

MEMORANDUM

Department of Planning & Neighborhood Services



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To: City Council
From: Cindy Maxwell, Principal Administrative Analyst *CM*
Subject: Attachments for Alexan Project
Date: January 28, 2008

Listed below are the attachments in your agenda packet for the Alexan residential project. Because of the short turnaround time to the Council agenda mail out, the minutes of the January 23, 2008 Planning Commission meeting will be provided to you separately in your purple folder.

1. Planning Commission staff report
2. Resolution/Findings with Exhibit 1, Conditions of Approval
3. Colored perspectives
4. Project plans
5. Vesting Tentative Map
6. Project description
7. Open Space Diagram (Private Open Space Counted For Park Dedication)
8. Density bonus ordinance – MMC XI-10-54.20
9. 1/9/08 letter from Luce Forward re: affordability/density bonus
10. 12/18/07 letter from Global Premier re: affordability/financial partnership
11. Soil contamination report
12. Traffic report
13. Noise report
14. Arborist report
15. Public comments:
 - a. 11/28/07 email from Len Labar
 - b. 12/29/07 email from Len Labar
 - c. 1/4/08 letter from T.K. Hayes
16. Outside agency comments:
 - a. 10/3/07 letter from MUSD
 - b. 10/19/07 letter from VTA
17. 1/18/08 status report on mobile home park from Trammell Crow
18. 1/23/08 letter to Planning Commission from Luce Forward



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 23, 2008

APPLICATION: "S" Zone Application No. SZ2007-0018, Density Bonus No. DB2008-0001, Use Permit No. UP2007-0015 and Vesting Tentative Map No. MI2007-0002, Alexan South Main

APPLICATION SUMMARY: A request for a 387-unit apartment project. The development would provide studio, one and two-bedroom condominiums in four-story buildings. The Density Bonus application requests an increase in density from 60 to 66 units per acre (31 more units). The Use Permit application requests to encroach into building front and street side setbacks. The Vesting Tentative Map provides for public streets and three privately owned parcels for condominium purposes.

LOCATION: 1504 -1620 South Main Street (APN: 086-22-027, 028, 033, 034, 041, and 042)

APPLICANT: Trammell Crow Residential, 1810 Gateway Dr., Suite 240, San Mateo, CA 94404-4062

OWNER: Bay Stone Developments, 1649 S. Main St., Suite 103, Milpitas, CA 95035

RECOMMENDATION: **Staff recommends that the Planning Commission:**

- 1. Close the public hearing; and**
- 2. Approve Resolution No. 08-004, recommending approval to the City Council with findings and special conditions of approval.**

PROJECT DATA:

General Plan Designation: Multi-Family Very High Density with Transit Oriented Development

Zoning: Multi-Family Very High Density with Transit Oriented Development (TOD) overlay district and Site and Architectural Approval combining district (R4-TOD-S)

Specific Plan: Midtown Specific Plan

Site Area: 5.9 acres

CEQA Determination: Exempt. Midtown Specific Plan Program EIR.

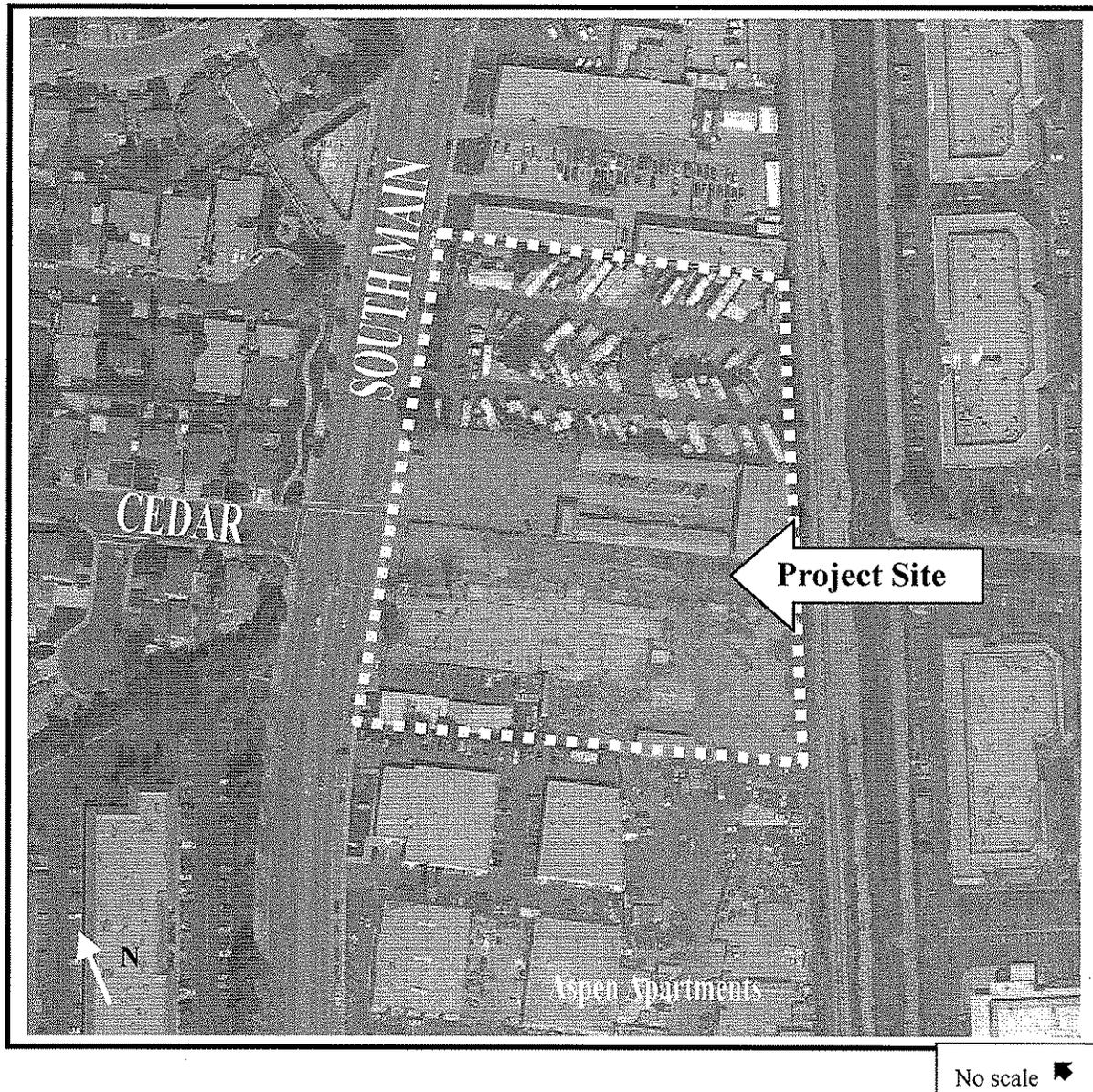
PLANNER: Cindy Maxwell, Principal Administrative Analyst

PJ: 3189

ATTACHMENTS:

- A. Resolution/Findings with Exhibit 1, Conditions of Approval
- B. Plans
- C. Vesting Tentative Map
- D. Project description
- E. Open Space Diagram (Private Open Space Counted For Park Dedication)
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Figure 1
LOCATION MAP



BACKGROUND

The project site is within the boundaries of the Midtown Specific Plan, which was approved by the city in 2002. The approval of the Midtown Specific Plan included an Environmental Impact Report (EIR) with associated General Plan amendment and rezoning to residential on the site. On October 24 and November 27, 2007, the Planning Commission and the City Council approved, respectively, a Mobile Home Conversion report for an existing mobile home park on the site.

On November 7, 2007, Trammell Crow Residential, LLC, submitted this application to construct 387 condominiums on the east side of South Main Street at Cedar Way. The application is made in accordance with the following review requirements of the Municipal Code:

- Site and architectural review required by Planning Commission – XI-10-42
- Exceptions to development standards require a Use Permit (UP) approved by Planning Commission – XI-10-8.11 and XI-10-43.09.
- Density bonus requires recommendation by Planning Commission and approval by City Council – XI-10-54.20.
- Vesting tentative map for condominium purposes requires recommendation by Planning Commission and approval by City Council– XI-1-4.01 and XI-1-30.

PROJECT DESCRIPTION

The project involves the redevelopment of six parcels on 5.9 acres located at 1556 S. Main St., on the east side of the intersection of S. Main and Cedar Way. The project will relocate existing residents and demolish structures in the mobile home park, a motel and auto repair. Besides the associated structures for these uses, the site contains a variety of concrete pads, fences, signs, and trees that are in various stages of disrepair.

Alexan South Main is a 387-unit condominium project to be constructed as three buildings with a density of 66 units per acre. Building 1 will be four stories with 192 units and an attached 6.5-story garage. Building 2 will be a four-story podium with a two-level parking garage and 107 units. Building 3 will have 88 units in four stories. The project includes a density bonus to exceed the maximum of 60 units per acre. The project will have an affordable housing component through a partnership with Aspen Apartments, the adjacent project to the south and currently under construction at 1666 South Main Street with 101 affordable apartments. The project also requests approval of a Use Permit to allow exception to the building setback, height and parking requirements.

Surrounding Land Uses

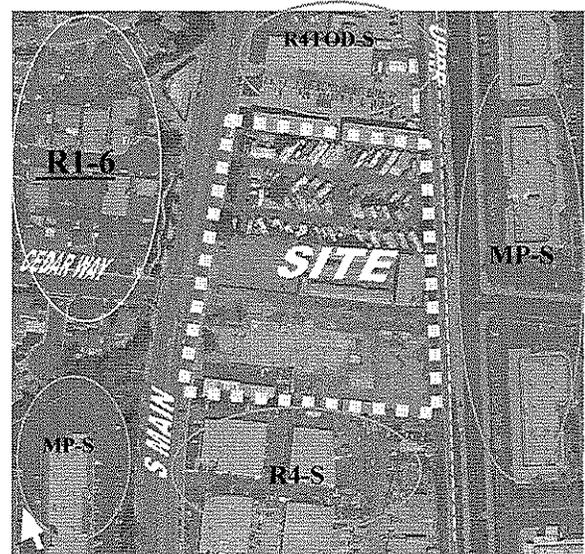
North and south of the site, existing land uses are multi-tenant quasi-commercial/industrial buildings with primarily auto-related service businesses. Also, adjacent to the southeast corner of the site is Aspen Family, a 101-unit apartment building currently under construction.

On the east side of the site is a single railroad track and an industrial park. To the west is S. Main Street and primarily single-family homes. Just northwest of the site is a single liquor store. At the southwest corner of the site is another industrial park complex.

The site is located in an area of transitional land uses. Figure 2 illustrates that the zoning north and south of the site is high density residential. In fact, a portion of the land south of the site is already under construction with an apartment project.

Additionally, east of the site and the railroad is an existing industrial park that lies within the boundaries of the draft Transit Area Specific Plan (TASP). The TASP proposes to change the land use to a very high-density residential use similar, but of a more intense nature, to the site itself.

Figure 2 - Current Zoning



- R1-6** Single Family Residential
- R4-S** Multi-Family High Density Residential
- R4-TOD-S** Multi-Family High Density Residential with Transit Oriented Development Overlay
- MP-S** Industrial Park

Relationship to Neighboring Residential Project

The developers of the adjacent residential project under construction, Aspen Family Apartments by Global Premier Development, has partnered with the applicant for affordable housing credit and construction of street improvements. The recommended special conditions and the City’s legal agreements with both developers have incorporated this partnership and insure that if one project is not constructed the appropriate obligations for affordable housing and street improvements are still met.

Architecture

The proposed project offers three residential buildings in a contemporary design with wood-frame construction and a variety of exterior finish materials: plaster, siding, scored concrete, metal paneling and split-face blocks. The exterior walls are well articulated by changes in roof heights and vertical planes, recessed windows, balconies, and five-foot deep sunshades. The body building color is various shades of beige with white, gold and brown accent colors.

The project’s design underwent design review by the City’s architectural consultant of the Cannon Design Group. The review acknowledged that the project was well designed and made some suggestions regarding parking design, interior circulation, building scale, entrances and relationship to the Aspen project, adjacent to the south. The applicant in their final submittal package satisfactorily addressed all of the recommendations by the Cannon Design Group.

Circulation

The new public streets are a continuation of the street grid system developed for the east side of South Main Street. The streets are designed to connect with those approved for the Aspen project on the south side of the site. A pedestrian paseo encourages walking by providing car-free but attractive and open access through Building One. The new streets will comply with the Midtown streetscape design guidelines for street trees, ten-foot sidewalks and decorative lighting.

Parking

As Table 1 indicates, the Alexan project is required by ordinance to provide 605 parking spaces. This includes a 20% reduction in spaces for the TOD overlay zoning district. However, a density bonus has been requested for this project. The density bonus ordinance requires 565 parking spaces because guest parking is inclusive of the total required and not in addition to. The project is providing 586 parking spaces, 21 spaces more than required by the density bonus ordinance.

Table 1 – Parking Requirements

Unit Type	Number of Units	Parking Spaces Required	Density Bonus
Studios	24	24	24
1 Bdrm.	185	278	185
2 Bdrm	178	356	356
Guest	-	98	0
Sub-Total	387	755	565
TOD Reduction	-	(151)	-
Total	-	605	565

The majority of project residents will park in the 6.5 story garage on the east side of Building 1. Building 3 residents will use the parking garages available in the other two buildings.

Table 2- Parking Location

A limited number of tandem spaces are in the Building 2 garage and reserved for the two bedroom units.

Bicycle parking for 48 is also provided.

Location	Parking Spaces
Building 1	434
Building 2	152
Building 3	0
Total	586

Landscaping and Recreation

Building 1 provides two courtyards and a pedestrian paseo that will be available for the general public to use. The larger of the two courtyards will feature a pool, barbecue area and patio with trellises and fire dish. The smaller courtyard will have a passive garden area with seating. The paseo will provide a large pathway with special paving, seating areas and shade gardens. Building 2 will host a fitness center for project residents, an Internet café, outdoor seating, media room, and demonstration kitchen. There would also be an upper floor courtyard with passive open space featuring planters with bamboo. Building 3 will have an open courtyard at grade with aesthetically shielded seating around a fire dish. Other unique landscape features of the project include small shade gardens within hallway intersections and a shaded garden paseo shared between Building 3 and the Aspen project to the south.

Landscape materials include trees that are primarily 24-inch box size and larger, accent palm trees, shrubs, grass and a variety of groundcovers. Hard surfaces in paseo and garden areas will be a colored concrete; special paving will accent pedestrian street crossings.

Each dwelling unit in the development will have some variation of private open space. Ground floor units will have patios or stoops with direct access to the adjacent street or paseo and upper floor units will have balconies. Balcony sizes range from 33 to 88 square feet. Stoops range in size from 30 to 90 square feet.

Park Dedication

Based on the requirements of the subdivision ordinance and the Midtown area, the project is required to dedicate 3.4 park acres for public parks.¹ Though the project is not dedicating any public parkland to meet this requirement, it is providing 0.71 acre of private open space, or 21% of the 3.4-acre park dedication requirement. Table 3 details the private open spaces areas that were counted. Attachment E also illustrates the location of the private open spaces.

A portion of the public park dedication requirement may be satisfied with credit for private open space; the remaining 2.69 acres requirement can be satisfied by the payment of in-lieu fees currently estimated to be \$6,483,117.

Table 3 – Private Open Space

Area No.	Size (Sq. Ft.)	Description
1	18,647	Bldg. 1 – Paseo, pool, courtyards
2	1,536	Bldg. 2 - Fitness center
3	2,297	Bldg. 2 - Club room
4	5,325	Bldg. 2 - Passive courtyard
5	3,175	Bldg. 3 – Courtyard, barbecue
Total	30,980	

¹ Milpitas Municipal Code XI-I-9 and XI-10-43.

Vesting Tentative Map

The applicant proposes to reconfigure six lots into three parcels with street dedications to create condominiums.

All streets in the project will be public. The street constructed on the north property line will be shared with the adjacent property. The Alexan project will install the street to provide two-way traffic flow with no on-street parking. When the adjacent property is developed, the remainder of the shared street will be constructed and parking will be available on one side of the street.

Table 4 – Tentative Map

Lot No.	Acres	No. DU's
1	2.55	192
2	1.04	107
3	0.66	88
A	1.69	Not applicable
Total	5.94	387

The pedestrian paseo will be privately owned but available for public access. The masonry wall on the east property line of the site will be maintained by the homeowner's association. An infrastructure of new storm drain lines, sanitary sewer lines and water lines will be installed to support the development. Stormwater infiltration will be addressed through planters and mechanically equipped storm drains.

Affordability / Density Bonus

The applicant proposes to meet affordability goals and obtain a density bonus by exchanging credit for 18 very low-income units being built in the adjacent Aspen Apartments project by providing \$1 million in financial assistance to the Aspen project. Once complete, Aspen Apartments will provide 101 very-low income rental units and has stated a need for the financial assistance from Trammell Crow in their letter dated December 18, 2007. These 18 units represent 5% of the 356 units allowed on the site with the R4-TOD-S zoning district. Providing 5% very low-income units qualifies a project for a 10% density bonus and one (1) development concession pursuant to MMC XI-10-54.20-3(B)(2). The applicant is requesting approval of a 9% density bonus for 31 additional units and, as the city's required incentive, permitting Building One to exceed the maximum number of five stories with a 6.5 story parking garage.

The Housing Element of the General Plan, the Midtown Specific Plan, and the Zoning Ordinance contain goals encouraging projects to provide 20% of the units as affordable. State redevelopment law requires the Redevelopment Agency to ensure that 15% of the housing units constructed in the Project Area are affordable with 6% of those units being affordable to very low-income households. The combination of the Aspen Apartments 101 units and the 387 units proposed in the Trammell Crow project would result in 488 units, 101 or 21% of which would be affordable to very-low income households.

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 5 - General Plan Consistency

Policy	Consistency Finding
<i>2.a-G-2 encourages a relatively compact form, through the use of compact development and higher densities.</i>	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 2.1-I-2.

<p><i>2.a-G-3 provides for a variety of housing types and densities to meet the demands of families.</i></p>	<p>of the General Plan. The proposed overall density is consistent with the Multi-Family Very High Residential with Transit Oriented Development General Plan designation and meets the intent of the Midtown Specific Plan of densities over 60 dwelling units per acre. It will help the City meet regional housing obligations by providing housing for small families and households, with studio and one and two bedroom units. In addition, the overall development is an in-fill project replacing existing substandard and nonconforming uses and aggregating six privately owned parcels into one cohesive project.</p>
<p><i>2.b-I-3 provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.</i></p>	
<p><i>2.a-G-6 implements the Midtown Specific plan goals, policies, and development standards and creates high-density housing.</i></p>	
<p><i>2.a-I-2 promotes in-fill development in the incorporated city limits.</i></p>	

Zoning Ordinance

The project's conformity with the land use and development standards of the "R4-TOD-S" Multi-Family Very High Density with Transit Oriented Development district is outlined in the following table:

Table 6 – Zoning Ordinance Conformity

Standard	Required	Proposed	Complies?
Density	60 dwelling units per acre	66.8	No Density bonus requested
Building Height	5 stories 75 feet	4 – 6.5 stories 72.6 ft.	No Density bonus incentive
Front & Street Side Setbacks	8 to 15 ft. from back of sidewalk	Front: 10 – 22 feet Street Side: 1 – 22 feet	No Use Permit requested
Interior & Rear Setbacks	≥ 10 ft.	10 – 14 feet	Yes
Parking	565 with Density Bonus standards	586	Yes
Measures to Encourage Transit, Pedestrians & Bicycles	Required	<ul style="list-style-type: none"> ▪ Bus stop construction, Eco-Pass consideration ▪ Pedestrian paseo, special paving on streets ▪ Extra bicycle parking 	Yes
Park	3.4 acres	\$6.5 million in-lieu payment and 0.71 acres private open space credit	Yes, with payment of in-lieu fee

Use Permit Exception

The applicant requests to modify required building setbacks from public streets, as indicated in the previous Table, to meet Fire Department access needs and large public street dedication requirements.

A second exception, to the development standards in Table 6, is for building height. Under state density bonus law, the City is required to provide a development incentive or concession that is requested by the density bonus applicant. According to the Zoning Ordinance:

“When an applicant seeks a density bonus for a housing development...the city shall provide the applicant incentives or concessions for the production of housing units and childcare facilities as prescribed in this section.” MMC XI-10-54.20-3

*“Any project that meets the minimum criteria...for a density bonus is entitled to concessions...”
MMC XI-10-54.20-4*

The applicant for the Alexan project requests an incentive that allows them to exceed the maximum building height of five stories in the R4-TOD-S district, with a 6.5 story parking garage in Building One.

Midtown Specific Plan

The project is consistent with the intent and specific requirements of the Midtown Specific Plan. With the exception of building setbacks, height and parking as indicated in Table 3, the project complies with the development standards of the “R4-TOD-S” zoning district. The project conforms to the Midtown Specific Plan’s Land Use Goals 2 and 3, and Residential Policies 3.1 and 3.4 through 3.6 in that it provides a significant amount of new high-density housing that addresses needs for multifamily housing and affordability. In addition, the proposed project is consistent with Park and Open Space Policy 3.24, Circulation Goals 1 and 2, Circulation Policies 4.5 and 4.9, Parking Policy 4.19 and Community Design Goal 4 in that the in-lieu park fee will be used to improve public parks and the new streets and streetscape improves the pedestrian orientation and character of the streets.

ENVIRONMENTAL REVIEW

The proposed project is exempt from further environmental review pursuant to Article 8, Section 65457 (CEQA Exemption) of the State Planning and Zoning Law and Article 11, Section 15168(c)(2) (Program EIR) of the California Environmental Quality Act (CEQA) Guidelines. The proposed project is consistent with the Midtown Specific Plan Program EIR and no new effects or new mitigation measures are required.

Mitigation measures for hazardous materials, traffic, noise and trees from the Midtown Program EIR apply to the project and are carried over in the form of conditions of approval, as discussed below.

Hazardous Materials Contamination

The parcels within the project site have limited contamination of soil and water due to previous land uses. Phase I and II Environmental Assessments were performed.²

- No contamination concerns exist at the two northernmost parcels (1504 and 1556 South Main Street with the existing mobile home park and motel).
- Elevated levels of metals were found in near-surface soil at the remaining vacant parcels on the site (1600 and 1630 South Main Street). Diesel and motor oil were also detected. Mitigation measures require excavation, additional testing and removal from the site prior to construction.

² May 25, 2007, Limited Site Investigation Letter, Geocon Consultants, Inc.

- Discarded asbestos containing building materials were identified at 1600 and 1630 South Main Street. Mitigation requires abatement prior to any site demolition.
- No elevated petroleum hydrocarbons were bound in soil or groundwater at 1620 South Main Street (Worldwide Auto site).
- All existing structures require further testing for asbestos and lead prior to demolition.

Traffic

The proposed project will generate new trips throughout the area. As identified in the Midtown specific Plan EIR, most traffic impacts cannot be mitigated over the long term. The City adopted overriding considerations for these impacts. A Traffic Impact Analysis specific to the project was prepared.³

With credit for existing residential and commercial uses on the site, the project will generate 1,555 daily trips, 124 AM and 133 PM peak hour trips. The project's impacts on fourteen intersections were analyzed. Thirteen of the intersections will operate at acceptable levels of service. However, a significant impact from the project is projected at the Montague/South Main intersection, which already operates at a Level of Service (LOS) F. During the AM peak hour the impact is mitigated to less-than-significant levels by the addition of a fourth through lane in each direction on Montague and a second southbound left turn lane on Main Street. The applicant will be required to make a "fair share" contribution to fund the improvements already identified in the Valley Transportation Plan 2030. Additional mitigation measures include payment of the Midtown Specific Plan Traffic Impact Fee and constructing street improvements, including street median, per the South Main Street Plan Line Project.

Vibration and Noise

The City's noise criteria are contained in the Milpitas General Plan.⁴ The project site was analyzed for noise impacts from traffic on South Main Street and for noise and vibration from the Union Pacific railroad tracks.⁵

No mitigation measures are required for vibration impacts. With mitigation, noise impacts for the residential units from traffic on South Main Street and the railroad tracks will not exceed the City's noise criteria. Noise mitigation measures are:

- Units within 100 feet of South Main Street and the railroad tracks will have windows and doors with a Standard Transmission Classification (STC) of at least 30.
- Balconies facing South Main Street and the railroad will be protected by a partial glass enclosure up to six feet high.
- An eight-foot high sound wall will be provided on the east property line.
- Ventilation or air conditioning system required providing closed window conditions.

Trees

The City's requirements for Heritage Trees are outlined in the Municipal Code.⁶ An arborist report was prepared to assess the existing trees on site.⁷ The report evaluated 58 existing trees; 33 are classified as "Protected" trees. The report concluded, and City Public Works staff concurs, that "most of the trees...are volunteers, have poor form and growth patterns and have not been cared for properly...No trees on the

³ November 13, 2007, Alexan South Main Apartments TIA, Fehr & Peers.

⁴ Milpitas General Plan, Table 6-1, p. 6-4.

⁵ September 27, 2007, Noise Assessment and Design Recommendations, Environmental Consulting Services.

⁶ Milpitas Municipal Code, Title X, Chapter 2.

⁷ October 4, 2007, Mayne Tree Expert Company, Inc.

property are in good enough condition to warrant saving.”⁸ Mitigation measures provide a similar tree canopy within ten years with the planting of new nursery stock and the issuance of a tree removal permits for all trees larger than 12 inches in diameter.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. A neighborhood meeting regarding the project was held in November 2007 to provide information about the proposed project, gather neighborhood comments and create a dialogue with the existing community. The applicant also met with the executive board of the Pines homeowners association to answer questions regarding the project. One written comment was received and is included as an attachment to this report.

CONCLUSIONS

Staff recommends approval of the Alexan South Main project. Located in the TOD overlay zone, this is the type of high-density residential development that is envisioned by the Midtown Specific Plan. Because of its proximity to transit facilities and its design, the project will help reinforce the use of transit and alternative modes of transport. The project meets and exceeds density requirements with 31 additional units under the density bonus request. In addition, the overall development is an in-fill project replacing existing substandard and nonconforming uses and aggregating six privately owned parcels into one cohesive project.

The site, landscaping and building design is compatible and aesthetically harmonious with adjacent and surrounding development. The recommendations of the City’s architectural consultant were incorporated into the design of the development. The Alexan project is consistent with the Zoning Ordinance and Midtown Specific Plan, with approval of the use permit for building setback standards.

The Alexan project will help the City meet Regional Fair Sharing Housing goals, required by the Association of Bay Area Governments (ABAG), by providing housing for small families and households, with studio and one and two bedroom units. The applicants’ proposal to transfer affordability rights from the neighboring Aspen project will exceed the affordable housing requirements of the Redevelopment Agency and the Midtown Specific Plan. Between the two projects, the redevelopment affordability requirements of 63 units will be exceeded with a total of 101 units for very low-income households. Both projects combined will increase opportunities for renters and homeownership for Milpitas residents. Also, through the agreement between the two developments, the Alexan project will be able to provide financial assistance to assure the Aspen project’s successful completion. In addition, a contingency plan has been developed in the event that the Aspen project is not completed. The plan requires that the Alexan project provide 15% of units for moderate-income households in exchange for a 10% density bonus.

The applicant has held meetings to answer questions and respond to concerns from both the Pines homeowners’ association and the Pines neighborhood residents. Lastly, the developers have met the requirements of the mobile home conversion ordinance, obtained approval from the Planning Commission and City Council for the conversion plan, and are in the process of implementing the plan to provide for the fair and expedient conversion of the park.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Close the public hearing; and

⁸ Ibid., p. 2.

2. Approve Resolution No. 08-004, recommending approval to the City Council with findings and special conditions of approval.

Attachments:

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL APPROVE “S” ZONE APPLICATION NO. SZ2007-0018, DENSITY BONUS NO. DB2008-0001, USE PERMIT NO. UP2007-0015 AND VESTING TENTATIVE MAP NO. MI2007-0002, ALEXAN SOUTH MAIN, LOCATED AT 1504-1620 SOUTH MAIN STREET

WHEREAS, on November 7, 2007, an application was submitted by Trammell Crow Residential, 1810 Gateway Drive, Suite 240, San Mateo, California 94404-4062, to allow a 387-unit condominium project in three four-story buildings at 1504 to 1620 South Main Street. The property is located within the “R4-TOD-S” Multi-Family Very High Density with Transit Oriented Development overlay district and Site and Architectural Approval combining district (APN’s 086-22-027, 028, 033, 034, 041, and 042); and

WHEREAS, the City Council completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the City Council determine this project is exempt from further environmental review pursuant to Article 8, Section 65457 (CEQA Exemption) of the State Planning and Zoning Law and Article 11, Section 15168(c)(2) (Program EIR) of the California Environmental Quality Act (CEQA) Guidelines.

WHEREAS, the proposed project meets the intent of Density Bonus State Law and the applicant will provide financial support to the adjacent Aspen project in return for affordable housing credit.

WHEREAS, on January 23, 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 and adopted Planning Commission Resolution No. 08-0004 recommending approval with findings and special conditions.

WHEREAS, on February 5, 2008, the City Council held a duly noticed public hearing on the subject applicant, and considered evidence presented by City staff, the applicant, other interested parties and the recommendation of the Planning Commission.

NOW THEREFORE, the City Council 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 Article 8, Section 65457 of the State Planning and Zoning Law and Article 11, Section 15168(c)(2) (Program EIR) of the California Environmental Quality Act (CEQA) Guidelines.

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 small families and households. In addition, the overall development is an in-fill project replacing existing substandard and nonconforming uses.

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: With approval of the Density Bonus and Use Permit applications, the project will be consistent with the Milpitas Zoning Ordinance and the Milpitas Midtown Specific Plan.

Section 6: Density Bonus Findings

- A. The City has complied with the requirements of Subsection 54.20-3 of the Zoning Ordinance by granting the following incentive for the production of 31 additional housing units in this project: exceed the maximum number of building stories, five, with a six-and-a-half-story parking garage.
- B. The applicant has committed to the payment of monies as described in the letter from Global Premier dated December 18, 2007, relative to the Aspen Project, a copy of which is included in the record herein, and it is hereby found that such commitment, in light of the fact that the additional money infused into the Aspen Project will assist with the ultimate realization of the Aspen Project and help assure the timely delivery of 101 affordable units contained therein, all of which otherwise might be jeopardized without said monetary

infusion and will bring those units into affordable occupancy at a date from one to two years before such units would be available if built on-site at the Alexan Project site and that together such public benefits are equivalent to the construction of 15% moderate income affordable housing units and an entitlements to density bonus and incentives as set forth herein.

- C. The applicant will comply with, and the City shall insure that the requirements of Subsection 54.20-12 of the Zoning Ordinance are met by agreeing to insure continued affordability of designated very low-income affordable units for fifty-five (55) years or longer.

Section 7: Use Permit Findings

- A. The exception meets the design intent identified within the Midtown Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.
- B. The exception from the Midtown Specific Plan allows for a public benefit not otherwise obtainable through the strict application of the specified standards.
- C. The exception in the proposed project will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.
- D. The proposed exception will be consistent with the intent of the Milpitas General Plan and the Milpitas Zoning Ordinance.

Section 8: Vesting Tentative Map Finding:

- 1. Special conditions are imposed on the Vesting Tentative Map to meet the requirements of the Milpitas Municipal Code and State or Federal law.

Section 9: The City Council of the City of Milpitas hereby adopts City Council Resolution No. _____ approving "S" Zone Application No. SZ2007-0018, Density Bonus No. DB2008-0001, Use Permit No. UP2007-0015 and Vesting Tentative Map No. MI2007-0002, for Alexan South Main project, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED this ___ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL ALEXAN SOUTH MAIN

“S” Zone Application No. SZ2007-0018
Density Bonus No. DB2008-0001
Use Permit No. UP2007-0015
Vesting Map No. MI2007-0002

“S” Zone Application No. SZ2007-0018

1. **Entitlement:** This “S” Zone Approval No. SZ2007-0018 is for a multifamily residential development of 387 dwelling units and associated site improvements in accordance with the plans approved on February 5, 2008 by the Milpitas City Council and as amended by the conditions below. The approval does not include project signs. The owner or designee shall develop the approved project in conformance with “S” Zone Approval and 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 Use Permit exception will also require approval of a Use Permit Amendment by the Planning Commission. (P)
3. **Expiration of Permits:** “S” Zone Application No. SZ2007-0018 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)
4. **Pedestrian Paseo:** Public access shall be maintained, in perpetuity, in the pedestrian paseo, running north and perpendicular to Cedar Way. (P)
5. **Soil Contamination:** Prior to issuance of a building permit, documentation shall be submitted to the Planning Division that verifies all excavated soil was appropriately disposed off-site as per the recommendations of the May 25, 2007 Summary Letter from Geocon Consultants, Inc. (P)
6. **Noise:** Prior to issuance of a building permit, the architectural design recommendations of the September 27, 2007 Noise Assessment report by Environmental Consulting Services, or equivalent measures, shall be incorporated into the design of the buildings. The recommendations include:
 - a. Windows with a Standard Transmission Class (STC) rating of at least 30 for dwelling unit windows within 100 feet of South Main Street or 100 feet of the railroad tracks.
 - b. Residential doors with a STC rating of at least 30 for doors leading directly to the outside on South Main Street and railroad sides of the site, including doors on balconies.

- c. Partial glass enclosures to a height of six feet on balconies facing South Main Street to achieve a 68 dBA level.
 - d. Eight-foot high masonry wall on the entire length of the east property line.
 - e. Mechanical ventilation to allow closed window conditions for all dwelling units.
 - f. Documentation that the residential air conditioning system(s) will not increase the noise levels beyond acceptable limits for adjacent dwelling units.
7. **Parking:** Prior to certificate of occupancy issuance, the applicant shall submit a copy of a lease agreement that requires a statement for each unit rented that limits the number of parking spaces provided per unit and shall submit a copy to the City. (P)
 8. **Legal compliance:** 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)
 9. **Asbestos:** Prior to any demolition or removal of any structures onsite, the applicant shall:
 - a. Remove the asbestos containing materials accumulated on the site as identified in the May 25, 2007 Summary Letter from Geocon Consultants, Inc.
 - b. Submit an asbestos survey for all existing structures and have any asbestos-containing materials present abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. (P – Mitigation Measure)
 10. **Lead:** Prior to building permit issuance, the applicant shall submit a lead paint survey for all existing structures and documentation of its removal from the Department of Toxic Substance Control. (P – Mitigation Measure)
 11. **Park Fee:** Prior to issuance of a building permit for each phase of the project, the applicant shall pay a park-in-lieu fee pursuant to Milpitas Municipal Code XI-10-8.07-1. (P)
 12. **Private Job Account:** If at the time of application for building permit and for occupancy permit, there is a past due project job account balance owed to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
 13. **Signs:** Prior to issuance of an occupancy permit, a project sign program must be approved by the Planning Commission. (P)
 14. **Solid Waste:** The trash/recycling chutes, bins and enclosure areas shall be kept clean by double-bagging garbage and by frequent sweeping and disposal of any spilled solid waste. (P)
 15. **Landscape Irrigation:** Prior to building permit issuance, the applicant shall submit an irrigation plan for all landscape areas. The irrigation plan shall show that all landscape areas, including planter areas and containerized planters, will have an automatic, self-watering system installed that is serviced by a sprinkler head or drip system equipped with a moisture sensor. (P)
 16. **Landscaping:** Prior to issuance of an occupancy permit, the required landscaping shall be planted and in place for those areas or buildings to be occupied upon issuance of an occupancy permit. (P, C.3 Standard Condition No. 4)
 17. **Landscaping:** All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. Proper maintenance of landscaping requires minimal pesticide use and shall be the responsibility of property owner in perpetuity. The pest-reducing landscape maintenance techniques listed in the “Fact Sheet on Landscape Maintenance Techniques for Pest Reduction” in the City of Milpitas *Stormwater C.3 Guidebook*, are incorporated by reference into this condition. (P, C.3 Standard Condition No. 7)

18. **Landscaping:** City Planning staff shall have approval authority for the installation of comparable substitute pest-resistant plant materials to satisfy the requirements of the approved landscape plan when the approved plants and materials are unavailable for installation, or when other unforeseen conditions prevent the exact implementation of the landscape plan. (P, C.3 Standard Condition No.6)
19. **Screening:** On-site utility transformers, boxes, etc. shall be placed underground (subsurface vaults) or be located at the rear of the property and screened from public view in a manner to the approval of the Planning Division. (P)
20. **Stormwater:** Prior to building permit issuance, permit plans shall incorporate the following Best Management Practices (BMP) for post-construction storm water impacts: (P)
 - a. Labeling and maintenance (annual inspections) of storm drain facilities;
 - b. Storm drain inlet cleaning on an annual basis;
 - c. Street sweeping.
21. **Vector Control:** Prior to any demolition, construction or grading of the site, a vector control plan shall be submitted to and approved by the City Planning Division. (P)
22. **Air Quality:** Prior to building permit issuance, permit plans shall implement the following Best Management Practices (BMP's) at all project construction sites: (P, MM AQ-1)
 - a. Water all active construction areas;
 - b. Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard;
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas;
 - d. Sweep daily;
 - e. Hydro seed or apply non-toxic soil stabilizers to inactive construction areas;
 - f. Enclose, water or apply non-toxic soil binders to exposed stockpiles;
 - g. Limit traffic speeds on unpaved roads to 15 miles per hour;
 - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 - i. Suspend excavation and grading activity whenever the wind is so high that it results in visible dust plumes despite control efforts. (P)
23. **Air Quality:** Prior to any permit issuance, incorporate into building plans appropriate Bay Area Air Quality Management District (BAAMQD) Best Management Practices (BMP's) to reduce vehicle trips as identified in the Summary of Impacts and Mitigation Measures (Section 1.2 of the DEIR and FEIR, Subsection "Air Quality", MM "Regional Development Impacts" for commercial development). Possible measures are (P, MM AQ-2):
 - a. Provide physical improvements such as sidewalks, landscaping and bicycle parking that will act as incentives for pedestrian and bicycle modes of travel;
 - b. Connect the site with regional bikeway and pedestrian trail systems;
 - c. Provide a transit information kiosk;
 - d. Provide showers and lockers for employees bicycling or walking to work;
 - e. Provide secure and conveniently located bicycle parking and storage for workers and patrons;
 - f. Provide electric vehicle charging facilities;
 - g. Provide preferential parking for Low Emission Vehicles;
 - h. Use specialty equipment (utility carts, forklifts, etc.) that are electrically, CNG or propane powered;
 - i. Use reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand. (P)
24. **Biology and Hydrology:** The applicant shall modify the existing Stormwater Pollution Protection Plan (SWPPP). This plan shall include provisions to minimize on-site and off-site impacts to biological

resources and water quality resulting from project related runoff. Measures shall include the following:

(P)

- a. The use of silt fencing, fiber rolls, sediment basins, and other measures to reduce the movement of construction-related sediments into Penitencia Creek and other sensitive habitats.
- b. Installation of grit and oil trap systems, which shall be maintained in perpetuity.
- c. Implementation of BMP's to prevent the discharge of construction debris and soils into Penitencia Creek during site clearing, grading and construction.
- d. The applicant shall retain a construction manager familiar with NPDES permit requirements to monitor construction activities. (P)

25. **Stormwater:** During all construction activities, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD: (P)

- a. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
- b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- e. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
- f. Hydro seed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- h. Limit traffic speeds on unpaved areas to 15 mph;
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- j. Plant vegetation in disturbed areas as quickly as possible; and
- k. Suspend excavation and grading (all earthmoving or other dust-producing activities) or equipment during periods of high winds when watering cannot eliminate visible dust plumes. (P)

26. **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)

27. **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)

28. **Drainage:** At the time of grading permit issuance by the Building Department, 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)

29. **Public Improvements:** Prior to any Building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along South Main Street, including but not limited to curb and gutter, pavement, sidewalk, signage and striping, bus stops and bus pads, signal modification at South Main Street and Cedar Drive, median installation along Main Street, street lights, street furniture installation, fire hydrants, 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 public 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 Milpitas Midtown Specific Plan and Main Street Plan Line Study, and all public improvements shall be constructed and accepted by the City prior to building occupancy permit issuance of the first production unit. (E)
30. **Parking:** The proposed underground parking structures shall be designed for the additional surcharge due to traffic loading from proposed and future public streets. (E)
31. **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)
32. **Traffic Impact Fee:** Prior to building permit issuance the developer shall contribute its "fair share" of traffic impact fee in the amount of **\$73,021** (based on a Midtown impact fee of \$113 per peak hour trip and Montague Expressway impact fee of \$903 per peak hour trip). (E)
33. **Improvement Fee:** Developer's fair share contribution toward South Main and Abel Street Plan Line study is **\$441,620** as of January 1, 2008 and based on a South Main Street Median Island contribution fee of \$284.00 per peak hour trip. In lieu of contribution toward South Main Street and Abel Street Plan Line Study, the developer is required to construct the required improvements along South Main Street frontage. Proposed median and all improvements along Main Street frontage must be in accordance with the 2007 South Main Street and South Abel Street Plan Line Study, and shall be constructed and accepted by the City prior to building occupancy permit issuance. (E)
34. **Fees & Forms:** The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:
- Storm water connection fee of **\$99,654** based on 5.942 acres @ \$16,771 per acre. The water, sewer and treatment plant fee will be calculated at the time building plan check submittal.
 - Water Service Agreement(s) for water meter(s) and detector check(s).
 - 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)
35. **Fees:** 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% building permit automation fee. (E)

36. **Private Wall:** Prior to building permit issuance, the developer shall record a 5-foot wide Private Wall Maintenance Easement (PWME), and enter into an encroachment permit agreement with the city for the maintenance of subject wall within the public right of way. The proposed wall plan needs to be included with the building site plan for review and approval. Prior to any building final inspection/occupancy permit issuance, the developer shall construct the proposed wall to the satisfaction of the Building Chief Official and Planning Department requirements. (E)
37. **Utilities:** Prior to building occupancy permit issuance, the developer shall underground all existing wires and remove the related poles within the proposed development, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more. All proposed utilities within the proposed development must also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state the wire voltage.(E)
38. **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. (E)
39. **Easements:** Prior to any building permit issuance, the developer shall dedicate necessary easements for public street right of way, public service utilities, water, and sanitary sewer purposes. (E)
40. **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)
41. **Water:** Multi-story buildings as proposed require water supply pressures above that which the city can normally supply. Additional evaluations by the applicant are required to assure proper water supply (potable or fire services). The 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)
42. **Wastewater:** If necessary, developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP Industrial Source Control Inspector at (408) 945-5300. (E)
43. **Solid Waste:** Prior to occupancy permit issuance the developer shall:
- a. Construct, solid waste enclosures to house the necessary solid waste and recycling bins, and staging areas for trash collection. The enclosure shall be designed per the Development Guidelines for Solid Waste Services, and enclosure drains must discharge to sanitary sewer line. City review & approval of the enclosures are required prior to construction of the trash enclosures.
 - b. The developer shall enter into an encroachment permit agreement for the use of the staging area within the public right of way. All solid waste and recycling bins must be kept within the trash enclosures at all time except on the trash collection days. The HOA is responsible for placing the bins in the staging area on the collection days and moved them back to the enclosures not more than two hours after pickup completions. The encroachment permit agreement shall be referenced on the CC&R. No bins should stay within the public right of way or public view overnight. (E)

44. **Solid Waste:** Per Chapter 200, Title V of Milpitas Municipal Code (Ord. No. 48.7) solid waste enclosures shall be designed to limit the accidental discharge of any material to the storm drain system. The storm drain inlets shall be located away from the trash enclosures (a minimum of 25 feet). This is intended to prevent the discharge of pollutants from entering the storm drain system, and help with compliance with the City's existing National Pollution Discharge Elimination System (NPDES) Municipal permit. (E)
45. **Solid Waste:** Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner or HOA 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)
46. **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 acre 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)
47. **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. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - b. Prior to building permit issuance, the developer shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 treatment facilities.
 - c. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities. (E)
48. **Stormwater:** Prior to building, site improvement or landscape permit issuance, the building permit applications shall be consistent with the developer's approved Stormwater Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, 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)

49. **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)
50. **Demolition:** All utilities shall be properly disconnected before the existing 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 for future use, if it is not to be used during the construction. If the existing water services will not be used for the proposed development, the service laterals shall be removed and capped at the main water line. 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)
51. **Landscaping:** In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2,500 square feet or larger the developer shall:
- a. Provide separate water meters for domestic water service & irrigation service.
 - 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)
52. **Landscaping:** Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240), the landscape irrigation system must be designed to meet the City’s recycled water guidelines and connect to recycled water system *when available*. The developer is encouraged to design the entire landscaped area for recycled water connection. If the site is not properly designed for recycled water at this time, the entire site will be required to retrofit when recycled water becomes available. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for design standards to be employed. (E)
53. **Encroachment Permit:** 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)
54. **Utility Location:** The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities. (E)
55. **Other Permits:** 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, Union Pacific Railroad, Southern Pacific Railroad, Santa Clara Valley Transportation Agency, and City of Milpitas Engineering Division. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

56. **Tree Removal:** Prior to issuance of any permits for demolition or grading, per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer is required to obtain a permit for removal of any Protected tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)
57. **Construction:** 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, personal 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)
58. **Floods:** 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)
59. **Schools:** The developer shall submit plans to Milpitas Unified School District (MUSD) for review and comments, and obtain information from the MUSD regarding providing services. (E)
60. **Postal Service:** 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)
61. **Parking:** Prior to Building Permit issuance, the applicant shall submit a parking plan of the garages to the Planning Division, showing the parking assignments of the units with preference given to parking spaces for Building 3. (PC)
62. **Tot Lot:** The location of a future tot lot shall be identified on the landscaping plans submitted for Building Permit in the event one is needed within the project. (PC)

Density Bonus No. DB2008-0001

1. **Entitlement:** This Density Bonus No. DB2008-0001 increases the maximum density for this project from 60 units to 66 dwelling units per acre, as approved on February 5, 2008 by the Milpitas City Council and as amended by the conditions below. The approval permits an additional 31 units, for a total of 387 total dwelling units. In exchange for the density bonus, the City agrees to allow the project to exceed the maximum number of building stories of five, by a six-and-a-half-story (6.5) parking garage with Building One. (P)
2. **Modifications:** Prior to issuance of a Building Permit, any modification to the approved density bonus terms must be approved by the City Council. (P)
3. **Affordability:** Prior to issuance of a building permit,
 - a. A letter from the developer of the Aspen project shall be submitted to the City indicating that the applicant, Trammell Crow Residential, has fulfilled the terms of their agreement for transfer of affordability rights from either the developer of the Aspen project or a title company and its escrow agent.
 - b. Either the Aspen project has received an occupancy permit or the Regulatory Agreement providing for on-site affordable units with the City shall be approved by the City Council. (H)

4. **Affordability Contingency:** If the Aspen Apartment project is not constructed and completed for occupancy, the applicant (Trammell Crow Residential) shall enter into a Regulatory Agreement with the City of Milpitas to provide the required number of affordable housing units on-site within their project. A total of 15% of the total number of 356-units shall be provided to moderate-income households in exchange for a 10% density bonus for the project. The Regulatory Agreement shall be executed prior to occupancy of the Alexan Project. The following special conditions of approval shall apply to the Alexan Project, if the Aspen Apartment Project is not constructed or completed for occupancy:

- a. The City shall implement Section 41.03 A (2) (Density Bonus) with respect to affordable housing incentives, which shall include a bonus of 31 dwelling units allowed in “R-4-TOD-S” district. The total number of 387 units shall be provided in the residential development.
- b. Prior to building permit, the applicant shall execute a Regulatory Agreement to the approval of the City Attorney that the following 53 affordable housing units will be available at a housing cost affordable to moderate-income households. In the event applicant rents such units, it shall comply with City rental affordability requirements, but if at anytime those units are offered for sale, the agreement shall provide for conversion to City “for-sale” affordability restrictions.

Income Category	Number of Units	Type of Units
Moderate-Income	53	Studios, One and Two Bedrooms

- c. As part of the identified public benefit for this project, prior to occupancy, the following conditions shall be met:
 - i. The applicant shall make at least 15% of the 356 units (excluding the density bonus allowed in “R-4-TOD-S” district) affordable to households agreed upon by the applicant and the City and noted in the above matrix.
 - ii. As part of the Regulatory Agreement, the applicant shall provide to the Milpitas City Council for review and approval, a disbursement plan exhibit illustrating the location of the affordable housing units within the development. The affordable housing units shall be dispersed equally throughout the development and shall contain the same architectural features, design and amenities as the fair market rate units in the development and shall reflect the same ratio of unit types and size as reminder of development. (H)

5. **Affordability:** The applicant and the City of Milpitas shall enter into a Regulatory Agreement that outlines the provisions for maintaining the long-term affordability of the required affordable for-sale units. The Regulatory Agreement shall be approved to form by the Milpitas City Attorney’s Office, executed by the City Manager and recorded with the County of Santa Clara. (H)

6. **Affordability:** The Regulatory Agreement shall require that the long-term affordability of the for-sale housing units shall remain in effect for 55 years. Any change to this requirement is subject to review and approval by the Milpitas City Council. Any amendment to the approved density bonus shall require approval of the Milpitas Planning Commission and City Council. (H)

7. **Affordability:** The applicant shall work with the Housing Division staff in establishing and determining the waiting list of eligible residents that are qualified for the project. (H)

8. **Affordability:** The established affordable price for the for-sale units shall be pursuant to income eligibility provided by the California Health and Safety Code Sections 50079.5, 50093 and 50105, which provide the "moderate-income" limits established by the U.S. Department of Housing and Urban Development (HUD) are the state limits for those income categories and State of California

Redevelopment Agency Law. The final affordable for-sale price established for the ownership units shall not exceed the maximum allowable for-sale for “moderate-income” households as defined in the above code sections. Said sales price shall be approved for consistency with the definitions by the Housing Division staff. (H)

Use Permit No. UP2007-0015

1. **Entitlement:** This Use Permit No. UP2007-15 is to encroach into building front and street-side setbacks as approved on February 5, 2008 by the Milpitas City Council. The applicant shall develop the approved project in conformance with this Use Permit and conditions of approval.(P)
2. **Modifications:** Any modification to the Use Permit exceptions, or related project planning entitlements (“S” Zone Application No. SZ2007-0018, Density Bonus No. DB2008-0001 and Vesting Tentative Map No. MI2007-0002) that materially affects the Use Permit exception shall require approval of the Planning Commission, Planning Commission Subcommittee or Planning Director, in accordance with the procedures required by the zoning ordinance. (P)

Vesting Tentative Map No. MI2007-0002

1. **Entitlement:** This Vesting Tentative Map No. MI2007-0002 is for condominium purposes and provides three lots and street dedications as approved on February 5, 2008 by the Milpitas City Council. The applicant shall develop the approved project in conformance with this Use Permit and conditions of approval.(P)
2. **Modifications:** Any modification to the Tentative Map, or related project planning entitlements (“S” Zone Application No. SZ2007-0018, Density Bonus No. DB2008-0001 and Use Permit No.UP2007-15) that materially affect the Tentative Map shall require approval of the City Council. (P)
3. **Final Map:**
 - a. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes.
 - b. The final map shall designate all common lots and easements as lettered lots or lettered easements. (E)
4. **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)
5. **Final Map:** The final map shall be recorded prior to issuance of any building permit. (E)
6. **HOA:** Prior to final map approval, the developer shall establish a Home Owners Association (HOA). The HOA shall be responsible for the maintenance of the landscaping, walls, private streetlights, common areas and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. CC&R document shall also provide vesting right to all units for the use of parking areas and the common facilities. The CC&R document shall be submitted for review and approval of the City Engineer. Any alternative methods for complying with this condition shall be approved by the City Engineer. (E)
7. **Tentative Map:** Make changes as noted on Engineering Services Exhibit "T"(1/15/2008) and resubmit a revised tentative map for review and approval. (E)



Bldg 1. South Main Street Elevation (West View)



Bldg 2. South Main Street Elevation (West View)



Bldg 3. Diaz Street Elevation (West View)



South Main Street, South of Cedar

1/28/08



View From South Main Street, North of Cedar Way

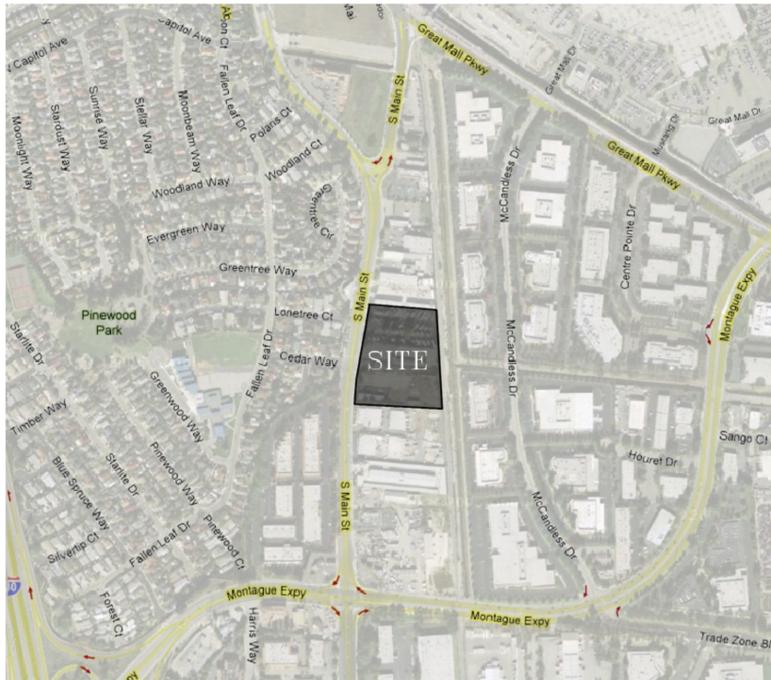
1/28/08



South Main Street, North of Project

1/28/08

VICINITY MAP



PROJECT SUMMARY

THREE TOTAL RESIDENTIAL BUILDINGS

TYPE V-A (1 HR.) CONSTRUCTION SPRINKLERED (RESIDENTIAL)

TYPE I CONSTRUCTION (RESIDENTIAL/STORAGE/PARKING)

2007 CALIFORNIA BUILDING CODES

CURRENT ZONING: R4-TOD-S (MULTI-FAMILY VERY HIGH DENSITY OVERLAID WITH TRANSIT ORIENTED DISTRICT AND ARCHITECTURAL COMBINING DISTRICT)

ASSESSOR'S PARCEL #: 086 - 220 - (027, 028, 033, 034, 041, 042)

SITE AREA: 258,845 GROSS SQ. FT. (5.942 ACRE)

DENSITY: 66.8 UNITS PER ACRE (397 UNITS/ 5.94 ACRE)

CURRENT USE: MOBILE HOME PARK

PROPOSED USE: HIGH DENSITY MULTI-FAMILY RESIDENTIAL

SURROUNDING USES: RESIDENTIAL, COMMERCIAL

BUILDING HEIGHT: 75' MAX.

PROJECT TEAM:

DEVELOPER: TRAMMELL CROW RESIDENTIAL
1810 GATEWAY DRIVE, SUITE 240
SAN MATEO, CALIFORNIA 94404
CONTACT: PETER SOLAR
TEL: 650-293-3561

ARCHITECT/PLANNER: KTG GROUP, INC.
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
CONTACT: CHRIS WEIMHOLT
TEL: 949-851-2133

CIVIL ENGINEER: NOLTE
1731 NORTH FIRST STREET, SUITE A
SAN JOSE, CALIFORNIA 95112
CONTACT: TRIPAT MANGAT
TEL: 408-392-7278

LANDSCAPE ARCHITECT: SMITH & SMITH
1501 NORTH POINT
SAN FRANCISCO, CALIFORNIA 94123
CONTACT: JASON MILAM
TEL: 415-543-0332

ELECTRICAL ENGINEER: DGM & ASSOCIATES
125 E. BAKER STREET, SUITE # 150
COSTA MESA, CALIFORNIA 92626
CONTACT: DALE MADLER
TEL: 714-546-3251

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RESIDENTIAL SUMMARY

Unit number	Bed/ Bath	Cond / Uncond	G.S.F.	Bldg 1	Bldg 2	Bldg 3	Total	Mix
S1	STUDIO/ 1 BA		576 / 55	0	0	4	4	1.05%
S2	STUDIO/ 1 BA		613 / 55	8	0	0	8	2.05%
S3	STUDIO/ 1 BA		638 / 51	12	0	0	12	3.10%
Total				20	0	4	24	6.2%
A1	1 BED/ 1 BA		657 / 74	12	8	4	24	6.20%
A2	1 BED/ 1 BA		675 / 85	12	0	8	20	5.17%
A3	1 BED/ 1 BA		695 / 75	18	16	50	84	21.71%
A3M	1 BED/ 1 BA		695 / 75	3	2	10	15	3.88%
A4	1 BED/ 1 BA		794 / 45	0	2	0	2	0.52%
A5	1 BED/ 1 BA		801 / 60	16	0	8	24	6.20%
A6	1 BED/ 1 BA		808 / 49	16	0	0	16	4.13%
Total				77	28	80	185	47.8%
C1	2 BED/ 2 BA		982 / 85	70	62	4	136	35.14%
C1M	2 BED/ 2 BA		982 / 85	17	1	0	18	4.65%
C2	2 BED/ 2 BA		1035 / 81	8	14	0	22	5.68%
C3	2 BED/ 2 BA		1121 / 29	0	2	0	2	0.52%
Total				95	79	4	178	46.0%
Total Units				192	107	88	387	100%

PARKING SUMMARY

REQUIRED PARKING			
Unit Type	No. of Units	Parking Ratio	Total
Studio	24	1	24
1 BR	185	1.5	277.5
2 BR	178	2	356
Total			557.5
Guest parking			
	total spaces	parking ratio	
	657.50	0.15	98.63
total			756.13
TOD Reduction	total spaces	parking reduction	
	756.13	0.20	151.23
Total Req'd Parking			605

Total Parking Provided	
Building Type	No. of Stalls
Building 1 (66 stalls @ 6 stories & 38 stalls half level down)	434
Building 2 (two level garage)	152
Building 3	0
Surface parking	32
Total	618
15 of which are H.C. Accessible	

Disabled Parking Requirements			
Stall Type	No. of Stalls	Ratio	Total
Resident Stalls	526	0.02	10.52
Visitor Stalls	79	0.05	3.95
Total			14.47
15 total H.C. stalls required			

BICYCLE PARKING REQ'D	
5% OF REQ'D PARKING	
.05 X 615 = 30.75	
31 BICYCLE SPACES REQUIRED	
48 BICYCLE SPACES ARE PROVIDED	

#	REVISIONS	DATE
1	1ST SUBMITTAL	8/24/07
2	2nd SUBMITTAL	11/07/07
3		

ARCHITECTS:
KTGY GROUP, INC.
ARCHITECTURE & PLANNING
17992 MITCHELL SOUTH
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KTGY NO. 20070666

GENERAL INFORMATION



MILPITAS FIRE DEPARTMENT
FIRE PREVENTION DIVISION

455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3365, FAX (408) 586-3378

MEMORANDUM

DATE: September 21, 2007
TO: Cindy Maxwell
FROM: Jaime Garcia
SUBJECT: P-SA2007-50 (PJ NO. 3189)
TRAMMELL CROW (397 UNITS MULTI-FAMILY)
1556 S MAIN ST

The plans for the aforementioned project (Planning Commission Agenda, route slip dated August 27, 2007) have been returned to the Planning Division. The Fire Department has the following comments:

NOTES TO APPLICANT

- The submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process. Comments are based on the current 2001 edition of the California Building Codes, starting January 2008, a new code edition will be applicable.
- A Community Warning System may be required for this project and equipment access easements may be required to be granted to the City of Milpitas. Please contact the Milpitas Fire Prevention Bureau.
- In-Building Public Safety Communications. The City of Milpitas Fire Department may require one or more of the following to be performed at the developer's expense to insure adequate communications between emergency responders inside buildings and the public safety dispatch facility: (1) pre-construction design review by a professional engineering firm specializing in radio frequency systems, (2) post-construction radio coverage testing by a technician employed by the City, and (3) installation of equipment to mitigate in-building radio coverage problems and its maintenance, and periodic re-testing.
- The owner or operator of any privately owned high-rise structure, any office building two stories or more in height, or any hotel or motel shall comply with the Emergency Planning and Information regulations found in Section 3.09 of Title 19, CCR (California Code of Regulations).
- Fire protection, including fire apparatus access roads and water supplies for fire protection (hydrants) shall be installed and made serviceable prior to and during the time of construction. California Fire Code (CFC) Section 901.3.
- Fire safety during construction, alteration or demolition of the building shall meet the requirements of Article 87, CFC, and the Standards for Construction Site Fire Safety (un-024) by "unidocs" organization (<http://www.unidocs.org>). A Construction Site Fire Safety plan shall be submitted to the Milpitas Fire Prevention Division for review and approval prior to the start of combustible construction.
- Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. CFC Section 902.2.1.2 amended by Milpitas Municipal Code V-300-2.01.

- Provide KNOX lock (quantity and location to be determined by the Fire Dept.) for Fire Department access to all exterior doors and gates. CFC Section 902.4.
- Utility plans. Fire protection systems and devices included on the plans are not reviewed nor approved by the Fire Department. Final determination of systems, and locations will be done during construction permit process. Final systems locations may impact on street parking.
 - Fire Department Sprinkler Connection. The connection through which the Fire Department can pump water in the sprinkler system shall not be attached to the building and shall be located as near as practicable to a public fire hydrant. The point of connection shall be at the direction of the Fire Department CFC Section 1003.1.1.2, amended by Milpitas Municipal Code Section V-300-2.01.
 - The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on site or both as required and approved by the Fire Department. See Appendix III-B, CFC Section 903.4.2. Existing fire hydrants on public streets are allowed to be considered as available. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. CFC Appendix III-B, Section 4.
 - No parking is permitted in front of fire hydrants or other fire appliances. Hydrants and fire services shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513.
 - Additional hydrants and or standpipes shall be provided at the garage floor levels. Quantity and location of additional appliances shall be determined by the Fire Department. CFC Section 1001.9, 1001.10.
- LADDER TRUCK TURNING REQUIREMENTS**
All fire access roads shall meet or exceed the requirements of the California Fire Code, Milpitas Municipal Code and Guidelines for Fire Access by the Milpitas Fire Department. The minimum requirements for the fire apparatus (SUTPHEN SP95 AERIAL) turning radii are: 48'-6" outside and 28'-0" inside. Plot the during movements into and out of Diaz Street.
- Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. CFC Section 1002.1.
- Provide standpipe systems as per Table 1004-A as amended by the Milpitas Municipal Code Section V-300-2.01.
 - Standpipes are required at each stairs enclosure. A standpipe is required at each floor level.
 - Standpipe(s) on roof are required. Location and quantity shall be at the direction of the Fire Department. CFC Section 1004.3.
- An automatic fire extinguishing (sprinkler) system shall be installed throughout this building per the CFC Section 1003 and Section 1003.2.2, as amended by the Milpitas Municipal Code V-300-2.01. In all buildings hereafter constructed three or more stories or 35 feet in height, or 10,000 square feet or more in area or having a Fire Flow of greater than 2,000 gallons per minute. Appendix III-A shall be used as the basis for determining Fire Flow.
- The automatic fire sprinkler system shall be electrically monitored. Alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station. CFC Section 1003.3. An approved audible sprinkler flow alarm shall be provided. CFC Section 1003.3.2.
- Provide an approved manual and automatic Fire Alarm System. Design, installation and maintenance shall be in accordance with the CFC and other nationally recognized standards. Submittals shall include, but not be limited to, a floor plan, location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment, annunciation, power connection including backup, battery calculations, wiring type and sizes, manufacturers cut sheets and California State Fire Marshal listing number for all equipment, point to point wiring diagram, and sequence of operations. CFC Section 1006.2.9.1.1.

- Smoke detectors shall be provided in all common areas and interior corridors of Group R, Division 1 Occupancies. CFC Section 1006.2.9.1.3.
- Heat detectors shall be provided in all common areas such as recreational rooms, laundry rooms, furnace rooms, and similar areas. CFC Section 1006.2.9.1.4.
- Rooms for persons with hearing impairments shall be provided with visible and audible alarm-indicating appliances, activated by both the in-room smoke detector and the building fire alarm system. CFC Section 1006.2.9.1.5.
- Approved single station smoke alarms or multiple-station smoke alarms shall be installed in dwelling units, congregate residences and hotels and lodging house guest rooms. Single-station smoke alarms or multiple station smoke alarms shall not be connected to a fire alarm system (Section 1006.2.9.1.5). CFC Section 1006.2.9.1.6.
- Provide stairways to roof. In buildings four or more stories in height, one or more stairways shall extend to the roof surface (one roof access at each isolated flat roof area), unless the roof has a slope steeper than 4 units vertical in 12 units horizontal. California Building Code (CBC) Section 1003.3.3.1.1.
- Roof hatches. All required interior stairways that extend to the top floor in any building four or more stories in height shall have, at the highest point of the stair shaft, an approved hatch. CFC Section 1003.3.3.1.2.
- Natural ventilation for the open parking garage shall conform to the requirements of Section 311.9.2.2, California Building Code (CBC).
- Parking garages not meeting the requirements of "open parking garage" per the CBC Section 311.9.2.2, shall be provided with smoke removal system in addition to the ventilation requirements of the CBC Section 1202.2.7. CFC Sections 1001.9 and 1001.10.
- ENCLOSED COURTS.** Fire access shall be provided to enclosed courts for fire fighting and rescue operations.
 - Each court shall be designed to provide readily accessible method of bring a fire department ground ladder (36" long) into the courtyard. Please anticipate and accommodate personnel carrying ladder.
 - Interior courts shall be designed with means of "exit discharge."
- BEDROOM WINDOWS.** Bedroom windows shall not open into corridors. Please review code for requirements.
- Additional approved low-level exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all interior corridors serving Group R, Division 1 Occupancies. CBC Section 1007.6.2.1.
- Buildings over four stories. Special Provisions For Group B Office Buildings And Group R, Division 1 occupancies. All Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 60 feet above the lowest level of Fire Department vehicle access, or more than 4 stories shall comply with the following requirements:
 - A system capable of supplying air (to all levels of the structure) for the purpose of filling air bottles shall be provided. It shall be designed to meet Fire department needs and demands; be tested annually and maintained at the expense of the owner. It shall be for Fire department use only.
 - Equipment rooms or areas, as required by the Chief, designed to store equipment for Fire department use shall be provided. They shall be located every four (4) floors, be sized to meet Fire departments needs (a minimum of 42 inches wide, 20 inches in depth and full height), and be locked and labeled for Fire department use only. The following list of equipment shall be supplied by the developer or owner for each equipment room and fire control room:
 - (4) each air bottles, meeting Fire department specifications, and supplied for Fire department use only;
 - (2) each, Hotel Hose pack with 100 feet of 1-3/4 inch fire hose and a 1-1/2 inch variable fog nozzle, both having National Standard threads. Hose shall be of poly-light weight construction. One 2-1/2 inch x 1-1/2 inch reducer coupling also provided;
 - (2) each, Pick Head axe (6 pound 36" handle);
 - (1) each Wrecking Bar, 3 feet in length;

- each Hooligan tool, 11 pound;
 - each door stops;
 - each, spare sprinkler heads, for each type used. (These are in addition to those required in the riser room);
 - each, Sprinkler head wrench (es), one for each type of head;
 - each, 18 feet x 24 feet salvage covers with grommets every 16 inches;
 - each, folding aluminum ladder, 17 feet in length, Carbis E-Z ladder, Model 170.
- c. Anchor devices meeting Fire department requirements shall be placed on the roof and used by the Fire department for repelling purposes.
- Elevators shall comply with Chapter 30 of the California Building Code.
 - When the elevator vertical travel is 25 feet or more, each associated elevator lobby or entrance area and associated machine rooms shall be provided with an approved, listed smoke detector for elevator recall purposed only. Section 3003.2, California Building Code (CBC).
 - The elevator shall be provided with emergency devices for summoning assistance in conformance with Section 3003.4.18 through 3003.4.18.4, CBC.
 - All buildings and structures with one or more passenger service elevators shall be provided with not less than one medical emergency service to all landings meeting the provision of sections 3003.5a through 3003.6.2a, CBC. All residential floor levels and all garage floor levels shall be provided with medical emergency service elevator.
 - Elevators equipped with photoelectric tube devices, which control the closing of automatic doors, shall comply with section 3003.8 through 3003.8.5, CBC.
 - The operation of elevator(s) under fire or other emergency condition shall comply with sections 3003.9 through 3003.9.6 and 3003.9.10, CBC.
 - Combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. Section 1001.3, California Fire Code (CFC).
 - Dampsters and containers of rubbish with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored or placed within 5 feet of combustible walls, openings or combustible roof eaves unless protected by an approved sprinkler system. Section 1103.2.2, CFC.
 - Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 1001.3, CFC

#	REVISIONS	DATE
1	1ST SUBMITTAL	8/24/07
2	2nd SUBMITTAL	11/07/07
3		

ARCHITECTS:
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KTGY NO. 20070666

FIRE DEPT. NOTES

G-2

SITE

5.942 ACRES	
66.8 DU/AC	
GROSS BUILDING AREA	507,723 SF
GROSS PARKING AREA	215,450 SF

UNIT SUMMARY

STUDIOS	24
1 BEDROOMS	185
2 BEDROOMS	178
TOTAL UNITS	387

(FOR MORE SPECIFIC UNIT INFORMATION SEE SHEET G.I.)

PARKING SUMMARY

RESIDENT PARKING			
STUDIOS	24	X 1	= 24
1 BEDROOMS	185	X 1.5	= 277.5
2 BEDROOMS	178	X 2	= 356
TOTAL			657.5

GUEST PARKING

657.5	X .15	= 98.625
TOTAL		756.125

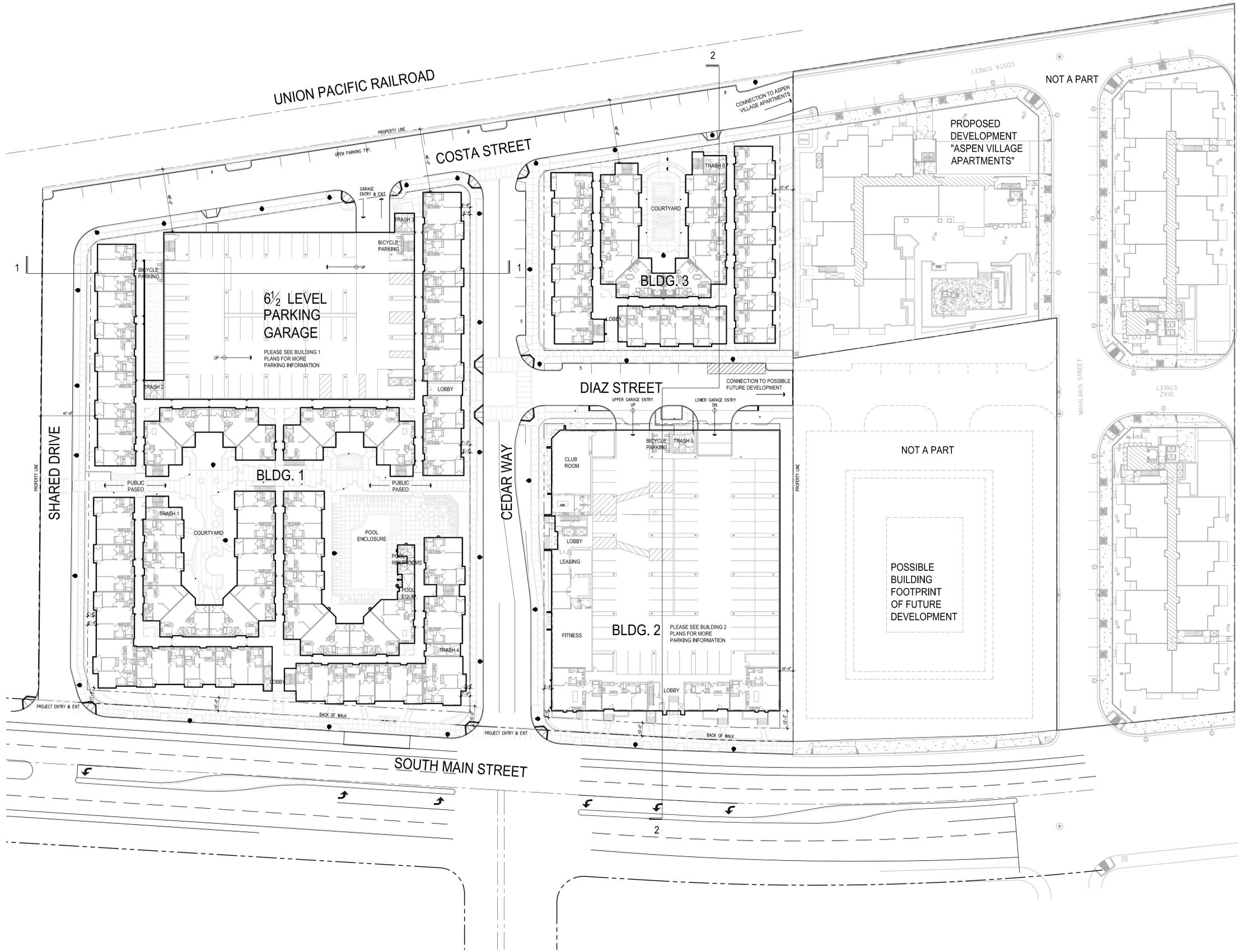
T.O.D. REDUCTION FACTOR
756.125 X 20% LESS = 605

TOTAL REQUIRED PARKING = 605 SPACES

TOTAL PROVIDED = 618 SPACES
(FOR MORE SPECIFIC PARKING INFORMATION SEE SHEET G.I.)

BICYCLE PARKING REQUIRED
615 X 5% = 30.75 STALLS REQ'D

48 BICYCLE STALLS PROVIDED



* For location of all existing public improvements, please see the civil plans for existing conditions

* For location of all trees, fencing, retaining walls, light standards, and existing trees, please refer to sheet L-1.1, Conceptual Landscape Plan

* This drawing is for conceptual planning purposes only. Refer to engineering plans for exact dimensions and locations (including ROWs, Easements, PL, etc.)

Alexan South Main
MILPITAS, CALIFORNIA

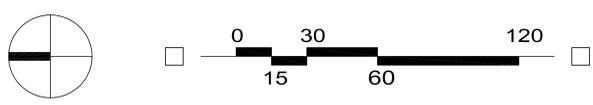
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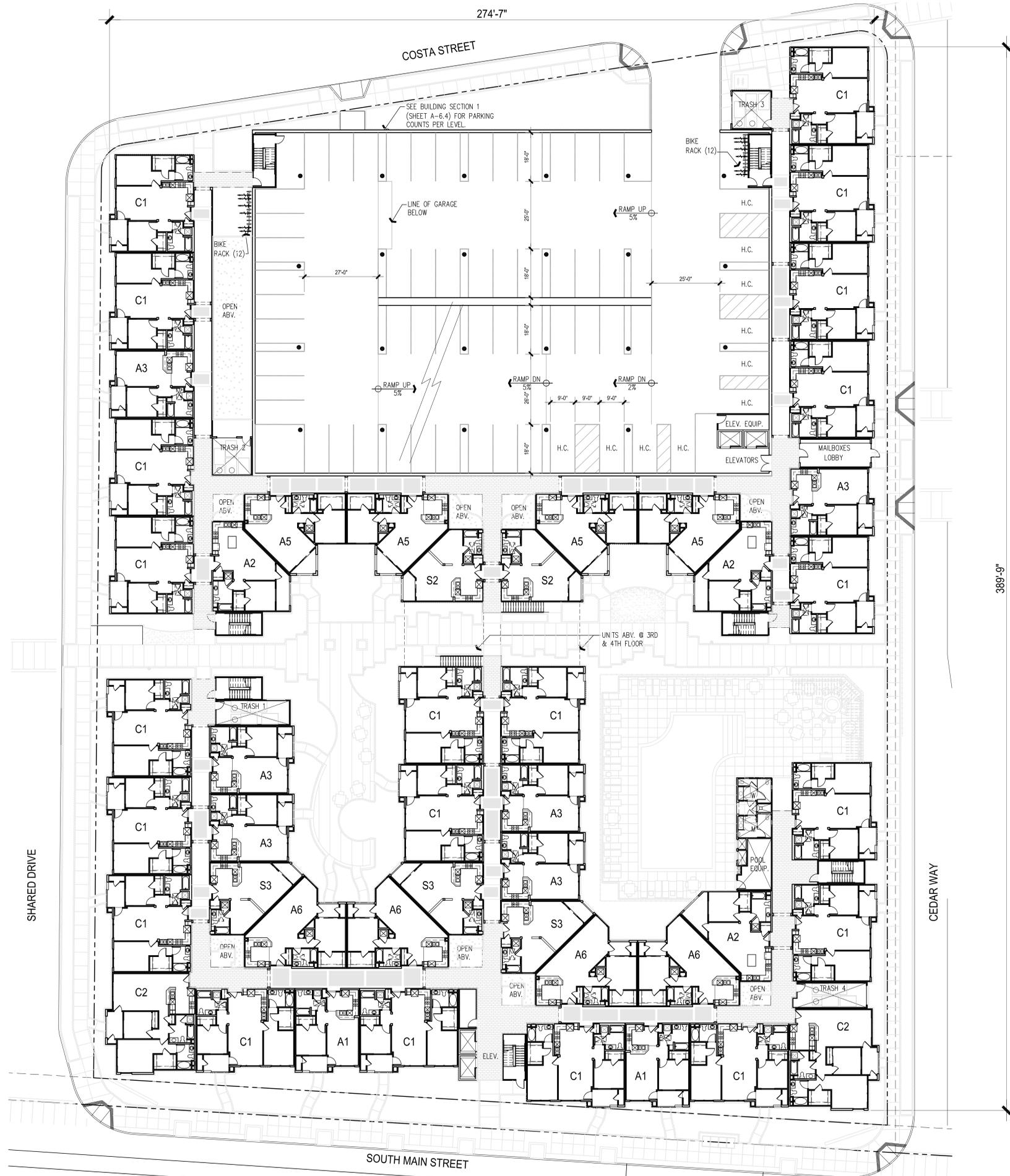
ARCHITECTURAL SITE PLAN

SP-1



ARCHITECTURAL SITE PLAN

Alexan South Main
MILPITAS, CALIFORNIA



FLOORING LEGEND

	CARPET
	HARD SURFACE OR CONCRETE

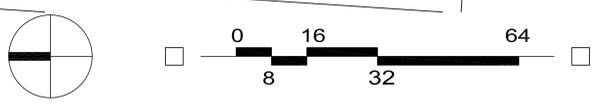
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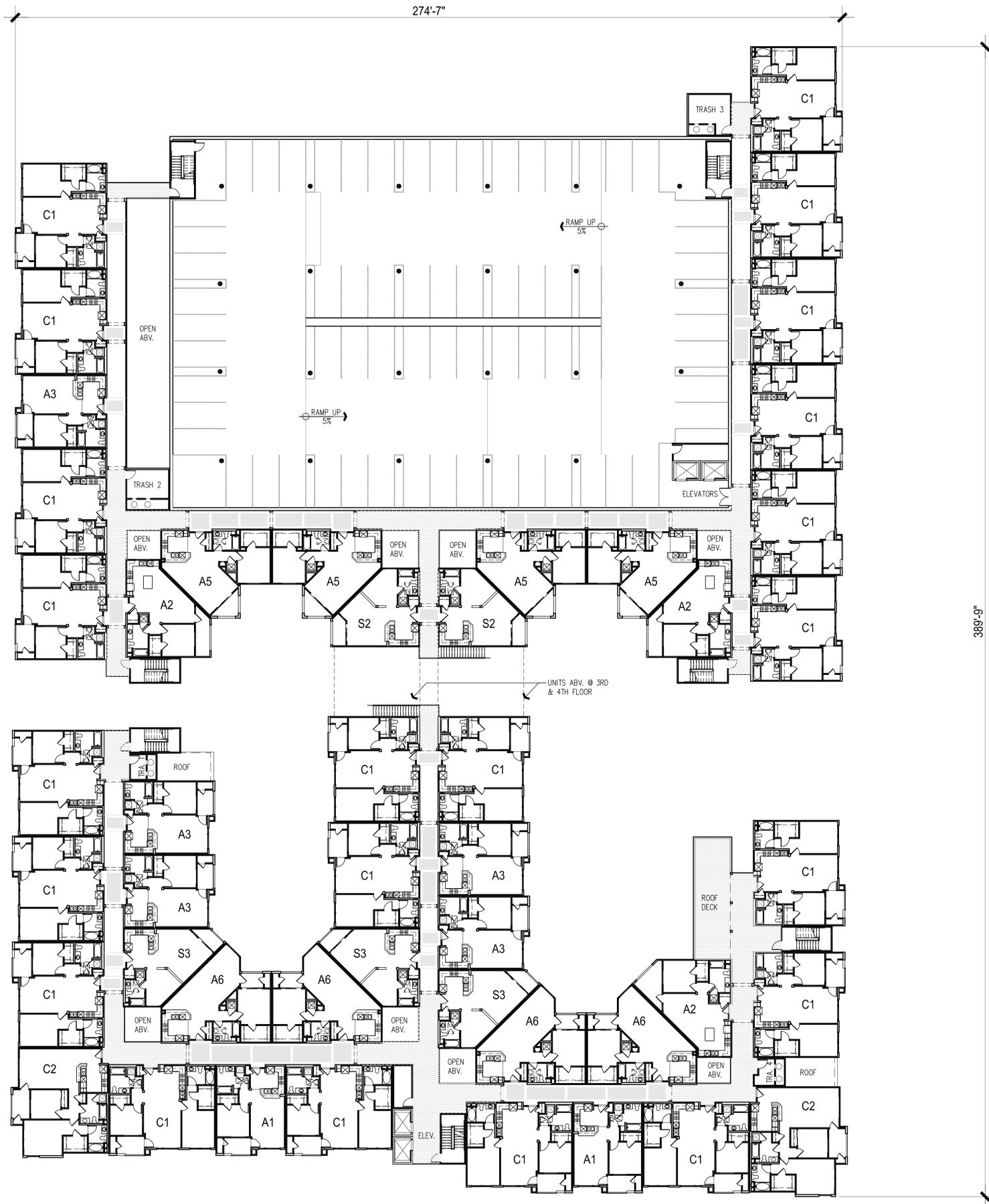
BLDG. 1 FLOOR PLAN
LEVEL 1

A-1.1

BLDG. 1 FLOOR PLAN - LEVEL 1



Alexan South Main
MILPITAS, CALIFORNIA



FLOORING LEGEND

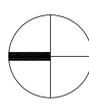
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#	REVISIONS	DATE
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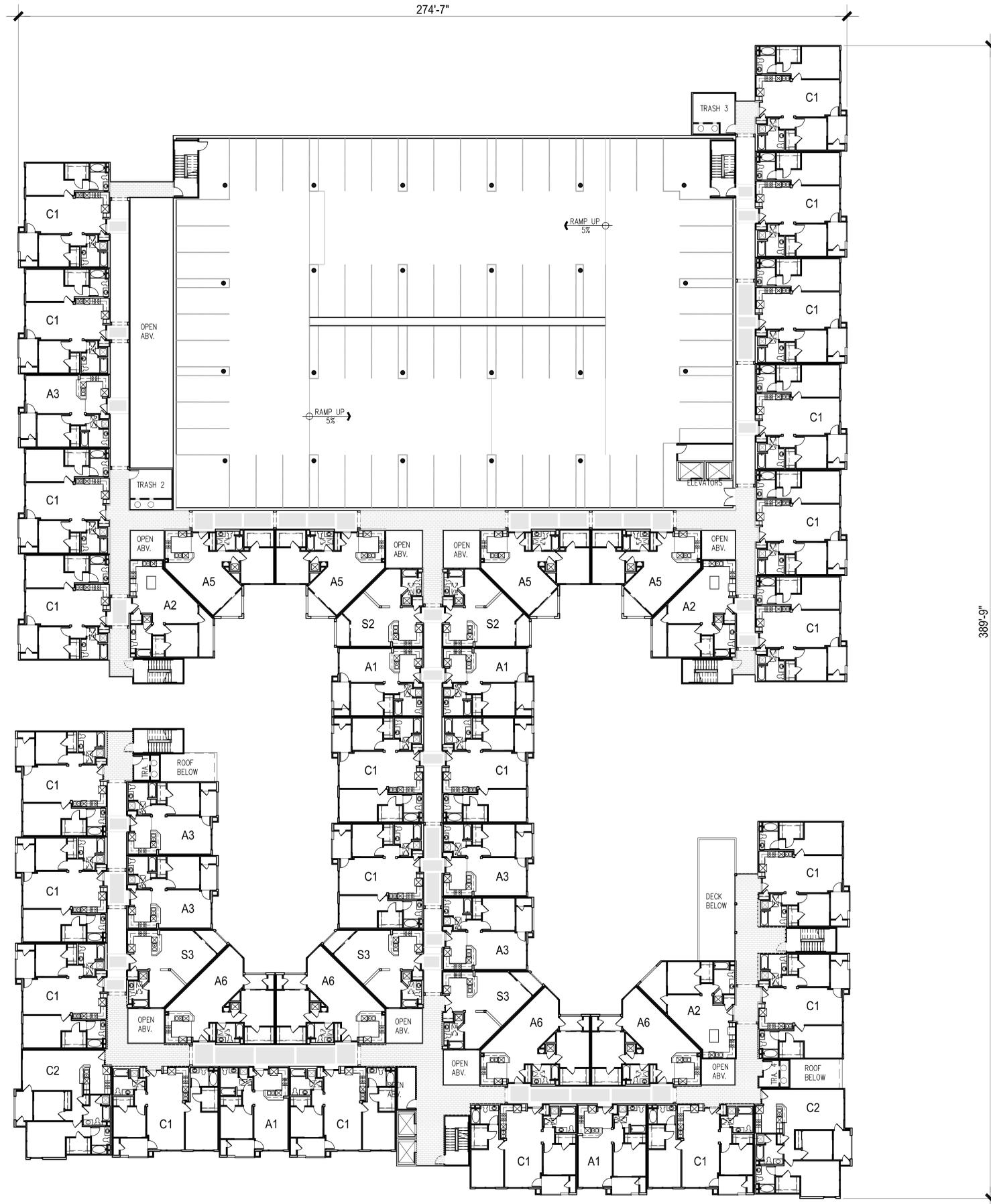
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BLDG. 1 FLOOR PLAN
LEVEL 2

A-1.2



BLDG. 1 FLOOR PLAN - LEVEL 2



FLOORING LEGEND

	CARPET
	HARD SURFACE OR CONCRETE

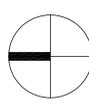
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MILPITAS, CALIFORNIA

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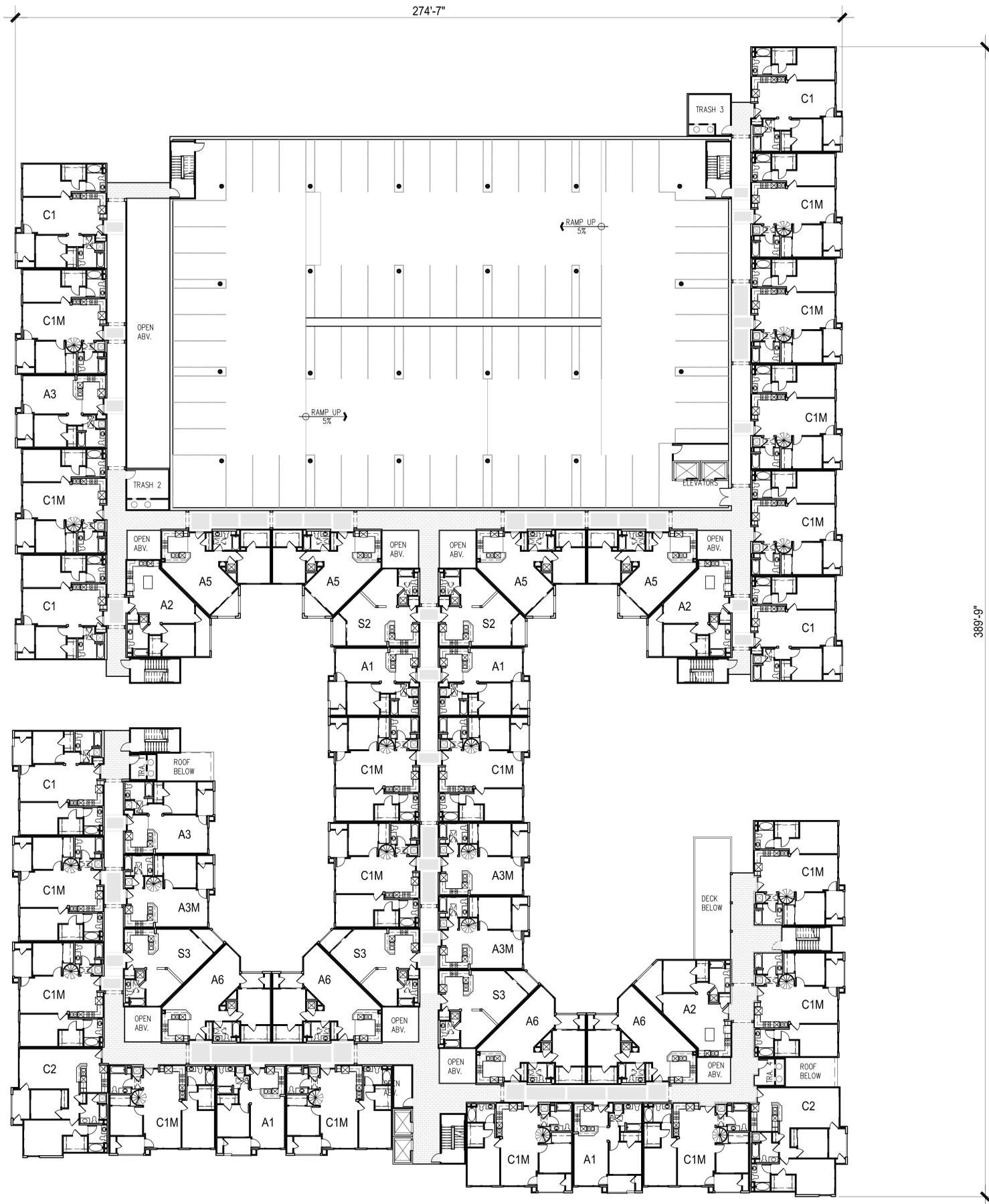
BLDG. 1 FLOOR PLAN
LEVEL 3

A-1.3



BLDG. 1 FLOOR PLAN - LEVEL 3

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MILPITAS, CALIFORNIA



FLOORING LEGEND

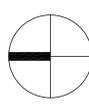
	CARPET
	HARD SURFACE OR CONCRETE

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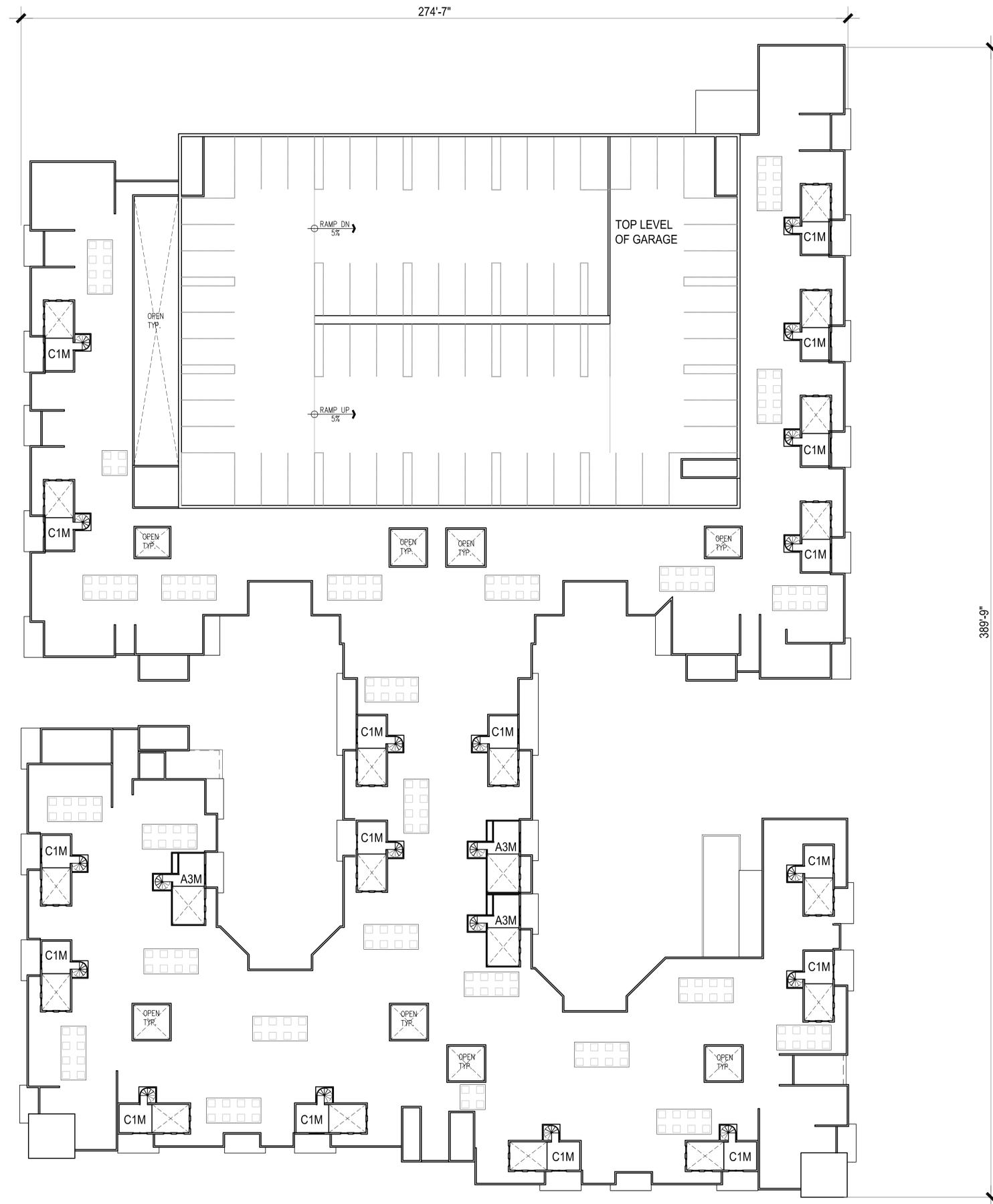
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BLDG. 1 FLOOR PLAN
LEVEL 4

A-1.4



BLDG. 1 FLOOR PLAN - LEVEL 4



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MILPITAS, CALIFORNIA

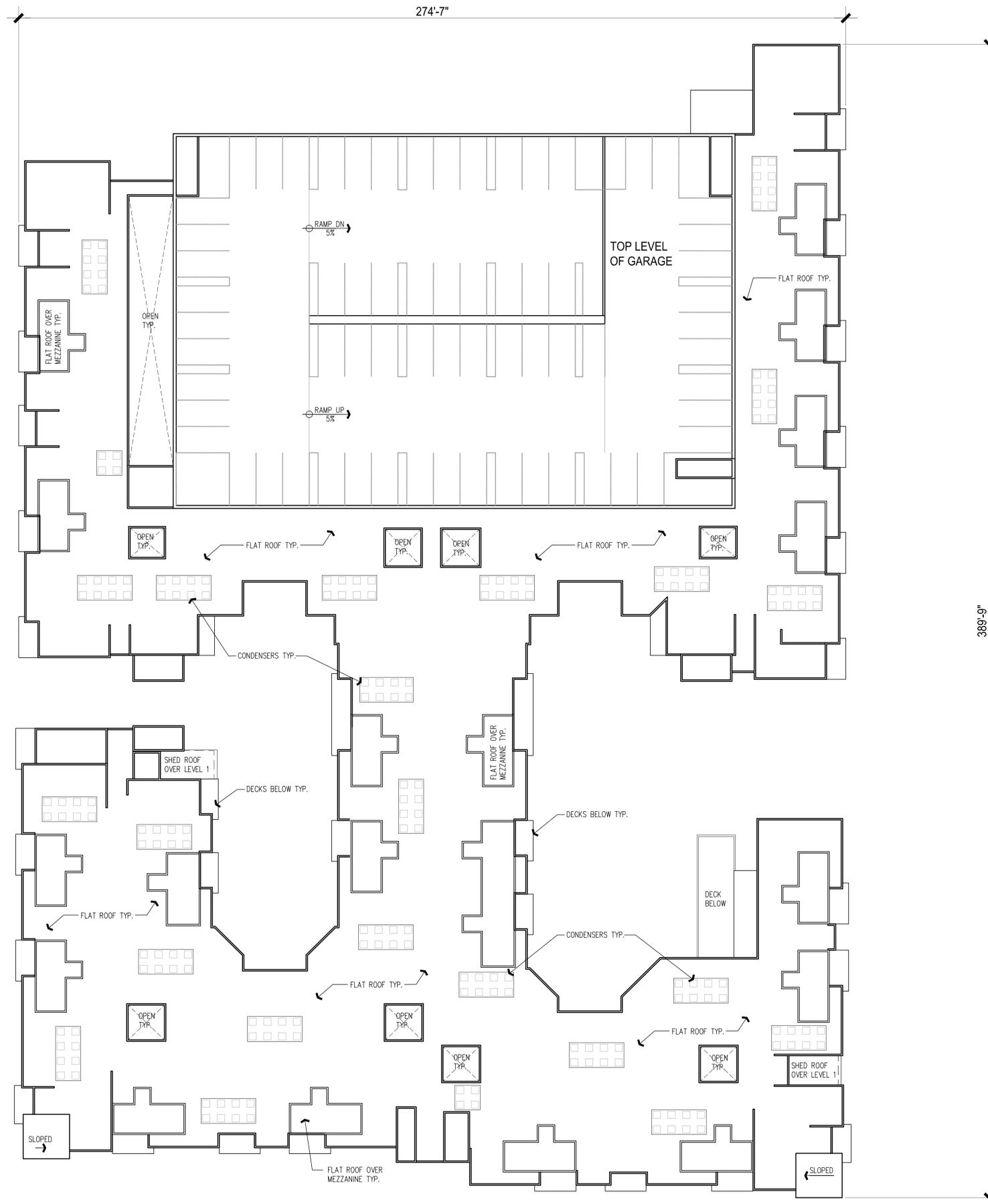
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BLDG. 1 FLOOR PLAN
LEVEL 5

A-1.5

BLDG. 1 FLOOR PLAN - LEVEL 5



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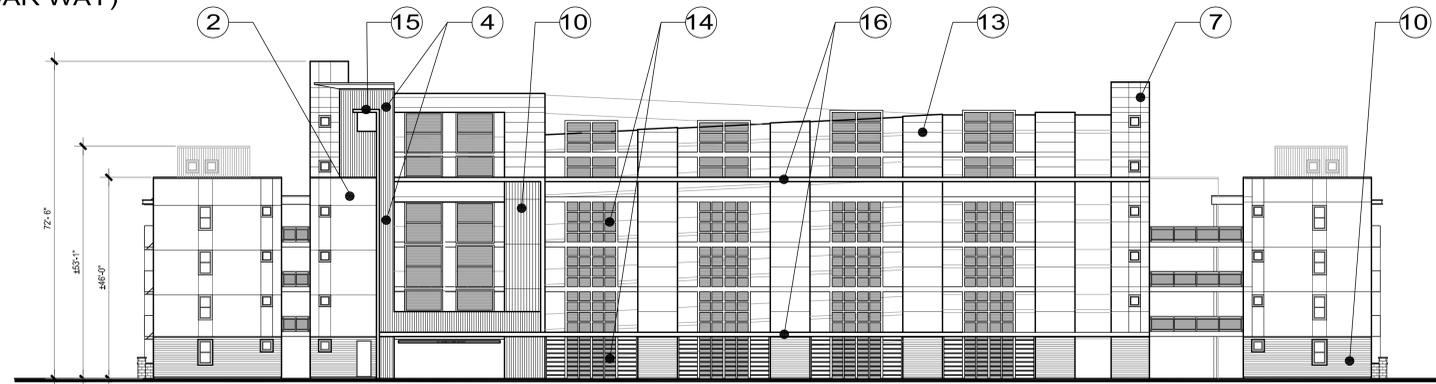
BLDG. 1 ROOF PLAN

A-1.6

BLDG. 1 ROOF PLAN



1. SOUTH ELEVATION (CEDAR WAY)



2. EAST ELEVATION (COSTA STREET)



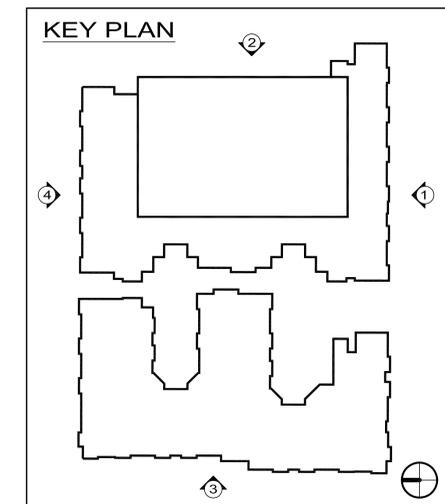
3. WEST ELEVATION (SOUTH MAIN STREET)



4. NORTH ELEVATION (SHARED DRIVE)

MATERIAL LEGEND

1. METAL AWNING
2. EXTERIOR PLASTER
3. HORIZONTAL SIDING
4. METAL WALL PANEL
5. RECESSED VINYL WINDOWS TYP.
6. STOREFRONT WINDOWS
7. PLASTER JOINT TYP.
8. METAL RAILING w/ PERFERATED METAL SCREEN (PAINTED)
9. SPLIT FACE BLOCK
10. SCORED CONCRETE
11. METAL STANDING SEAM ROOF
12. METAL HORIZONTAL SUN SHADE
13. GALVANIZED METAL REVEAL
14. METAL SCREEN WITH MESH
15. METAL BAND
16. CONCRETE HORIZONTAL BAND



BUILDING 1 ELEVATIONS

Alexan South Main
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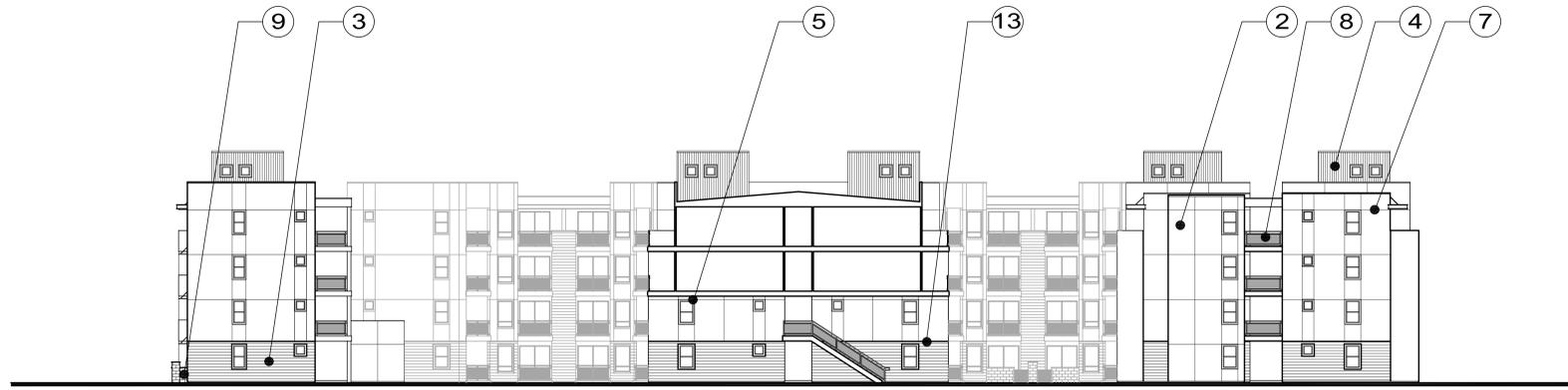
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BUILDING 1 ELEVATIONS

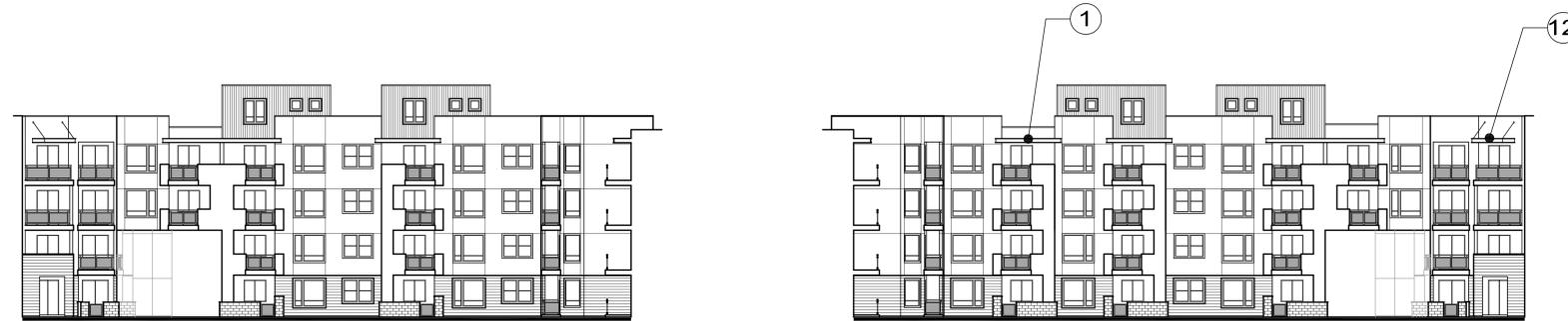
A-1.7

MATERIAL LEGEND

- 1. METAL AWNING
- 2. EXTERIOR PLASTER
- 3. HORIZONTAL SIDING
- 4. METAL WALL PANEL
- 5. RECESSED VINYL WINDOWS TYP.
- 6. STOREFRONT WINDOWS
- 7. PLASTER JOINT TYP.
- 8. METAL RAILING w/ PERFERATED METAL SCREEN (PAINTED)
- 9. SPLIT FACE BLOCK
- 10. SCORED CONCRETE
- 11. METAL STANDING SEAM ROOF
- 12. METAL HORIZONTAL SUN SHADE
- 13. GALVANIZED METAL REVEAL

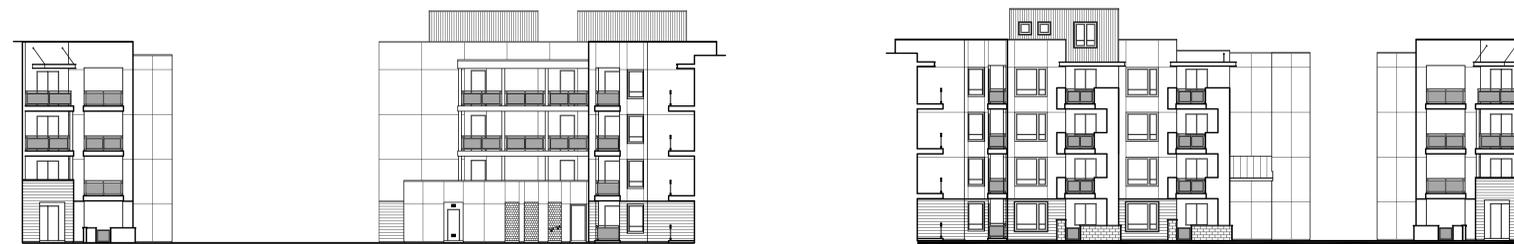


5. EAST ELEVATION



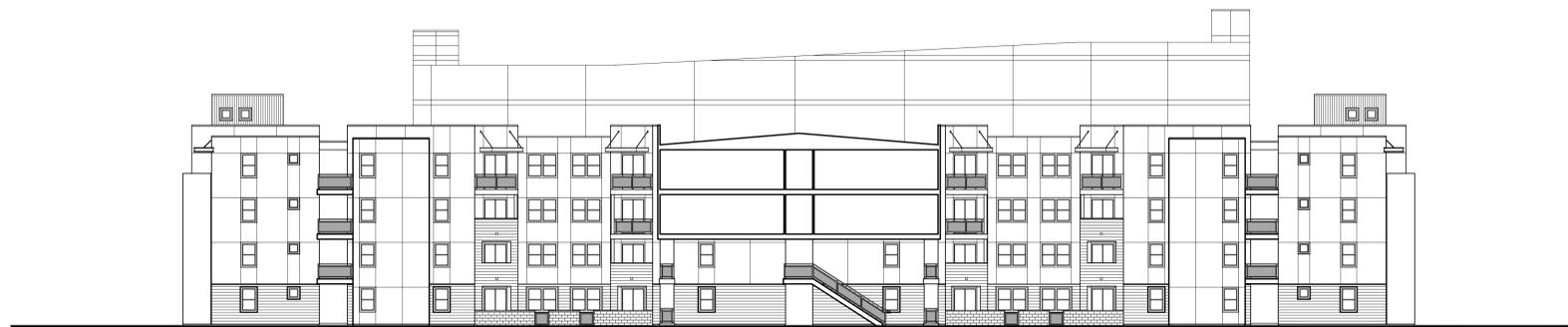
6. NORTH ELEVATION

7. SOUTH ELEVATION

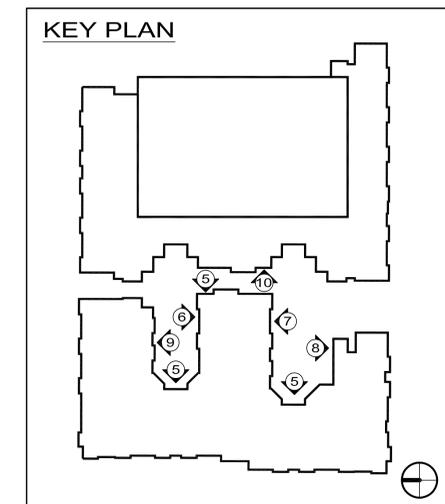


8. NORTH ELEVATION

9. SOUTH ELEVATION



10. WEST ELEVATION



**BUILDING 1 -
COURTYARD ELEVATIONS**

Alexan South Main
MILPITAS, CALIFORNIA

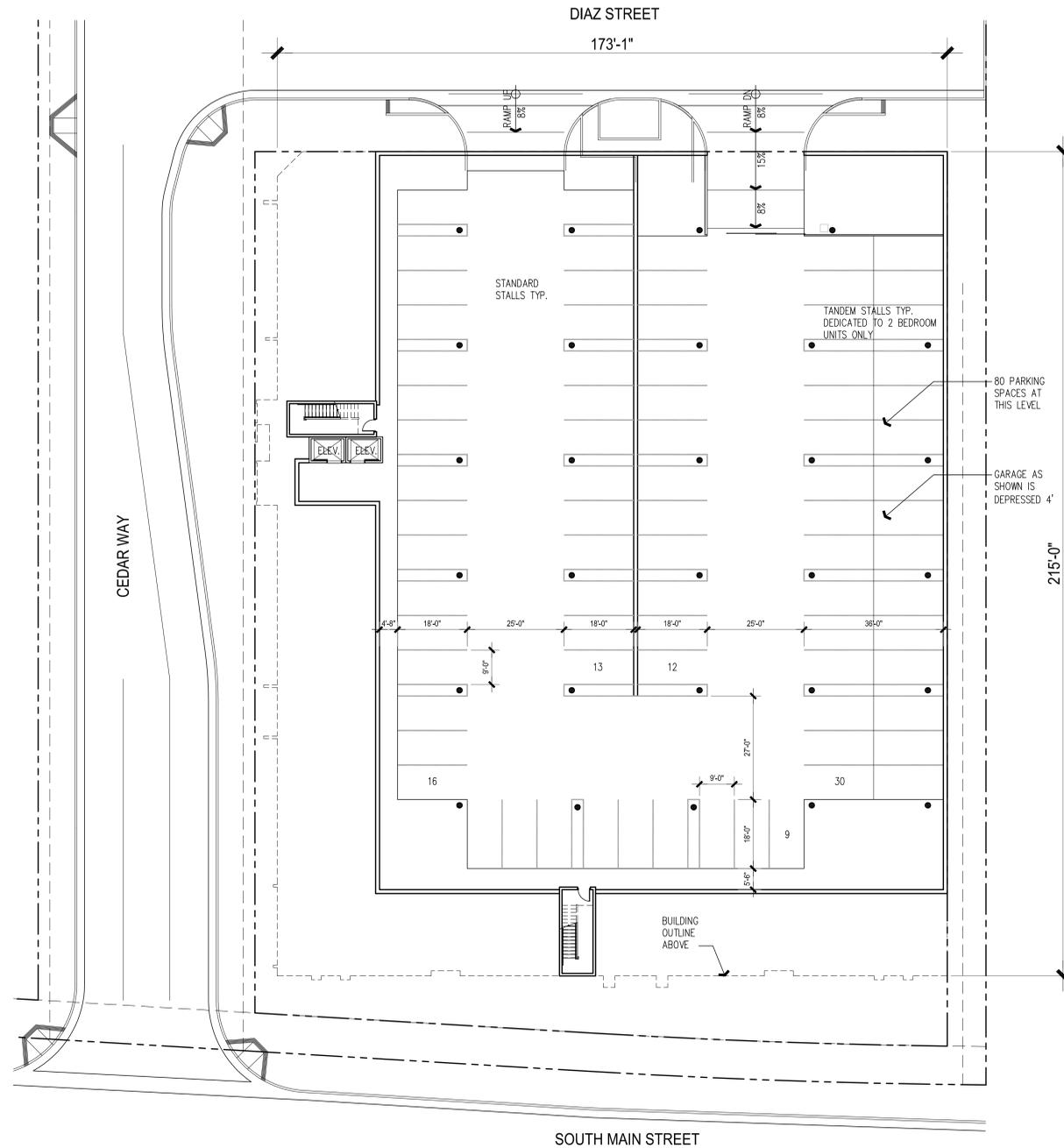
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BUILDING 1
COURTYARD ELEVATIONS

A-1.8

Alexan South Main
MILPITAS, CALIFORNIA



BLDG. 2 FLOOR PLAN - LOWER LEVEL GARAGE

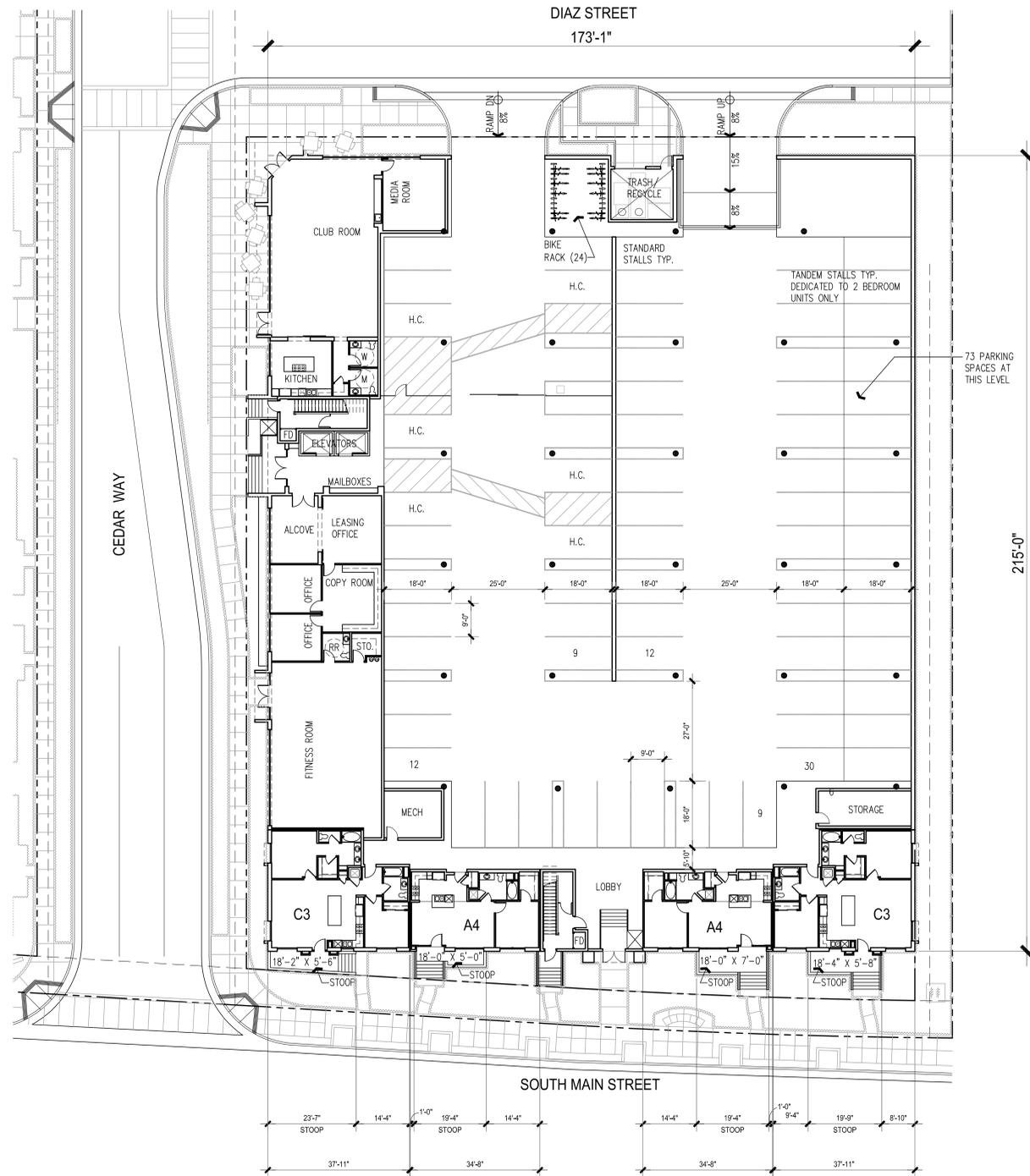
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BLDG. 2 FLOOR PLAN
LOWER LEVEL GARAGE

A-2.1

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73 PARKING SPACES AT THIS LEVEL

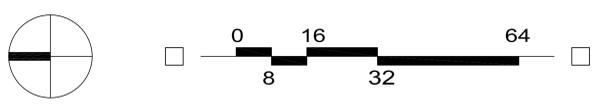
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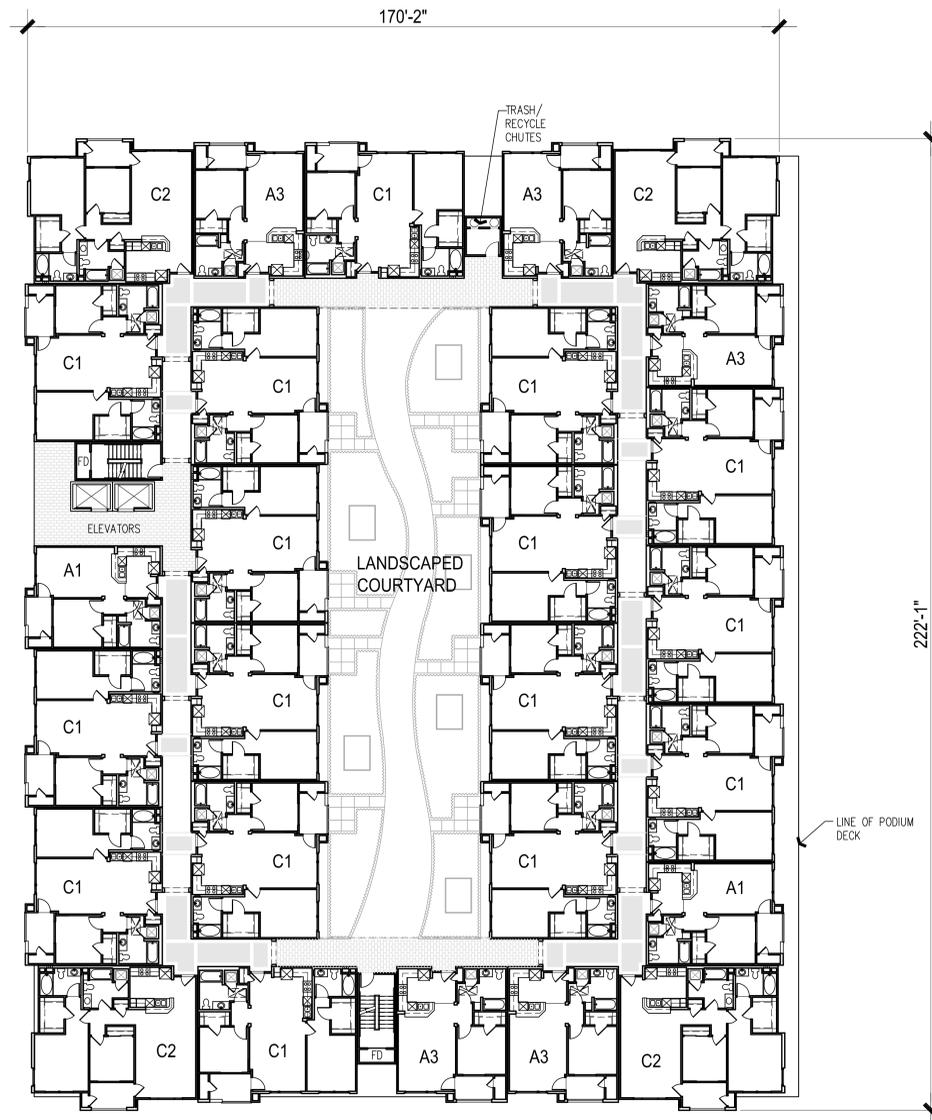
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BLDG. 2 FLOOR PLAN
UPPER LEVEL GARAGE &
1ST LEVEL RESIDENTIAL

A-2.2

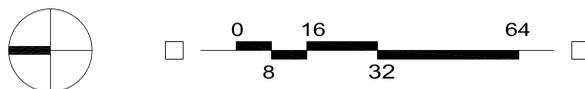
BLDG. 2 FLOOR PLAN - LEVEL 1





FLOORING LEGEND

		CARPET
		HARD SURFACE OR CONCRETE



**BLDG. 2 FLOOR PLAN -
LEVELS 2-3**

Alexan South Main
MILPITAS, CALIFORNIA

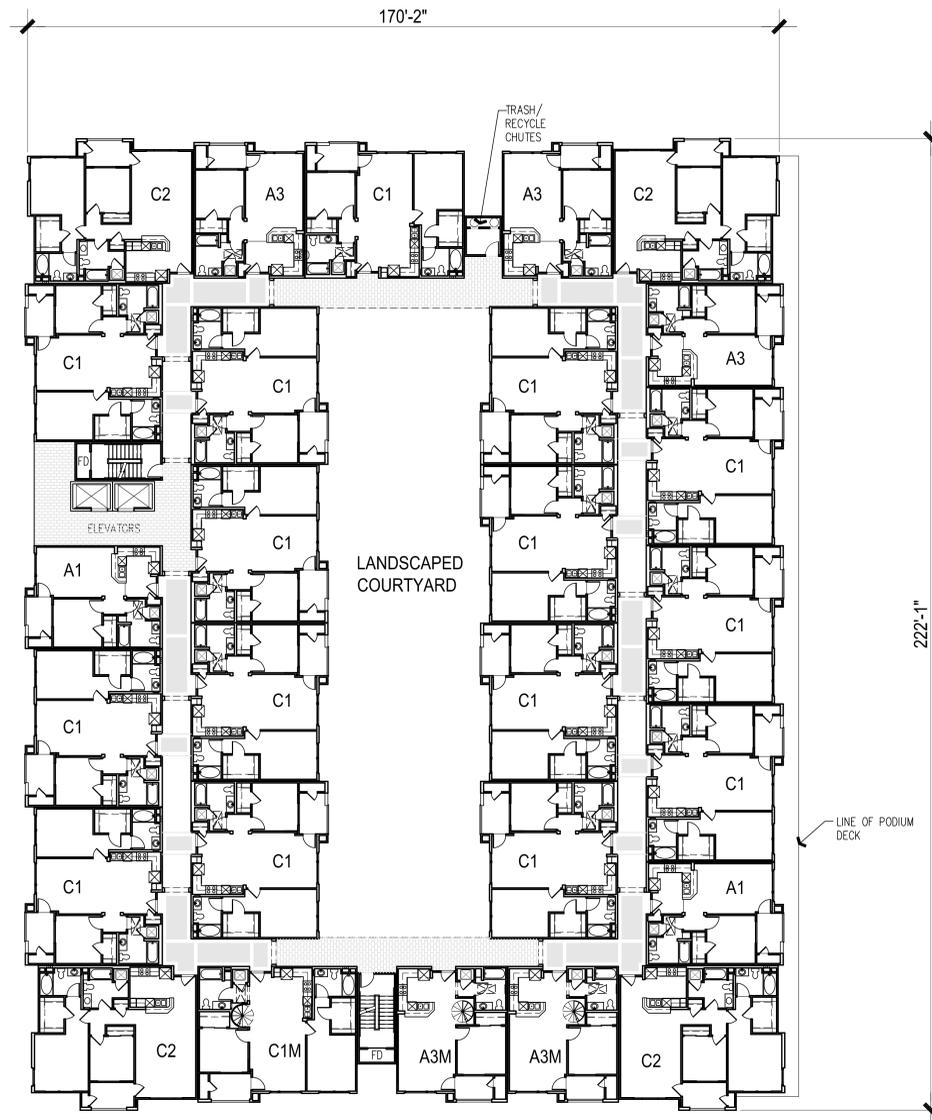
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BLDG. 2 FLOOR PLANS
LEVELS 2 - 3

A-2.3

Alexan South Main
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FLOORING LEGEND

	CARPET
	HARD SURFACE OR CONCRETE



BLDG. 2 FLOOR PLAN - LEVEL 4

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BLDG. 2 FLOOR PLANS
LEVEL 4

A-2.4



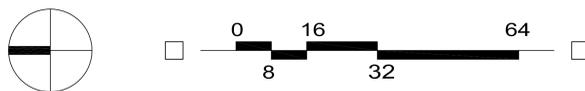
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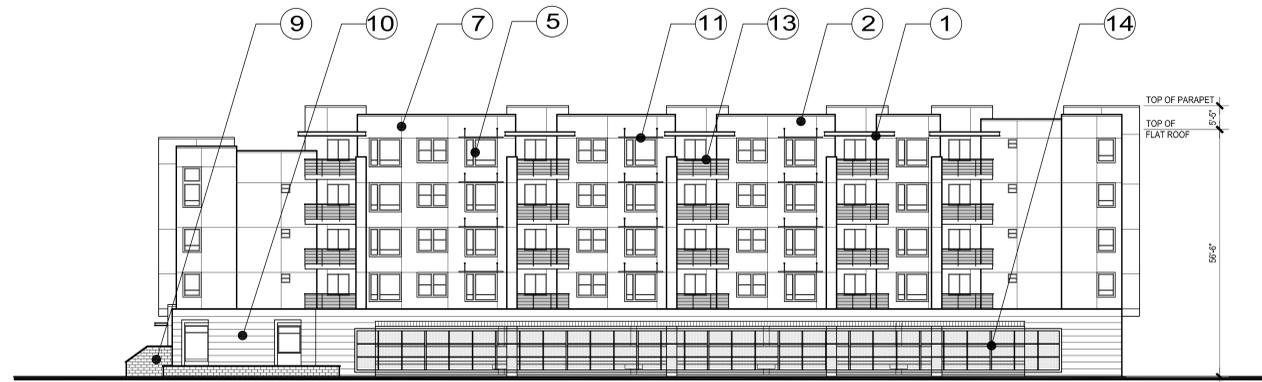
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BLDG. 2 ROOF PLAN

A-2.6



BLDG. 2 ROOF PLAN



1. SOUTH ELEVATION

MATERIAL LEGEND

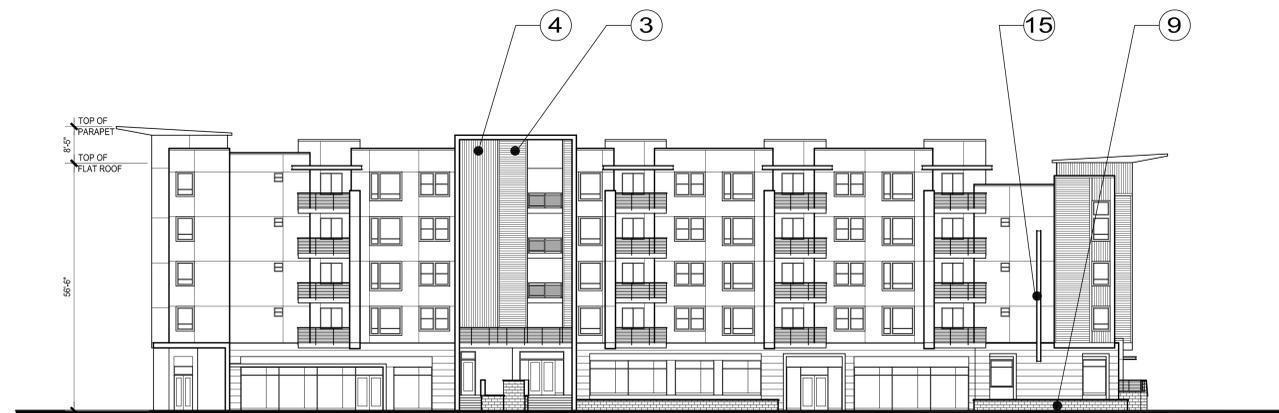
1. METAL AWNING
2. EXTERIOR PLASTER
3. HORIZONTAL SIDING
4. METAL WALL PANEL
5. RECESSED VINYL WINDOWS TYP.
6. STOREFRONT WINDOWS
7. PLASTER JOINT TYP.
8. METAL RAILING w/ PERFERATED METAL SCREEN (PAINTED)
9. SPLIT FACE BLOCK
10. SCORED CONCRETE
11. METAL HORIZONTAL SUN SHADE
12. STOOP
13. METAL RAILING (PAINTED)
14. METAL SCREEN w/ MESH
15. BLADE SIGN



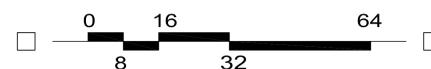
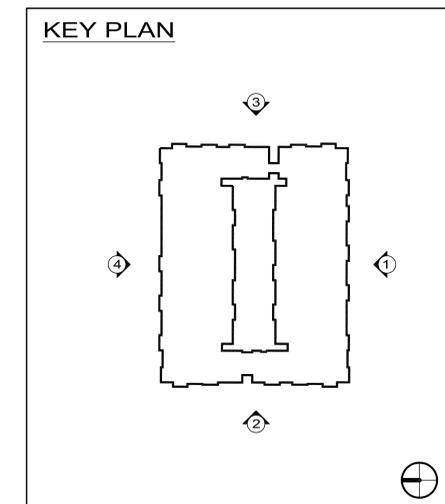
2. WEST ELEVATION (SOUTH MAIN STREET)



3. EAST ELEVATION (DIAZ STREET)



4. NORTH ELEVATION (CEDAR WAY)



BUILDING 2 ELEVATIONS

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BUILDING 2 ELEVATIONS

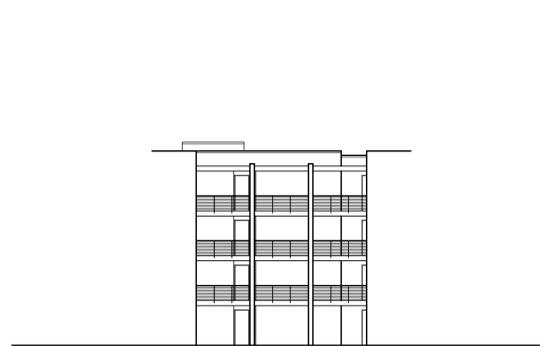
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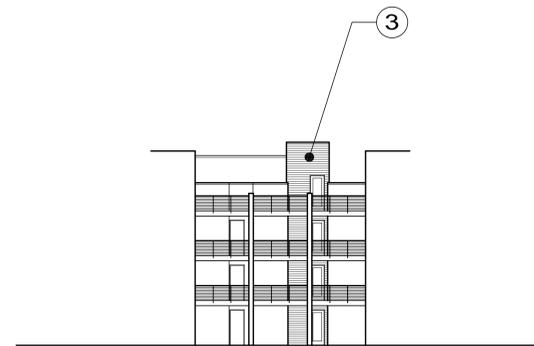
5. SOUTH ELEVATION

MATERIAL LEGEND

- 1. METAL AWNING
- 2. EXTERIOR PLASTER
- 3. HORIZONTAL SIDING
- 4. METAL WALL PANEL
- 5. RECESSED VINYL WINDOWS TYP.
- 6. STOREFRONT WINDOWS
- 7. PLASTER JOINT TYP.
- 8. METAL RAILING w/ PERFERATED METAL SCREEN (PAINTED)
- 9. SPLIT FACE BLOCK
- 10. SCORED CONCRETE
- 11. METAL HORIZONTAL SUN SHADE
- 12. STOOP
- 13. METAL RAILING (PAINTED)



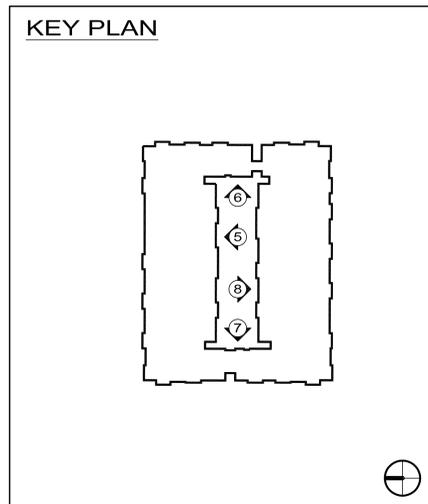
6. WEST ELEVATION



7. EAST ELEVATION



8. NORTH ELEVATION



**BUILDING 2 -
COURTYARD ELEVATIONS**

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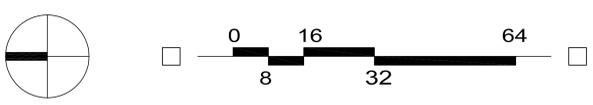
BUILDING 2
COURTYARD ELEVATIONS

A-2.8



FLOORING LEGEND

	CARPET
	HARD SURFACE OR CONCRETE



BLDG. 3 FLOOR PLAN - LEVEL 1

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BLDG. 3 FLOOR PLAN
LEVEL 1

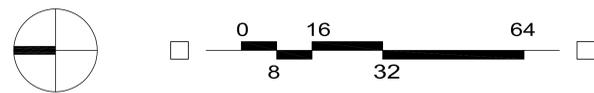
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FLOORING LEGEND

	CARPET
	HARD SURFACE OR CONCRETE



BLDG. 3 FLOOR PLAN -
LEVELS 2-3 TYP.

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BLDG. 3 FLOOR PLAN
LEVELS 2 & 3

A-3.2

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FLOORING LEGEND

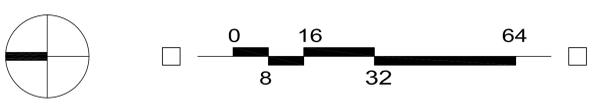
	CARPET
	HARD SURFACE OR CONCRETE

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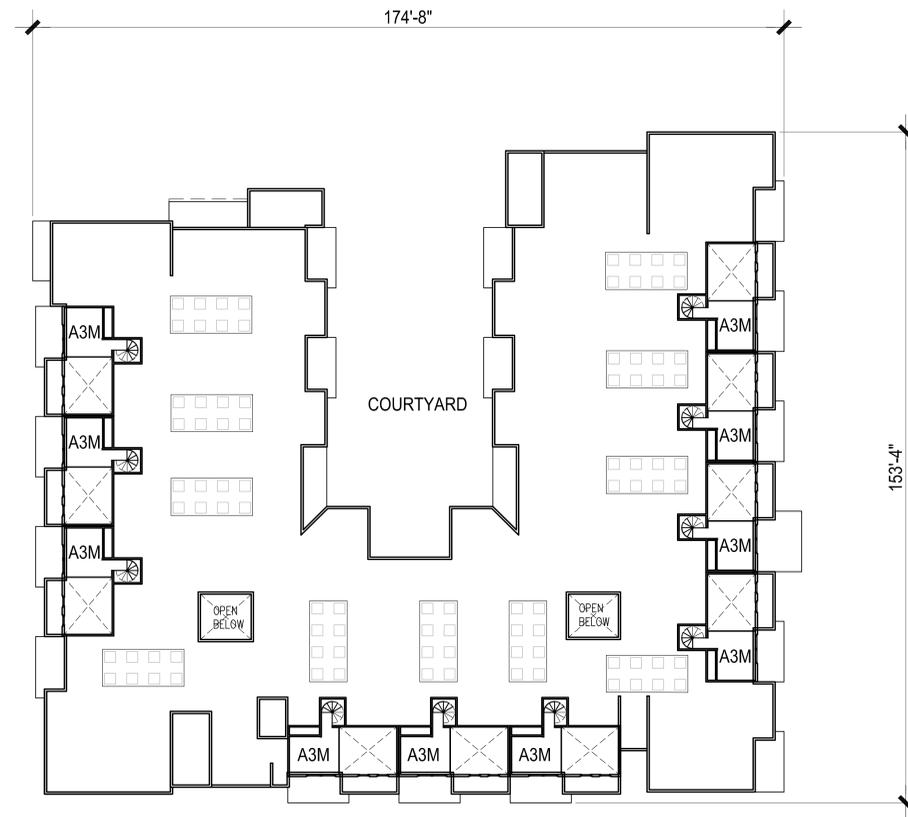
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BLDG. 3 FLOOR PLAN
LEVELS 4

A-3.3



BLDG. 3 FLOOR PLAN - LEVEL 4



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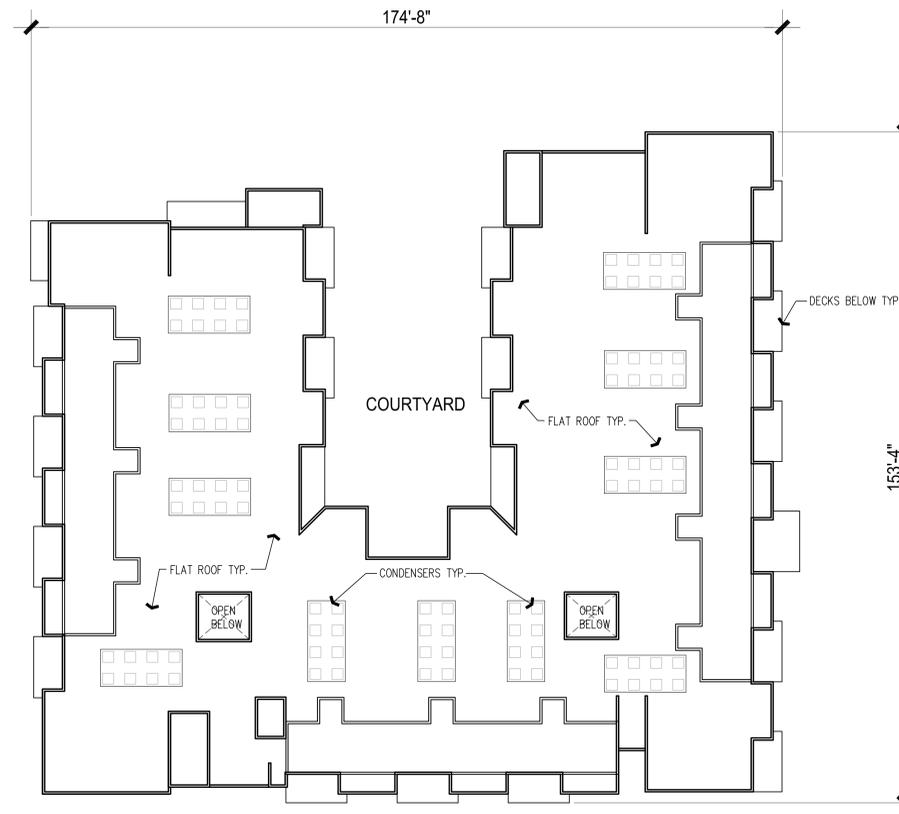
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BLDG. 3 FLOOR PLAN
LEVEL 5

A-3.4

BLDG. 3 FLOOR PLAN - LEVEL 5



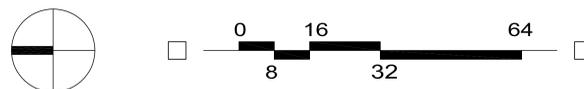
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BLDG. 3 ROOF PLAN

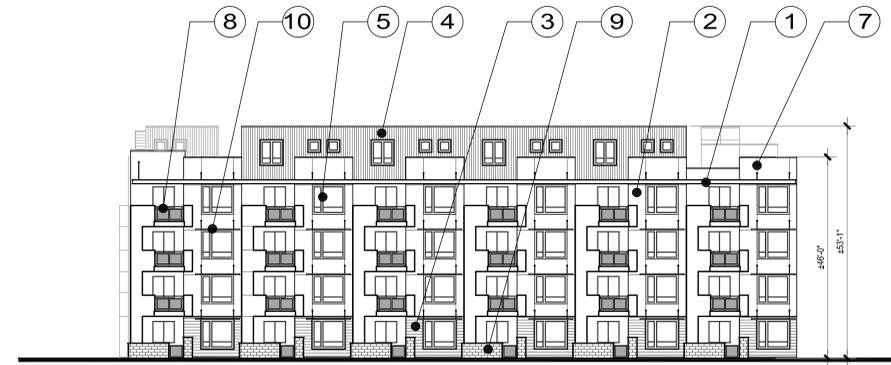
A-3.5



BLDG. 3 ROOF PLAN



1. NORTH ELEVATION (CEDAR WAY)



2. SOUTH ELEVATION

MATERIAL LEGEND

- 1. METAL AWNING
- 2. EXTERIOR PLASTER
- 3. HORIZONTAL SIDING
- 4. METAL WALL PANEL
- 5. RECESSED VINYL WINDOWS TYP.
- 7. PLASTER JOINT TYP.
- 8. METAL RAILING w/ PERFERATED METAL SCREEN (PAINTED)
- 9. SPLIT FACE BLOCK
- 10. METAL HORIZONTAL SUN SHADE



3. WEST ELEVATION (DIAZ STREET)



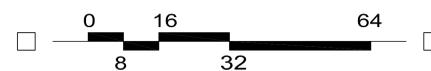
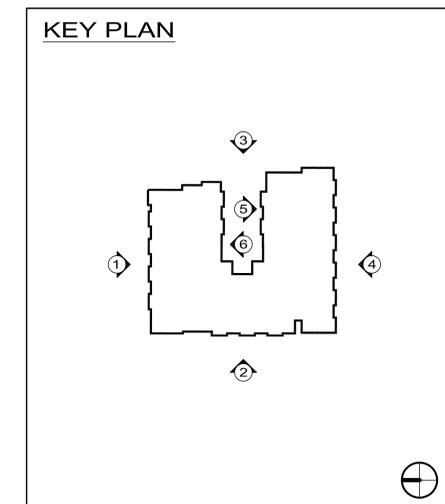
4. EAST ELEVATION (COSTA STREET)



5. NORTH ELEVATION



6. SOUTH ELEVATION



BUILDING 3 ELEVATIONS

Alexan South Main
MILPITAS, CALIFORNIA

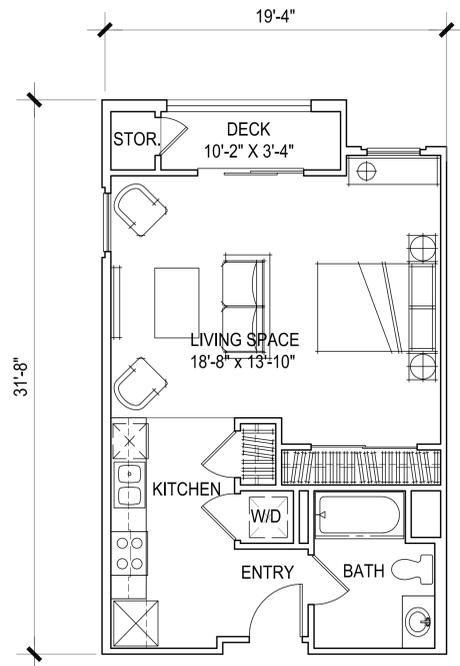
#	REVISIONS	DATE
1	1ST SUBMITTAL	8.24.07
2	2nd SUBMITTAL	11.07.07
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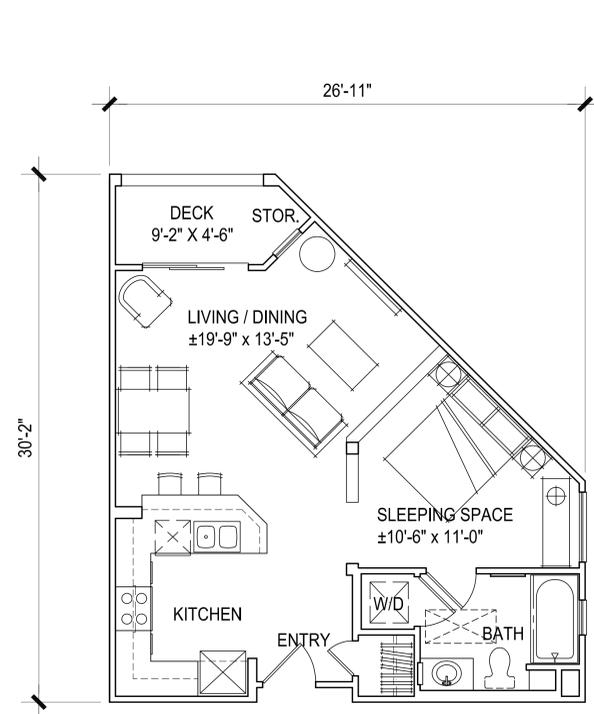
KTGY NO. 20070666

BUILDING 3 ELEVATIONS

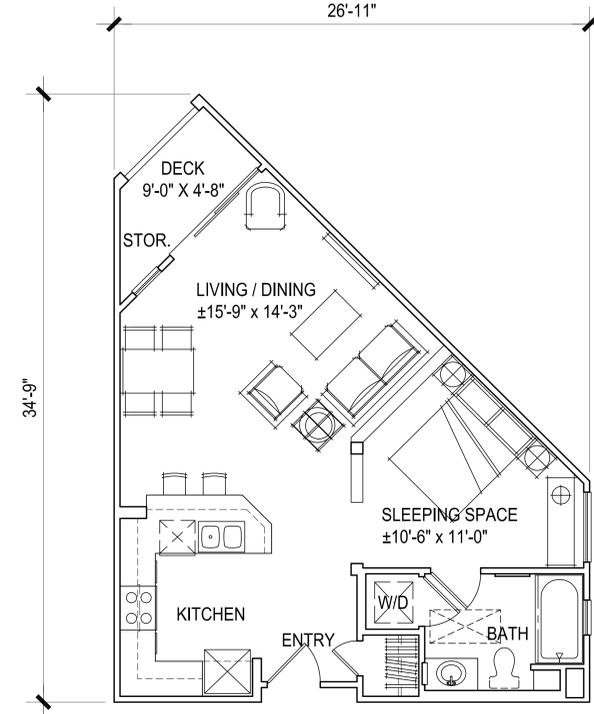
A-3.6



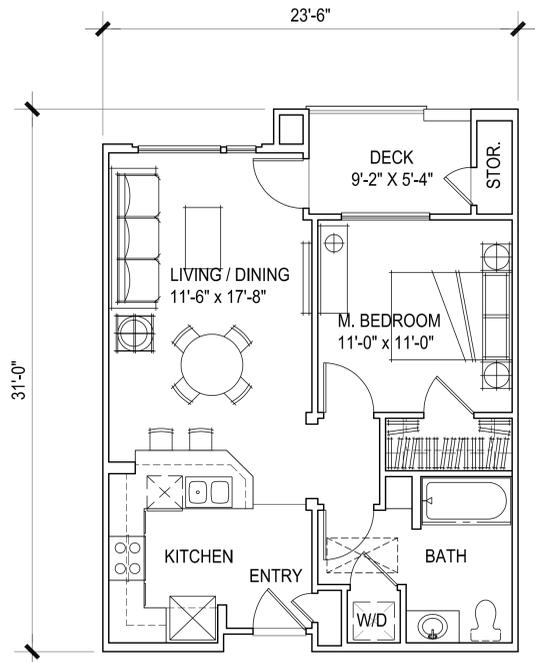
UNIT S1 - Studio/1 Bath
Conditioned - 576 G.S.F.
Unconditioned - 55 G.S.F.



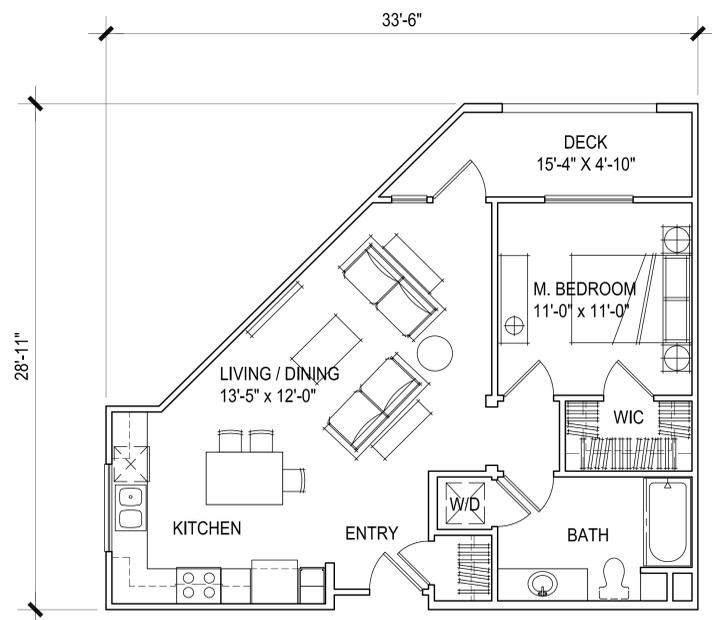
UNIT S2 - Studio/1 Bath
Conditioned - 613 G.S.F.
Unconditioned - 55 G.S.F.



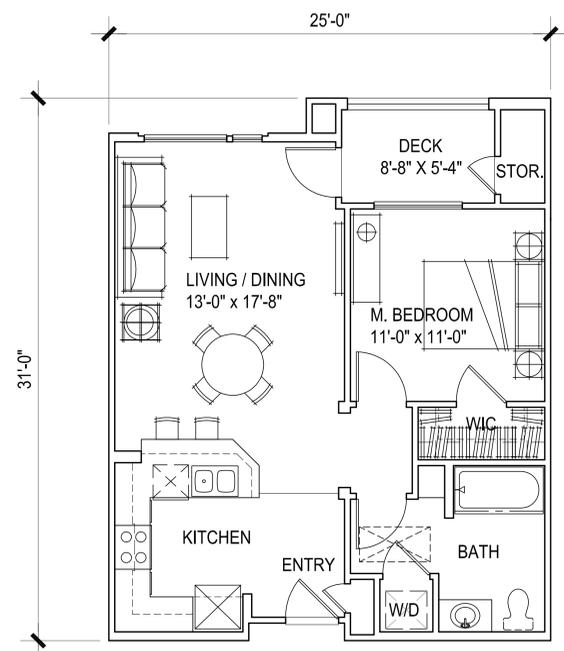
UNIT S3 - Studio/1 Bath
Conditioned - 638 G.S.F.
Unconditioned - 51 G.S.F.



UNIT A1 - 1 Bed/1 Bath
Conditioned - 657 G.S.F.
Unconditioned - 74 G.S.F.



UNIT A2 - 1 Bed/1 Bath
Conditioned - 675 G.S.F.
Unconditioned - 85 G.S.F.



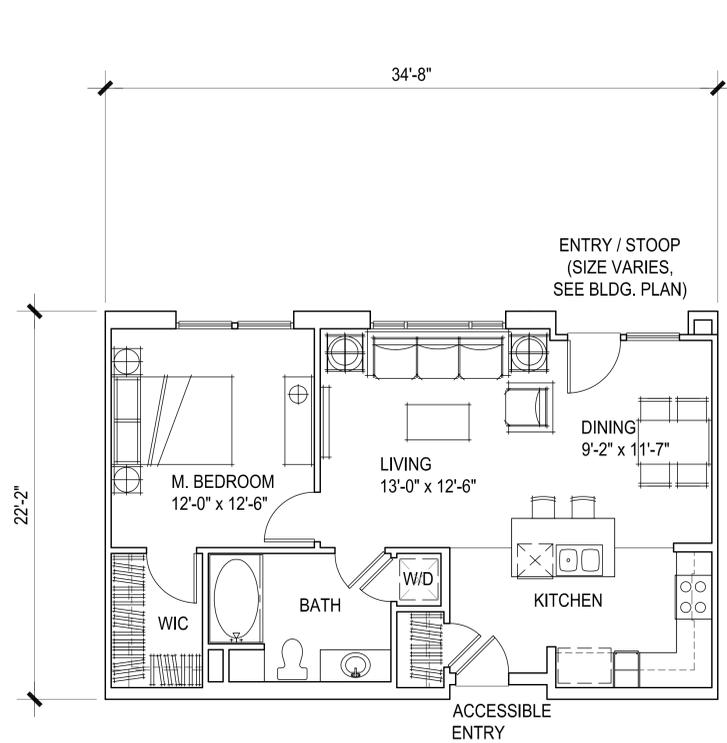
UNIT A3 - 1 Bed/1 Bath
Conditioned - 695 G.S.F.
Unconditioned - 75 G.S.F.



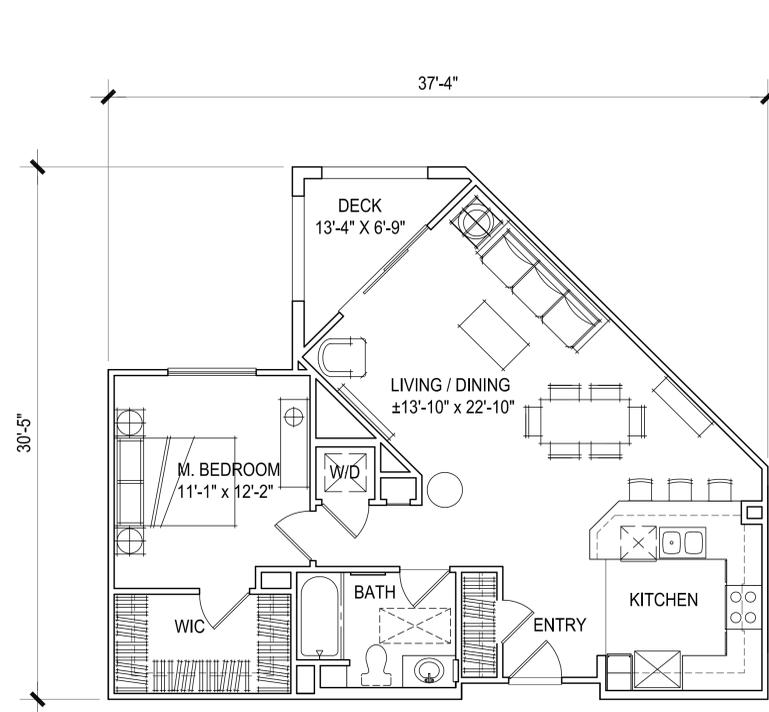
#	REVISIONS	DATE
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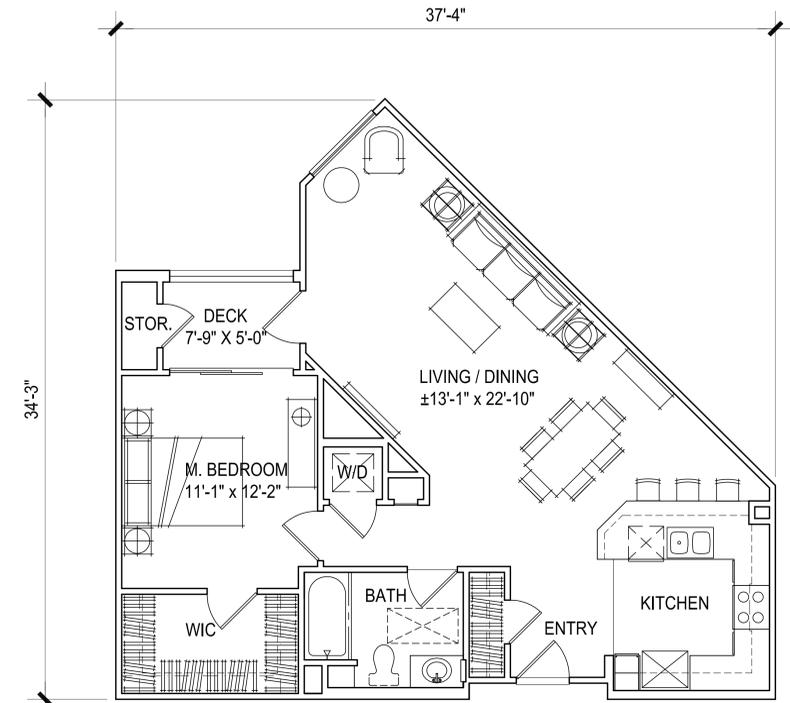
TYPICAL
UNIT PLANS



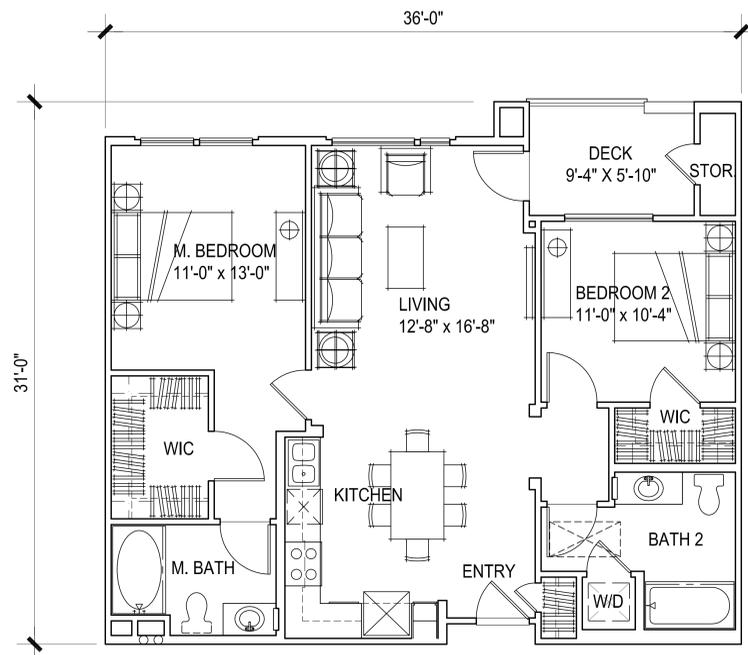
UNIT A4 - 1 Bed/1 Bath
Conditioned - 794 G.S.F.
Unconditioned - 37 G.S.F.



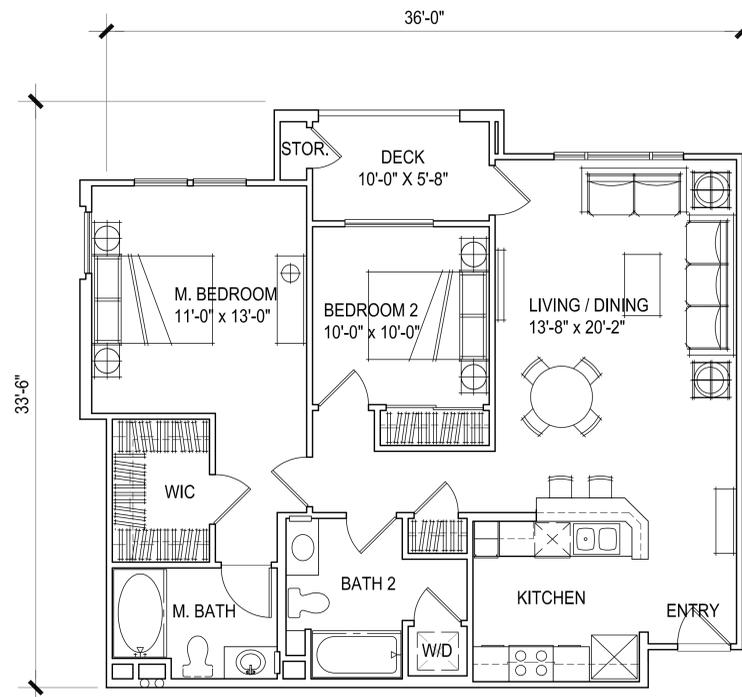
UNIT A5 - 1 Bed/1 Bath
Conditioned - 801 G.S.F.
Unconditioned - 60 G.S.F.



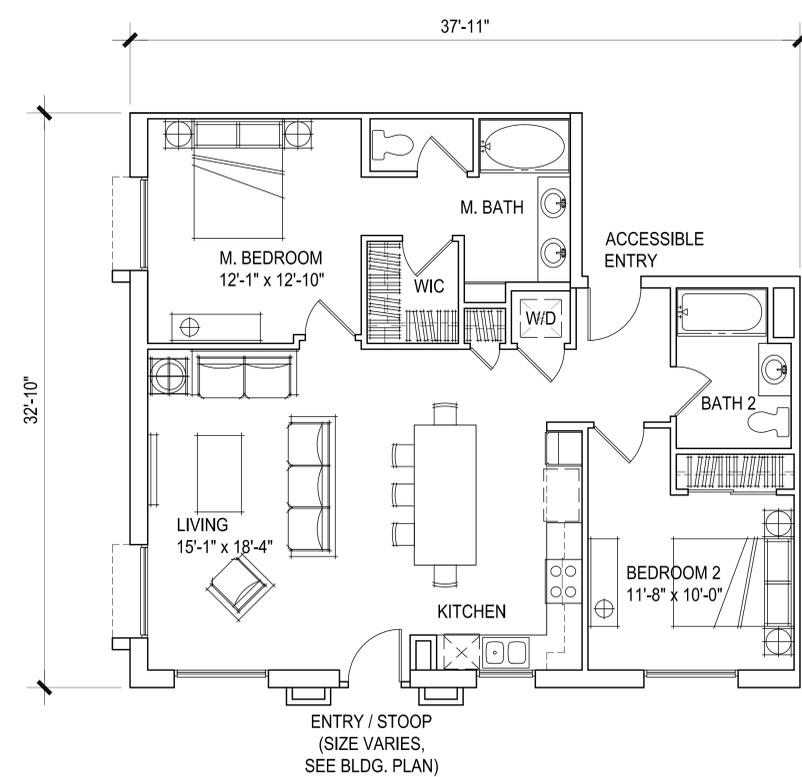
UNIT A6 - 1 Bed/1 Bath
Conditioned - 808 G.S.F.
Unconditioned - 49 G.S.F.



UNIT C1 - 2 Bed/2 Bath
Conditioned - 982 G.S.F.
Unconditioned - 85 G.S.F.



UNIT C2 - 2 Bed/2 Bath
Conditioned - 1035 G.S.F.
Unconditioned - 81 G.S.F.



UNIT C3 - 2 Bed/2 Bath
Conditioned - 1121 G.S.F.
Unconditioned - 29 G.S.F.



Alexan South Main
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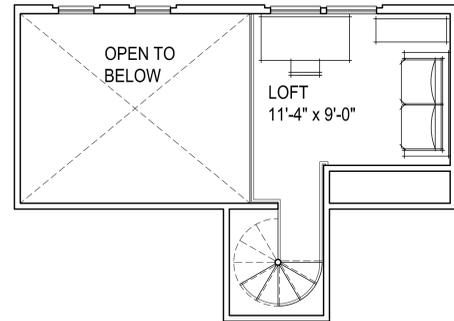
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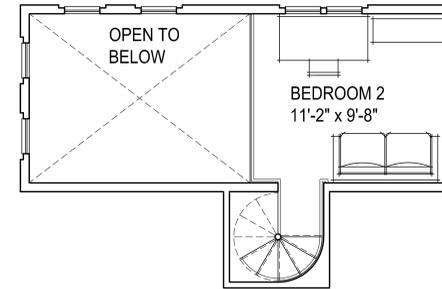
TYPICAL
UNIT PLANS

A-4.2

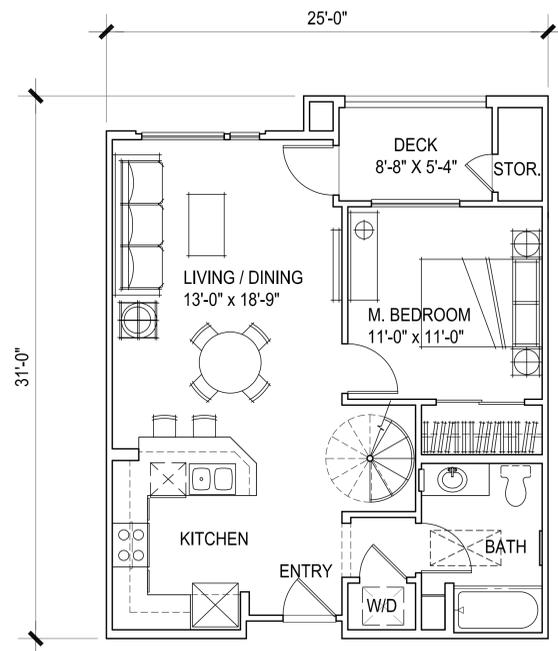
TYPICAL UNIT PLANS



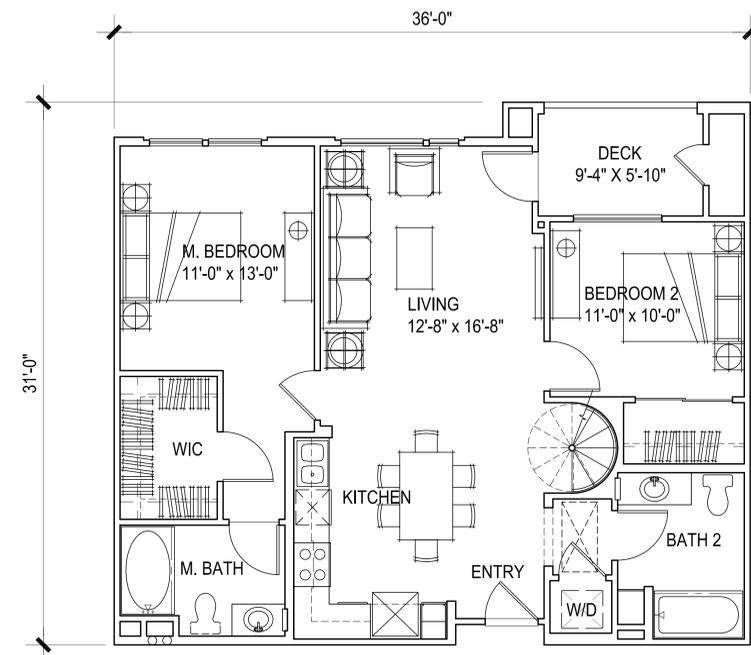
MEZZANINE LEVEL



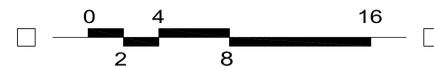
MEZZANINE LEVEL



UNIT A3M - 1 Bed/1 Bath & Loft
Conditioned - 807 G.S.F.
Unconditioned - 75 G.S.F.



UNIT C1M - 2 Bed/2 Bath & Loft
Conditioned - 1090 G.S.F.
Unconditioned - 85 G.S.F.



TYPICAL UNIT PLANS

Alexan South Main
MILPITAS, CALIFORNIA

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TYPICAL
UNIT PLANS

A-4.3



BUILDING 1 WEST ELEVATION



BUILDING 2 WEST ELEVATION



BUILDING 3 WEST ELEVATION



BUILDINGS 1, 2, & 3 COLORED WEST ELEVATIONS

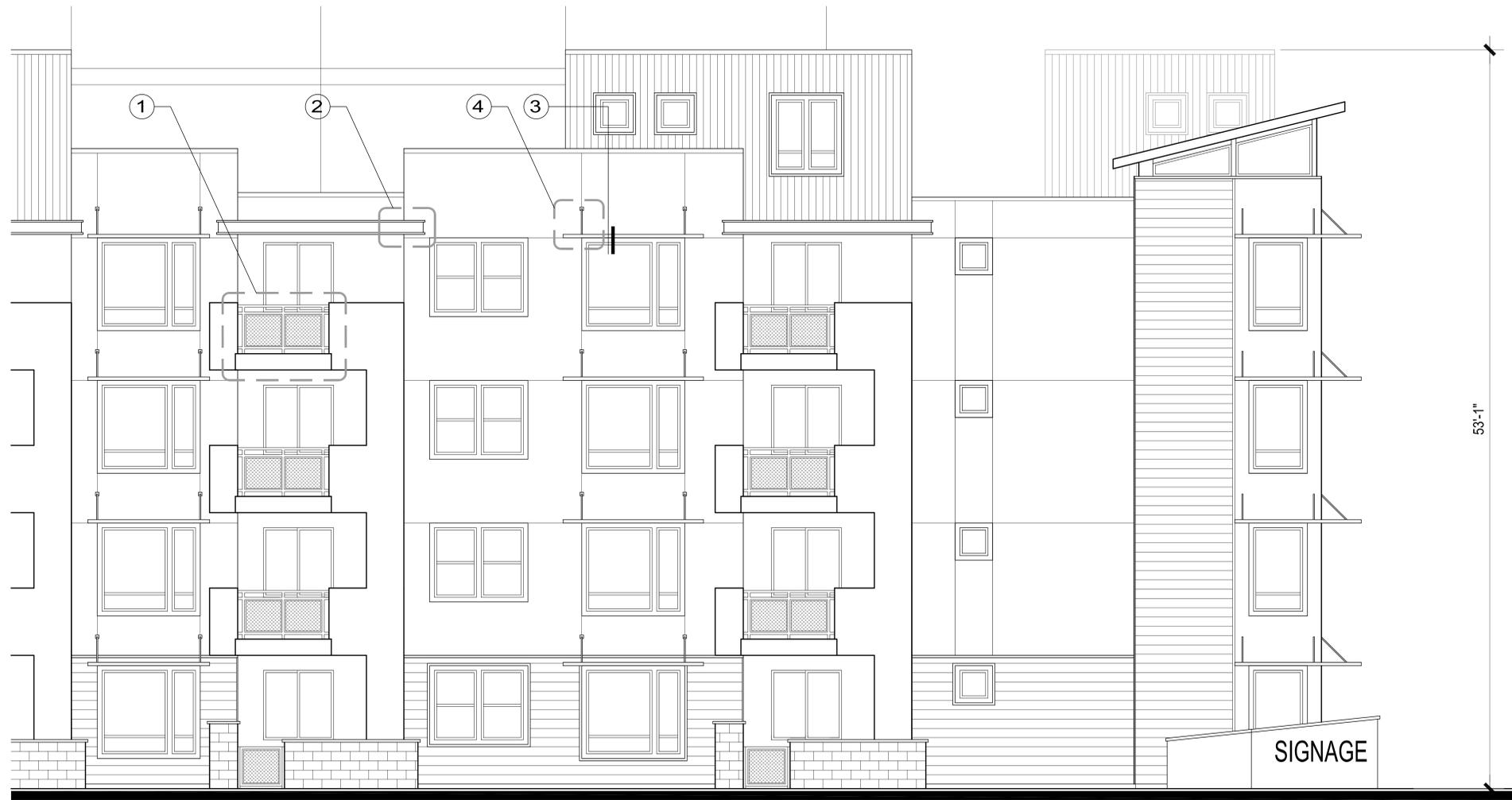
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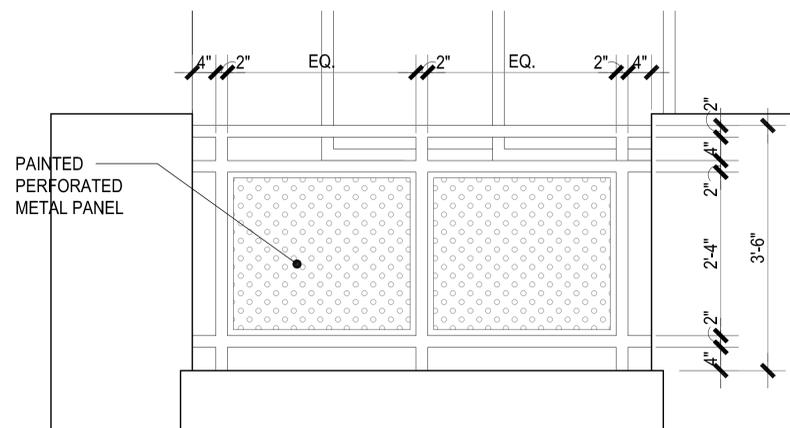
COLORED ELEVATIONS

A-5.4

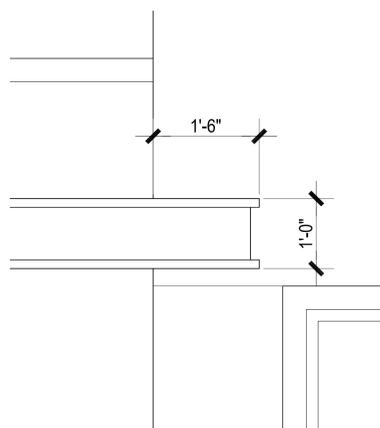


BLDG. 1 WEST ELEVATION

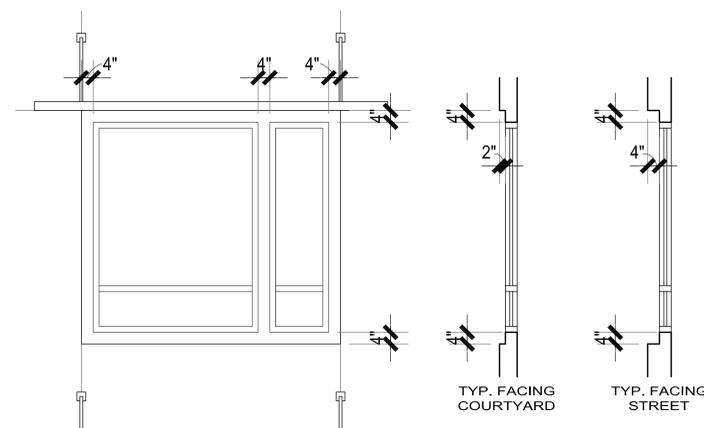
Alexan South Main
MILPITAS, CALIFORNIA



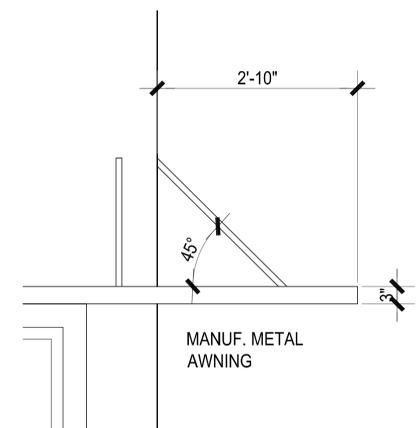
1. TYPICAL RAILING DETAIL



2. C-CHANNEL AWNING



3. TYPICAL WINDOW RECESS



3. TYPICAL SHADING DEVICE @ SOUTH & WEST FACING WINDOWS

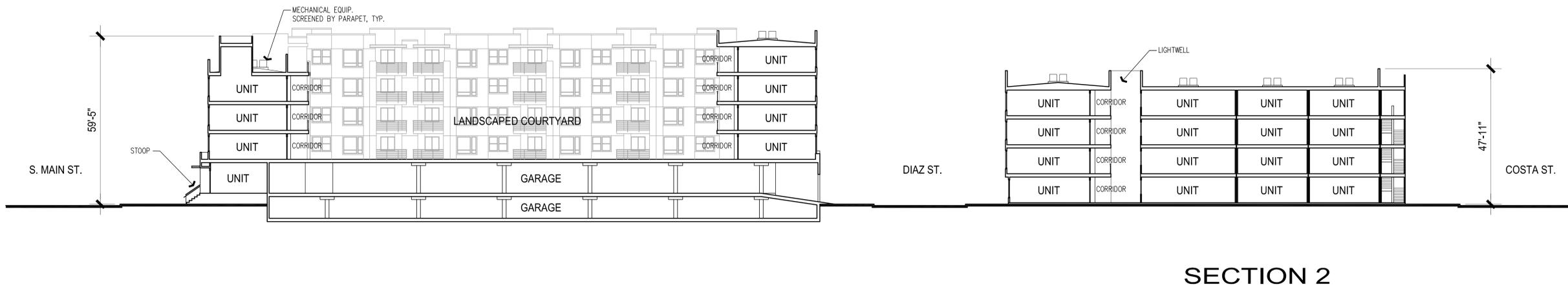
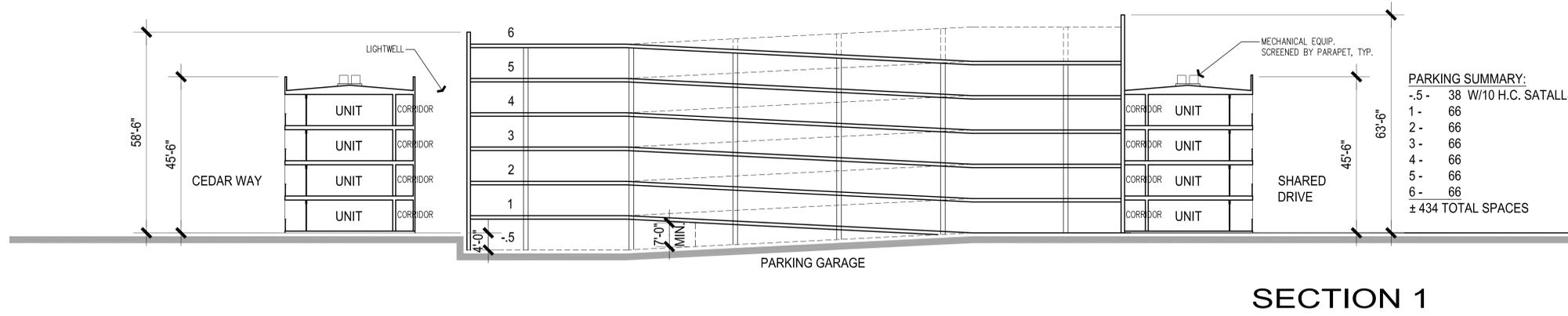
TYP. ARCHITECTURAL DETAILS

#	REVISIONS	DATE
1	1ST SUBMITTAL	8.24.07
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ARCHITECTURAL DETAILS

A-5.5



BUILDING SECTIONS

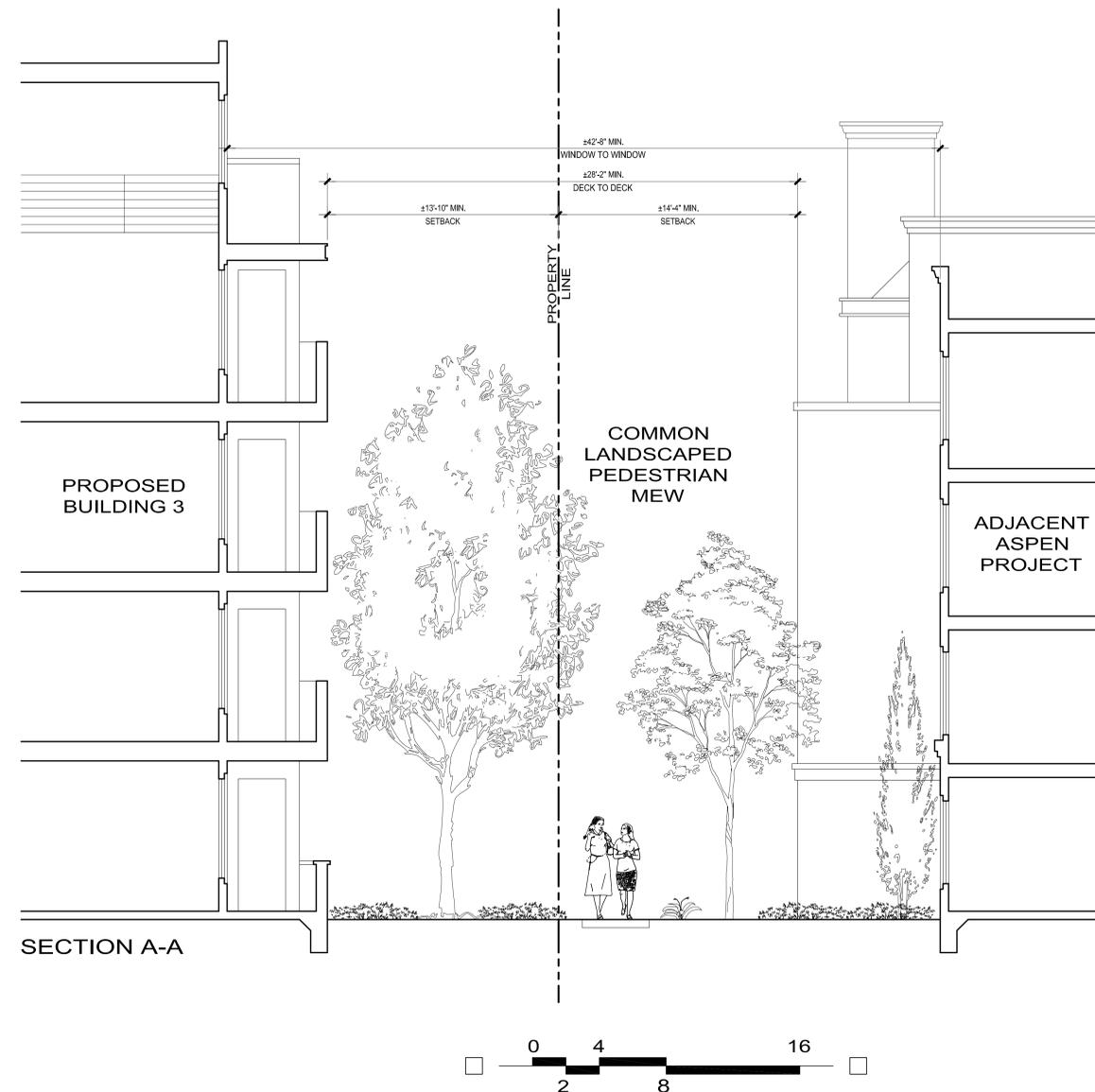
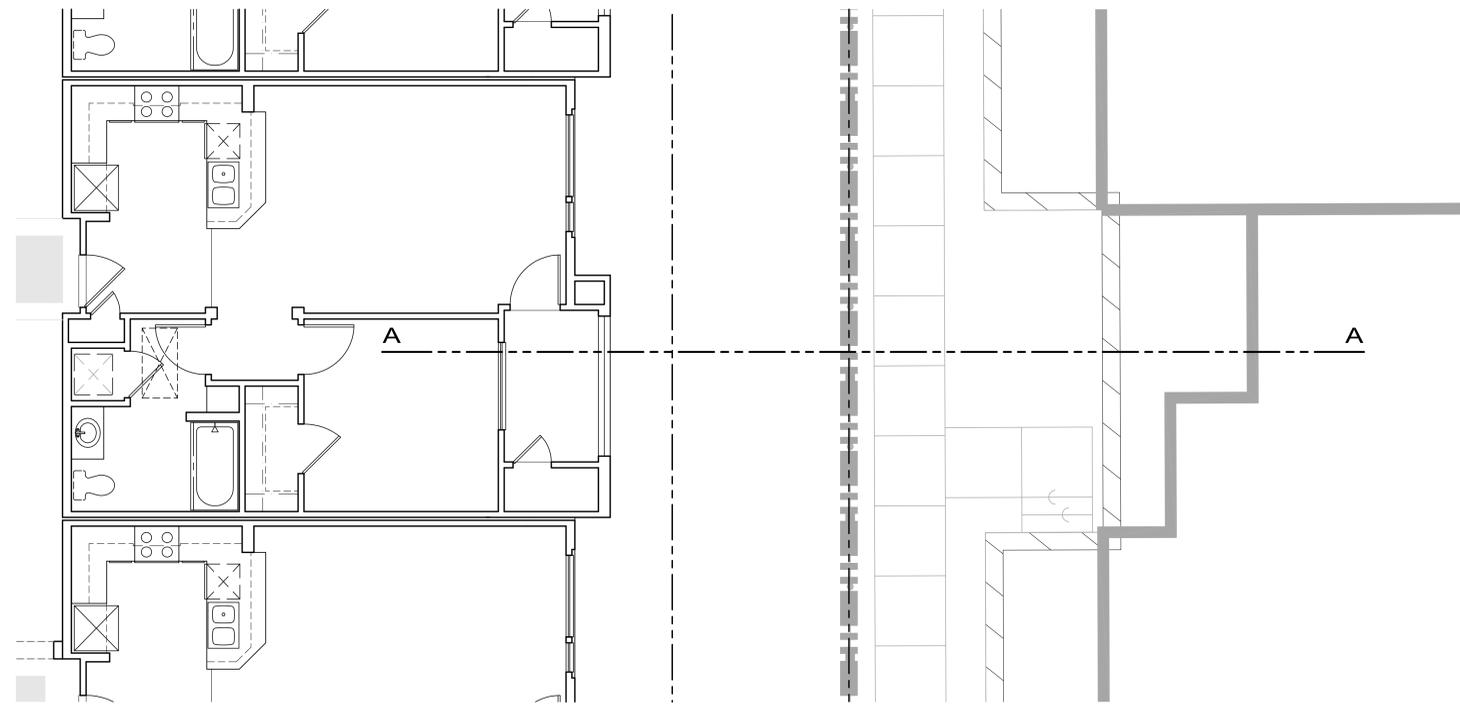
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BLDG. SECTIONS

A-5.6



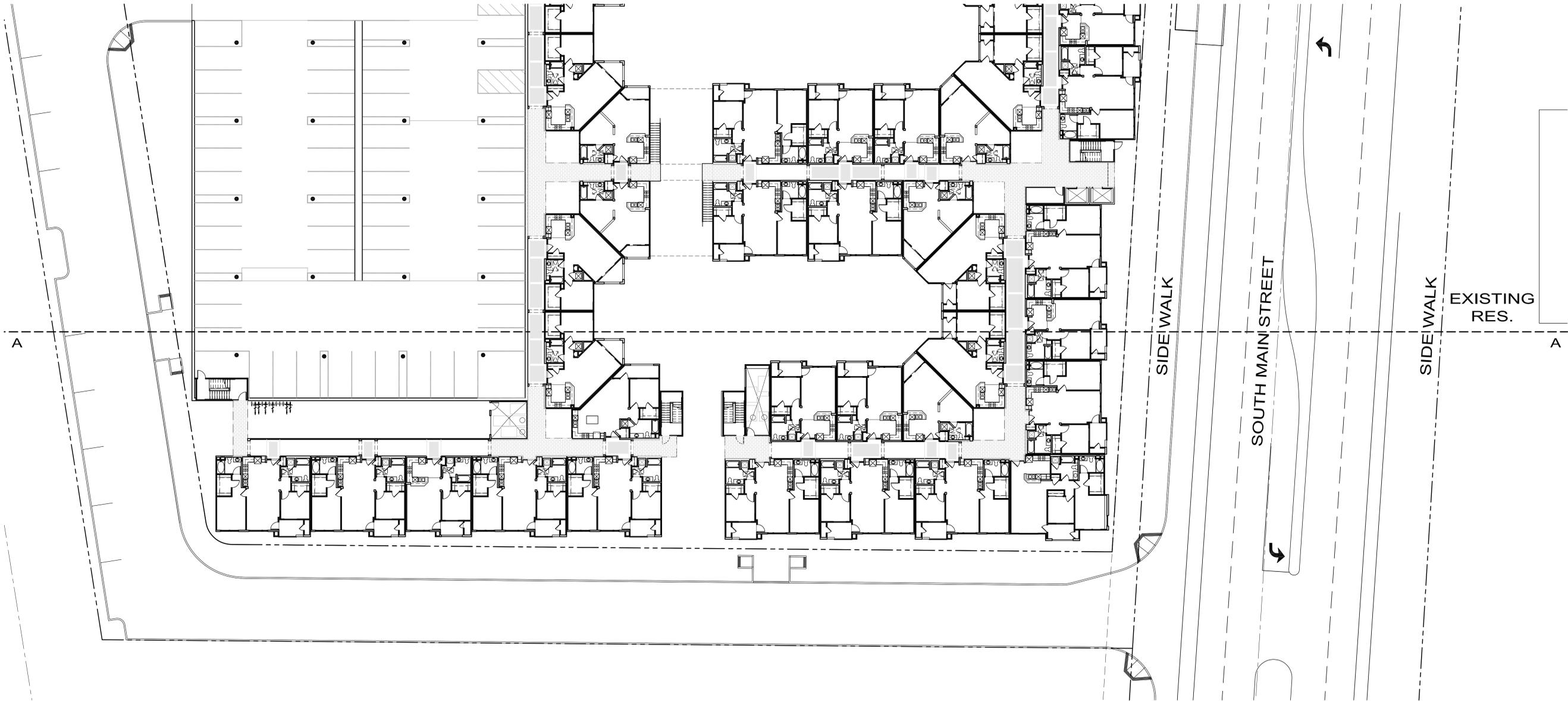
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BUILDING SECTIONS -
BUILDING 3 AND
NEIGHBORING PROPERTY

A-5.7



SITE PLAN



SECTION A-A



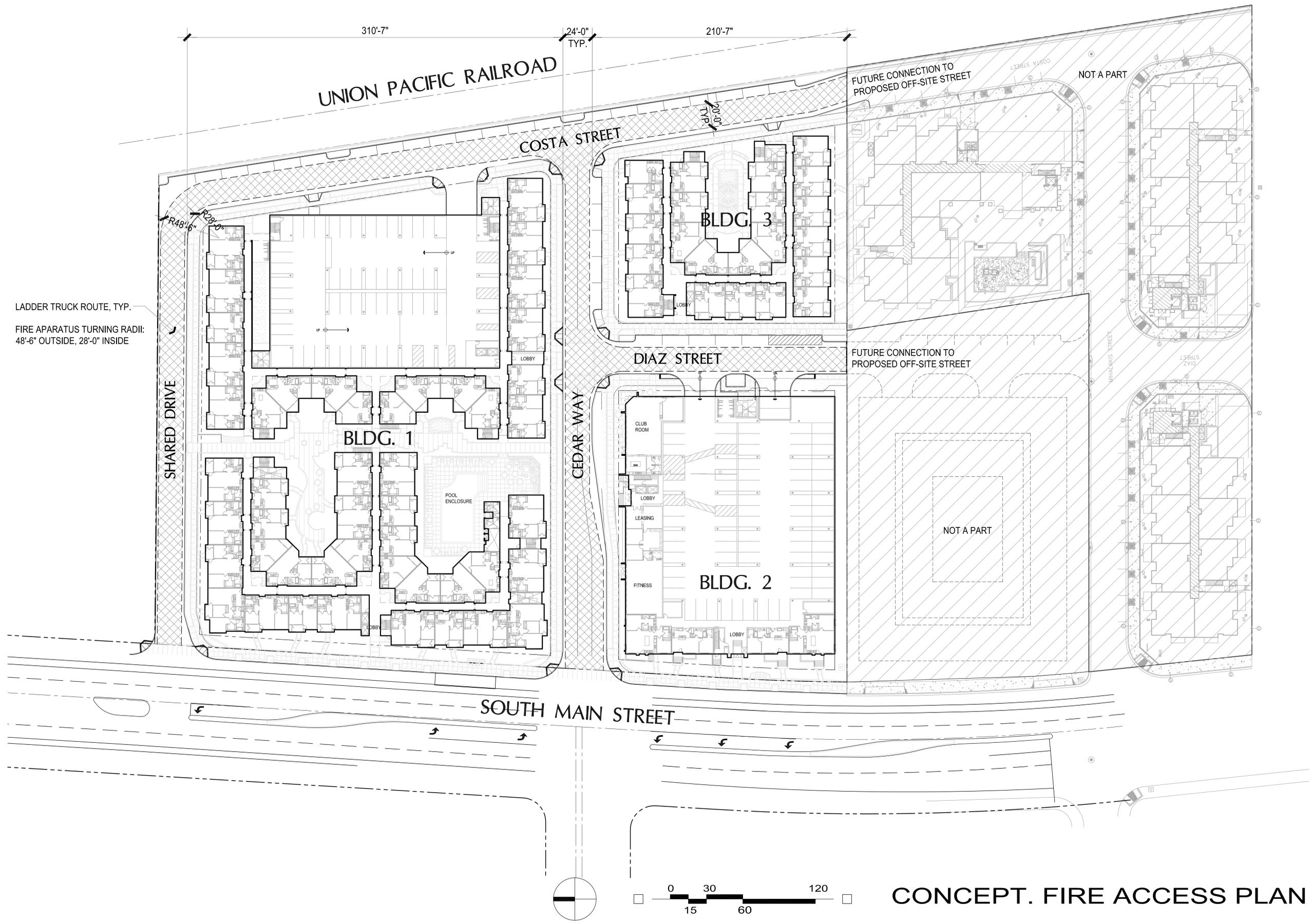
**PARKING GARAGE
LINE OF SIGHT DIAGRAM**

Alexan South Main
MILPITAS, CALIFORNIA

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PARKING GARAGE
LINE OF SIGHT DIAGRAM



LADDER TRUCK ROUTE, TYP.
FIRE APARATUS TURNING RADII:
48'-6" OUTSIDE, 28'-0" INSIDE

Alexan South Main
MILPITAS, CALIFORNIA

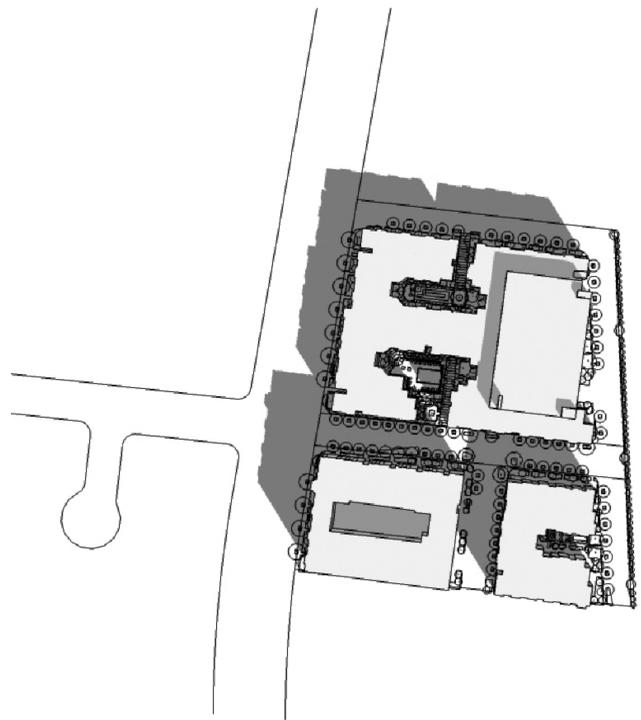
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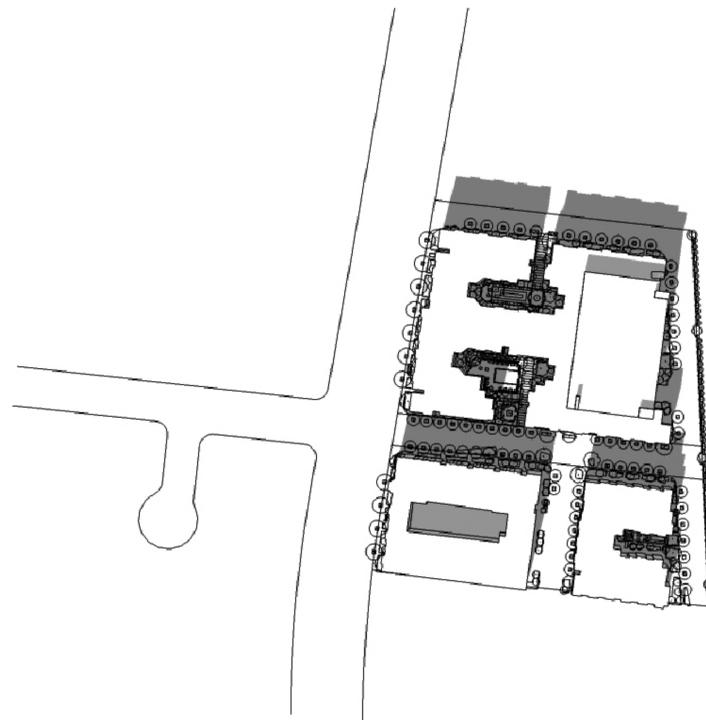
CONCEPTUAL
FIRE ACCESS PLAN

A-6.1

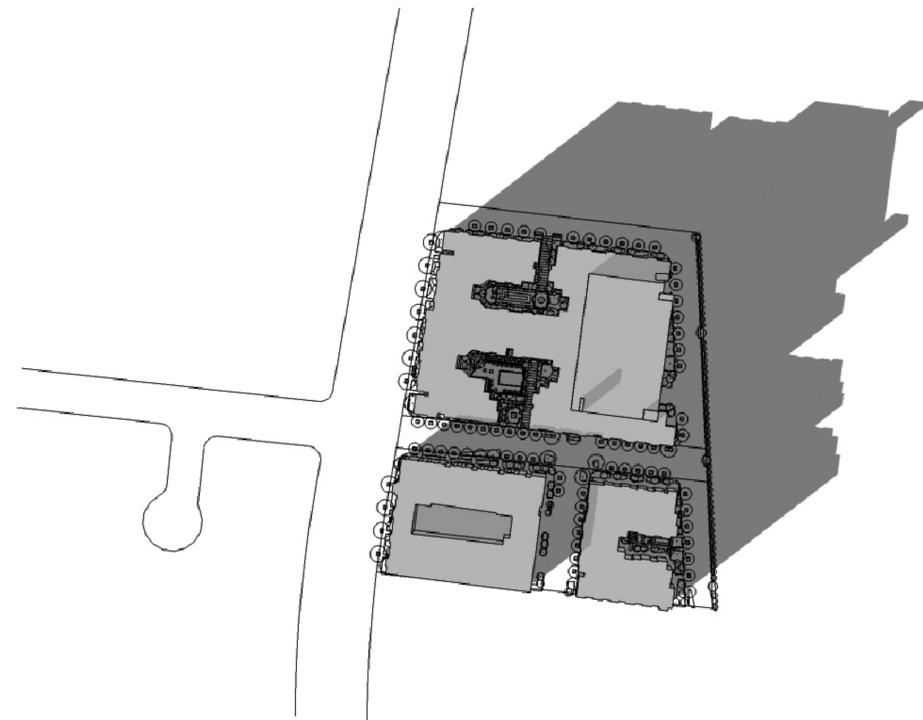
CONCEPT. FIRE ACCESS PLAN



Winter Solstice 9am



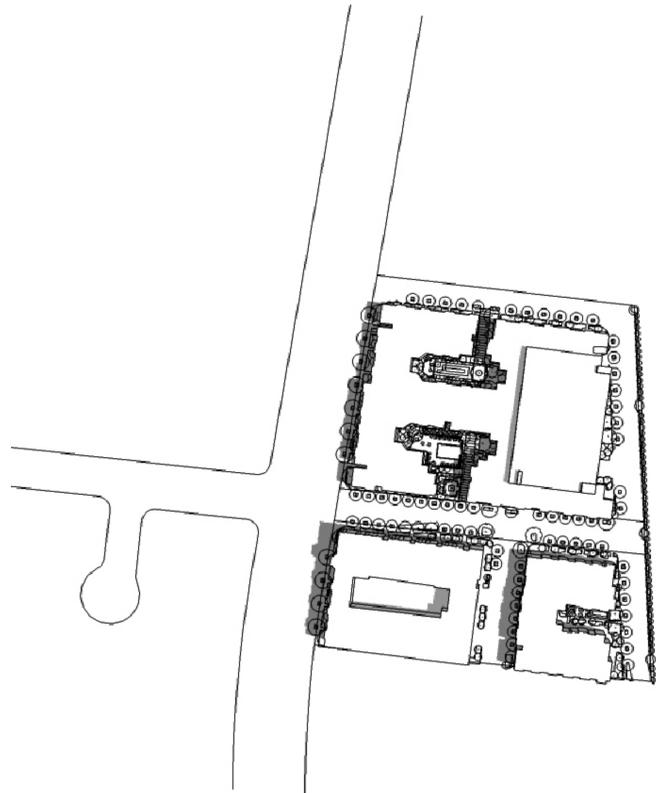
Winter Solstice 12pm



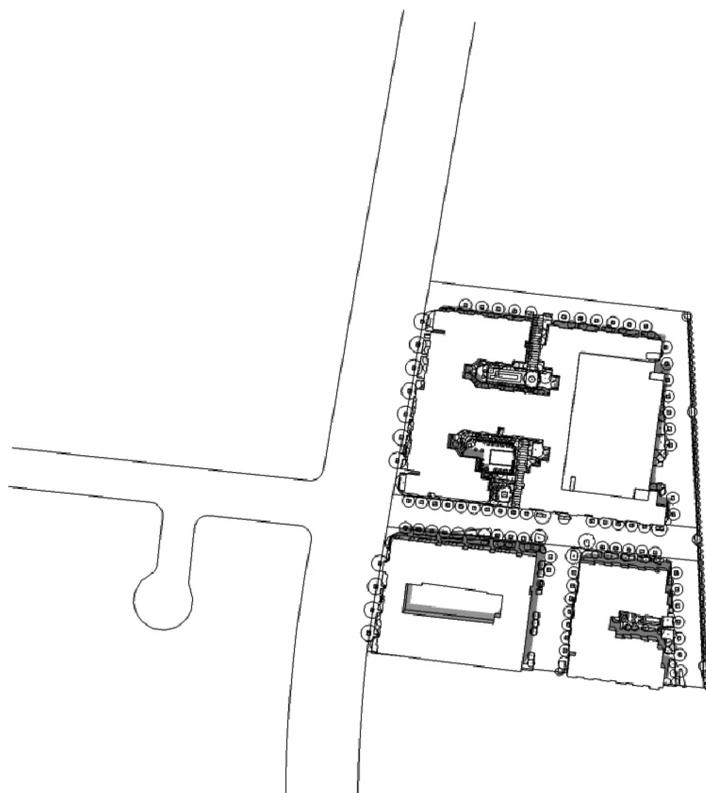
Winter Solstice 3pm



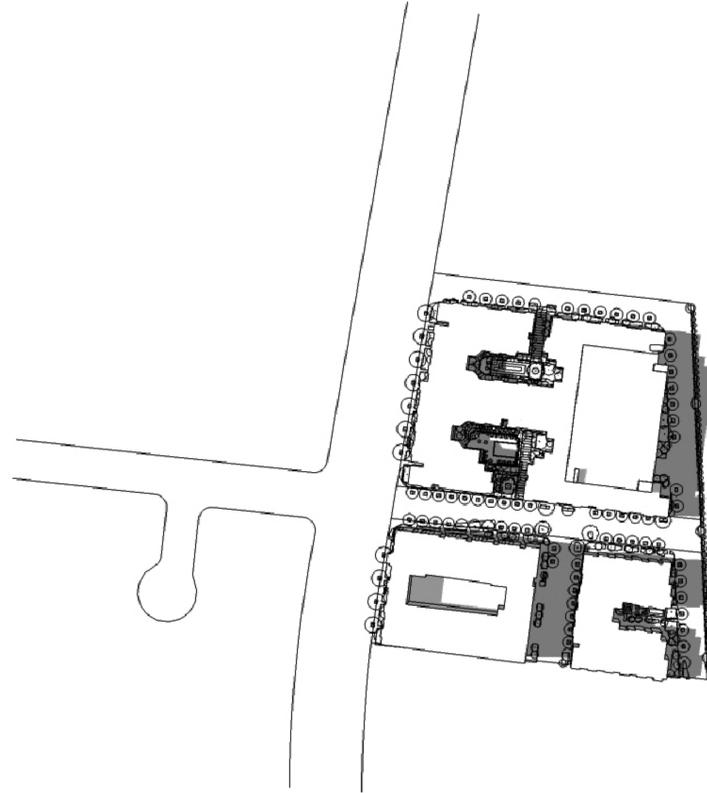
WINTER SOLSTICE



Summer Solstice 9am



Summer Solstice 12pm



Summer Solstice 3pm



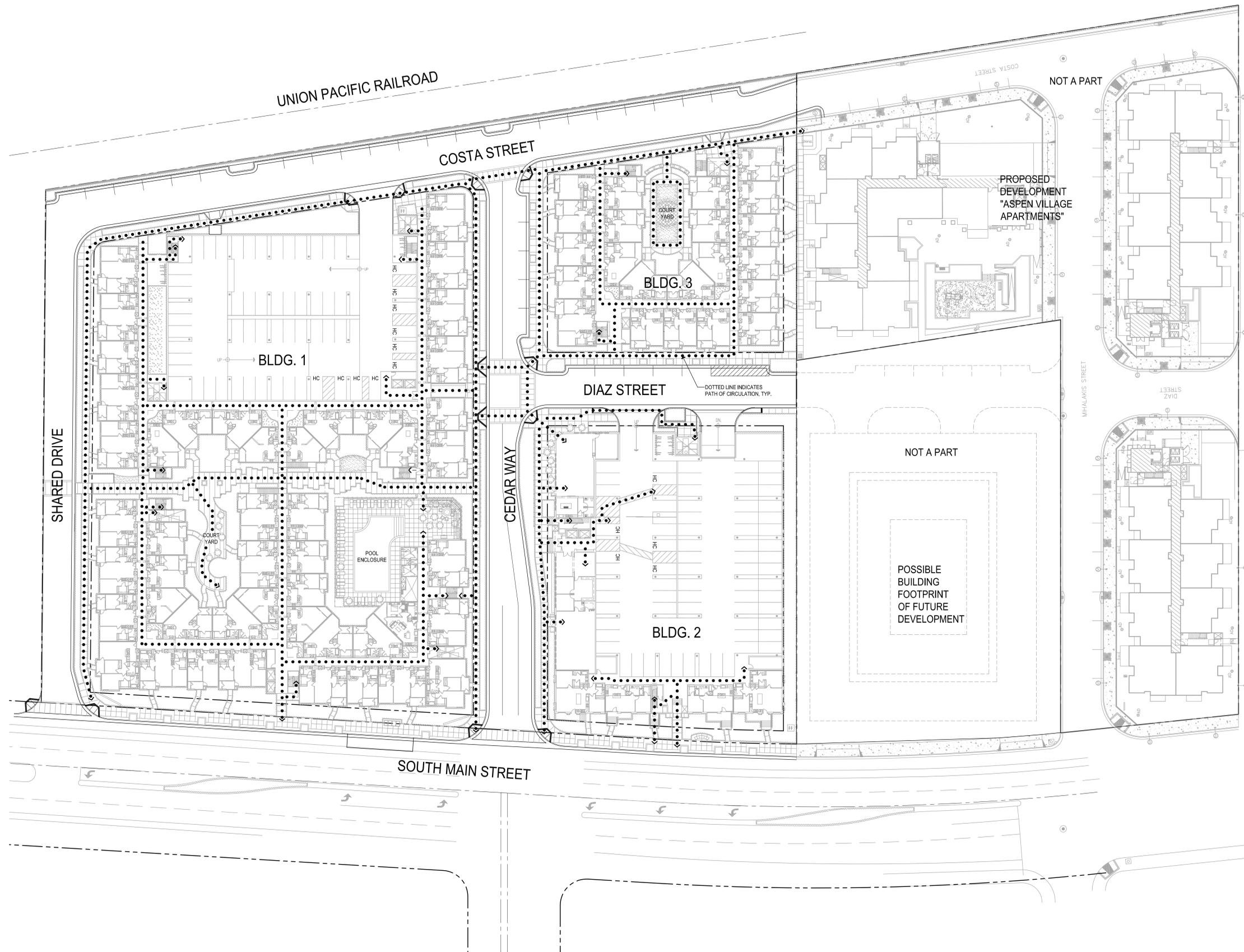
SUMMER SOLSTICE

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SUN AND SHADOW
STUDY



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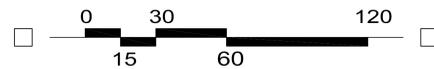
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PEDESTRIAN
CIRCULATION PLAN

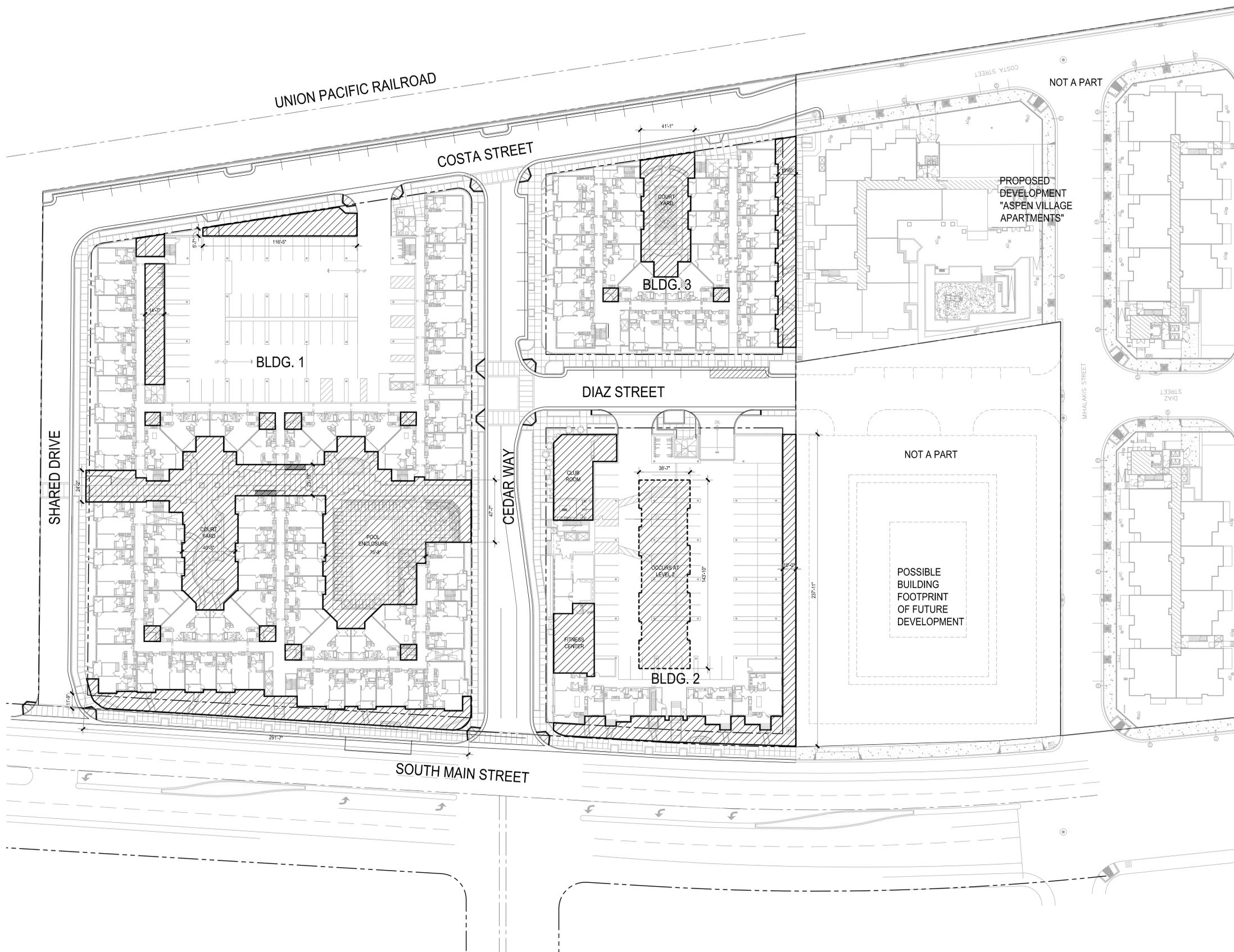
A-6.3



PEDESTRIAN
CIRCULATION PLAN

OPEN SPACE CALCS

GROSS SITE AREA	= 5.942 ACRES (258,845 sq. ft)
NET SITE AREA <small>(GROSS AREA, MINUS PUBLIC ST. & SIDEWALKS)</small>	= 4.296 ACRES (187,135 sq. ft)
OPEN SPACE	
PUBLIC	= 47,656 sq. ft
PRIVATE	= 28,987 sq. ft
TOTAL	= 76,643 sq. ft (41 % Total Net Site)



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MILPITAS, CALIFORNIA

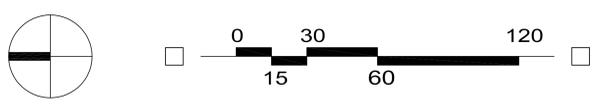
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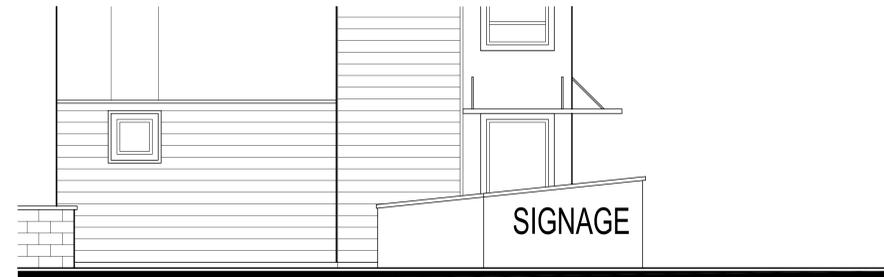
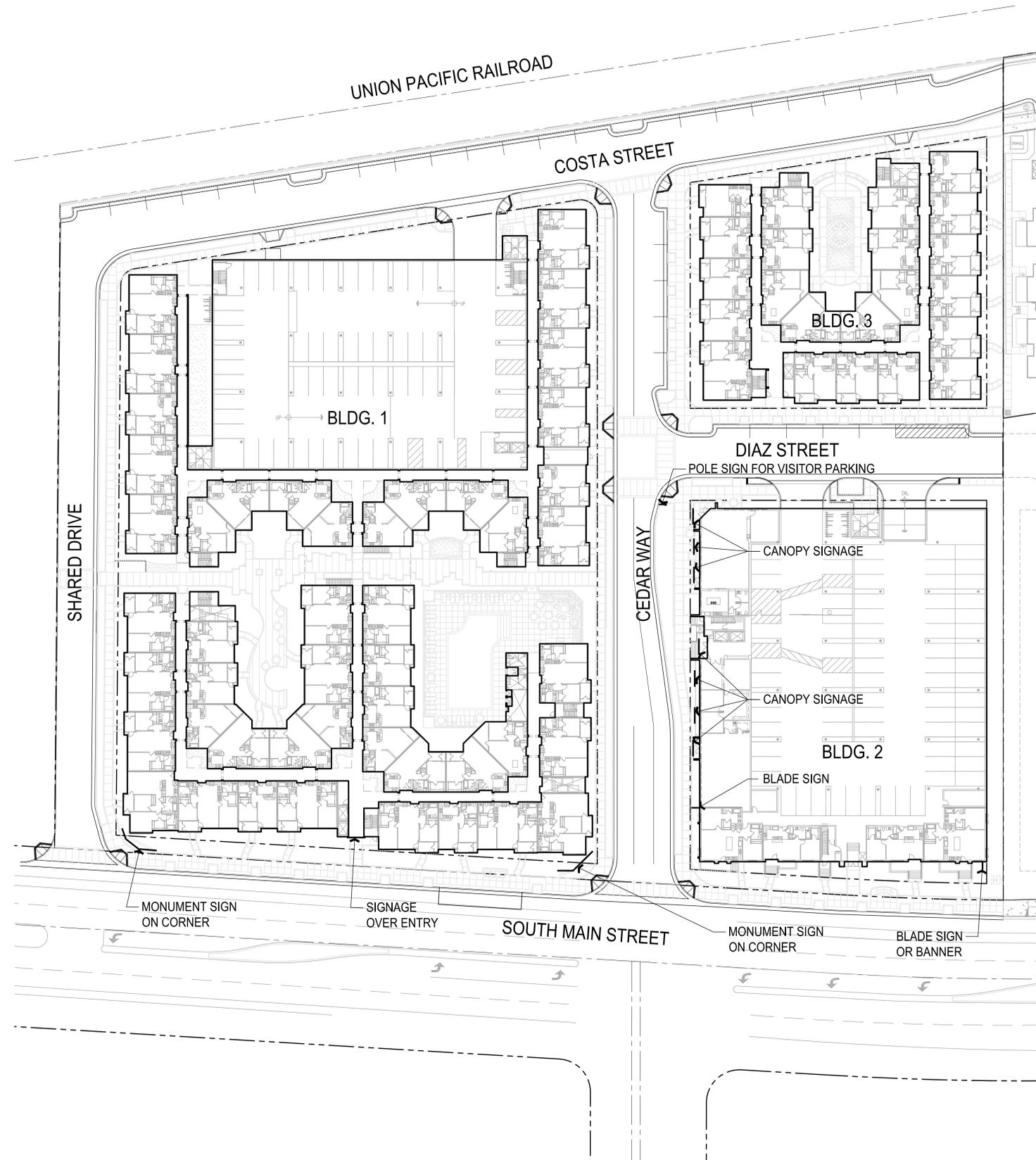
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OPEN SPACE DIAGRAM

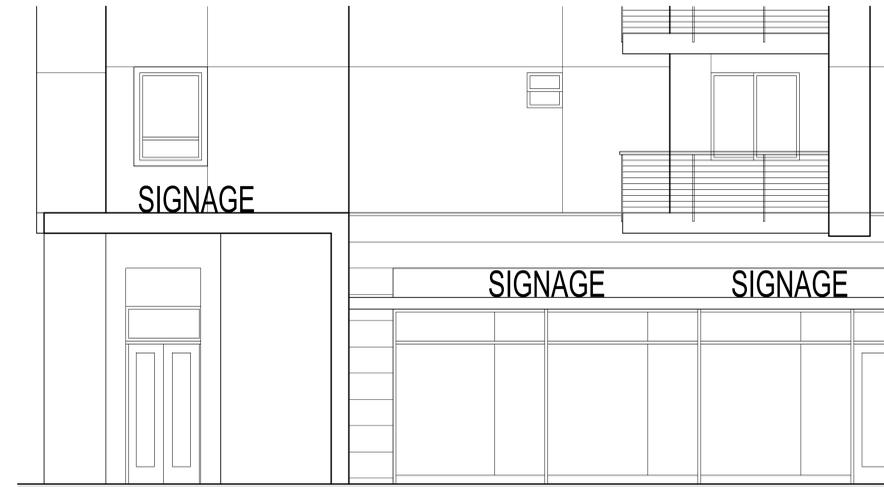
A-6.4



OPEN SPACE DIAGRAM



TYPICAL MOUNUNMENT SIGN ELEVATION - 1/4" = 1'-0"



TYPICAL CANOPY SIGNAGE ELEVATION - 1/4" = 1'-0"



TYPICAL BLADE SIGN ELEVATION - 1/4" = 1'-0"

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OPEN SPACE DIAGRAM

