

Attachment I

Staff is recommending the following conditions of approval in the event the Planning Commission recommends approval to the City Council.

SPECIAL CONDITIONS

1. **PUD & “S” ZONE APPROVAL:** This approval of PUD No. 2007-4 and “S” Zone Approval No.SZ2005-13 is for a multi-family residential development for 374 apartment units, 285 townhome units, and associated site improvements in accordance with the plans reviewed and approved by the City Council on October ____, 2007, and as amended by the conditions below. Modification to the project as proposed will require a PUD & “S” Zone Amendment. (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 – STORMWATER CAPACITY:** 42-inch storm drain bypass line will be installed parallel to the existing 72-inch storm drain line pursuant to the City Stormdrain Master Plan to provide adequate capacity to convey stormwater runoff from the project site to the pump station.
4. **ENVIRONMENTAL – STORMWATER QUALITY:**
 - a. Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
 - b. Earthmoving or other dust-producing activities would be suspended during periods of high winds.
 - c. All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
 - d. Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
 - e. All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
 - f. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).
 - g. Vegetation in disturbed areas would be replanted as quickly as possible.
 - h. All unpaved entrances to the site would be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
 - i. A Storm Water Permit will be administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the project proponent will file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and postconstruction runoff. Measures will include, but are not limited to, the aforementioned RWQCB mitigation.

5. ENVIRONMENTAL – RAPTORS / MIGRATORY BIRDS: Construction should be scheduled between September and January to avoid the raptor and migratory bird nesting season to the extent feasible. If it is not possible to schedule demolition and construction during that period, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

6. ENVIRONMENTAL – BURROWING OWLS: No Burrowing Owls would be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted as a means to avoid take, pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.

A protected area 250 feet in radius, within which no activity will be permissible, will be maintained between project activities and nesting burrowing owls or individual resident owls. This protected area will remain in effect between February 1 and August 31, or at the CDFG discretion and based upon monitoring evidence, until any young owls are foraging independently. In the non-nesting season, a protected area 50 meters (165 feet) in radius, within which no new construction activity will be permissible, will be maintained between project activities and burrows occupied by Burrowing Owls. Any development within these protected areas would be approved beforehand by the CDFG.

7. ENVIRONMENTAL – TRAFFIC: The southbound lanes of McCarthy Boulevard will be restriped, to the satisfaction of the City's Director of Public Works. The existing configuration is two left-turn lanes, one through lane, and one shared right/through lane. The shared right/through lane would be changed to a designated right-turn only lane, allowing the intersection to operate at LOS D in the AM Peak Hour and LOS C in the PM Peak Hour. An overlap phase for the southbound right turn movement would also be included at the McCarthy Boulevard/Tasman Drive.
8. ENVIRONMENTAL – AIR QUALITY: Prior to issuance of occupancy permits the pump station diesel engines will be upgraded to electric engines with backup emergency generators by the applicant, or at the City's option retrofitted, to meet the ATCM 2009 requirements for diesel emissions. The City of Milpitas staff will review and approve the retrofit of the existing engines or the purchase and installation of the new engines.
9. ENVIRONMENTAL – AIR QUALITY: The following dust control measures will be implemented during all construction phases:
 - a. Water all active construction areas at least twice daily and more often during windy periods.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

- 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 (preferably with water sweepers) all paved access roads on-site, parking areas and staging areas at construction sites.
- e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- h. Limit traffic speeds on unpaved roads to 15 mph.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

Engineering Division

10. 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.
11. Prior to issuance of any building permits, the developer shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for 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.
12. 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. The study 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 of the first phase of development.
13. Prior to any building permit issuance, the 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.
14. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Murphy Ranch Road and the Bellew Pump Station access road, including but not limited to, the entire width of Murphy Ranch

Drive frontage pavement restoration, curb, gutter, new sidewalk installation, new median installation, signage and striping, street lights, fire hydrants, bus stop, Coyote Creek slope landscaping, Bellew Pump Station Improvements, proposed public park and Hetch hetchy park improvement, Coyote Creek trail access improvements, storm drain, sewer and water services, and new 42-inch storm drain line installation along Murphy Ranch Road frontage and Technology Drive extension, as shown on the Engineering Services Exhibit "T" dated 9/20/2007. 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 must be in accordance with the City of Milpitas standard and specification, and all public improvements shall be constructed to the city Engineer's satisfaction and accepted by the City prior to building occupancy permit issuance of the first production unit.

15. Prior to building occupancy permit issuance, the developer must upgrade Bellew Pump Station diesel engines to electric engines with backup emergency generators, or at the City's option retrofitted to meet the ATCM 2009 requirements for diesel emissions and to the satisfaction of the City Engineer.
16. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - a. Storm water connection fee of **\$364,434** based on 21.73 acres @ \$16,771 per acre. The storm water connection fee may be credited toward the construction of the 42" storm drain line along Murphy Road and Technology Drive. 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).
 - c. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.
 - d. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).
17. 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 **\$1,159,481**, as of October 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.
18. 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 **\$ 665,390** to the City for this purpose. This amount is as of October 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.

19. 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 **\$277,749**, as of October 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.
20. Prior to any building permit issuance, the developer shall pay a Milpitas Business Park traffic fee of **\$397,600**.
21. Prior to any building permit issuance, the developer shall pay a Montague Expressway Traffic Impact fee of **\$82,173**.
22. 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.
23. Prior to any building permit issuance, the developer shall submit a tentative tract map for review and approval, and record the final map.
24. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements.
25. Show on the tentative map how the site will drain. Drainage facilities outletting sump conditions shall be designed to convey the flows and protect all buildings.
26. Prior to final map approval, the developer shall establish necessary homeowner association(s) for both condominium lots. The homeowner association(s) shall be responsible for the maintenance of the landscaping, walls, private street lights, common area and private streets 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.
27. Prior to any building permit issuance, the developer shall obtain and record a reciprocal maintenance agreement with the adjacent property owners on the North for the proposed ingress/egress, Emergency Vehicle Access (EVA), parking and public trail access. The reciprocal agreement shall provide for the use of lands and maintenance of all private facilities including but not limited to access, EVA, drainage, lighting, landscaping, and other common area facilities.
28. 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.

29. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes.
30. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires and remove the related poles within the proposed subdivision, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded. Show all existing utilities within and bordering the proposed subdivision, and clearly identify the existing PG&E wire towers and state the wire voltage.
31. 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.
32. All existing 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.
33. Prior to the final map approval, the developer shall dedicate adequate right of way for pedestrian purposes crossing the driveways.
34. 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.
35. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 942-3233.
36. 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.
37. Prior to occupancy permit issuance, the developer shall construct solid waste enclosures to house the necessary solid waste bins. The enclosure shall be designed per the Development Guidelines for Solid Waste Services, and enclosure drains must discharge to sanitary sewer line. City review & approval of the enclosures are required prior to construction of the trash enclosures.
38. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner or HOA 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 developer 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 developer 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 developer shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234.

39. 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.
40. 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 Final occupancy, 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.
41. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the developer'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.
42. Prior to issuance of Certificate of Occupancy, the developer 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.

43. 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 developer, 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.
44. Prior to any Building permit issuance, the developer shall process and obtain approval of a joint use agreement between the City and Santa Clara Valley Water District (SCVWD) for the proposed improvements and their maintenance within the SCVWD right-of-way to the satisfaction of City Engineer.
45. Prior to any building permit issuance, the developer shall submit construction plan to San Francisco Public Utility Commission (SFPUC) for review and approval, and obtain necessary encroachment permits for the proposed work.
46. Prior to start of any work along or within Santa Clara Valley water District (SCVWD) right of way, the developer shall submit construction plans to SCVWD for review and approval, and obtain necessary encroachment permits for the proposed work.
47. 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.
 - c. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.
48. 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. 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. To meet the recycle water guideline the developer shall:

- A. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape adjacent to existing or future recycled water distribution lines (except for rehabilitated landscape less than 2500 square feet along the future alignment).
- B. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the Department of Health Services (DOHS) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and Department of Health Services approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.
- C. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas.

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

50. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the 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.

51. The site is located in Local Improvement District #9R and 12R. Developer must file amended assessment diagrams and assessment allocations concurrent with the parcel map recordation.

52. Prior to building permit issuance, the developer shall form a Landscaping and Lighting Maintenance Assessment District (LMD) on the subject property, to fund the maintenance of Coyote Creek Slope landscaping and pay for the annual lease cost of Hetch Hetchy Park, if any. The applicant will be required to pay for all operational & maintenance costs until such time as the City receives revenues from the proposed District.

53. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.

54. 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.
55. 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 Flood Zone "X".
56. 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.
57. Make changes as noted on Engineering Services Exhibit "T"(dated 9/20/2007) and submit a revised tentative map to the Planning Division for review and approval.
58. PARK IN-LIEU FEE: Prior to building permit issuance of each phase of the project, the applicant shall pay a park-in-lieu fee in accordance with the applicable Municipal Code sections, in the amount of **\$12,746.00 per unit**. The total Park In-Lieu Fee for the project is **\$8,399,614.00** (P)
59. 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)
60. 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)
61. ARCHITECTURE: Prior to building permit issuance additional building elevation styles for the townhome buildings shall be approved by the Planning Commission. (P)
62. PAVERS & ACCENT TILES: Prior to building permit issuance, the applicant shall submit details of the decorative paving material to the Planning Division for review and approval. (P)
63. NOISE: Prior to building permit issuance, a detailed noise analysis will be required to determine the measures 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)

64. 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)
65. 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)
66. LANDSCAPE: Prior to building permit issuance a revised landscaping plan shall be approved by the Planning Commission showing a minimum of 25 percent usable open space over the existing site area exclusive of public park areas.
67. LANDSCAPE: All planter areas (including containerized planters) shall be serviced by a sprinkler or drip system. (P)
68. 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)
69. LANDSCAPE: Prior to certificate of occupancy permit issuance, all required landscaping shall be planted in place. (P)
70. 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)
71. AFFORDABLE HOUSING: Prior to the issuance of any permit, the applicant shall provide documentation to the approval of the City Attorney that 132 affordable housing units (20% of total number of units: 659) will be available at a housing cost affordable to Very Low, Low and Moderate income households. (P)
72. AFFORDABLE HOUSING: The applicant shall provide the following information as it relates to the number of affordable housing units, types of units (studio, one, two and three bedrooms) and the income levels of the proposed affordable housing units as illustrated below. (P)

APARTMENTS

	Very Low	Low	Moderate	TOTALS
Studio	1	1	1	3
1 bedroom	9	13	17	39
2 bedroom	9	14	18	41
3 bedroom	1	2	2	5
Total	20	30	38	88

TOWNHOUSES

	Very Low	Low	Moderate	TOTALS
1 bedroom	0	3	12	15
2 bedroom	0	2	13	15

3 bedroom	0	2	12	14
Total	0	7	37	44

73. **AFFORDABLE HOUSING:** Prior to occupancy, the applicant shall provide to the City of Milpitas City Council for review and approval, a dispersment plan exhibit illustrating the location of the affordable housing units within the development. 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)
74. **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)
75. **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 ownership and 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)
76. **AFFORDABLE HOUSING:** The Restriction Agreements shall require that the long-term affordability of the rental and ownership housing units shall remain in effect for fifty-five (55) years. Any change to this requirement is subject to review and approval by the Milpitas City Council.
77. **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)
78. **AFFORDABLE HOUSING:** The established affordable ownership and rents shall be pursuant to income eligibility provided by the California Health and Safety Code Sections 50079.5, 50093 and 50105 which provide the "very low" 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 ownership and rents established for the affordable units shall not exceed the maximum allowable sale price and rents for very low, low and moderate-income households as defined in the above code sections. Said sale price and rents shall be approved for consistency with the definitions by the Housing Division staff. (P)
79. **MECHANICAL EQUIPMENT:** All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts. (P)
80. **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)