



On December 14, 2005, the Planning Commission approved “S” Zone No. SZ2005-3 and Conditional Use Permit No. UP2005-17 for a multifamily residential development consisting of 464 condominium units with associated site improvements and deviations to setbacks, guest parking requirements and open space requirements.

The Planning Commission approved Conditional Use Permit No. UP2006-17 on May 10, 2006, allowing a temporary double-wide sales office trailer and associated site improvements, including a parking lot and landscaping for the Centria multi-family residential project.

The Planning Commission Sub-Committee approved “S” Zone Amendment No. SA2006-60 on December 13, 2006, for the installation of temporary flag signs for the temporary tract sales office.

### Site Description

The project site is a large vacant parcel located between Abel and Main Streets and between the vacated Capitol Avenue and Great Mall Parkway. Existing land uses include the Great Mall of the Bay Area to the north, industrial uses to the east, commercial uses and a vacant lot to the south and the Pines residential development to the west.



## THE APPLICATION

This Conditional Use Permit application is submitted pursuant to Title XI, Chapter 10, Section 8.04 (Multi-Family Very High Density, Conditional Uses – Temporary tract offices and tract signs) and Section 57 (Conditional Uses Permitted by Commission) of the Milpitas Zoning Ordinance. The applicant is requesting a conditional use permit amendment to allow for the relocation of the Centria Sales Office from the existing sales trailer to the Home Owners Association (HOA) office area of the Centria east building. The application also includes the installation of a temporary freestanding sign and flag signs.

### Project Description

The applicant requests to relocate the existing temporary tract sales office trailer to allow for the construction of another phase of condominiums as part of the overall phasing construction plan for the project. The applicant wants to maintain a sales office onsite by using the HOA office area for a new sales office location. Once all homes are sold, the sales office will be converted back into an HOA office for the property.

The project includes the appropriate amenities for persons with disabilities in accordance with the Americans with Disabilities Act, including toilets, parking and access paths of travel.

The temporary sales office will be open daily. The hours of operation are Monday through Friday, between 10:00 A.M. and 5:00 P.M. and on Saturday and Sunday, between 10:00 A.M. and 6:00 P.M.

The applicant is also proposing temporary advertisement signs along South Main Street, including two banner signs (A on exhibit A) and one on site sign (B on Exhibit A). Onsite will be a sales center sign (D on Exhibit A), another banner sign (A on Exhibit A) and a sales center parking sign (C on Exhibit A).

### Conformance with the General Plan

The project conforms to the General Plan in terms of land use because the use supports the sale of homes that add to the vibrant and economic vitality of the Midtown area. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Polices below:

*Guiding Principle 2.a-I-2     Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian / bicycle linkages.*

*Guiding Principle 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.*

### Conformance with the Zoning Ordinance

The proposed project is located in the Multi-Family Very High Density (R4) zoning district and is permitted with the approval of a Conditional Use Permit. Milpitas Municipal Code (MMC)

Section XI-10-8.04-7 lists the following use as permitted, subject to securing a conditional use permit:

*Temporary tract offices and tract signs with the exception that no tract sign shall be permitted within six hundred (600) feet of a Santa Clara County Expressway.*

MMC Section XI-10-57.03-5 states that approval of the Conditional Use Permit may be granted by the Planning Commission if all of the following findings can be made:

- (a) The proposed use, at the proposed location will not be detrimental or injurious to property of improvements in the vicinity nor to the public health, safety and general welfare;*
- (b) The proposed use is consistent with the Milpitas General Plan; and*
- (c) The proposed use is consistent with the Milpitas Zoning Ordinance.*

### **Conformance with CEQA**

Staff conducted an environmental assessment of the project and determined that the proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15304 (“Minor temporary use of land having negligible or no permanent effects on the environment”) of the California Environmental Quality Act (CEQA) Guidelines.

### **RECOMMENDATION**

Close the Public Hearing. Approve Conditional Use Permit Amendment No. UA2007-15 Subject to the Findings and Special Conditions of Approval listed below.

### **FINDINGS**

1. The proposed project is consistent with the City of Milpitas General Plan in terms of land use because the temporary office supports the sale of homes that add to the economic vitality of the Midtown area.
2. The proposed project is consistent with the City of Milpitas Zoning Ordinance because the proposed use is a conditionally permitted use in the Multi-Family Very High Density zoning district.
3. As conditioned, the proposed project will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community because the use is temporary in nature and no significant impacts to parking, traffic, odor or noise are anticipated.

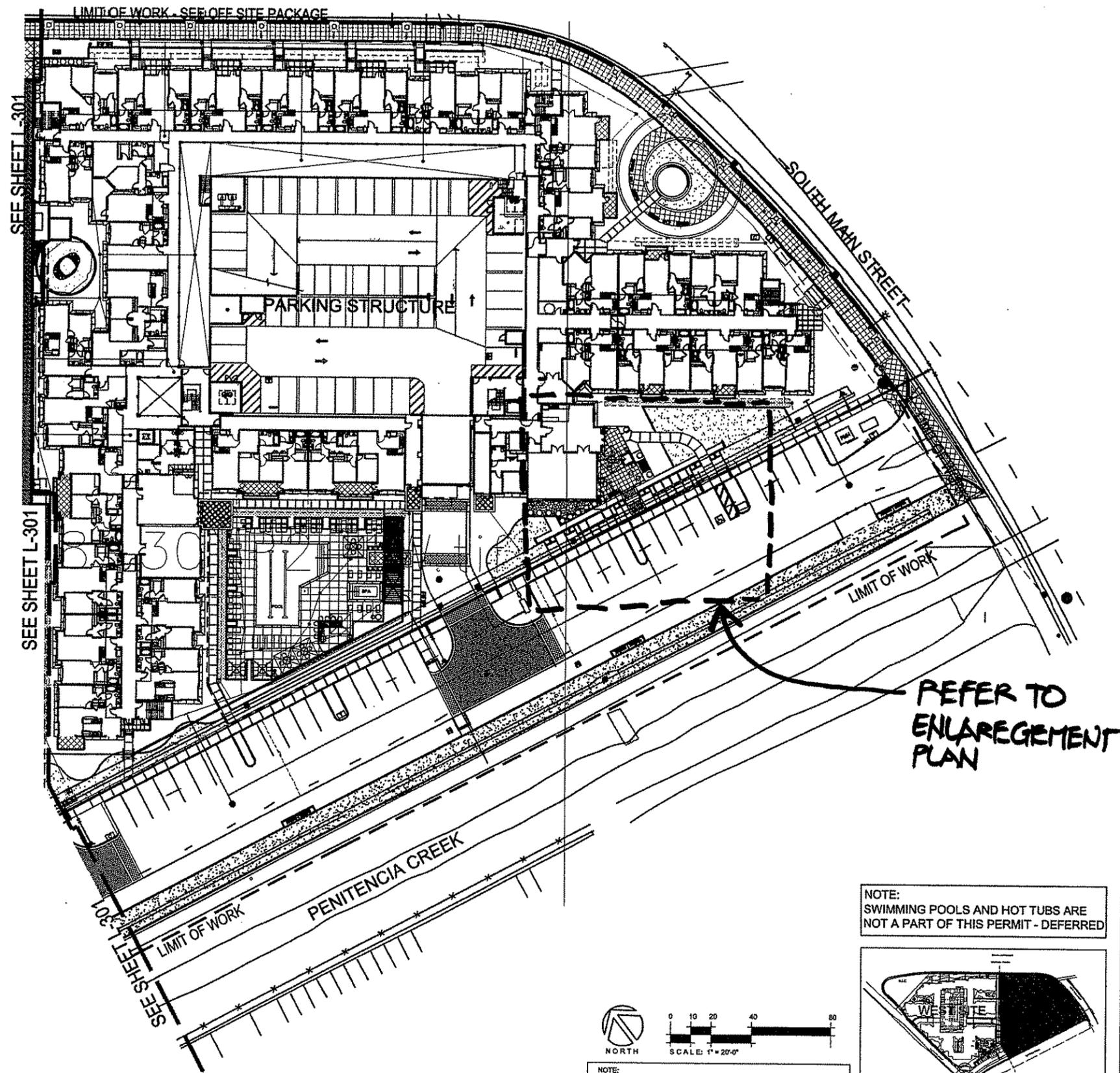
## SPECIAL CONDITIONS

1. This Conditional Use Permit Amendment No. UA2007-15 is for the relocation of the Centria Sales Office from the existing sales trailer to the HOA office in the East building.(P)
2. Any modifications to the conditions of approval require Planning Commission approval of an amendment to this Use Permit and a public hearing. Minor changes, as per Section 42.10-2 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)
3. Prior to issuance of occupancy, all site improvements indicated on the approved plans including but no limited, parking lot, landscaping, sidewalks, streets and lighting, shall be installed and to the satisfaction of the Planning Division. (P)
4. Pursuant to Resolution No. 3187, the applicant shall prominently post a copy of the City's General Plan Map and have a copy of the General Plan available for public review in the sales office trailer. In addition, the applicant shall be required to refer to each purchaser of a home to the General Plan and Map and to the City Planning Division to answer any questions regarding the interpretation of the Plan or Map.
5. On-site temporary signage associated with the sales office and model homes shall be to the approval of the Planning Division staff under a separate permit. Once approved all temporary signage shall removed upon the removal of the sales office and sale of the model homes. (P)
6. If at the time of application for building permit there is a project job account balance due to the City for recovery of fees, review of permits will not be initiated until the balance is paid in full. (P)
7. 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)
8. 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)
9. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit. (E)
10. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services. For general information, contact BFI at (408) 432-1234, x-264. (E)

11. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
  
12. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

**Planning Division = (P)**

**Engineering Division = (E)**



SEE SHEET L-301

SEE SHEET L-301

SEE SHEET L-301

PARKING STRUCTURE

SOLHEIM MAIN STREET

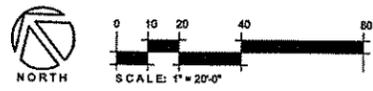
PENITENCIA CREEK

LIMIT OF WORK

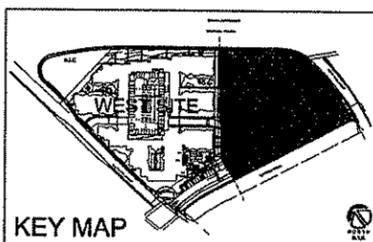
LIMIT OF WORK

REFER TO ENLARGEMENT PLAN

NOTE:  
SWIMMING POOLS AND HOT TUBS ARE NOT A PART OF THIS PERMIT - DEFERRED



NOTE:  
REFER TO SHEET L-300 FOR CONSTRUCTION SCHEDULE  
REFER TO SHEETS L-601 TO L-608 FOR CONSTRUCTION DETAILS



**RESIDENTIAL, INC.**  
444 N. First Street, Suite 100  
Los Angeles, California 90012  
Tel: 213.488.1111  
www.residential.com

**Owner:**  
D.R. Horton  
Americo Plaza  
2500 Clayton Rd, Suite 200  
Costa Mesa, California 92626  
Tel: (949) 440-2200  
Fax: (949) 440-2202  
Contact: Quynh Huu

**Architect:**  
Topogram Smith & Martin  
644 South Flower Street  
Suite 1200  
West Angeles, California 90017  
Tel: (213) 611-4000  
Fax: (213) 614-4001  
Contact: Tom Smith

**Landscape Architect:**  
W&A Design  
2500 Nicholson Drive  
Suite 125  
Irvine, California 92612  
Tel: (949) 750-0222  
Fax: (949) 750-0200  
Contact: James Gossart

**Civil Engineer:**  
Coffman, Barlow, & O'Brien, Inc.  
8111 Wilshire Center Rd  
Suite 100  
San Ramon, California 94583  
Tel: (925) 868-2222  
Fax: (925) 868-4575  
Contact: Jason Hart

**Structural Engineer:**  
L.S. Moore and Associates  
3408 Mt. Diablo Blvd.  
Suite D-120  
Lafayette, California 94550  
Tel: (925) 285-8822  
Fax: (925) 282-8824  
Contact: Gray Mason

**Mechanical Engineer:**  
L&S Mechanical Inc.  
1740 Dorset Street  
Costa Mesa, CA 92626  
Tel: (949) 340-9886  
Fax: (949) 340-9888  
Contact: Nancy Cox

**Electrical Engineer:**  
Hella Electric  
4085 Nelson Ave, Suite 200  
Walton Cove, CA 94528  
Tel: (925) 877-4991  
Fax: (925) 877-4992  
Contact: Tom Johnson

**Fire Protection Engineer:**  
Permyr Fireworks  
1722 L. Flora Street  
Stockton, California 95205  
Tel: (209) 496-3630  
Fax: (209) 485-5286  
Contact: Bill Brewer

**Dry Utilities:**  
Kawabuchi Design Services  
700 West First Street  
Anaheim, California 92801  
Tel: (714) 758-0000  
Fax: (714) 758-0008  
Contact: David Crowfoot

2500 michelson dr  
suite 225  
Irvine ca 92612  
949.250.0023  
949.250.0043 f

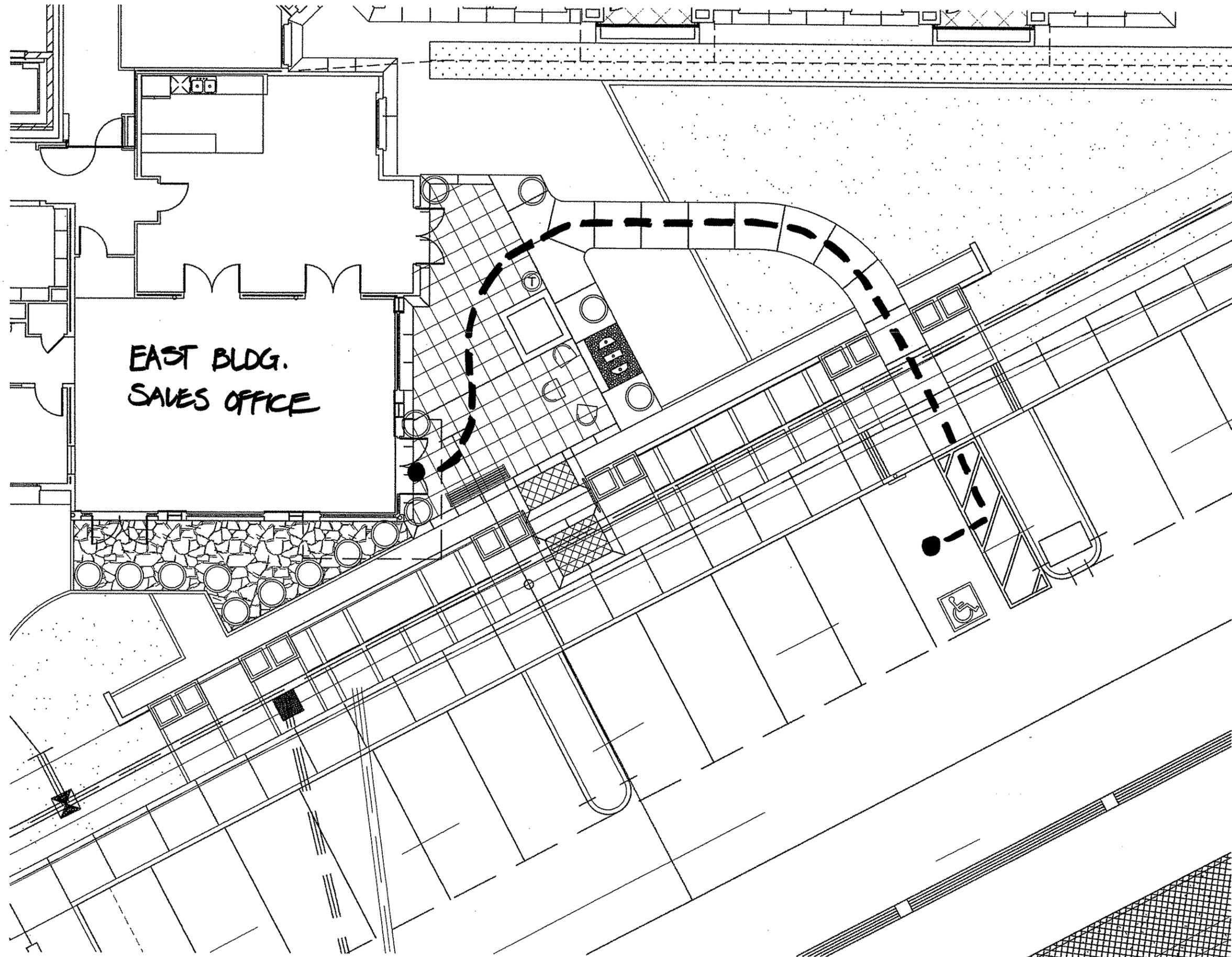
**D.R. Horton**  
Pleasanton, CA

NOTE: If this drawing is not 42"x57" it has been scaled from its original size. Scale noted on drawing/details are as large applicable.

Rev. Date Remarks  
02/15/07 SITE PLAN REVISIONS

Date: October 04, 2007  
Scale: as shown  
Project Name: CENTERA  
Meylan, CA  
Project No.: 01177.02  
Drawing Title:

**CONSTRUCTION PLAN**  
Sheet No. **L-302** ON-SITE  
Sheet 5 of 48  
REVIEW SET - 10/3/07



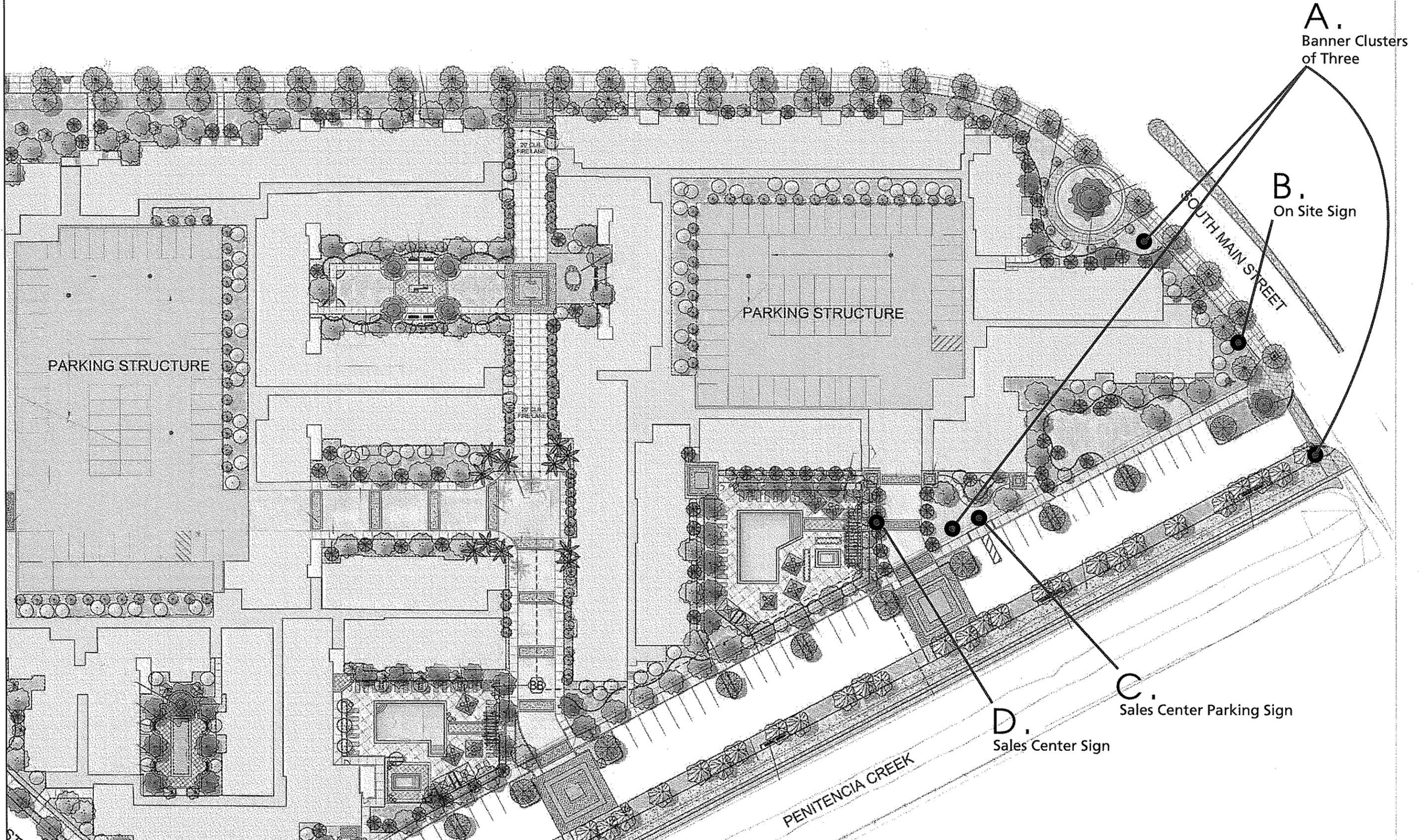
EAST BLDG.  
SAVES OFFICE

10/10/07  
IMA+DESIGN  
1"=10'-0"

EXISTING LIGHT RAIL LINE

GREAT MALL PARKWAY

# Centria Sales Center Signage



A.  
Banner Clusters  
of Three

B.  
On Site Sign

SOUTH MAIN STREET

PARKING STRUCTURE

PARKING STRUCTURE

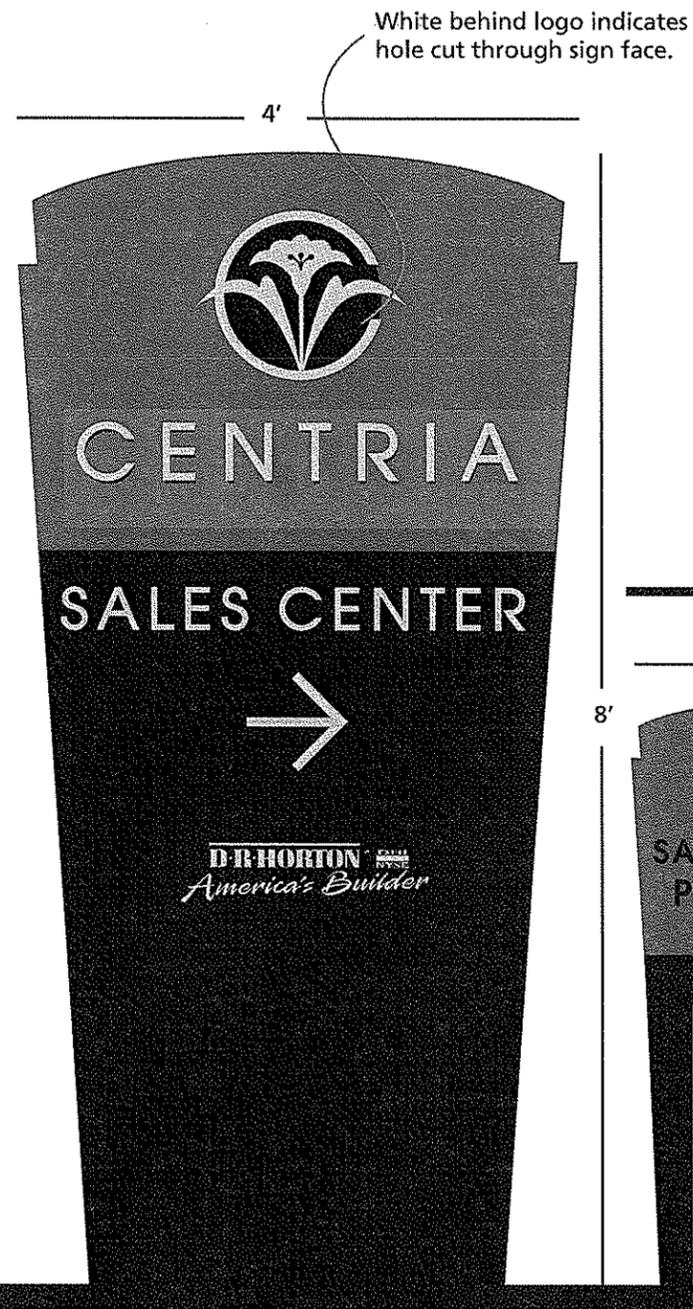
C.  
Sales Center Parking Sign

D.  
Sales Center Sign

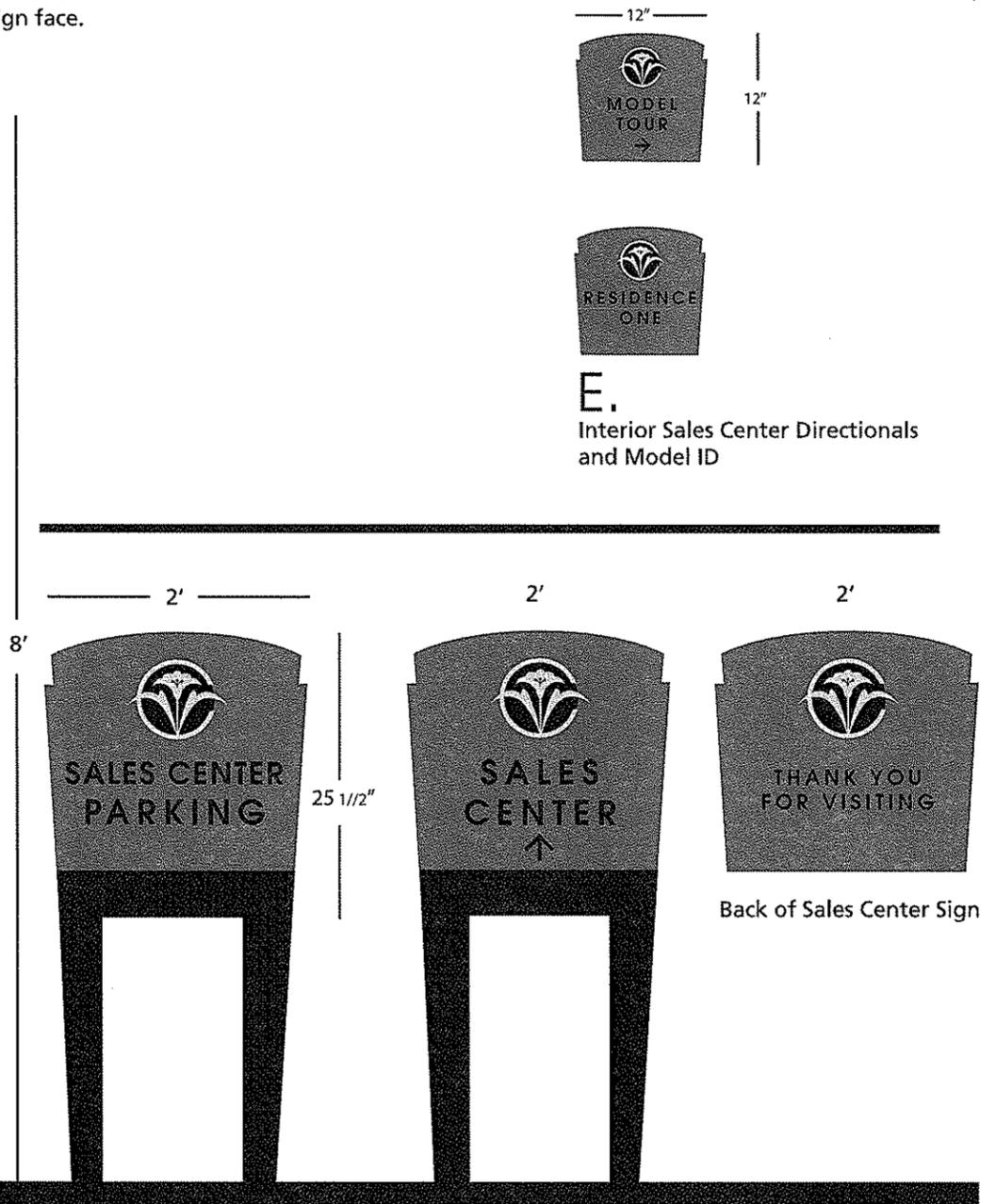
PENITENCIA CREEK



A.  
Banners  
2' x 8' 15' Poles



B.  
On Site Sign  
4' x 8'



C.  
Sales Center Parking Sign

D.  
Sales Center Sign