MEMORANDUM

Planning Division

Date: January 26, 2016

To: Planning Commission Subcommittee

From: Hernan Rosas, Junior Planner

Subject: Minor Site Development Permit No. P-MS15-0129, Tree Replacement

Location: 705-755 Sycamore Drive. (APN 86-03-033)

Zoning/GP: Industrial Park (MP)/Manufacturing & Warehousing (MW)

Background:

• The project requires a Minor Site Development Permit for proposed site modifications on an existing industrial site located at 705-755 Sycamore Drive. The project site is zoned Industrial Park (MP) and is surrounded by other industrial buildings and uses.

- The purpose of the proposed modification is to improve the aesthetics of the site. Proposed modifications include:
 - o Landscape modifications including the removal of fifty-four (54) trees in poor health and replacing them with 73 new trees. This removal includes 19 protected trees.`
 - o Replacement of trees in the following ratios:
 - o Non-protected trees: 1:1 ratio

Protected trees: 2:1 ratio

- The application is submitted pursuant to Milpitas Municipal Code (MMC) Table XI-10-57.03-1:Additions or Alterations Requiring Minor Site Development Permits, which requires Planning Commission Subcommittee review due to the removal of protected trees.
- In approving any project subject to MMC Section XI-10-57-03 (G), the Planning Commission Subcommittee shall find all of the following:
 - The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building;

Analysis: The replacement of trees in poor condition will improve the aesthetics of the property and neighborhood.

• The development assures that modifications satisfy functional requirements and are screened with appropriate compatible materials;

Analysis: The replacement of trees at the appropriate ratios for protected and non-protected varieties satisfies the City's tree removal requirements. The trees will act as future screening for the site.

The development assures that the modifications will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.

Analysis: The proposed tree removal and replacement project is intended to replace trees in poor health with the city-mandated ratios for protected and non-protected trees. As such, it will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.



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• This project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities)

RecommendationSTAFF RECOMMENDS THAT the Planning Commission Subcommittee approve P-MS15-0129, 705-755 Sycamore Drive Tree Removal, subject to the attached conditions of approval.

Attachments:

- A. Conditions of Approval
- B. Project Plans

Attachment A

CONDITIONS OF APPROVAL:

General Conditions

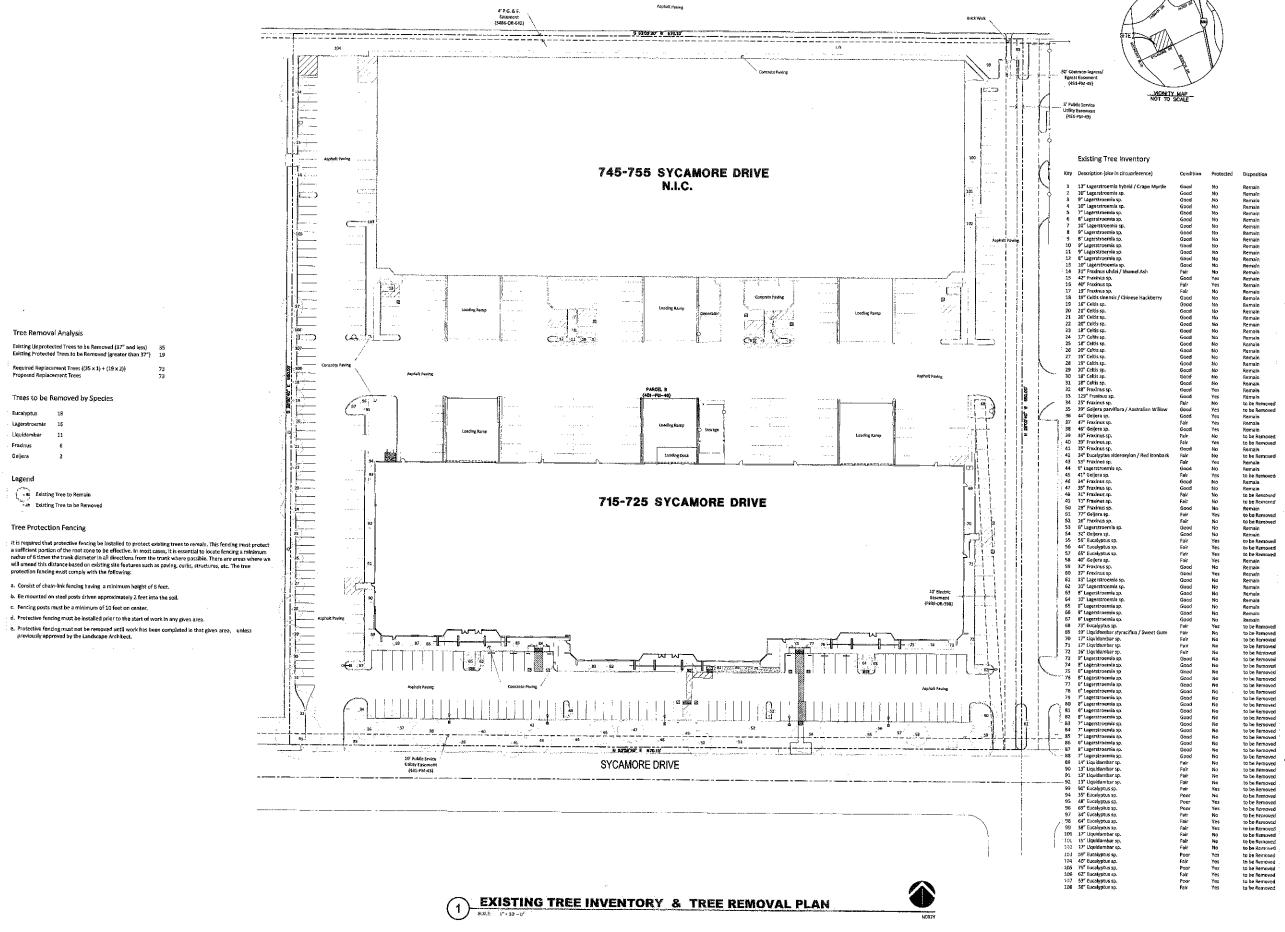
- 1. <u>General Compliance</u>. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Site Development Permit No. P-MS15-0129 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed.
- 2. <u>Effective Date</u>. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
- 3. <u>Acceptance of Permit</u>. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
- 4. <u>Permit Expiration</u>. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
- 5. <u>Time Extension</u>. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. Any further extensions will be granted at the discretion of the Director of Planning, or designee.
- 6. <u>Project Job Account</u>. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit.

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- 7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the approval of this permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1).
- 8. <u>Cost and Approval</u>. Permittee shall fully complete and satisfy each and every condition set forth in this approval and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition.
- 9. <u>Conditions.</u> Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals.
- 10. <u>Compliance with Laws</u>. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies.
- 11. <u>Previous Approvals</u>. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
- 12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.
- 13. <u>Revocation, Suspension, Modification</u>. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.
- 14. <u>Severability</u>. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.

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- 15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission Subcommittee on December 17, 2015, in accordance with these Conditions of Approval.
 - Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee 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 City Council, as applicable, in accordance with the Milpitas Zoning Code.
- 16. Written Response to Conditions. With the building permit application submittal, the Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed. (ALL)
- 17. If this site is currently using recycled water, any modification of the existing recycled water irrigation system will merit a plan review by the City of Milpitas, South Bay Water Recycling, and the State of California. If applicable, the Permittee shall submit irrigation system modification drawings with the building permit application submittal for review. Plans must be approved prior to issuance of the first building permit.
- (P) = Planning
- (B) = Building and Safety
- (E) = Engineering
- (U)= Utilities
- (F) = Fire Prevention
- (CA) = City Attorney
- (PD) = Police Department



ARC TEC

Arizona 2960 East Northern Avenue, Building C Phoenix, Arizona 85020 P 602,953,2355 F 602,953,2988

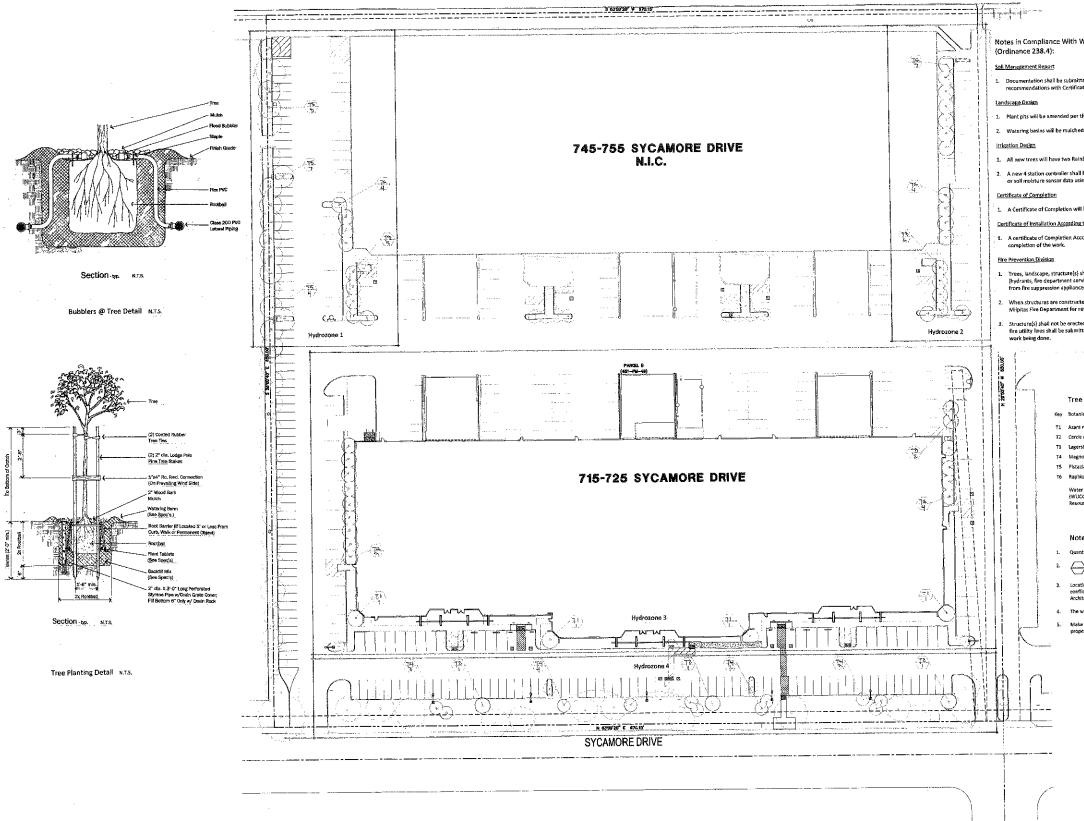
California

99 Almaden Boulevard, Suite 840
San Jose, California 95113
P 408.496.0576 F 408.496.1121

NEARON ENTERPRISES 705, 715 & 725 Sycamore Drive Milpitas, CA 95035



EXISTING TREE INVENTIORY & TREE REMOVAL PLAN



Notes in Compliance With Water Conservation in Landscaping Regulations

- 1. Plant pits will be amended per the soils analysis recommendation
- 2. Watering basins will be mulched with a 3" layer of fir bark mulch.
- 1. All new trees will have two Rainbird 1401 flood bubblers as shown on the Bubbler @ Tree Detail
- A new 4 station controller shall be installed with this new irrigation that utilizes either evapotrary

1. A Certificate of Completion will be submitted upon completion of the work

ARCHITECTURAL TECHNOLOGIES

Arizona 2960 East Northern Avenue, Building C

California 99 Almaden Boldevard, Suite 840 San Jose, California 95113 P 408,496,0676 F 406,496,1121

Tree Legend

T5 Pistacia c. "Keith Davies" / Chinese Pistache 24" box L Standard Raphioleols i. "Malestic Beauty" / Hawthorn 28 24" hox L Standard

I have complied with the criteria of the Water Conservation in Landscaping Ordinance and applied them accordingly for the efficient use of water in the irrigation design.

- Make all adjustments/additions to the existing irrigation system as necessary to provide proper coverage to the new trees.



DESCRIPTION	DATE
Perreit Sub	05.08.2015
RFICoardin	05.19.2015
City Commonts Response-Coordin	66.09.2015
Sile Access	06,22,2015
Owner Revi	09.09 2015
Tree Removal Permit Submi	11.18.2015



TREE PLANTING PLAN

Project Title: Project Address: Prepared By:

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

Reference Evapotranspiration (ETo) 45.2

Hydrozone # /Planting Description ^a	Plant Factor (PF)	Irrigation Method ^b	Irrigation Efficiency (IE) ^c	ETAF (PF/IE)	Landscape Area (sq, ft,)	ETAF x Area	Estimated Total Water Use (ETWU) ^c
1 Trees	.3	Bubbler	.85	.353	828	292	8,191
2 Trees	.3	Bubbler	.80	.353	612	216	6,053
3 Trees	.3	Bubbler	.80	.353	684	241	6,754
4 Trees	.3	Bubbler	.80	.353	504	178	4,988
n was the grant	••			Totals	2,628	984	25,986
				1			
				1			
				1			
					- 	 	

"Hydrozone #/Planting Description

- 1.) front lawn
- 2.) low water use plantings
- 3.) medium water use planting

^eMAWA (Annual Gallons Allowed) = (Eto) (0.62) [(ETAF x LA) + $((I-ETAF) \times SLA)$]

where 0.62 is a conversion factor that converts acreinches per acre per year to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for non-residential areas.

bIrrigation Method overhead spray or drip

cIrrigation Efficiency 0.75 for spray head 0.81 for drip

Totals

dETWU (Annual Gallons Required) $= Eto \times 0.62 \times ETAF \times Area$

(D)

ETWU Total

25,986

27.595

where 0.62 is a conversion factor that converts acreinches per acre per year to gallons per square foot per year.

MAWA = $(45.2)(0.62)((.375 \times 2,628) + (1-.375 \times 0))$

(C)

Maximum Allowed Water Allowance (MAWA)

MAWA = 28.0 x 985.5

MAWA = 27,594

ETAF Calculations

Regular Landscape Areas

Average ETAF	B÷A
Total Area	(A)
Total ETAF x Area	(B)

All Landscape Areas

Total ETAF x Area	(B+D)
Total Area	(A+C)
Sitewide ETAF	(B+D) ÷ (A+C)

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential arease ECEWED

DEC 3 1 2015

CITY OF MILPITAS PLANNING DIVISION

pared By:	703.713 &723 Sycamore Drive Linn B. Winterbotham, Landscape Architect CLA #1743 727 Paradise Way, Emerald Hills, CA 94062 (650) 325-3137	tham, Landsc y, Emerald Hi	ape Arch lls, CA 9	itect CL/ 4062	A #1743						× ×	Run .	īme (mi	Run Time (min per cycle) Davs per Week
e Prepared:	(650) 325-3137 December 30, 2015)15									XXXX XXXX XXX	Days Gallo	Days per Week Gallons per Month	ek ⁄Ionth
Plant	irrigation	Flow Rate	Jan	Feb	Mar	Apr	May	unL	Jul.	Aug	Sep	Oct	ct Nov	Dec
nber Type	Туре	(G.P.M.)				•	•			,			٠	
Trees	Bubbler	11.5	اس ص	6 1	6 2	6 2	6 2	6 2	8 2	& 2	00	6 2	6 2	6 1
			304	276	607	593	607	593	810	810	79	607	595	304
Trees	Bubbler	ω	6	6 1	6 2	6 2	6 2	6 2		8 2	00 N1	6 2	6 2 6 2 6 1	6 1
			224	204	449	439	449	439	598	598	585	449	439	224
Trees	Bubbler	9,5	6	6 1	6 2	6 2	6 2	6 2		8 2	00	6 2	6 2	6 1
			251	228	501	490	501	490	669	669	654	501	490	251
Trees	Bubbler	7.0	6 1			6 2				8 2	00	6 2	6 2	6 1
			185	168	370	361	370	361	493	493	482	370	361	185
nthly Totals			964	876	1,927 1,883	1,883	1,927	1,927 1,883 2,570		2,570	2,512	1,927		964

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