



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: March 23, 2011

APPLICATION: Minor Tentative Map No. TP10-0002, Venture Commerce Center Subdivision

APPLICATION SUMMARY: A request for a two-lot subdivision of an undeveloped remainder parcel (Phase II) of the Venture Commerce Center development.

LOCATION: 1100 Cadillac Court (APN: 22-57-001)
APPLICANT: Ernie Knodel, Stark Management, P.O. Box 5358, Vallejo, CA 94591.
OWNER: John Strockis, LB/VCC Milpitas LLC 3424 Peachtree Rd. NE STE 2200, Atlanta, GA 30326

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 11-014 approving the project subject to conditions of approval.**

PROJECT DATA:
General Plan/ Zoning Designation: Industrial Park (INP)/Industrial Park (MP)
Overlay District: Site and Architectural Overlay
Specific Plan: N/A

CEQA Determination: Categorically exempt from further environmental review pursuant to Class 15, Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA).

PLANNER: Cindy Hom, Assistant Planner

PJ: 2689

ATTACHMENTS:
A. Resolution No. 11-014
B. Project Plans
C. Project Description Letter

LOCATION MAP

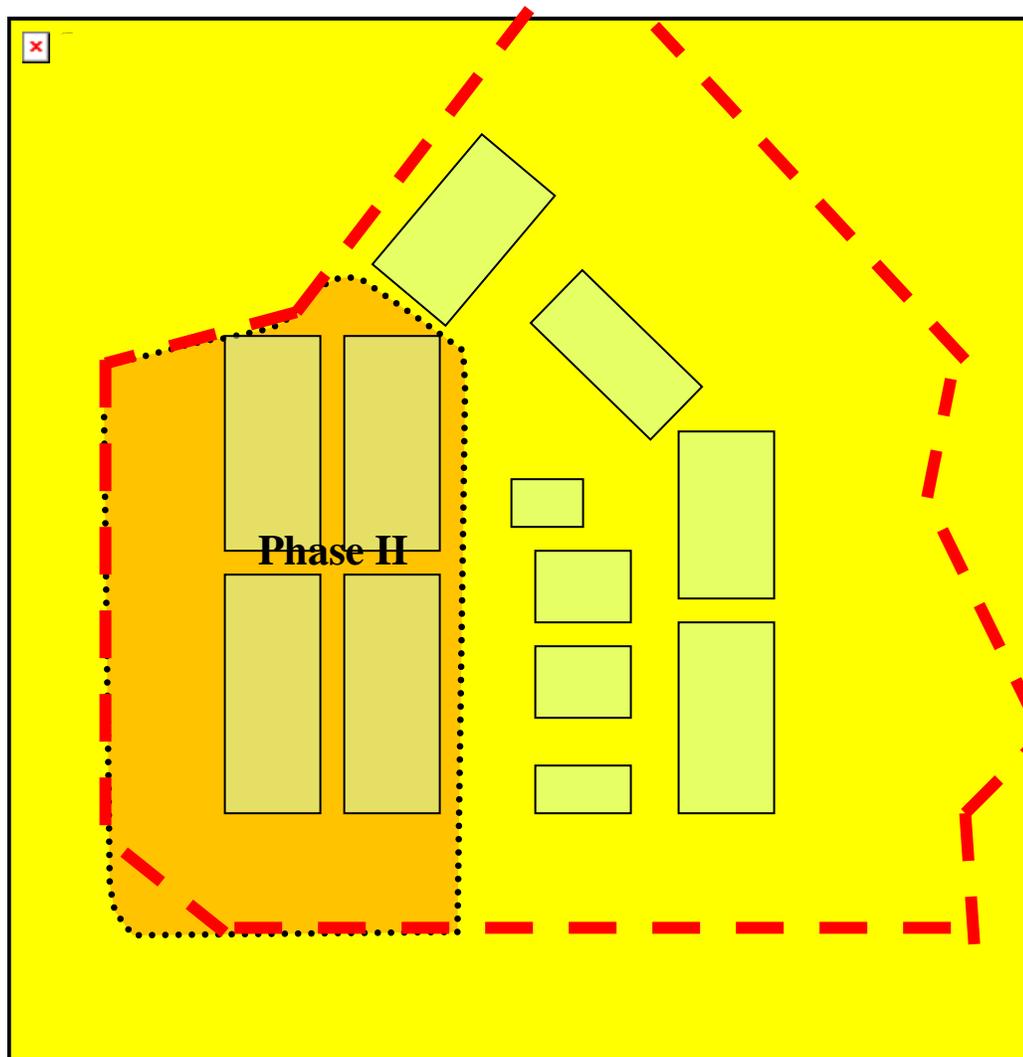


No scale

BACKGROUND

On February 22, 2006, the Planning Commission approved a Major Tentative Parcel Map (MA2005-9), and granted Site and Architectural Approval (SZ2005-9) for the development of twelve (12) new one and two-story industrial condominium buildings, all totaling 129,447 square feet, site improvements, and a sign program. The 2005 approval is depicted in Diagram 1 below. The 2005 approval consisted of a one lot condominium subdivision that provided for individual ownership of units within the 12 buildings that range in size from 2,705 square feet to 17,108 square feet. Construction of the industrial buildings was proposed in two phases: Phase I was constructed and consists of buildings A through H (totaling 63,615 square feet of gross floor area) on the south/southeast portion of the parcel and Phase II consists of buildings I through L (totaling 55,761 square feet of gross floor area) located on the northern portion of the parcel. Phase 1 is complete and occupied. Phase II has not been constructed and is currently undeveloped land.

Diagram 1: Site Plan of Original Approval (2005)



Condominium Building shown in Green. Phase II shown in Orange.

On November 15, 2010, Ernie Knodel of Stark Management submitted a Minor Tentative Map application to subdivide (separate) the undeveloped portion (Phase II) from the developed portion of the Venture Commerce Center. Due to market conditions, the applicant has decided to separate Phase II from the original project to provide development flexibility and to market the property for sale or development. The application is submitted pursuant to Milpitas Municipal Code XI-1-6.01 (Minor Subdivisions and Parcel Maps) which requires Planning Commission review and approval.

PROJECT DESCRIPTION

The project is situated on a 12-acre parcel located at the southeast corner of Cadillac Court and Fairview Way, in the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The site is bound by Cadillac Court on the west, Fairview Way on the north, Penitencia Creek to the east and a manmade drainage lagoon immediately south of the site.

Surrounding land uses include industrial and professional offices uses to the north and west, and residential uses (R2) to the south and southeast. The project site is currently developed with the first phase of the Venture Commerce Center business park. Phase I consists of buildings A through H (totaling 69,892 square feet) on the south/southeast portion of the parcel. The second phase of the business park is currently undeveloped and vacant property that is located on the northern portion of the parcel. A vicinity map of the subject site location is included on the previous page.

The project proposal entails a two-lot subdivision in which the undeveloped portion (Parcel A) of the Venture Commerce Center Development would be a separate parcel approximately 3.29 acres in size. The existing industrial condominiums comprise Parcel B which is approximately 8.68 acres in size. The proposed subdivision will not affect Parcel A or B's compliance with development standards for the Industrial Parking Zoning District as demonstrated in the preceding table. However, any modification to the build out of Phase II portion or a redevelopment of Parcel A would be submitted and reviewed as separate application for compliance with development standards and shall receive site and architectural approval by the Planning Commission. Table 1 summarizes how the project complies with the zoning development standards.

Development Standards

Table 1
Development Standards

	Zoning Requirement	Parcel A (Phase II)	Parcel B (Phase I)
<u>Lot Area</u>	Individual sites shall be of such size so that all space requirements in this table are satisfied.	Complies	Complies
<u>Lot Width</u>	100'	Complies	Complies
<u>Setbacks (Minimum)</u>			
Front to Primary Structure	35'	Complies	Complies
Interior Side Yard	10'	Complies	Complies
Interior/Street Side	35'	Complies	Complies
Rear	20'	Complies	Complies
<u>Floor Area Ratio (Maximum)</u>	0.50	0.39	0.19
<u>Building Height (Maximum)</u>	35'	Complies	Complies
<u>Parking</u>			
Required		186	218
Provided		174	256
<u>Landscaping (Minimum)</u>	Front and Street Side yards	Complies	Complies

Parking

Based on the original approval for the Venture Commerce Center Development project, it was developed with a parking ratio for research and development uses and calculated at 1 parking space for every 300 square feet of gross floor area (GFA). Parcel B (Phase 1) is required 218 parking spaces based on 63,615 square feet of GFA and currently provides 256 spaces. If Phase II is to be built out as originally approved, a joint reciprocal parking agreement with the adjacent property owner(s) would be required.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 2
General Plan Consistency

Policy	Consistency Finding
<p>2.a-1-6 <i>Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector</i></p>	<p>Consistent. The project will provide an opportunity site for development that will encourage economic activity that will strengthen the city’s economic base and one of the city’s industrial sectors.</p>

Zoning Ordinance

The project does not conflict with the Zoning Ordinance and Milpitas Subdivision Ordinance. The project proposal conforms to the Zoning Ordinance in terms of land use and development standards. Future development of the vacant parcel will comply with the Industrial Park (MP) District development standards and Milpitas Parking Ordinance regulations in existence at the time of the Site Development Permit approval. Any future land uses would be subject to the permitted and conditional uses allowed in the Industrial Park (MP) District.

Conformance with the Subdivision Map Act and Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The City’s Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously covered in the conformance with the General Plan section, the proposed Minor Tentative Parcel Map is in conformance with General Plan and complies with the provisions and procedures set forth in MMC XI-1-6.04 (Minor Subdivision Requirements).

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Class 15, Section 15315 (Minor Land Divisions) in that project proposes a two lot subdivision of an existing industrial development that currently has access to city services for utilities.

PUBLIC COMMENT/OUTREACH

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

CONCLUSION

The proposed two lot subdivision is consistent with the General Plan policies and encourages economic pursuits and future employment opportunities for the City. The project also conforms to the requirements and regulations of the Milpitas Zoning Ordinance, Milpitas Subdivision Ordinance and the Subdivision Map Act with regard to compliance with land use, development standards, and due process.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 11-014 approving Minor Tentative Map No. TP10-0002, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution 11-014
- B. Project plans
- C. Project description letter

RESOLUTION NO. 11-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING MINOR TENTATIVE MAP NO. TP10-0002, VENTURE COMMERCE CENTER SUBDIVISION, TO ALLOW FOR A TWO-LOT SUBDIVISION OF AN UNDEVELOPED REMAINDER PARCEL (PHASE II) AT 1100 CADILLAC DRIVE.

WHEREAS, on November 16, 2010, an application was submitted by Ernie Knodel of Stark Management, P.O. Box 5358, Vallejo, CA 94591, a request to subdivide an undeveloped remainder parcel (Phase II) of the Venture Commerce Center development. The property is located within Industrial Park Zoning district (APN 22-57-001); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt from further environmental review; and

WHEREAS, on March 23, 2011, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

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

Section 2: The project is categorically exempt per Section 15315, Class 15 (Minor Land Divisions) of the California Environmental Quality Act. The project proposes a two lot subdivision of an existing industrial development that currently has access to city services for utilities.

Section 3: The project is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-I-6, in that it will encourage economic pursuits, strengthen Milpitas' economic base, and provide employment opportunities by enabling development to occur through the sale and development of the property.

Section 4: The project is consistent with the Zoning Ordinance in that the Tentative Map provides for the future industrial development that is consistent with the Industrial Parking standard and zoning regulations.

Section 5: The project is consistent with the Milpitas Subdivision Ordinance in that it is consistent with the General Plan and meets the provisions and procedural requirements for minor subdivisions.

Section 6: The Planning Commission of the City of Milpitas hereby approves Minor Tentative Map No. TP10-0002, Venture Commerce Center Subdivision, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on March 23, 2011

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 March 23, 2011, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mark Tiernan				
Lawrence Ciardella				
Sudhir Mandal				
Gurdev Sandhu				
Steve Tao				
Noella Tabladillo				
Zeya Moshin				
John Luk				

EXHIBIT 1

CONDITIONS OF APPROVAL
Minor Tentative Map No. TP10-0002

A request to install subdivide an undeveloped remainder parcel (Phase II) of the Venture Commerce Center located at 1100 Cadillac Drive (APN 22-57-01), in accordance with these Conditions of Approval.

General Conditions

1. Any deviation from the approved Tentative Map shall require that, prior to the issuance of the recordation of the parcel map, 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. Minor Tentative Map No. T008-00 shall become null and void if the project is not commenced within 24 months from the date of approval. Pursuant to Section 6.02-2 of the Subdivision Ordinance of the City of Milpitas the filing of the map may be extended by two years or by any time specified in accordance with State law. **(P)**

Pursuant to Section 6.02-2 of the Subdivision Ordinance, the owner or designee shall have the right to request an extension of Minor Tentative Map No. TM10-0002 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

3. The project shall be conducted in accordance with all federal, state, and local regulations. **(P)**

Specific Map conditions

4. The Tentative Map shall be revised to provide the following
 - A. Each parcel must have a separate water service and meter for fire, domestic and irrigation, a separate sewer service, and a separate storm drain service unless the map is shown to have easement(s) for common utilities, parking and landscaping between the two parcels. There is no exception to a separate domestic water service and meter per parcel.

 - B. City service lines to be abandoned must comply with the City's abandonment requirement, which requires removal to an acceptable location such as the main or structure. We recommend that private service lines to be abandoned shall also be removed to main line. The abandoned private service lines are your liability.

 - C. If the existing double driveways off Fairview Way are not to be used with the proposed development, then it shall be replaced with sidewalk as shown on City standard drawing # 425.

- D. Replace the existing ramp at the SE corner of Fairview/Cadillac intersection with the current standard ramp (City standard drawing # 419, sheet 2) with the development.
 - E. Slurry seal and restripe the entire width of the project frontage on both Fairview Way and Cadillac Court with the development.
 - F. Any damaged curb, gutter, sidewalk and pavement shall be removed and reconstructed.
 - G. A shared agreement is required for the use of solid waste enclosures and all other common facilities.
 - H. This project is subject to the C3 requirement and revision or amendment to the existing approved C3 document may be required to reflect the changes.
 - I. The Subdivision Guarantee from the title company shall determine who signs as the owner of the parcel map for this subdivision. **(E)**
5. 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)**
6. 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)**
7. At the time of building permit plan check submittal, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. In addition the proposed development is within the existing floodplains, and therefore it should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. The 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 any building permit issuance. **(E)**
8. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Fairview Way and Cadillac Court, including but

not limited to reconstruction of ADA approved ramp at the Cadillac/Fairview, slurry seal the entire width of the street frontage on Cadillac Ct and Fairview Wy, removal and reconstruction of all damaged curb, gutter, sidewalk and pavement, removal of unused services per City requirements and water, sewer and storm service connections. 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, Tiff and pdf formats) 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. 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 any building occupancy permit issuance. **(E)**

9. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - A. Water Service Agreement(s) for water meter(s) and detector check(s).
 - B. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

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

10. Prior to building permit issuance, 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% building permit automation fee. These fees are collected as part of the 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. **(E)**
11. Prior to any building permit issuance, the developer shall record a final map. **(E)**
12. The tentative map and the subsequent final map shall designate all common lots and easements as lettered lots or lettered easements. **(E)**
13. Prior to recordation of final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. **(E)**
14. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. **(E)**
15. Prior to final map approval, the developer shall establish a property-owner association. The property-owner association shall be responsible for the maintenance of the

landscaping, walls, private street lights, common area and private streets and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. **(E)**

16. The developer shall record a reciprocal easement and maintenance agreement concurrent with the recordation of the final map. The reciprocal agreement shall provide for the use of lands and maintenance of all private utility facilities including but not limited to, drainage, sewer, water, landscaping, walls and other common area facilities. **(E)**
17. Concurrent with the recordation of the final map, the developer shall record an amendment to the existing reciprocal easement, maintenance agreement and the CC&R, with the adjacent property on the north. The amendment shall provide for the changes to the use of lands and maintenance of all private facilities including but not limited to, common roadway, drainage, landscaping and other common area facilities between these two parcels. **(E)**
18. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires within the subdivision and along project frontage, and remove related utility poles, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more, have to be undergrounded. **(E)**
19. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. **(E)**
20. 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 (existing or proposed) and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. **(E)**
21. 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)**
22. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755. **(E)**
23. Multistory buildings as proposed may require water supply pressures above that which the city can normally supply. Additional evaluations by the applicant are required to assure proper water supply (potable or fire services). The developer shall submit an engineering report detailing how adequate water supply pressures will be maintained. Contact the Utility Engineer at 586-3345 for further information. **(E)**
24. Prior to occupancy permit issuance, applicant/property owner shall construct a new trash enclosure or expand the existing enclosure to accommodate the required number of bins

needed to serve the proposed development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)

25. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Republic Services-Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact the waste service provider at (408) 432-1234. (E)
26. The developer shall comply with Regional Water Quality Control Board's requirements for post construction treatments and implement the following:
 - A. At the time of building permit plan check submittal, the developer shall submit a "final" Storm Water Control Plan and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Storm Water Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the requirements of the Municipal Regional Program and the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - B. Prior to issuance of Certificate of Occupancy, the developer shall submit a Storm water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water 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 storm water control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
 - C. Developer shall include in the approved CC&R, language in regard to providing the City with an annual inspection report of the Storm Water Control Plan post construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements. If the City does receive the report, City will

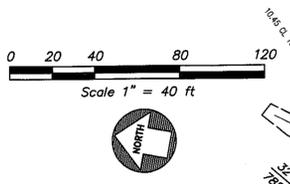
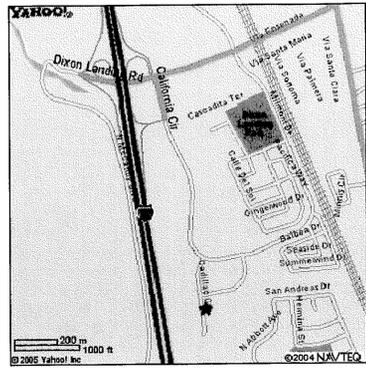
conduct the field inspection and report, and the developer and its successor shall be responsible to pay all associated costs.

- D. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities. **(E)**

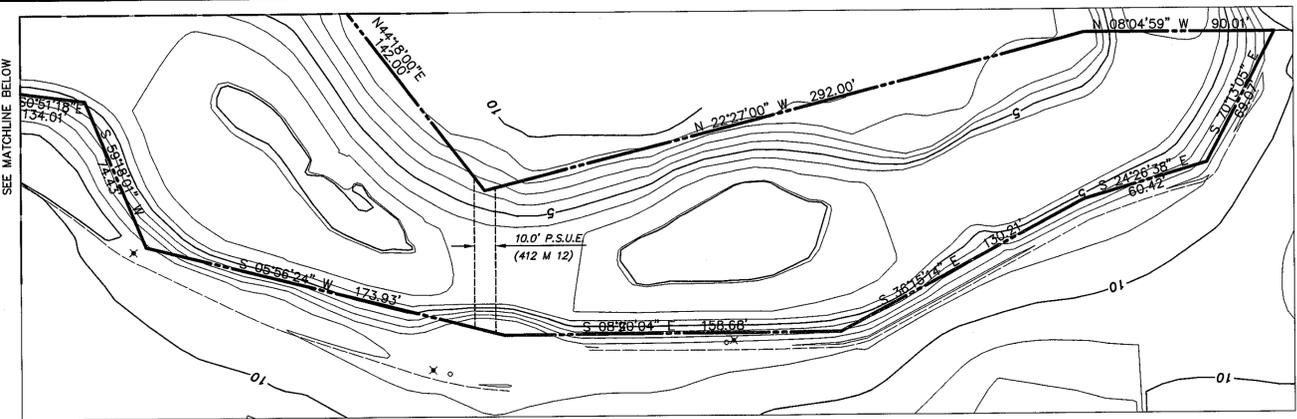
- 27. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants 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)**
- 28. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:
 - A. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
 - B. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.
 - C. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. **(E)**
- 29. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies and private parties, including but not limited to the adjacent property owners on North of this development, Pacific Gas and Electric, SBC, and Comcast. Copies of approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**
- 30. 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. **(E)**

31. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, one week prior to construction for location of utilities. **(E)**
32. 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)**
33. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AH** (58H). Therefore, flood proofing is required. Flood proofing can be accomplished either by elevating or flood proofing of the structure and onsite utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the BFE, and the pad elevation shall be at or above the BFE which is approximately at elevation **15** feet NAVD 1988, or the structure be flood proofed to least one foot above the BFE so that the walls are watertight. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion (currently, 95% relative density by the Standard Proctor test procedure, ASTM D-698). In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment proposed to be installed outside of the structure shall be located above the BFE, or shall be flood proofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. Elevation Certificate forms are available from the Engineering Division. Flood insurance is required for any construction that is financed with government backed loans. **(E)**

- (P) = Planning
- (B) = Building
- (E) = Engineering
- (F) = Fire Prevention



VICINITY MAP NOT TO SCALE



NOTES

- OWNERS: LB/VCC MILPITAS LLC, 101 SHIPYARD WAY, SUITE M, NEWPORT BEACH, CA 92663, 949-644-3648, ATTN: CAROLYN LESLIE
- VENTURE COMMERCE CENTER - MILPITAS CONDOMINIUM ASSOCIATION, 1739 CREEKSIDE DRIVE # 110, FOLSOM, CA 95630, 916-985-3633, ATTN: BRENT KOCAL
- APPLICANT: STARK MANAGEMENT, PO BOX 5398, LIVERMORE, CALIFORNIA 94591, 415-272-3252
- LAND SURVEYOR: TIMOTHY KELLY, L.S. 7089, LICENSE EXPIRATION DATE: 12/31/2010, KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC., 2850 COLLIER CANYON ROAD, LIVERMORE, CALIFORNIA 94551, (925) 245-8788
- ADDRESS: 276-342 FAIRVIEW WAY
- EXISTING USE: VACANT, COMMON AREA & BUILDING
- PROPOSED USE: NO CHANGE
- A.P.N. 022-57-001
- EXISTING ZONING: MP (INDUSTRIAL PARK)
- THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NO. 060500008H COMMUNITY NUMBER 060344, PANEL NUMBER 0059 H, DATED MAY 18, 2009, AS BEING LOCATED IN FLOOD ZONES "AH" WITH BASE FLOOD ELEVATION (BFE) = 15.00 FEET. NAVD 1988.
- WATER SUPPLY SOURCE: CITY OF MILPITAS
- SEWER SUPPLY SOURCE: CITY OF MILPITAS
- STORM DRAIN: CITY OF MILPITAS
- GAS & ELECTRIC: PG&E
- TELEPHONE: SBC
- CABLE TV: COMCAST
- UTILITIES: ALL PROPOSED UTILITIES ARE PRIVATELY OWNED & MAINTAINED.
- ALL DISTANCES ARE APPROXIMATE
- NO NEW STREET NAMES PROPOSED
- PROPOSED NUMBER OF LOTS: 2
- GROSS AREA: 11.9782± ACRES, INCLUDES THE FEE INTEREST OF THE VENTURE COMMERCE CENTER MILPITAS CONDOMINIUM ASSOCIATION LYING BENEATH THE BUILDING COMMON AREAS AND UNITS WITHIN EXISTING BUILDINGS A, B, C, D, E, F, G & H.
- STREET TREES: EXISTING STREET TREES TO BE MAINTAINED BY PROPERTY OWNER.
- NO EXISTING WELLS ON-SITE
- BENCHMARK: BRASS DISK AT THE SOUTHWESTERLY CORNER OF BRIDGE FOR CALIFORNIA CIRCLE-MILMONT DRIVE OVER PENITENCIA CREEK AT 350 FEET EASTERLY FROM FAIRVIEW WAY. ELEVATION=22.65 NAVD 1929. SANTA CLARA VALLEY WATER DISTRICT, TO CONVERT TO NAVD 1988 ADD 2.76' TO ALL ELEVATIONS SHOWN HEREON.
- THE SUBJECT PROPERTY WAS ENTITLED FOR CONDOMINIUM OWNERSHIP (MAXIMUM OF 72 UNITS) BY THE PARCEL MAP FOR CONDOMINIUM PURPOSES FILED FEBRUARY 12, 2007 IN BOOK 811 OF MAPS AT PAGES 18-19 SANTA CLARA COUNTY RECORDS. A TOTAL OF 42 CONDOMINIUM UNITS HAVE BEEN CONSTRUCTED IN THE PHASE I PROJECT ADJOINING THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS ENCUMBERED AND BENEFITED BY THOSE CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED MARCH 9, 2005 DOCUMENT NUMBER 18267379 AND AMENDED JULY 10, 2006 DOCUMENT NUMBER 19007573. NO AMENDMENTS TO SAID COVENANTS CONDITIONS AND RESTRICTIONS OR THE EASEMENTS CREATED THEREIN IS PROPOSED BY THIS TENTATIVE MAP APPLICATION. ADDITIONAL PROPOSED PRIVATE EASEMENTS FOR ACCESS AND UTILITIES BETWEEN PROPOSED PARCELS A & B ARE SHOWN HEREON AND WILL BE GRANTED BY SEPARATE INSTRUMENT.
- THE PURPOSE OF THIS TENTATIVE MAP IS TO ESTABLISH A PARCEL COMPLIANT WITH THE SUBDIVISION MAP ACT ON THE PHASE II PORTION OF THE PREVIOUSLY ENTITLED VENTURE COMMERCE CENTER (MA2005-9, S22005-9 & EA2005-11). NO ADDITIONAL BUILDING ENTITLEMENTS ARE SOUGHT WITH THIS APPLICATION.
- ALL UTILITIES SHOWN HEREON ARE EXISTING. THERE ARE NO PROPOSED UTILITIES OR IMPROVEMENTS WITH THIS APPLICATION.
- BUILDING COMMON AREAS AND AIR SPACE CONDOMINIUM UNITS AS DEFINED IN THE DECLARATION OF COVENANTS AND RESTRICTIONS ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP RECORDED MARCH 15, 2007 AS DOCUMENT NO. 19343087 AND AS DEPICTED ON THE CONDOMINIUM PLAN RECORDED MARCH 15, 2007 AS DOCUMENT NO. 19343086 ARE EXCLUDED FROM THIS TENTATIVE MAP AND ARE NOT A PART.
- ANY UNUSED UTILITY SERVICES SERVING PARCEL A SHALL BE ABANDONED PER CITY STANDARDS WITH THE DEVELOPMENT OF PARCEL A.

ABBREVIATION

ESMT	EASEMENT
LME	LANDSCAPE & MAINTENANCE ESMT
O.R.	OFFICIAL RECORD
P.E.	PLANTING EASEMENT
P.I.E.	PRIVATE INGRESS & EGRESS EASEMENT
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT
P.S.U.E.	PUBLIC SERVICE UTILITY EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
S.D.E.	STORM DRAIN EASEMENT
S.W.E.	SIDEWALK EASEMENT
(T)	TOTAL
UB	UTILITY BOX

LEGEND

PROPOSED	EXISTING	PROPERTY LINE
		PROPERTY LINE
		ADJOINING PROPERTY LINE
		EASEMENT LINE
		BLOCK/RETAINING WALL
		CONCRETE CURB & GUTTER
		CONTOUR LINE
		DRIVEWAY
		SIDEWALK
		STORM DRAIN
		SANITARY SEWER
		FIRE SERVICE
		GAS
		TELEPHONE
		WATER
		CATCH BASIN
		ELECTROLIER
		FIRE HYDRANT
		POST INDICATOR VALVE
		SINGLE CHECK VALVE
		WATER METER
		WATER VALVE
		SANITARY SEWER MANHOLE
		POWER POLE/JOINT POLE
		SPOT ELEVATION
		TRAFFIC SIGN
		TREE
		UTILITY BOX
		TRANSFORMER
		AREA DRAIN
		CATCH BASIN
		TREE/TREE DRIPLINE
		ASPHALT PAVEMENT

GROSS AREA AREA = 11.9782± ACRES SEE NOTE #20

Timothy Kelly 1/18/2011
 PREPARED BY OR UNDER THE SUPERVISION OF DATE
 TIMOTHY KELLY, L.S. 7089
 LICENSE EXPIRES: 12-31-2012

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 _____, 20____, and Approved by the Milpitas City Council this _____ day of _____, 20____.

Community Development Manager _____ Date _____

TENTATIVE MAP PARCEL MAP
 BEING A RE-SUBDIVISION OF PARCEL 1, AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED FEBRUARY 12, 2007 IN BOOK 811 AT PAGES 18-19 OFFICIAL RECORDS SANTA CLARA COUNTY EXCEPTING THEREFROM BUILDING COMMON AREAS AND CONDOMINIUM UNITS AS DEFINED IN THE DECLARATION (DOC#19343087) AND DEPICTED ON THE CONDOMINIUM PLAN (DOC#19343086) MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

DATE	OCTOBER 2010
SCALE	1" = 40'
SURVEYOR	TK
JOB NO.	A04180-8
SHEET	1
OF	1 SHEETS

STARK

MANAGEMENT, INC

November 15, 2010

City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035-5411

RE: Subdivision Tentative Map to Create Two Parcels
SE Corner of Cadillac Court and Fairview Way

The subject property is commonly known as the Venture Commerce Center, a two-phase development of commercial condominium buildings. Phase I, consisting of eight individual buildings comprising 42 individual condominiums, was completed in 2007. Phase II of the development with a planned four buildings is currently vacant land. Due to impacts of the economic downturn, values have plummeted to the extent that the original Phase II project plan is no longer feasible for the foreseeable future.

In order to provide maximum development flexibility and to market the property for sale or development, we are proposing to separate the Phase II land from the original development by creating separate land parcels.

The enclosed proposed Subdivision Tentative Map shows the vacant land as Proposed Parcel A and the Venture Commerce Center – Milpitas Condominium Association as Proposed Parcel B. Access and driveway easements would be created to provide maximum access between the properties. Additionally, storm water easements would be provided across the properties.

We look forward to working with the City of Milpitas to achieve this subdivision.

Sincerely,



Ernie Knodel
President

PO BOX 5358
VALLEJO CA 94591
(415) 272-5252
WWW.STARKMANAGEMENT.COM