNITS
- 3 BEDROOM UNITS
- PRIVATE PATIOS

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.



SOUTH MAIN STREET

□ GARAGE LEVEL

GARAGE AT BFE / MAXIMUM HEIGHT ABOVE GRADE

NOT TO SCALE

JULY 8, 2007 PROJECT NO. 231.000

DAHLIN GROUP

1000 California Street
 San Francisco, CA 94108
 415.774.1200
 415.774.1201

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.

ON SITE PARKING

Proposed On Site Parking:

The project provides 248 on site parking spaces as follows:

198 spaces in the on-grade parking garage
 28 tandem spaces in the on-grade garage
22 spaces on-grade

248 Spaces - Total On-Site Parking

** 4 handicap accessible spaces are included in the above totals*

Parking Required Under Current Zoning Code

Based on the municipal code for residential on-site parking, in conjunction with the parking adjustments in accordance with the Transit Overlay District, the proposed 126 units and 2800 square feet of retail would require 233.5 parking spaces. **The requirement results in a project on-site parking excess of 14.5 spaces.**

<u>Residential Apartments</u>					
1 Bedrooms	25 units	@	1.5 spaces/unit	=	37.5 spaces
2 Bedrooms	83 units	@	2.0 spaces/unit	=	166 spaces
3 Bedrooms	18 units	@	2.0 spaces/unit	=	36 spaces
Guest Parking	126 units	@	15% of total	=	35 spaces
Sub Total Spaces				=	274.5
Less Transit District Adjustment			20% of Total	=	-55 spaces
Total Required Residential Spaces				=	219.5 spaces
Retail Spaces @ 1 space / 200 sf				=	14
Total Required Spaces				=	233.5

Summary Parking Provided vs. Parking Required

Total Provided	248
Garage Parking	198
Tandem Parking In Garage	28
On Grade Spaces	22
Total Required	233.5
25 1-bedroom units @ 1.5 / Unit	37.5
83 2-bedroom units @ 2.0 / Unit	166
18 3-bedroom units @ 2.0 / Unit	36
Guest Parking	35
Transit District Adjustment	-55
Retail at 1 space / 200 sf	14
Excess Provided On Site	14.5

Tandem Parking

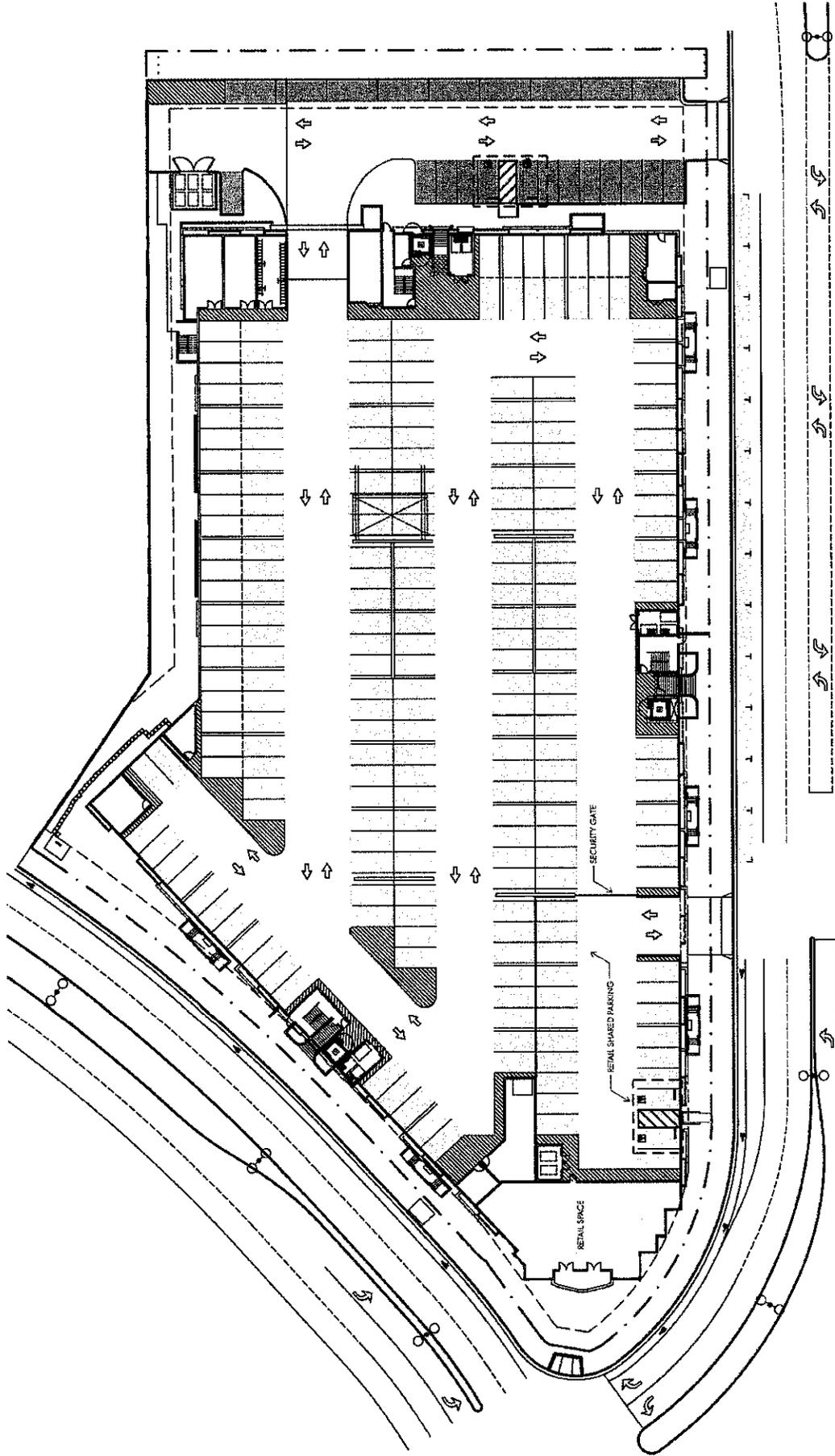
Over the last decade tandem parking has become a generally accepted parking solution in urban in-fill projects where housing units and parking spaces compete for limited land area. The project is proposing 28 tandem spaces in the recessed garage. 28 spaces represent 11% of the total on-site parking provided. The 28 tandem spaces will be designated in accordance with project CC&R's to specific unit owners to ensure well coordinated usage.

Shared Parking Between the Residential and Retail Uses.

In order to maximize the use of the available on-site parking ... the project will designate the 20 retail spaces in the garage as "shared parking" between the residential and commercial uses. Between the hours of 8 am and 6 pm, Monday through Saturday, these 20 shared spaces are available for parking on a first-come-first-serve basis by any project resident or guest, as well as any employee or client of the retail tenant. Parking in these shared spaces during the designated shared parking hours is restricted to a 3-hour maximum time limit. After 6 pm and all day on Sunday, the 20 shared spaces revert to private residential parking for use by project residents and guests. Compliance with the shared parking hours and use restrictions will be in accordance with the project CC&R's and monitored by the Home Owners Association.

The increased use of shared parking in urban in-fill projects is based on well documented studies by the Urban Land Institute (ULI) and Institute of Traffic Engineers (ITE) which show that residential and commercial parking demand are highly counter-cyclical. Simply put, residential parking operates at very low utilization during normal business hours while commercial parking conversely operates at very low utilization during the evening residential hours. "Sharing" parking between the residential and commercial users on a designated number of parking spaces allows for higher 24/7 utilization of on-site parking. This higher utilization supports a reduction in the total number of in-site parking spaces that would otherwise be required if the parking for the residential and commercial uses were fully separated and not "shared".

(SEE EXHIBITS)



SOUTH MAIN STREET

OUTDOOR SPACES	22	STREET PARKING	13
GARAGE SPACES	198	ACCESSIBLE SPACES	4
GARAGE TANDEM SPACES	28	RETAIL/SHARED PARKING	20

TOTAL PARKING SPACES 248
 (INCLUDES ACCESSIBLE SPACES AND RETAIL PARKING)



PARKING PLAN
 SCALE: 1/64" = 1' 0"
 DATE: 2007
 PROJECT NO.: 271 001



MILPITAS OFFICE
 1000 MILPITAS AVENUE
 MILPITAS, CA 95035
 408.371.7575

COURTYARDS AND OPEN SPACE

The project is designed with 43% of the 2.75 acre parcel as open space. This open space consists of (i) two distinct centralized courtyards; (ii) a vibrant corner retail plaza; and (iii) generous perimeter landscaping.

Two Distinct Courtyards:

“Active” Courtyard: The project is oriented around a large pool / spa courtyard including extensive landscaping and decorative hard-scape. This pool / spa courtyard is designed to integrate seamlessly with a large fitness center and recreation room.

“Quiet” Courtyard: As a compliment to the “active” pool / spa courtyard, residents will enjoy a second generously landscaped courtyard designed as a tranquil setting for reading and quiet conversation.

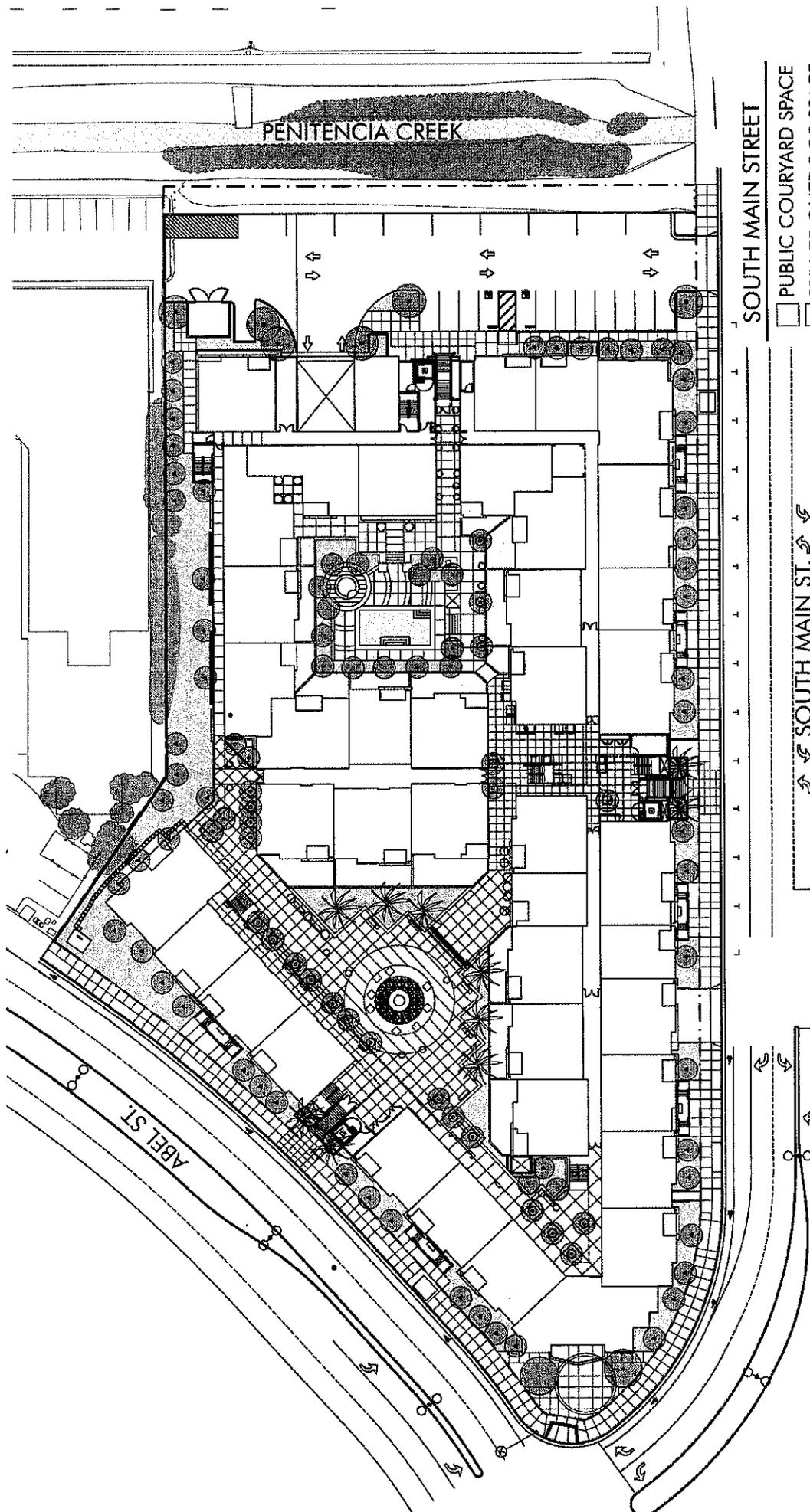
Corner Retail Plaza

As part of the median improvements proposed by the City of Milpitas engineering department, the project will be anchored at the primary intersection of South Main and Abel with a vibrant outdoor plaza area. This plaza area will provide an inviting first impression for pedestrians and drivers as they approach the project heading north along Main Street. In addition, the plaza area, as an extension of the corner retail, will provide outdoor seating for customers, residents and guests of the project.

Perimeter Landscaping:

The generous courtyard landscaping and decorative hard-scape continue out to street frontages with a landscape plan that envisions 10’ wide pedestrian sidewalks, and a significant number of new trees around the perimeter of the project.

(SEE EXHIBITS)



SOUTH MAIN STREET

- PUBLIC COURTYARD SPACE
- PRIVATE OUTDOOR SPACE
- PLANTING AREAS
- AUTO DRIVEWAY / PARKING
- POOL / WATER FEATURE

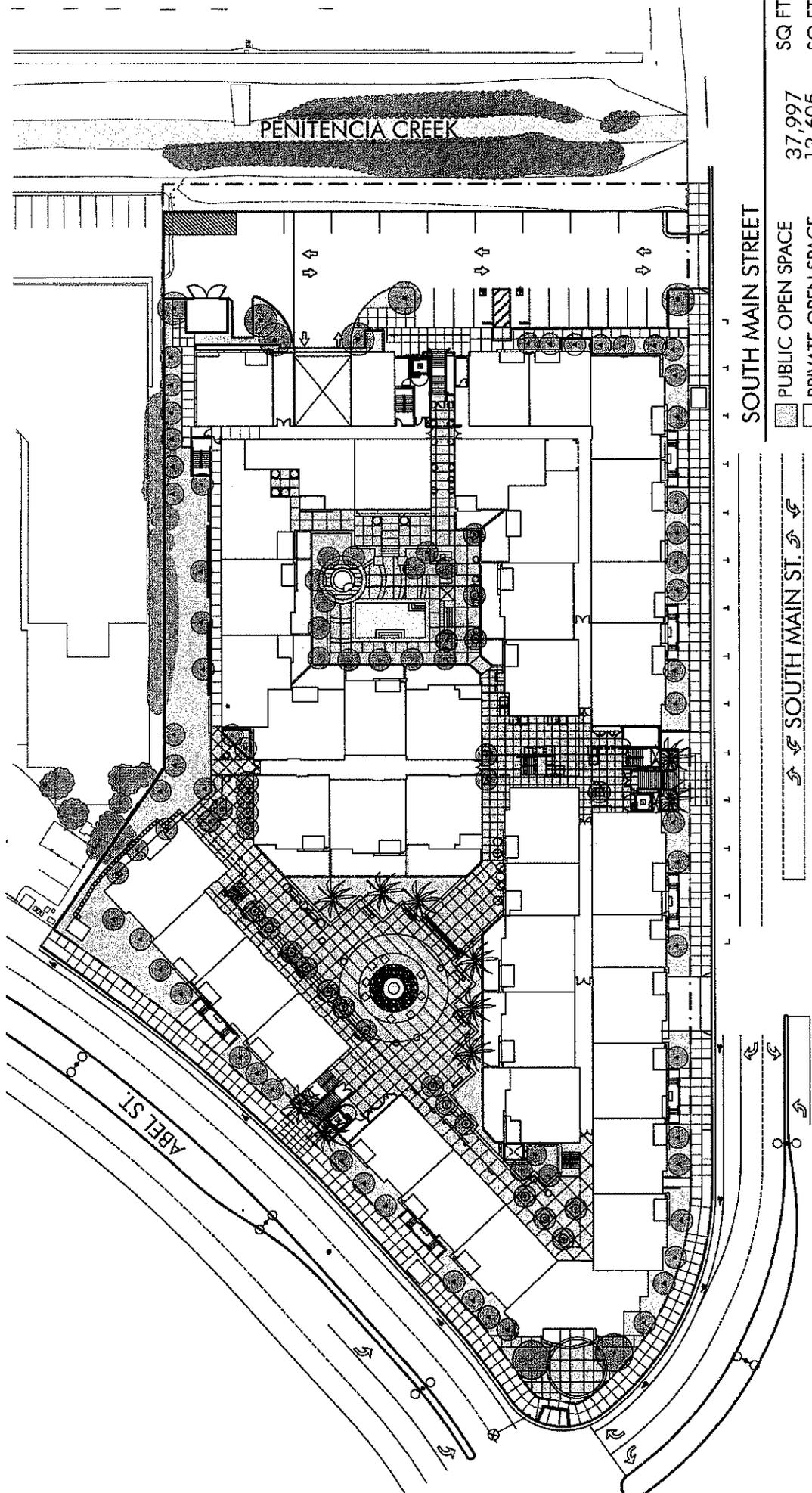


COURTYARD / OPEN
SPACE OVERVIEW
SCALE: 1/8" = 10'



SOUTH MAIN STREET MILPITAS, CALIFORNIA
MATTESON DEVELOPMENT PARTNERS, INC.

3443 Owens Drive
Milpitas, CA 95035
951.311.2001



PENITENCIA CREEK

ABEL ST

SOUTH MAIN STREET

	PUBLIC OPEN SPACE	37,997	SQ FT
	PRIVATE OPEN SPACE	13,605	SQ FT
	TOTAL OPEN SPACE	51,602	SQ FT
	OPEN SPACE 43.1% OF TOTAL SITE AREA		
	OPEN SPACE PER UNIT	410	SQ FT.

 SOUTH MAIN ST. 

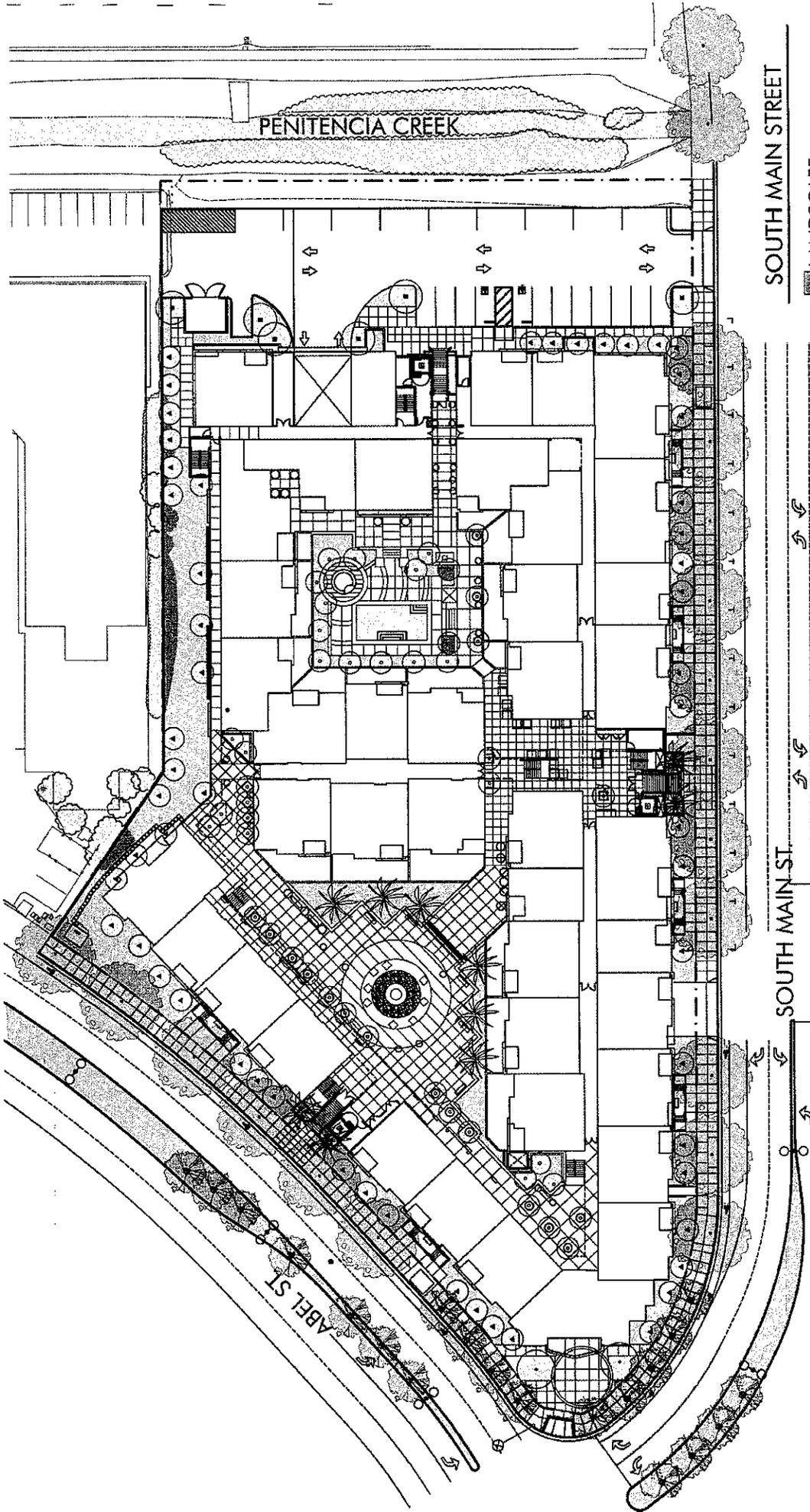


OPEN SPACE
CALCULATIONS

SCALE: 1/64"=1'-0"
DATE: 7-14-2007
PROJECT NO: 271.001



1400 California Street
Milpitas, CA 95035
950 951 2200
950 951 2000



SOUTH MAIN STREET

- LANDSCAPE
- AUTO DRIVEWAY / PARKING
- POOL / WATER FEATURE



PERIMETER
 LANDSCAPE PLAN
 SCALE: 1/8"=1'-0"
 PROJECT NO. 231.001
 DATE: 8.2007
DAHLIN GROUP

SOUTH MAIN STREET MILPITAS, CALIFORNIA
 MATTESON DEVELOPMENT PARTNERS, INC.

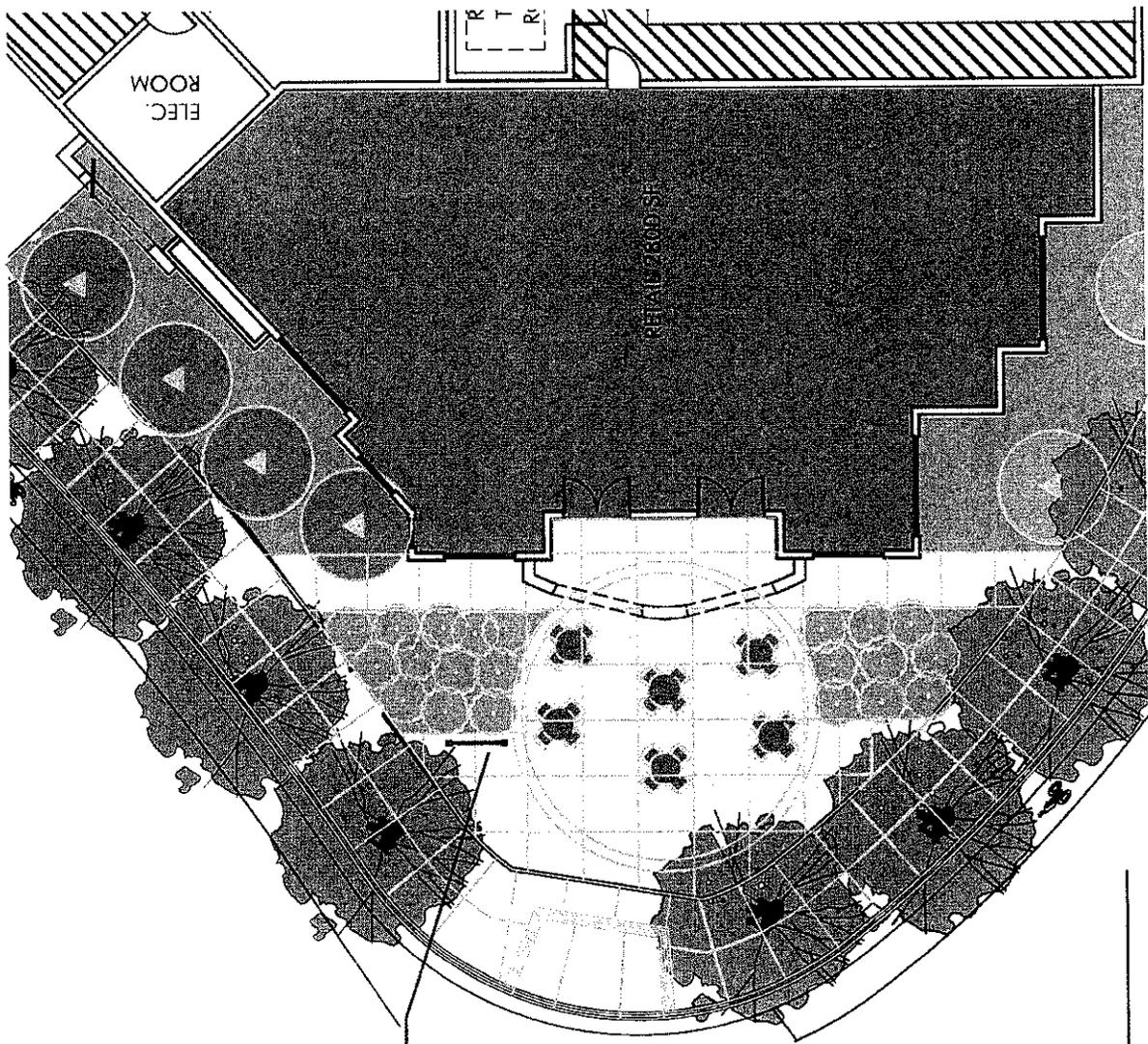
4445 Chino Oaks
 Milpitas, CA 95131
 415.951.2700

CORNER RETAIL AND PLAZA AREA

An important part of the mixed-use development is the highly visible retail space and outdoor plaza area at the intersection of South Main and Abel. The retail space targeted at 2800 square feet... is an optimal size for any number of well recognized regional or national operators.

The retail space opens to a large plaza seating area detailed with decorative paving, inviting landscape, and accent lighting. This plaza area will serve as a "gathering node" for residents from the project, the adjacent Centria complex and the nearby Pinewood neighborhood. This plaza area will also provide an inviting first impression for pedestrians and drivers as they approach the project heading north along Main Street.

(SEE EXHIBITS)



BIKE RACK

SOUTH MAIN STREET

- RETAIL AREA
- DECORATIVE CONCRETE PAVING
- LANDSCAPE
- OUTDOOR SEATING



RETAIL/PLAZA
PLAN

SCALE: 1/2" = 1'-0"
PROJECT NO. 231.601
DATE: 8/2007



3445 Central Expressway
Milpitas, CA 95035
408.392.1700
408.392.7000 fax

SOUTH MAIN STREET MILPITAS, CALIFORNIA

MATTESON DEVELOPMENT PARTNERS, INC.

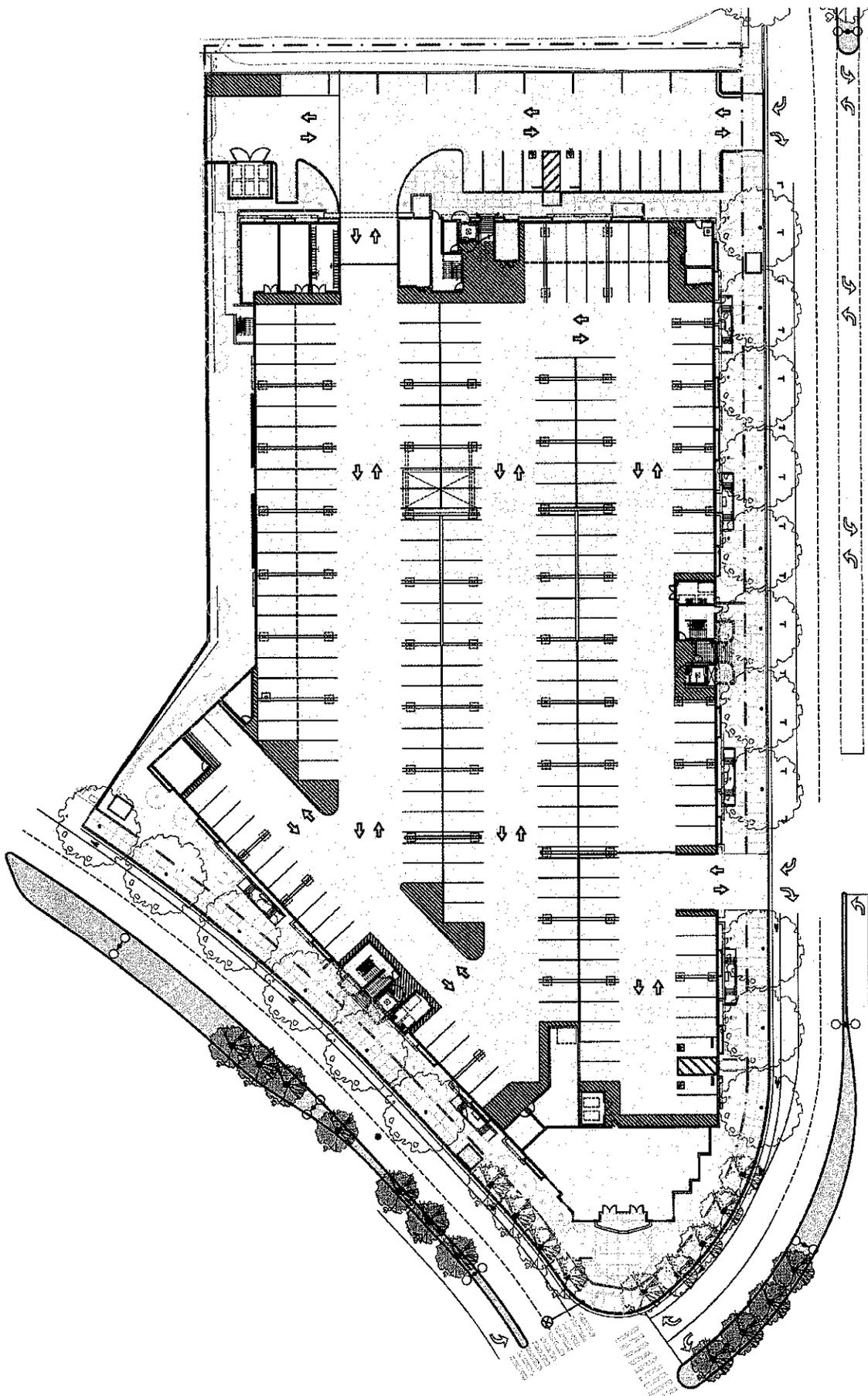
LANDSCAPED MEDIAN IMPROVEMENTS

The project developers have expressed their willingness to cooperate with the City of Milpitas traffic and engineering departments on the design and construction of new median improvements along South Main and Abel Street at the perimeter of the project site.

The new landscaped median improvements will create a logical traffic circulation pattern and provide a visually attractive landscape buffer.

In addition, the landscaped median improvements, by reconfiguring the right turn lane at the intersection of South Main and Abel, will result in the creation of an outdoor plaza area in front of the ground floor retail space in the project. This corner plaza will be finished with decorative paving, inviting landscape, and accent lighting.

(SEE EXHIBITS)



SOUTH MAIN STREET

- SITE
- ⊗ TRAFFIC LIGHT
- ▨ MEDIAN LANDSCAPE
- ↔ TRAFFIC DIRECTION
- ▤ CROSSWALK



MEDIAN STRIP
PLAN
SCALE: 1/4" = 1'-0"
DATE: 12/13/2010
PROJECT NO.: 211010
DAHLIN GROUP

SOUTH MAIN STREET MILPITAS, CALIFORNIA
MATTESON DEVELOPMENT PARTNERS, INC.

4455 Central Expressway
Milpitas, CA 95035
Tel: 408.261.1000
Fax: 408.261.1001

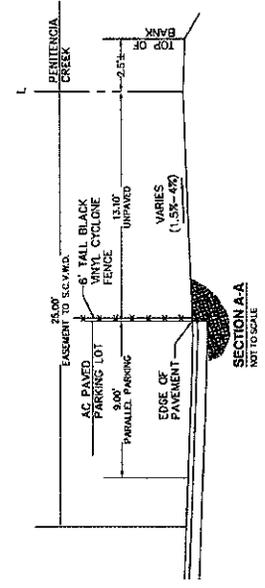
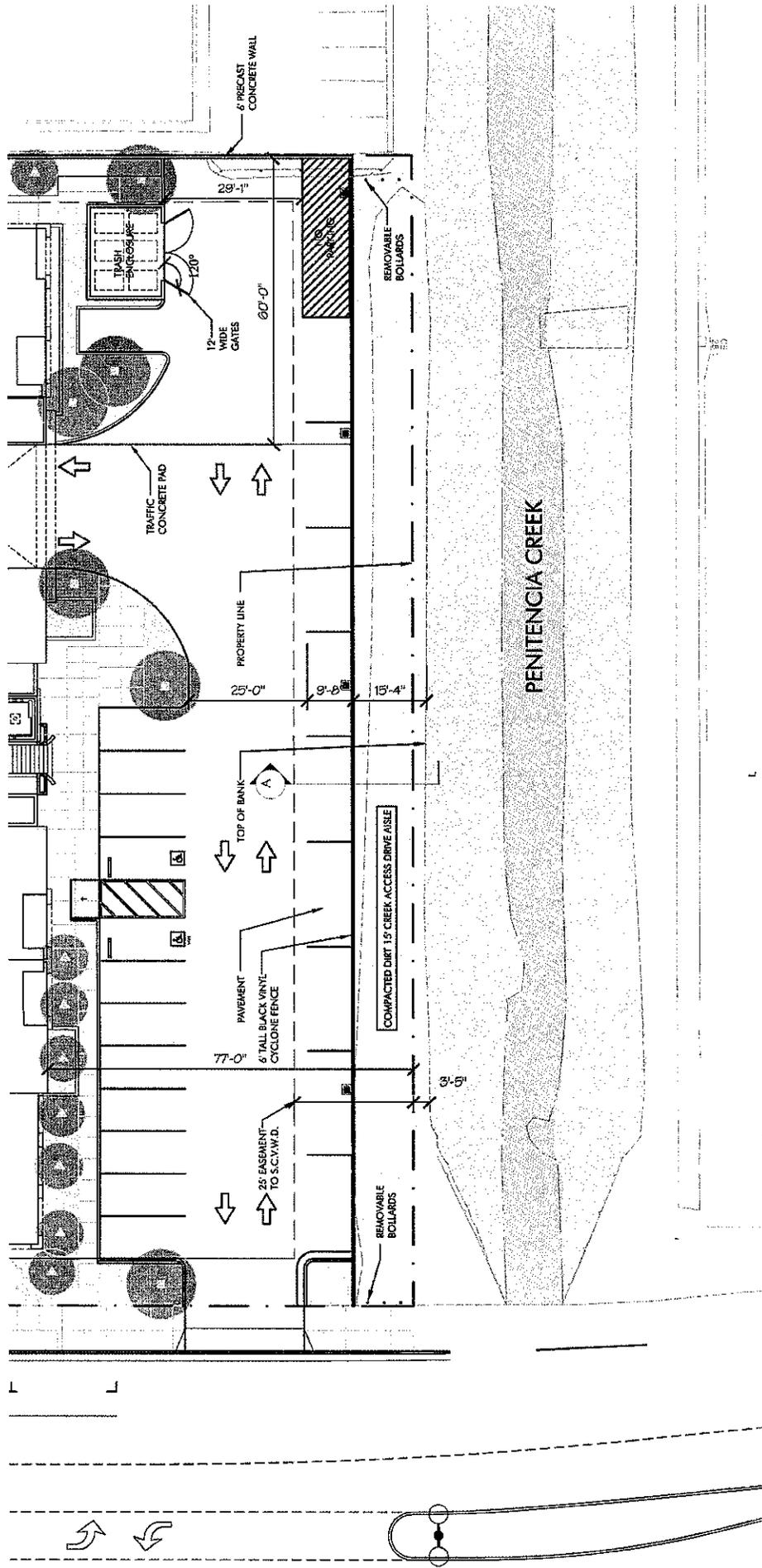
SANTA CLARA VALLEY WATER DISTRICT EASEMENT

The development site is subject to an access easement to the benefit of the Santa Clara Valley Water District (SCVWD). This easement runs immediately adjacent to Penitencia Creek and will allow the SCVWD unimpeded access to the creek in order to perform maintenance, repair, and inspection of the creek culvert.

Based on agreement with SCVWD, this access easement will be a 15' wide drive aisle at the top of bank and will remain in its current condition as compacted dirt. Removable bollards will be placed at each end of the drive aisle to prevent non-authorized vehicular traffic.

The development site will be separated from this SCVWD drive aisle by a 4" concrete curb at grade and 6' tall black vinyl cyclone fence. Climbing vines will be planted along the cyclone fence to soften the appearance of this boarder of the property between the project and the SCVWD drive aisle.

(SEE EXHIBITS)



SCVWD EASEMENT
SCALE: 1/32" = 1'-0"

DATE: 08/20/22
PROJECT NO: 201100



DAHLIN GROUP
3000 Central Expressway
Milpitas, CA 95035
408.381.7700

SOUTH MAIN STREET MILPITAS, CALIFORNIA
MATTESON DEVELOPMENT PARTNERS, INC.

**REZONING FROM GENERAL COMMERCIAL
TO VERY HIGH DENSITY RESIDENTIAL - TRANSIT**

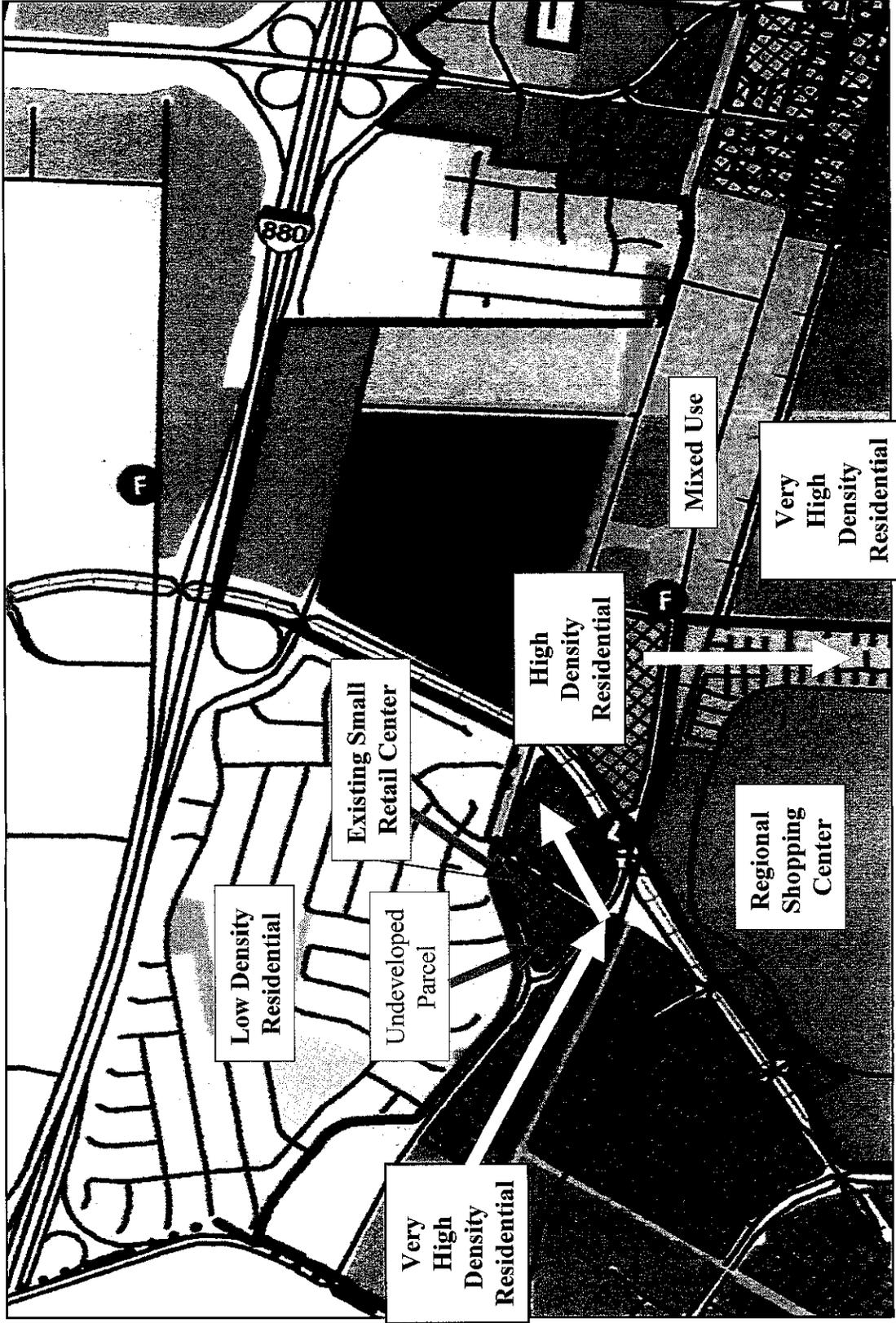
The South Main Street site is presently zoned C2- General Commercial. This zoning appears to be at odds with the forecasted uses in the immediate area which include very high density housing and vertical mixed use. Re- zoning from General Commercial to Very High Density Residential with a Transit Overlay will be required for the development. (Exhibit #2 and #3)

Rezoning this undeveloped parcel from General Commercial to Very High Density Residential will allow for the development of a project that will compliment rather than compete with the adjacent land uses anticipated as a result of the Milpitas Transit Area Concept Plan:

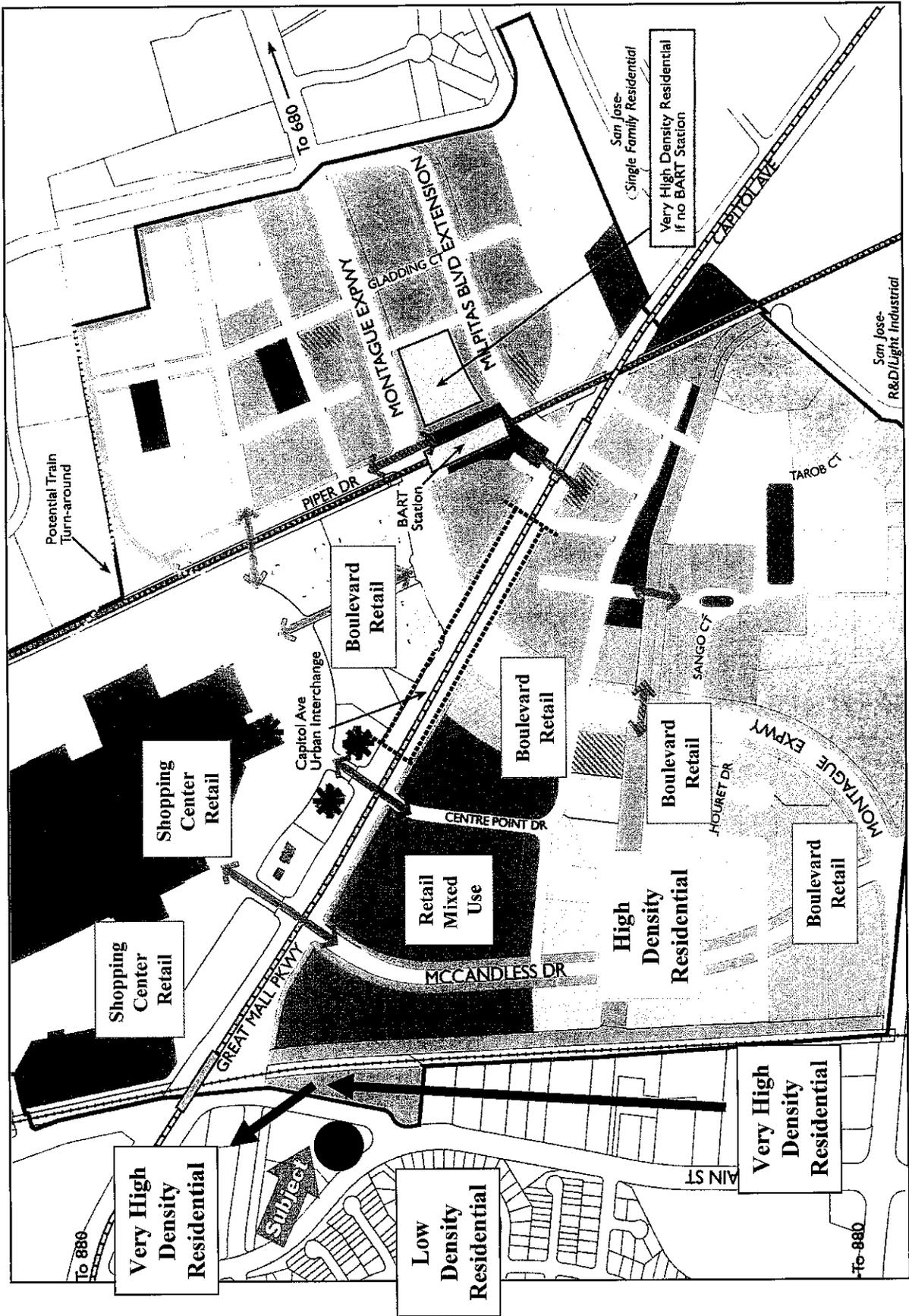
- (i) The adjacent parcels continuing both north and south along South Main are zoned very high density residential. As a slice of CG zoning along South Main, this parcel stands out as residual zoning at odds with the expected future uses.
- (ii) Under the Milpitas Transit Area Concept Plan, significant ground floor retail will emerge within a short walk of the site. Given the breadth of retail goods and services within walking distance of the site, a small retail strip center as permitted under the existing C2 zoning would face significant large scale competition.
- (iii) On the other hand, a 126-unit mixed use residential project will provide a mix of benefits including ownership housing in close proximity to transit, employment and good & services.

(SEE EXHIBITS)

General Plan Zoning Designations



TRANSIT PLAN - LAND USE DESIGNATIONS



COMPLIANCE WITH MILPITAS ZONING CODE

It is the intent of the Developers to design a project that is in substantial conformance with all major elements of the Milpitas Zoning Code for Very High Density Residential with a Transit Overlay. A summary of those major elements and our conformance is outlined below:

<u>STANDARDS</u>	<u>PROPOSED</u>	
<u>Height</u>	5 Floors – 75 ft	3 Floors Over Garage – 50 ft
<u>Density</u>	41 to 60 Units / Acre	46 Units / Acre
<u>Affordable</u>	20%	Per Agreement
<u>Setbacks</u>	Front: 15 feet Side: 8 feet Rear: 10 feet	Front: 13 feet Side: 75 feet Rear: 14 feet
<u>Parking</u>	1.5 spaces – 1 bedroom 2 spaces – 2 bedrooms 2 spaces – 3 bedrooms 15% guest Parking 20% reduction for TOD 1 space / 200 sf of Retail	1.5 spaces – 1 bedroom 2 spaces – 2 bedrooms 2 spaces – 3 bedrooms 15% guest Parking 20% reduction for TOD 1 space / 200 sf of Retail Plus... 14.5 additional spaces
<u>Bicycle Parking</u>	5% of Auto Parking 14 Spaces	12.5% of Auto Parking 35 Spaces
<u>Open Space</u>	25% of Total Site Area 200 SF per unit	43% of Total Site Area 336 SF per unit

PROJECT SUPPORTS PRIMARY GOALS OF THE MILPITAS TRANSIT AREA CONCEPT PLAN

Housing advocates throughout the region have identified higher-density housing within walking distance of transit, major employment and a mix of goods and services as a necessary solution to the Bay Area's housing and traffic crisis. Such higher density developments have emerged as the centerpiece of SMART GROWTH initiatives throughout the Region.

In support of these SMART GROWTH principles, Milpitas civic leaders have created the "Milpitas Transit Area Concept Plan" which will serve to facilitate the transition of aging R&D and industrial uses to higher intensity developments in a mix of residential, commercial and retail projects.

Four primary goals articulated in this Milpitas Transit Area Concept Plan are:

- (i) Strengthen the City's tax base by creating opportunities for quality ownership housing in close proximity to goods and services.
- (ii) Maximize transit rider-ship through the development of high density housing around the VTA light rail and future BART station.
- (iii) Build quality projects that are desirable in the market place and will hold their value over time.
- (iv) Transition the existing low intensity uses to a target mix of new higher intensity developments.

The development plan at South Main provides a unique opportunity which supports all four of the above stated goals in a single development scenario.

**OWNERSHIP HOUSING WITHIN
WALKING DISTANCE TO TRANSIT, MAJOR EMPLOYMENT
AND A MIX OF GOODS & SERVICES**

1) High-density housing within walking distance of transit, employment and goods & services has emerged as the centerpiece of SMART GROWTH initiatives throughout the Region.

2) In addition, Civic Leaders have also identified higher-density housing within walking distance to goods and services as an opportunity to create a captive customer base which serves to incubate and maintain a robust tax base.

3) Finally, in light of the spiraling cost of detached homes, home ownership has become economically infeasible for a vast majority of Bay Area Residents. Recent statistics are discouraging... suggesting that less than 12% of Bay Area Residents can afford to own a home and over 80% of current home owners could not afford to repurchase their homes at today's prices. Civic Leaders, Housing Advocates and Environmental Groups, in concert, have pinpointed higher density townhouse and condominium projects as an important solution to this crisis of affordability in home ownership.

The 126-unit for sale development at South Main provides a unique opportunity where all three of these community benefits converge in a single development scenario.