



## MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: June 11, 2008

<b>APPLICATION:</b>	<b>Site and Architectural Review No. SZ208-0001, Conditional Use Permit No. UP08-0001, Milpitas Honda</b>
APPLICATION SUMMARY:	A request to allow the construction of a new 46,920 square foot two-story automobile dealership and service facility.
LOCATION:	920 Thompson Street (APN: 086-05-026 & 009)
APPLICANT:	George Avanesian, 400 Oyster Point Blvd., #115, S. San Francisco, CA 94080
OWNER:	County of Santa Clara, 70 W. Hedding St., Unit 9 <sup>th</sup> Floor, San Jose, CA 95110
<b>RECOMMENDATION:</b>	<b>Staff recommends that the Planning Commission:</b> <ol style="list-style-type: none"> <li><b>1. Close the public hearing following hearing public testimony; and</b></li> <li><b>2. Adopt Resolution No. 08-019 approving the project subject to conditions of approval.</b></li> </ol>
PROJECT DATA:	
General Plan/	
Zoning Designation:	General Commercial/General Commercial (C2)
Overlay District:	Site and Architectural (-S)
Site Area:	4.82 acres
FAR:	.22
CEQA Determination:	Covered in EIR for the Elmwood Residential and Commercial Development Project (SCH No. 2003112102).
PLANNER:	Sheldon S. Ah Sing, Senior Planner
PJ:	3225
ATTACHMENTS:	A. Resolution 08-019 B. Building perspective Plans

# LOCATION MAP



No scale

**BACKGROUND**

In March 2002, the Midtown Specific Plan was adopted and designated the area between I-880 and Elmwood Correctional facility as General Commercial. In November 2004, a Tentative Map subdivided the parcels along Thompson Street for three automobile dealership sites. In January 2005, the Elmwood EIR was certified for residential and commercial development, which included 180,000 square feet of automobile retail sales. In March 2006, the Toyota automobile dealership received approval from the City Council and is now operational.

On January 4, 2008, George Avanesian, representing Honda submitted an application to allow the construction of a two-story automobile dealership and service facility totaling 46,920 square feet on Thompson Street. The application was submitted according to Title 10, Section 19.03, Uses permitted subject to securing a Conditional Use Permit, of the Milpitas Municipal Code. Auto sales are allowed through the approval of a Conditional Use Permit (CUP) within the General Commercial (C2) district. In addition, the construction of a new building within the C2 zone with the Site and Architectural Overlay (-S) requires the approval of a Site and Architectural Review in accordance with Section 42, which has since been renamed “Site Development Permits”.

**PROJECT DESCRIPTION**

The project site encompasses a 4.82 acre vacant parcel bounded by Interstate 880 to the west, Thompson Street to the east, a vacant parcel to the north and the Toyota dealership to the south. The subject site is also adjacent to the Elmwood Correctional facility, across Thompson Street to the east and residential development under construction, across Thompson Street to the northeast.

The subject property is zoned General Commercial (C2) with a Site and Architectural (-S) Overlay. The correctional facility is zoned Institutional (I-S), the residential project is zoned Multi-family High Density (R3-S). A vicinity map of the subject site location is included on the previous page.

*Development Standards*

**Table 1**  
**Development Standards**

	<i>Zoning Ordinance</i>	<i>Proposed</i>
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	0 ft.	160 ft.
Interior Side	Where the side yard abuts a residential district, the setback is not less than 15 ft.	25 ft. (along south elevation)
Rear	Where the rear yard abuts a residential district, the setback is not less than 15 ft.	250 ft.
<u>Floor Area Ratio</u> (Maximum)	.50	.22
<u>Building Height</u> (Maximum)	None prescribed.	35'-6"

	<i>Zoning Ordinance</i>	<i>Proposed</i>
<u>Parking</u> (Minimum) may be discussed in T&C/P section below include additional table	None is prescribed, however, Toyota used: Offices: 1/200 Service bays: 3/1 bay Showroom: 1/200 Storage: 1/1,500	Office: 52 Service bays: 12 Showroom: 34 Storage: 7 <u>105 total</u>
<u>Landscaping</u> (Minimum)	None prescribed.	9,835 sq. ft. (5% of site)

Site Layout

The proposal includes one two story building that accommodates 10,420 square feet of office, 6,803 square feet of showroom, 9,600 square feet of storage area and the remaining square footage is dedicated to 36 bays for servicing vehicles. Site improvements include landscaping, drive aisles and parking for customers, employees and inventory. The site is accessed from Thompson Street via two driveways. The northern driveway is aligned with Machado Avenue, while the second driveway provides access along the southern portion of the parcel.

Architecture

The architecture exhibits contemporary features that are common to the Honda brand. Exterior wall surfaces are proposed to be off-white colored sand finished stucco. A metal gray colored parapet provides trim to the building and screens roof mounted mechanical equipment. Semi-circular tower elements are proposed along the front (east) and the rear (west) of the building. These tower elements are constructed of blue colored metal panels and would be 35’-6” tall, featuring the Honda logo. The same blue color is used for the canopy along the east elevation. Fenestration is provided in the showroom portion of the building with aluminum mullions.

Landscaping and screening of ground utilities

The project provides 9,835 square feet of landscaping, including a variety of trees, shrubs, and groundcover representing five percent of the total site coverage. Some of the ground cover will also serve as bioswales that will help mitigate storm water runoff. Ground utilities on the site, including required backflow preventers are proposed to be screened by shrubs.

Signage

While signage will be an important part of implementing the project, the sign program is not a part of this submittal. Typical sign sizes and locations are included on the plans for reference only. The applicant will be responsible for submittal of the required entitlement application for the Planning Commission to review any signs for the project in the future.

Traffic, Parking and Circulation

*Parking*

The project site includes 321 inventory parking spaces, and 105 employee and customer parking spaces. Since the Zoning Ordinance does not provide a parking standard for auto dealerships, Section 53.06, Uses Not Specified, allows the Planning Commission to use other local cities’ parking standards in determining a requirement for off-street parking that means the demand for the proposed use. The

105 parking spaces represent the required number of parking spaces for the project to comply with the off-street parking requirement. A breakdown of the required parking is provided in Table 1, Development Standards, above.

*Circulation*

As mentioned previously, vehicular access to the site is provided via two driveways along Thompson Street. One is located at the southern portion of the property, while the northern driveway is aligned with Machado Avenue. Minimum width aisles are provided around the building for fire and emergency access.

Pedestrian access is gained via the two vehicular driveways and a pedestrian access point midway between the driveways along Thompson Street. The project proposes to improve the pedestrian crossing at the intersection of Machado and Thompson by painting 12-inch perpendicular stripes between the existing parallel stripes indicating the crosswalk. Bicycle parking is provided at the southeastern portion of the building.

Lighting

Significant lighting is provided throughout the site and is typical to help automobile dealerships with increasing visibility of and security for their inventory. Lighting is provided through a combination of wall-mounted and freestanding light standards. The freestanding light standards are on 24-foot poles throughout the parking lot, except along the freeway and three standards along Thompson near the Thompson and Machado intersection, where 15-foot poles are used. In addition, since the project is adjacent to residential development, the three light standards adjacent to Thompson and Machado intersection shall use lower wattage, so that no glare or light will excessively spillover. A photometric plan illustrates that when lower wattage lighting is used, the intensity is halved. A recommended condition of approval suggests that if future complaints are registered, the dealership shall work with the Home Owner’s Association of the adjacent residential development to come up with solutions.

**ADOPTED PLANS AND ORDINANCES CONSISTENCY**

***General Plan***

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

**Table 2**  
**General Plan Consistency**

<b><i>Policy</i></b>	<b><i>Consistency Finding</i></b>
2.a-1-2 Promotes in-fill development in the incorporated city limits.	<i>Consistent.</i> The project is an in-fill project involving a vacant site in the Midtown area.
2.a-1-3 Encourages economic pursuits, which will strengthen and promote development through stability and balance.	<i>Consistent.</i> The project takes advantage of an ideal site for an auto dealership with major freeway visibility

<p>2.a-I-6 Encourages a balanced economic base.</p>	<p><i>Consistent.</i> The project will add a type of commercial activity to the city this is not currently available.</p>
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**Zoning Ordinance**

The project complies and is consistent with the regulations set forth in sections regarding Site Development Permits, Conditional Use Permits, the C2 district, off street parking, utilities and other pertinent sections. Findings can be made where required regarding the development of the project.

**Midtown Specific Plan**

The Midtown Specific Plan provides design guidelines for the entire Midtown area. However, the guidelines do not address the unique nature of an automobile dealership site. Nevertheless, many design features recommended in the Specific Plan are found in the proposed project as summarized below in Table 3.

**Table 3**  
**Midtown Specific Plan Consistency**

<i>Midtown Guidelines</i>	<i>Proposed Plans</i>
<p>Buildings be designed to accommodate pedestrian and bicycle traffic</p>	<p>A ten-foot public sidewalk extends the length of the Thompson street frontage of the site. Pedestrian and disabled pathways will be noted with ADA markings on the pavement and bicycle parking will be provided. An accessible walkway is provided from the public sidewalk to the entry of the building.</p>
<p>Buildings to have articulated entries and facades</p>	<p>The project provides a large open portico at the showroom entrance and a variety of materials are used on the building exterior (i.e., metal, stucco and glass). A blue accent color is used to accentuate the tower and canopy elements providing a cue that those are entries to the building.</p>

Because of the operational nature of large scale automobile dealerships, not all of the Midtown Specific Plan’s design guidelines are met. The project may deviate from the design guidelines prescribed within the specific plan if the findings are made by the Planning Commission that the overall design intent within the specific plan is met by the project and the project does not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The automobile dealerships along Thompson Street represent a unique retail location along Interstate 880 and were not specifically addressed within the Specific Plan at the time of its adoption. These large scale automobile dealerships must maximize the visibility of their display area and inventory capability to sustain economic viability. However, it is demonstrated in this proposal that a good combination of materials, massing, fenestration and color will achieve good quality architecture that meets the overall intent of the Specific Plan, while not detracting from surrounding development.

The deviation from the design guidelines of the Midtown Specific Plan allows for public benefits, such as a more diverse economic base for the community, a convenient service for local residents and a resource for city services, not otherwise obtainable through the strict application of the guidelines.

### **ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The environmental analysis for this project was incorporated into the Environmental Impact Report (EIR) for the Elmwood Residential and Commercial Development Project (SCH No. 2003112102). The Final EIR was approved by the Planning Commission and City Council in November 2004 and January 2005, respectively. No further environmental analysis is required under State law. Any mitigation measures as they relate to the subject parcel will be included as conditions of approval.

### **PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

### **CONCLUSION**

If constructed, the project would be the second automobile dealership along Thompson Street. The project's combination of architecture, site planning, and attention to lighting make the project compatible to the surrounding uses.

### **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 08-019 approving SZ08-0001/UP08-0001, Milpitas Honda, subject to the attached Resolution and Conditions of Approval.

#### *Attachments:*

- A. Resolution No. 08-019
- B. Building perspective  
Plans

**RESOLUTION NO. 08-019**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE AND ARCHITECTURAL REVIEW NO. SZ08-0001/CONDITIONAL USE PERMIT NO. UP08-0001, MILPITAS HONDA, TO ALLOW THE CONSTRUCTION OF A NEW 46,920 SQUARE FOOT AUTOMOBILE DEALERSHIP AND SERVICE FACILITY, LOCATED AT 920 THOMPSON STREET**

**WHEREAS**, on January 4, 2008, an application was submitted by George Avanesian, 400 Oyster Point Boulevard, #115, South San Francisco, CA 94080, to allow the construction of a new 46,920 square foot automobile dealership and service facility. The property is located within the General Commercial (C-2) zoning district, with an Site and Architectural (-S) Overlay district (APN: 086-05-026 & 009); and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project consistent with the previous environmental analysis for the subject site. The environmental analysis for this project was incorporated into the Environmental Impact Report (EIR) for the Elmwood Residential and Commercial Development Project (SCH No. 2003112102). The Final EIR was approved by the Planning Commission and City Council in November 2004 and January 2005, respectively. No further environmental analysis is required under State law.

**WHEREAS**, on June 11, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The recitals set forth above are true and correct and incorporated herein by reference.

**Section 2:** The project is consistent with previous environmental analysis, specifically included in the Elmwood Residential and Commercial Development Project (SCH No. 2003112102) and therefore no further environmental analysis is required.

**Section 3:** With regard to SZ08-0001, the layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development in that the design of the building and site complements adjacent commercial development and the lighting used to illuminate the inventory adjacent to residential areas are of lower wattage to reduce light spillover and glare.

**Section 4:** The project is consistent with the Midtown Specific Plan, in that the deviation from the Midtown Specific Plan design guidelines meets the design intent identified within the

Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development because in order to be successful, automobile dealerships maximize the visibility of their display area and inventory capability.

**Section 5:** The deviation from the Midtown Specific Plan design guidelines allows for a public benefit such as a more diverse economic base for the community, a convenient service for local residents and a resource for city services, not otherwise obtainable through the strict application of the design guidelines.

**Section 6:** The proposed project and use is consistent with the Milpitas General Plan in that it is a commercial use in a General Commercial land use designation, it is an infill project in the Midtown area, and it will strengthen the economic base of the community.

**Section 7:** The proposed project and use is consistent with the Milpitas Zoning Ordinance in that it is a retail use and complies with the “C2” development standards.

**Section 8:** With respect to UP08-0001, the proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare because of appropriate design and control measures and the incorporation of conditions of approval.

**Section 9:** The Planning Commission of the City of Milpitas hereby approves Site and Architectural Review No. SZ08-0001, Conditional Use Permit No. UP08-0001, Milpitas Honda, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on June 11, 2008.

\_\_\_\_\_  
Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 11, 2008, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>OTHER</b>
Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			

**COMMISSIONER**

Noella Tabladillo

Aslam Ali

**AYES NOES OTHER**

	<b>AYES</b>	<b>NOES</b>	<b>OTHER</b>
Noella Tabladillo			
Aslam Ali			

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
SZ08-0001/UP08-0001, MILPITAS HONDA**

**General Conditions**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on June 11, 2008, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

2. Site and Architectural Review No. SZ08-0001 and Conditional Use Permit No. UP08-0001 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed.

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of said entitlements if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. Private Job Account: If at the time of application for building permit or certificate of occupancy, there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full.  
(PLN/BLG/ENG/FIN)

**UP08-0001**

4. Auto Sales Guidelines: City Council Resolution No. 5626 provides guidelines for auto sales facilities, and the following must be complied with:
  - a. No loudspeakers, amplifiers or other noise generating equipment shall be operated on-site.
  - b. No pennants, streamers, or balloons shall be allowed outside on-site or on displayed vehicles outside.

- c. Vehicles shall not be displayed outdoors in such a manner that they move, revolve, rotate or create the illusion of movement.
  - d. Vehicles shall only be displayed on-site and only in areas approved and designated by the City for vehicle displays.
  - e. Customer assistance areas and customer parking shall be clearly and adequately posted on-site.
  - f. Exterior lighting shall not create excessive illumination on surrounding properties and streets. Special care should be taken to avoid light spillover onto adjacent and nearby residential areas. If future problems occur with light spillover, the operator of the automobile dealership shall work with the HOA of the adjacent residential areas to come up with a resolution, including by not limited to lower wattage, collar-type devices to further direct light downward, not illuminating all of the lights, etc. (PLN)
5. No low-pressure sodium lighting shall be used anywhere in the project. (PLN)

**SZ08-0001**

6. Air Quality: Prior to building permit issuance, permit plans shall implement the following Best Management Practices (BMP's) at all project construction sites:
- a. Water all active construction areas;
  - 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 and staging areas;
  - d. Sweep daily;
  - e. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
  - f. Enclose, water or apply non-toxic soil binders to exposed stockpiles;
  - g. Limit traffic speeds on unpaved roads to 15 miles per hour;
  - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
  - i. Suspend excavation and grading activity whenever the wind is so high that it results in visible dust plumes despite control efforts. [(PLN) MM AQ-1]

7. Biology: Appropriately timed surveys shall be conducted by a qualified botanist according to protocols acceptable to the U.S. Fish and Wildlife Service and the California Department of Fish and Game (CDFG), to determine the presence and/or absence of special status plant species. If presence is detected, notification and appropriate protocols for relocation and/or mitigation and monitoring plan, to the approval of the City, for the plant species shall be prepared for long-term protection. The plan shall be implemented either before or concurrently with ground disturbing activities on the property. [(PLN) MM BIO-1]
8. Biology: Prior to any disking for fire or weed control, a burrowing owl nesting and occupancy survey shall be completed on the property no more than 30-days prior to any planned ground disturbance activities. Surveys shall be completed in compliance with all CDFG requirements. [(PLN) MM BIO-4]
9. Biology: An approved CDFG Mitigation Agreement shall be complied with by the applicant and shall comply with the protocols contained in the agreement, including but not limited to surveys, passive relocation of the owls, hand-tool burrow removal, and purchase of off-site land for purposes of suitable owl habitat in perpetuity. [(PLN) MM BIO-5]
10. Biology: Tree and shrub removal shall not take place between February 15 and August 1 or as determined by the CDFG on a case-by-case basis to ensure no raptor nest establishment occurs in trees and shrubs scheduled for removal. If trees or shrubs are proposed to be removed during February 15 and August 1, the applicant shall comply with all City and CDFG requirements for vegetation removal. [(PLN) MM BIO-3]
11. Biology and Hydrology: The applicant shall modify the existing Stormwater Pollution Protection Plan (SWPPP). This plan shall include provisions to minimize on-site and off-site impacts to biological resources and water quality resulting from project related runoff. Measures shall include the following:
  - a. The use of silt fencing, fiber rolls, sediment basins, and other measures to reduce the movement of construction-related sediments into Penitencia Creek and other sensitive habitats.
  - b. Installation of grit and oil trap systems which shall be maintained in perpetuity.
  - c. Implementation of BMP's to prevent the discharge of construction debris and soils into Penitencia Creek during site clearing, grading and construction.
  - d. As required, dewatering the section of creek channel surrounding the work areas associated with outfall and bridge construction. The dewatering structure shall be to the approval of the City.
  - e. The applicant shall retain a construction manager familiar with NPDES permit requirements to monitor construction activities. [(ENG) MM BIO-2 and HYD-11]

12. Cultural Resources: All ground disturbing activities shall be monitored by a qualified archaeologist to ensure that any discovery of significant archaeological materials and/or human remains is handled in accordance with approved guidelines. [(PLN) MM CUL-1]
13. Construction Noise: During construction, the applicant shall implement the following measures to reduce construction noise:
  - a. Construction shall be limited to the hours of 7:00AM to 7:00PM on weekdays, and 9:00AM to 5:00PM on Saturdays, with no noise generating construction on Sundays and holidays.
  - b. Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
  - c. Utilize quiet models of air compressors and other stationary noise sources where the technology exists.
  - d. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
  - e. Prohibit unnecessary idling of internal combustion engines.
  - f. Prior to issuance of a building permit, designate a noise disturbance coordinator who will be responsible for responding to any local complaints about construction noise. During construction, the coordinator will determine the cause of the noise complaints and institute reasonable measures to correct the problem. Maintain during all construction a conspicuously posted telephone number for the public to call the coordinator at the construction site. [(PLN) (BLD) MM NOI-5]
14. Geology: Prior to issuance of grading permits, the applicant shall submit a final geology and soils report addressing seismic ground shaking, liquefaction and other geologic soils seismic issues to the approval of the City. Development of the project shall be in conformance with approved final geology and soils report. [(ENG) MM GEO-1]
15. Hydrology: Prior to building permit issuance, the design of storm water collection and conveyance systems shall minimize erosion and other potential problems for on-site and adjacent properties. [(ENG) MM HYD-7]
16. Hydrology: Permit plans shall incorporate minimization of on-site areas of impervious surfaces where possible to reduce runoff. [(ENG) MM HYD-8]
17. Hydrology: The BMP's of the stormwater control plan shall include the provision of storm drain system signs or stenciling with language to discourage illegal dumping of unwanted material into the catch basins and field inlets. [(ENG) MM HYD-9]

18. Landscape Irrigation: All planter areas shall be serviced by a sprinkler head or drip system. (PLN)
19. Landscape Maintenance: All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (PLN)
20. Signage: Signage is not apart of this approval and the operator of the facility shall be required to submit an application for a sign program to be considered by the Planning Commission. (PLN)
21. 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. (ENG)
22. Prior to issuance of any building permits, 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. (ENG)
23. At the time of building permit plan check submittal, 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 the existing floodplains, and therefore it should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. The design of this project shall comply with the floodplain study prepared by Schaff & Wheeler dated November 17, 2005. 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 building permit issuance, including necessary changes to the orientation and size of the proposed buildings. (ENG)
24. 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. (ENG)
25. 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 a Special Flood Hazard Zone **AO**. Therefore, flood proofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and onsite utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the BFE, and the pad elevation shall be at or above the BFE, or the structure be floodproofed to least one foot above the BFE so that the walls are watertight. The structure 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 shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment proposed to be installed outside of the structure shall be located above the BFE, or shall be floodproofed, and shall be constructed to prevent damage from flooding events. 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 Ordinance. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. Elevation Certificate forms is available from the Engineering Division. Flood insurance is required for any construction that is financed with government backed loans. Per Shaff and Wheeler study dated November 17, 2005 the BFE for the commercial site is set at 22.5 feet NGVD, and therefore the lowest building Finish Floor elevation should be at 23.50 feet NGVD or higher. (ENG)
26. Prior to any building permit issuance, the developer shall obtain design approval for all necessary public improvements including but not limited to two new driveways, removal and replacement of fiber optics, and storm drain, sewer and water service connection, as shown on the Engineering Services Exhibit "S" dated May 30, 2008. Construction of the proposed improvements shall be completed to the satisfaction of the City engineer and prior to building occupancy permit issuance. (ENG)
27. 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 two (2) feet when measured from street elevation. (ENG)
28. 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 shrubs are permitted within City utility easements, where the easement is located within landscape areas. (ENG)

29. Prior to occupancy permit issuance, developer shall construct one or more trash enclosures 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. (ENG)
30. 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 following minimum refuse and recycling services have been subscribed with BFI for commercial services:
  - A. Maintain an adequate level of service for trash collection.
  - B. Maintain an adequate level of recycling collection. (ENG)
31. After the start of business, the applicant shall contact BFI 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, x-264. (ENG)
32. 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. (ENG)
33. Begin solid waste service level with subscription of one 4-cyd Garbage bin collected five (5) times per week & one 4-cyd Recycle bin collected two (2) times per week. After occupancy of six (6) months, and upon account review by Allied Waste Services for adequate solid waste service level, applicant may possibly reduce garbage service level. (ENG)
34. Maintain the garbage and recycle bins either INSIDE the facility or INSIDE the enclosure approximately 100 yards from the entrance. (ENG)
35. 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. (ENG)
36. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development, plans showing new services must be submitted and approved prior to building permit issuance. (ENG)

37. 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 **\$131,528** based on 6.1 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).
  - C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire. (ENG)
38. Contact the Land Development Section of the Engineering Division at (408) 586-3306 to obtain the form(s). (ENG)
39. 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, along 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. (ENG)
40. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. (ENG)
41. In accordance with Chapter 5, Title VIII (Ord. No. 238) and Chapter 6, Title VIII (Ord. No. 240) of Milpitas Municipal Code, 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) 586-3306 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. (ENG)
42. In accordance with Milpitas Municipal Code VIII-6-3, the developer is required to incorporate a re-circulated water system in the design of the proposed vehicle washing area. (ENG)
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 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) 586-3306. (ENG)
44. 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. Industries are required to make an evaluation of their specific site activities and determine their permit requirements. If a permit is required, industries must prepare the following documents:
- A. File a Notice of Intent (NOI) prior to building permit issuance.
  - B. Prepare and submit a Storm Water Pollution Prevention Plan with the NOI.
  - C. Prepare a Monitoring Plan prior to operation. (ENG)
45. If you have questions about your specific requirements contact the RWQCB at (1-800) 794-2482. For general information contact the City of Milpitas at (408) 586-3306. (ENG)
46. 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, RWQCB, and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division. (ENG)

47. If necessary, 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. (ENG)
48. The City makes every effort to deliver a continuous and sufficient supply of water. However, temporary interruptions may be necessary for the purpose of making repairs or improvements. If it is important to maintain uninterrupted water supply to this development (except in case of emergency), the developer is encouraged to design and install a redundant water service system. (ENG)
49. 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 Applicant shall submit an engineering report detailing how adequate water supply pressures will be maintained. Contact the Utility Engineer at 586-3345 for further information. (ENG)
50. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to waste water treatment plant fee, sewer, water and storm connection fees, and plan check and inspection deposit. (ENG)
51. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (ENG)



NESSIAN ASSOCIATES ARCHITECTS

