



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: December 9, 2009

**APPLICATION:** **TIME EXTENSION NO. TE09-0003, SINCLAIR RENAISSANCE**

**APPLICATION SUMMARY:** A request for a one time 18-month time extension for entitlements and 24-month extension of the Tentative Map associated with a previously approved 80 unit subdivision (Sinclair Renaissance) project

**LOCATION:** 245-373 Sinclair Frontage Road (APN 86-29-061, 062, 075, 076, and 042)

**APPLICANT/OWNER:** Stephen Allen, Mission Peak Homes, 40480 Encyclopedia Cir., Fremont, CA 94538

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
**1. Close the public hearing; and**  
**2. Adopt Resolution No. 09-053 approving the time extensions subject to conditions of approval.**

**PROJECT DATA:**  
General Plan/  
Zoning Designation: Manufacturing and Warehousing (MFG)/Heavy Industrial (M2)  
Overlay District: Site and Architectural Overlay (-S)  
Specific Plan: N/A

**Site Area:** 9.65 Acres

**PLANNER:** Cindy Hom, Assistant Planner

**PJ:** 3122

**ATTACHMENTS:** A. Resolution No. 09-053  
B. Planning Commission Staff Report dated June 25, 2008  
C. June 25, 2009 Planning Commission Meeting Minutes  
D. Project Plans  
E. Time Extension Letter Request

# LOCATION MAP



No scale

**BACKGROUND**

On August 5, 2008, the City Council approved a General Plan Amendment, Zone Change, Planned Unit Development, Site and Architecture Review, and Vesting Tentative Map to allow for the demolition of an existing low-rise industrial business park that contains approximately 121,746 square feet of building floor space located on a 9.65 acre site on the west side of Sinclair Frontage Road, south of Los Coches Street and to redevelop the site with 80 detached, two-story, single family residential homes, 0.34 acre private park and installation of associated site improvements and landscaping.

On, October 13, 2009, Stephen Allen with Mission Peak Homes submitted an application for an eighteen-month time extension for entitlements for an 80-unit subdivision pursuant to Milpitas Municipal Code (MMC) XI-10-64.06 of the Zoning Ordinance and a twenty-four month Tentative Map extension. The requested time extension is necessary due to a downturn in the homebuilding industry and development delays.

**PROJECT DESCRIPTION**

The proposed project area is a 9.65-acre site consisting of five parcels (APN 86-29-061, 062, 075, 076, and 042) developed with four single-story, concrete tilt up industrial buildings, 190 non-native trees, various site improvements, and an abandon railroad spur located along the western edge of the project site.

The subject property is located on the west side of Sinclair Frontage Road, approximately 450 feet south of the intersection with Los Coches Street in Milpitas, California. The project site is bounded by single-family residential homes to the north, manufacturing and warehousing buildings to the west and south, Sinclair Frontage Road and Interstate 680 to the east. The surrounding zoning includes Single Family Residential with minimum lot sizes at 3,000 square feet (R1-3) to the north and Heavy Industrial (M2) to the west and south. A vicinity map of the subject site location is included on the previous page.

The project proposes a one time eighteen month time extension to allow demolition of the existing 121,746 square foot low-rise industrial park and construction of a new residential subdivision consisting of 80 detached, two-story residential homes, 0.34-acre private park, and associated site improvements. The proposed new residential homes range in size from approximately 2,057-2,227 square feet with 3-4 bedroom configurations.

**PROJECT CONFORMANCE**

The project conformance and detailed analysis of the previously approved project is provided in the June 25, 2008 Planning Commission staff report. The applicant only requests an extension of entitlement and map periods. In addition to approval of the time extension request, staff recommends a minor restatement of the existing park-in-lieu fee calculation procedures. This restatement is consistent with the City's standard park in lieu fee language. The project will otherwise be subject to the previously adopted conditions of approval.

**CONCLUSION**

With the approval of the time extension, it will allow the applicant an additional eighteen months to obtain building permits and enable construction of the project.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 09-053 approving Time Extension No. TE09-0003, an eighteen-month time extension of Site Development Permit No. SZ2007-10 and a twenty-four month time extension Tentative Map No. MA2007-4 and Planned Unit Development No. PD2007-1 subject to the amended and restated conditions of approval.

*Attachments:*

- A Resolution No. 09-053
- B. Planning Commission Staff Report dated June 25, 2008
- C. June 25, 2009 Planning Commission Meeting Minutes
- D. Project Plans
- E. Time Extension Letter Request

**RESOLUTION NO. 09-053****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING TIME EXTENSION NO. TE09-0003, SINCLAIR RENAISSANCE, LOCATED AT 245-373 SINCLAIR FRONTAGE ROAD AND MAKING MINOR MODIFICATIONS TO CONDITIONS OF APPROVAL.**

**WHEREAS**, on October 20, 2009, an application was submitted by Stephen Allen of Mission Peak Homes, 40480 Encyclopedia Circle, Fremont, CA 94538, to allow for a one time eighteen month time extension for a previously approved 80 unit residential project and related site improvements and a 24-month extension of the Tentative Map for the property located at 245-373 Sinclair Frontage Road (APN 86-29-061, 062, 075, 076, and 042). The property is zoned Single Family Residential minimum 3,000 square feet lot size with a Site and Architectural overlay (R1-3-S); and

**WHEREAS**, pursuant to Milpitas Municipal Code §§ XI-1-4.06 and XI-10-64.06, the Planning Commission may grant such time extensions and modify and/or impose new conditions of approval when doing so; 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 that this project is exempt from further environmental review; and

**WHEREAS**, on December 9, 2009, 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 proposed project is exempt from further environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The application involves only a time extension and minor technical changes to conditions of approval which are consistent with the scope of the original environmental review for the project. Prior project conditions of approval allowed for the applicant's submission of a request for the one-time eighteen month time extension of entitlements and the 24-month extension of the tentative map contemplated herein. Furthermore, the City Council on August 5, 2008, previously found that a Mitigated Negative Declaration for the development was prepared and properly circulated for public review wherein it was

determined that the development’s environmental impacts could be reduced to a level of less than significant through implementation of project requirements and mitigation measures.

**Section 3:** The proposed project is consistent with Guiding Policies and Implementing Principles 2.a-G-2, 2.a-G-3, 2.b-I-3, 2.a-G-6 and 2.a-I-2 of the General Plan. It will help the City meet regional housing obligations by providing housing for families and households.

**Section 4:** The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

**Section 5:** The Planning Commission of the City of Milpitas hereby recommends the approval of Time Extension No. TE09-0003, Sinclair Renaissance Project, subject to the above Findings, and the Amended and Restated 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 December 9, 2009.

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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 December 9, 2009, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>OTHER</b>
Cliff Williams			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			
Mark Tiernan			

## EXHIBIT 1

**AMENDED AND RESTATED CONDITIONS OF APPROVAL  
SINCLAIR RENAISSANCE PROJECT TIME EXTENSION (TE09-0003)  
TIME EXTENSION APPROVAL FOR  
“S” ZONE (SITE DEVELOPMENT) NO. SZ2007-10  
PLANNED UNIT DEVELOPMENT NO. PD2007-1  
VESTING TENTATIVE MAP NO. MA2007-4**

Note: New or modified text is shown herein through underlined and *italicized* text.

**General Conditions**

1. These conditions of approval amend and restate previous conditions of approval for the project and site.

**Site Development**

1. **Entitlement:** This “S” Zone (Site Development Permit) No. SZ2007-10 is for a 80-unit single family residential development and associated site improvements in accordance with the plans approved on August 5, 2008 by the Milpitas City Council *and its time extended on December 9, 2009 by the Planning Commission to June 9, 2011 and the Tentative Map (MA2007-4) is extended to December 9, 2011.* The owner or designee shall develop the approved project in conformance with the conditions of approval.(P)
2. **Modifications:** Any modification from the approved site plan, floor plans, elevations, materials, colors, landscape plan, use permit exceptions or other approved submittals 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 or Planning Commission Subcommittee, in accordance with the Zoning Ordinance. Any modification to the Site Development Permit may require review and approval by the Planning Commission. (P)
3. **Expiration of Permits:** “S” Zone (Site Development Permit) No. SZ2007-10 shall become null and void if the project is not commenced within 18 months from the date of approval (*June 9, 2011*). 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 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)
4. 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)

5. Prior to any building permit issuance, final map shall be recorded. (E)
6. Prior to building permit issuance, the developer shall obtain approval from adjacent property owners on the west and south for construction and future maintenance of the proposed retaining and perimeter walls. (E)
7. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
8. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, AT&T, 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. (E)
9. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
10. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer’s contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. (E)
11. 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". (E)
12. The developer shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. (E)
13. SOUND WALL: Sound walls shall be designed with structural integrity. Wall height shall not exceed the following heights noted in the table below: (P) (PC)

Location	Height (max) – measure from project pad elevation
North property line	11’ (6’ wall on top of a 5’-6” retaining wall)
West property line	11’ (6’ wall on top of a 7’ retaining wall)

Location	Height (max) – measure from project pad elevation
South property line	16’ tall wall

- 13a. SOUND WALL: Require a retaining wall plus sound wall total of 16 feet with retaining wall capable of supporting truck traffic on south side of property under the condition of receiving a right of entry from the south side property owner. Otherwise revert back to condition 13 as originally worded in the Draft Planning Commission Resolution No. 08-020 for the south side soundwall.
- 14. SOUND WALL: The north and west sound walls shall include decorative wall caps to architecturally blend and complement the proposed sound wall located on Sinclair Frontage Road. (P)
- 15. OPEN SPACE: Applicant shall provide additional bench and overhead trellis amenities on the southeast portion of the passive play area. (P)
- 16. LANDSCAPING: Prior to building permit issuance, the following modifications shall be incorporated in revised landscaping plans to the approval of the Planning Division: (P)
  - a. Structural (amended) soil shall be used for all landscaping in the public right-of-way.
  - b. All landscape structures shall be of long-lasting and high-quality materials.
  - c. All ground transformer, utilities, and mechanical equipment shall be located underground or screen from all views. (P)
- 17. SETBACKS: Interior lots with wrapped porch conditions shall maintain a 5-foot setback.
- 18. COLOR PERMUTATIONS: Prior to building permit issuance, all color permutations for all buildings shall be submitted to the Planning Division for review and approval. (P)
- 19. LIGHTING: The applicant shall include lighting along the emergency vehicle access pathway. (PC)
- 20. PRIVACY STUDY: The applicant shall work with Staff and the Sinclair Horizon Home Owners on a privacy condition that is mutually agreeable for units 30, 31, and 32. (PC)
- 21. Prior to any building permit issuance, the developer shall pay a Traffic Impact fee of **\$25,284** toward the Montague Expressway Widening project.
- 22. Prior to any building permit issuance, the developer shall pay a “fair share” contribution of **\$5,600** towards the Calaveras Boulevard Widening and Improvement Project. (E)
- 23. Prior to building occupancy permit issuance, the developer shall pay **\$50,000** or bond for the future improvement along Sinclair Frontage Road. The improvements along Sinclair

frontage Road shall be in accordance with the Traffic Study findings and recommendations. (E)

24. SIGHT DISTANCE: 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.
25. SOLID WASTE: Per Chapter 200, Solid Waste Management, V-200-3.10, General Requirement, applicant/ property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 Owner Responsible for Solid Waste, Recyclables, and Yard Waste, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the 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. (E)
26. STORMWATER: 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.
  - b. The Plan and Report shall be prepared by a licensed Civil Engineer and certify 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.
27. STORMWATER: 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, and prior to Building final inspection, the developer shall execute and record the City approved O&M Agreement for the operation, maintenance and annual inspection of the C.3 treatment facilities. (E)
28. STORMWATER: All building permit applications shall be consistent with the developer's approved Stormwater Control Plan and approved special conditions. Permit applications shall include drawings and specifications necessary to implement all measures described in the approved Plan. Drawings submitted for permit applications shall show the details and methods of construction for site design features, including but not limited to pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, measures to limit directly connected impervious area, and other features that control stormwater flow and potential stormwater pollutants. Any changes to

the approved Stormwater Control Plan shall require Site & Architectural (“S” Zone) Amendment application review. (E)

29. STORMWATER: 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. (E)
30. STORMWATER: 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 that 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. (E)
31. 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. (E)
32. It is anticipated that the on-site private storm drainage system will collect a certain amount of public stormwater runoff from Sinclair Frontage Road. Prior to building permit issuance, the developer shall enter into an agreement with the City for collecting, accepting, treating and conveying public runoff through private drainage system. (E)
33. 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 **\$89,630** based on \$1100 per parcel and \$4792 per acre for the park. 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.

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

34. 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 **\$81,695**, 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. (E)
35. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
36. 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 **\$ 24,835** 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. (E)
37. 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 **\$292**, 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. (E)
38. TREE REMOVAL 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. (P) (E)
39. DEMOLITION: All utilities shall be properly disconnected before the building can be demolished. Show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped immediately behind the water meter if it is not to be used. The sanitary sewer shall be capped off at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used. (E)
40. DEMOLITION: Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building

Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:

- a. What materials will be salvaged.
  - b. How materials will be processed during demolition.
  - c. Intended locations or businesses for reuse or recycling.
  - d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.
  - e. Applicant/Contractor shall make every effort to salvage materials for reuse and recycling. (E)
41. DEMOLITION: Prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division. (E)
42. DEMOLITION: All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site. (E)
43. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% permit automation fee. (E)

#### TENTATIVE MAP

44. PARK-IN-LIEU FEE: The project applicant shall pay a park in-lieu fee in the *estimated amount of \$1,556,695. Calculations of the final amount of park-in-lieu fees shall be determined prior to the recordation of the final map. Park-in-lieu fees shall be paid* prior to certificate of occupancy. (P)
45. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. (E)

46. Make changes as noted on Engineering Services Exhibit "T"(dated 3/28/2008) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)
47. 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. (E)
48. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Sinclair Frontage Road including but not limited to damaged curb, gutter and pavement replacement, slurry seal of the Sinclair Frontage Road to Wrigley Way new sidewalk installation, signage and striping, two vehicular feedback signs installation, street lights, fire hydrants, bus stop, water main line installation, and storm drain, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The locations of 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. (E)
49. Prior to recordation of any final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)
50. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)
51. Prior to final map approval, the developer shall establish a homeowner association. The homeowner association shall be responsible for the maintenance of the landscaping, walls, private streetlights, 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. (E)
52. Prior to the final map approval, the developer shall dedicate adequate right of way for pedestrian purposes crossing the driveways. (E)

53. CFD: 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. (E)
54. 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. (E)
55. 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 is permitted within City utility easements, where the easement is located within landscape areas. (E)
56. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:
- a. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
  - b. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

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

#### PLANNED UNIT APPROVAL CONDITIONS

57. Re-roof materials shall be limited to concrete tiles. (P)
58. Building color changes shall be to the approval of the Planning Division. (P)
59. All garage doors shall be roll-up doors only. (P)
60. No garage conversions shall be allowed. The garages shall remain for the primary purpose of parking of vehicles. (P)

61. Decorative street paving shall be maintained in perpetuity. (P)
62. Landscape and irrigation shall be maintained in perpetuity. (P)
63. Sound walls shall be maintained in perpetuity. (P)
64. Private park and passive play areas shall be maintained in perpetuity. Repair and replacement of park amenities shall be to the approval of the Planning Division. (P)
65. Front yard coverage is limited to vehicle driveways and paved walkways only. New curb cuts or driveway extensions are strictly prohibited. (P)
66. Exterior modifications shall be consistent with architectural design of the home in terms of colors, materials, and styles. Mixing of different styles is strongly discouraged. Architectural modification will require Home Owner Association approval prior to city approval. (P)
67. Require Conditions Covenants and Restrictions (CC&Rs) to include property disclosure statements to all future residents regarding noise due to the proximity of I-680 and adjacent industrial uses. (P)
68. Any modifications to the PUD development standards and special conditions will require an amendment to the Planned Unit Development Approval and require Planning Commission review and approval. (P)

**ENVIRONMENTAL MITIGATION MEASURES**

69. The project shall comply with all mitigation measures as contained in the mitigation monitoring program for the Sinclair Renaissance Project. (P)
70. AQ MM1: The applicant shall adhere to the following BAAQMD Best Management Practices during all phases of constructions:
  - a. Water all active construction areas at least twice daily or as often as need to control dust emissions.
  - b. Cover all trucks hauling soil, sand, gravel and other loose material and/or ensure that all trucks hauling materials maintain at least two feet of freeboard.
  - c. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas, and staging areas at the construction site to control dust.
  - d. Sweep public streets daily or as often as needed to keep streets free from visible soil material.
  - e. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles.
  - f. Replant vegetation in disturbed areas as quickly as possible.
71. BIO MM1: The applicant shall conduct a preconstruction survey for nesting raptors between September and January by a qualified ornithologist or wildlife biologist to ensure that no raptor nest will be disturb during demolition and construction activities.

The survey shall be conducted no more than 14 day prior to the initiation of demolition/construction activities during the early part of the breeding season (January to April) and no more than 30 days prior to the initiation of these activities during the later part of the breeding season (May to August). During the survey, the ornithologist/biologist will inspect all trees for raptors nest. If an active raptor nest is found close enough to the demolition/construction area to be disturbed, the ornithologist/biologist (in consultation with the California Department of Fish and Game) will determine the extent of the construction free buffer zone to be established around the nest. The project will main the buffer zone, allowing no intrusion or impact to the tree(s) until after the young have fledge and are functioning independently of the nest. (P)

72. BIO MM2: In accordance with MMC X-2-7.01, the applicant shall obtain a tree removal permit prior to the removal of any trees. For any tree that cannot be mitigated due to lack of available planting area or construction conflict, the applicant shall be required to pay a tree mitigation fee to the City of Milpitas. Reimbursement to the City for the value of the tree(s) to removed will be determine by an arborist certified by the International Society of Arboriculture utilizing the current edition for the “Guide for Plant Appraisal, Inter Society of Arboriculture.” The funds will be deposited in the City’s Tree Replacement Fund and will be used to plant trees within the City of Milpitas. (P)
73. CUL MM1: 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. (P)
74. GEO MM1: The applicant shall comply with the findings and recommendations contained in the Geotechnical Investigation Report, dated October 2006, prepared by KC Engineering Company. To ensure compliance with this mitigation, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all of their recommendations have been incorporated into the construction drawings prior to issuance of any grading or building permit. Additionally, prior to obtaining a final, a certificate of occupancy, or any occupancy for the buildings, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all of their recommendations have been satisfied. (P)
75. *GEO MM2: The following measures are included in the project to reduce potential construction related erosion impacts:*
  - a. All excavation and grading work will be scheduled in the dry weather months or construction sites will be weatherized to withstand or avoid erosion.
  - b. Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
  - c. Vegetation in disturbed areas will be replanted as quickly as possible.
  - d. Project will also adhere to the Regional Water Quality Control Board’s best management practices to reduce construction related and post construction runoff impacts. (P)

- 76. HAZ MM1: The project sponsor shall sample the soil within the project site to determine the presence or absence of pesticides and herbicides. If soil sampling indicates the presence of any contaminant in hazardous concentrations, the California Regional Water Quality Control Board (RWQCB) and Department of Toxic Substance Control (DTSC) shall be contacted to determine the level of any necessary remediation efforts. If required, the project sponsor shall remediate these soils in compliance with applicable laws. (P)
- 77. HAZ MM2: Existing local, state and federal regulations and enforcement are effective forms of hazard mitigation for toxic gas safety and preventing any possible offsite consequences from catastrophic release.
- 78. NOI MM1: The applicant shall incorporate and adhere to the recommendations and design standards set forth in the Traffic Noise Assessment dated December 15, 2006, prepared by Edward L. Pack Associates. (P)
- 79. NOI MM2: Construction of 16-foot tall acoustically effective noise control barrier along the property line contiguous with Sinclair Frontage Road, a 12-foot acoustically-effective barrier at the south side of Lot 43 and north side of Lot 1, and a 16-foot that steps down to 8-feet tall along the southern property line according to the following schedule: (P)

Lot #	Required Height of Fence
Lot 6	16 ft. stepped down to 11 ft.
Lot 7	11 ft.
Lot 8	10 ft.
Lot 9	9 ft.
Lot 10	9 ft.
Lot 11	8 ft.
Lot 12	8 ft.
Lot 13	8 ft.
Lot 14	8 ft.
Lot 15	8 ft.
Lot 16	8 ft.
Lot 17	8 ft.

80. NOI MM3: Maintain closed at all times all first floor windows and glass doors of living spaces within 420 ft. of the centerline of the I-680 and with direct or side orientation towards the freeway. Install windows and glass doors rated minimum Sound Transmission Class (STC) 28. A disclosure statement shall be provided to all future property owners affected stating that windows and glass doors must maintain the STC rating 28 or higher that were installed at the time of construction to maintain acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
81. NOI MM4: Maintain closed at all times all second floor windows and glass doors of living spaces within 420 ft. of the centerline of I-680 and with a direct or side orientation towards the freeway. At the living spaces within 340 ft. of the centerline, install windows and glass doors rated minimum STC 33. A disclosure statement shall be provided to all future property owners stating that windows and glass doors must maintain the STC rating 33 or higher that were installed at the time of construction to maintain acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
82. NOI MM5: At living spaces between 340 ft. and 420 ft. of the centerline, install windows and glass doors rated minimum STC 27. A disclosure statement shall be provided for all future property owners affected stating that windows and glass doors must maintain the STC rating 27 or higher that were installed at the time of construction to maintain acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
83. NOI MM6: At the second floors of Lot 1 (east and north faces) and of Lot 43 (east and south facades) install windows and glass doors rated minimum STC 38. A disclosure statement shall be provided to all future property owners affected stating that windows and glass doors must maintain the STC rating 38 or higher that were installed at the time of construction to maintain acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
84. NOI MM7: Second floor windows for homes located on lots 6-17 shall install windows and glass doors rated minimum STC 28. A disclosure statement shall be provided to all future property owners affected stating that windows and glass doors must maintain the STC rating 28 or higher that were installed at the time of construction to maintain acceptable DNL noise exposures for single-family residents of 45 dB NDL.
85. NOI MM8: Provide mechanical ventilation for all residential living spaces that have closed window requirements. (P)
86. NOI MM9: Prior to building permit issuance, applicant shall submit acoustical test report of all sound rated windows and doors. The report shall be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic noise to acceptable levels. (P)
87. NOI MM10: Pursuant to the City of Milpitas Municipal Code, no person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including

delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 AM to 7:00 PM on weekdays and weekends. (P)

88. NOI MM11: The contractor shall be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment. (P)
89. NOI MM12: The contractor shall be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors. (P)
90. NOI MM13: The contractor shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to all complaints about noise and take the necessary steps to reduce the problem. (P)
91. PUB MM1: The project applicant shall pay a park in-lie fee in the amount of \$1,556,695 prior to certificate of occupancy. (P)
92. TRA MM 10: To mitigate this cumulative impact, the project applicant shall pay a traffic impact fee for their fair share contribution towards the Calaveras Boulevard (SR 237) Overpass Widening Project, Montague Expressway Widening Project, and South Milpitas Boulevard Smart Corridor Project. (P)

Planning = (P)

Engineering = (E)

Planning Commission (PC)



## MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: June 25, 2008

**APPLICATION:**

**GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, "S" ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING TENTATIVE MAP NO. MA2007-4, and ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-6, Sinclair Renaissance Residential Project**

**APPLICATION  
SUMMARY:**

A request for a General Plan Amendment, Zone Change, Planned Unit Development, Site and Architecture Review, and Vesting Tentative Map to allow for the demolition of an existing low-rise industrial business park that contains approximately 121,746 square feet of building floor space located on a 9.65 acre site on the west side of Sinclair Frontage Road, south of Los Coches Street and to redevelop the site with 80 detached, two-story, single family residential homes, .34 acre private park and installation of associated site improvements and landscaping.

**LOCATION:**

245-373 Sinclair Frontage Road (APN 86-29-061, 062, 075, 076, and 042)

**APPLICANT/OWNER:**

Stephen Allen, Mission Peak Homes, 40480 Encyclopedia Cir., Fremont, CA 94538

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

- 1. Close the public hearing; and**
- 2. Adopt Resolution No. 08-020 and recommend approval to the City Council subject to conditions of approval.**

**PROJECT DATA:**

General Plan/

Zoning Designation:

Manufacturing and Warehousing (MFG)/Heavy Industrial (M2)

Overlay District:

N/A

Specific Plan:

N/A

Site Area:

9.65 Acres

CEQA Determination:

A Mitigated Negative Declaration has been prepared and circulated for this project.

PLANNER:

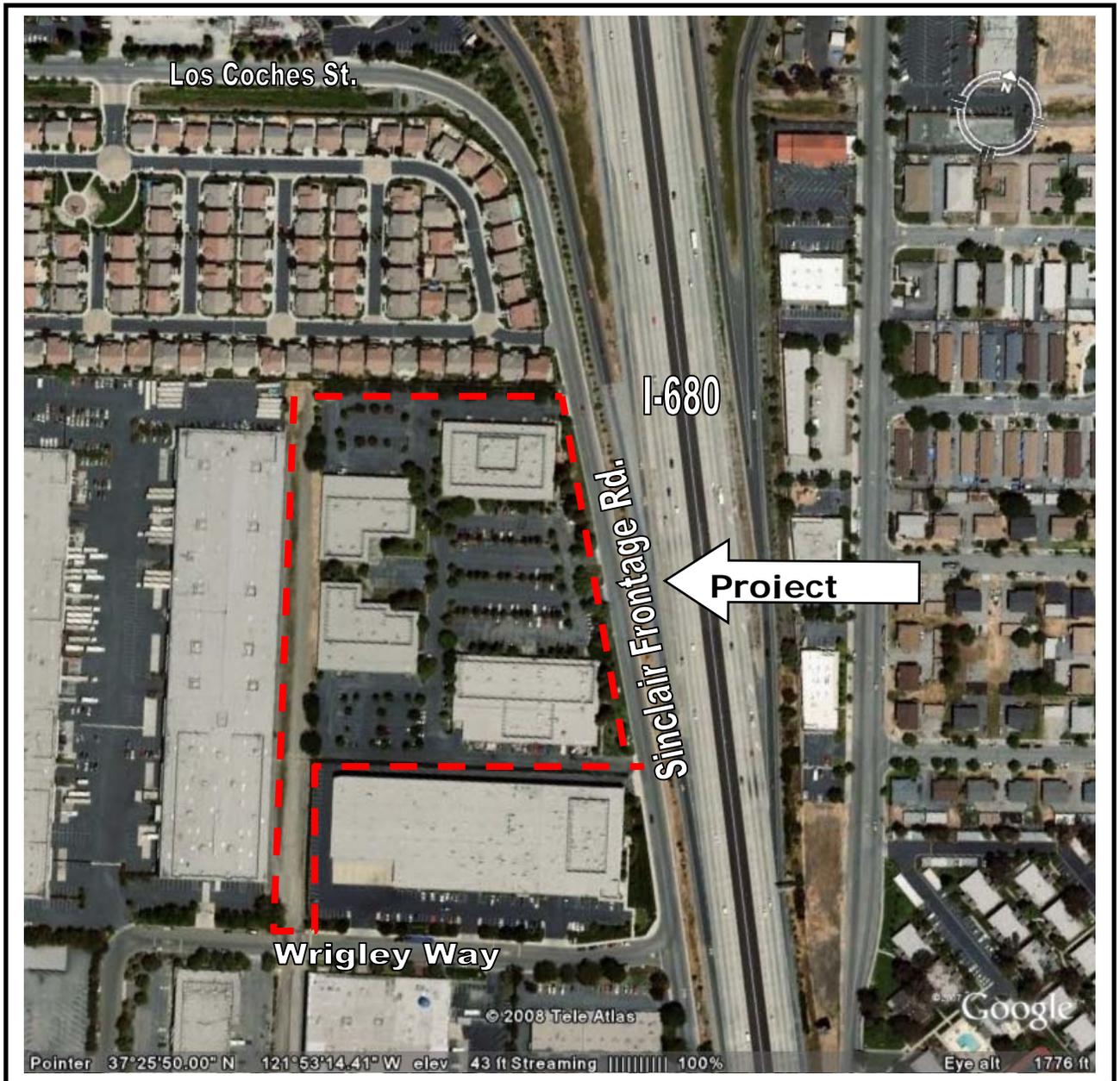
Cindy Hom, Assistant Planner

PJ: 3211

**ATTACHMENTS:**

- A. Planning Commission Resolution No. 08-020 – Exhibit 1. Conditions of Approval, Exhibit 2. General Plan Map Amendment, and Exhibit 3: Zoning Sectional District Map
- B. Project Plans
- C. Project Description Letter
- D. Mitigated Negative Declaration
- E. Initial Study
- F. Public Comment letter from Miller Starr Regalia
- G. Applicant response letter dated 6/3/08
- H. Tree Report prepared by HortScience dated December 2006
- I. Traffic and Parking Impact Report prepared by Fehr and Peers dated
- J. Stormwater Control Plan prepared by Carlson, Barbee, and Gibson dated November 2007.
- K. Noise Study prepared by Edward Pack & Associated dated
- L. Geotechnical Report prepared by KC Engineering Company dated October 2006.

# LOCATION MAP



No scale

## **BACKGROUND**

On March 10, 1983, the Planning Commission approved “S” Zone permit for the development of four (4) low-rise concrete tilt-up industrial buildings and installation of various site improvement at the project site. Ancillary improvements have been completed to the site since.

On May 14, 2007, Stephen Allen, Mission Peak Homes, submitted an application for the following request:

- A General Plan Amendment to change the land use designation from “Manufacturing and Warehousing ” to “Single Family Moderate Density,”
- A Zone Change to change the underlying zoning of the site from “Heavy Industrial” to “Single Family Residential minimum 3,000 square foot with the “S” Combining District” to ensure consistency between the modified General Plan land use designation and City zoning,
- Vesting Major Tentative Map to create residential and common lots (parks) and assign responsibility for maintaining infrastructure,
- Planned Unit Development to allow for diverse development standards for setbacks, and
- S-Zone permit (since changed to Site Development Permit) for site and architectural review of a new residential subdivision consisting (80) detached, two-story single family homes, .34 acre private park, and associated site improvements.

The application is submitted pursuant to Milpitas Municipal Codes: XI-1-4.00 (Tentative Maps), XI-10-42.02 (Site Development Permit), XI-10-45.07 (Planned Unit Development Approval), XI-10-64.02 (Zoning Ordinance Administration and Amendments) and California Government Code Section 65350 (General Plan Amendment) for Planning Commission and City Council review and approval.

## **PROJECT DESCRIPTION**

The proposed project area is a 9.65-acre site consisting of five parcels (APN 86-29-061, 062, 075, 076, and 042) developed with four single-story, concrete tilt up industrial buildings, 190 non-native trees, various site improvements, and an abandon railroad spur located along the western edge of the project site.

The subject property is located on the west side of Sinclair Frontage Road, approximately 450 feet south of the intersection with Los Coches Street in Milpitas, California. The project site is bounded by single-family residential homes to the north, manufacturing and warehousing buildings to the west and south, Sinclair Frontage Road and Interstate 680 to the east. The surrounding zoning includes Single Family Residential with minimum lot sizes at 3,000 square feet (R1-3) to the north and Heavy Industrial (M2) to the west and south. A vicinity map of the subject site location is included on the previous page.

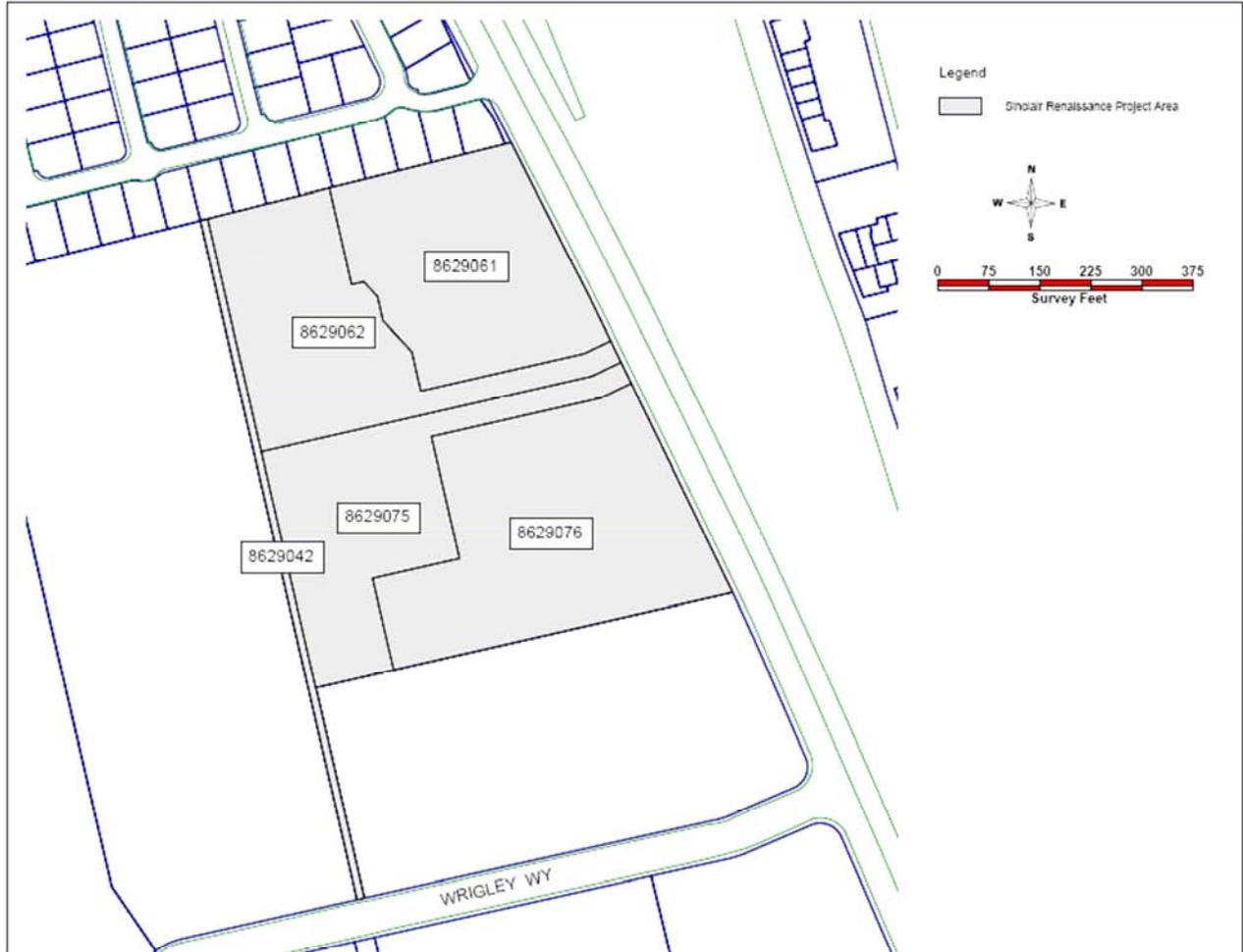
The project proposes to demolish the existing 121,746 square foot low-rise industrial park and construct a new residential subdivision consisting of 80 detached, two-story residential homes, .34-acre private park, and associated site improvements. The proposed new residential homes range in size from approximately 2,057-2,227 square feet with 3-4 bedroom configurations.

### ***Land Use Change***

The project proposes a General Plan Amendment to re-designate the 9.65-acre site from “Manufacturing and Warehousing” to “Single Family Moderate Density”. To be consistent with the

General Plan, a zoning amendment of the project area from “Heavy Industrial” (M2) to Single Family Residential minimum 3,000 square foot lots (R1-3) is proposed. The project area consists of five parcels. The five parcels to be rezoned are shown in Figure 1.

Figure 1. General Plan Amendment and Rezone Project Area Map



The proposed land use changes will ensure consistency of the project with those guiding and implementing documents. See “Adopted plans and consistency” section of this report for more detail.

### ***Vesting Tentative Map***

The Vesting Major Tentative Map application has been submitted to subdivide the five existing parcels in the project area to create 80 residential lots and nine common area parcels (Parcel A-I) as shown on the Tentative Map Exhibit (Sheet TM-1). Common area parcels include streetscape parcels (Parcel A, B, E and F) along Sinclair Frontage Road and the proposed entry road, a .34 acre private park (Parcel D), a new Emergency Vehicle Access (EVA) road (Parcel C) located along the west property line that extends to Wrigley Way, and the private street system (Parcel G, H, and I). The Tentative Map also includes proposed grading, utility, and on/off-site improvement plans.

**Planned Unit Development**

The applicant is requesting a Planned Unit Development approval to deviate from the development standards (indicated in bold text) provided in the R1-3 zoning district and summarized in Table 1 below.

**Table 1**  
**R1-3 Development Standards**

	<i>Zoning Ordinance</i>	<i>Proposed</i>
<u>Density</u> (Maximum)	6-15 Units/Gross Acre	<b>8.29/Gross Acre</b>
<u>Lot Area</u>	3000 sq. ft.	<b>3,150</b>
<u>Lot Width</u>	30'	<b>45'</b>
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	20'	<b>12'</b>
Front to Street-facing Garage		<b>18'</b>
Interior Side	5' one side	<b>4' with a 5' exception for side porch conditions</b>
Street Side (Corner Lots)	10'	<b>7' porch</b>
Rear	15' one-story 20' two-story	<b>10' living space</b> <b>15' (Plan 1 &amp; 2)</b> <b>5' (Plan 3 &amp; 4)</b>
<u>Building Height</u> (Maximum)	30'	<b>30'</b>
<u>Parking</u>	2 permanently maintained off street parking spaces	<b>2 covered parking spaces (garage parking)</b> <b>2 uncovered parking spaces (driveway parking) and 31 on-street parking within the development.]</b>
<u>Driveway Dimensions</u>	10'x20'	<b>10'x18'</b>

The project proposes reduced front, side and rear setbacks that will enable the project to maintain a compact urban form and meet the required density of the zoning district. The project also proposes modified driveway dimensions due to the reduced front setbacks. As proposed, the project provides articulated front elevations with enhanced entryways and landscaped front yards. Corner units will utilize wrapped porches that provide neighborhood friendly orientation to streets. The project also takes into consideration reduced rear yard setback. As proposed, placements of windows are offset to ensure adequate privacy. In addition, rear elevations incorporated architectural details for visual aesthetics.

***PUD Findings***

A Planned Unit Development may be granted providing the following findings can be made by the City:

1. *The proposal will result in an intensity of land use no higher than and standards of open spaces at least as high as permitted or specified otherwise for such development in the General Plan, Zoning Ordinance and Subdivision Ordinance.*

As proposed, the project is not proposing a higher density than allowed in the General Plan and the R1-3 zoning district. The project proposes a density of approximately 8.29 units per gross acre, which is within the General Plan density requirement of 6 to 15 units per gross acre Single Family Moderate Density.

2. *The proposal will not create traffic congestion pursuant to the California Environment Quality Act (CEQA), or any impacts will be mitigated by traffic improvements, or if the impacts cannot be mitigated, necessary findings shall be made by the City pursuant to CEQA.*

A Transportation Impact Analysis was prepared by Fehr and Peers Traffic Transportation Consultants to analyze potential traffic and parking impacts (Attachment I). The proposed project is estimated to generate approximately 187 net new daily trips, 38 net new AM peak-hour trips, and 51 new PM peak-hour trips. The project would generate less than 100 net new peak-hour trips on a typical weekday. Project conditions would maintain LOS D or better on studied intersections. As such, the project would have a less than significant impact. However, under the Year 2030 conditions, the project is expected to have a cumulative impact on during the PM peak-hour for the following two segments:

- Northbound Milpitas Boulevard between Montague and Yosemite Drive.
- Eastbound Yosemite Drive between Milpitas Boulevard and Sinclair Frontage Road.

To mitigate this cumulative impact, the project applicant shall pay a traffic impact fee for their proportionate contribution towards the Calaveras Boulevard (SR 237) Overpass Widening Project, Montague Expressway Widening Project, and South Milpitas Boulevard Smart Corridor Project.

3. *The maximum density shall be the upper density per gross acre as noted in the General Plan designation.*

The project is proposing a density that is consistent with the upper range of the allowable units per gross acre for the R1-3 zoning district.

4. *Development of the site under the provisions of the Planned Unit Development will result in a public benefit not otherwise attainable by application of the regulations of general zoning districts.*

The design flexibility provided by the PUD is allowing the project to develop urban infill site in an efficient manner. By allowing deviations from the strict application of the R1-3 zoning district, the applicant is able to provide detached single-family homes with front and back yards, which is unique in urban infill developments and contributes to the diversity of new housing units within the City.

5. *The proposed PUD is consistent with the General Plan.*

The project will be consistent with the General Plan guiding principles and implementing policies as analyzed in the “Adopted Plans and Ordinances Consistency” Section of this staff report.

6. *The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development.*

The project proposal provides detached single-family residential homes that are in the same character and relatively the same density as the existing residential development to the north. Land use compatibility with adjacent industrial uses is a concern. However, with the implementation of mitigation measures, such as sound walls to mitigate off-site noise, these compatibility concerns are lessened. Future residents will be given full disclosure that they will be residing next to I-680 and are located next to a Heavy Industrial zone. Moreover, businesses will need to adhere to local, state, and federal regulation regarding the use of chemicals and hazardous material and business operations.

#### PUD Conditions

The benefit of a Planned Unit Development is the uniformity and consistency of the project, which also helps to maintain property values and overall appearance of the site. To maintain the consistency of the development over time *staff recommends* the following conditions of the PUD:

1. Re-roof materials shall be limited to concrete tiles.
2. Building color changes shall be to the approval of the Planning Division.
3. All garage doors shall be roll-up doors only.
4. No garage conversions shall be allowed.
5. Decorative street paving shall be maintained in perpetuity.
6. Landscape and irrigation shall be maintained in perpetuity.
7. Sound walls shall be maintained in perpetuity.
8. Private park and passive play areas shall be maintained in perpetuity. Repair and replacement of park amenities shall be to the approval of the Planning Division.
9. Front yard coverage is limited to vehicle driveways and paved walkways only. New curb cuts or driveway extensions are strictly prohibited.
10. Exterior modifications shall be consistent with architectural design of the home in terms of colors, materials, and styles. Mixing of different styles is strongly discouraged. Architectural modification will require Home Owner Association approval prior to city approval.
11. Require Conditions Covenants and Restrictions (CC&Rs) to include property disclosure statements to all future residents regarding noise due to the proximity of I-680 and adjacent industrial uses.
12. Any modifications to the PUD development standards and special conditions will require an amendment to the Planned Unit Development Approval and require Planning Commission review and approval.

*Site and Architecture Review*

Site Layout and Access

The proposed layout of the project area entails a grid pattern with the homes orientated to the main loop road and driveway aisles. The proposed private park is centrally located near the front of the development on the west side of the entry road. A landscaped passive play area is proposed at the southwest corner of project area and connects to the proposed emergency access road.

The proposed residential development will be served by a private street system with the main access from Sinclair Frontage Road and a new 20-foot wide emergency vehicle access located on the southwest portion of the project site near Wrigley Way. The private street system consists of a 36-foot wide entry road, 32-foot wide loop road, and two 25-foot wide driveway alleys that run east-west. Vehicle and pedestrian circulation will be provided by the loop road and entry road that will be improved with 4-foot sidewalks on both sides of the road.

Parking

The project provides a total of (351) parking spaces, which includes (160) covered parking spaces (garage parking), (160) uncovered parking spaces (driveways), and (31) on-street guest parking spaces that are located on left side of the loop road.

Site Improvements

Proposed site improvements are summarized in the sections below:

*Demolition* – During construction it is proposed that approximately (190) non-native trees will be removed. A tree report was performed to survey the conditions of the trees and project impacts. The tree report dated December 2006 was prepared by HortScience. (Attachment H) Based on the tree survey, there are 115 trees that are greater than 37-inches in circumference and are deemed protected per Milpitas Municipal Code X-2-7.01. Any removal of “protected” trees shall be replaced at a ratio of 1:3. Out of the 190 trees to be removed, 115 are deemed “protected” trees. However the applicant is proposing to replant 350 new trees consisting of 24-inch box trees and 15-gallon trees. As conditioned, the applicant shall obtain a tree removal permit prior to the removal of any trees. For any tree that cannot be mitigated due to lack of available planting area or construction conflict, the applicant shall be required to pay a tree mitigation fee to the City of Milpitas. The funds will be deposited in the City’s Tree Replacement Fund and will be used to plant trees within the City of Milpitas.

*Grading and Drainage* – Under existing conditions, there is cross drainage between properties, which is not permitted per current city engineering development standards. Currently, there is cross lot drainage from the adjacent property to south that drains onto the project site. The project site has portions of the property that drains to Wrigley and portions of the project site that drains across to the adjacent property to the west. There is an existing V-ditch that also drains across the project site. To correct this condition, the project proposes to grade the site and increase the pad elevations at various locations to achieve an appropriate drainage pattern, and to accommodate installation of underground utilities. The proposed grading will require construction of retaining walls along the west and north boundaries and is depicted on the sections shown on the Grading and Utility Plan (Sheet TM-03).

*Sound wall* – Due to the proximity to I-680 and adjacent industrial land uses, a noise study that was prepared for the project by Edward Pack & Associates dated December 2006. (Attachment K) As a result, a sound wall will be required for noise attenuation purposes. The proposed sound wall will be

located on the eastern, southern, and western boundaries of the project site, which are depicted on the Utility and Grading Plan (Sheet TM-03) and are summarized in Table 2.:

Table 2: Wall Heights

Cross Sections (Sheet TM-03)	Location	Height (max)
B-B	North property line	11' (6' wall on top of a 5'-6" retaining wall)
C-C	West property line	13' (6' wall on top of a 7' retaining wall)
D-D	South property line	16' tall wall that steps down to 13'*
E-E	EVA Parcel	3'-6" existing retaining wall. Proposes off-site area to be filled

\* The applicant is requesting to raise the height of wall additional 3-feet to due to the noise concern raised during the Community Meeting. The bottom of the wall will be designed to be retaining for potential backfill in the future should the adjacent property owner decide to make site improvements.

The proposed sound wall consists of pre-cast concrete walls. The sound wall on Sinclair Frontage will be approximately 16-feet tall and proposes a style design which matches the existing sound wall install on the Sinclair Horizon project in terms of height, color, materials, and style. The proposed sound wall will be articulated with the following:

- Decorative wall cap,
- Pilasters columns at corners and spaced every 25 ±-feet on center,
- 2-inch raised halo panels, and
- Tiered landscaping consisting of (40) Chinese Pistache trees, evergreen vines, and various groundcover and shrubbery.

The south and west sound wall proposes a 'Mediterranean' style and consists of pre-cast walls and pilasters columns. **Staff recommends** adding decorative wall caps to architecturally blend and complement the proposed sound wall located on Sinclair Frontage Road. As conditioned, the sound wall and retaining walls will be designed and engineered in accordance with the recommendations and design considerations contained in the Geotechnical Report prepared by KC Engineering dated October 2006. (Attachment L).

*Open Space*– The project proposes a 0.34 acre park that will be improved with a play structure, picnic seating areas, landscape amenities consisting of 24-inch box Raywood Ash trees, Flowering Pear trees, and Bronze Loquat trees and various groundcover. The project plans also proposes a non-illuminated concrete sign wall consisting of cultured stone, decorative cast stone wall cap, and a stucco sign band with laser cut steel letters.

In addition, the project will also provide a 0.18-acre passive play area improved with landscaping consisting of bench and trellis as well as various landscaping that includes 24-inch box Flowering Pear trees and Purple Plum trees located at the southwest corner of the project site, near the proposed EVA access road. **Staff recommends** as a condition of approval that an additional bench and trellis be add to the opposite side of the passive play area to provide symmetry and to encourage use of the area.

The proposed EVA road will be improved with an asphalt concrete surface, bollards, and landscaping that consist of Purple Leaf Plum trees, Crape Myrtle trees, and groundcover along the linear segment between the residential homes and Wrigley Way.

As proposed, the site will be comprehensively landscaped with new plantings that includes various groundcover, shrubs, vines, and (350) new trees consisting of various trees species that includes Red Maples, Eastern Redbud, Bronze Loquat trees, Raywood Ash trees, Crape Myrtles, Chinese Pistache trees, Purple Leaf Plum Trees, and Flowering Pear trees. Areas proposed with landscape amenities include the following areas:

- Street frontages along Sinclair Frontage Rd.,
- Along the edges of entry road and EVA access road,
- Private open space areas (private park and passive play areas),
- Front yards on all residential lots and;
- Installation of one 15-gallon box Eastern Redbud tree in the rear yard of each residential lot.

Stormwater control measure will be implemented throughout the project and proposes the following:

- Utilize landscape and pervious surfaces for infiltration and disconnect impervious areas on the site,
- Bubble up area drain system on all lots to disconnect roof drainage and treat the flow as it passes through vegetated lawn area,
- Installation of a structural stormwater treatment unit at the point of connection at the southwest corner of the project site, and
- Earth swales.

*Area Lighting* - The project will provide 48 new 14-foot tall decorative streetlights that will be placed along the entry road, loop road and driveway alleys. The proposed streetlight includes house side shields to prevent unwanted glares. The applicant also proposes five 14-foot decorative light standards that will be installed in the private park and passive play areas. The proposed area lights consist of decorative carriage style light fixtures constructed with spear ornament and detailed edging mounted on top of a decorative post shown on the Landscaping Details (Sheet L-03). A lighting plan was submitted and demonstrates safe and efficient lighting.

#### *Building Architecture, Colors, and Materials*

The project proposed four plan types consisting of Craftsman, Spanish, and Tuscan style architecture that utilizes “S” style and flat concrete tiles for the roof, wood construction, stucco walls with sand finish, stone veneer, and metal accents. To enhance the appearance of the residential homes, the applicant is proposing to incorporate architectural elements that includes but not limited to metal and tile accent pieces, wooden shutters, metal awnings, metal railings, wooden porch rails, decorative corbels, outlookers, kickers, and foam trim. The project proposes twelve color schemes that consist mainly of earth tones. Articulation on the front elevations for each plan type are distinctive so that it provides design and color variation that encourages interesting street scene.

### **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 3**  
**General Plan Consistency**

Policy	Consistency Finding
Guiding Principle 2.a-G-2: Maintain a relatively compact form.	The project maintains compact form by proposing a single-family moderate density (6-15 units per gross acre) residential project on 9.65-acre site.
Guiding Principle 2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families	The project offers detached single-family homes on 3,000 square foot lots that meet the needs of individuals and families in a traditional neighborhood setting.
Implementing Policy 2.a-I-2: Promote develop within the incorporated limits which acts to fill in the urban fabric, rather than providing costly expansion of urban services into outlying areas.	The project is proposes to redevelop an existing industrial park that has 80% vacancy. The site would be an urban infill project and will not induce sprawl or require new public infrastructure to service the new residential development.
Implementing Policy 2.b-I-3: Providing housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.	The project would contribute 80 new single-family residential units towards regional housing goals.
Implementing Policy s.b-I2 Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities	The project is located adjacent to industrial developments and would be served by existing city services and facilities.

***Zoning Ordinance***

The project conforms to the R1-3-S Zoning District in terms of land use and density. As proposed the project meets the ordinance regulations for a Planned Unit Development as analyzed in the sections above. The project is consistent with purpose and intent of Site and Architectural Review Ordinance in that it provides for an aesthetic and harmonious development. As proposed, the project is in the same character and relative same density as the existing residential development to the north and with implementation with mitigation measure will be compatible with surrounding industrial uses. As proposed, the project utilizes good design principles in that the site design provides a grid pattern layout and that the homes are articulated with Craftsman, Spanish, and Tuscan architecture and details that provide good aesthetics and architectural interest.

***State Subdivision Map and Milpitas Subdivision Ordinance***

The State Subdivision Map Act defers to the local ordinance with respect to the approval of a tentative tract map. The City's Subdivision Ordinance requires design and improvement consistent with the General Plan. As proposed, and discussed above the project is consistent with the General Plan.

Per MMC XI-1-9.02, every subdivider must provide park and recreational facilities in form of land to be dedicated, payment of a fee, or combination of both. The project proposes no public park space and 0.42 acres of private open space. Pursuant to MMC XI-9.08, a credit for private open space may be obtained up to 40% of the total required parkland dedication provided project meets the ordinance standards and City Council finds it in the public interest to do so. Based on the project proposal, 1.08 acre of parkland is required and therefore 0.65-acres is subject to payment. Therefore, the applicant shall pay a park-in-lieu fee in the amount of \$1,556,695.

### ***C.3 Stormwater Requirements***

In accordance with C.3 requirements, the applicant submitted a Stormwater C.3 Report prepared by Carlson Barbee, and Gibson dated November 2007 (Attachment J). The project proposal demonstrates compliance with C.3 requirements as discussed in the open space section of the staff report.

### **ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). An Initial Study and Mitigated Negative Declaration (EA2007-6) were prepared and circulated for this project (Attachment F and G). The environmental assessment determined there would be no significant impacts related to this project. Further discussion of potential impacts is included in the attached Environmental Assessment No. EA2007-6. A mitigation monitoring program ensures that any potential environmental impacts are lessened to a less than significant level. The twenty-day public review period was held from May 8, 2008 to May 28, 2008. One public comment to the Mitigated Negative Declaration was received at the time of this staff report preparation and is provided with this staff report (Attachment H). Any additional comments received will be presented at the Planning Commission hearing.

### **COMMUNITY MEETING**

A community meeting was held on May 7, 2008 in the City Hall Committee Conference Room. Notices of the meeting were sent to properties within a 1,000-foot radius. Three people attended the meeting. Two were neighboring residence and the property owner from Crain Cutter. The issues raised were in regards to the wall heights, views onto adjacent residential properties, grading, and traffic concerns. The applicant has addressed these concerns by increasing the height of walls. Enclosed with this staff report is a copy of the Applicant's response to the neighbor concerns. (Attachment G)

### **PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing one comment was received from the public regarding the proposed private park.

### **CONCLUSION**

In conclusion, by changing the land use designation changes, the project is consistent with the proposed land use. The project encourages compact urban infill development, provides for a variety of housing types and densities to meet the demands of varying families, and provides housing opportunities in Milpitas by contributing to the City's regional fair-share housing obligations.

As proposed the project meets the ordinance regulations for a Planned Unit Development as analyzed in the PUD Findings discussed above. The project is consistent with purpose and intent of Site and Architectural Review Ordinance in that the project is aesthetic and harmonious with the surrounding development because it is in keeping with the same character and density as the existing residential development to the north. Implementation of mitigation measures will ensure the project will be compatible with surrounding uses. As proposed, the project utilizes good design principles in that the site design provides a grid pattern layout and that the homes are articulated with Craftsman, Spanish, and Tuscan architecture and details that provide good aesthetics and architectural

The project complies with the California Environmental Quality Act Guidelines. An Initial Study and Mitigated Negative Declaration (EA2007-6) were prepared and circulated for this project. A mitigation monitoring program for the project ensures that any potential environmental impacts are lessened to a less than significant level.

## **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 08-020 recommending the City Council take the following actions: approve General Plan Amendment No. GM2006-2, Zone Change No. ZC2007-8, "S" Zone No. SZ2007-10, Planned Unit Development No. PD2007-1, Vesting Tentative Map No. MA2007-4, and Environmental Impact Assessment No. EA2007-6, subject to the attached Conditions of Approval.

### *Attachments:*

- A. Planning Commission Resolution No. 08-020 – Exhibit 1. Special Conditions of Approval, Exhibit 2. General Plan Map Amendment, and Exhibit 3: Zoning Sectional District Map
- B. Project Plans
- C. Project Description Letter
- D. Mitigated Negative Declaration
- E. Initial Study
- F. Public Comment letter from Miller Starr Regalia
- G. Applicant response letter dated 6/3/08
- H. Tree Report prepared by HortScience dated December 2006
- I. Traffic and Parking Impact Report prepared by Fehr and Peers dated
- J. Stormwater Control Plan prepared by Carlson, Barbee, and Gibson dated November 2007.
- K. Noise Study prepared by Edward Pack & Associated dated
- L. Geotechnical Report prepared by KC Engineering Company dated October 2006.

**RESOLUTION NO. 08-020**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, "S" ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING TENTATIVE MAP NO. MA2007-4, and ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-6, SINCLAIR RENAISSANCE RESIDENTIAL PROJECT, A REQUEST TO CHANGE THE LAND USE DESIGNATION OF 9.65 ACRES FROM INDUSTRIAL TO RESIDENTIAL AND TO DEVELOP AN 80-LOT RESIDENTIAL SUBDIVISION WITH ASSOCIATED SITE IMPROVEMENTS LOCATED AT 245-373 SINCLAIR FRONTAGE ROAD (APN 86-29-061, 062, 075, 076, and 042), ZONED HEAVY INDUSTRIAL WITH S-COMBINING DISTRICT (M2).**

**WHEREAS**, on May 14, 2007 an application was submitted by Stephen Allen, Mission Peak Homes, 40480 Encyclopedia Cir., Fremont, CA 94538, to request for a General Plan Amendment, Zone Change, Planned Unit Development Approval, Vesting Tentative Map, and Site and Architectural Review to allow for the demolition of an existing four building industrial park and to redevelop the 9.65 site with 80 new detached, two-story single family homes, 0.34 private park, and associated site improvements located at 245-373 Sinclair Frontage Road located within the Heavy Industrial Zoning District (APN 86-29-061, 062, 075, 076, and 042), and

**WHEREAS**, the General Plan amendment would change the land use designation of 9.65 acres of land zoned Manufacturing and Warehousing to Single Family Residential Moderate Density (6-15 unit/gross acre) (Planning Application P-GM2006-2), as further shown on Exhibit A; and

**WHEREAS**, the amended land use designation would change the corresponding zoning designation from Heavy Industrial to Single Family Residential minimum 3,000 sq. ft. lots for the project site as further shown on Exhibit B; and

**WHEREAS**, the Planning Commission reviewed the Mitigated Negative Declaration prepared for this project in accordance with the California Environmental Quality Act which determined less than significant impacts on the environment from the development of the Sinclair Renaissance Residential Project.

**WHEREAS**, on June 25, 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:** Pursuant to and in accordance with the provisions of the California Environmental Quality Act, California Public Resources Code §§ 21000, et seq. (CEQA), an Initial Study/Mitigated Negative Declaration was prepared and properly circulated for public review wherein it was determined that environmental impacts could be reduced to a level of less than significant through implementation of project requirements and mitigation measures; and

**Section 3:** This General Plan amendment is accompanied by a proposal to change the Zoning District for the Property to Single Family Residential minimum lot size 3,000 with “S” Zone Overlay District “R1-3-S” to ensure consistency with the General Plan; and

**Section 4:** The Project conforms to the Milpitas Zoning Ordinance in that the proposed residential land use is permitted in the R1-3 Zoning District. As proposed the project meets the ordinance regulations for a Planned Unit Development in terms of density, site design, and architectural compatibility. The project is aesthetic and harmonious with the surrounding development because it is in keeping with the same character and density as the neighboring residential development to the north. Implementation of mitigation measures will ensure the project will be compatible with surrounding uses.

**Section 5:** The Planning Commission held a properly noticed public hearing on June 25, 2008 wherein the Planning Commission heard staff’s report, took public testimony, considered the requested amendments and recommended the City Council approve the General Plan Amendment No.GM2006-2, Zone Change No. 2007-8, “S” Zone No. SZ2007-10, Planned Unit Development NO. PD2007-1, Vesting Tentative Map No. MA2007-4, and Environmental Impact Assessment No. EA2007-6.

**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:

**COMMISSIONER                      AYES    NOES                      OTHER**

Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			

Alexander Galang

Sudhir Mandal

Gurdev Sandhu

Noella Tabladillo

Aslam Ali


**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, “S”  
ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING  
TENTATIVE MAP NO. MA2007-4, and ENVIRONMENTAL IMPACT ASSESSMENT  
NO. EA2007-6, SINCLAIR RENAISSANCE RESIDENTIAL PROJECT**

**Planning Division**

1. **GENERAL:** 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. (P)

2. **GENERAL:** General Plan Amendment No. GM2006-2, Zone Change No. 2007-8, “S” Zone No. SZ2007-10, Planned Unit Development NO. PD2007-1, Vesting Tentative Map No. MA2007-4, and Environmental Impact Assessment No. EA2007-6 approvals 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. (P)
3. **GENERAL:** Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of General Plan Amendment No. GM2006-2, Zone Change No. 2007-8, “S” Zone No. SZ2007-10, Planned Unit Development NO. PD2007-1, Vesting Tentative Map No. MA2007-4, and Environmental Impact Assessment No. EA2007-6 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)
4. **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)
5. **SOUND WALL:** Sound walls height shall not exceed height following heights noted in the following table: (P)

Location	Height (max) – measure from project pad elevation
North property line	11' (6' wall on top of a 5'-6" retaining wall)
West property line	13' (6' wall on top of a 7' retaining wall)
South property line	16' tall wall that steps down to 13'

6. **SOUND WALL:** The north and west sound walls shall include decorative wall caps to architecturally blend and complement the proposed sound wall located on Sinclair Frontage Road. (P)
7. **OPEN SPACE:** Applicant shall provide additional bench and overhead trellis amenities on the southeast portion of the passive play area. (P)
8. **LANDSCAPING:** Prior to building permit issuance, the following modifications shall be incorporated in revised landscaping plans to the approval of the Planning Division: (P)
  - a. Structural (amended) soil shall be used for all landscaping in the public right-of-way.
  - b. All landscape structures shall be of long-lasting and high-quality materials.
  - c. All ground transformer, utilities, and mechanical equipment shall be located underground or screen from all views. (P)
9. **SETBACKS:** Interior lots with wrapped porch conditions shall maintain a 5-foot setback.
10. **COLOR PERMUTATIONS:** Prior to building permit issuance, all color permutations for all buildings shall be submitted to the Planning Division for review and approval. (P)
11. **PARK-IN-LIEU FEE:** The project applicant shall pay a park in-lie fee in the amount of \$1,556,695 prior to certificate of occupancy. (P)

PLANNED UNIT APPROVAL CONDITIONS

12. Re-roof materials shall be limited to concrete tiles. (P)
13. Building color changes shall be to the approval of the Planning Division. (P)
14. All garage doors shall be roll-up doors only. (P)
15. No garage conversions shall be allowed. (P)
16. Decorative street paving shall be maintained in perpetuity.
17. Landscape and irrigation shall be maintained in perpetuity. (P)
18. Sound walls shall be maintained in perpetuity. (P)
19. Private park and passive play areas shall be maintained in perpetuity. Repair and replacement of park amenities shall be to the approval of the Planning Division. (P)

20. Front yard coverage is limited to vehicle driveways and paved walkways only. New curb cuts or driveway extensions are strictly prohibited. (P)
21. Exterior modifications shall be consistent with architectural design of the home in terms of colors, materials, and styles. Mixing of different styles is strongly discouraged. Architectural modification will require Home Owner Association approval prior to city approval. (P)
22. Require Conditions Covenants and Restrictions (CC&Rs) to include property disclosure statements to all future residents regarding noise due to the proximity of I-680 and adjacent industrial uses. (P)
23. Any modifications to the PUD development standards and special conditions will require an amendment to the Planned Unit Development Approval and require Planning Commission review and approval. (P)

#### Environmental Mitigation Measures

24. The project shall comply with all mitigation measures as contained in the mitigation monitoring program for the Sinclair Renaissance Project. (P)
25. AQ MM1: The applicant shall adhere to the following BAAQMD Best Management Practices during all phases of constructions:
  - a. Water all active construction areas at least twice daily or as often as need to control dust emissions.
  - b. Cover all trucks hauling soil, sand, gravel and other loose material and/or ensure that all trucks hauling materials maintain at least two feet of freeboard.
  - c. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas, and staging areas at the construction site to control dust.
  - d. Sweep public streets daily or as often as needed to keep streets free from visible soil material.
  - e. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles.
  - f. Replant vegetation in disturbed areas as quickly as possible.
26. BIO MM1: The applicant shall conduct a preconstruction survey for nesting raptors between September and January by a qualified ornithologist or wildlife biologist to ensure that no raptor nest will be disturb during demolition and construction activities. The survey shall be conducted no more than 14 day prior to the initiation of demolition/construction activities during the early part of the breeding season (January to April) and no more than 30 days prior to the initiation of these activities during the later part of the breeding season (May to August). During the survey, the ornithologist/biologist will inspect all trees for raptors nest. If an active raptor nest is found close enough to the demolition/construction area to be disturbed, the ornithologist/biologist (in consultation with the California Department of Fish and Game) will determine the extent of the construction free buffer zone to be established around the nest. The project will main the buffer zone, allowing no intrusion or impact to the tree(s) until after the young have fledge and are functioning independently of the nest. (P)

27. BIO MM2: In accordance with MMC X-2-7.01, the applicant shall obtain a tree removal permit prior to the removal of any trees. For any tree that cannot be mitigated due to lack of available planting area or construction conflict, the applicant shall be required to pay a tree mitigation fee to the City of Milpitas. Reimbursement to the City for the value of the tree(s) to removed will be determine by an arborist certified by the International Society of Aboriculture utilizing the current edition for the “Guide for Plant Appraisal, Inter Society of Aboriculture.” The funds will be deposited in the City’s Tree Replacement Fund and will be used to plant trees within the City of Milpitas. (P)
28. CUL MM1: 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. (P)
29. GEO MM1: The applicant shall comply with the findings and recommendations contained in the Geotechnical Investigation Report, dated October 2006, prepared by KC Engineering Company. To ensure compliance with this mitigation, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all of their recommendations have been incorporated into the construction drawings prior to issuance of any grading or building permit. Additionally, prior to obtaining a final, a certificate of occupancy, or any occupancy for the buildings, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all of their recommendations have been satisfied. (P)
30. GEO MM2: The following measures are included in the project to reduce potential construction related erosion impacts:
- a. All excavation and grading work will be scheduled in the dry weather months or construction sites will be weatherized to withstand or avoid erosion.
  - b. Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
  - c. Vegetation in disturbed areas will be replanted as quickly as possible.
  - d. Project will also adhere to the Regional Water Quality Control Board’s best management practices to reduce construction related and post construction runoff impacts. (P)
31. HAZ MM1: The project sponsor shall sample the soil within the project site to determine the presence or absence of pesticides and herbicides. If soil sampling indicates the presence of any contaminant in hazardous concentrations, the California Regional Water Quality Control Board (RWQCB) and Department of Toxic Substance Control (DTSC) shall be contacted to determine the level of any necessary remediation efforts. If required, the project sponsor shall remediate these soils in compliance with applicable laws. (P)
32. HAZ MM2: Existing local, state and federal regulations and enforcement are effective forms of hazard mitigation for toxic gas safety and preventing any possible offsite consequences from catastrophic release.

- 33. NOI MM1: The applicant shall incorporate and adhere to the recommendations and design standards set forth in the Traffic Noise Assessment dated December 15, 2006, prepared by Edward L. Pack Associates. (P)
- 34. NOI MM2: Construction of 16-foot tall acoustically effective noise control barrier along the property line contiguous with Sinclair Frontage Road, a 12-foot acoustically-effective barrier at the south side of Lot 43 and north side of Lot 1, and a 16-foot that steps down to 8-feet tall along the southern property line according to the following schedule: (P)

<b>Lot #</b>	<b>Required Height of Fence</b>
Lot 6	16 ft. stepped down to 11 ft.
Lot 7	11 ft.
Lot 8	10 ft.
Lot 9	9 ft.
Lot 10	9 ft.
Lot 11	8 ft.
Lot 12	8 ft.
Lot 13	8 ft.
Lot 14	8 ft.
Lot 15	8 ft.
Lot 16	8 ft.
Lot 17	8 ft.

- 35. NOI MM3: Maintain closed at all times all first floor windows and glass doors of living spaces within 420 ft. of the centerline of the I-680 and with direct or side orientation towards the freeway. Install windows and glass doors rated minimum Sound Transmission Class (STC) 28. A disclosure statement shall be provided to all future property owners affected stating that windows and glass doors must be maintain the STC rating 28 or higher that were installed at the time of construction to main acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
- 36. NOI MM4: Maintain closed at all times all second floor windows and glass doors of living spaces within 420 ft. of the centerline of I-680 and with a direct or side orientation towards the freeway. At the living spaces within 340 ft. of the centerline, install windows and glass doors rated minimum STC 33. A disclosure statement shall be provided to all future property owners stating that windows and glass doors must maintain the STC rating 33 or higher that were installed at the time of construction to main acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)

37. NOI MM5: At living spaces between 340 ft. and 420 ft. of the centerline, install windows and glass doors rated minimum STC 27. A disclosure statement shall be provided for all future property owners affected stating that windows and glass doors must maintain the STC rating 27 or higher that were installed at the time of construction to main acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
38. NOI MM6: At the second floors of Lot 1 (east and north faces) and of Lot 43 (east and south facades) install windows and glass doors rated minimum STC 38. A disclosure statement shall be provided to all future property owners affected stating that windows and glass doors must maintain the STC rating 38 or higher that were installed at the time of construction to main acceptable DNL noise exposures for single-family residents of 45 dB NDL. (P)
39. NOI MM7: Second floor windows for homes located on lots 6-17 shall install windows and glass doors rated minimum STC 28. A disclosure statement shall be provided to all future property owners affected stating that windows and glass doors must maintain the STC rating 28 or higher that were installed at the time of construction to main acceptable DNL noise exposures for single-family residents of 45 dB NDL.
40. NOI MM8: Provide mechanical ventilation for all residential living spaces that have closed window requirements. (P)
41. NOI MM9: Prior to building permit issuance, applicant shall submit acoustical test report of all sound rated windows and doors. The report shall be review by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic noise to acceptable levels. (P)
42. NOI MM10: Pursuant to the City of Milpitas Municipal Code, no person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 AM to 7:00 PM on weekdays and weekends. (P)
43. NOI MM11: The contractor shall be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment. (P)
44. NOI MM12: The contractor shall be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors. (P)
45. NOI MM13: The contractor shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to all complaints about noise and take the necessary steps to reduce the problem. (P)

46. PUB MM1: The project applicant shall pay a park in-lie fee in the amount of \$1,556,695 prior to certificate of occupancy. (P)
47. TRA MM 10: To mitigate this cumulative impact, the project applicant shall pay a traffic impact fee for their fair share contribution towards the Calaveras Boulevard (SR 237) Overpass Widening Project, Montague Expressway Widening Project, and South Milpitas Boulevard Smart Corridor Project. (P)

**Engineering Division**

48. GENERAL: Prior to any building permit issuance, final map shall be recorded. (E)
49. GENERAL: Prior to building permit issuance, the developer shall obtain approval from adjacent property owners on the west and South for construction and future maintenance of the proposed retaining and perimeter walls. (E)
50. GENERAL: Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
51. GENERAL: It is the responsibility of the developer to obtain any necessary permits or approvals 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. (E)
52. GENERAL: The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
53. GENERAL: Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. (E)
54. GENERAL: 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".(E)
55. GENERAL: The developer shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. (E)

56. FINAL MAP: 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. (E)
57. CFD: 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. (E)
1. FINAL MAP: Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Sinclair Frontage Road including but not limited to damaged curb, gutter and pavement replacement, slurry seal of the Sinclair Frontage Road to Wrigley Way new sidewalk installation, signage and striping, two vehicular feedback signs installation, street lights, fire hydrants, bus stop, Water main line installation, and storm drain, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The locations of 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. (E)
58. FINAL MAP: Prior to recordation of any final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)
59. FINAL MAP: The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)
60. FINAL MAP: Prior to final map approval, the developer shall establish a homeowner association. The homeowner association shall be responsible for the maintenance of the landscaping, walls, private streetlights, 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. (E)

61. FINAL MAP: Prior to the final map approval, the developer shall dedicate adequate right of way for pedestrian purposes crossing the driveways. (E)

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

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

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

63. UTILITIES: 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. (E)

64. UTILITIES: It is anticipated that the on-site private storm drainage system will collect a certain amount of public stormwater runoff from Sinclair Frontage Road. Prior to building permit issuance, the developer shall enter into an agreement with the City for collecting, accepting, treating and conveying public runoff through private drainage system. (E)

65. UTILITIES: 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 **\$89,630** based on \$1100 per parcel and \$4792 per acre for the park. 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.

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

66. UTILITIES: 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 **\$81,695**, 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. (E)
67. UTILITIES: The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
68. UTILITIES: 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 \$ **24,835** 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. (E)
69. UTILITIES: 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 **\$292**, 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. (E)
70. UTILITIES: Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% permit automation fee. (E)
71. UTILITIES: 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. (E)
72. UTILITIES: 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. (E)

73. TRAFFIC: Prior to any building permit issuance, the developer shall pay a Traffic Impact fee of **\$25,284** toward the Montague Expressway Widening project.
74. TRAFFIC: Prior to any building permit issuance, the developer shall pay a “fair share” contribution of **\$5,600** towards the Calaveras Boulevard Widening and Improvement Project. (E)
75. TRAFFIC: Prior to building occupancy permit issuance, the developer shall pay **\$50,000** or bond for the future improvement along Sinclair Frontage Road. The improvements along Sinclair frontage Road shall be in accordance with the Traffic Study findings and recommendations. (E)
76. TENTATIVE MAP: The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. (E)
77. SIGHT DISTANCE: 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.
78. SOLID WASTE: Per Chapter 200, Solid Waste Management, V-200-3.10, General Requirement, applicant/ property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 Owner Responsible for Solid Waste, Recyclables, and Yard Waste, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the 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. (E)
79. STORMWATER: 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.
  - b. The Plan and Report shall be prepared by a licensed Civil Engineer and certify 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.

80. STORMWATER: 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, and prior to Building final inspection, the developer shall execute and record the City approved O&M Agreement for the operation, maintenance and annual inspection of the C.3 treatment facilities. (E)
81. STORMWATER: All building permit applications shall be consistent with the developer's approved Stormwater Control Plan and approved special conditions. Permit applications shall include drawings and specifications necessary to implement all measures described in the approved Plan. Drawings submitted for permit applications shall show the details and methods of construction for site design features, including but not limited to pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, measures to limit directly connected impervious area, and other features that control stormwater flow and potential stormwater pollutants. Any changes to the approved Stormwater Control Plan shall require Site & Architectural ("S" Zone) Amendment application review. (E)
82. STORMWATER: 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. (E)
83. STORMWATER: 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. (E)
84. TREE REMOVAL 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. (P) (E)

85. DEMOLITION: All utilities shall be properly disconnected before the building can be demolished. Show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped immediately behind the water meter if it is not to be used. The sanitary sewer shall be capped off at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used. (E)
86. DEMOLITION: Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:
- a. What materials will be salvaged.
  - b. How materials will be processed during demolition.
  - c. Intended locations or businesses for reuse or recycling.
  - d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.
  - e. Applicant/Contractor shall make every effort to salvage materials for reuse and recycling. (E)
87. DEMOLITION: Prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section, that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division. (E)
88. DEMOLITION: All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site. (E)
89. TENTATIVE MAP: Make changes as noted on Engineering Services Exhibit "T"(dated 3/28/2008) and submit a Mylar of the revised tentative map to the Planning Division

within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)

**APPROVED**

**PLANNING COMMISSION MINUTES**

**June 25, 2008**

**I.  
PLEDGE OF  
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL/SEATING  
OF ALTERNATE**

Present: Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Sudhir Mandal  
Gurdev Sandhu, Noella Tabladillo and Cliff Williams

Alternate Present: Aslam Ali

Absent: None

Staff: AhSing, Hom, Lindsay, Ogaz and Oliva

**III.  
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

**Rajeev Madnawat, representing the Community Advisory Commission,** invited the public to participate in National Night Out on August 7, 2008.

**IV.  
ANNOUNCEMENTS**

There were no announcements.

**V.  
CONFLICT  
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

**VI.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

**Motion** to approve the agenda as submitted.

M/S: Mandal/Sandhu

AYES: 7

NOES: 0

**VII.  
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar, however, staff received two e-mails in opposition to Item No. 1 (Conditional Use Permit No. UP08-0020) and Item No. 2 (Site Approval Amendment No. SA2008-0017).

Chair Williams opened the public hearing on Item Nos. 1 and 2.

**Tony Trouch and Michael Chang, Milpitas Business Owners**, requested that Item No. 1 be pulled from the consent calendar for discussion.

**Motion** to remove Item No. 1 from consent calendar.

M/S: Williams/Mandal

AYES: 7

NOES: 0

**Motion** to close the public hearing on Item No. 2

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

**Motion** to approve the consent calendar.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

**\*2 SITE APPROVAL AMENDMENT NO. SA2008-0017:** A request to amend a special condition of approval, No. 23a, relating to construction timing. If approved, the request would allow project construction to occur everyday, Mondays through and Sundays between 6 a.m. and 7 p.m., until December 31, 2008. The project is located at 1666 South Main Street. (*Recommendation: Close the public hearing and adopt Resolution No. 08-026 approving the proposed amendment to special condition no. 23a*)

**VIII.  
PUBLIC HEARING**

**1. CONDITIONAL USE  
PERMIT NO. UP08-0020**

Cindy Hom, Assistant Planner, presented a request to locate a 1,088 square foot self-serve yogurt shop within the Milpitas Square Shopping Center located at 510 Barber Lane. Ms. Hom recommended to close the public hearing and adopt Resolution No. 08-027 approving the project subject to the conditions of approval.

Chair Williams asked how is the parking during lunchtime. Ms. Hom said the last parking study was done in 2005 and based on that study, there were excess parking stalls.

Joe Oliva, Principal Transportation Planner, stated that during lunchtime hours, people park in the back portions of the Crowne Plaza and Barber Lane because there is not enough parking.

Chair Williams said he is concerned that there is not a current parking study.

Mr. Lindsay said staff's job is to see if an application is in conformance with the zoning ordinance and based on parking ratios currently in the code for restaurants, this use permit would meet the zoning ordinance requirements.

Commissioner Sandhu asked what the status of this retail space is. Ms. Hom said it used to be a clothing store.

Commissioner Ciardella asked if the shopping center has to comply with the parking requirements in the zoning ordinance. City Attorney Mike Ogaz said that the parking task force is looking to see if there is a need to increase parking levels for shopping centers. At this time, the Commission cannot require more than what the current code requires.

Vice Chair Mandal said that currently customers are parking on the street and asked if this is included in the parking calculations. Ms. Hom said that it is not included and only on-site parking is included in the calculations.

Commissioner Tabladillo asked if the City enforces employees parking in the main lot. Ms. Hom said employees are accounted for 10% of parking spaces and it is generally encouraged for employees to park in the back of the buildings and it is sometimes a condition of approval.

Chair Williams introduced the applicant.

**John Ha, representing the applicant,** said they are in compliance with the zoning ordinance and should not have any competition with the other businesses.

Vice Chair Mandal asked about the business. Mr. Ha said they will be serving frozen yogurt.

Commissioner Tabladillo asked if there is a requirement to have a 15 or 20 minute parking space in front of the shop. Ms. Hom said there is no timed parking at the shopping center.

Chair Williams asked if the Commission can require timed parking spaces and Mr. Lindsay said yes. He also suggested that the Parking Task Force look into requiring timed parking for other businesses throughout the shopping center.

City Attorney Mike Ogaz said that because the property owner is not present tonight, staff cannot condition the project to have timed parking.

Commissioner Tabladillo asked if the applicant will be providing Wi-Fi and Mr. Ha said no.

Commissioner Galang asked about the frequency of visitors and Mr. Ha said that they have a lot of business after 3 p.m. and at nighttime.

Chair Williams opened the public hearing.

**Tony Trouch, Business Owner,** said he is concerned about parking and trash and wants the Commission to deny the project.

**Michael Chang, Business Owner,** said he is concerned about the project and felt it is a conversion of use. He asked the Commission to deny the project.

**APPROVED**  
**Planning Commission Minutes**

June 25, 2008

Motion to close the public hearing.

M/S: Sandhu/Mandal

AYES: 7

NOES: 0

Commissioner Ciardella asked if customers are carpooling together during lunchtime and Mr. Oliva said yes.

**Motion** to adopt Resolution No. 08-027 approving Conditional Use Permit No. UP08-0020, Tutti Frutti Yogurt Shop subject to the attached findings and conditions of approval.

M/S: Sandhu/Ciardella

AYES: 7

NOES: 0

**3. PARKING TASK  
FORCE TASK 3  
TECHNICAL  
MEMORANDUM**

Joe Oliva, Principal Transportation Planner, presented a summary of staff's public outreach efforts to interested stakeholders in the community regarding the state of parking in various land use districts throughout the City, including residential, industrial, commercial and quasi-public areas. Mr. Oliva recommended that the Commission close th/e Public Hearing and Note Receipt and File.

Chair Williams asked if staff looked at Menlo Park's parking ordinance. Mr. Oliva said that Menlo Park was not one of the cities that staff researched because they are very restrictive with their on-street parking.

Chair Williams asked about street sweeping days that would help to force vehicles to be removed and Mr. Oliva said that Public Works and Code Enforcement are trying to tackle the problem.

Commissioner Sandhu suggested that the task force look at no parking zones to see if staff could allow parking there at certain times. Mr. Oliva said that no parking zones in industrial parks are used to prevent big heavy trucks from parking there.

Commissioner Tabladillo said that KB home residents are complaining that there is not enough parking. Mr. Oliva said there is a parking problem out there and people are parking illegally. He advised the Home Owners Association (HOA) to form a parking committee.

Commissioner Tabladillo said she is concerned about the lack of parking at supermarkets and asked the task force to come up with alternatives. Mr. Oliva said that he understands her concerns and hopefully staff can come up with solutions.

Chair Williams asked if staff has conditioned housing projects to require that the HOA have parking guidelines and James Lindsay, Planning and Neighborhood Services Director said yes.

Commissioner Ciardella said Menlo Park has certain sections of town where they limit parking on certain streets.

Commissioner Galang suggested if the parking task force could look into fining large vehicles that park into compact spaces.

**APPROVED**

**Planning Commission Minutes**

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Chair Williams opened the public hearing.  
There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Galang/Sandhu

AYES: 7

NOES: 0

Chair Williams noted that this was a note receipt and file.

**4. GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, "S" ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING MAJOR TENTATIVE MAP NO. MA2007-4, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-6**

Cindy Hom, Assistant Planner, presented a request to change the land use designation of 9.65 acres from industrial to residential and develop an 80 lot subdivision at Sinclair Frontage Road, north of Wrigley Way. Ms. Hom recommended the Commission close the Public Hearing and adopt Resolution No. 08-020 and recommend approval to the City Council subject to the Conditions of Approval.

Chair Williams asked what is the speed limit and Ms. Hom said it is 45 mph and that the consensus is to reduce the traffic speed to 35 mph.

Chair Williams suggested that staff look at on street parking.

Chair Williams asked what is the wall height along Sinclair Frontage and Ms. Hom said 16 feet.

Commissioner Tabladillo asked if the existing sidewalk is comparable to the new sidewalk that would be installed and Ms. Hom said yes.

Commissioner Tabladillo asked if there will be landscaping near the entrance and Ms. Hom said yes.

Commissioner Ali-Santosa said he is concerned about fire truck access if there is a car parked near the intersection or corner. Ms. Hom said the private street is developed in conformance with the fire departments turning radius standards.

Commissioner Ciardella asked about the parking requirements. Ms. Hom said for the R1 zoning district, the parking requirement is 2 off street parking spaces and they are providing in excess.

Chair Williams asked if a window privacy study was done and Ms. Hom said no.

Vice Chair Mandal said he concerned about the traffic flow. Ms. Hom said the width of the entry road is 36 feet travel way and is wide enough to accommodate traffic.

Commissioner Galang asked about hazardous mitigation measures. Ms. Hom said it is the applicant's responsibility to comply with the measures.

Chair Williams asked if the applicant was in communication with the nearby residents. Ms. Hom said there was a community meeting and the residents were concerned about the wall and the applicant has promised to maintain the current height.

Commissioner Tabladillo asked about the demolishing of the existing site and Ms. Hom deferred the question to the applicant.

Chair Williams introduced the applicant.

**Steve Allen, Applicant, 6217 Lake View Circle, San Ramon**, presented a request to change the land use designation of 9.65 acres from industrial to residential and develop an 80 lot subdivision at Sinclair Frontage Road, north of Wrigley Way.

**APPROVED**  
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Chair Williams asked who designed the project and Mr. Allen said KTG Y architects.

Chair Williams asked what was the core drilling depth and Mr. Allen said it exceeded eighteen feet.

Chair Williams suggested a condition that would require the applicant to come up with mitigation measures to ensure privacy and the applicant agreed.

Commissioner Tabladillo asked if the bollards will allow the residents to walk through and Mr. Allen said yes.

Commissioner Tabladillo asked about pedestrian sidewalk safety and Mr. Allen explained the safety elements of the sidewalk.

Commissioner Tabladillo requested that staff include lighting along the emergency vehicle access corridor.

Vice Chair Mandal asked if the project is going to be the same height level as the project to the north and Mr. Allen said no, the project will be a higher level.

Vice Chair Mandal asked if the park area will be private or public and Mr. Allen said it will be private.

Commissioner Ciardella asked where the mailboxes would be located and Mr. Allen referred the Commission to the plans.

Commissioner Galang asked how much will the units cost and Mr. Allen said approximately mid 400's to 500's.

Commissioner Sandhu asked when will the project be completed and Mr. Allen said approximately four years.

Chair Williams opened the public hearing.

**Howard Narvaez., 976 Cameron Circle, Milpitas,** said he is concerned about traffic, construction noise, hazardous materials, tree planting, family noise, privacy issues and property values.

**Lance Crain, Property Owner at 1155 Wrigley Way,** requested the following special conditions: 1) the applicant build a 16 foot sound wall along the entire property line, 2) home purchasers sign a waiver regarding potential noise and 3) storm drainage for the project be improved.

**Motion** to close the public hearing.

M/S: Sandhu/Galang

AYES: 7

NOES: 0

Chair Williams asked Mr. Lindsay if staff can incorporate Mr. Crain's suggestions as conditions of approval. Mr. Lindsay said the applicant is proposing a higher wall but does not meet the 16 foot height requested by Mr. Crain.

Commissioner Sandhu said he is concerned about privacy issues and not meeting the development standards.

Vice Chair Mandal said he is also concerned about privacy and Mr. Crain's business.

Mr. Lindsay said staff considered Mr. Crain's request about the 16 foot wall height but felt it wasn't required to meet the noise standards.

**APPROVED**

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Commissioner Ciardella asked if there is another 16 foot wall against residential homes and Mr. Lindsay said the Sinclair Horizons subdivision.

Commissioner Ciardella asked what the height of a roll up door is. Mr. Crain said the height of a roll up door is 16 feet.

Commissioner Tabladillo asked if all the homes are two stories and Mr. Lindsay said yes.

Commissioner Tabladillo said she was concerned about privacy.

**Motion** to Adopt Resolution No. 08-020 and recommend approval to the City Council subject to conditions of approval with the following added special conditions of approval.

- 1) To have appropriate lighting along the emergency vehicle access pathway.
- 2) To have the applicant, staff and HOA work on a privacy condition that is mutually agreeable specifically for units 30, 31 and 32.
- 3) To have the applicant provide a 16 foot wall height with structural integrity along the whole length of the south wall.

M/S: Ali-Santosa/Galang

AYES: 6

NOES: 1 (Sandhu-due to not in agreement with the development standards)

## **IX. PRESENTATION**

### **5. BROWN ACT REVIEW**

Chair Williams requested that this item be continued to the next meeting and the Commission agreed.

### **X. ADJOURNMENT**

The meeting was adjourned 10:20 p.m. to the next regular meeting of July 9, 2008.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

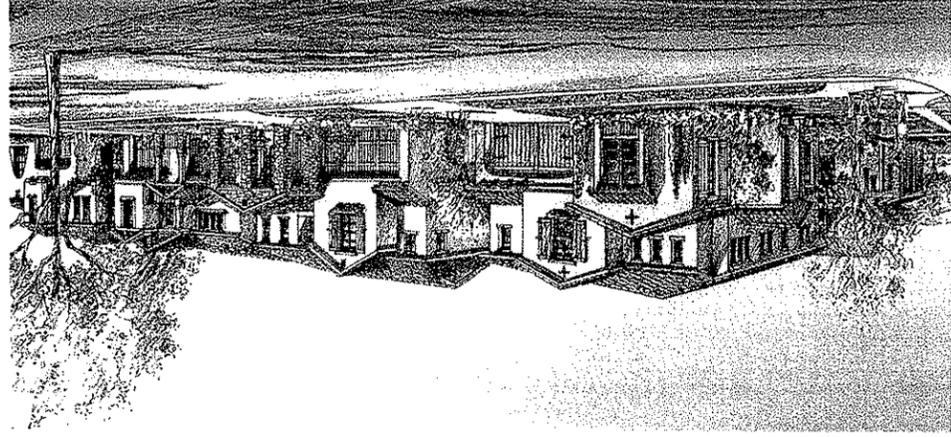
Veronica Bejines  
Recording Secretary

**APPROVED**  
**Planning Commission Minutes**  
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**SHEET INDEX**

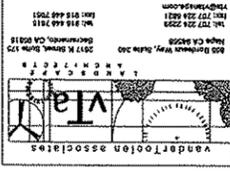
NO.	DESCRIPTION
1	COVER SHEET - SHEET INDEX
<b>CIVIL PLANS</b>	
2	TM-01 VESTING TENTATIVE MAP - EXISTING PROPERTY
3	TM-02 VESTING TENTATIVE MAP - SITE PLAN
4	TM-03 VESTING TENTATIVE MAP - GRADING AND UTILITY PLAN
5	TM-04 VESTING TENTATIVE MAP - FIRE TRUCK ACCESS AND STRIPING EXHIBIT
6	TM-05 VESTING TENTATIVE MAP - CITY NOTES AND CONDITIONS
7	C1 PLANNED UNIT DEVELOPMENT - DEVELOPMENT PLAN
<b>LANDSCAPE PLANS</b>	
8	L-01 PRELIMINARY LANDSCAPE PLAN
9	L-02 LANDSCAPE TYPICALS
10	L-03 LANDSCAPE DETAILS
11	L-04 LANDSCAPE ELEVATIONS
12	L-05 PRELIMINARY IRRIGATION MAINLINE PLAN
13	L-06 PRELIMINARY LIGHTING PLAN

NO.	ARCHITECTURAL PLANS
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15	A-02 CONCEPTUAL STREET SCENE
16	A-03 PERSPECTIVE
17	A-04 PLAN 1 FLOOR PLAN
18	A-05 PLAN 1 FRONT ELEVATIONS
19	A-06 PLAN 1A WRAP ELEVATIONS
20	A-07 PLAN 1B WRAP ELEVATIONS
21	A-08 PLAN 1C WRAP ELEVATIONS
22	A-09 PLAN 2 FLOOR PLAN
23	A-10 PLAN 2 FRONT ELEVATIONS
24	A-11 PLAN 2A WRAP ELEVATIONS
25	A-12 PLAN 2B WRAP ELEVATIONS
26	A-13 PLAN 2C WRAP ELEVATIONS
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34	A-21 PLAN 3A WRAP ELEVATIONS
35	A-22 PLAN 3B WRAP ELEVATIONS
36	A-23 PLAN 3C WRAP ELEVATIONS
37	A-24 PLAN 3 ALT PARTIAL PLANS AND ELEVATIONS
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39	A-26 PLAN 4 FRONT ELEVATIONS
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# SINCLAIR RENAISSANCE

PLANNED UNIT DEVELOPMENT  
MILPITAS, CALIFORNIA



THE MISSION PEAK COMPANY



**OWNER/DEVELOPER**

THE MISSION PEAK COMPANY  
40480 ENCICLOPEDIA CIRCLE  
FREMONT, CA 94538  
(510) 354-0888  
CONTACT: STEPHEN ALLEN

**CIVIL ENGINEER**

CARLSON, BARBEE & GIBSON, INC.  
6111 BOLLINGER CANYON ROAD, SUITE 150  
SAN RAMON, CA 94583  
(925) 866-0322  
CONTACT: LEE ROSENBLATT

**LANDSCAPE ARCHITECT**

VANDERTOOLEN ASSOCIATES, INC.  
855 BOURDEAUX WAY, SUITE 240  
NAPA, CA 94558  
(707) 224-2299  
CONTACT: STEPHANIE BERSCH

**ARCHITECT**

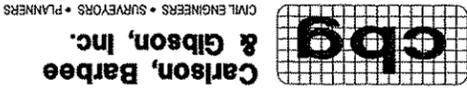
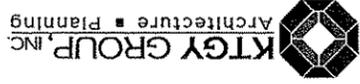
KTGY GROUP, INC.  
17992 MITCHELL SOUTH  
IRVINE, CA 92614  
(949) 851-2133  
CONTACT: DOUG HEATON

**RECEIVED**

OCT 20 2009

CITY OF MILPITAS  
PLANNING DIVISION

FEBRUARY 25, 2008





# VESTING TENTATIVE MAP EXISTING PROPERTY SINCLAIR RENAISSANCE

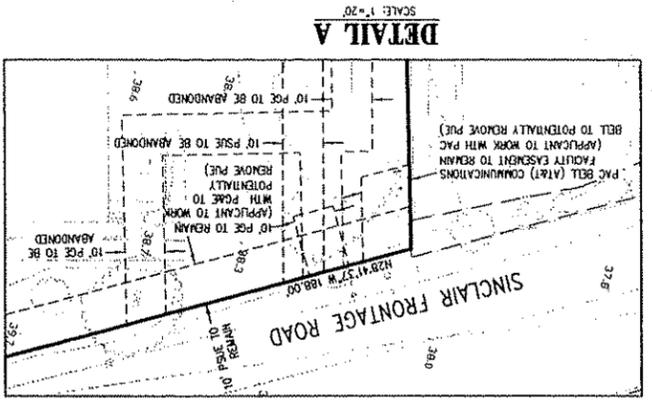
CITY OF MILPITAS  
SANTA CLARA COUNTY  
CALIFORNIA

- SHEET INDEX**
- TM-01 TITLE SHEET-EXISTING PROPERTY
  - TM-02 SITE PLAN
  - TM-03 GRADING AND UTILITY PLAN
  - TM-04 FIRE TRUCK ACCESS AND STRIPING EXHIBIT
  - TM-05 CITY NOTES AND CONDITIONS

**SUBDIVISION TENTATIVE MAP**  
This Map has been reviewed by the City Engineer.

City Engineer \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for Approval by the Milpitas Planning Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, and approved by the Milpitas City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Planning and Neighborhood Services Director \_\_\_\_\_ Date \_\_\_\_\_



NOTE: ALL EXISTING EASEMENTS TO BE OBTAINED OR ABANDONED UNLESS OTHERWISE SPECIFIED.

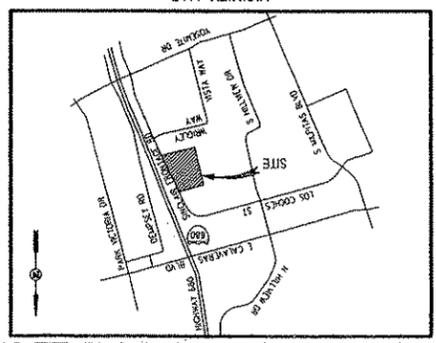
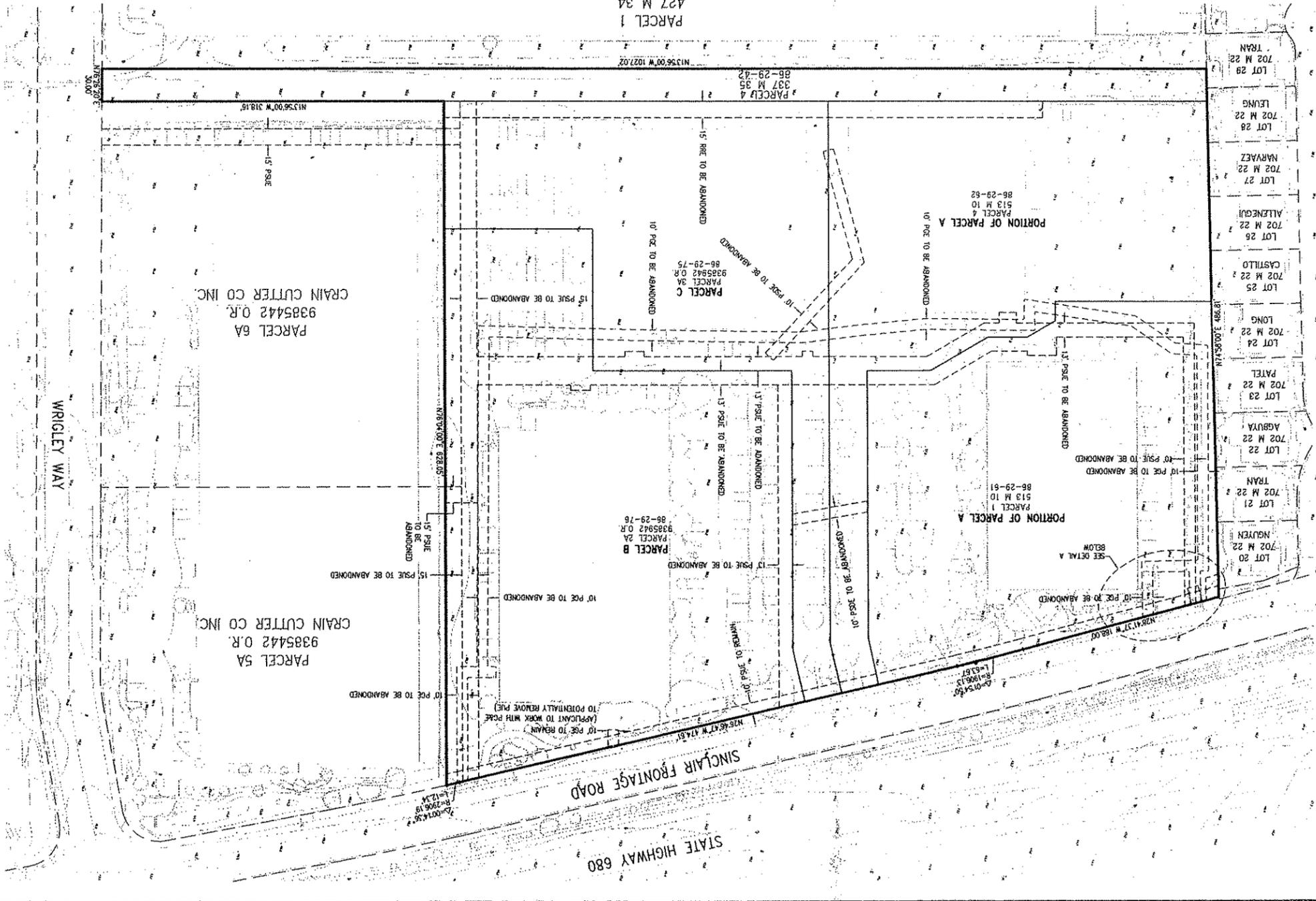
THIS REPORT PARCEL REFERENCE

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	SUBDIVISION BOUNDARY
[Symbol]	[Symbol]	PROPERTY LINE
[Symbol]	[Symbol]	CURB, GUTTER AND SIDEWALK
[Symbol]	[Symbol]	CENTLINE
[Symbol]	[Symbol]	SPOT ELEVATIONS
[Symbol]	[Symbol]	PUBLIC SERVICE UTILITY EASEMENT
[Symbol]	[Symbol]	PRIVATE STORM DRAIN EASEMENT
[Symbol]	[Symbol]	PRIVATE UTILITY EASEMENT
[Symbol]	[Symbol]	RAILROAD EASEMENT
[Symbol]	[Symbol]	LOT NUMBER

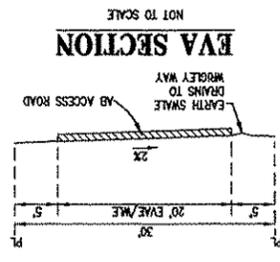
- 27. PHASING
- 26. FINAL MAP
- 25. DIMENSIONS:
- 24. CABLE TV
- 23. TELEPHONE
- 22. GAS & ELECTRIC
- 21. WELLS ON SITE
- 20. FLOOD ZONE:
- 19. LANDSCAPING
- 18. SANITARY SEWER
- 17. WATER
- 16. STORM DRAIN
- 15. PRIVATE UTILITIES
- 14. PUBLIC UTILITIES
- 13. WALLS
- 12. STREET LIGHTS
- 11. STREET TREES
- 10. STREETS
- 9. EXISTING UTILITIES
- 8. EXISTING STRUCTURES
- 7. BENCHMARK
- 6. MINIMUM LOT SIZE:
- 5. EXISTING USE:
- 4. PROPOSED ZONING:
- 3. SITE AREA:
- 2. SITE ADDRESS:
- 1. ASSESSORS PARCEL NO.:

- GENERAL NOTES**
- ASSESSORS PARCEL NO. 086-29-042
  - SITE ADDRESS: 350 SINCLAIR FRONTAGE ROAD, MILPITAS, CA 95035
  - SITE AREA: 5.654 ACRES
  - PROPOSED ZONING: R1-3
  - EXISTING USE: SINGLE-FAMILY RESIDENTIAL
  - MINIMUM LOT SIZE: 80 SINGLE FAMILY LOTS, 12 PARCELS
  - 45' x 70' (3,150 SF)
  - BENCHMARK: CITY OF MILPITAS BENCHMARK C&M-16, BRASS DISK IN NORTHERN WELL AT THE INTERSECTION OF EAST CALABRAS BLVD AND HILMWAY AVENUE E.L. 26.005 FEET
  - EXISTING STRUCTURES: ALL EXISTING BUILDINGS, PAVEMENT, AND TREES WITHIN BOUNDARY TO BE REMOVED.
  - EXISTING UTILITIES: ALL EXISTING UTILITIES WITHIN BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED.
  - STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PRIVATE STREETS AND WILL BE PRIVATELY MAINTAINED. ALL STREETS WILL BE WITHIN PARCELS' (MINIMUM LONGITUDINAL SLOPE = 0.6%).
  - STREET TREES: STREET TREES SHALL BE PROVIDED AS REQUIRED BY THE CITY, INSTALLED PER CITY STD NO. 448 AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
  - STREET LIGHTS: STREET LIGHTS ON PRIVATE STREETS WILL BE PRIVATELY MAINTAINED.
  - WALLS: ALL WALLS WILL BE PRIVATE FACILITIES AND PRIVATELY MAINTAINED.
  - PUBLIC UTILITIES: PROPOSED WATER FACILITIES WITHIN THE SUBDIVISION WILL BE CONSTRUCTED PER LOCAL STANDARDS AND DEDICATED TO THE CITY OF MILPITAS.
  - PRIVATE UTILITIES: PROPOSED STORM DRAIN AND SANITARY SEWER FACILITIES WITHIN THE SUBDIVISION WILL BE PRIVATELY MAINTAINED, EXCEPT AS NOTED.
  - STORM DRAIN: PROPOSED STORM DRAIN FACILITIES WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
  - WATER: PROPOSED WATER FACILITIES WITHIN THE SUBDIVISION WILL BE CONSTRUCTED PER CITY OF MILPITAS STANDARDS AND DEDICATED TO THE CITY.
  - SANITARY SEWER: PROPOSED SANITARY SEWER FACILITIES WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
  - LANDSCAPING: ALL LANDSCAPING TO BE PRIVATELY OWNED AND MAINTAINED.
  - FLOOD ZONE: REFER TO FLOOD INSURANCE RATE MAP PANEL 060344-0003 C (JUNE 22, 1998)
  - WELLS ON SITE: NONE
  - GAS & ELECTRIC: PUE
  - TELEPHONE: AT&T
  - CABLE TV: COMCAST
  - DIMENSIONS: MULTIPLE MAPS MAY BE FILED FOR THIS SITE.
  - FINAL MAP: MULTIPLE CONSTRUCTION AND ONE PHASES WILL BE REQUIRED FOR THIS SITE.



- CONTACTS**
- OWNER/SUBDIVIDER: THE MISSION PEAK COMPANY, 4080 DIXCLOPEDIA CIRCL, FREMONT, CA 94538-2446, (910) 354-0888, STEPHEN ALLEN
  - ENGINEER: CARLSON, BARBEE & GIBSON, INC., 6111 BOLLINGER CANYON ROAD, SUITE 150, SAN RAMON, CA 94583, (925) 866-0322, LEE ROSENBLATT, PCE 65469
  - SOILS ENGINEER: KC ENGINEERING COMPANY, 865 COTTING LANE SUITE A, VACAVILLE, CA 95688, (707) 447-4023
  - TOPOGRAPHIC SOURCE: AERIAL TOPOGRAPHY COMPILED BY: 915 CLAYMONT STREET, SAN MATEO, CA 94402

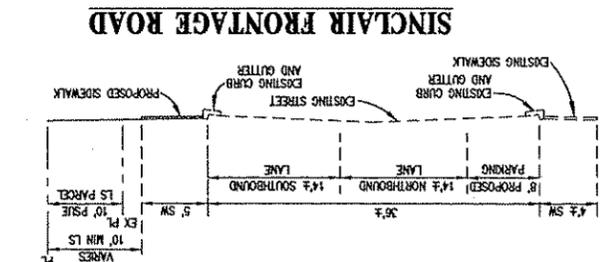
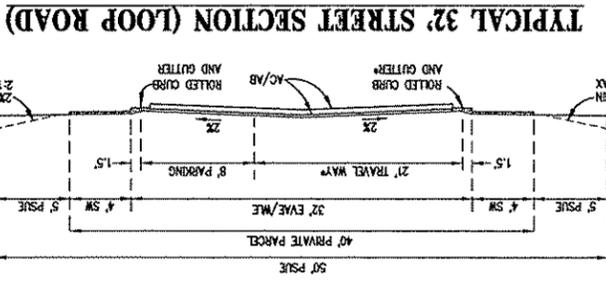
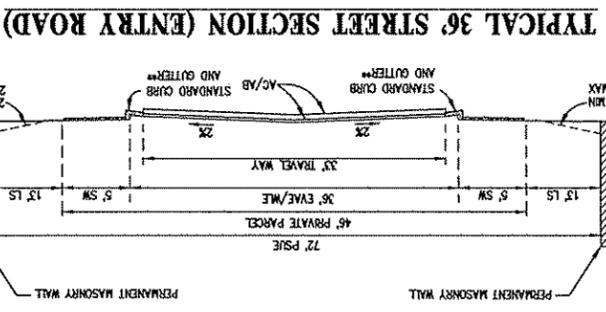
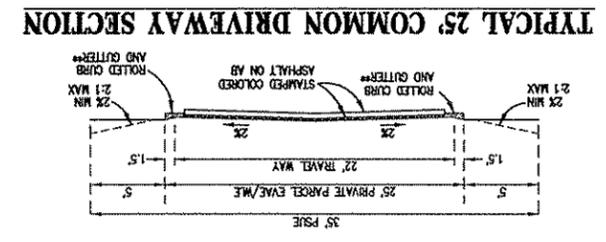
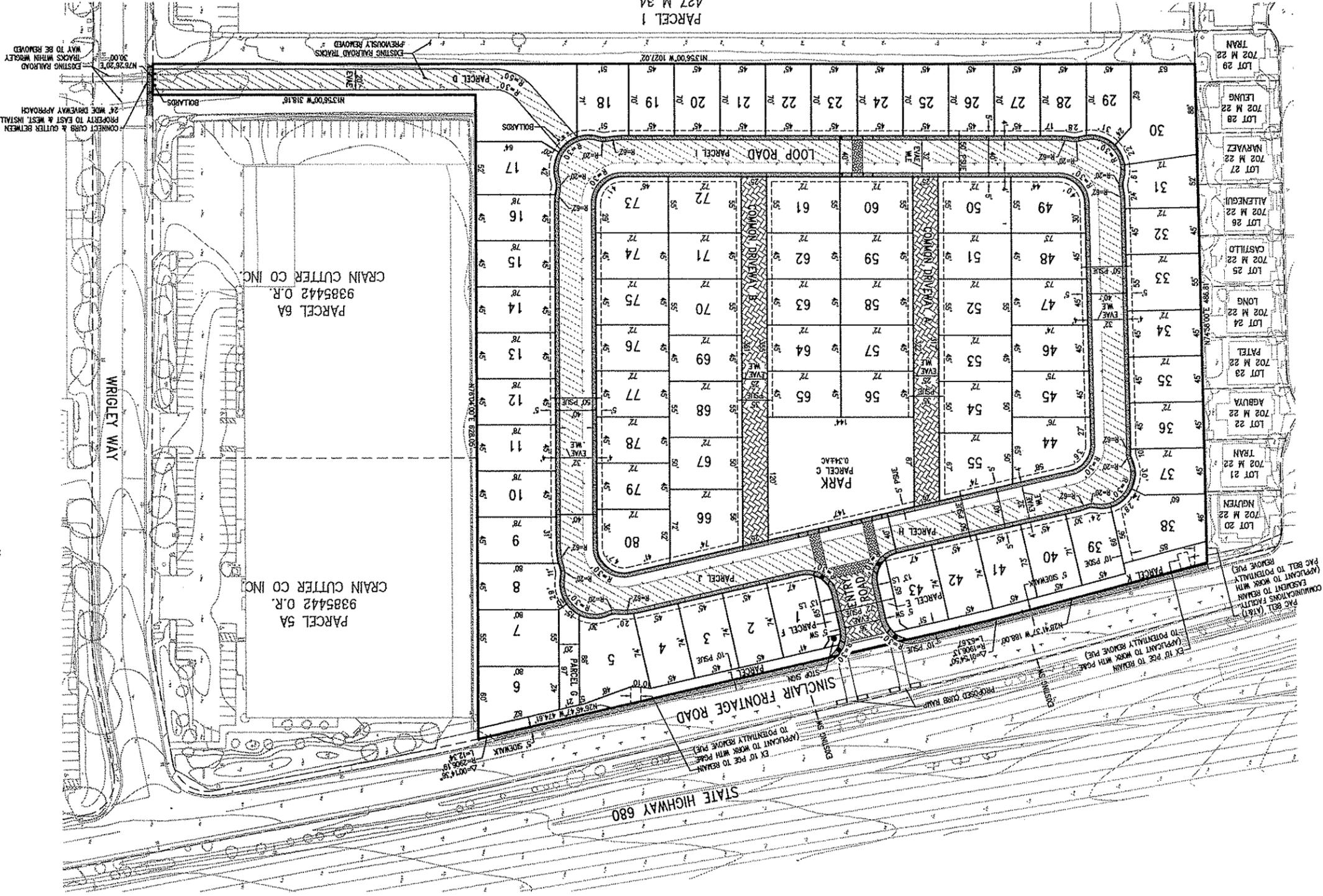
VESTING TENTATIVE MAP  
 SITE PLAN  
**SINCLAIR RENAISSANCE**  
 CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



- GENERAL NOTES**
- EXISTING ZONING: INDUSTRIAL
  - PROPOSED ZONING: RI-3
  - EXISTING LAND USE: OFFICE SPACE, MANUFACTURING AND WAREHOUSING (GENERAL PLAN)
  - PROPOSED LAND USE: PLANNED UNIT DEVELOPMENT, SINGLE FAMILY RESIDENTIAL
  - TOTAL SITE AREA: 9.654 AC
  - TOTAL NUMBER OF LOTS: 80 LOTS: 12 PARCELS
  - DENSITY: 8.3 UNITS/AC
  - PARKING: RESIDENT (DRIVEWAY) 160 STALLS, GUEST 31 STALLS, OFF-SITE (FRONTAGE) 21 STALLS, TOTAL 212 STALLS
  - TOTAL IMPERVIOUS SURFACE: 5.84 AC

- LEGEND**
- | EXISTING          | PROPOSED          | DESCRIPTION  |
|-------------------|-------------------|--|
| (Dashed line)     | (Solid line)      | SUBDIVISION BOUNDARY   |
| (Dotted line)     | (Solid line)      | PROPERTY LINE  |
| (Hatched pattern) | (Hatched pattern) | CURB, GUTTER AND SIDEWALK  |
| (Hatched pattern) | (Hatched pattern) | SPOT ELEVATIONS (100.0 x 100.0)  |
| (Hatched pattern) | (Hatched pattern) | PRIVATE STORM DRAIN EASEMENT (HOA)   |
| (Hatched pattern) | (Hatched pattern) | PUBLIC SERVICE UTILITY EASEMENT  |
| (Hatched pattern) | (Hatched pattern) | PAVE EASEMENT  |
| (Hatched pattern) | (Hatched pattern) | EMERGENCY VEHICLE ACCESS EASEMENT  |
| (Hatched pattern) | (Hatched pattern) | WATER LINE EASEMENT  |
| (Hatched pattern) | (Hatched pattern) | LOT NUMBER   |
| (Hatched pattern) | (Hatched pattern) | FIRE LANE (COMMON DRIVEWAYS A & B ALSO TO HAVE EVA/FIRE ACCESS, SEE SHEET TM-04) |
| (Hatched pattern) | (Hatched pattern) | STAMPED COLORED ASPHALT  |
| (Hatched pattern) | (Hatched pattern) | PROPOSED PARKING   |

MILPITAS INDUSTRIAL PROPERTIES INC.  
 427 M 34  
 PARCEL 1



NOTES:  
 1. NO COMMERCIAL VEHICLE PARKING ON SINCLAIR FRONTAGE ROAD  
 2. PROPOSED LANE CONFIGURATION AND STRIPS PER TRAFFIC STUDY

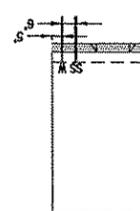
PAC BEL (R) (L)  
 COMMUNICATIONS FACILITY  
 EASEMENT TO REMAIN  
 (APPLICANT TO WORK WITH PAC BEL TO REMOVE PUE)  
 TO POTENTIALLY REMOVE PUE



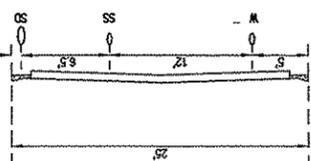
# VESTING TENTATIVE MAP GRADING AND UTILITY PLAN SINCLAIR RENAISSANCE

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

## TYPICAL UTILITY CONNECTIONS



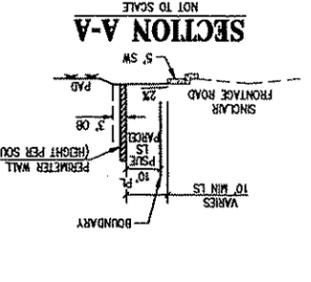
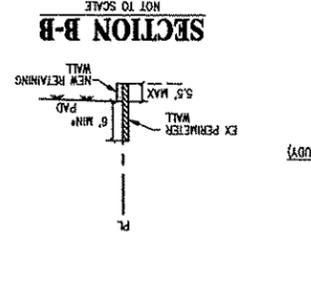
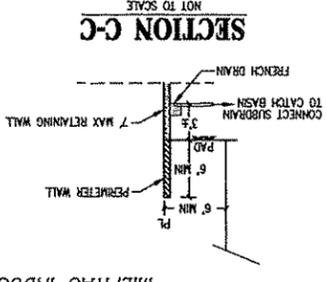
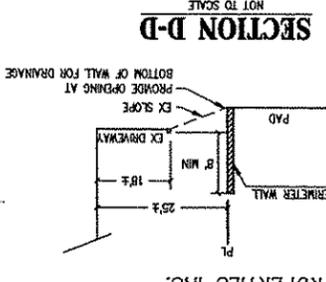
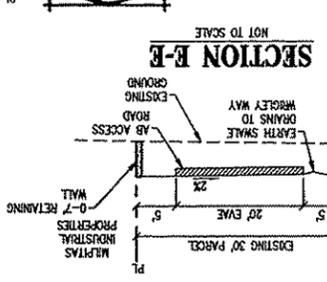
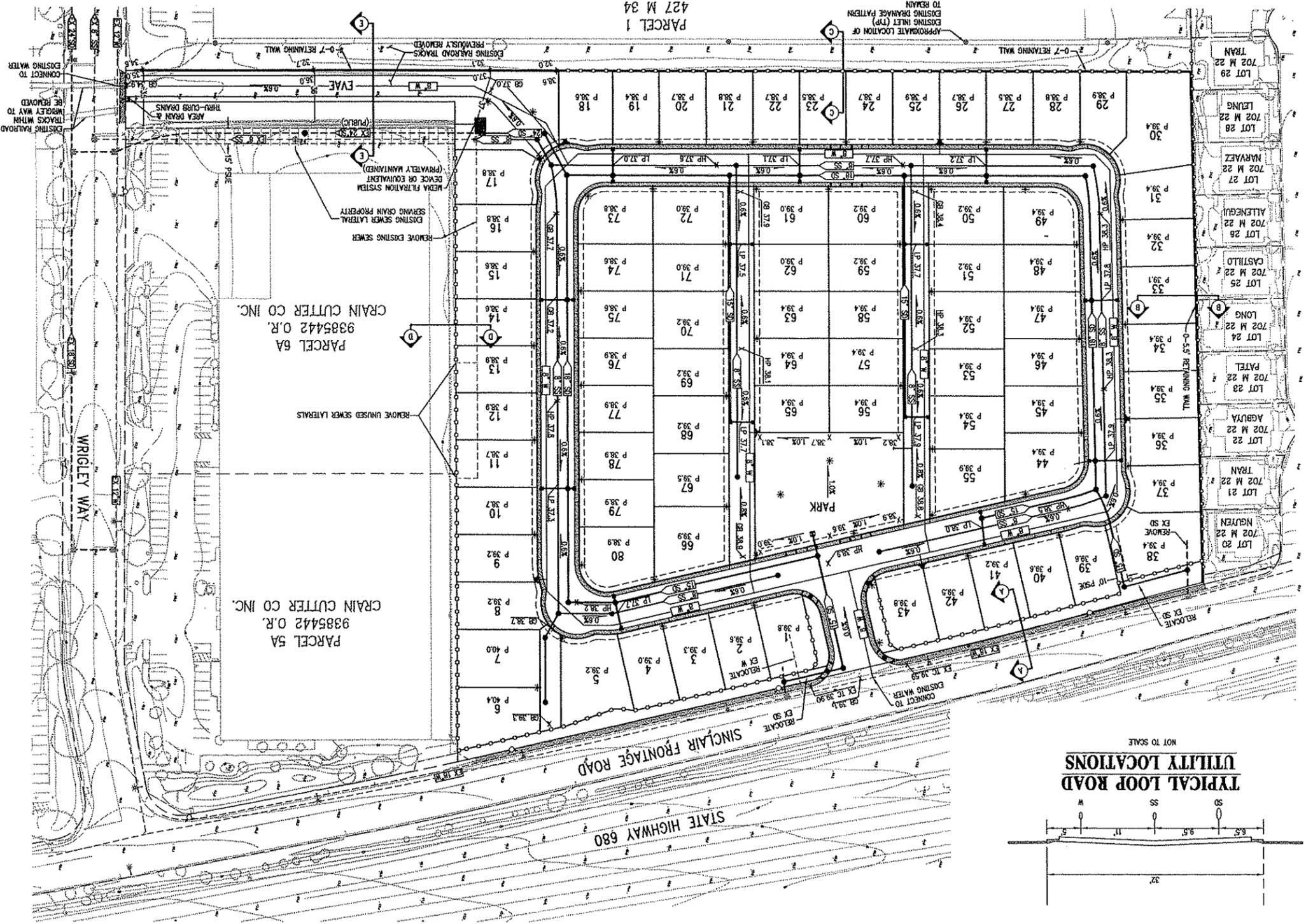
## TYPICAL DRIVEWAY UTILITY LOCATION



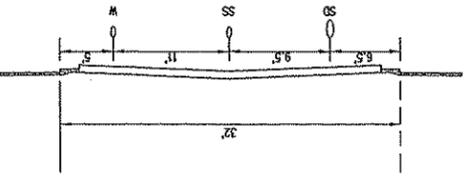
EXISTING	PROPOSED	DESCRIPTION
—	—	PROPERTY LINE
—	—	CURB, CUTTER AND SIDEWALK
—	—	CENTERLINE
—	—	SPOT ELEVATIONS X TO 777.0 X 777.0
—	—	STORM DRAIN LINE (PRIVATE)
—	—	SANITARY SEWER (PRIVATE)
—	—	WATER (PUBLIC)
—	—	PERIMETER MASONRY WALL
—	—	SANITARY SEWER MANHOLE
—	—	STORM DRAIN MANHOLE
—	—	CURB INLET
—	—	FIELD INLET
—	—	FIRE HYDRANT
—	—	STREETLIGHT
—	—	LOT NUMBER
—	—	PUBLIC SERVICE UTILITY EASEMENT
—	—	PRIVATE STORM DRAIN EASEMENT
—	—	WATER LINE EASEMENT (SEE TM-02)

## LEGEND

- UTILITY NOTES**
- PUBLIC UTILITIES
  - PRIVATE UTILITIES
  - STORM DRAIN: PRIVATE (HOA MAINTAINED) MIN SLOPE OF PROPOSED STORM DRAIN PIPE = 0.002 MIN SLOPE OF EXISTING STORM DRAIN PIPE IS 1% STORM DRAIN FACILITIES MAY BE RCP OR HDPE N-12 PIPE
  - WATER: CITY OF MILPITAS PRIVATE (HOA MAINTAINED) MIN SLOPE OF PROPOSED SEWER MAIN IS 0% MIN SLOPE OF EXISTING SEWER PIPE = 0.003
  - SEWER: PRIVATE (HOA MAINTAINED) MIN SLOPE OF PROPOSED SEWER MAIN IS 0% MIN SLOPE OF EXISTING SEWER PIPE = 0.003
  - GAS & ELECTRIC
  - TELEPHONE
  - CABLE TV
  - CONCRETE



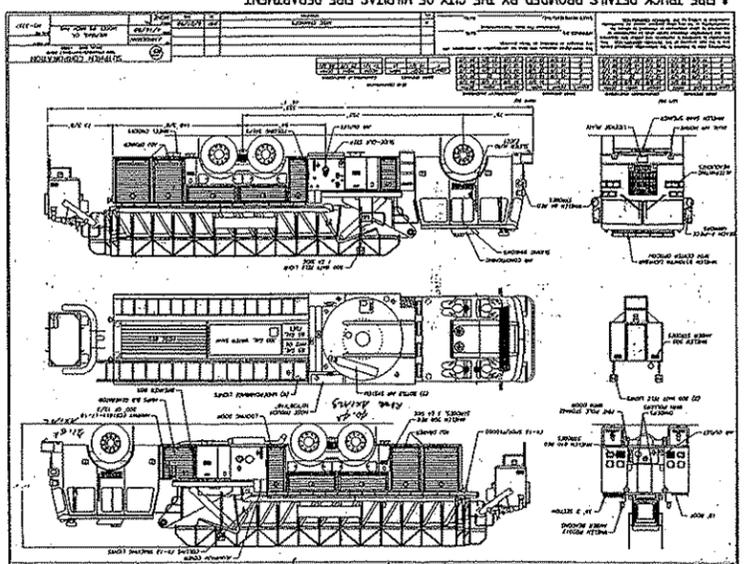
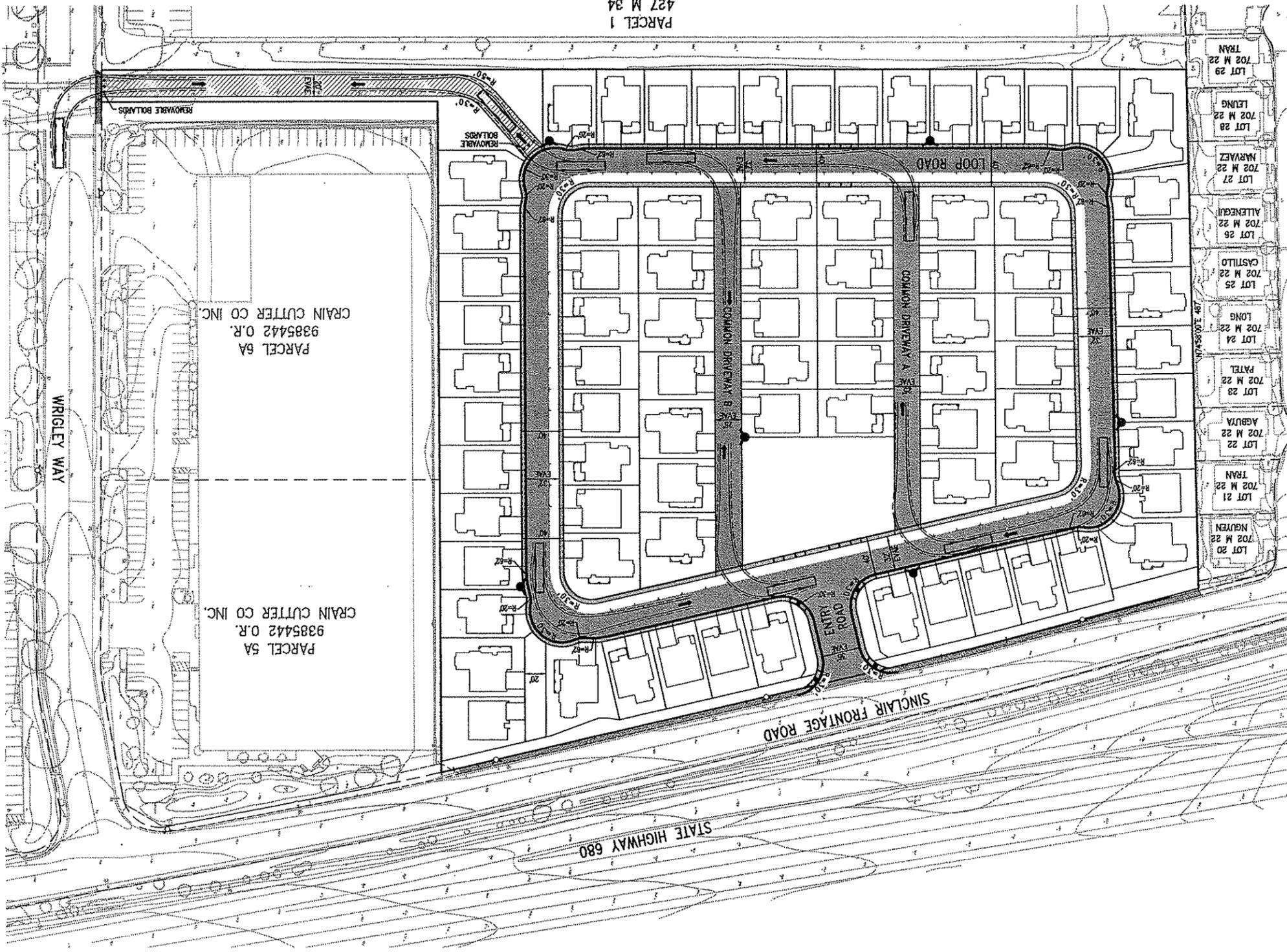
## TYPICAL LOOP ROAD UTILITY LOCATIONS





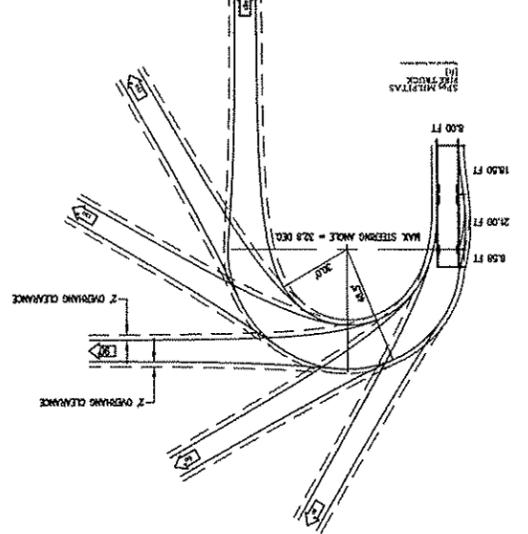
VESTING TENTATIVE MAP  
FIRE TRUCK ACCESS AND STRIPING EXHIBIT  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

MILPITAS INDUSTRIAL PROPERTIES INC.  
PARCEL 1  
427 M 34



SP95 MILPITAS FIRE TRUCK  
NOT TO SCALE

NOTE: MOST RESTRICTIVE TURN SHOWN ON PLAN FOR EACH TURNING MOVEMENT



- LEGEND**
- FIRE APPARATUS ACCESS ROADS (PAVED)
  - EMERGENCY VEHICLE ACCESS EASEMENT (EVAE) (AB)
  - PROPOSED FIRE HYDRANT
  - EXISTING FIRE HYDRANT
  - CURB TO BE PAINTED RED AND STENCILED "NO PARKING FIRE LANE"

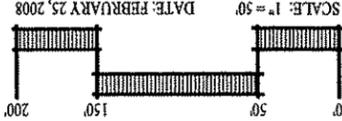
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SHEET NUMBER  
TM-05  
6 OF 52

6111 BOLLINGER CANYON ROAD, SUITE 100  
SAN RAMON, CALIFORNIA 94583  
TEL: (925) 266-0222  
FAX: (925) 266-8975  
CIVIL ENGINEERS - SURVEYORS - PLANNERS  
Cartson, Barbee  
& Gibson, Inc.



CITY OF MILPITAS  
SANTA CLARA COUNTY  
CALIFORNIA  
VESTING TENTATIVE MAP  
CITY NOTES AND CONDITIONS  
SINCLAIR RENAISSANCE



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PENDING CITY NOTES AND CONDITIONS



PLANNED UNIT DEVELOPMENT  
DEVELOPMENT PLAN  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

- NOTES:
1. ARCHITECTURAL POPUPS INCLUDING SECOND STORY OVERHANG, BAY WINDOWS, MEDIA, FIREPLACES, NOOKS, ETC. MAY PROJECT 2' INTO SETBACK.
  2. SETBACKS MAY BE REDUCED AT CORNERS AND KNUCKLES.
  3. DUE TO LANDSCAPE PARCELS, LOTS 1 AND 43 TO BE CONSIDERED INTERIOR LOTS.

FRONT  
GARAGE: 18' MIN  
LIVING SPACE: 12' MIN  
PORCH: 10' MIN

REAR  
PLAN 1 & 2: 15' MIN  
PLAN 3 & 4: 5' MIN

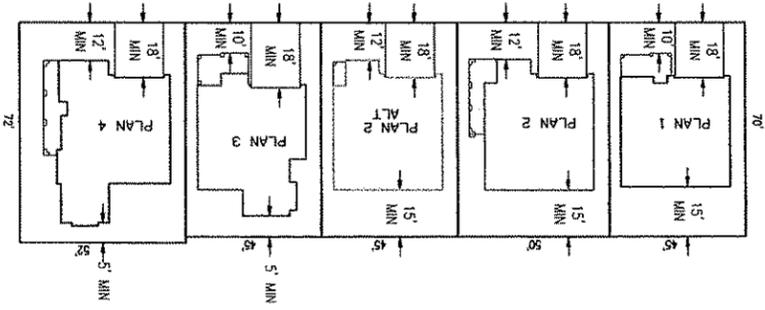
SIDE  
4' MIN

CORNER  
LIVING SPACE: 10' MIN  
PORCH: 7' MIN

SETBACKS:

PLAN 1, 2-ALT, 3: 45'x70'  
PLAN 2: 50'x70'  
PLAN 4: 52'x72'

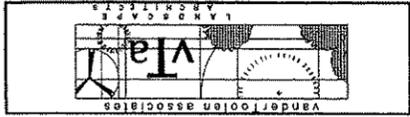
TYPICAL LOT SIZE



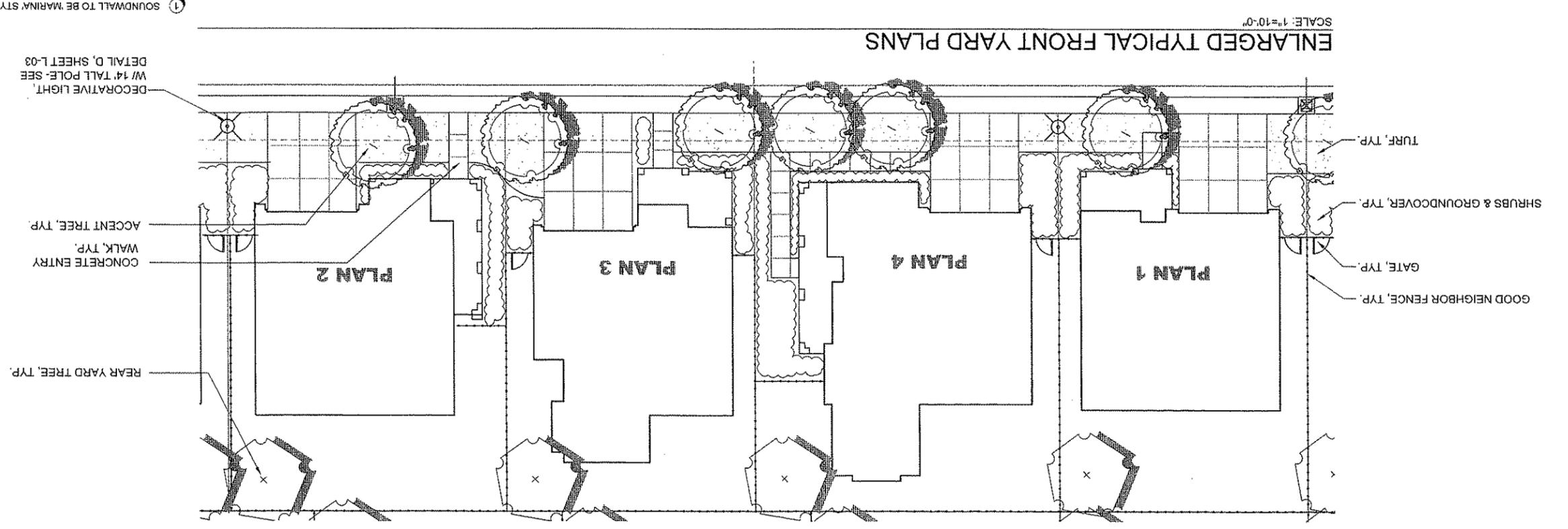
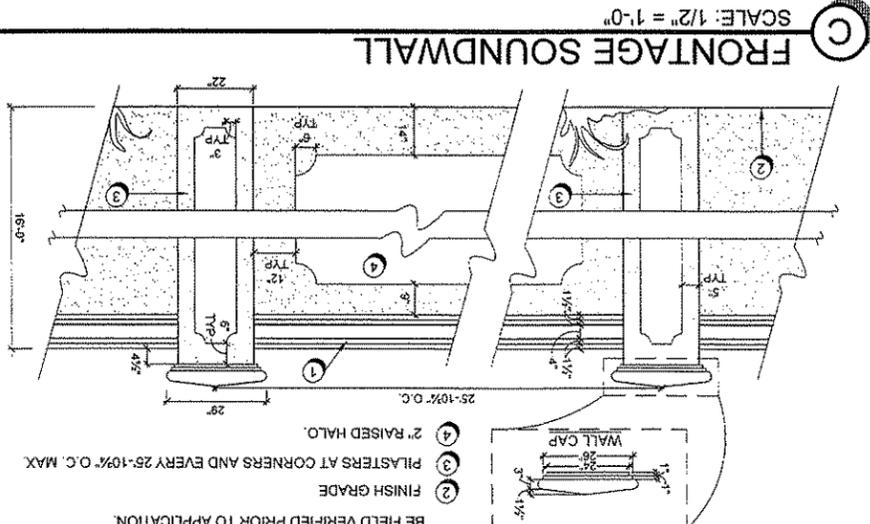
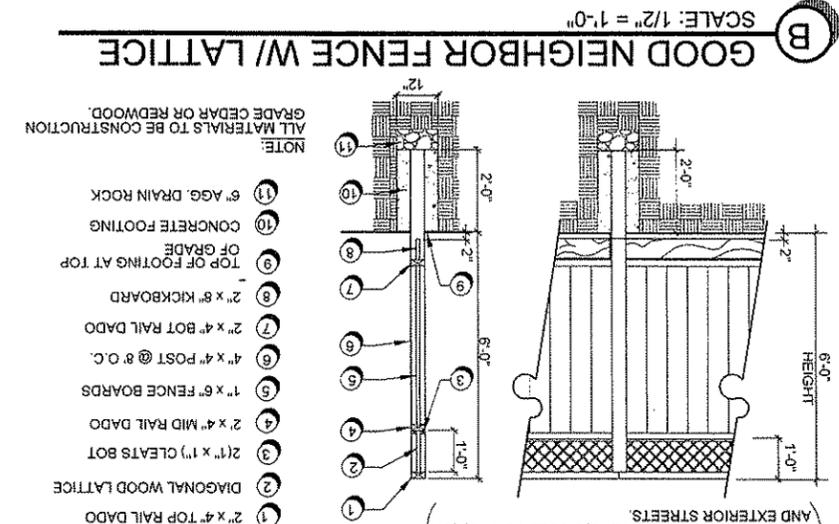
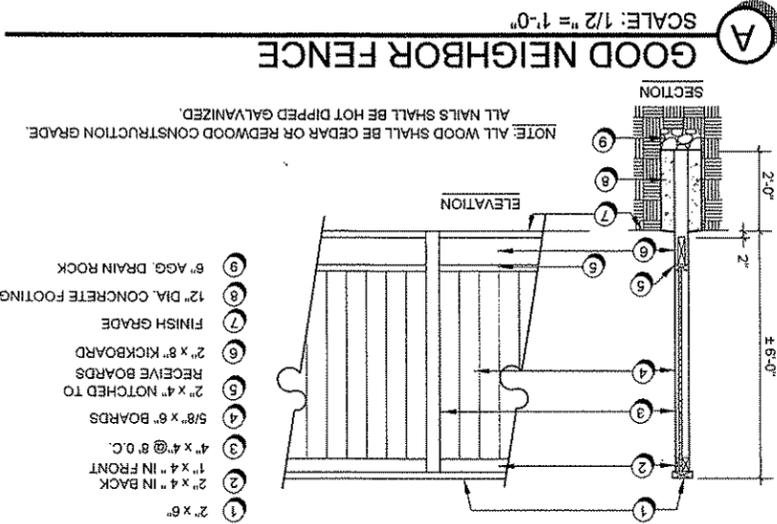
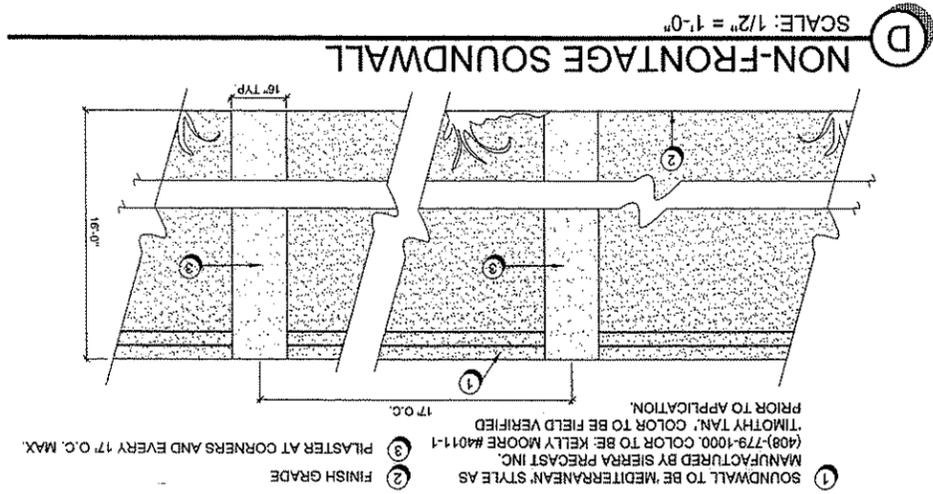
PLAN	TOTAL	%
1	17	21%
2	3	4%
2-ALT	47	21%
3	24	30%
4	19	24%
TOTAL	80	100%

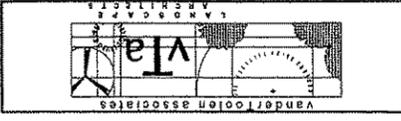






LANDSCAPE TYPICALS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

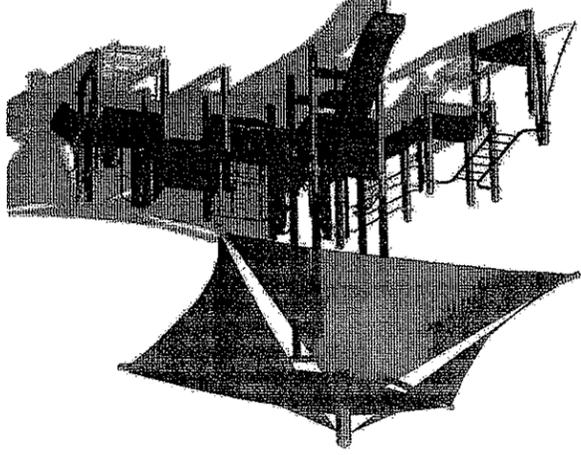




# SINCLAIR RENAISSANCE LANDSCAPE DETAILS

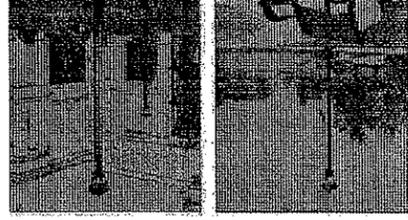
SCALE: NONE

## F PLAY STRUCTURE



SCALE: NONE

## D PARK & STREET LIGHT



1. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
2. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
3. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
4. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
5. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
6. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
7. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
8. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
9. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.  
10. All lighting fixtures shall be provided with a minimum of 100 lumens per fixture.

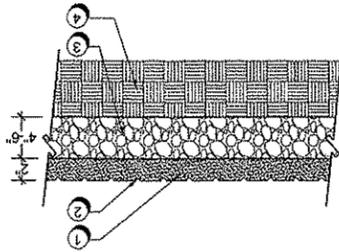


## C STAMPED ASPHALT PAVING

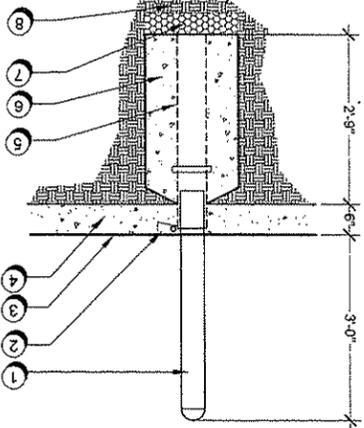
SCALE: 1-1/2" = 1'-0"

NOTE:  
STREETPRINT PAVING TO BE INSTALLED BY A LICENSED STREETPRINT CONTRACTOR. TO CONTACT A LOCAL REPRESENTATIVE, CALL 888-581-2299

- 1 2" THICK STREETPRINT STAMPED ASPHALT. COLOR TO BE BEDROCK.
- 2 STREETPRINT GROUT LINE MIN. DEPTH 1/4" - PATTERN TO BE ASHLAR SLATE.
- 3 CLASS II AGGREGATE BASE, COMPACTION, & THICKNESS PER SOILS REPORT RECOMMENDATION.
- 4 COMPACTED SUBGRADE OR ENGINEERED FILL.



- NOTE:  
1. BOLLARD BY TIMBER FORM MODEL #2190-3-R OR APPROVED EQUAL.  
2. COLOR TO BE BLACK.
- 1 4-1/2" O.D. BOLLARD
  - 2 PAWMENT SOCKET PER MANUFACTURER'S RECOMMENDED
  - 3 FINISH GRADE
  - 4 A.C. PAVING OR CONCRETE PAVING
  - 5 BOLLARD FOOTING SLEEVE INSTALL PRIOR TO CONCRETE FOOTING AND PAVING.
  - 6 CONCRETE FOOTING
  - 7 CLASS AGGREGATE BASE, DEPTH TO BE 4" COMPACTED TO 95% RELATIVE COMPACTION.
  - 8 COMPACTED SUBGRADE TO 95% OR APPROVED EQUAL.

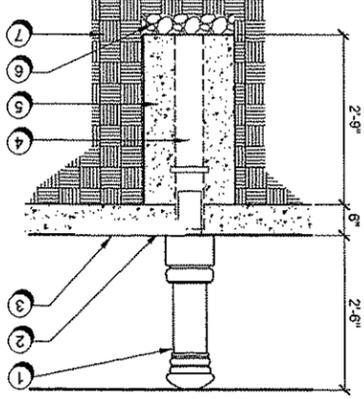


## A DECORATIVE REMOVABLE BOLLARD

SCALE: 3/4" = 1'-0"

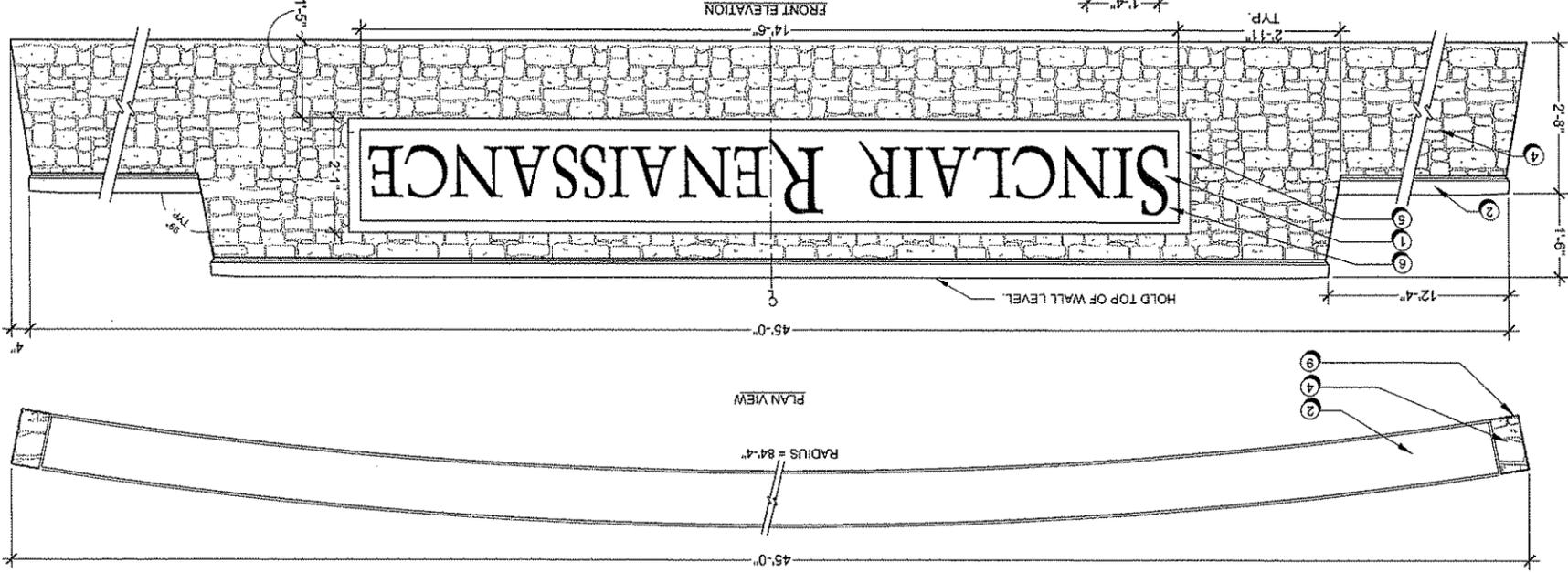
NOTE:  
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE W/ MANUFACTURER'S SPECIFICATIONS.

- 1 6-5/8" O.D. BOLLARD, SEE CONSTRUCTION CALL-OUT LEGEND.
- 2 PAWMENT SOCKET PER MANUFACTURER'S RECOMMENDATIONS
- 3 FINISH SURFACE
- 4 BOLLARD FOOTING SLEEVE, INSTALL PRIOR TO CONCRETE FOOTING AND PAVING.
- 5 CONCRETE FOOTING
- 6 CLASS II AGGREGATE BASE, DEPTH TO BE 4" COMPACTED TO 95%.
- 7 COMPACTED SUBGRADE OR ENGINEERED FILL.



## B REMOVABLE BOLLARD

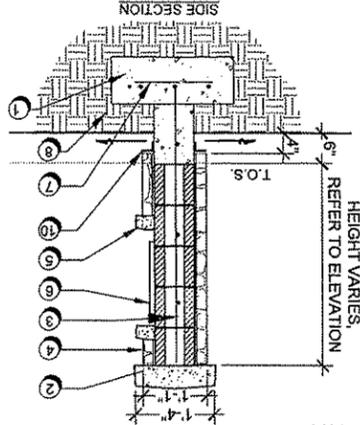
SCALE: 3/4" = 1'-0"



- 1 LA HABRA STUCCO FINISH OVER SCRATCH COAT. COLOR TO BE X-86 SANDSTONE (BASE 200) SAND FINISH. CONTACT 209-883-8808
- 2 NAPA VALLEY CAST STONE EASED EDGE PEAKED WALL CAP (WCM-PKS-16) COLOR TO BE AUBURN. 707-258-3340
- 3 CMU BLOCK
- 4 CULTURED STONE - ROMANA OLD COUNTRY FIELDSTONE (CSV-968189) AVAILABLE THROUGH PACIFIC COAST BLDG SUPPLY. 707-253-7866
- 5 CULTURED STONE BUCKSKIN SILL (SWT-1371) AVAILABLE THROUGH PACIFIC COAST BLDG SUPPLY. 707-253-7866
- 6 LASER CUT STEEL LETTERS, COPPER PLATED WITH VERDIGRIS FINISH. MOUNT TO WALL WITH EPOXY.
- 7 REBAR AND FOOTINGS PER STRUCTURAL ENGINEER.
- 8 SUBGRADE, COMPACT TO 95%.
- 9 BATTERED END.
- 10 GALVANIZED STEEL LEDGER.

## E CURVED ENTRY SIGN WALL

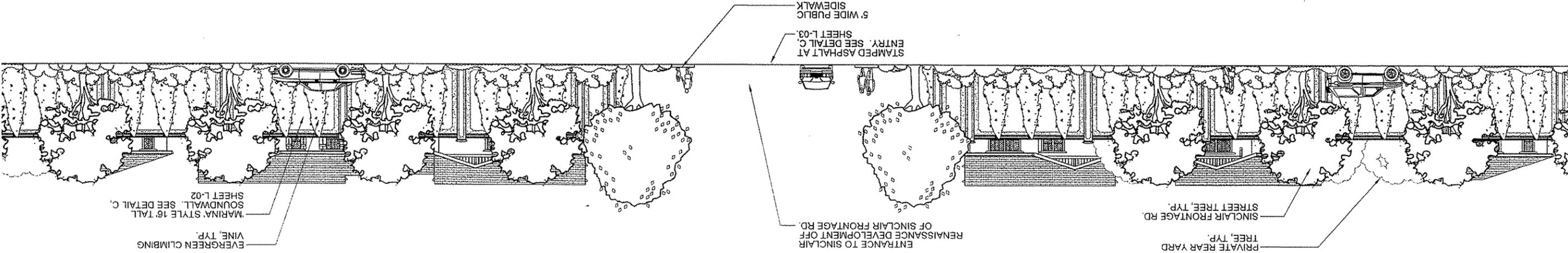
SCALE: 3/4" = 1'-0"



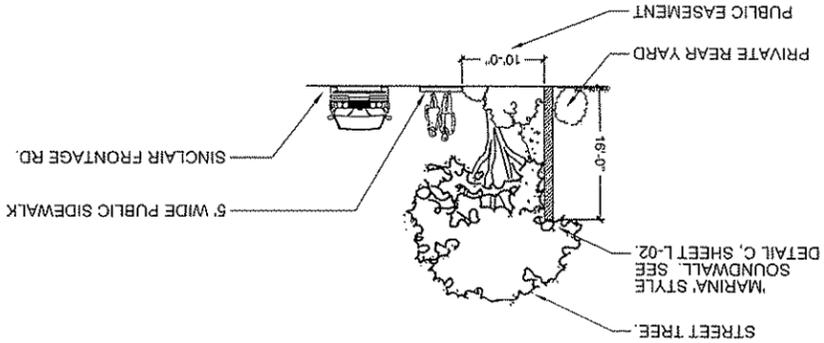


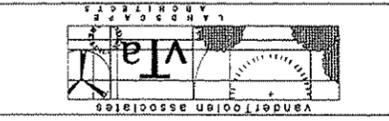
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
**LANDSCAPE ELEVATIONS**  
**SINCLAIR RENAISSANCE**

SCALE: 1"=10'-0"  
**STREET FRONT ELEVATION**

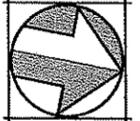


SCALE: 1"=10'-0"  
**STREET FRONT SECTION**

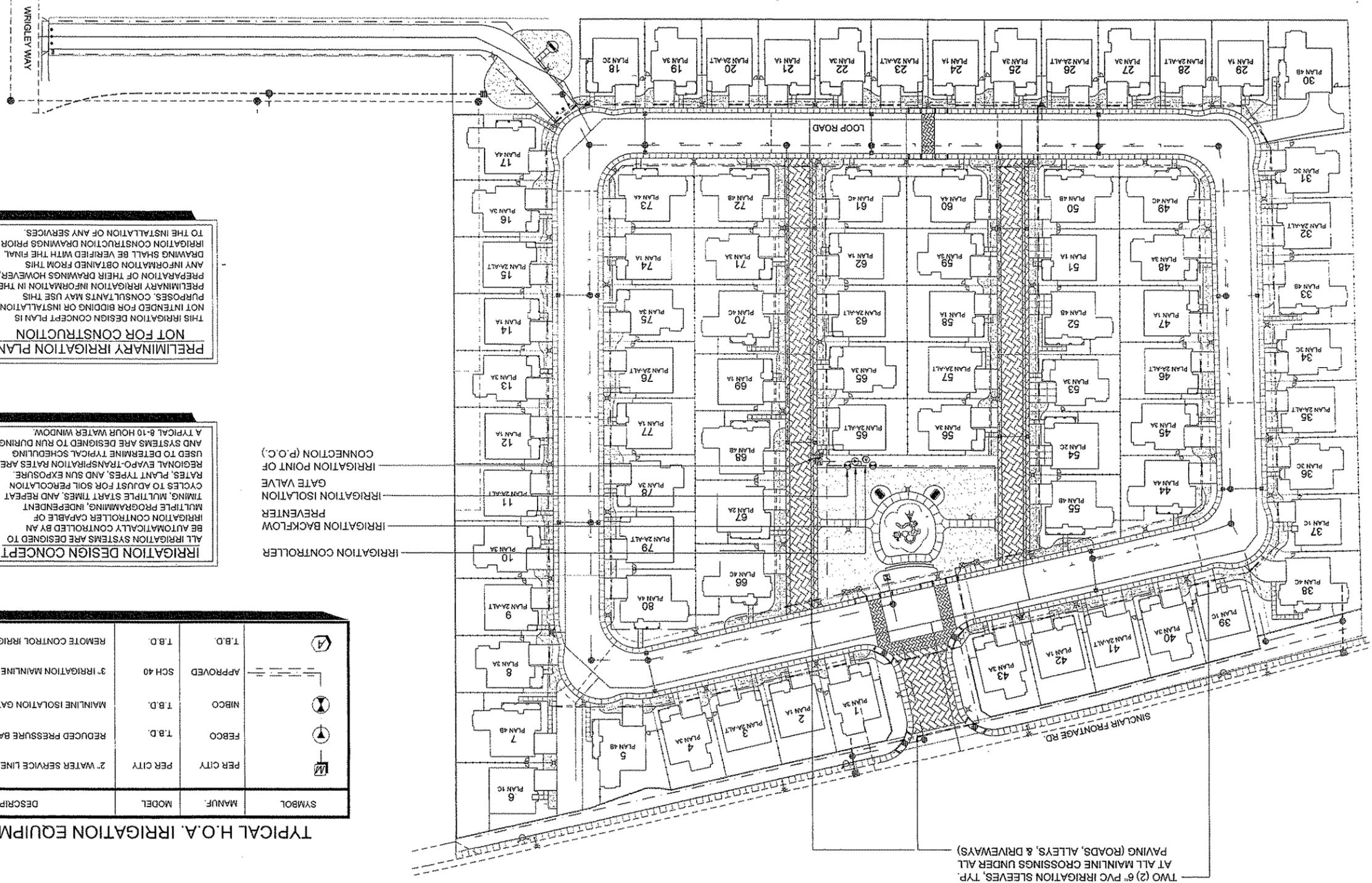




SCALE: 1" = 40'  
DATE: FEBRUARY 25, 2008



CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
**PRELIMINARY IRRIGATION MAINLINE PLAN**  
**SINCLAIR RENAISSANCE**



**PRELIMINARY IRRIGATION PLAN**  
**NOT FOR CONSTRUCTION**  
THIS IRRIGATION DESIGN CONCEPT PLAN IS NOT INTENDED FOR BIDDING OR INSTALLATION PURPOSES. CONSULTANTS MAY USE THIS PRELIMINARY IRRIGATION INFORMATION IN THE PREPARATION OF THEIR DRAWINGS HOWEVER, ANY INFORMATION OBTAINED FROM THIS DRAWING SHALL BE VERIFIED WITH THE FINAL IRRIGATION CONSTRUCTION DRAWINGS PRIOR TO THE INSTALLATION OF ANY SERVICES.

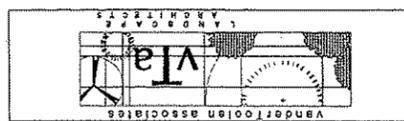
**IRRIGATION DESIGN CONCEPT**  
ALL IRRIGATION SYSTEMS ARE DESIGNED TO BE AUTOMATICALLY CONTROLLED BY AN IRRIGATION CONTROLLER CAPABLE OF MULTIPLE PROGRAMMING, INDEPENDENT TIMING, MULTIPLE START TIMES, AND REPEAT CYCLES TO ADJUST FOR SOIL PERCOLATION RATES, PLANT TYPES, AND SUN EXPOSURE. REGIONAL EVAPO-TRANSPIRATION RATES ARE USED TO DETERMINE TYPICAL SCHEDULING AND SYSTEMS ARE DESIGNED TO RUN DURING A TYPICAL 8-10 HOUR WATER WINDOW.

IRRIGATION CONTROLLER  
IRRIGATION BACKFLOW PREVENTER  
IRRIGATION ISOLATION GATE VALVE  
CONNECTION POINT OF IRRIGATION (P.O.C.)

**TYPICAL H.O.A. IRRIGATION EQUIPMENT LEGEND**

SYMBOL	MANUF.	MODEL	DESCRIPTION
	T.B.D.	T.B.D.	REMOTE CONTROL IRRIGATION CONTROLLER
	APPROVED	SCH 40	3" IRRIGATION MAINLINE & TWO (2) 6" SLEEVES
	MIBCO	T.B.D.	MAINLINE ISOLATION GATE VALVE
	FEBCO	T.B.D.	REDUCED PRESSURE BACKFLOW PREVENTION DEVICE
	PER CITY	PER CITY	2" WATER SERVICE LINE AND 2" WATER METER

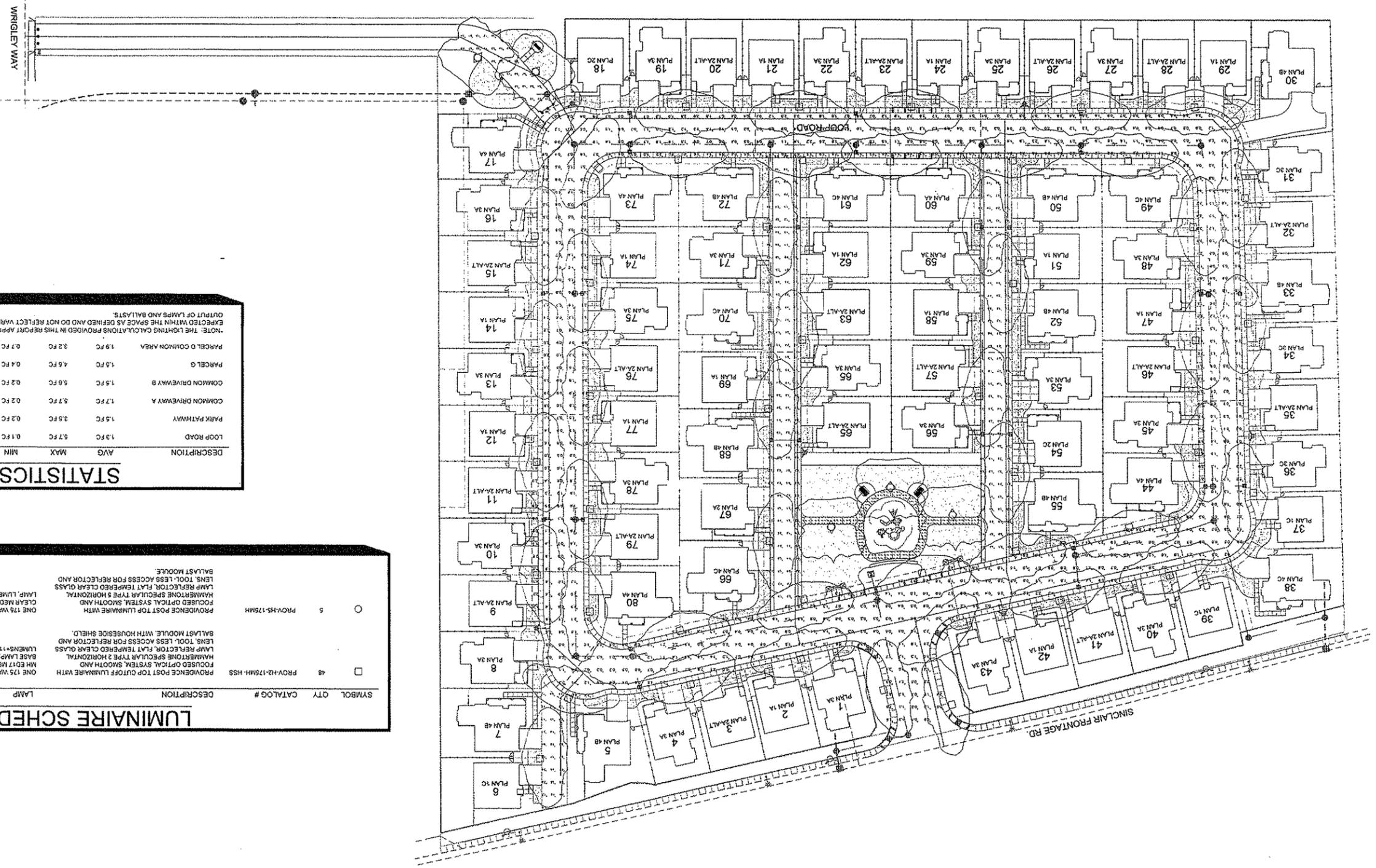
TWO (2) 6" PVC IRRIGATION SLEEVES, TYP.  
AT ALL MAINLINE CROSSINGS UNDER ALL PAVING (ROADS, ALLEYS, & DRIVEWAYS)



SCALE: 1" = 40'  
DATE: FEBRUARY 25, 2008



CITY OF MILPITAS  
SANTA CLARA COUNTY  
CALIFORNIA  
**PRELIMINARY LIGHTING PLAN**  
**SINCLAIR RENAISSANCE**



**STATISTICS**

NOTE: THE LIGHTING CALCULATIONS PROVIDED IN THIS REPORT APPROXIMATE THE LIGHT LEVELS EXPECTED WITHIN THE SPACE AS DEFINED AND DO NOT REFLECT VARIABLES IN THE ACTUAL LIGHT OUTPUT OF LAMPS AND BALLASTS.

DESCRIPTION	AVG	MAX	MIN	MAX/MIN	AVG/MIN
LOOP ROAD	1.9 FC	5.7 FC	0.1 FC	57.0:1	19.0:1
PARK PATHWAY	1.5 FC	3.5 FC	0.2 FC	17.5:1	7.5:1
COMMON DRIVEWAY A	1.7 FC	5.7 FC	0.2 FC	28.5:1	8.5:1
COMMON DRIVEWAY B	1.5 FC	5.6 FC	0.2 FC	28.0:1	7.5:1
PARCEL C	1.5 FC	4.6 FC	0.4 FC	11.3:1	3.8:1
PARCEL D COMMON AREA	1.9 FC	3.2 FC	0.7 FC	4.6:1	2.7:1

**LUMINAIRE SCHEDULE**

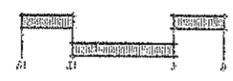
SYMBOL	QTY	CATALOG #	DESCRIPTION	LAMP	ARRANGEMENT	LUMENS	LF	WATTS
○	5	PROV-HS-175MH	PROVIDENCE POST TOP LUMINAIRE WITH FOCUSSED OPTICAL SYSTEM, SMOOTH AND HAMBURGER SPECULAR TYPE 2 HORIZONTAL BASE LAMP.	ONE 175 WATT ED17 MH ED17 MEDIUM BASE LAMP.	SINGLE	11700	0.72	213
□	48	PROV-HS-175MH-HSS	PROVIDENCE POST TOP CUTOFF LUMINAIRE WITH FOCUSSED OPTICAL SYSTEM, SMOOTH AND HAMBURGER SPECULAR TYPE 2 HORIZONTAL BASE LAMP.	ONE 175 WATT CLEAR, MH ED17 MEDIUM BASE LAMP.	SINGLE	11700	0.72	213

14 of 52  
A-01  
SHEET NUMBER

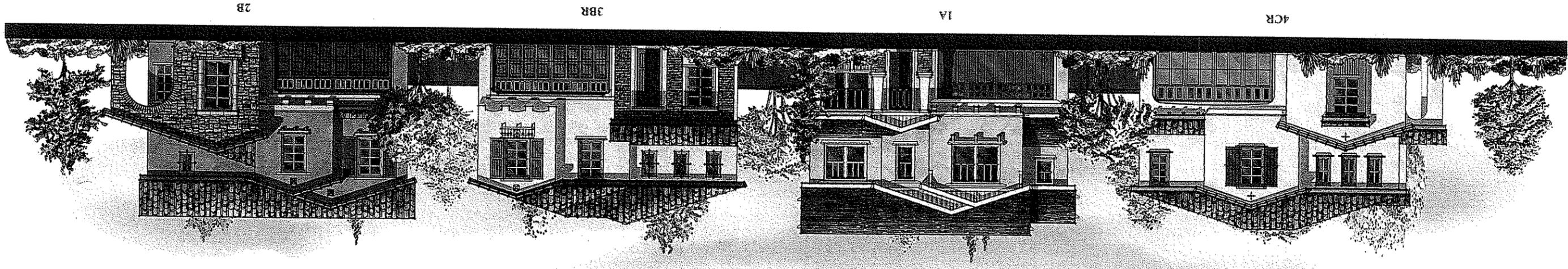
KTGY GROUP, INC.  
ARCHITECTURE PLANNING  
17992 MITCHELL SOUTH  
IRVINE, CALIFORNIA 92614  
TEL: 949-251-2122 FAX: 949-251-2126  
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KTGY NO. 2005-1291  
ALL RIGHTS RESERVED



DATE: February 25th, 2008  
SCALE: 1/4" = 1'



CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
CONCEPTUAL STREET SCENE  
SINCLAIR RENAISSANCE



2B

3BR

1A

4CR

SHEET NUMBER  
A-02  
15 OF 52

KTGY GROUP, INC.  
ARCHITECTURE  
PLANNING  
17992 MITCHELL SOUTH  
IRVINE, CALIFORNIA 92614  
(949) 851-2133  
FAX (949) 851-2136  
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SCALE: 1/4" = 1' DATE: February 25th, 2008



CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
**CONCEPTUAL STREET SCENE**  
**SINCLAIR RENAISSANCE**

4CR

4B

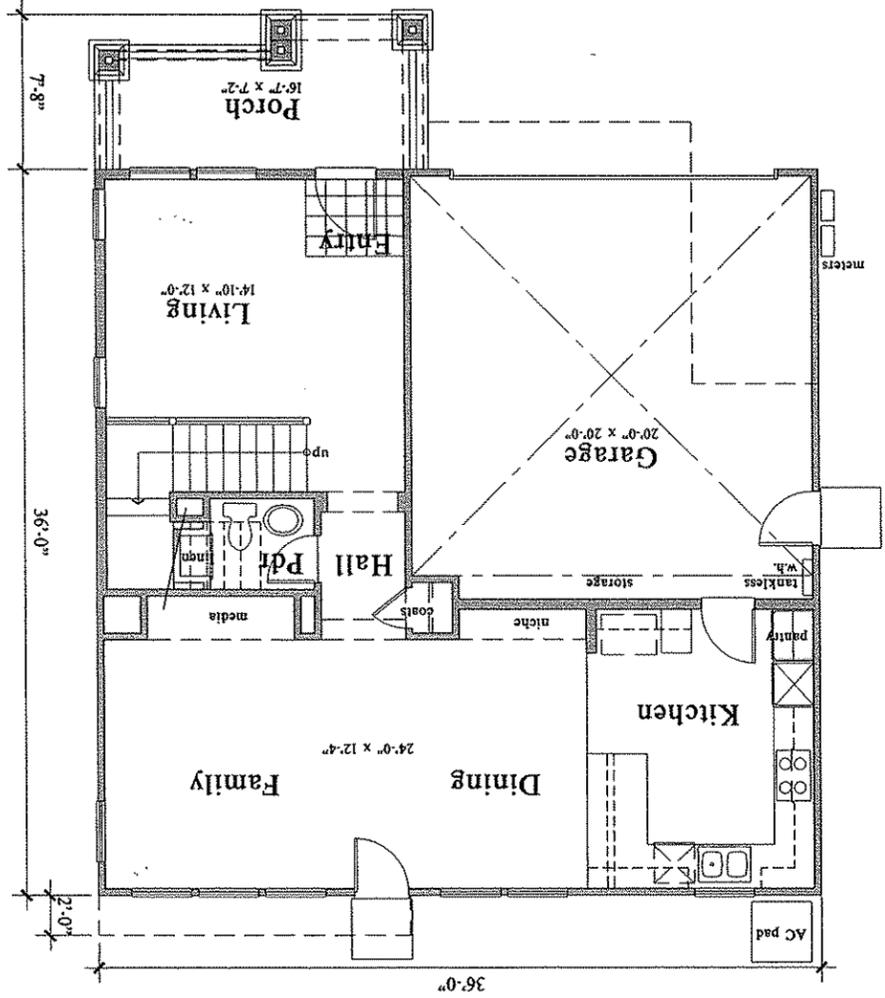
4AR



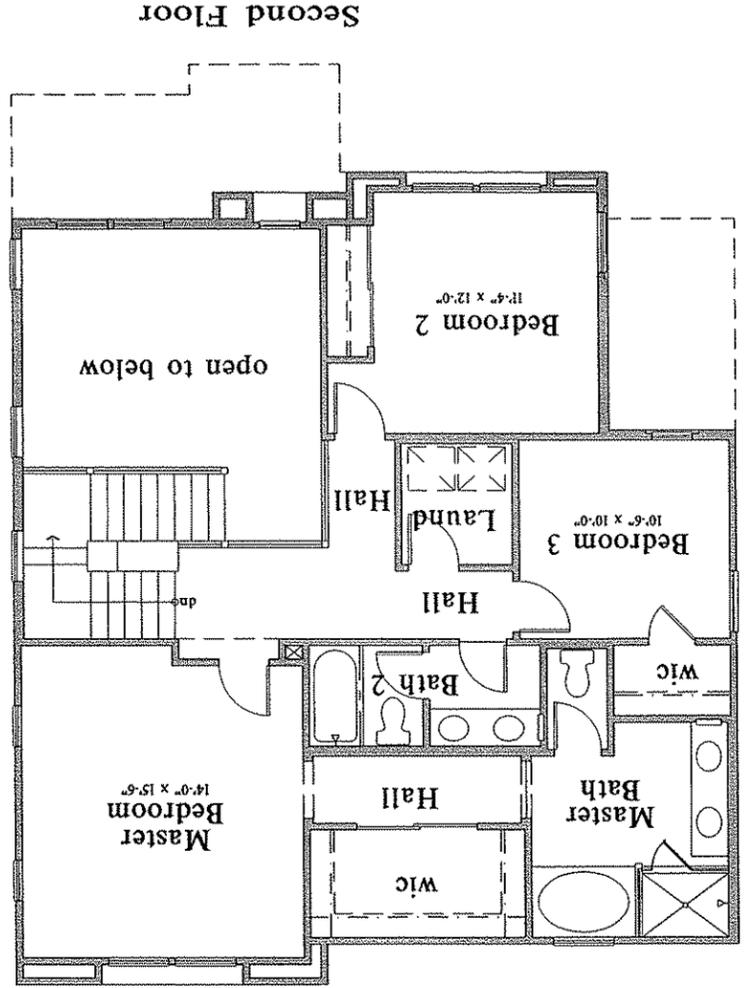


**PLAN 1**  
**FLOOR PLAN**  
**SINCLAIR RENAISSANCE**  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

First Floor



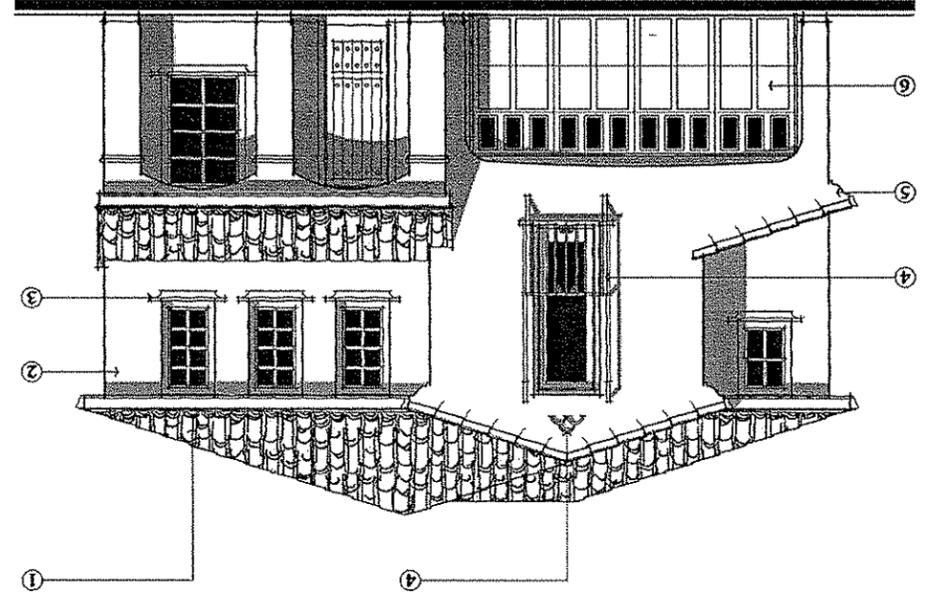
Second Floor  
Floor Plan  
3 Bedrooms  
2 1/2 Bath  
2057 Sq Ft





PLAN I  
FRONT ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

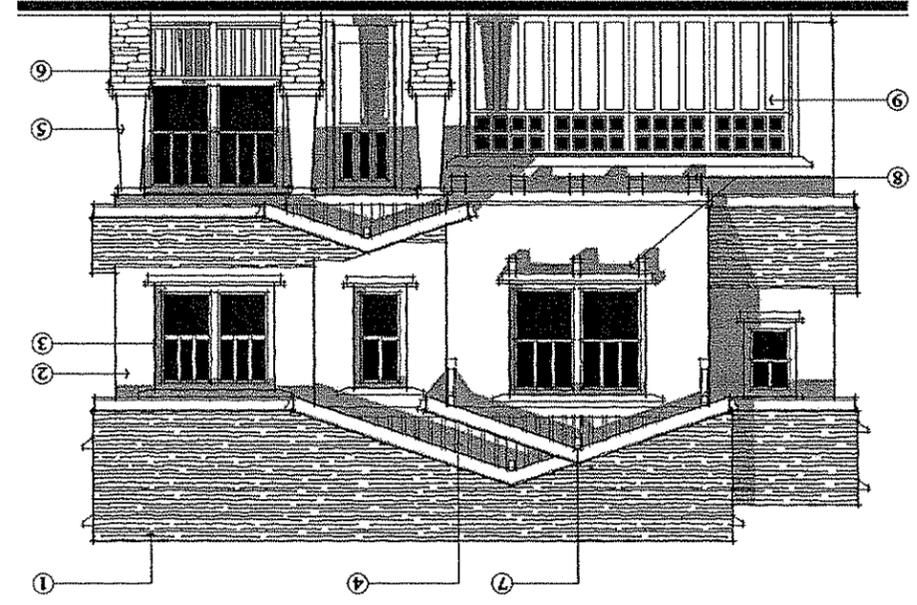
IC SPANISH



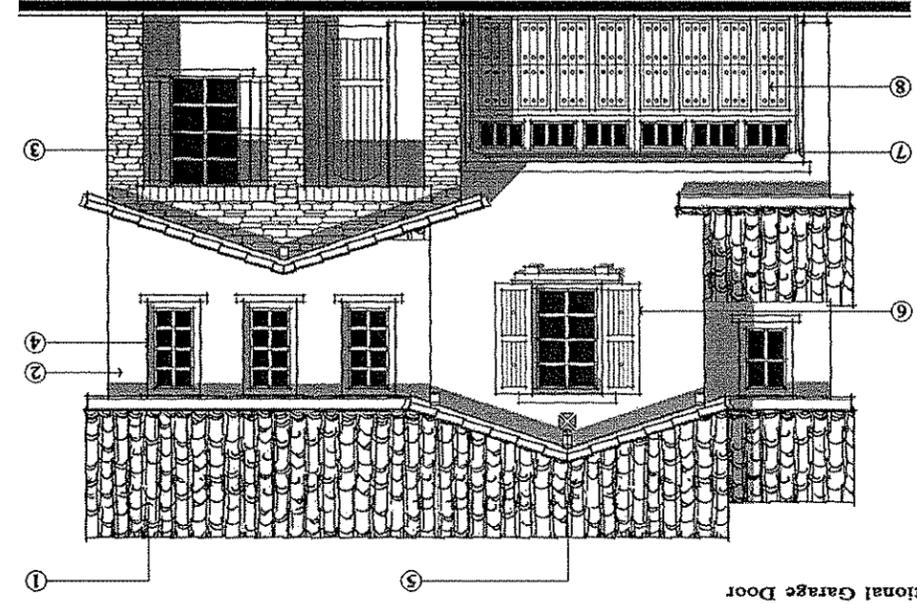
- SPANISH MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Decorative Clay Pipe & Gable Ends
  - ⑤ Decorative Eave Corbels
  - ⑥ Wood Sectional Garage Door

- CRAFTSMAN MATERIAL LEGEND**
- ① Flat Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Board & Batten & Gable Ends
  - ⑤ Tapered Porch Columns w/ Stone Veneer Base
  - ⑥ Wood Railing
  - ⑦ Outlookers & Kickers
  - ⑧ Corbels w/ trowel finish stucco
  - ⑨ Wood Sectional Garage Door

IA CRAFTSMAN



IB TUSCAN



- TUSCAN MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Decorative 2" Recess & Gable Ends
  - ⑥ Shutters
  - ⑦ Corbels
  - ⑧ Wood Sectional Garage Door

SHEET NUMBER  
A-06  
19 of 52

KTGY GROUP, INC.  
ARCHITECTURE PLANNING  
17992 MITCHELL SOUTH  
IRVINE, CALIFORNIA 92614  
FAX (949) 951-2193  
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KTGY NO. 2005-1291  
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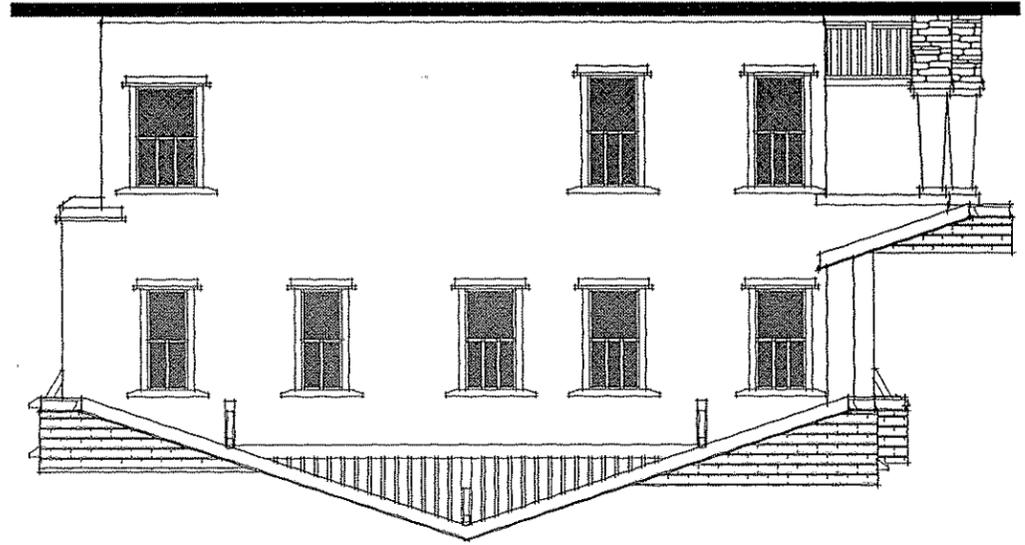


DATE: February 25th, 2008  
SCALE: 1/4" = 1'  
0 4 8 12 16

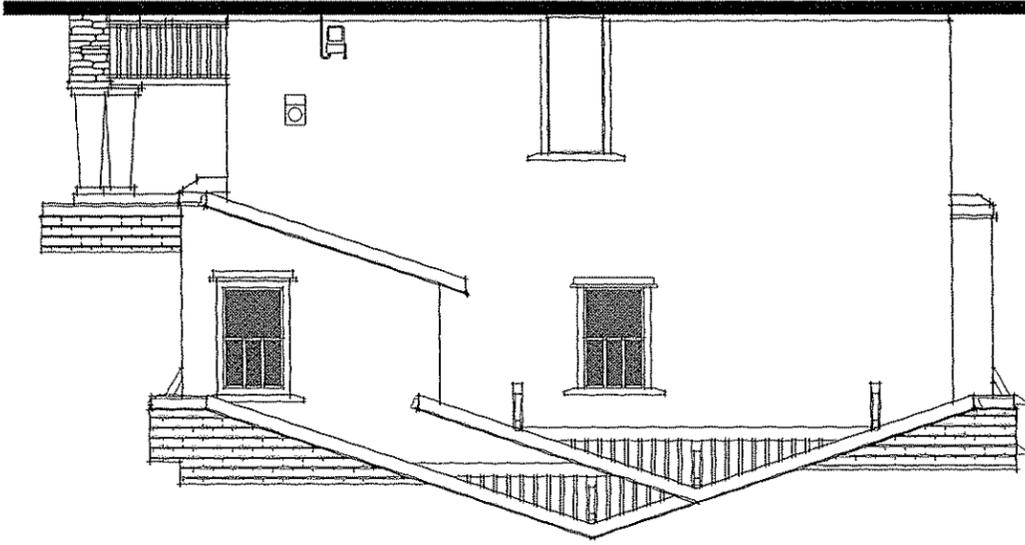


PLAN 1A  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MELBITAS SANTA CLARA COUNTY CALIFORNIA

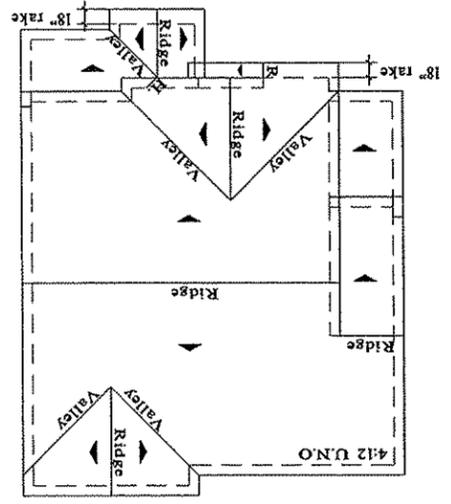
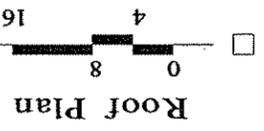
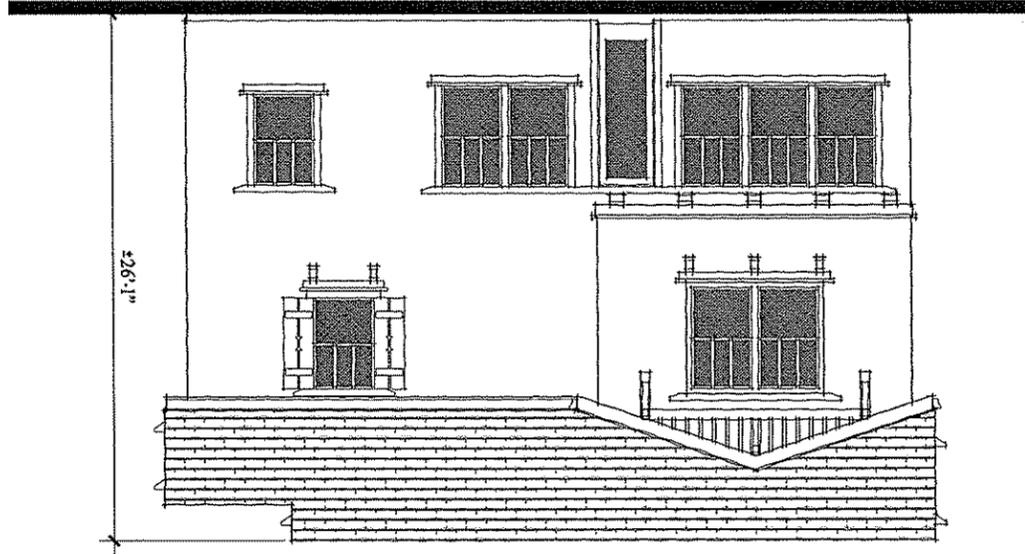
Right Elevation



Left Elevation



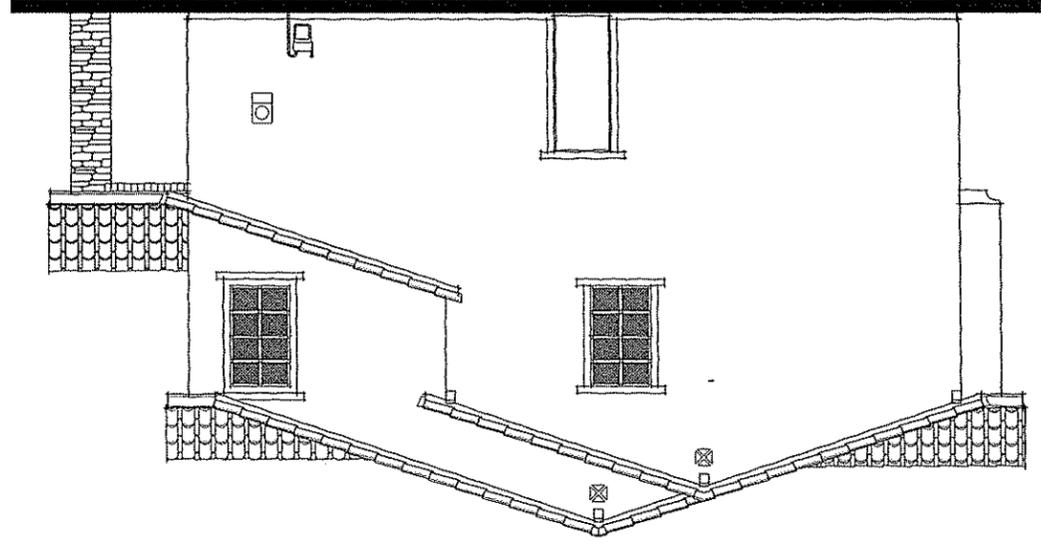
Rear Elevation



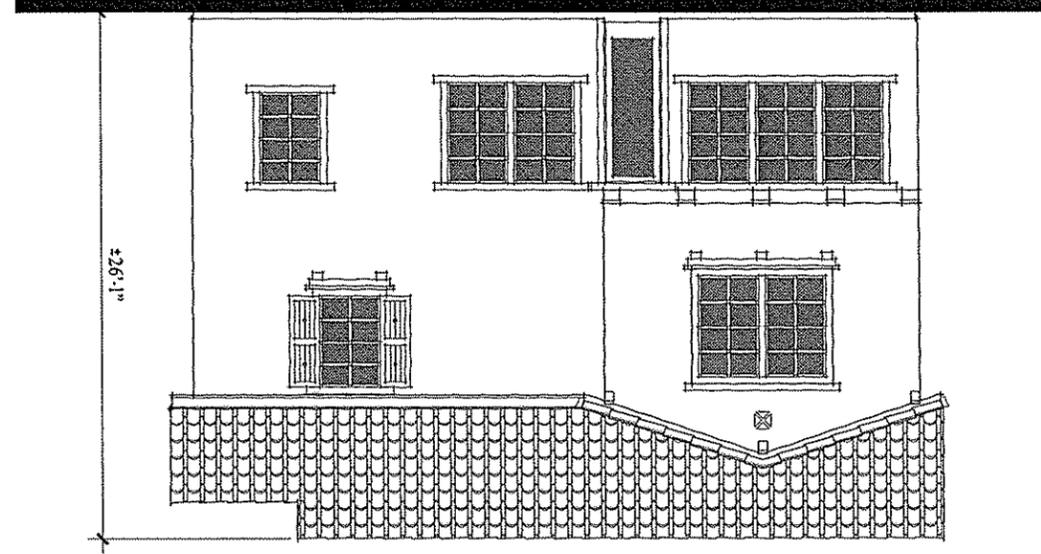


PLAN 1B  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

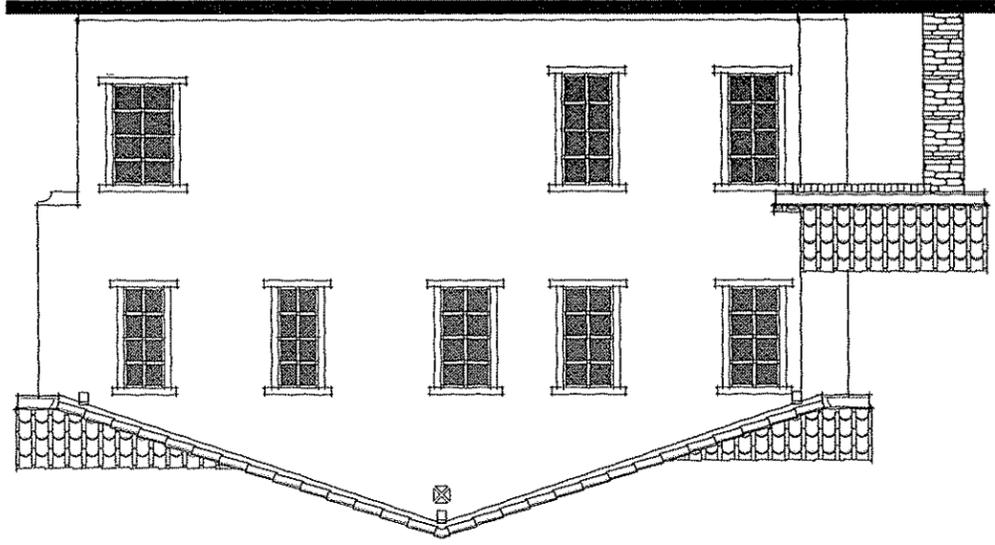
Left Elevation



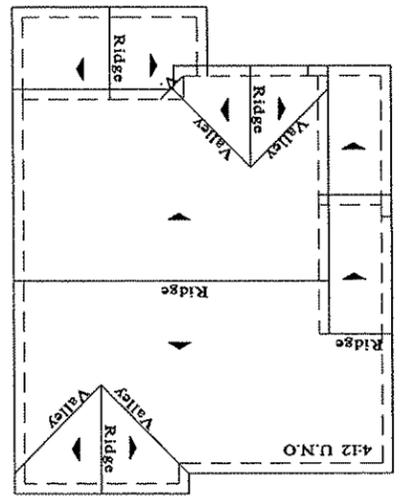
Rear Elevation



Right Elevation

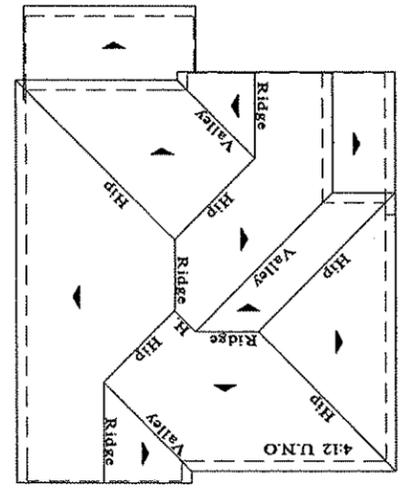
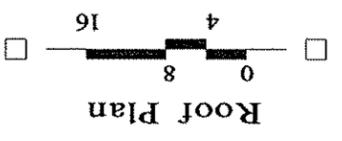
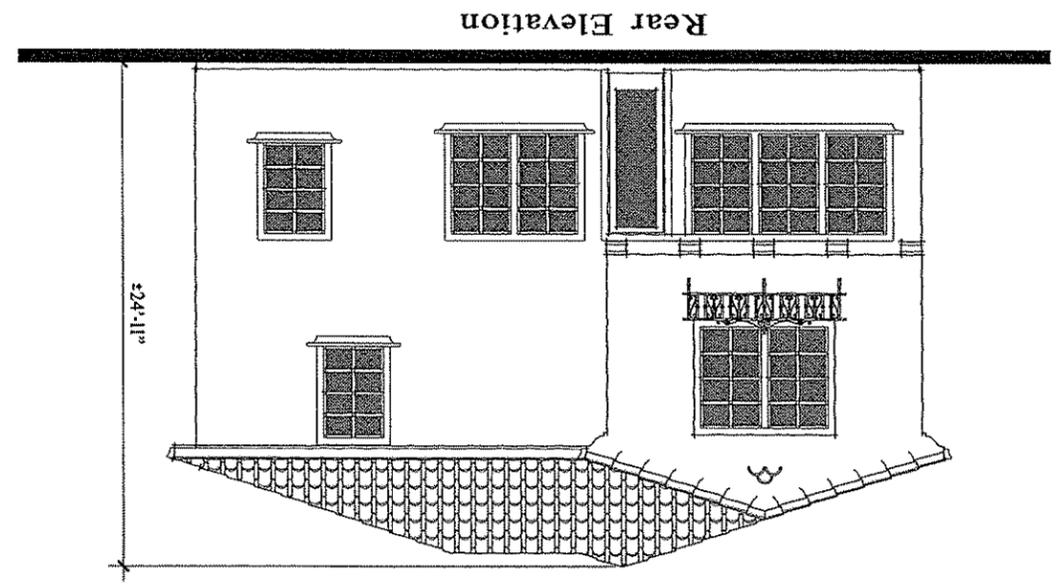
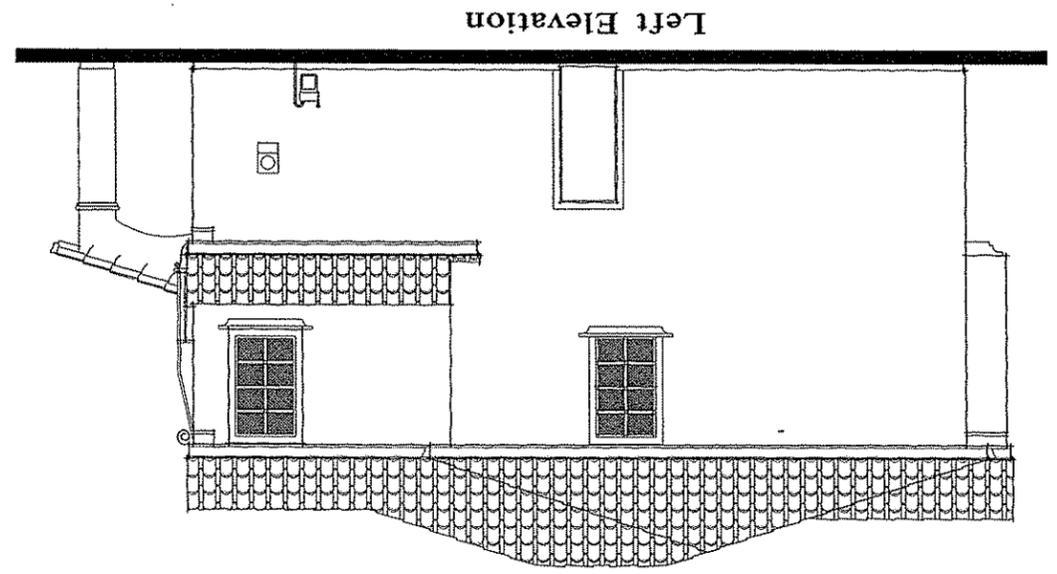
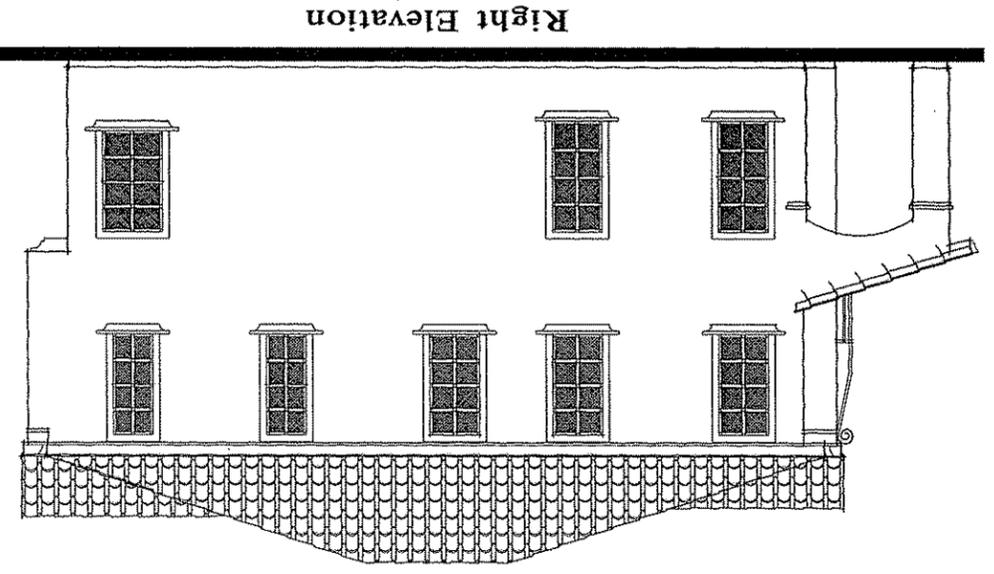


Roof Plan





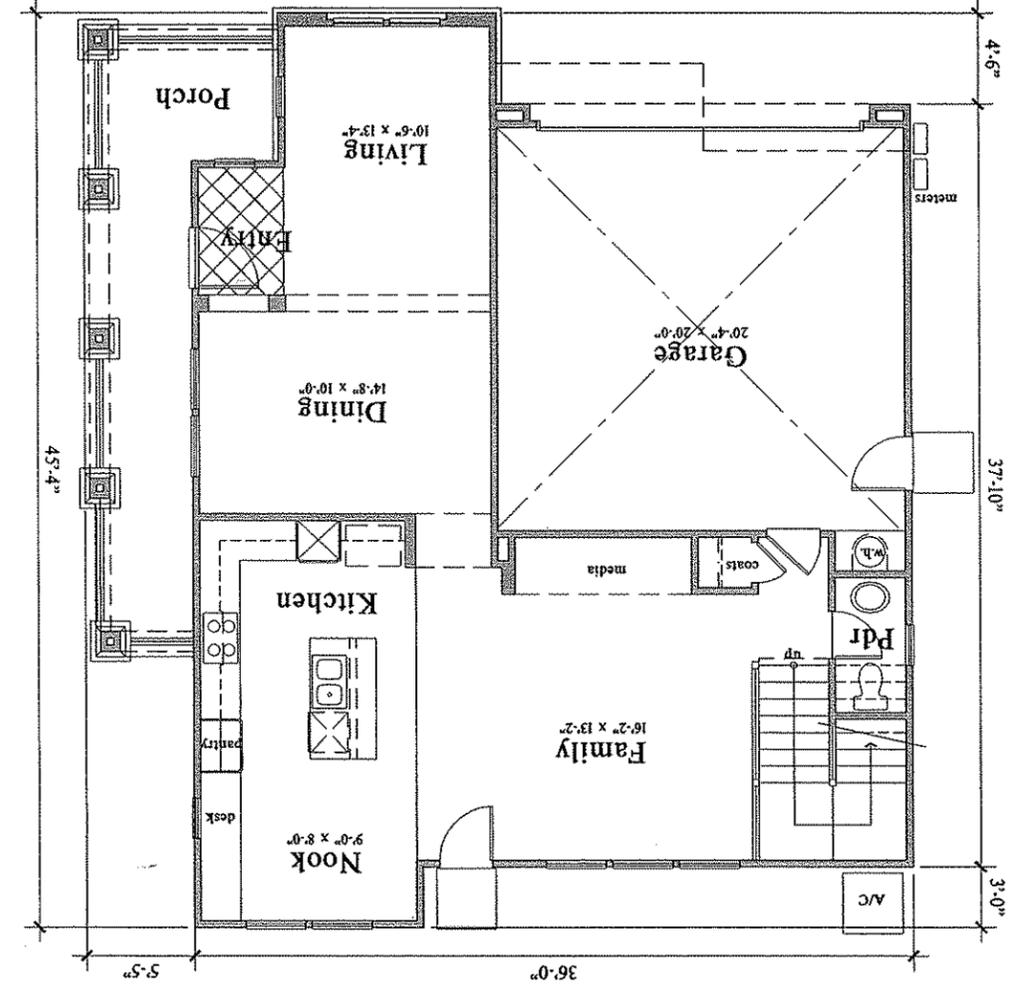
**PLAN 10**  
**WRAP ELEVATIONS**  
**SINCLAIR RENAISSANCE**



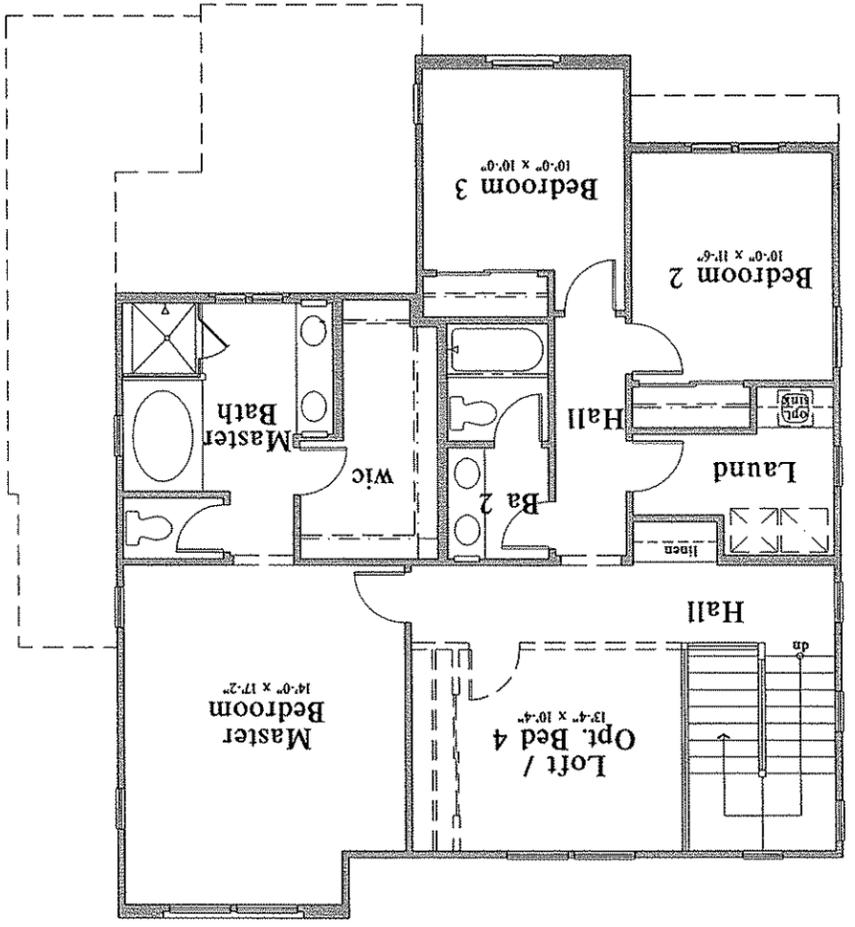


PLAN 2  
FLOOR PLAN  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

First Floor



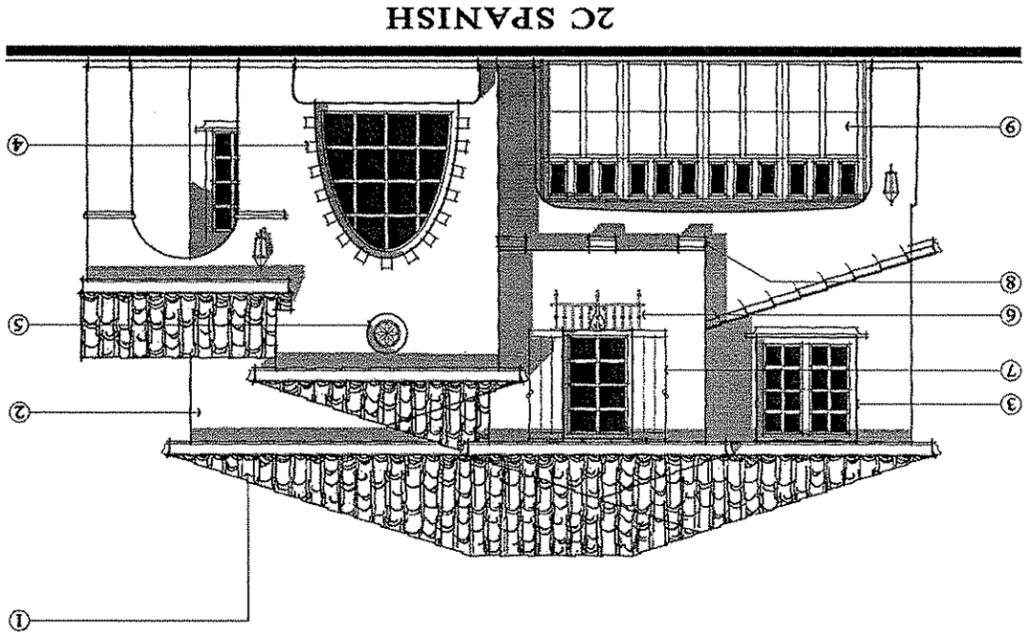
Second Floor



Floor Plan  
3 Bedrooms  
2 1/2 Bath  
Loft / Opt. Bed 4  
2150 Sq Ft

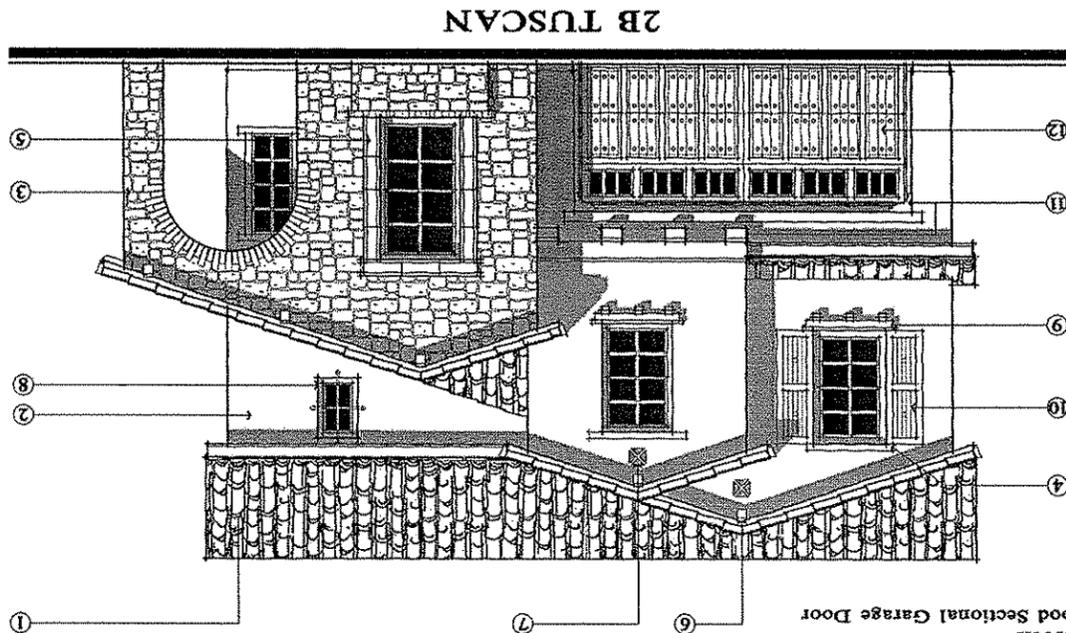
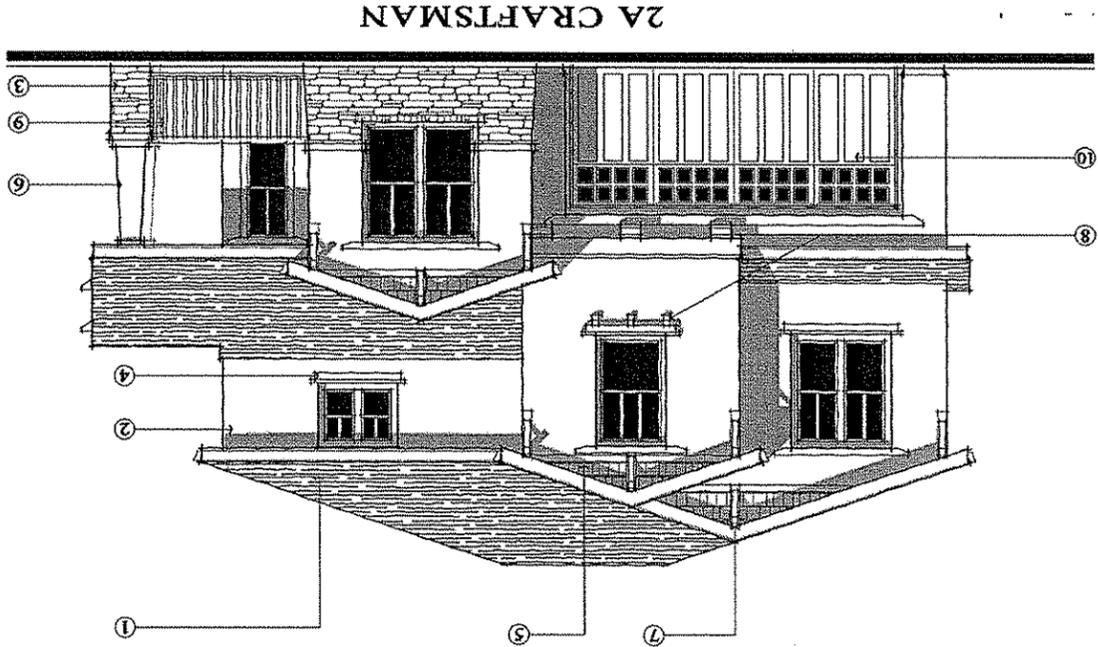


PLAN 2  
FRONT ELEVATIONS  
SINCLAIR RENAISSANCE



- SPANISH MATERIAL LEGEND**
- ① "S" The Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Decorative Tile Trim Surround
  - ⑤ Decorative Recess & Gable End
  - ⑥ Decorative Metal Pot Shelf
  - ⑦ Shutters
  - ⑧ Corbels
  - ⑨ Wood Sectional Garage Door

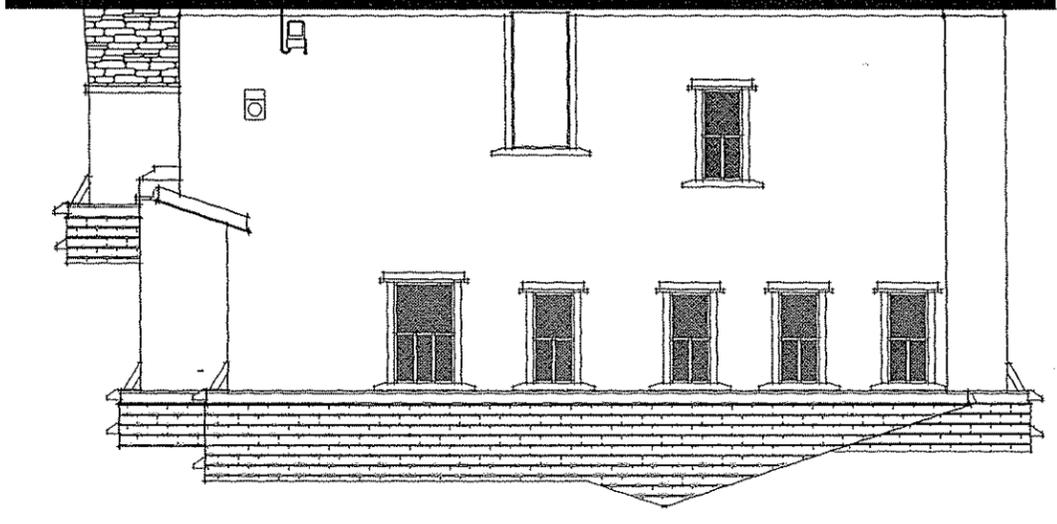
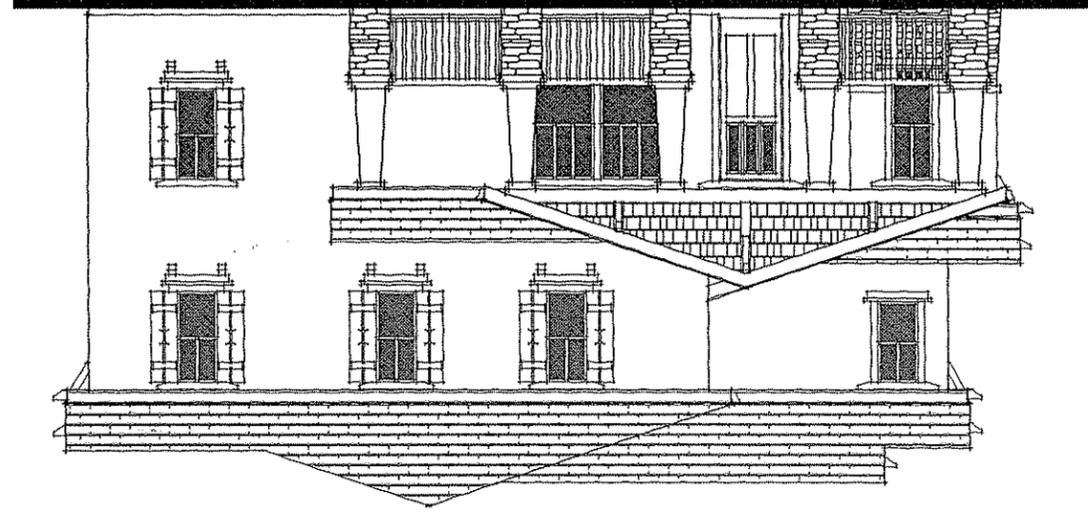
- CRAFTSMAN MATERIAL LEGEND**
- ① Flat The Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Fiber Cement Shingles
  - ⑥ Tapered Porch Columns w/ Stone Veneer Base
  - ⑦ Outlookers & Kickers
  - ⑧ Corbels w/ trowel finish stucco
  - ⑨ Wood Railing
  - ⑩ Wood Sectional Garage Door



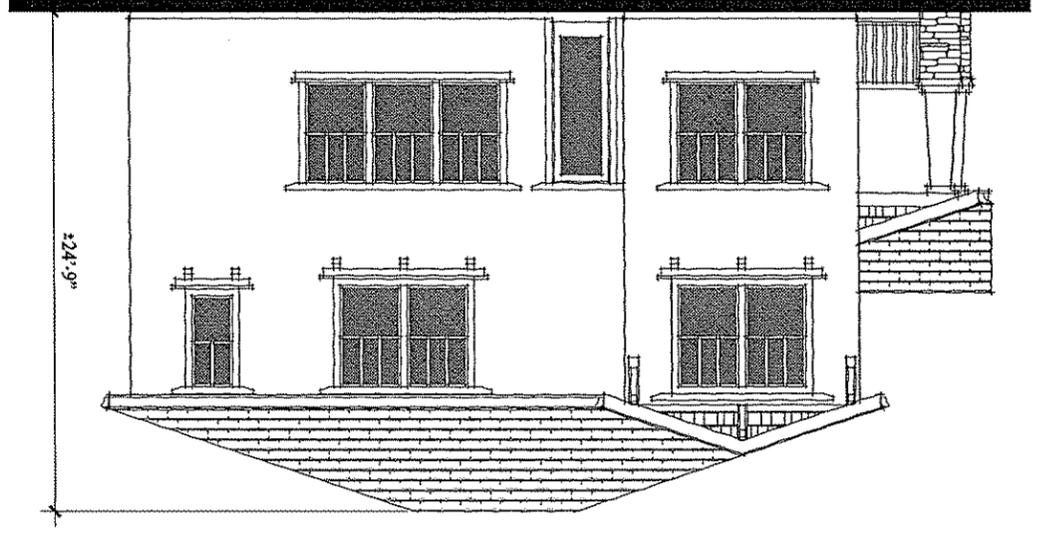
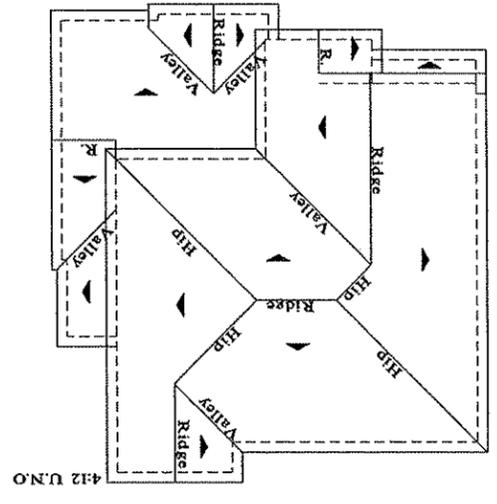
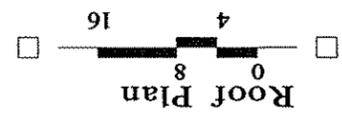
- TUSCAN MATERIAL LEGEND**
- ① "S" The Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Precast Concrete Trim Surround
  - ⑥ Outlookers at Gable Ends
  - ⑦ Decorative 2" Recess & Gable Ends
  - ⑧ Recessed Window w/ Metal Grate
  - ⑨ Decorative Potshelf
  - ⑩ Shutters
  - ⑪ Corbels
  - ⑫ Wood Sectional Garage Door



Right Elevation  
PLAN 2A (corner)  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



Left Elevation

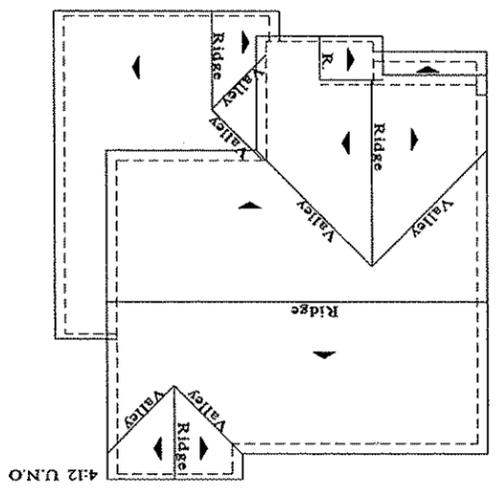
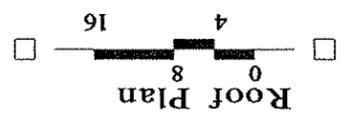
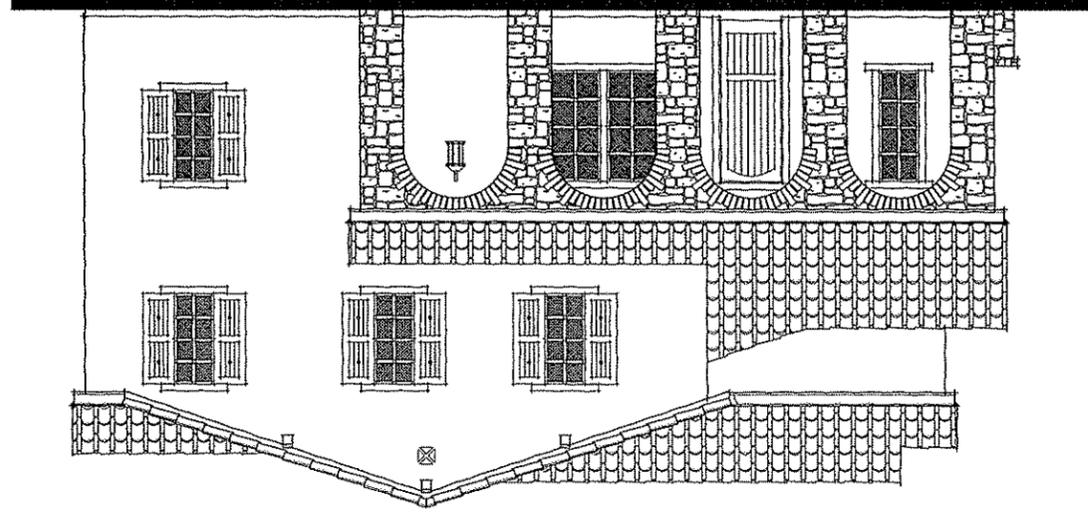


Rear Elevation

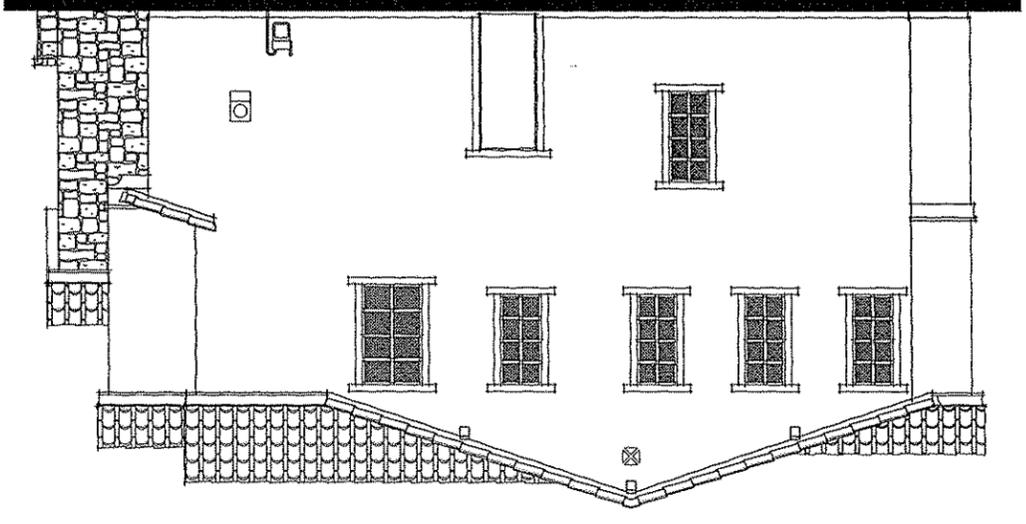


PLAN 2B  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

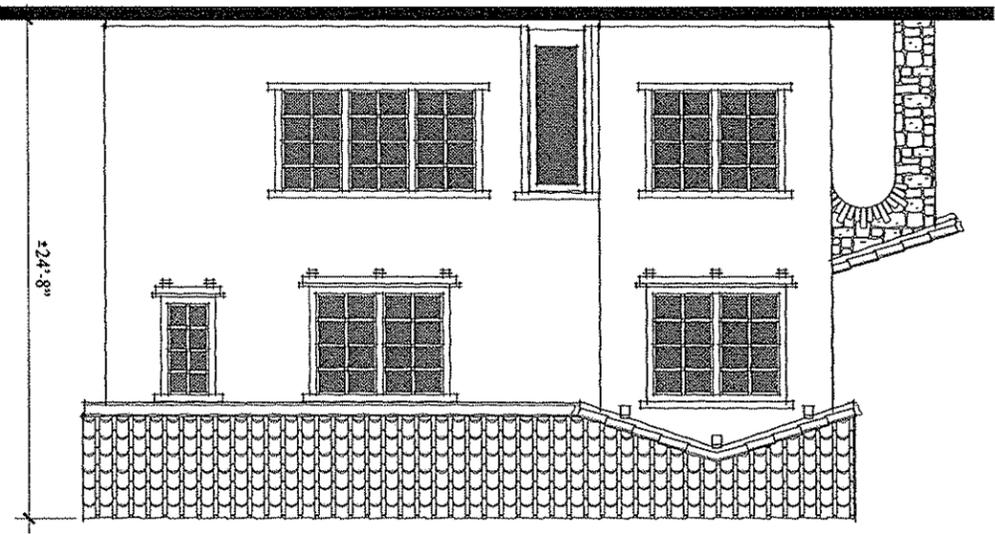
Right Elevation  
(corner)



Left Elevation

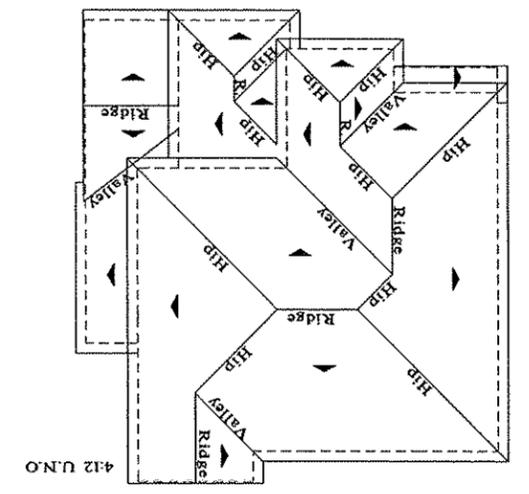
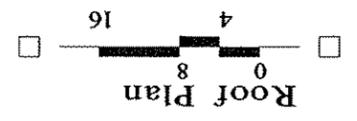
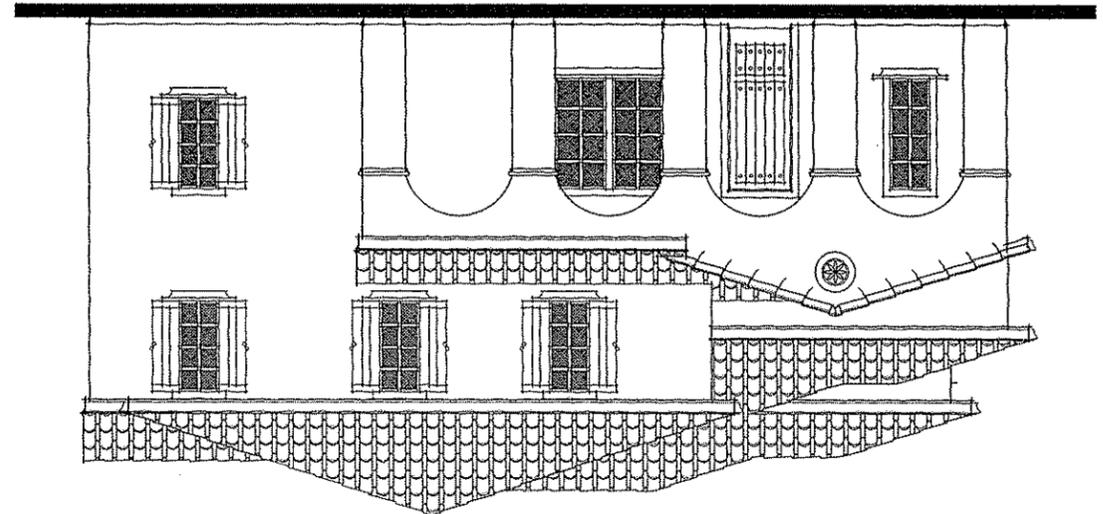


Rear Elevation

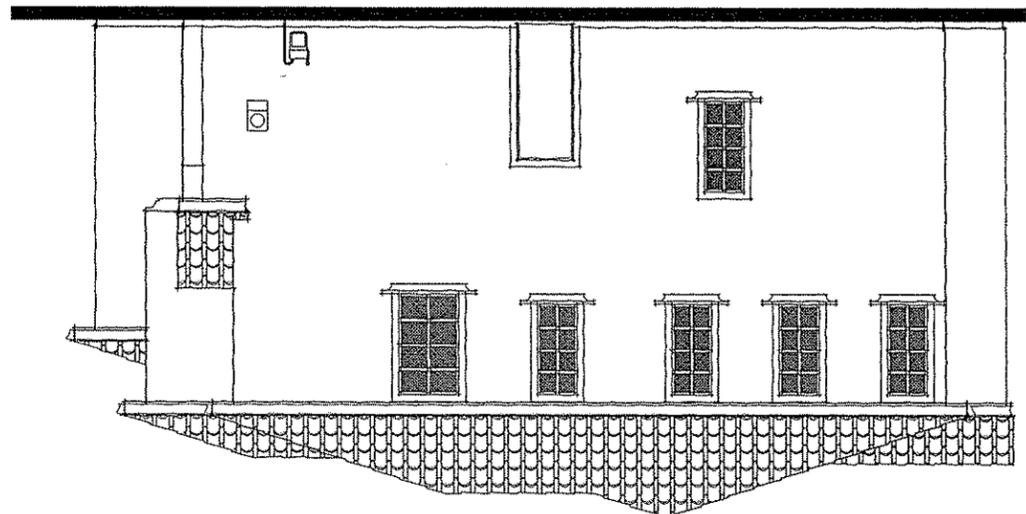




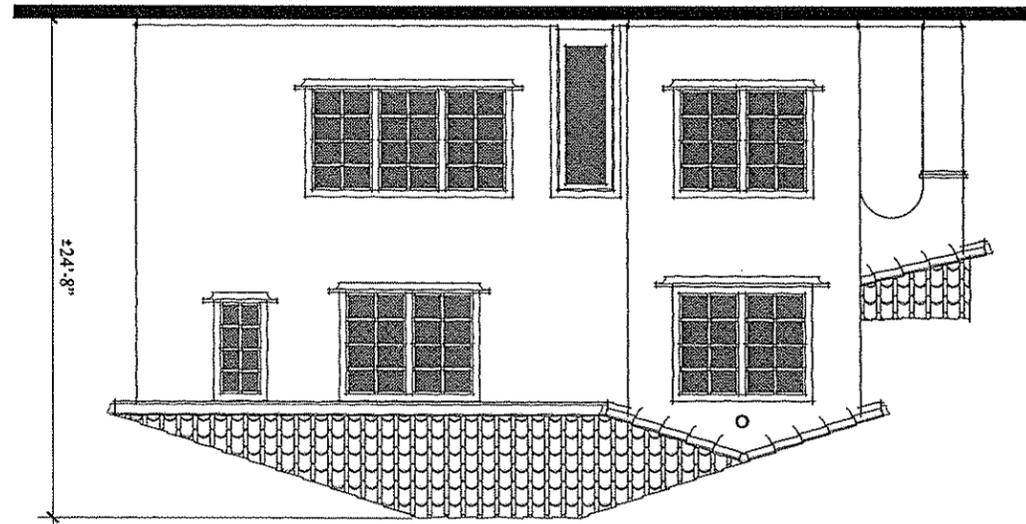
Right Elevation  
PLAN 2C  
(corner)  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MARIPTAS SANTA CLARA COUNTY CALIFORNIA



Left Elevation



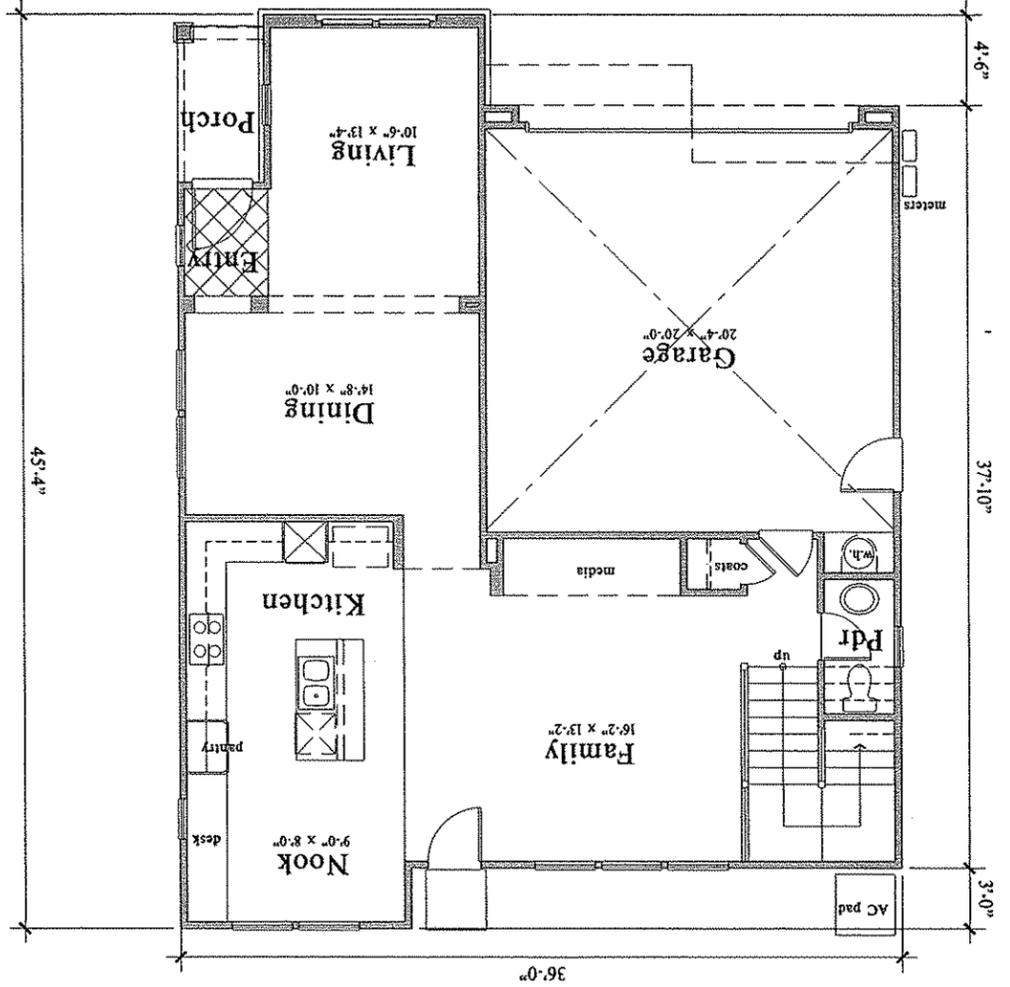
Rear Elevation





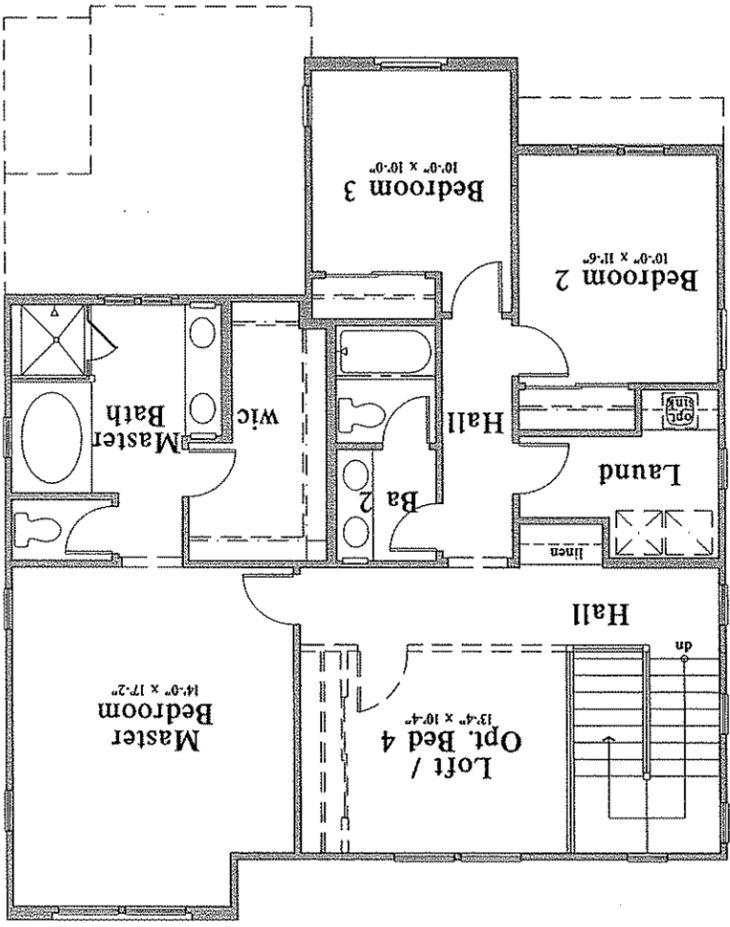
PLAN 2 ALT  
FLOOR PLAN  
SINCLAIR RENAISSANCE

First Floor



Floor Plan  
3 Bedrooms  
2 1/2 Bath  
Loft / Opt. Bed 4  
2145 Sq Ft

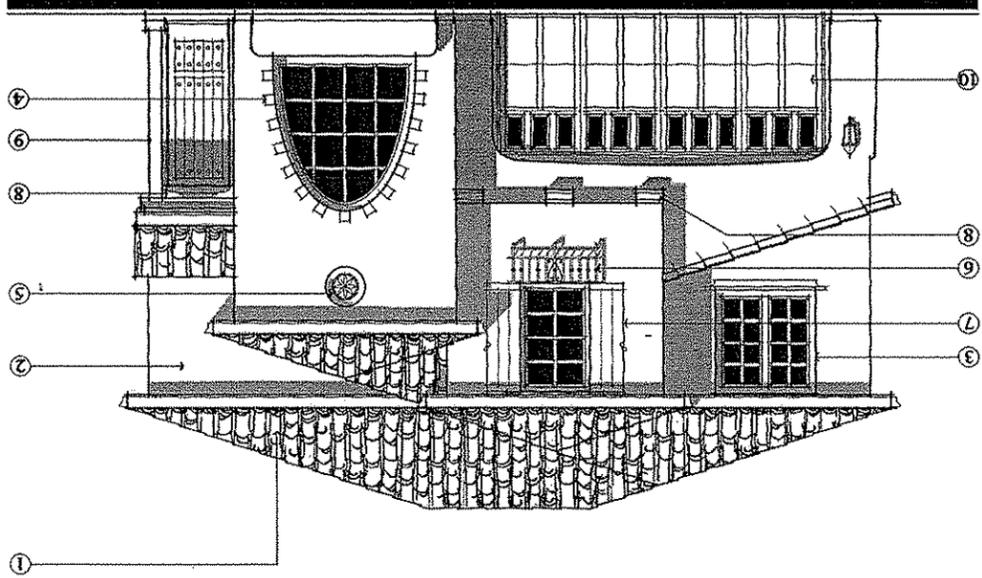
Second Floor





PLAN 2 Alt  
FRONT ELEVATIONS  
SINCLAIR RENAISSANCE

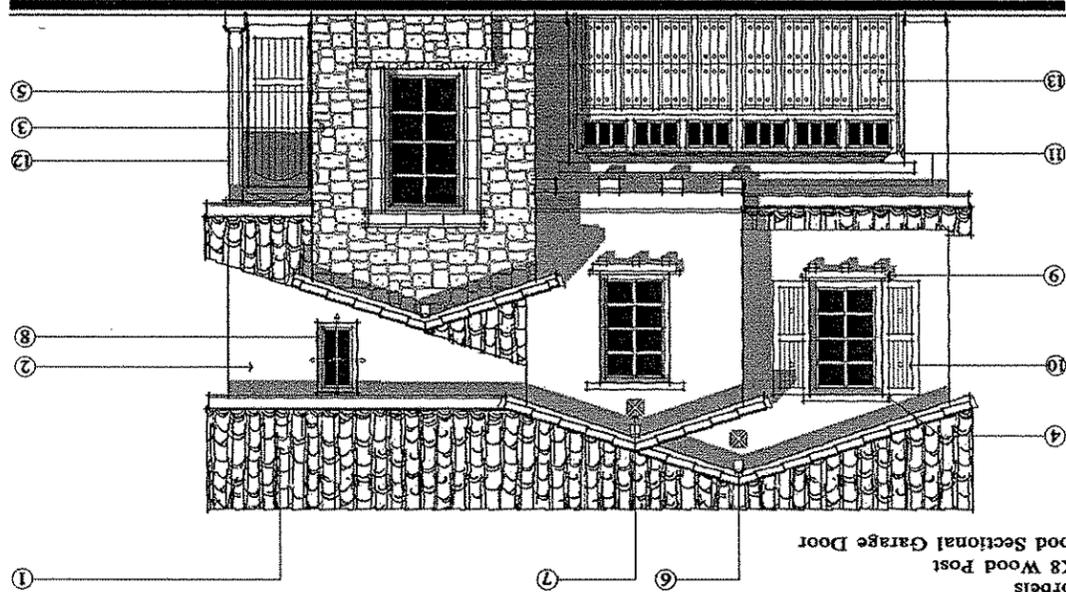
Zait C SPANISH



- SPANISH MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Decorative Tile Trim Surround
  - ⑤ Decorative Recess & Gable End
  - ⑥ Decorative Metal Pot Shelf
  - ⑦ Shutters
  - ⑧ Corbels
  - ⑨ 8X8 Wood Post
  - ⑩ Wood Sectional Garage Door

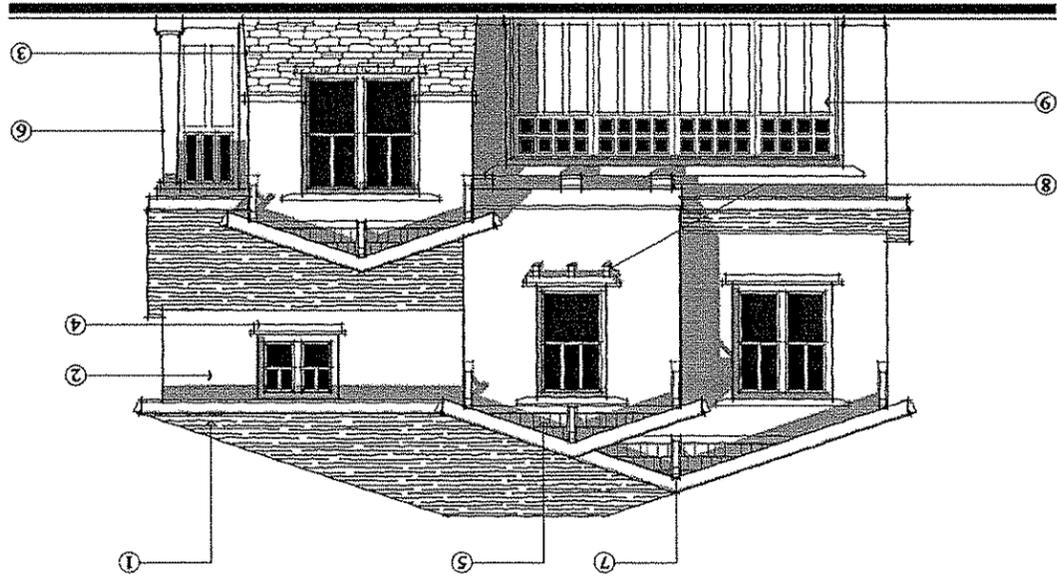
- CRAFTSMAN MATERIAL LEGEND**
- ① Flat Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Fiber Cement Shingles
  - ⑥ Tapered Porch Column
  - ⑦ Outlookers & Kickers
  - ⑧ Corbels
  - ⑨ Wood Sectional Garage Door

Zait B TUSCAN



- TUSCAN MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Precast Concrete Trim Surround
  - ⑥ Outlookers at Gable Ends
  - ⑦ Decorative 2" Recess & Gable Ends
  - ⑧ Recessed Window w/ Metal Grate
  - ⑨ Decorative Potshelf
  - ⑩ Shutters
  - ⑪ Corbels
  - ⑫ 8X8 Wood Post
  - ⑬ Wood Sectional Garage Door

Zait A CRAFTSMAN



SHEET NUMBER  
**A-16**  
29 of 52

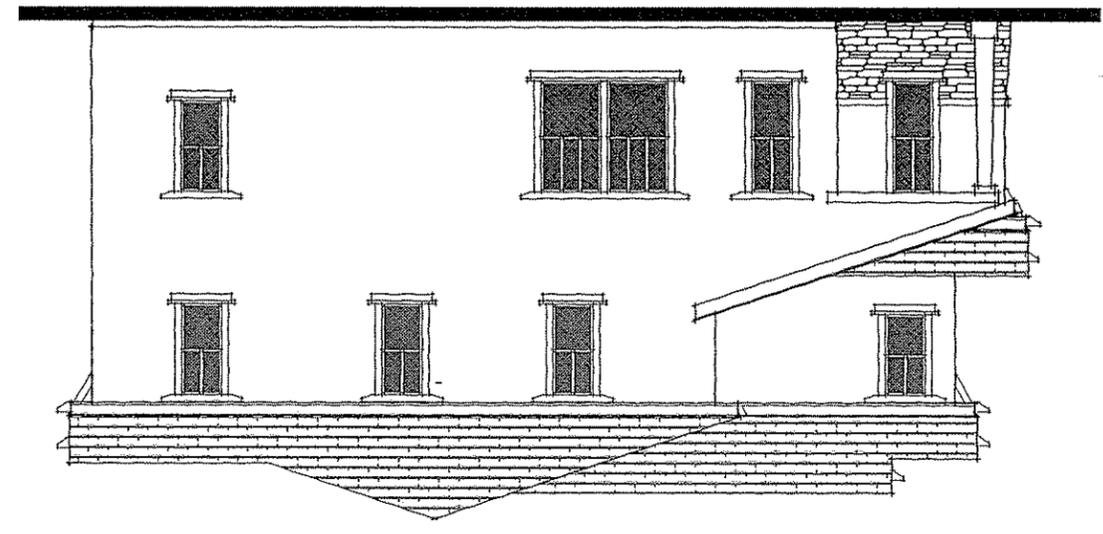
**KTGY GROUP, INC.**  
ARCHITECTURE PLANNING  
17992 MITCHELL SOUTH  
IRVINE, CALIFORNIA 92614  
FAX (949) 891-2193  
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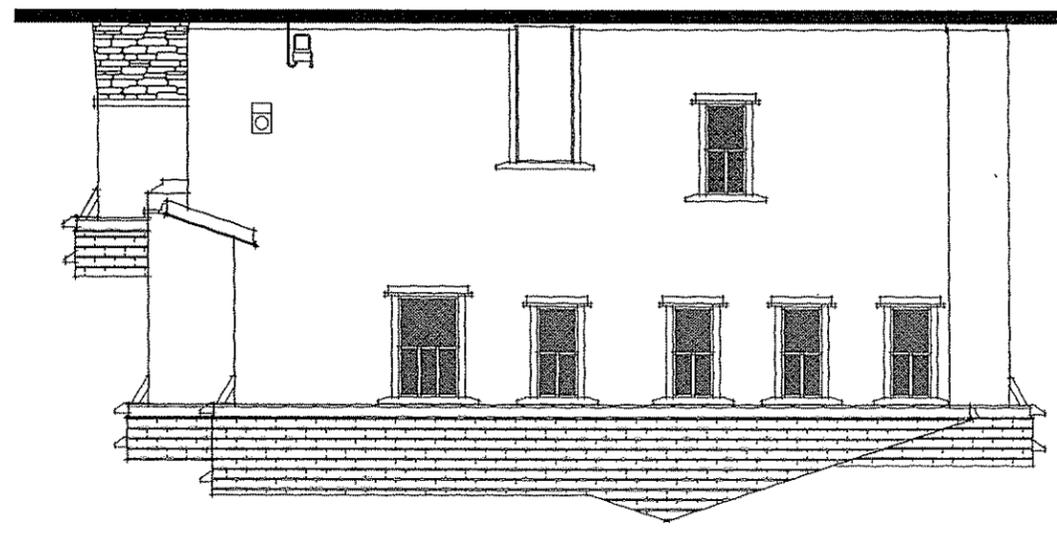
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SCALE: 1/4" = 1'  
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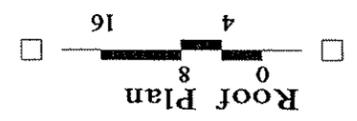
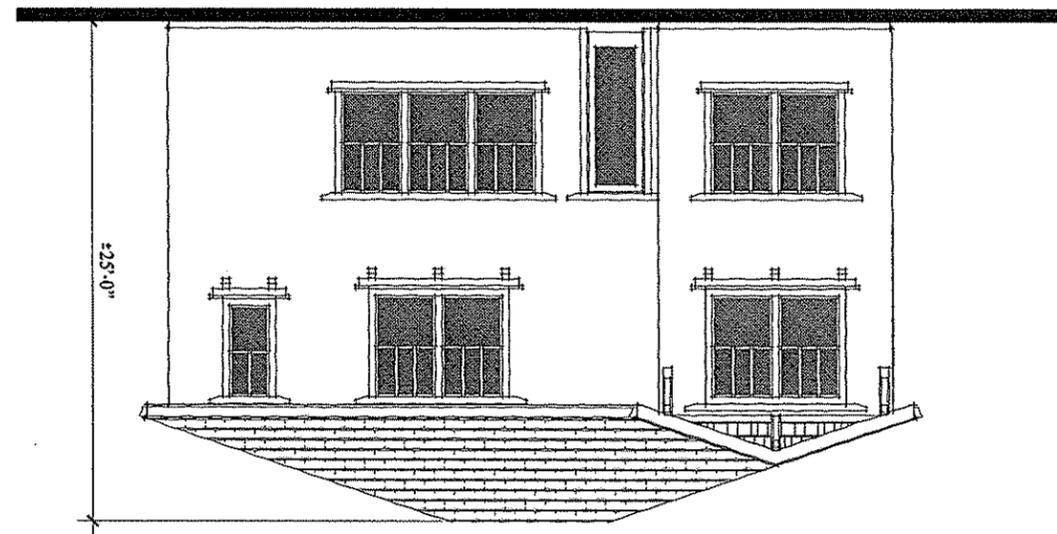
**PLAN 2A ALT**  
**WRAP ELEVATIONS**  
**SINCLAIR RENAISSANCE**  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



Left Elevation



Rear Elevation



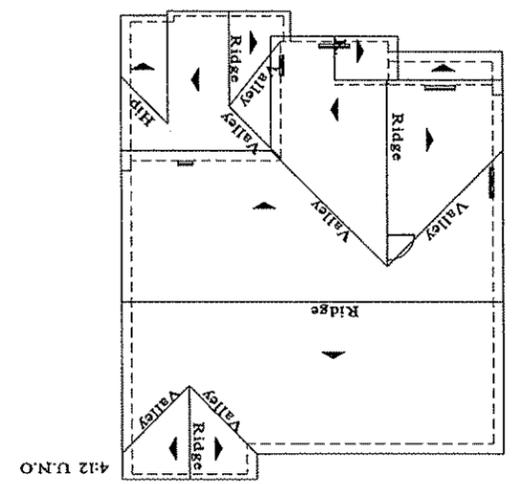
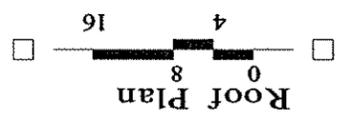
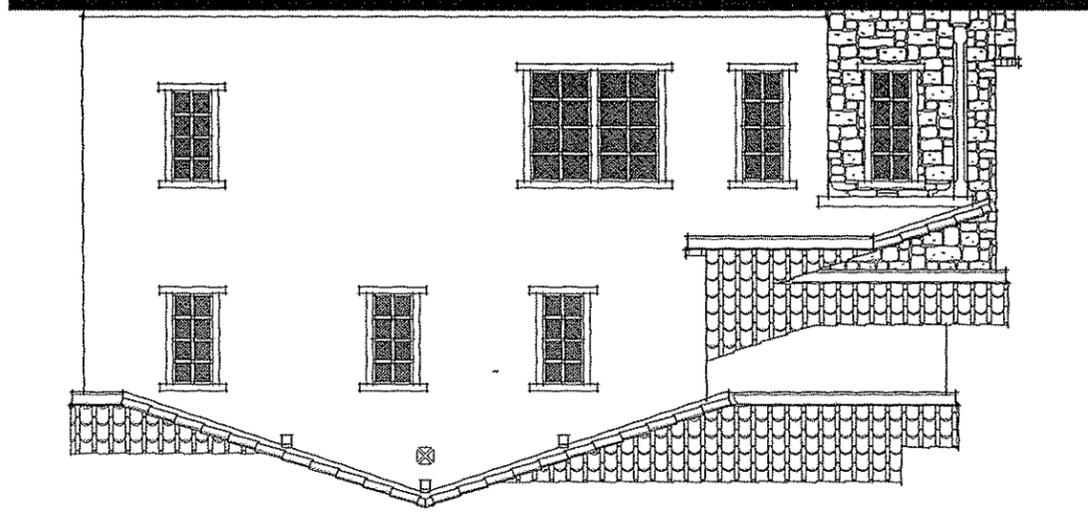
Roof Plan

4:12 U.N.O.

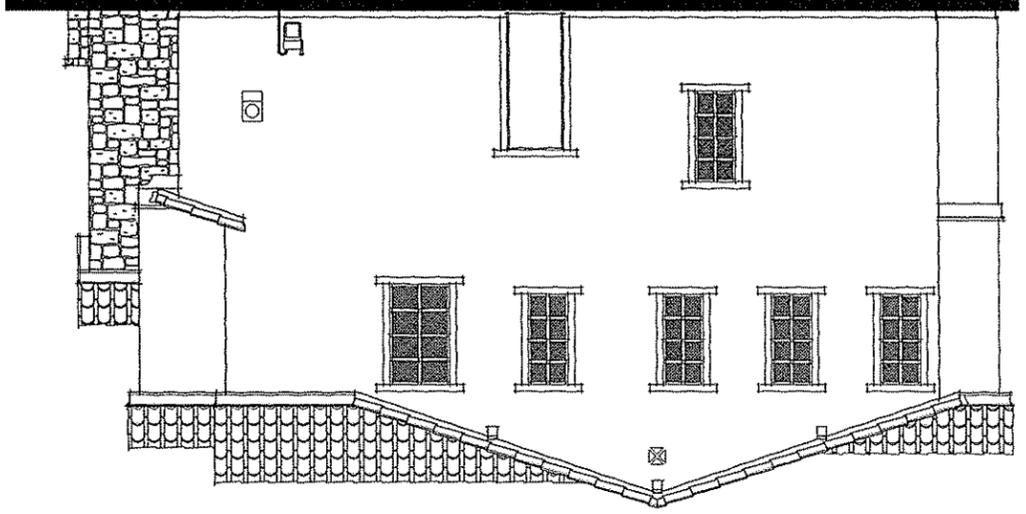


PLAN 2B ALT  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

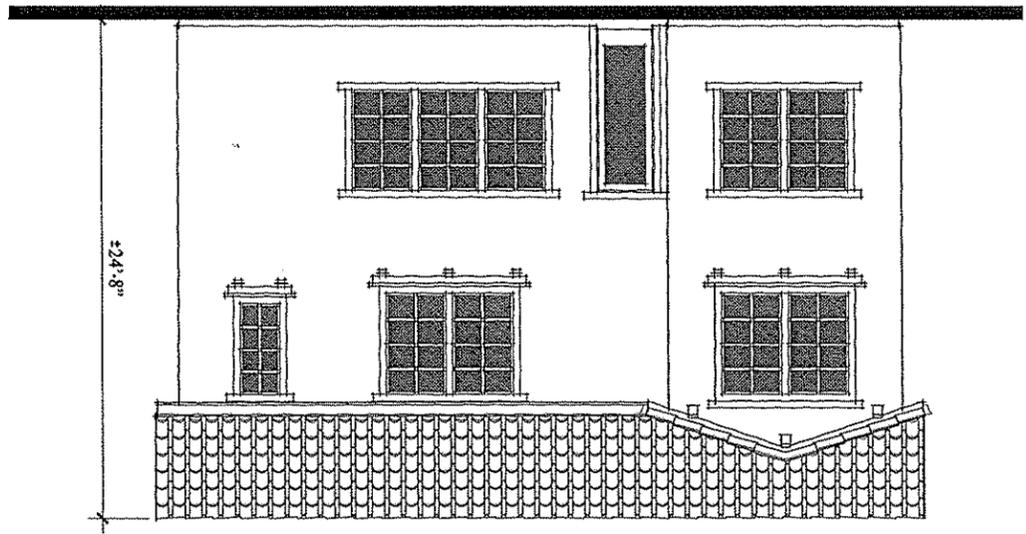
Right Elevation



Left Elevation

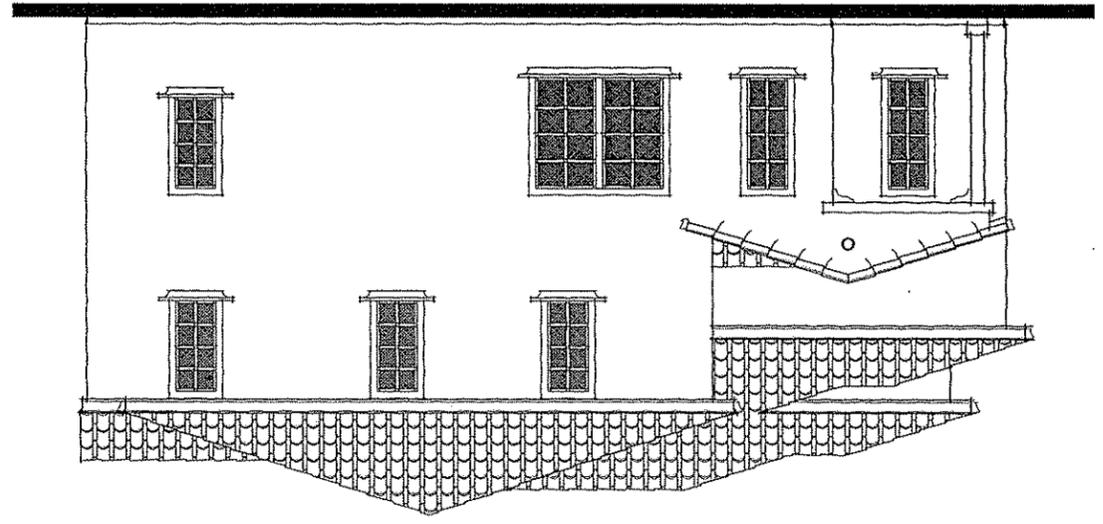


Rear Elevation

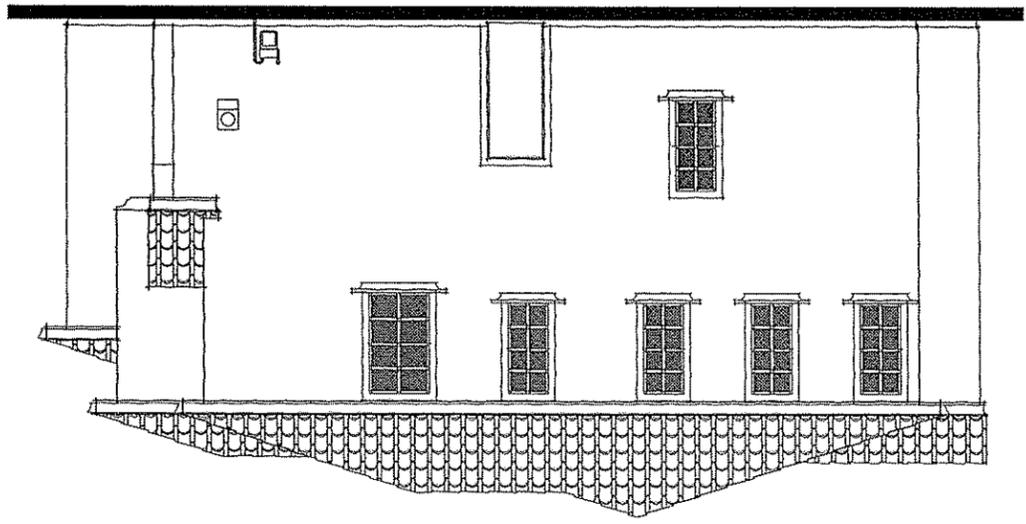




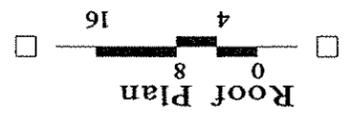
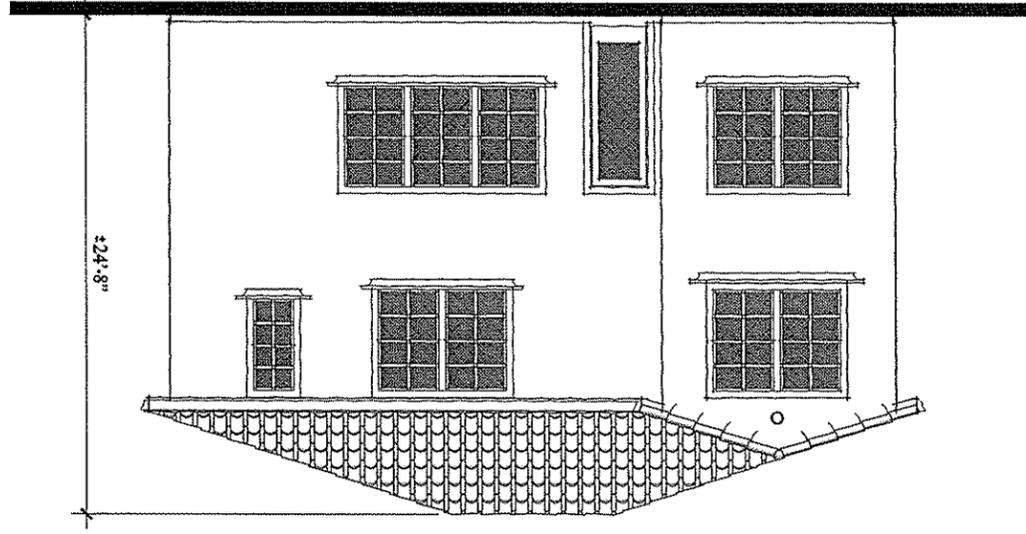
PLAN 2C ALT  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



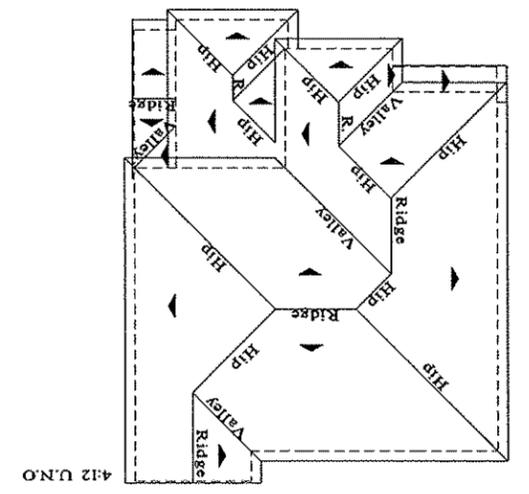
Left Elevation



Rear Elevation

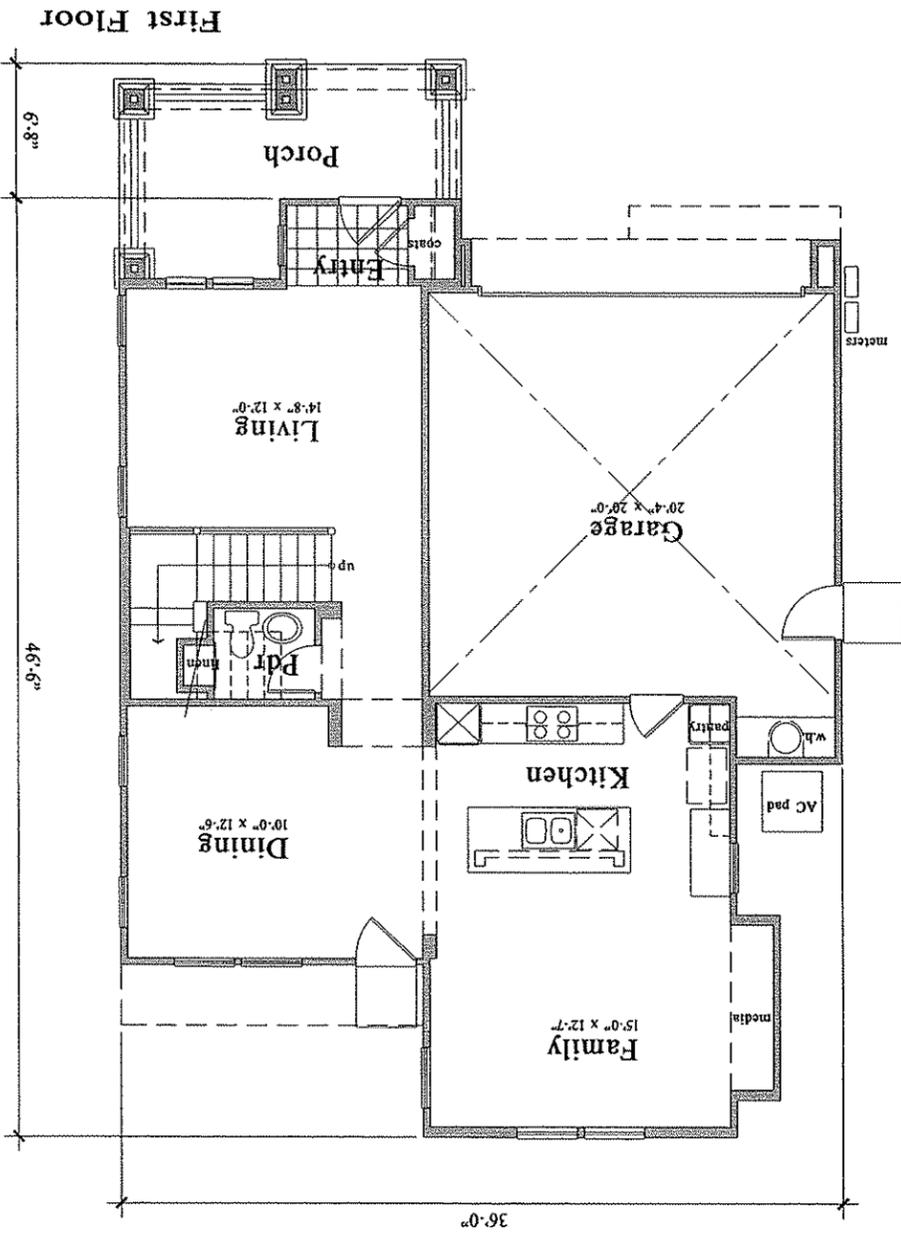


Roof Plan

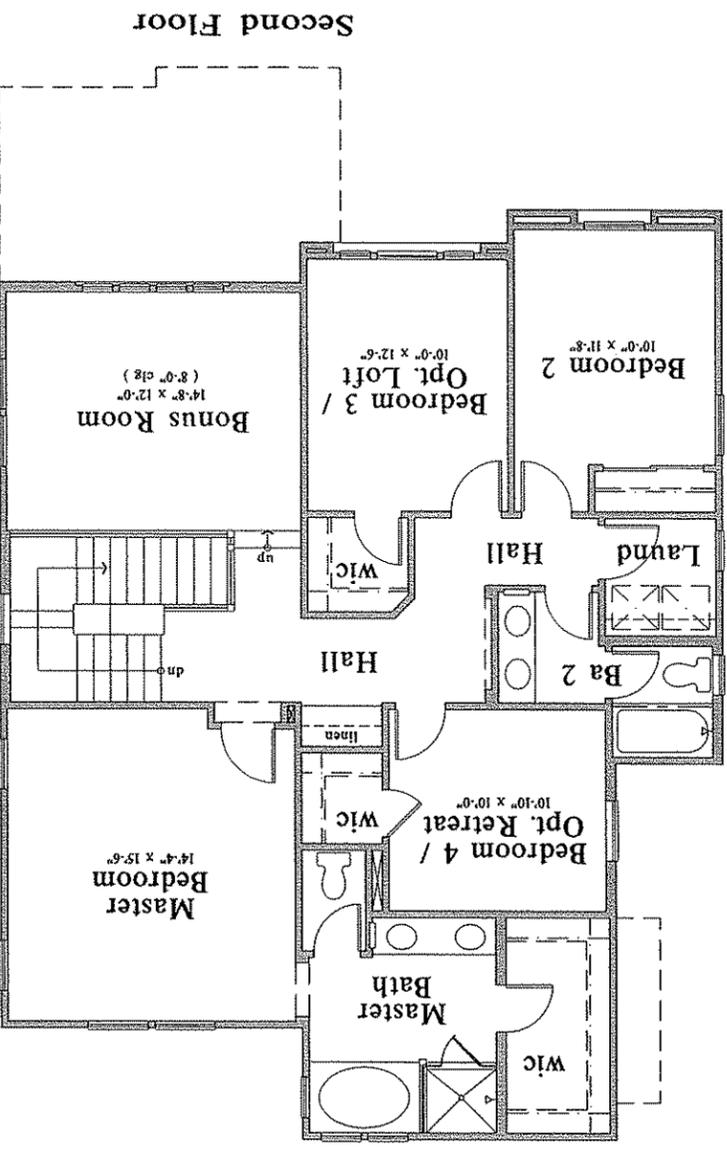




CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
**PLAN 3**  
**FLOOR PLAN**  
**SINCLAIR RENAISSANCE**

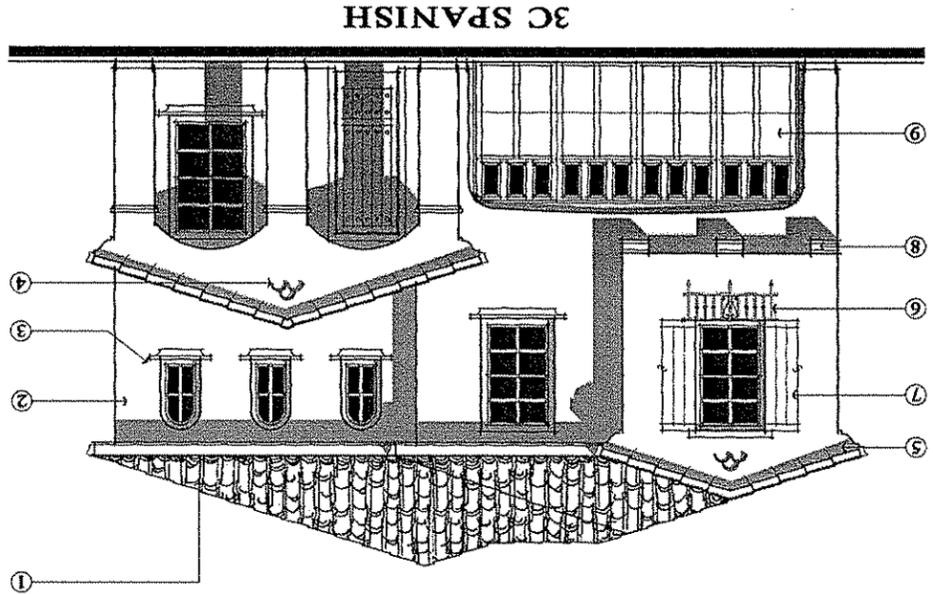


**Floor Plan**  
4 Bedrooms  
Bonus Room  
Opt. Retreat / Opt. Loft  
2 1/2 Bath  
2227 Sq Ft

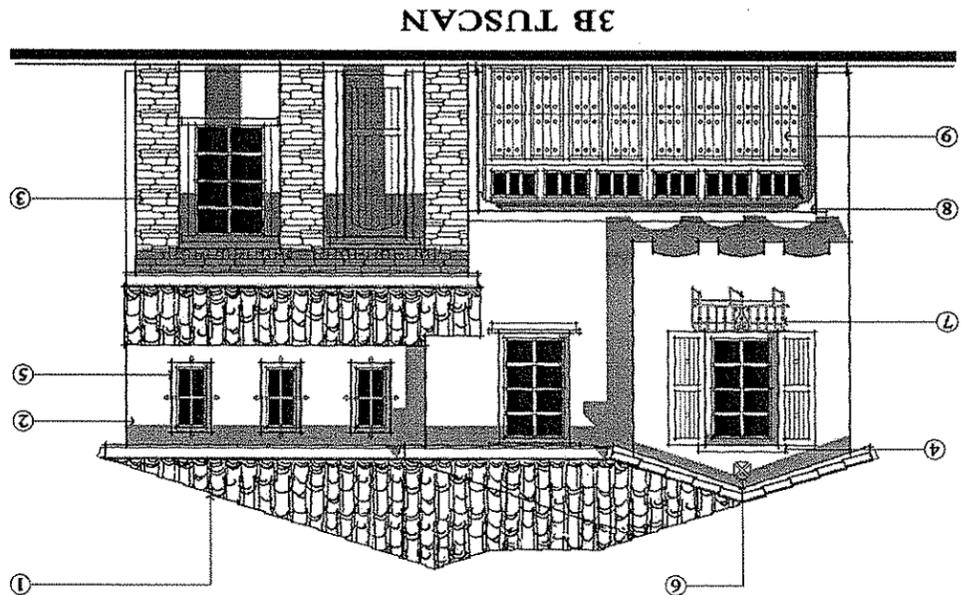




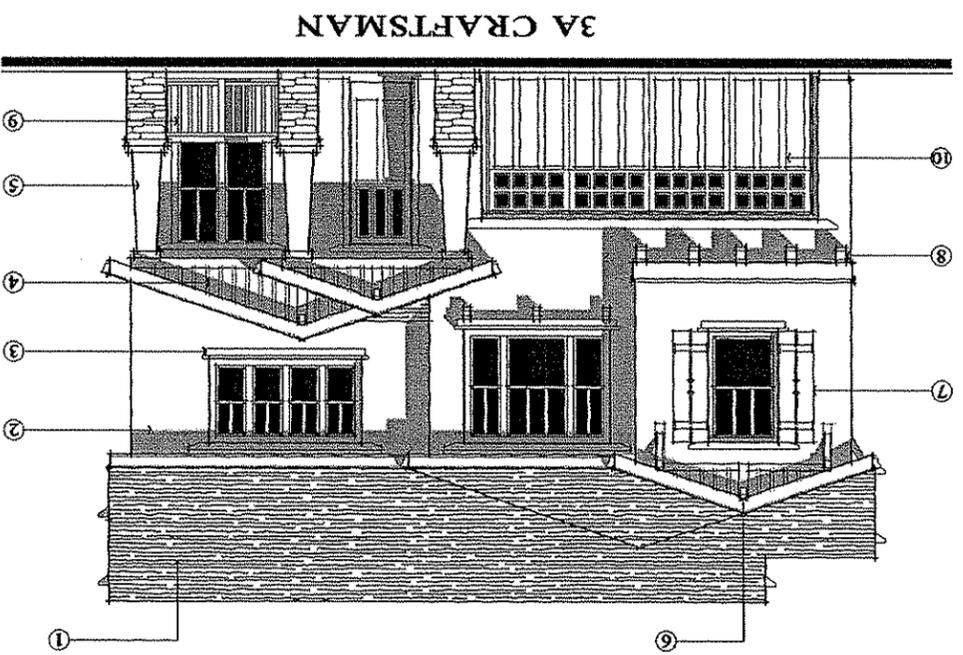
PLAN 3  
FRONT ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



- SPANISH MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Decorative Clay Pipes
  - ⑤ Decorative Eave Corbels
  - ⑥ Decorative Metal Pot Shelf
  - ⑦ Shutters
  - ⑧ Corbels
  - ⑨ Wood Sectional Garage Door



- TUSCAN MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Recessed Window w/ Metal Grate
  - ⑥ Decorative 2" Recess at Gable End
  - ⑦ Decorative Metal Pot Shelf
  - ⑧ Corbels
  - ⑨ Wood Sectional Garage Door

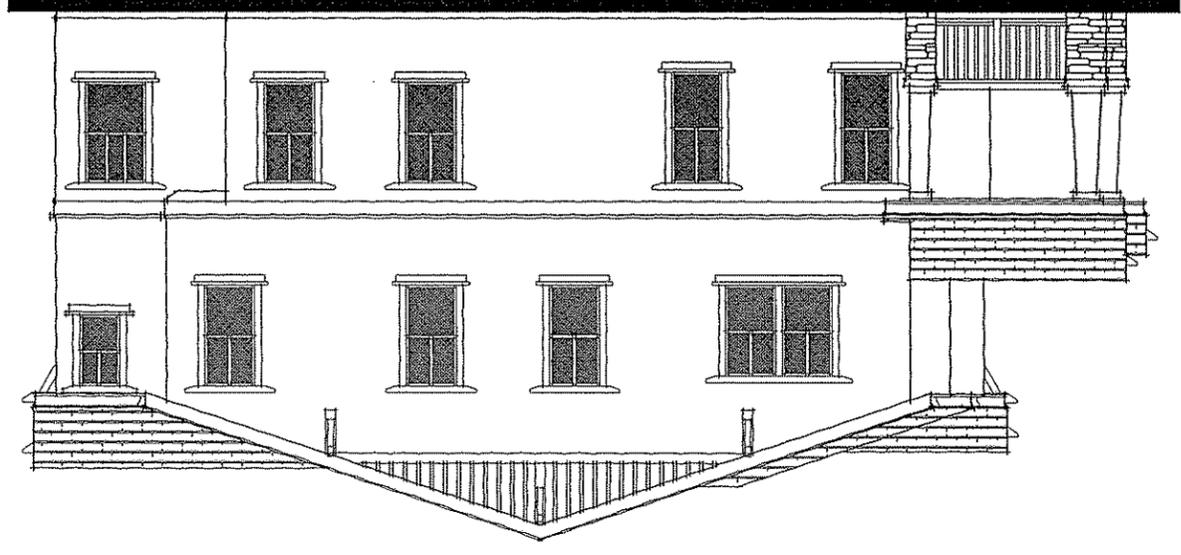


- CRAFTSMAN MATERIAL LEGEND**
- ① Flat Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Board & Batten at Gable Ends
  - ⑤ Tapered Porch Columns w/ Stone Veneer Base
  - ⑥ Outlookers & Kickers
  - ⑦ Shutters
  - ⑧ Corbels w/ towel finish stucco
  - ⑨ Wood Railing
  - ⑩ Wood Sectional Garage Door

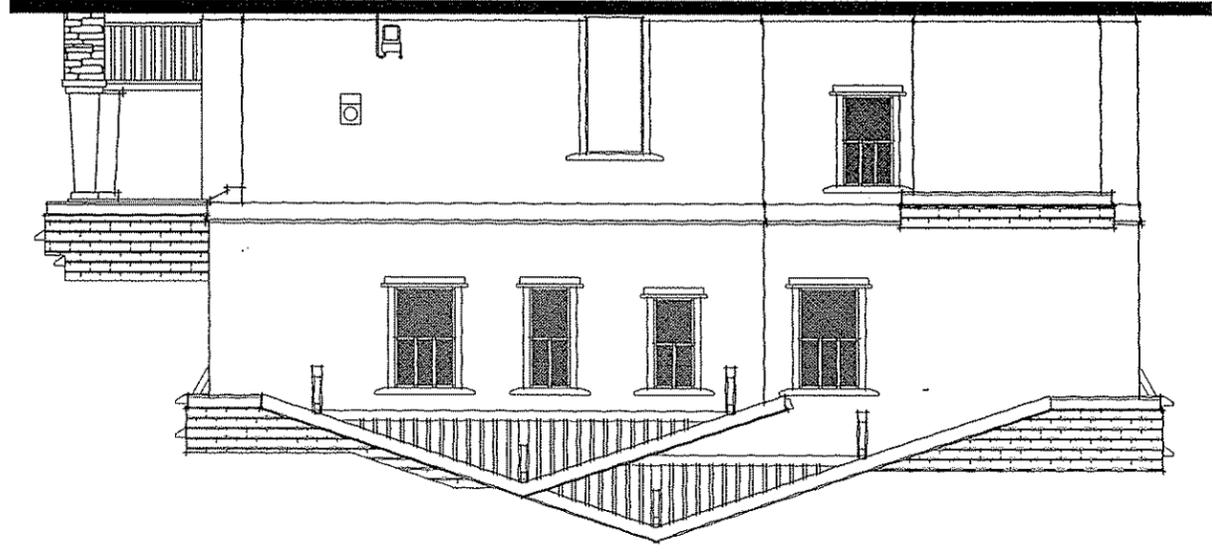


PLAN 3A  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

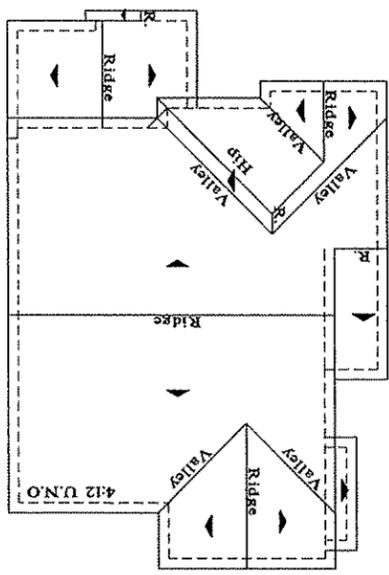
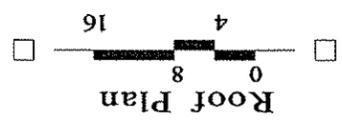
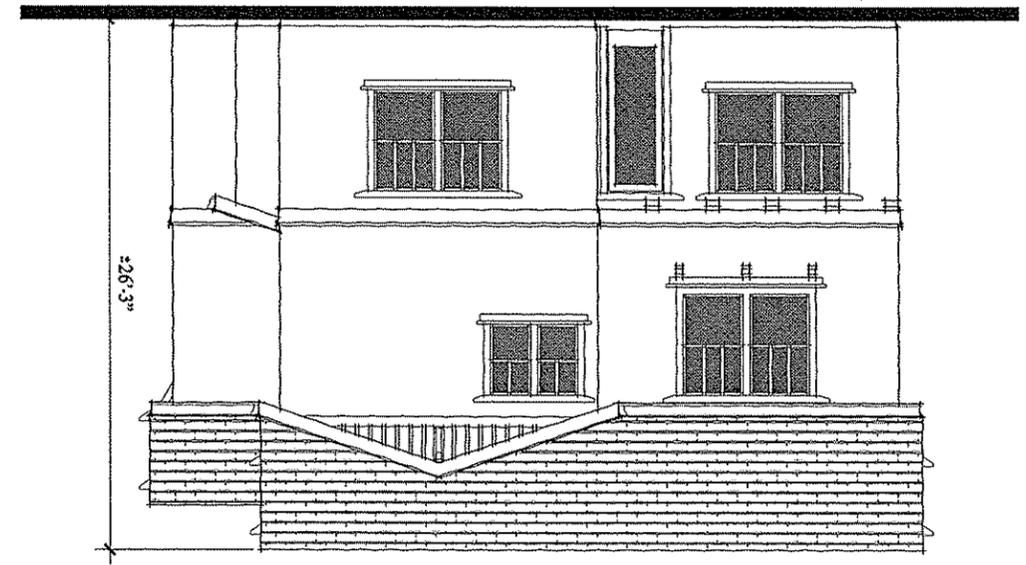
Right Elevation



Left Elevation



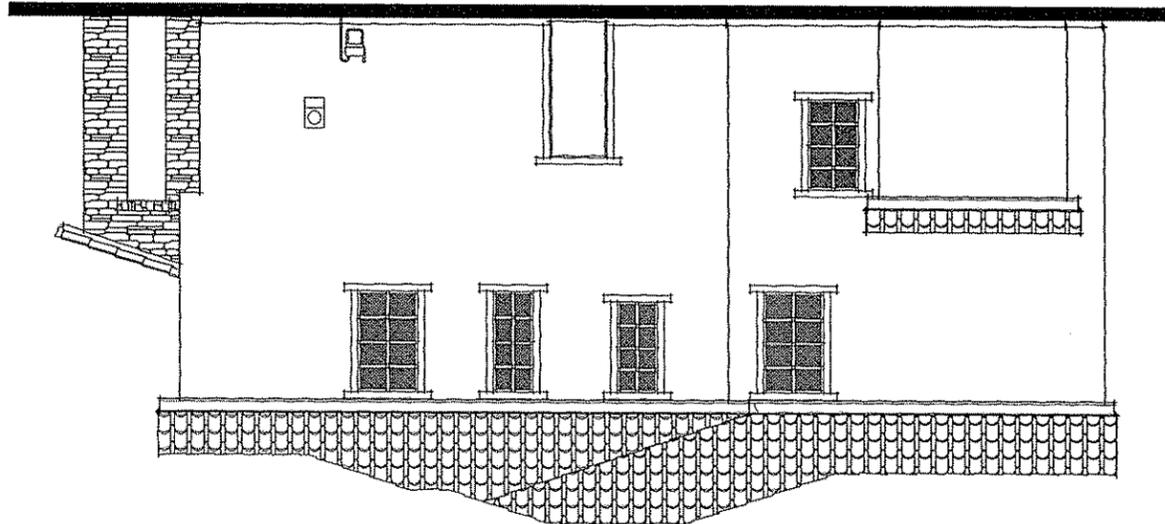
Rear Elevation



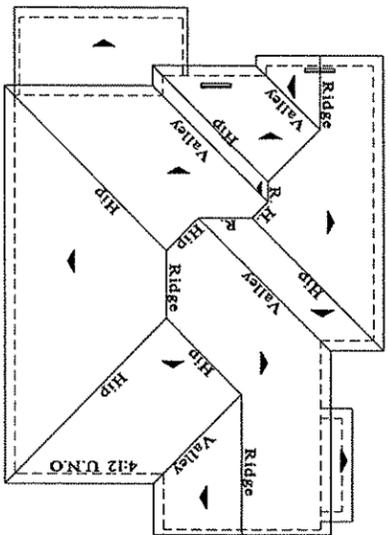
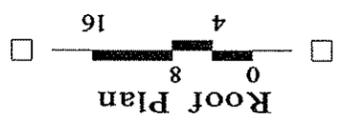
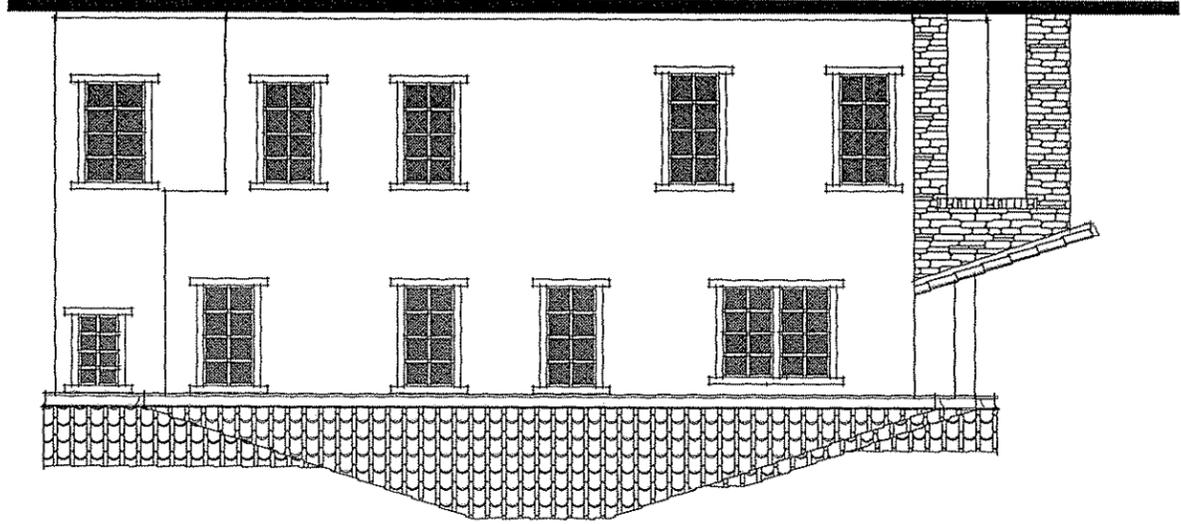
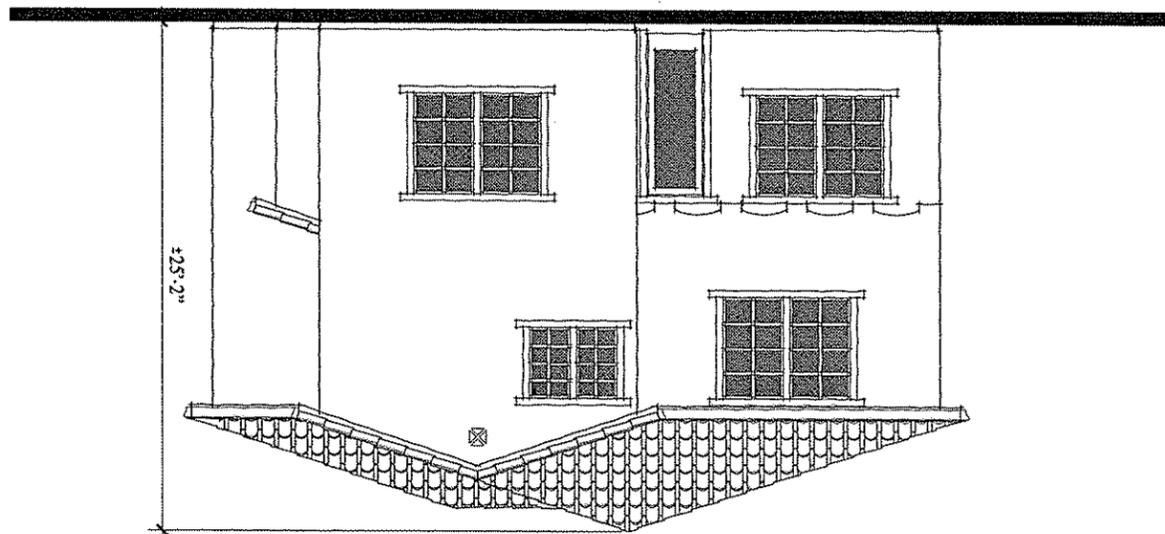


PLAN 3B  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MARIETTA SANTA CLARA COUNTY CALIFORNIA

Left Elevation

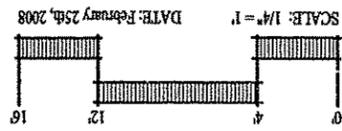


Rear Elevation



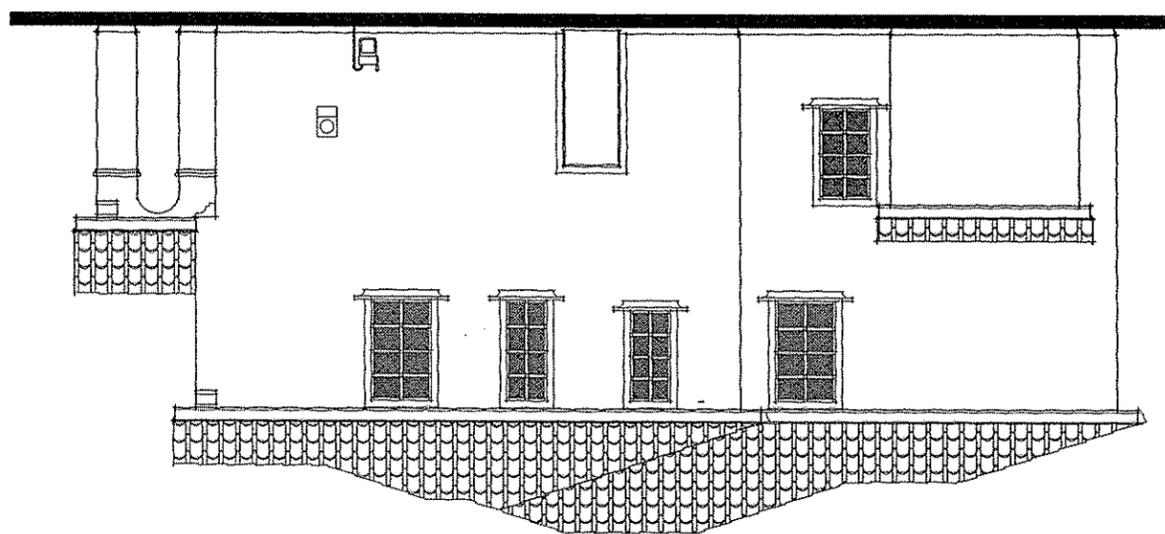
SHEET NUMBER  
A-23  
36 of 52

KTGY GROUP, INC.  
ARCHITECTURE PLANNING  
1782 MITCHELL SOUTH  
IRVINE, CALIFORNIA 92614  
FAX (949) 991-2133  
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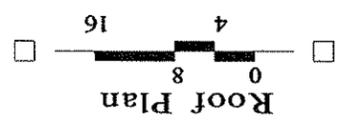
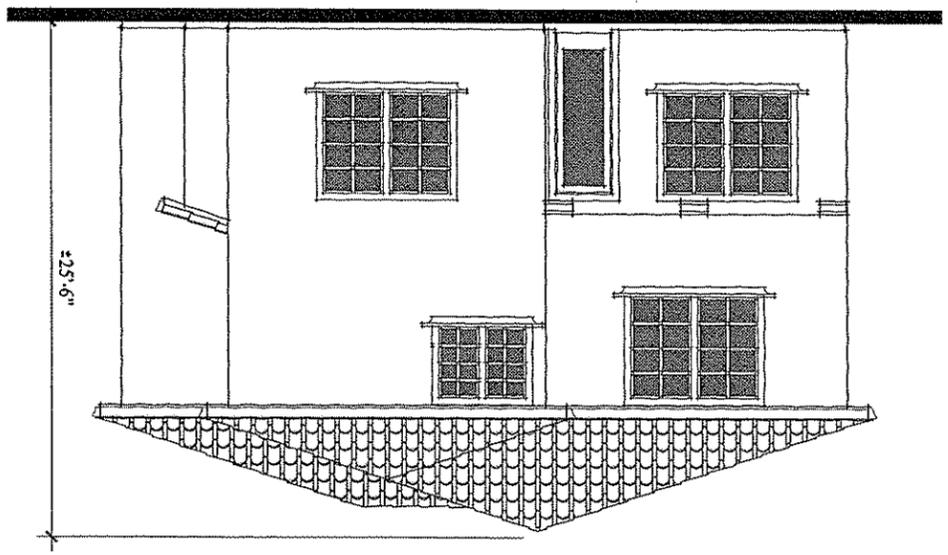


PLAN 3C  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

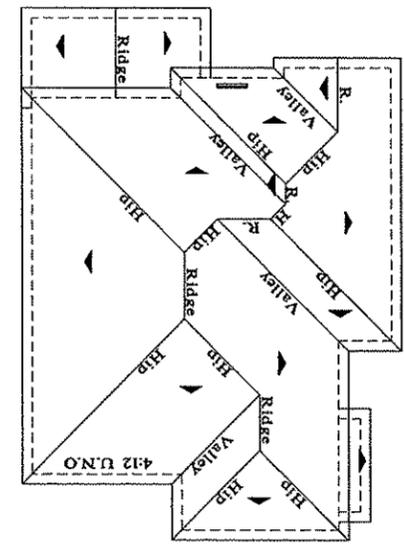
Left Elevation



Rear Elevation



Roof Plan

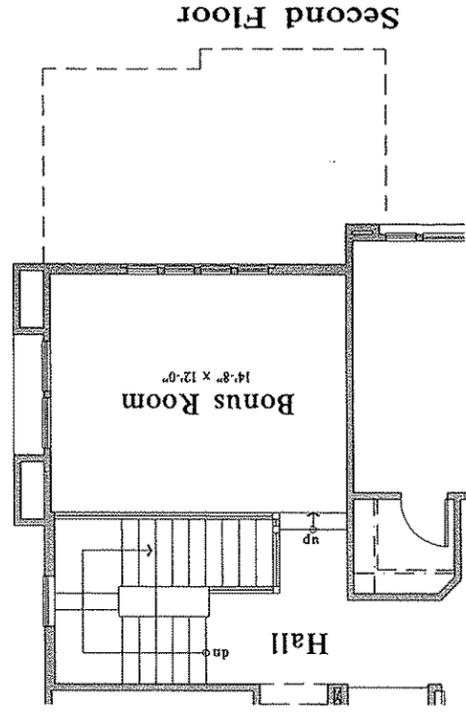
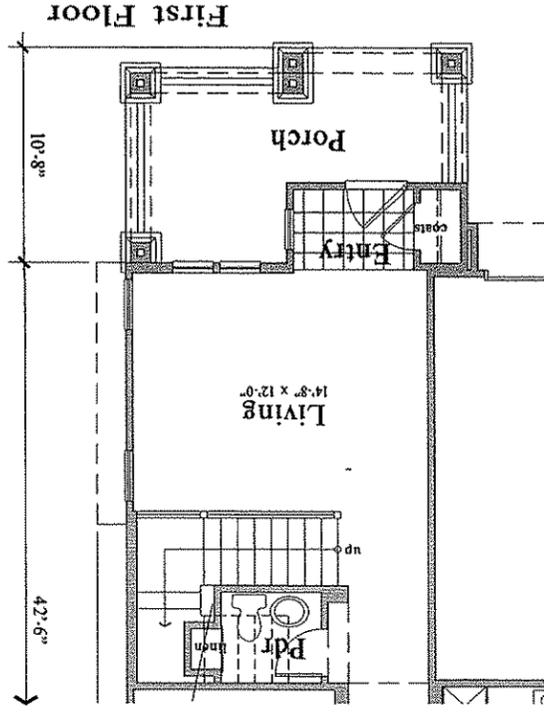
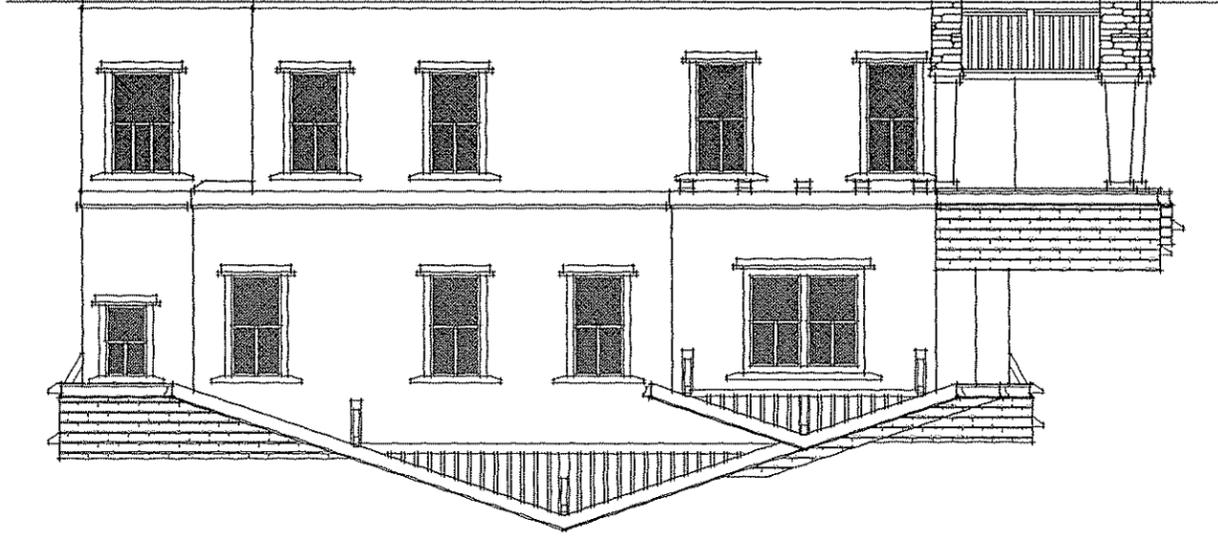




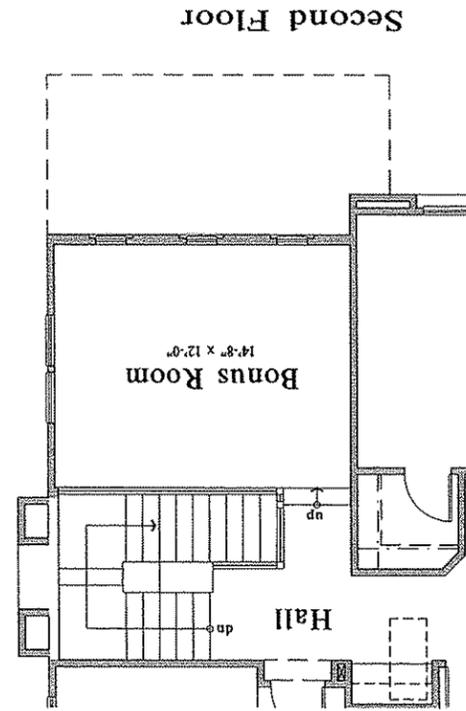
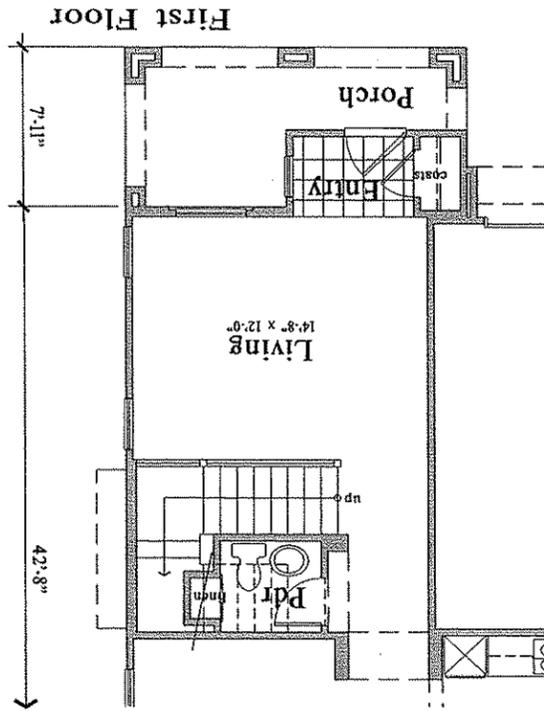
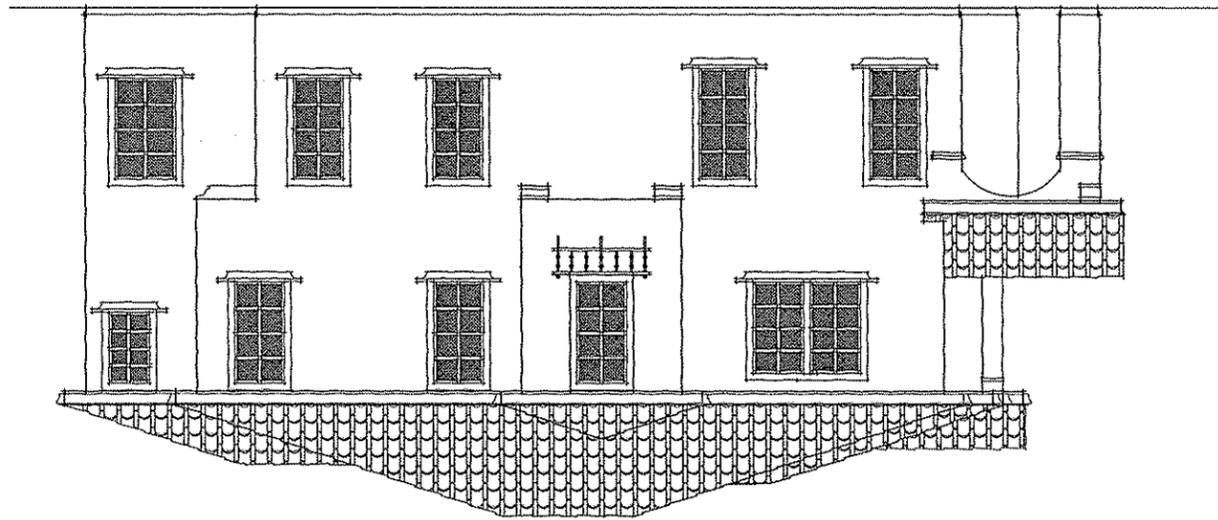
CITY OF MARIETTA SANTA CLARA COUNTY CALIFORNIA

PLAN 3 Alt  
PARTIAL PLANS & ELEVATIONS  
(Lots 1 & 43 only)  
SINCLAIR RENAISSANCE

Right Elevation  
Plan 3A Alt on Lot 1 only



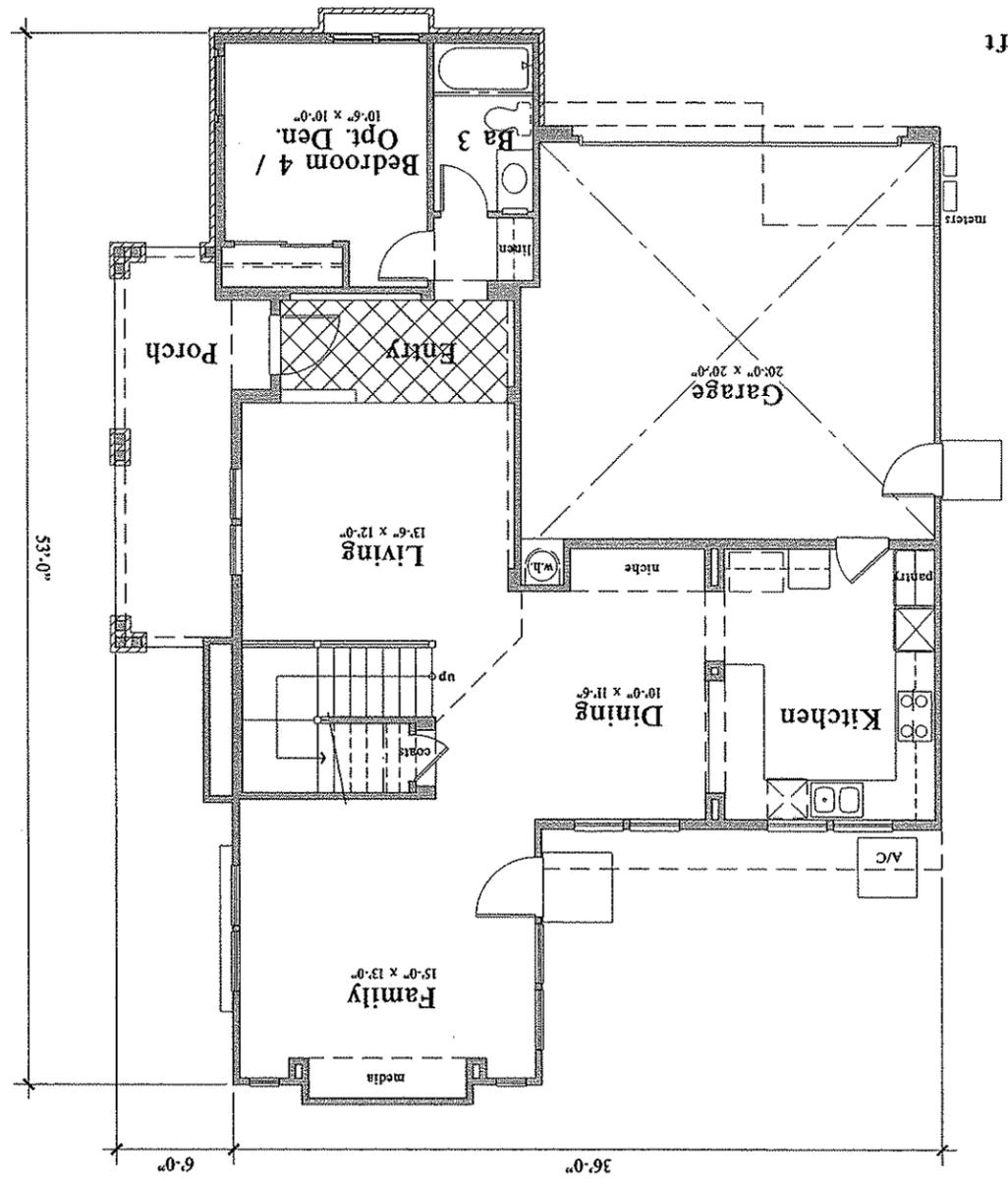
Right Elevation  
Plan 3C Alt on Lot 43 only





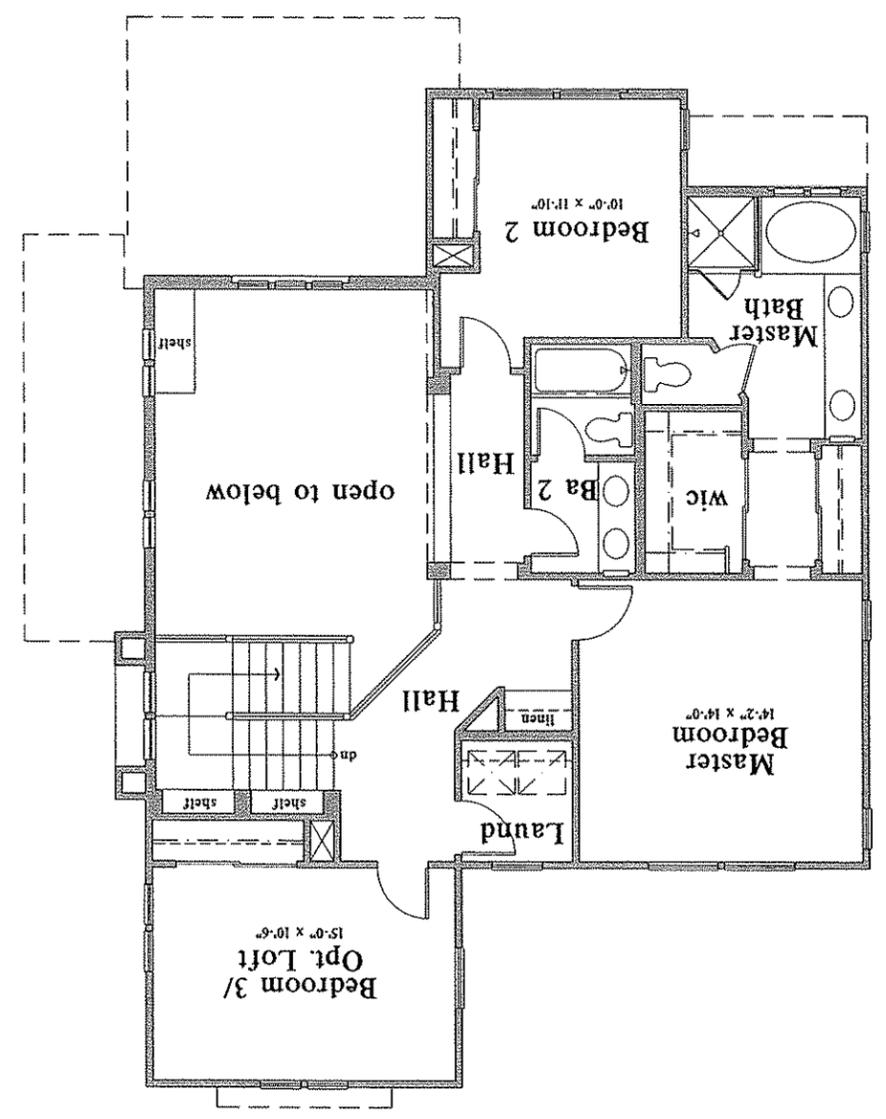
CITY OF MARIPTAS SANTA CLARA COUNTY CALIFORNIA  
**SINCLAIR RENAISSANCE**  
FLOOR PLAN  
PLAN 4

First Floor



Floor Plan  
4 Bedrooms  
3 Bath  
2171 Sq Ft  
Opt. Den. / Opt. Loft

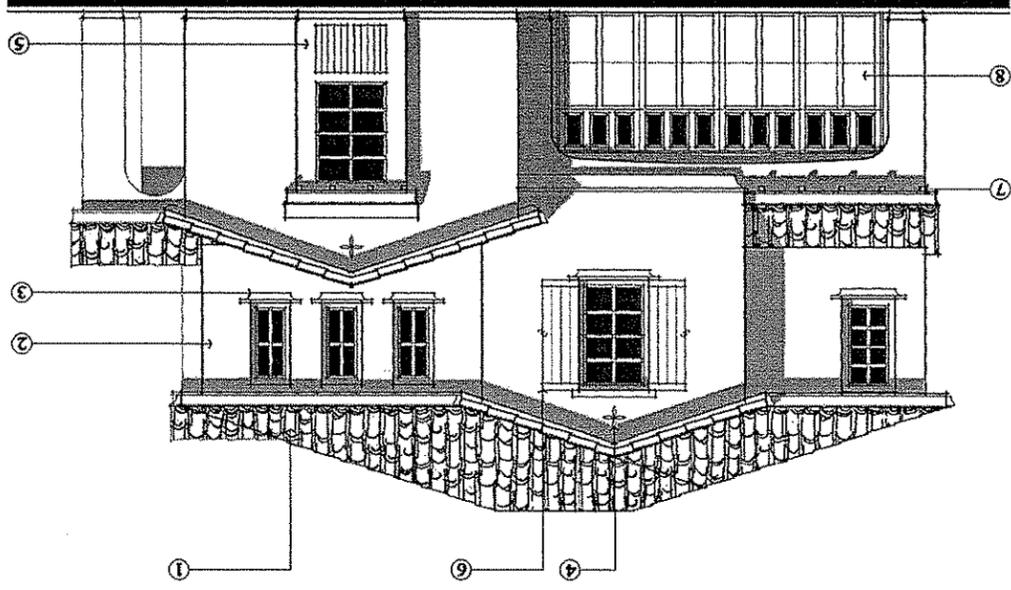
Second Floor





PLAN 4  
FRONT ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

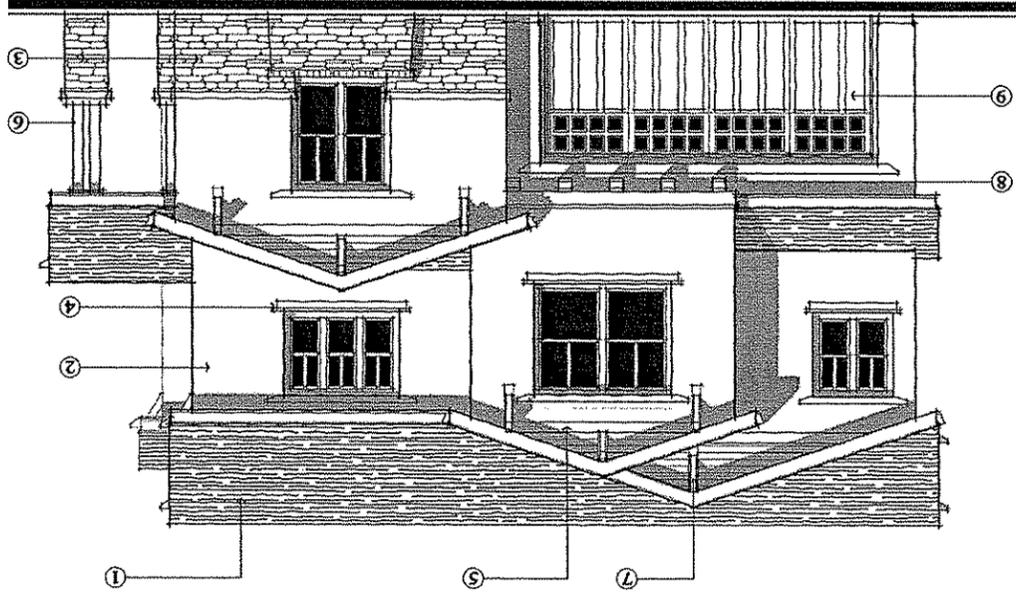
4C SPANISH



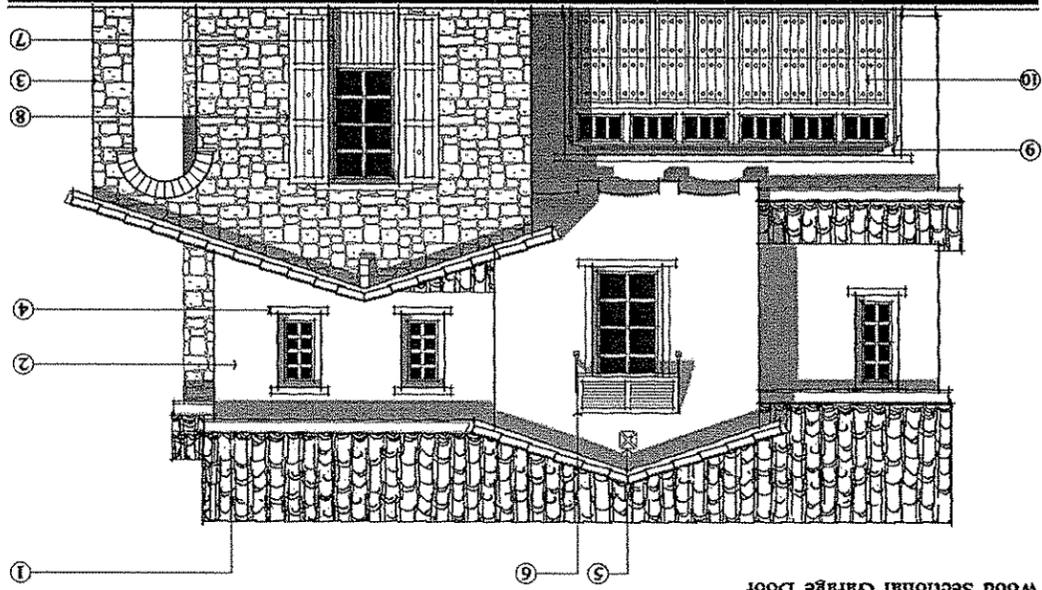
- SPANISH MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stucco Finish Trim Surrounds
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Decorative 2" Recess at Gable Ends
  - ⑥ Enhanced Sill Detail
  - ⑦ Shutters
  - ⑧ Rafter Tails
  - ⑨ Wood Sectional Garage Door

- CRAFTSMAN MATERIAL LEGEND**
- ① Flat The Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Cement Based Lap Siding
  - ⑥ 6X6 Posts w/ Stone Veneer Base
  - ⑦ Outlookers & Kickers
  - ⑧ Corbels
  - ⑨ Wood Sectional Garage Door

4A CRAFTSMAN



4B TUSCAN

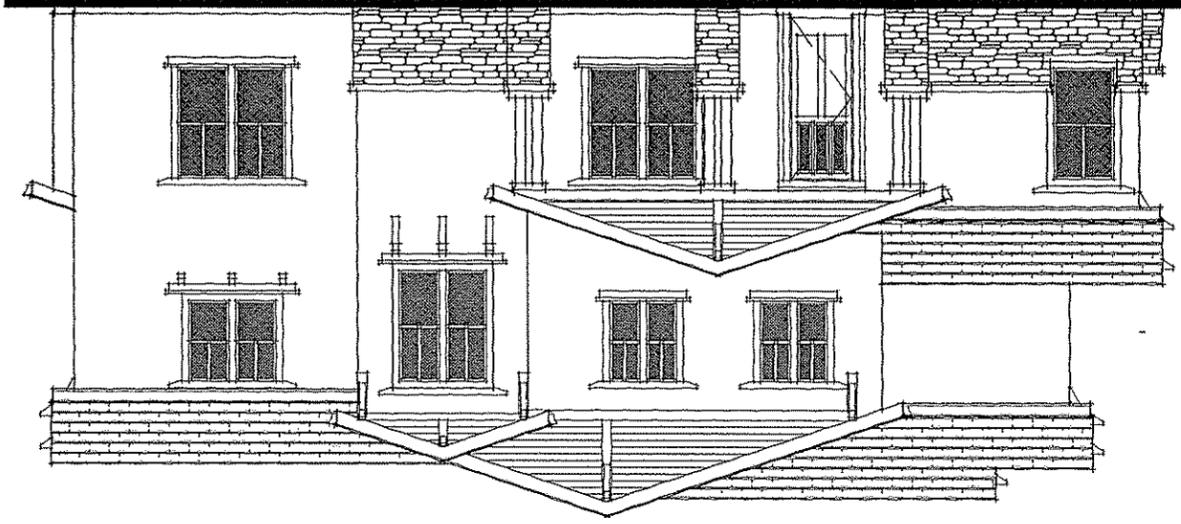


- TUSCAN MATERIAL LEGEND**
- ① "S" Tile Roof
  - ② Stucco w/ Sand Finish
  - ③ Stone Veneer
  - ④ Stucco Finish Trim Surrounds
  - ⑤ Decorative 2" Recess at Gable End
  - ⑥ Decorative Metal Awning
  - ⑦ Enhanced Sill Detail
  - ⑧ Shutters
  - ⑨ Corbels
  - ⑩ Wood Sectional Garage Door

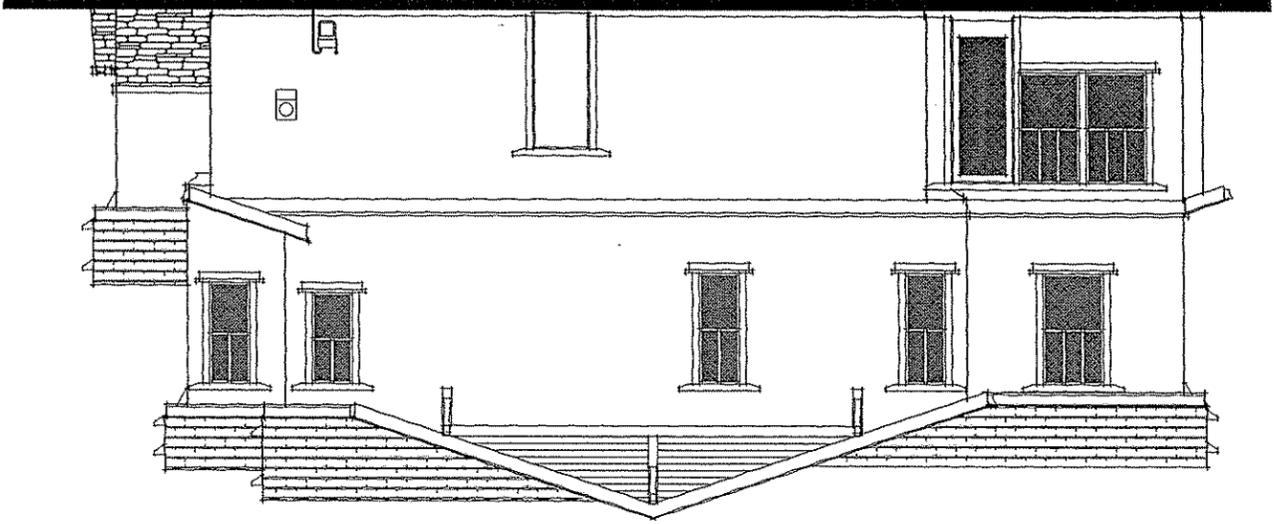


PLAN 4A  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

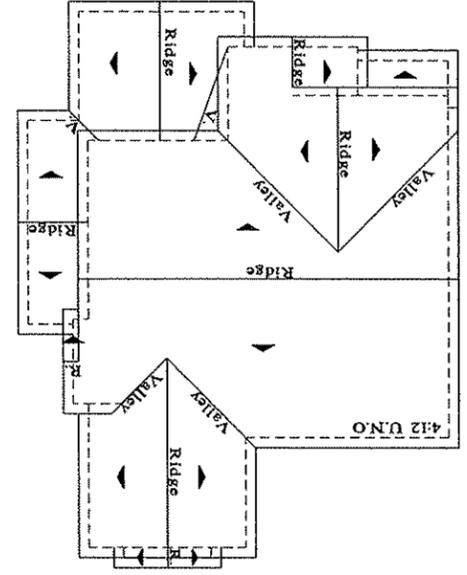
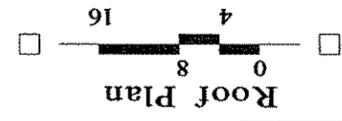
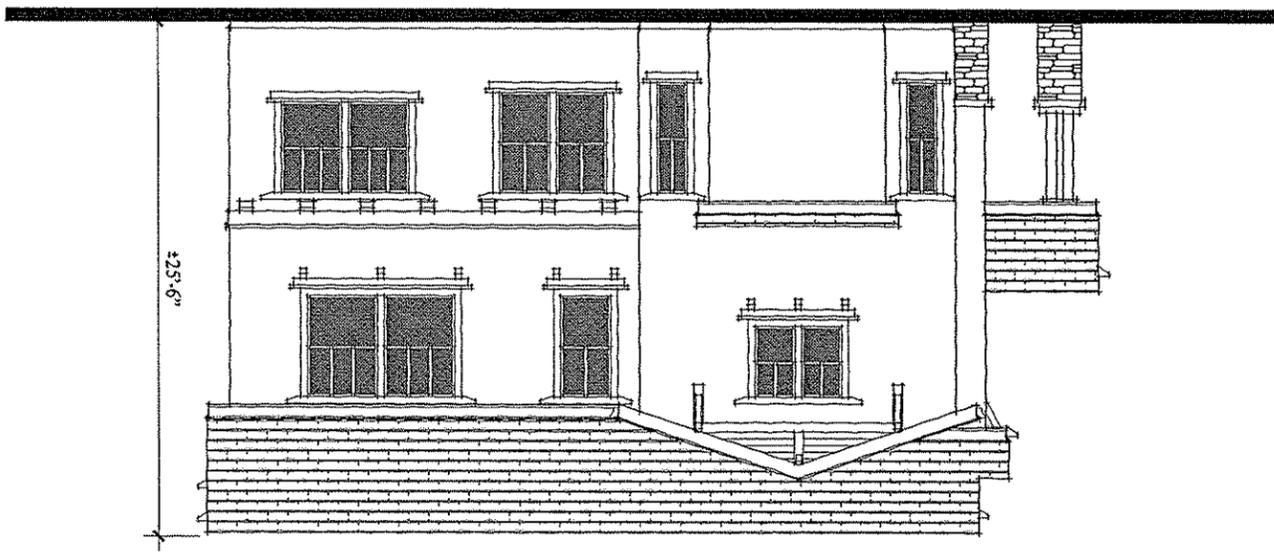
Right Elevation  
(corner)



Left Elevation



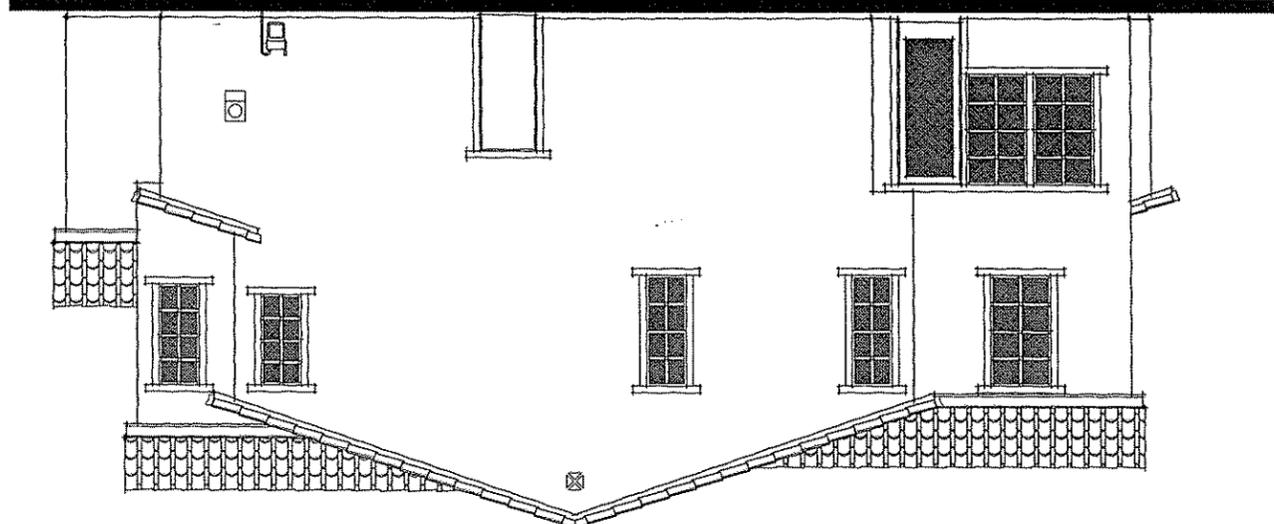
Rear Elevation



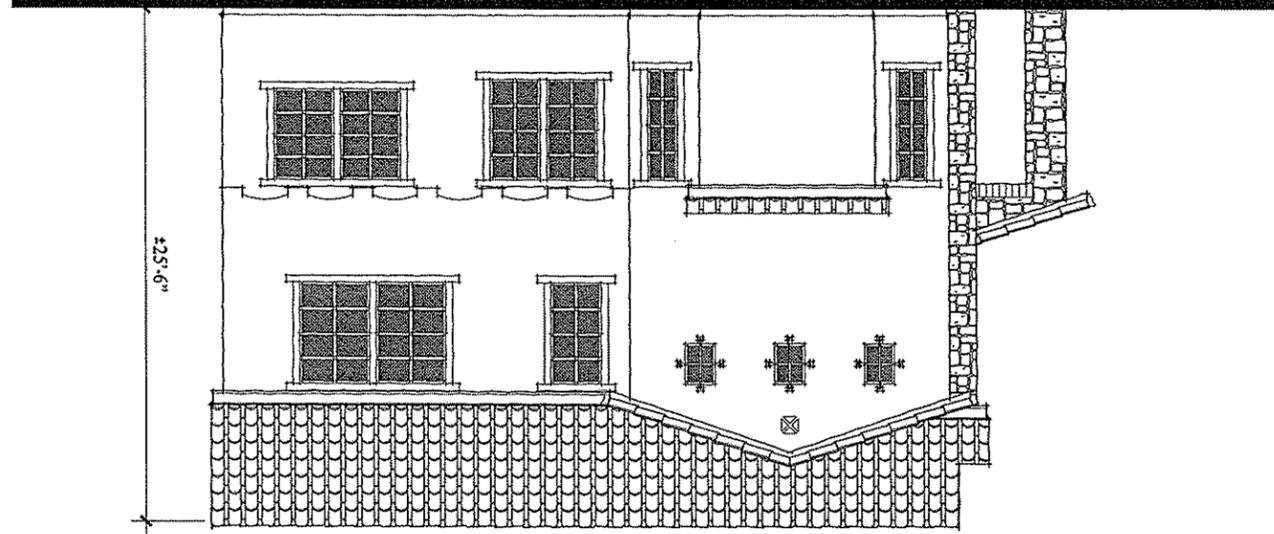


PLAN 4B  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MARIETTA, SANTA CLARA COUNTY, CALIFORNIA

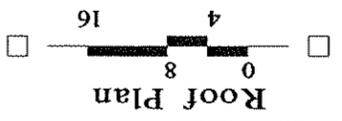
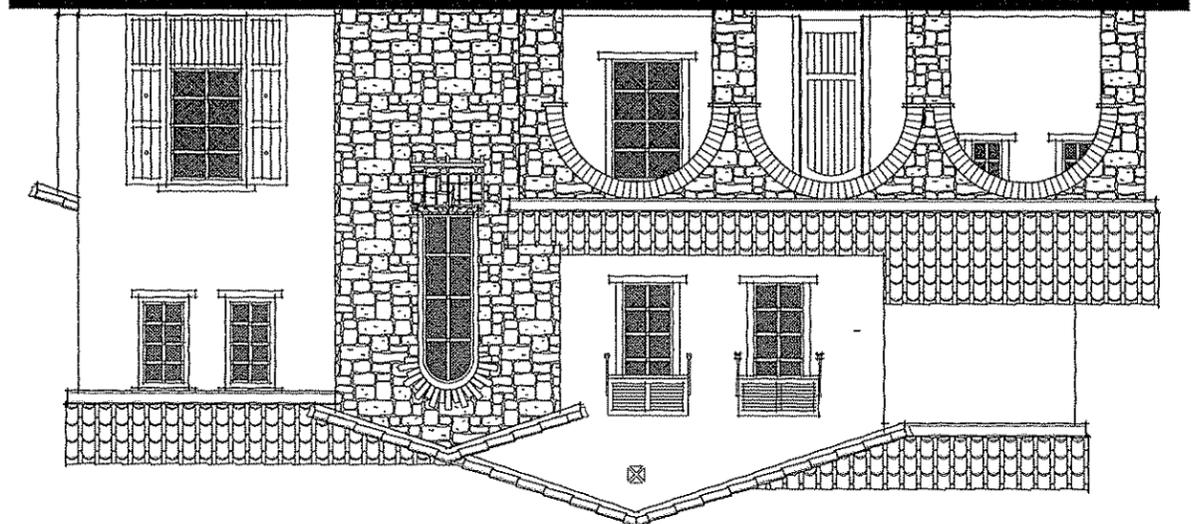
Left Elevation



Rear Elevation



Right Elevation  
(corner)

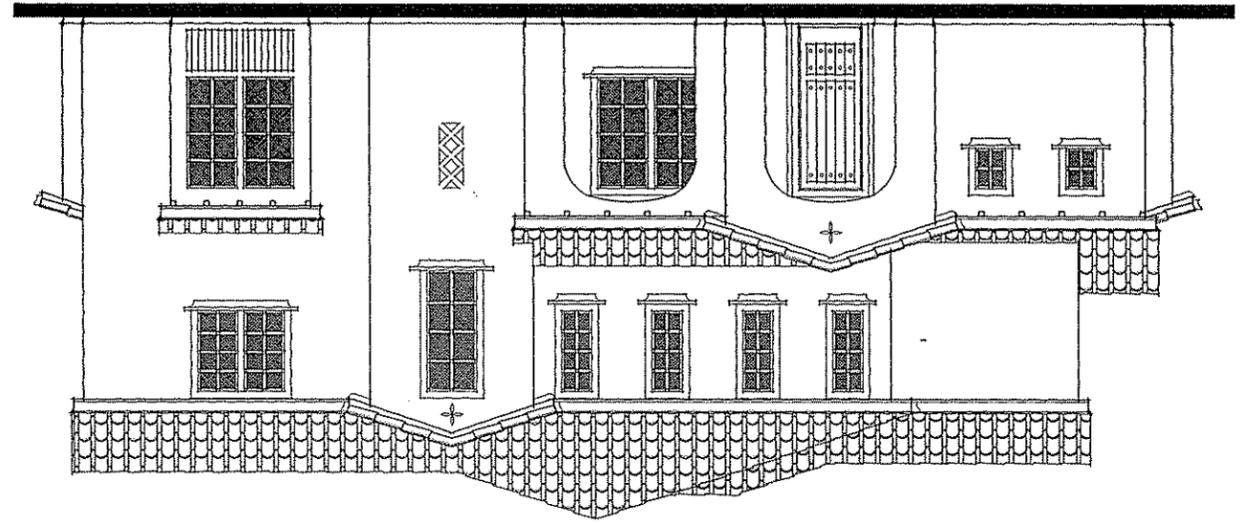


Roof Plan

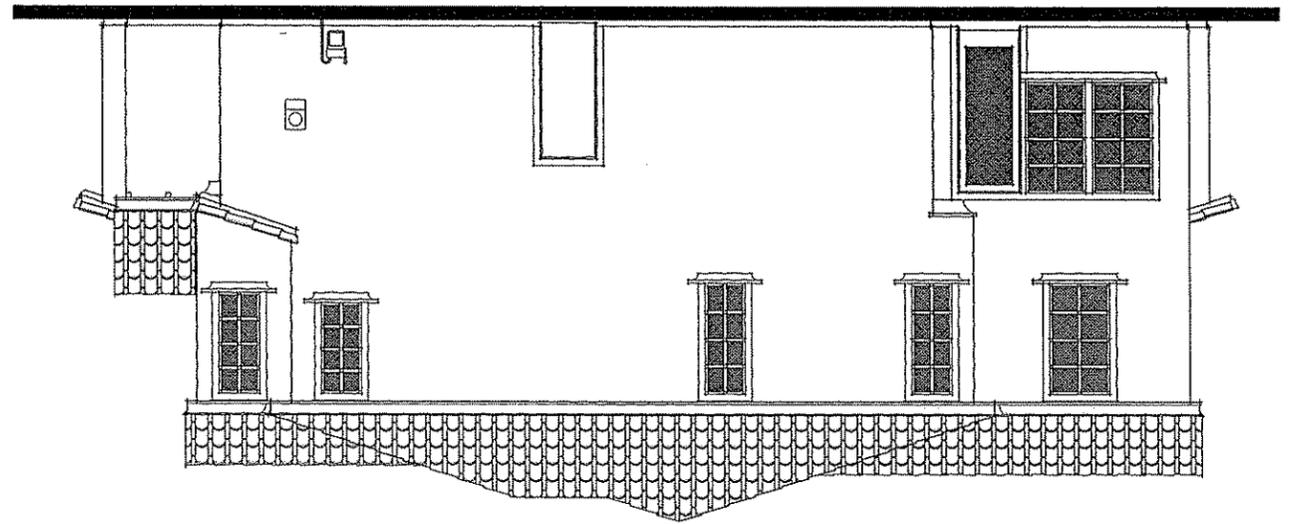


PLAN 4C  
WRAP ELEVATIONS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

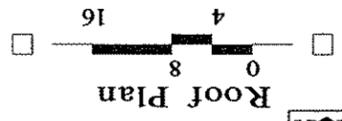
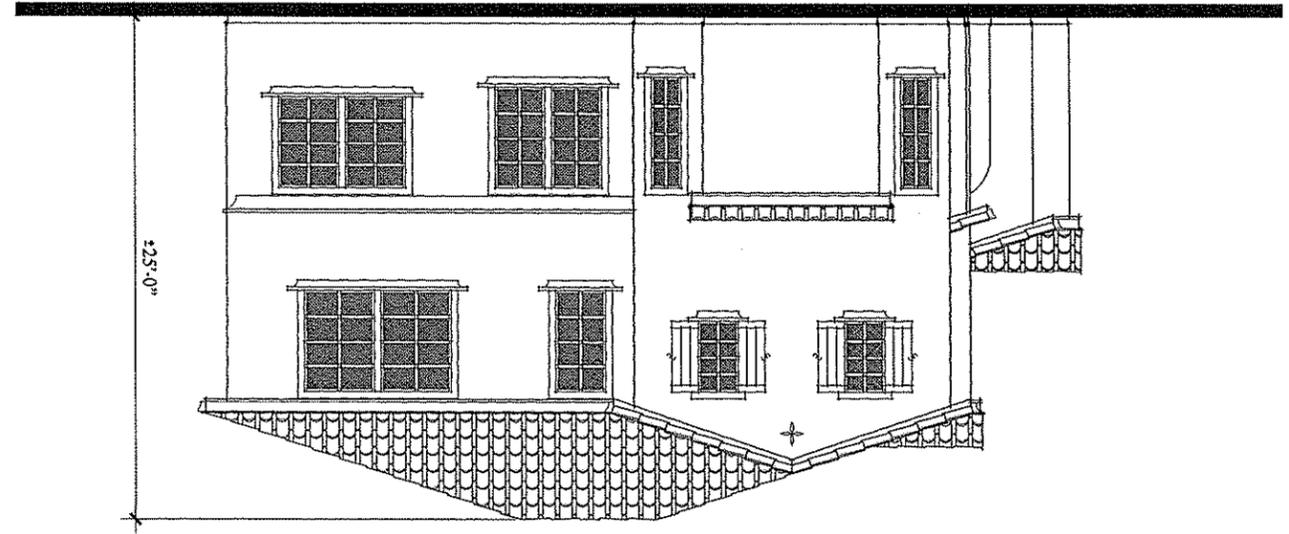
Right Elevation  
(corner)



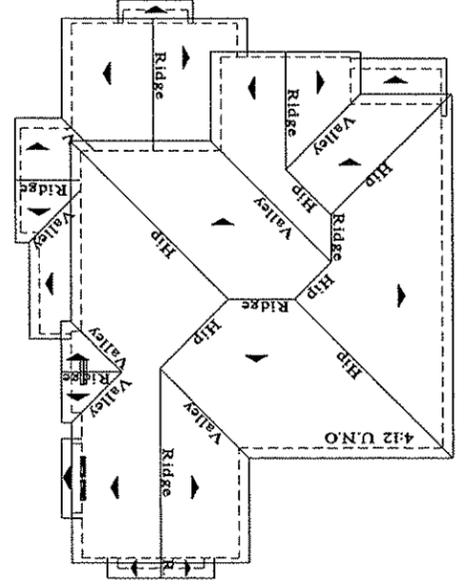
Left Elevation



Rear Elevation



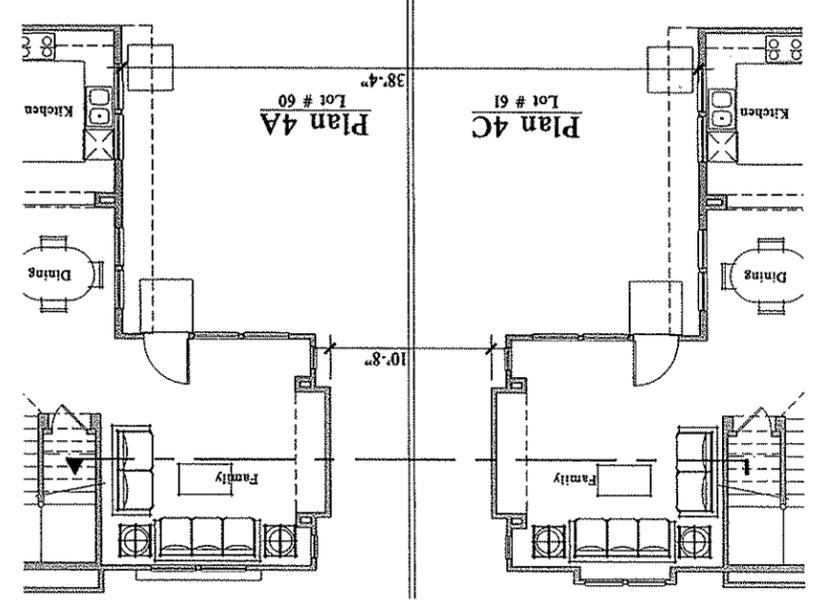
Roof Plan



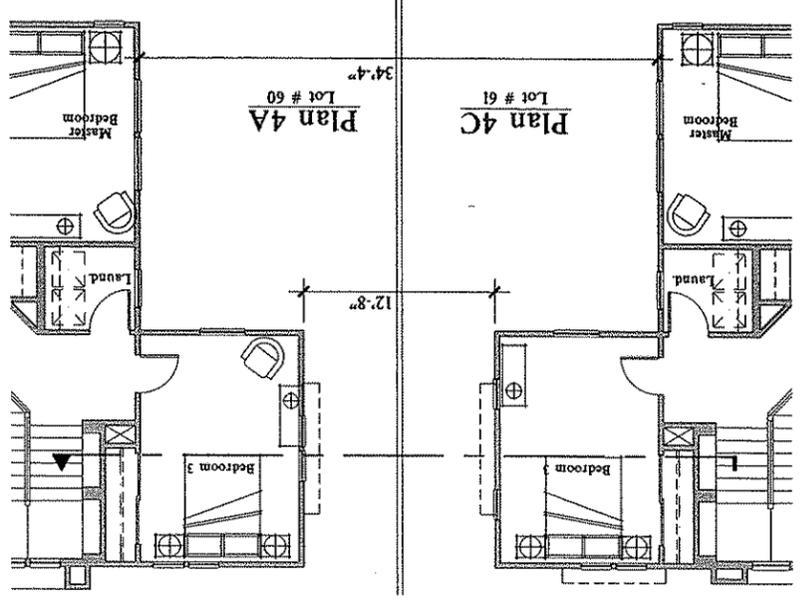


CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
**PRIVACY STUDY 1**  
**SINCLAIR RENAISSANCE**

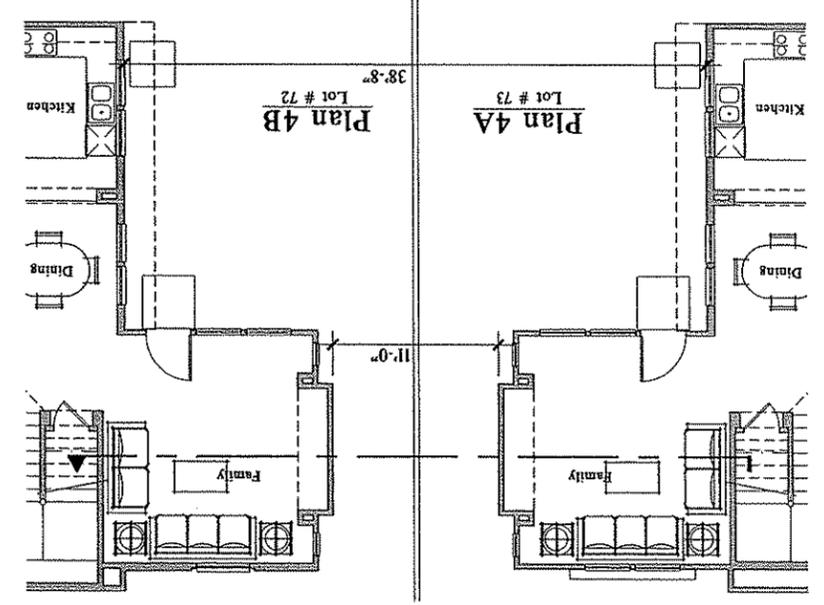
First Floor



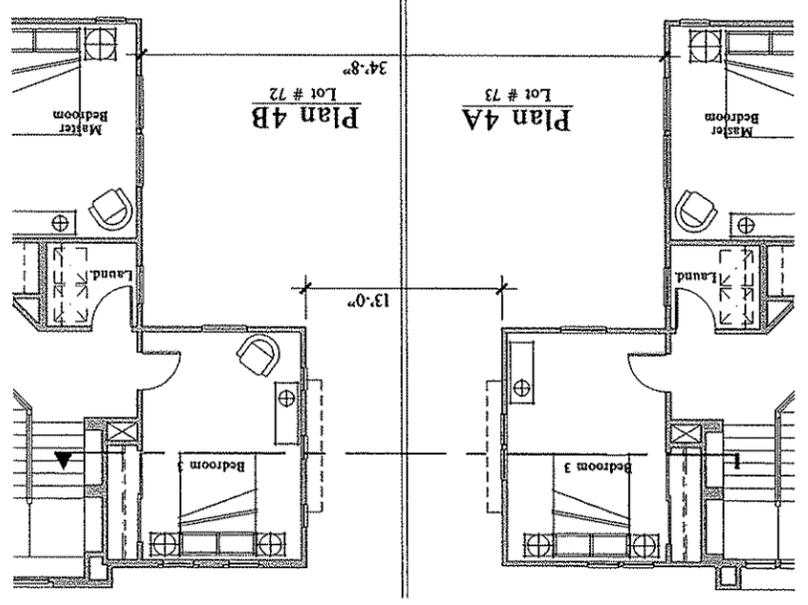
Second Floor



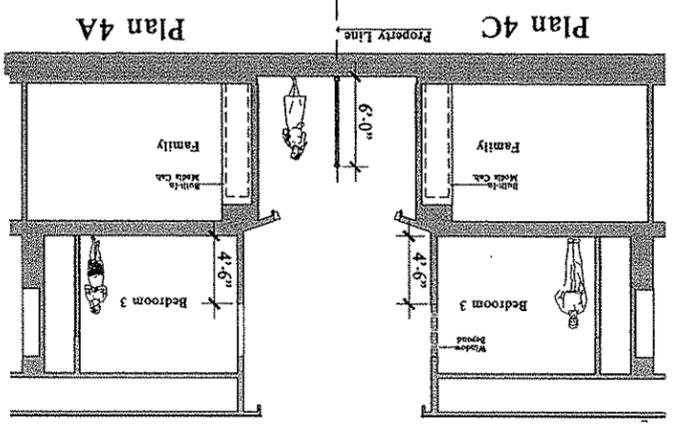
First Floor



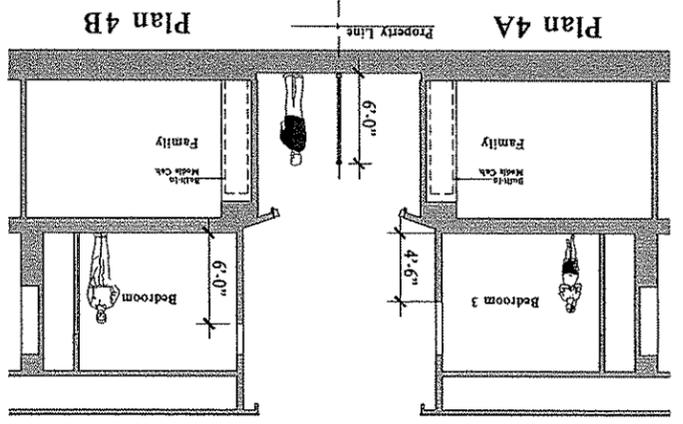
Second Floor



Plan 4C  
Plan 4A



Plan 4A  
Plan 4B

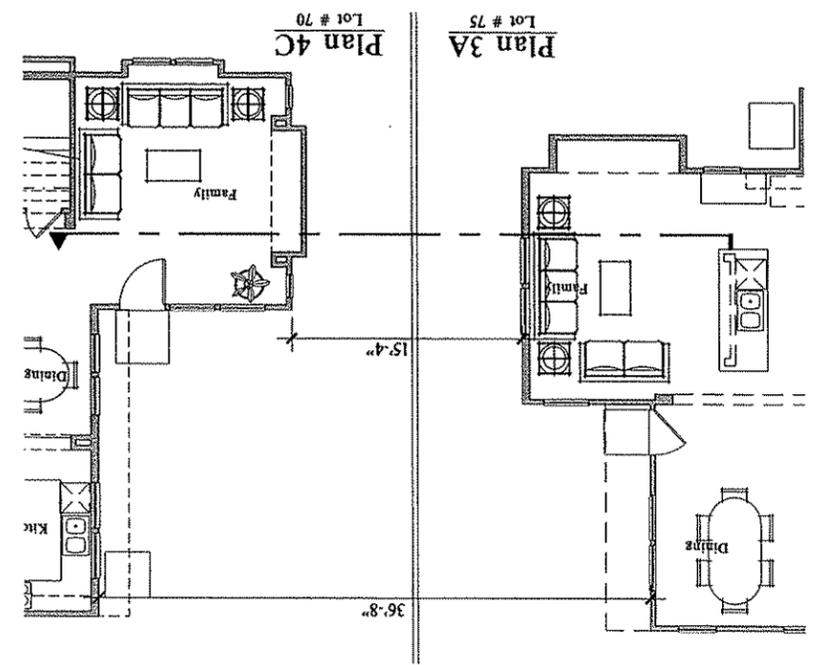
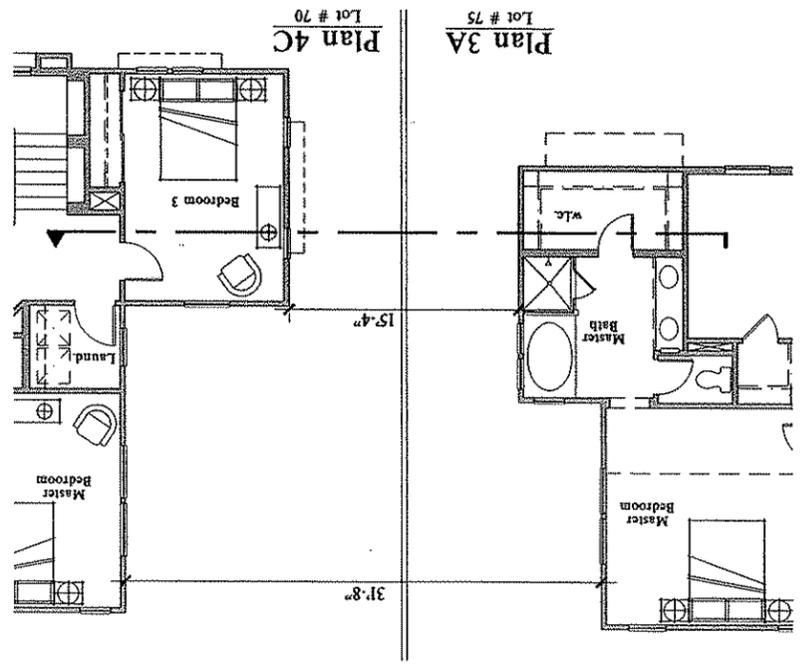
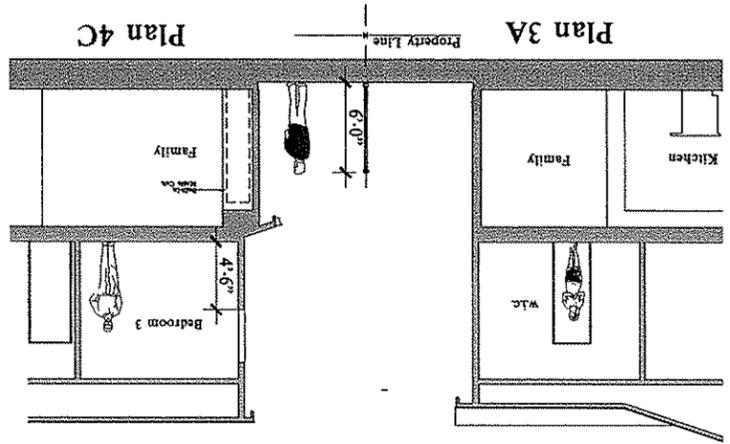




PRIVACY STUDY 2  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

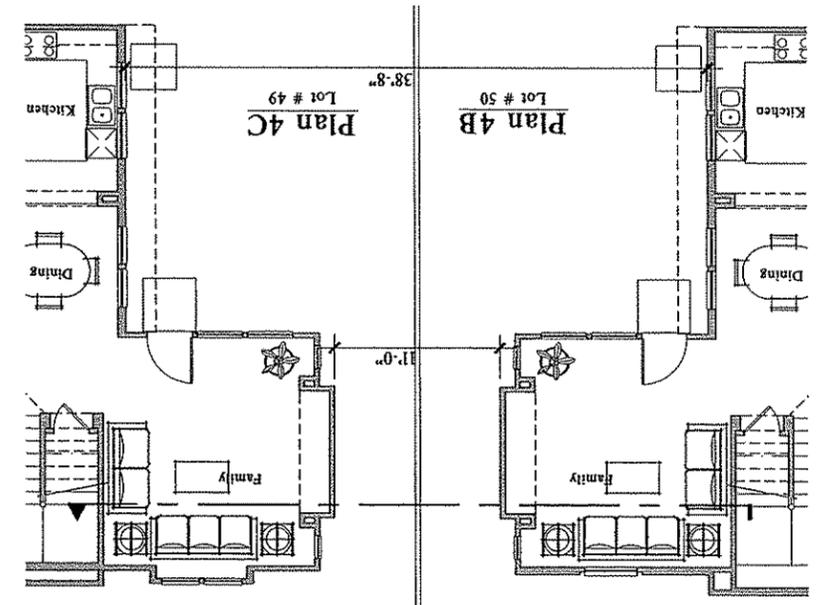
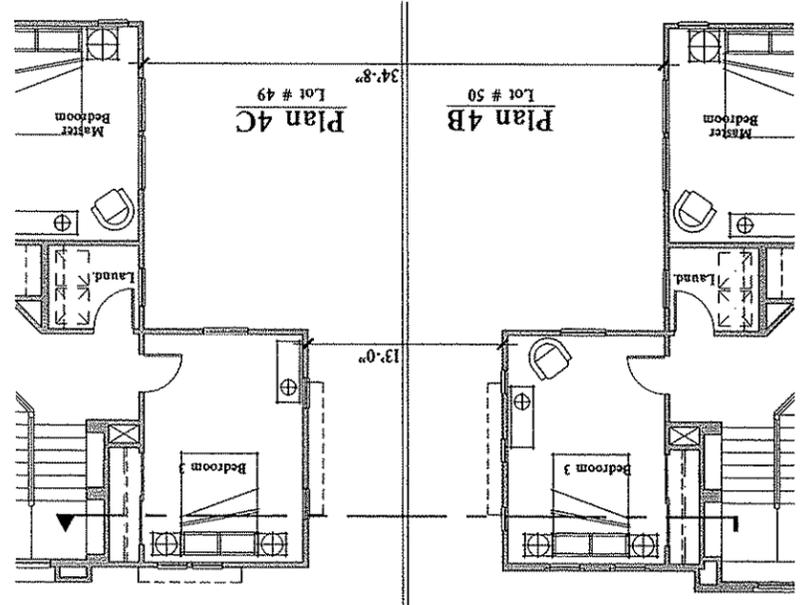
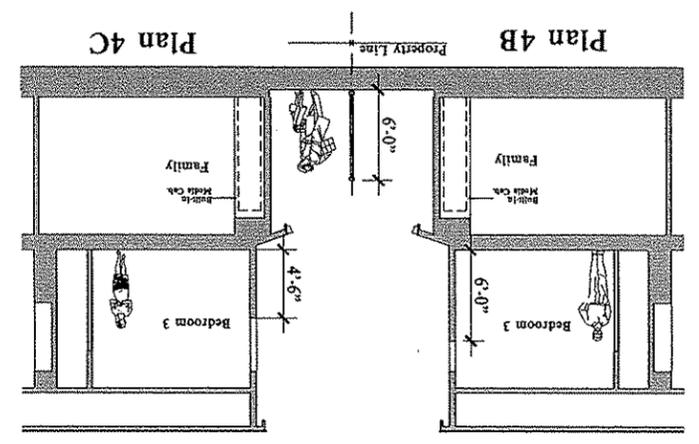
Second Floor

First Floor

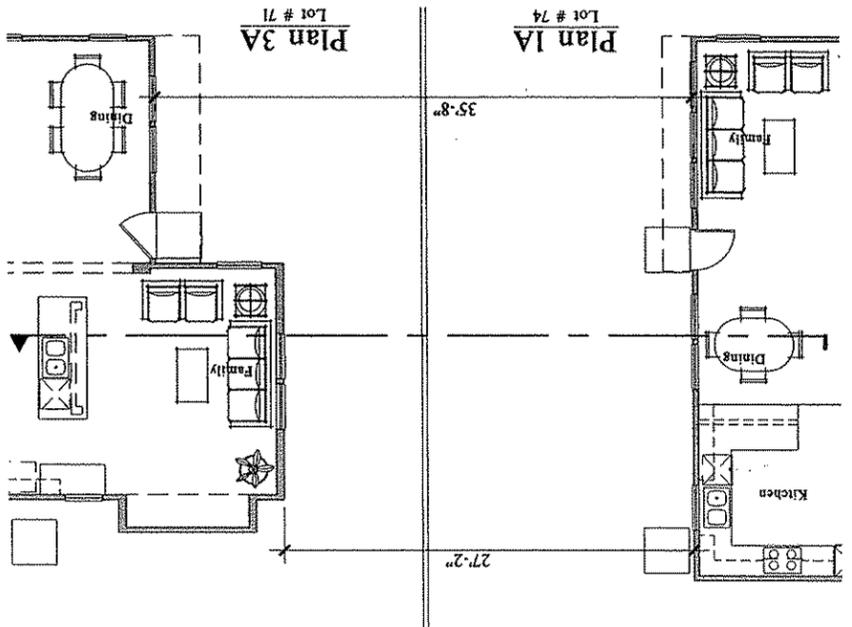


Second Floor

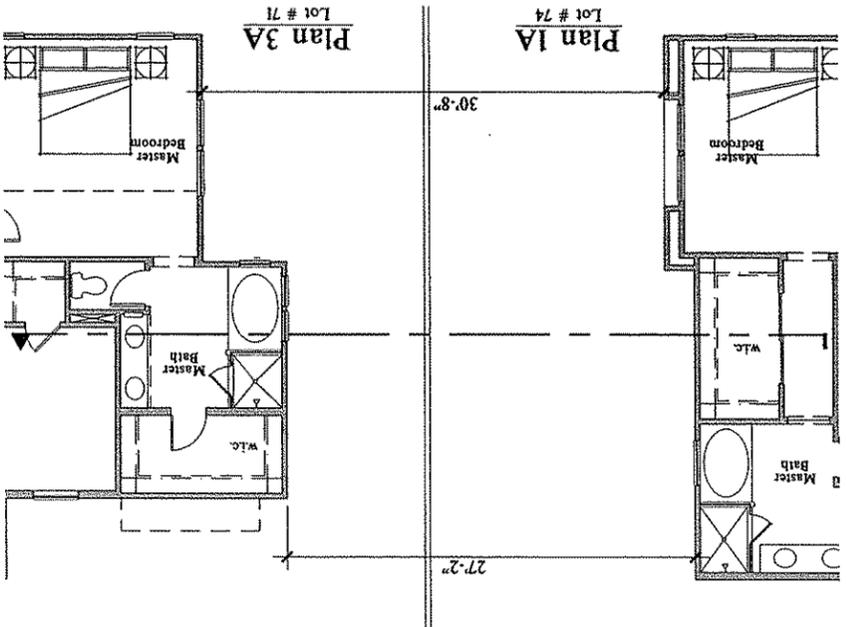
First Floor



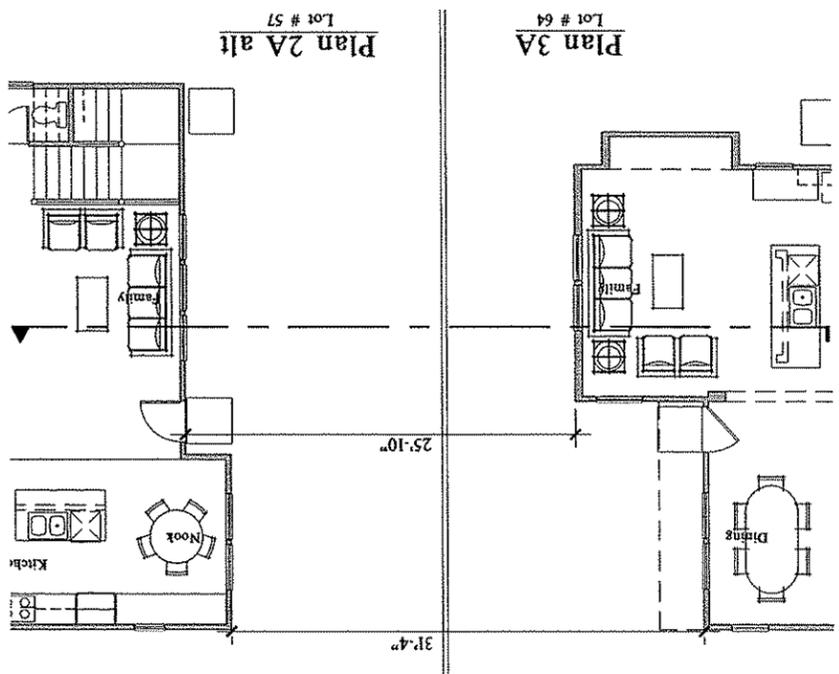
First Floor



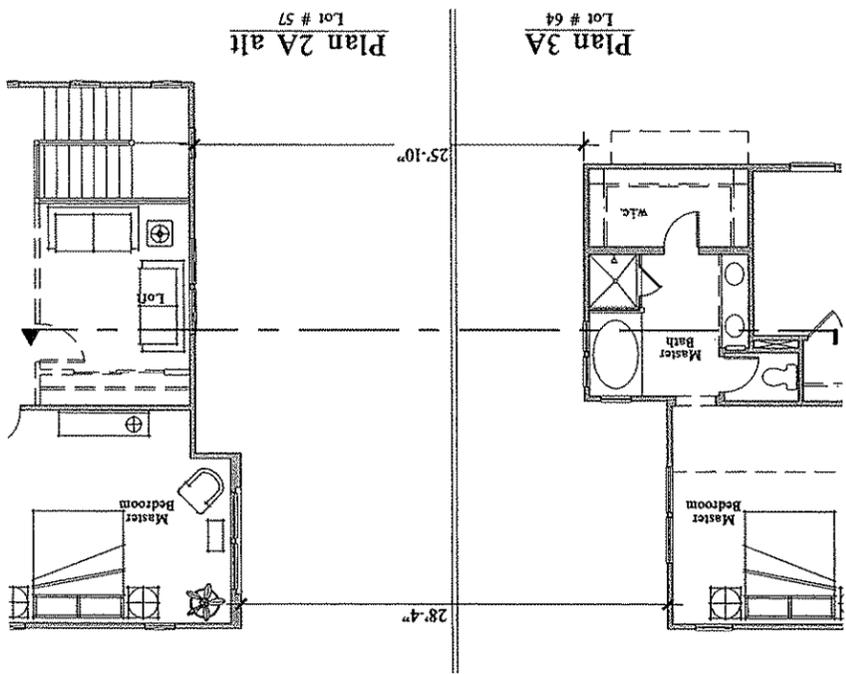
Second Floor



First Floor

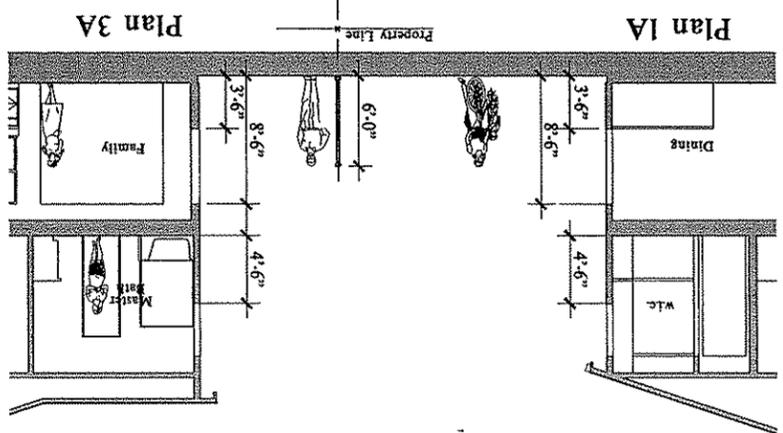


Second Floor



SINCLAIR RENAISSANCE

PRIVACY STUDY 3



SCALE: 3/16"=1' DATE: FEBRUARY 25th, 2008

KTGY GROUP, INC. ARCHITECTURE PLANNING  
 17992 MITCHELL SOUTH  
 IRVINE, CALIFORNIA 92614  
 FAX (949) 951-2199  
 © 1997 ALL RIGHTS RESERVED  
 KTGY NO. 2005-1291

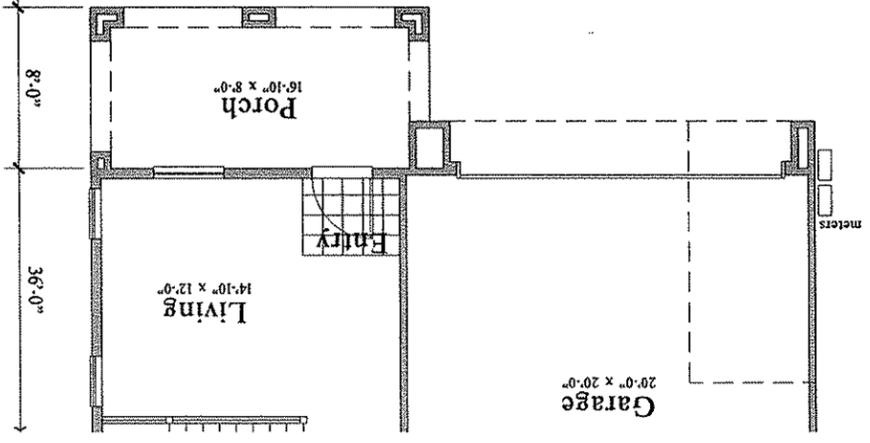
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

A-32  
 SHEET NUMBER  
 45 OF 52

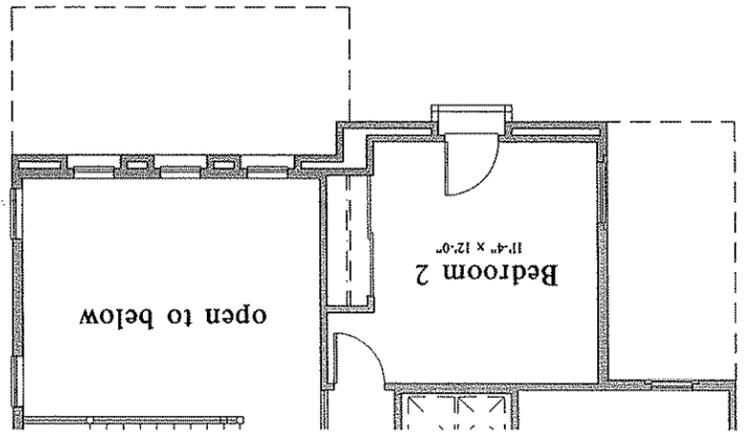


PLAN I "B" & "C" PARTIAL  
FLOOR PLANS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

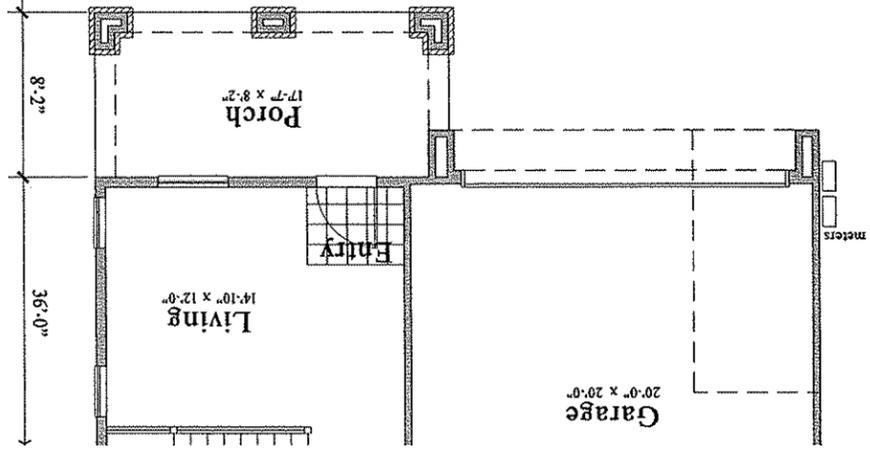
First Floor  
Plan IC



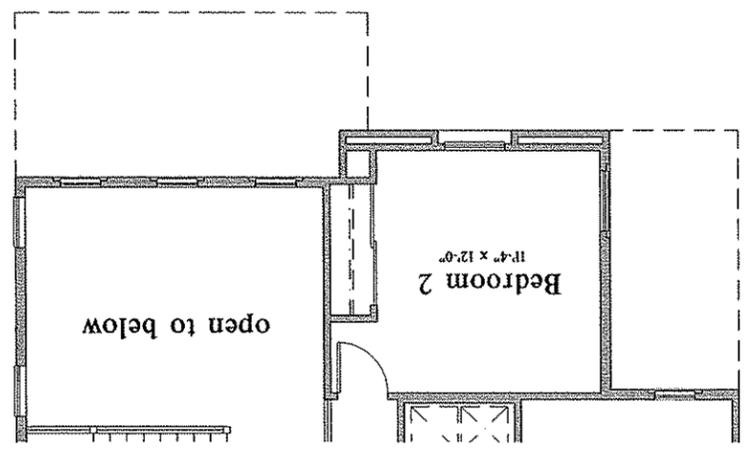
Second Floor  
Plan IC



First Floor  
Plan IB



Second Floor  
Plan IB

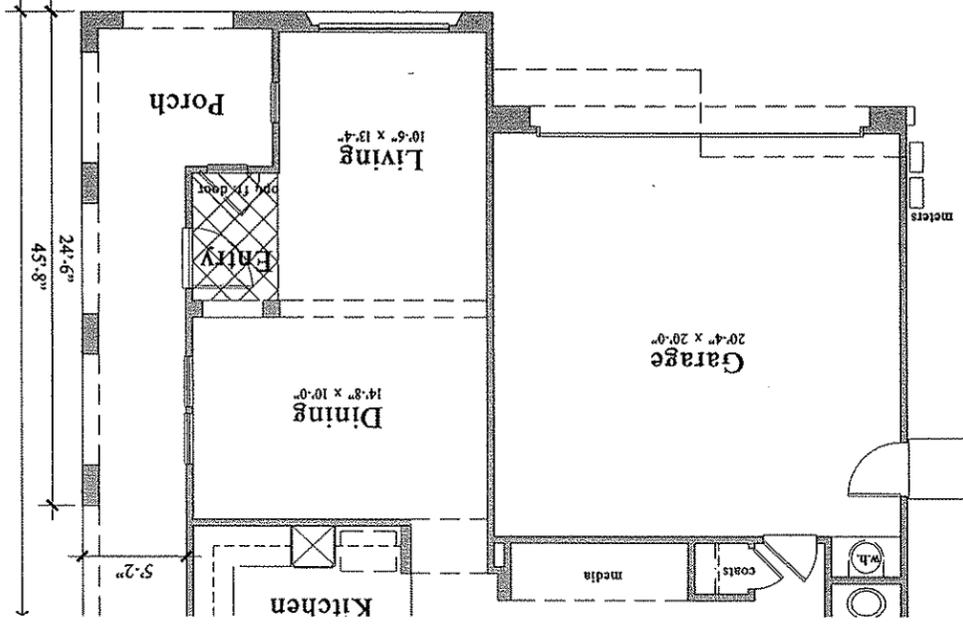




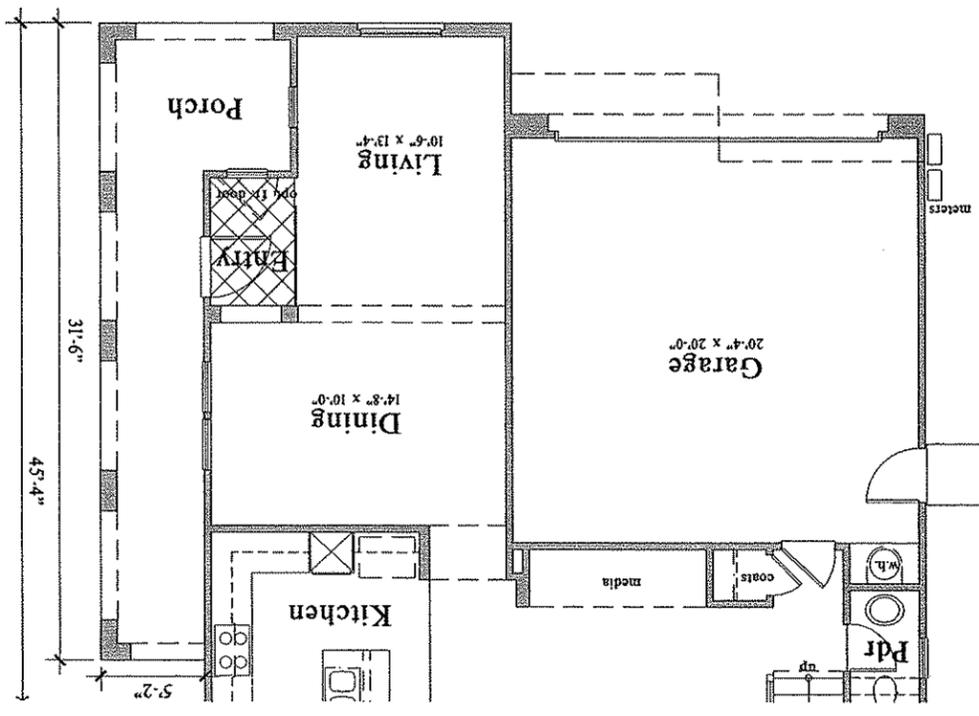
**SINCLAIR RENAISSANCE**  
FLOOR PLANS  
PLAN 2 PARTIAL "B" & "C"

CITY OF MARIPTAS SANTA CLARA COUNTY CALIFORNIA

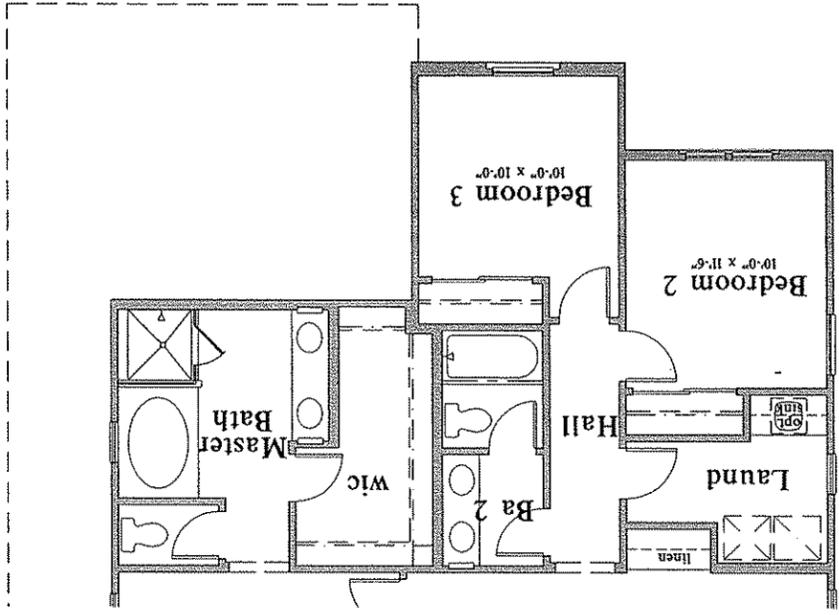
First Floor  
Plan 2C



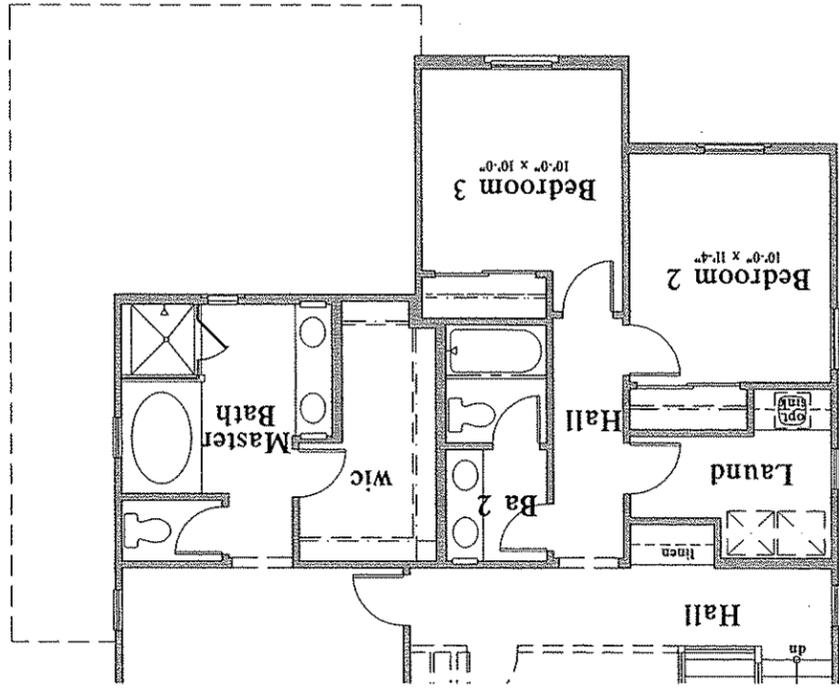
First Floor  
Plan 2B



Second Floor  
Plan 2C



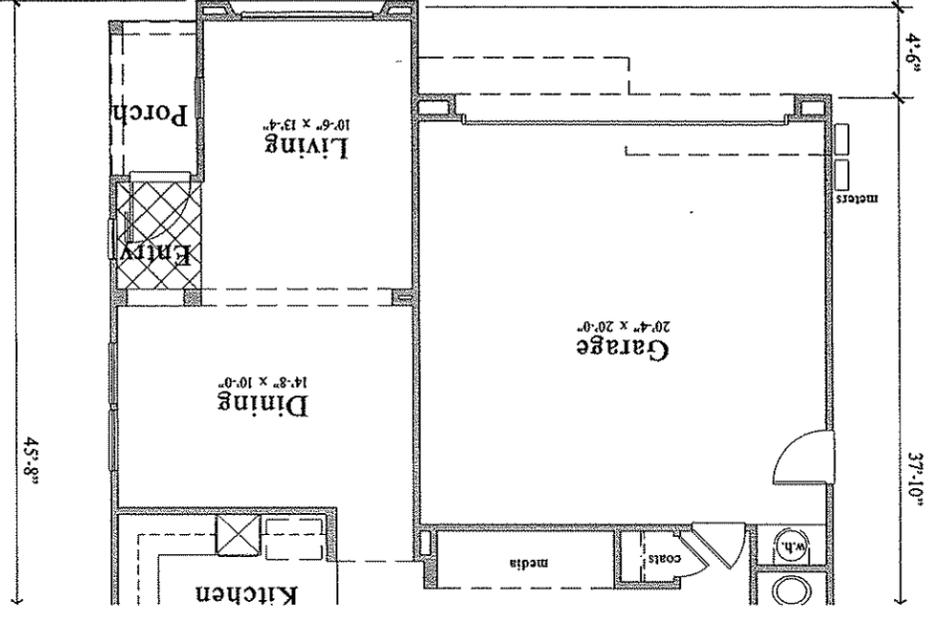
Second Floor  
Plan 2B



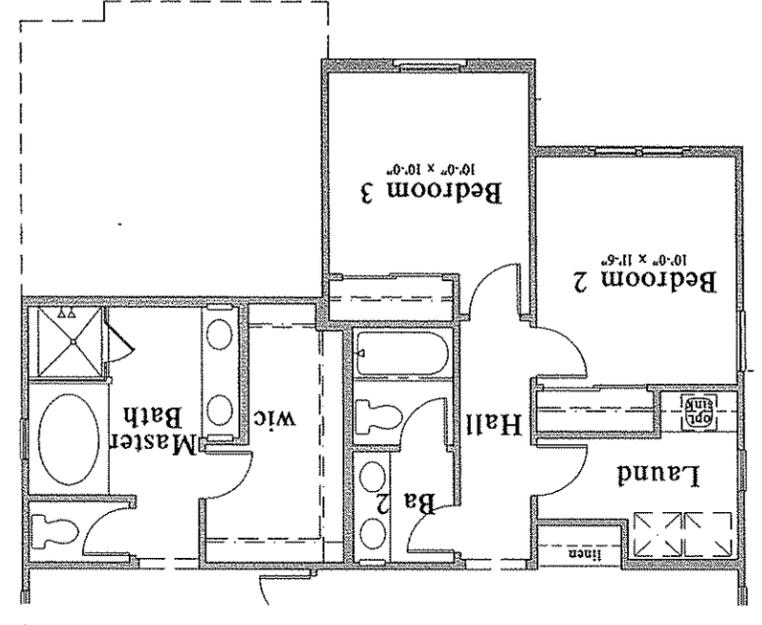


PLAN 2 ALT PARTIAL "B" & "C"  
FLOOR PLANS  
SINCLAIR RENAISSANCE

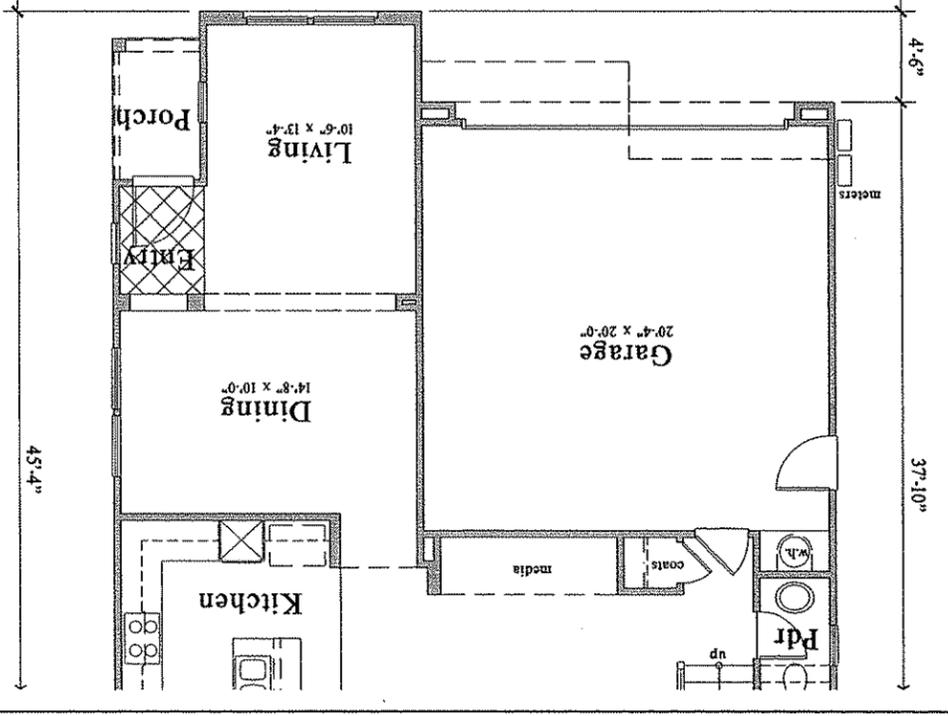
First Floor  
Plan 2alt C



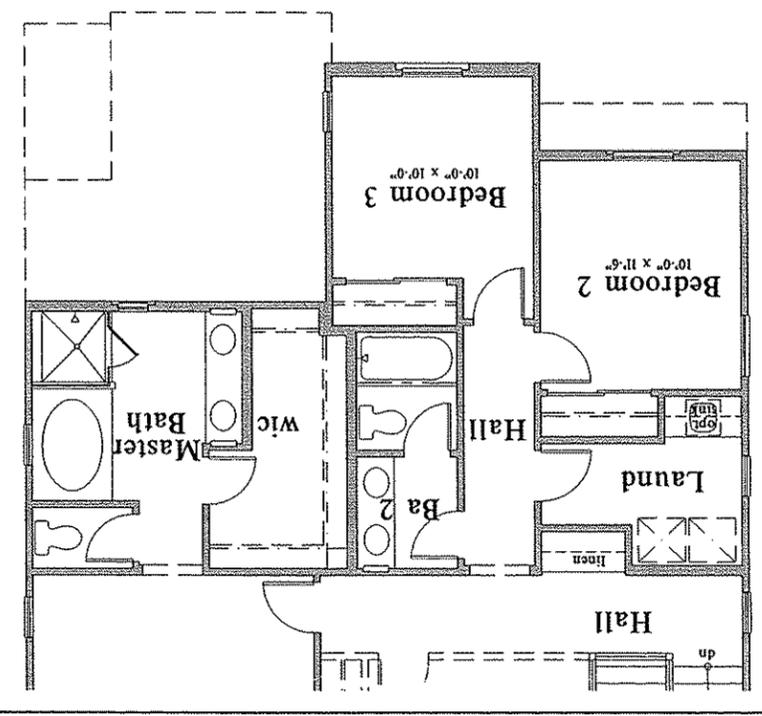
Second Floor  
Plan 2alt C



First Floor  
Plan 2alt B



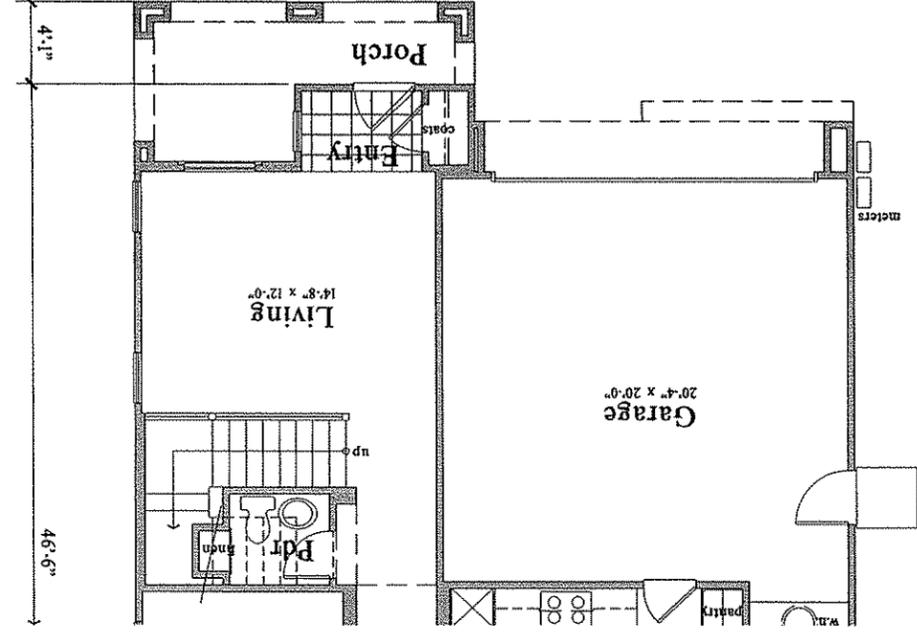
Second Floor  
Plan 2alt B



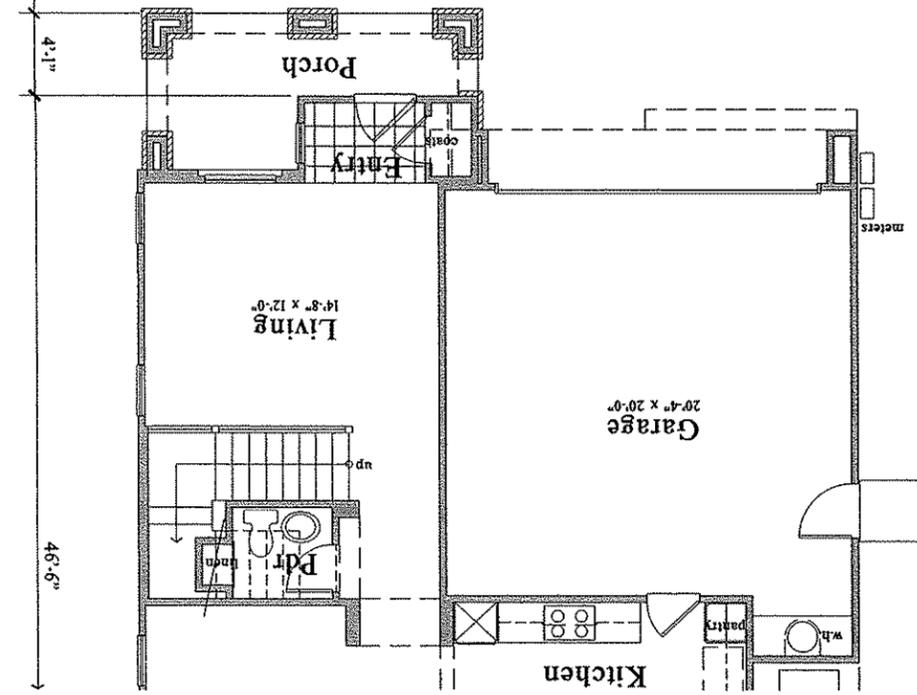


SINCLAIR RENAISSANCE  
FLOOR PLANS  
PLAN 3 PARTIAL "B" & "C"

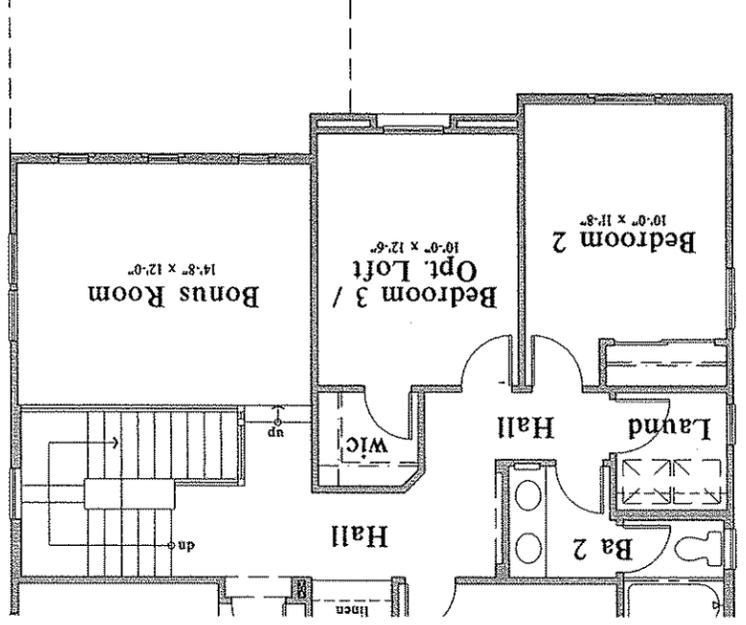
First Floor  
Plan 3C



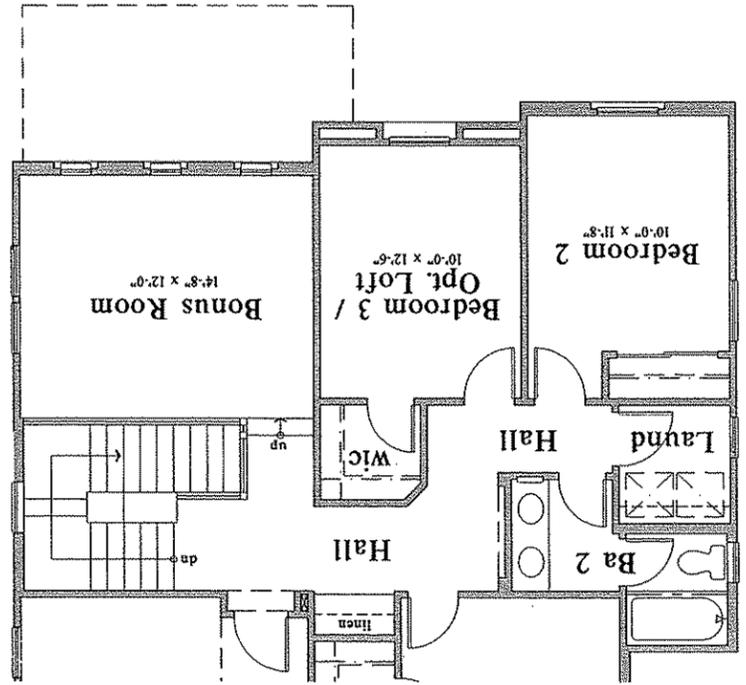
First Floor  
Plan 3B



Second Floor  
Plan 3C



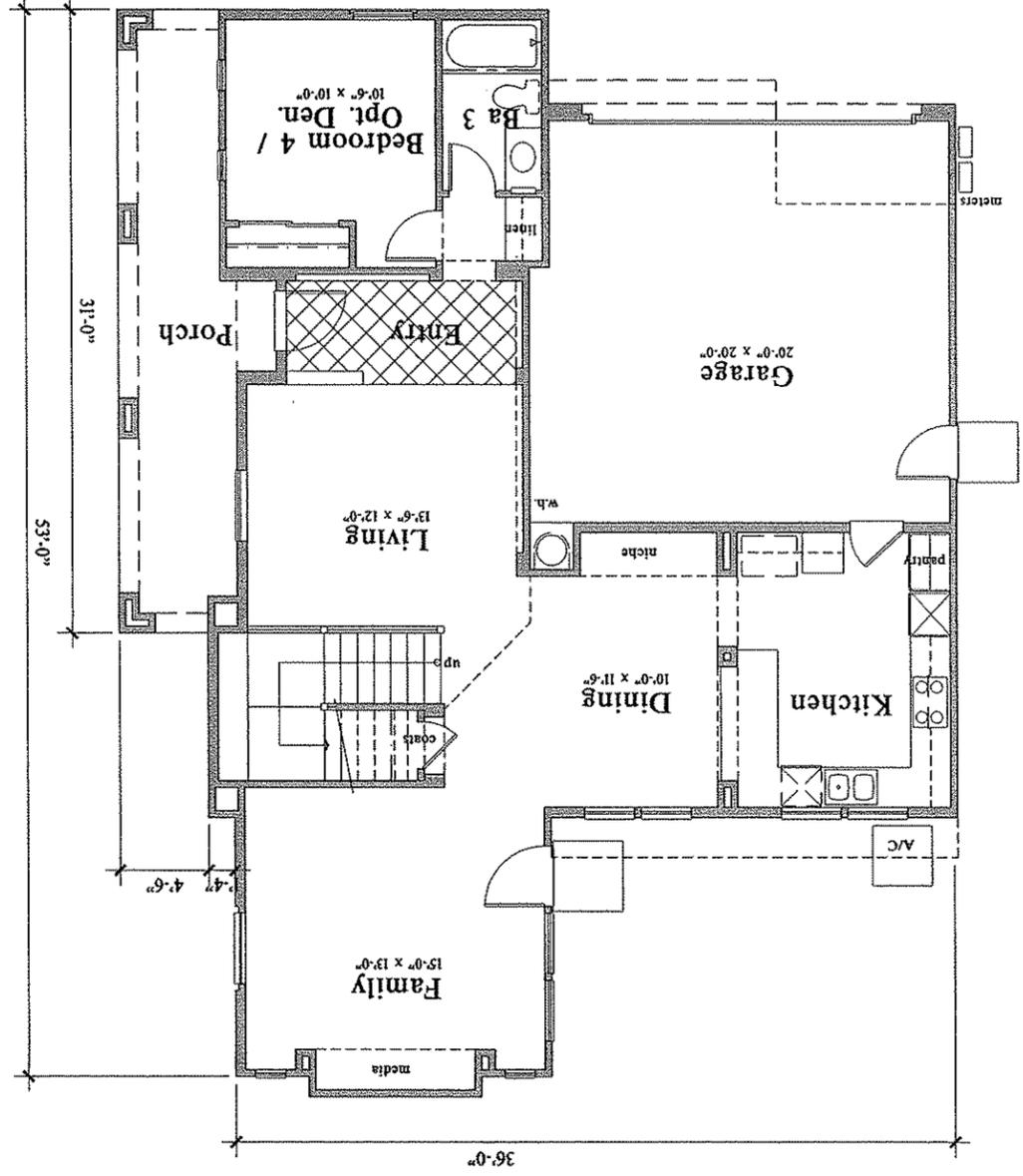
Second Floor  
Plan 3B



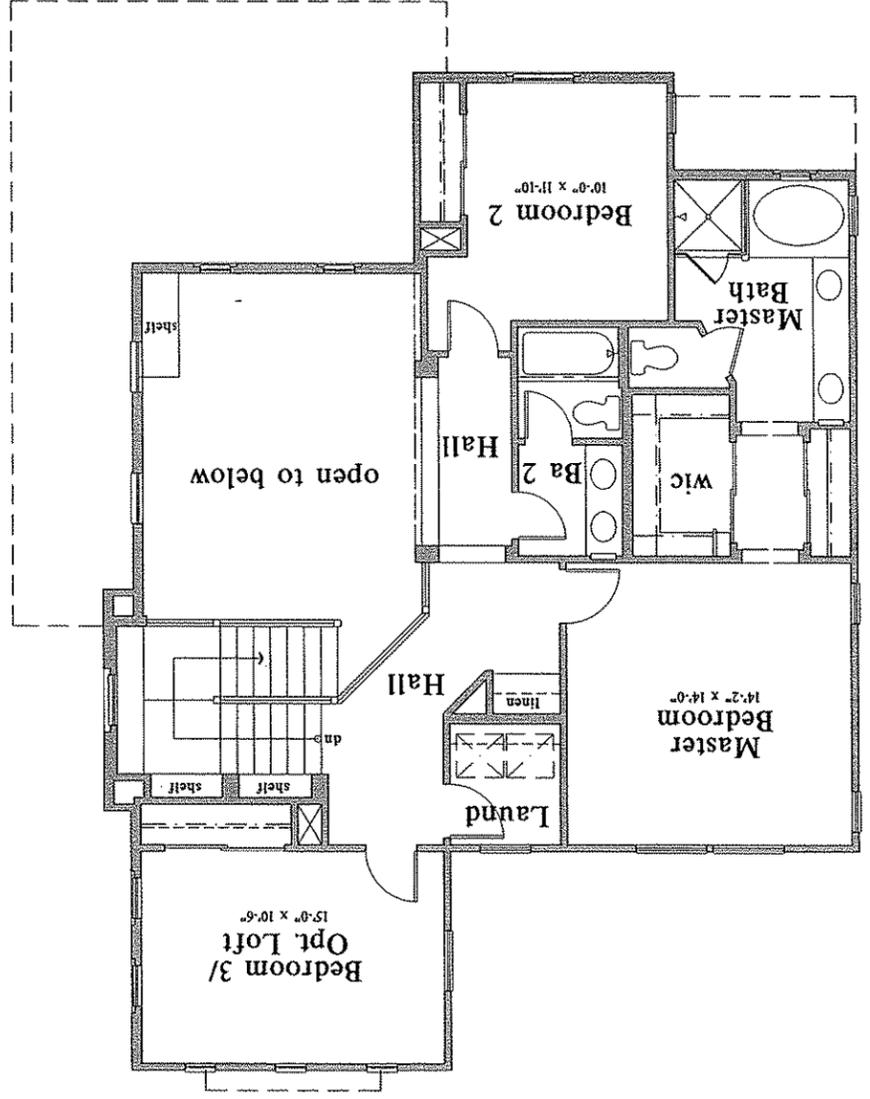


PLAN 4 "B"  
FLOOR PLANS  
SINCLAIR RENAISSANCE  
CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

First Floor  
Plan 4B



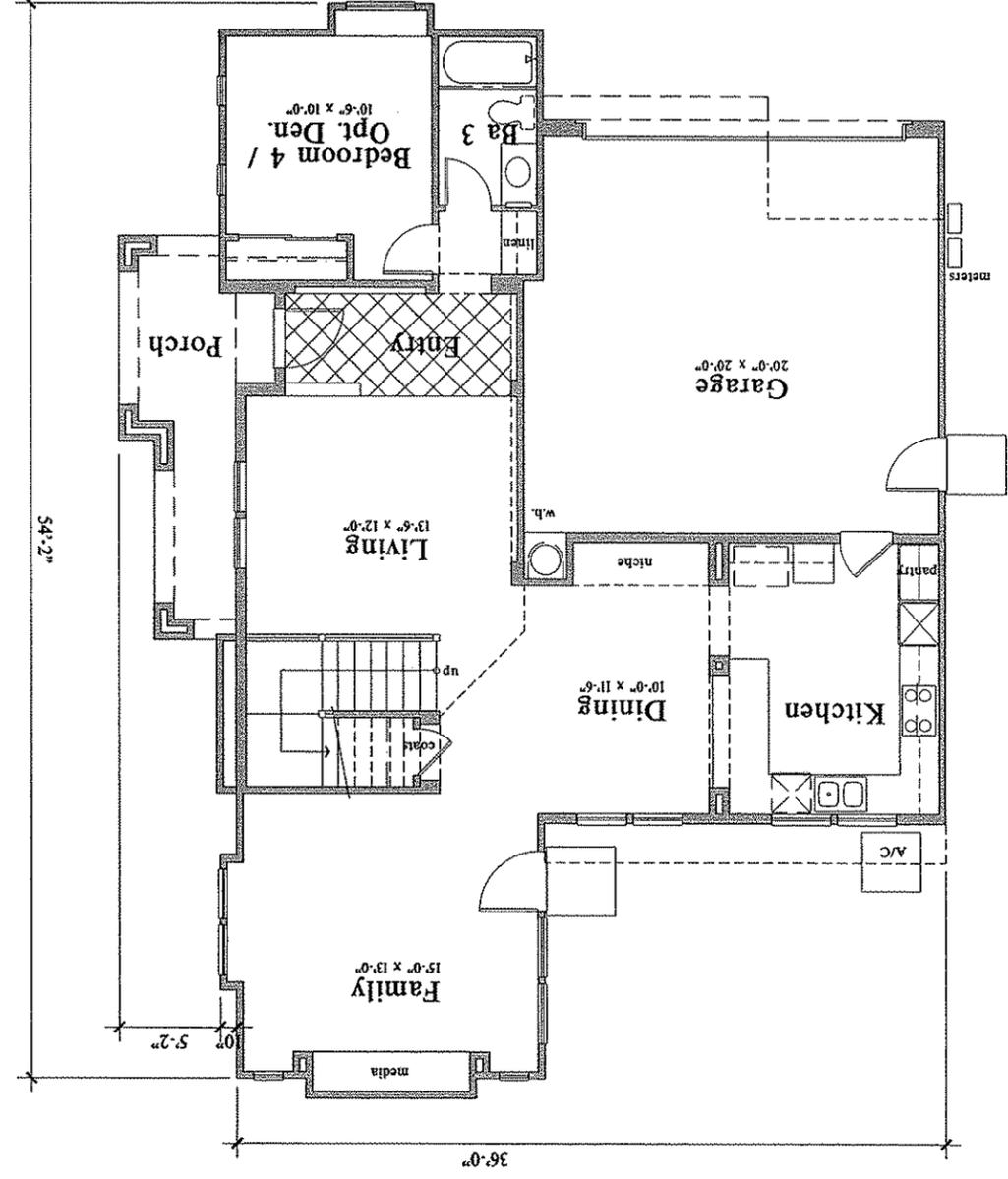
Second Floor  
Plan 4B





CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA  
**PLAN 4 "C"**  
**FLOOR PLANS**  
**SINCLAIR RENAISSANCE**

First Floor  
Plan 4C



Second Floor  
Plan 4C

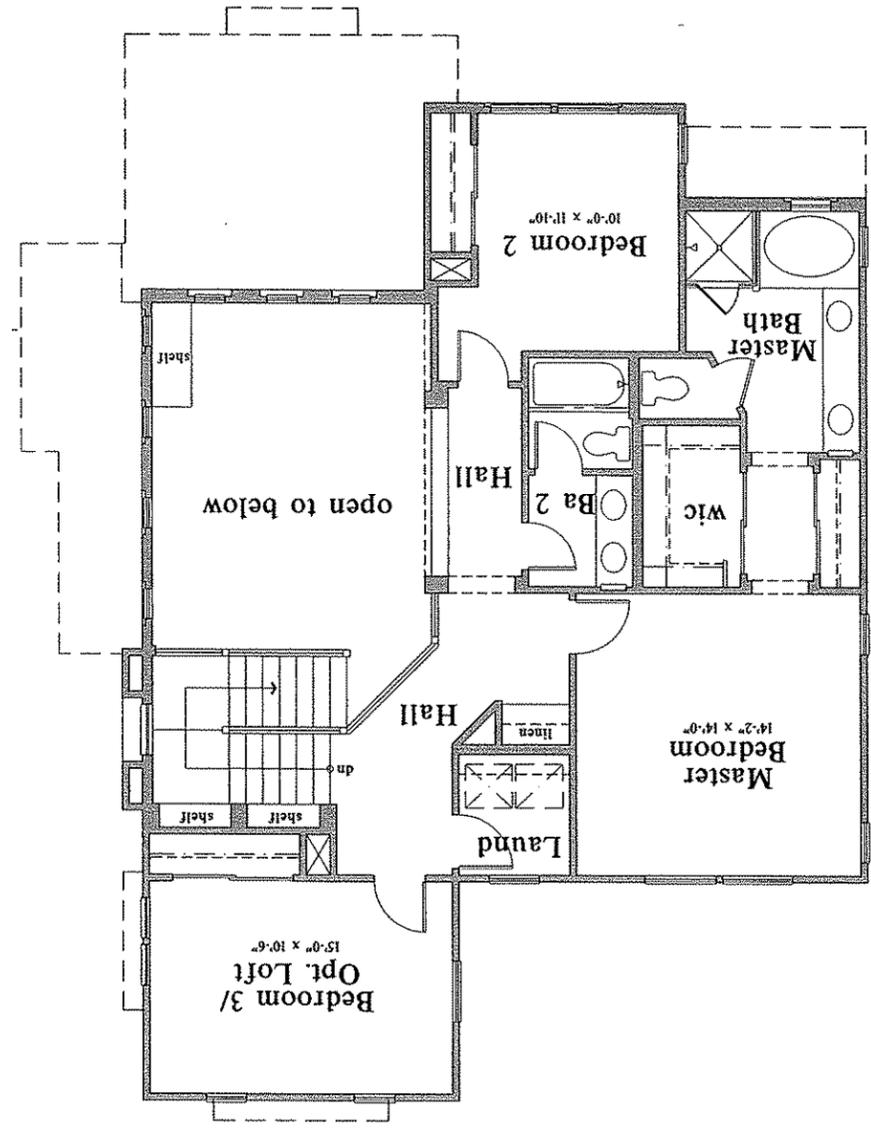
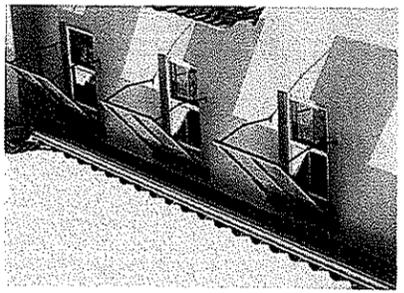
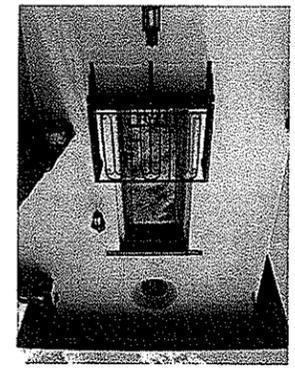
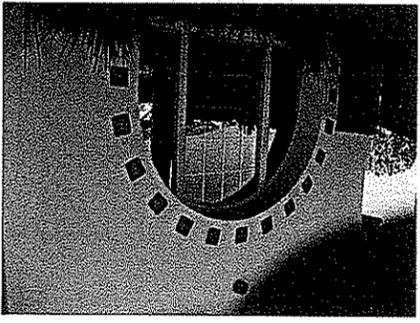
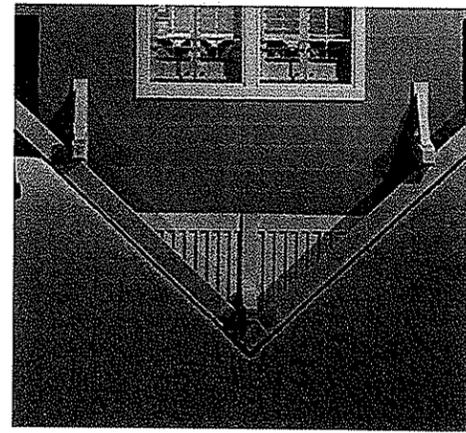
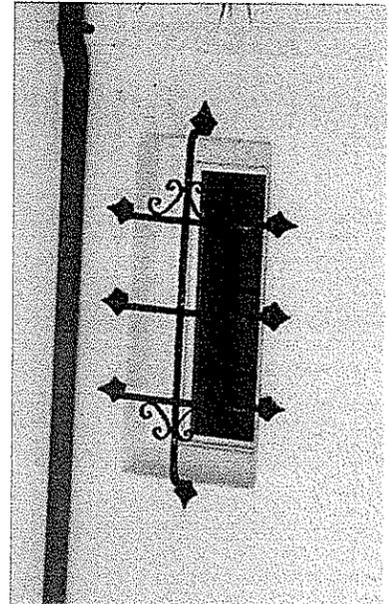
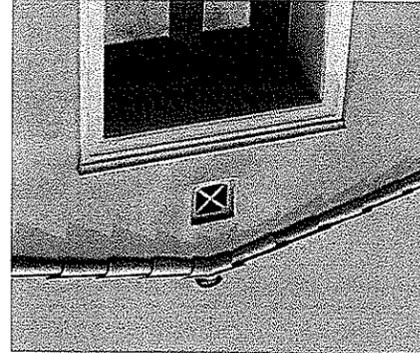
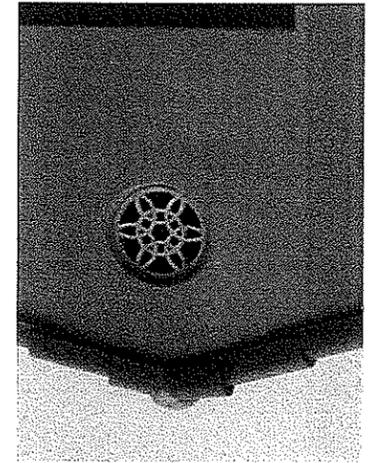
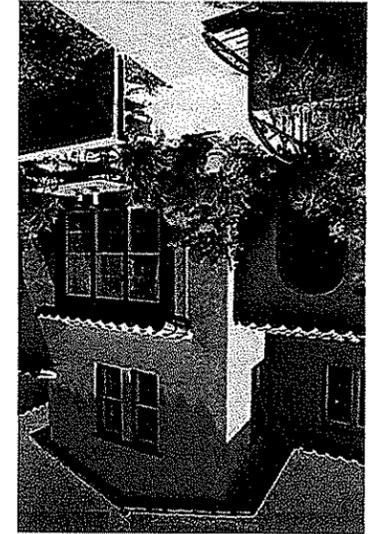
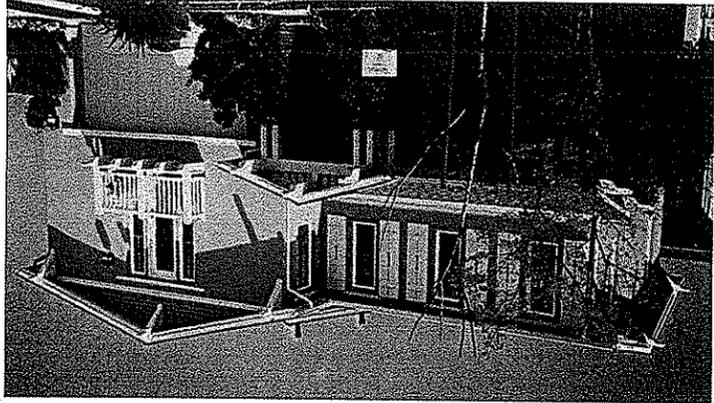
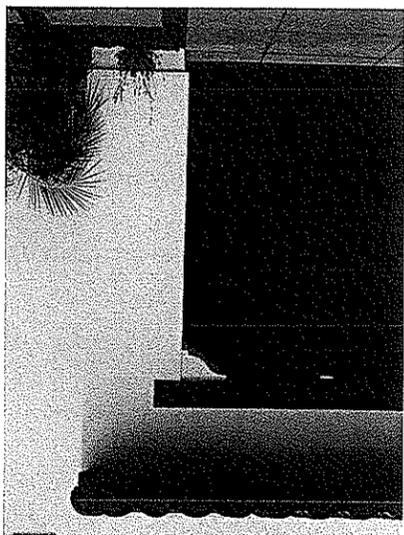
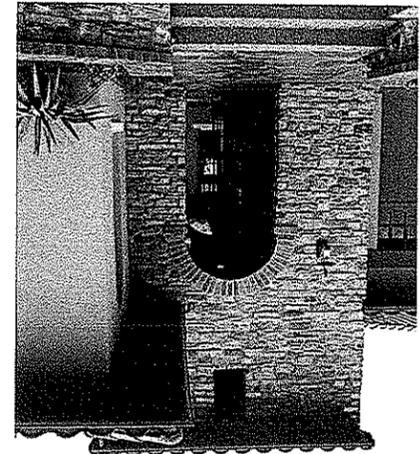
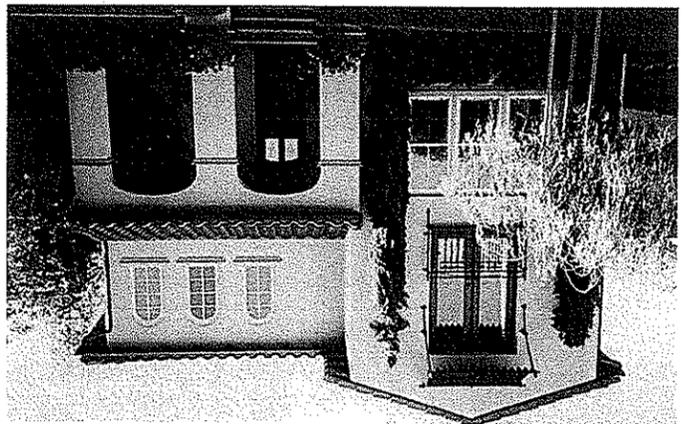




Photo Details  
 SINCLAIR RENAISSANCE  
 CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



SPANISH  
 DETAILS (C)

TUSCAN  
 DETAILS (B)

CRAFTSMAN  
 DETAILS (A)



## BUILDING RESOURCES

October 13, 2009

City of Milpitas  
 Planning Division  
 Attn: Cindy Hom  
 455 E. Calaveras Blvd.  
 Milpitas, CA 95035

RE: Mission Peak, "Sinclair Renaissance", Letter of Explanation

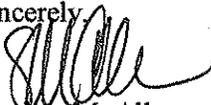
Dear Cindy,

This letter will serve as the required letter of explanation regarding the request of the P.U.D. and Tentative Map extensions for the above referenced project. It is my understanding that with this request and upon approval the P.U.D will be extended by 18 months or until June 25, 2011 and the Tentative Map will be extended by 24 months or until August 5, 2012.

This request for extension is necessary due to the following circumstances:

1. The Conditions of Approval required that we obtain certain clearances from the adjoining property owner in order to construct the Sound/Retaining Wall in a manner consistent with his request to the Planning Commission, and to place fill upon his property to address a drainage concern related to our EVA connection to Wrigley Way. For over a year, and in good faith, The Mission Peak Company has made every effort to obtain the needed clearances without finding a resolve. Unfortunately we then had to modify our plans in manner that allowed us to proceed without the adjoining property owner's approval being required. Due to the time spent in trying to obtain the clearances and the time taken to modify our plans we were not able to submit our plans to the City until August 8, 2009. Therefore, it will be impossible to have the plans approved, the site graded and foundations poured prior to expatriation of our P.U.D.
2. The economic downturn we have been experiencing since the later part of 2008 has been extremely hard on the Homebuilding Industry. Fortunately the State of California has taken emergency measures and enacted Assembly Bill 333 that provides for an automatic 2 year extension for all Tentative Maps, this emergency action allows for Developers to preserve their entitlements until our economy turns in a positive direction.

The Mission Peak Company request that our application for extension be approved by the Planning Commission and look forward to another successful project in the City of Milpitas.

Sincerely  


Stephen M. Allen  
 CSA Building Resources Co.

**RECEIVED**

OCT 20 2009

**CITY OF MILPITAS  
 PLANNING DIVISION**