

RESOLUTION NO. 16-002

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
APPROVING CONDITIONAL USE PERMIT NO. UP15-0012 AND MINOR SITE
DEVELOPMENT PERMIT NO. MS15-0098 TO ALLOW FOR THE USE OF AN
EXISTING BUILDING AS A PRIVATE SCHOOL FOR A MAXIMUM OF 716
STUDENTS AT 341 GREAT MALL PARKWAY, MILPITAS, CA 95035
(APNs 086-24-057 AND 086-24-058)**

WHEREAS, on August 24, 2015, Clay Stringham, representing Stratford School, Inc. (the “Applicant”), submitted an application to the City of Milpitas to operate a private school serving preschool through high school age students in an existing building that had been formerly used as junior college (the “Project”). The Project, which proposes various building and site modifications, is located located at 341 Great Mall Parkway, within the General Commercial (C2) Zoning District (APNs 086-24-057 and 086-24-058); and

WHEREAS, in 1993, the City Council had approved a zone change and General Plan Amendment changing the land use designations of the site from Heavy Industrial (M2) to General Commercial (C2); and

WHEREAS, in 1994, the Planning Commission approved an amendment to the “S” Zone Approval to allow for a parking lot expansion for the site to accommodate commercial uses in the building; and

WHEREAS, the site was subsequently occupied by Heald College, on whose behalf in 1999, the Planning Commission approved Use Permit No. 1481 to allow for parking reduction and minor site modifications; and

WHEREAS, Heald College ceased operations at the site in May 2015; and

WHEREAS, upon receipt of Applicant’s application in August 2015, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and found that the Applicant’s proposed use constituted the operation, repair, and minor alteration of an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the City’s determination, and was thus exempt from further review under the California Environmental Quality Act (Public Resources Code sections 15000, *et seq.*, as further governed by the CEQA Guidelines, 14 California Code of Regulations sections 21000, *et seq.*); and

WHEREAS, the Project site is within the borders of the Transit Area Specific Plan (the “TASP”), for which an environmental impact report was prepared (State Clearinghouse No. 2006032091) and certified by the City Council of the City of Milpitas on June 3, 2008, by passage of Resolution No. 7759; and

WHEREAS, the TASP sets out land uses and development standards applicable to uses within its borders, provided however, that existing buildings or land uses which become nonconforming as a result of the new zoning and land use classifications are governed by the

provisions in the Milpitas Zoning Code regarding nonconforming buildings and uses per TASP, Chapter 3, Existing Land Uses, p.3-15; and

WHEREAS, the Project proposes to occupy an existing building vacated in May 2015, and therefore, based on provisions of Chapter 3 of the TASP set forth above, the Project is subject to the nonconforming buildings and uses provisions of the Milpitas Zoning Code; and

WHEREAS, on February 10, 2016, 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. Recitals. The above recitals are found to be true and are incorporated herein by reference.

SECTION 2. Record. The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission.

SECTION 3: CEQA. The Planning Commission finds that Applicant's proposed Project constitutes the operation, repair, and minor alteration of an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the City's determination, and is thus exempt from further review under the California Environmental Quality Act (Public Resources Code sections 15000, *et seq.*, as further governed by the CEQA Guidelines, 14 California Code of Regulations sections 21000, *et seq.*). In addition, insomuch as the Project site is within the borders of the TASP, for which an environmental impact report was prepared (State Clearinghouse No. 2006032091) and certified by the City Council of the City of Milpitas on June 3, 2008 (see Resolution No. 7759), and the Project complies with the TASP, no further environmental review is required.

SECTION 4: *Conditional Use Permit (Section XI-10-57.04(F)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP15-0012:*

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

The proposed school facility will serve the community, and, as proposed, have no detrimental or injurious impacts on the property or improvements in the vicinity of the property. The operation of the school will be in compliance with all local, state, and federal regulations.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The site zoned as General Commercial with a Transit Oriented Development overlay (C2-TOD). The project requires a Conditional Use permit in order to conform to the Zone C2.

The TOD Overlay requires the site to have a maximum FAR of 1.0, the project is in conformance with the TOD Overlay standards. The table below demonstrates that the project is consistent with the development standards of the General Commercial zoning district (C2).

Table 1: General Commercial District Development Standards

Standards	Required	Existing	Complies
Front Setback	0'	61'	yes
Side Yard Setback	0'; 15' when abutting residential.	170'	yes
Street Side Yard	0'	13'	
Rear Setback	0'	7.5'	yes
Floor Area Ratio	.50	.35	yes
Building Height	None.	40'	yes

Table 2: Project Compliance with Parking

Uses	Area/ Number	Required Parking Ratio	# Spaces Required
Child Care Center			
Classroom	8,691 sq. ft., 10 classrooms	1 per 500 square feet	17
Employees	22 employees	1 per 1.5 employees	15
Load/Unloading	240 students	1/6 for 1 st 30; then 1/10	26
Elementary & Middle School			
Classrooms	14 classrooms	1 per classroom	14
Office Space	1,500 sq. ft.	1/240 sq. ft. office	6
High School			
Classrooms	4 classrooms	1 per classroom	4
Office space	1,500 sq. ft.	1/240 sq. ft. office	6
Students	72 students	1/5 students	15
		Subtotal Required	103
Transportation Corridor Reduction		-20%	-20
Net Required			83
Total number of Parking Space Provided			109

Bicycle Parking

Per recommendation from VTA, the project provides six bike racks and two bicycle lockers at the entrance patio.

Traffic Impact Analysis

The applicant conducted a Traffic Impact Analysis to analyze the weekday AM peak hours for the project. The operation of thirteen intersections around the project site were evaluated during the weekday 7:00 AM – 9:00 AM peak period. The results of the Traffic Impact Analysis based on the Institute of Transportation Engineers (ITE) Trip Generation Manual indicate that the proposed project would produce 322 net-new AM peak hour trips (177 inbound, 145 outbound).The net-new AM peak hours accounts for Transportation Demand Management strategies that have been successfully implemented in other locations of the same school. The school proposes to stagger drop-off and pick up timings. Per the traffic impact analysis, the net increase in the AM peak hour does not impact the Level of Service (LOS) at any of the thirteen intersections. Therefore, staff has determined that the project does not significantly impact the traffic conditions.

Drop-Off and Pick-Up/Staggered Classroom Hours

This school facility offers four types of program. The drop-off and pick-up times are largely dependent on the type of program and the type of service. Please see the table below.

Table 4: Drop off/ Pick Up Timings

Program	Arrival	Departure
Morning and Full Day Preschool	8:15 am – 9:00 am	Morning Preschool: 11:15 am – 11:30 am Full Day Preschool: 3:40 pm – 3:55 pm
Elementary & Middle School	7:55 am – 8:10 am	3:20 pm – 3:35 pm
High school (to be implemented at a later stage)	7:00 am – 7:30 am	3:00 pm – 3:15 pm
Afternoon Preschool	12:30 pm – 1:00 pm	3:40 pm – 3:55 pm

3. The project is consistent with the Milpitas General Plan.

The General Plan designation for the project site is General Commercial (GNC), which provides for wide range of retail sales, and personal and business services. The use of the project site is consistent with City’s General Plan. The project is specifically consistent with Policies 2.a-1-33 and 2.a-I-2.

- a. *Policy 2.a-I-33: Encourage the establishment of day care facilities consistent with State standards, including the issuance of use permits for large day care facilities where compatible with surrounding neighborhoods and commercial uses, particularly in public*

facilities such as community centers, churches, schools and in employment centers and large housing developments.

The project is consistent with this finding because as a Condition of Approval, the project will be required to comply with all local, state and federal regulations. The project is located in an area zoned as very high density residential uses, which will provide the community with a service to serve their needs.

- b. *Policy 2.a-I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.*

The project is consistent with this finding because it is located within the incorporated limits of the City of Milpitas, and thus further completes the urban fabric. This contributes additional childcare and educational opportunities within city limits without requiring the expansion of services to unincorporated areas.

4. *The project is consistent with the Transit Area Specific Plan.*

The Transit Area Specific Plan (TASP) designates the project site as Transit-Oriented General Commercial (C2-TOD). Since the building to be occupied by the Project was vacant from May 2015, the project will be subject to TASP zoning and development standards. However, the building is an existing building and per TASP *Chapter 3, Existing Land Uses* (pg. 3-15), existing buildings or land uses which become nonconforming as a result of the new zoning and land use classifications are governed by the provisions in the Zoning Code regarding nonconforming buildings and uses. Based on this section in the TASP, the Project complies with TASP.

Minor Site Development Permit No. MS15-0098 (Section XI-10-57.03(F))

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

The layout of the site and design of the buildings and structures will not change if this project is approved, as the project plans to make use of the existing facilities, as permitted by the Transit Area Specific Plan. To the extent improvements are part of the project scope, the project is consistent with this finding because the interior building improvements and site improvements, including the Landscaping Plan, proposed do not change the overall design of the building or project site. Rather, these changes would improve and renew the aesthetics of the site while retaining the same character.

2. *The project is consistent with the Milpitas Zoning Ordinance;*

As discussed in detail above, the Project is consistent with the Milpitas Zoning Ordinance.

3. *The project is consistent with the Milpitas General Plan;*

As discussed in detail above, the Project is consistent with the Milpitas General Plan.

4. *The project is consistent with the Transit Area Specific Plan.*

As discussed in detail above, the project is consistent with the Transit Area Specific Plan.

SECTION 5. The Planning Commission of the City of Milpitas hereby adopts Resolution No. 16-002 approving Conditional Use Permit No. UP15-0012 and Minor Conditional Use permit No. MS15-0098 based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1 incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on February 10, 2016.

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 February 10, 2016 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Lawrence Ciardella				
Hon Lien				
Rajeev Madnawat				
Ray Maglalang				
Zeya Mohsin (Alternate)				
Demetress Morris				
Gurdev Sandhu				

**CONDITIONS OF APPROVAL FOR
STRATFORD SCHOOL
CONDITIONAL USE PERMIT NO. UP15-0012 AND
MINOR SITE DEVELOPMENT PERMIT NO. MS15-0098**

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. This Conditional Use Permit No. UP15-0012 (“Permit”) and Minor Site Development Permit No. MS15-0098 (“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 and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office and a copy shall be provided to the Planning Division.
2. Effective Date. 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. Acceptance of Permit. 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. Permit Expiration. 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. Time Extension. 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. **(P)**
6. Project Job Account. 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.

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 adoption of this Resolution. 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. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution 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. Conditions. 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 in this Resolution.
10. Compliance with Laws. 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. **(CA/P)**
11. Previous Approvals. 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. This 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. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.
14. Severability. 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.

15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on February 10, 2016, 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. **(P)**

16. Compliance with Fire Department and CA Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the CA Fire Code. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**
17. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

Project Specific Conditions

18. Operations. The maximum number of children at all times shall be no more than 716 students. Permittee shall also meet all State and local (Building and Fire) occupancy limitations or requirements. **(P)**
19. Staggered Pick-up and Drop-off Schedule. The Permittee shall maintain and enforce the staggered pick-up and drop-off schedule set forth in Resolution No. 16-002 to prevent adverse traffic conditions on Falcon Drive and Montague Expressway. Any changes to the staggered pick-up or drop-off schedule shall require the approval of the Planning Director or Designee in writing. **(P/E)**
20. Tree Removal. In conformance with the Milpitas Municipal Code, all trees removed from the site that measure 37 inches or greater in circumference (12 inches in diameter) at 48 inches above the ground surface shall be replaced at a 2:1 ratio within the Project site. The species and size of the replacement trees shall be determined by City staff. **(P)**
21. Approvals/Permits. Permittee shall be responsible for approvals and/or permits from other agencies and utility companies. **(E)**
22. Construction Storm Water Quality. Prior to breaking ground, permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) for review and approval by the City Engineer or his designee. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's

storm water and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the COMC, and the City's Clean Water Program. (E)

23. Existing ADA ramp at Falcon and Montague shall be updated as needed to meet most current ADA requirements and Caltrans ramp standards. (E)
24. Landscape. All on-site landscaping shall meet the requirements of City Ordinance 238.4. (E)
25. Water Supply and Force Majeure. The City currently has adequate water supply and sewerage treatment plant capacity allocation for this land development project. The City reserves the right to suspend the issuance of building permits to implement this land use development, 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 in the event the City's ability to deliver water and sewer treatment is affected by force majeure pursuant to the criteria set forth above. This condition of approval applies in case of an emergency declaration of water supply assurance in the case of a major catastrophic event that restricts City's assurance to provide water supply, or allocated treatment plant capacity. Pursuant to Government Code Section 66452.6, in the event the issuance of building permits is suspended due to lack of available water supplies, the period of time set forth as the term for the vesting tentative map in Government Code Section 66452.6(a)(1) shall be tolled for up to five years until said suspension is terminated. (E)
26. Per Chapter 200, Title V, Solid Waste Management, V-200-3.10, *General Requirement*, Permittee 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 Trimmings Collection Services*, Permittee shall subscribe to and pay for solid waste services rendered. Prior to any building permit issuance, Permittee shall incorporate following solid waste services requirements to the satisfaction of the City Engineer:
 - a. Proposed solid waste enclosure shall be designed per the Development Guidelines for Solid Waste Services to house all necessary equipment. The access to the location and size of the enclosure shall be designed to the City Engineer's satisfaction and shown on the plans prior to building permit issuance. The enclosure drains must discharge to the sanitary sewer line. Storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.
 - b. The Permittee shall be responsible for solid waste management, including transfer of material to the collection area. Prior to Building Permit approval, Permittee shall submit to the City (for review and approval) a written Solid Waste Handling Plan including detailed step-by-step instructions to manage solid waste from generation to disposal. The Plan shall state how the residential waste will be conveyed to the collection area for disposal. Show the path of travel for refuse. Demonstrate how recycling shall have a separately maintained process from garbage handling.

- c. Prior to certificate of occupancy issuance, the Permittee shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Republic Services. After the applicant has full occupancy, the Permittee shall contact the Republic Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the Permittee shall increase the service to the level determined by the evaluation. **(E)**
27. The Permittee shall dedicate necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes. **(E)**
28. Utility disconnections. All utilities shall be properly disconnected before the building can be demolished. Permittee shall demonstrate to City staff how the water service(s), sewer service(s) and storm service(s) will be disconnected prior to doing so. The water service shall be locked off in the meter box and disconnected or capped at main line in the street if the water meter is not to be used. The sanitary sewer shall be capped 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. Unless otherwise noted, all utility stubs not utilized shall be capped at the main. **(E)**
29. Recycling Report. Prior to demolition permit issuance, the Permittee, 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.Permittee shall make every effort to salvage materials for reuse and recycling and shall comply with all applicable City ordinances on construction and demolition debris. **(E)**
30. Recycling. Prior to building permit issuance, Permittee 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)**
31. Recycling. 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 Permittee, all to the satisfaction of the City Engineer or designee. The Permittee shall, to the maximum

extent possible, reuse any useful construction materials generated during the demolition and construction project. The Permittee 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 Permittee shall perform all recycling and/or disposal by removal from the job site. **(E)**

32. Public 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 shrubs are permitted within City utility easements, where the easement is located within landscape areas. **(E)**
33. Water. In accordance with Chapter 5, Title VIII, of Milpitas Municipal Code, for new landscaping 500 square feet or larger, or rehabilitated landscaping 2500 square feet or larger, the Permittee shall:
 - a. Provide separate water meters for domestic water service and irrigation service. Permittee is also required to provide separate domestic meters for each proposed use (Residential, Food Services, Commercial/Office).
 - b. Comply with all requirements of Chapter 5, Title VIII of the Milpitas Municipal Code. Two sets of landscape documentation package shall be submitted by the Permittee 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) 586-3325 for information on the submittal requirements and approval process.
 - b. New landscaping shall comply with codes in effect at the time of building permit issuance unless otherwise provided by applicable law. **(E)**
34. All connections to the public water system shall be metered and protected with backflow devices in accordance with City standards. Separate on-site water systems owned and maintained by the property owners shall serve the project downstream of the master meters. Master meters shall be located in City right-of-way or public service utility easements. Water services shall have a straight alignment between the public distribution system pipe and the water meter (no bends). **(E)**
35. Locate fire hydrants on the public water system to the maximum extent possible. All hydrants shall be located on a dedicated service lateral. **(E)**
36. The Permittee shall design public and private utilities in accordance with State and City requirements. **(E)**
37. Coordinate plans showing landscape, utility, and hardscape to insure no conflicts exist. **(E)**
38. Unless otherwise noted and except as set forth in Government Code section 66474.2, City ordinances and other applicable law shall mean the requirements in effect at the time of building permit issuance.
39. The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes

such as dust control and compaction. Landscape planting shall be deferred for any areas designated to use potable water.

40. Any on-site sewer system shall be privately owned and maintained by the property owners. Any such system shall be designed for sufficient capacity and ease of maintenance to minimize sewer blockages and spills. Provide grease interceptors for buildings with food service.

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(CA) = City Attorney