

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE TIME EXTENSION FOR MAJOR TENTATIVE MAP MT08-0003 AND THE RESTATEMENT AND MINOR AMENDMENT OF ASSOCIATED CONDITIONS OF APPROVAL FOR A PROJECT LOCATED AT 600 BARBER LANE, LANDMARK TOWER

WHEREAS, on November 18, 2008, the City Council approved the Landmark Tower project, an 18-story mixed use building and attached 8-level parking garage to be located at 600 Barber Lane in Milpitas, California. The project approvals consisted of Major Tentative Map MT08-0003, Site Development Permit SZ2007-2, and Conditional Use Permit UP08-0041, with associated conditions of approval; and

WHEREAS, on August 18, 2009, the City Council granted project owner TP Pham LLC’s request for a reduction of the park in-lieu fees for the project from \$4,638,685 to \$2,100,000, pursuant to the park in-lieu fee credit and reduction provisions of Milpitas Municipal Code § XI-1-9 (Improvements: Dedications of Land or Payment of Fee or Both for Recreational Purposes). This reduction was based upon the demographic information provided by the applicant and the provision of a permanent easement for public access to the project’s roof-top park and garden area. The park in-lieu fee reduction and easement dedication caused an amendment of the project’s original conditions of approval; and

WHEREAS, the project owner has now submitted a request to extend the life of its tentative map by a total of six years from the current map expiration date to November 18, 2017, pursuant to the provisions of Municipal Code and Milpitas Municipal Code § XI-1-4.06(c) and Government Code § 66452.6(a),(e);

WHEREAS, pursuant to the provisions of City of Milpitas Ordinance No. 38.795, effective May 6, 2010, the extension of a project owner’s tentative map would also extend the life of any associated entitlements until the map’s expiration date; and

WHEREAS, in order to clarify the combined approvals associated with the project, it would be helpful to restate associated conditions of approval.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The life of Major Tentative Map MT08-0003 is extended by six years and shall expire on November 18, 2017.
3. The project conditions of approval for Major Tentative Map MT08-0003, Site Development Permit SZ2007-2, and Conditional Use Permit UP08-0041 are hereby amended and restated in Exhibit A.
4. This Resolution shall be effective as of May 6, 2010.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

AMENDED AND RESTATED CONDITIONS OF APPROVAL
(Amended provisions are shown in underlined text.)

General Plan Amendment No. GP2007-6, Zone Change No. ZC2007-3, Environmental Assessment No. EA2007-1, Site Development Permit No. SZ2007-2, Major Tentative Map No. MT08-0003, Conditional Use Permit UP08-0041

A request to change the land use and zoning designations of the approximately three-acre project site located at 600 Barber Lane (formerly Billings Chevrolet). The proposed project also involves the redevelopment of the site with an 18-story mixed-use building with an attached 8-level parking garage.

SPECIAL CONDITIONS OF APPROVAL: PLANNING

1. The owner or designee shall develop the approved project in conformance with the approved plans, color and materials board approved by the City Council on August 18, 2009, in accordance with these Conditions of Approval. (P)
2. Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)
3. The project approval shall become null and void if the project is not commenced by November 18, 2017, unless any extension is allowed under law. (P)
4. ENVIRONMENTAL: The project is subject to the Mitigation, Monitoring and Reporting Program (attached) dated August 2008.
5. PARK IN-LIEU FEE: Prior to building permit issuance, the owner shall pay a park-in-lieu fee in accordance with the applicable sections of the Milpitas Municipal Code and State Subdivision Map Act and the modifiers listed below.
 - a. Pursuant to the City Council's approval and adoption, on August 18, 2009, of the project-specific population density study submitted by the owner, the calculation of park in-lieu fees for the Project shall be based on a 1.45 persons per household calculation. As of August 18, 2009, this was estimated to reduce the total park in lieu fee from \$4,638,685 to \$2,100,000.
 - b. Pursuant to the City Council's approval of the owner's credit request under Milpitas Municipal Code § XI-1-9 on August 18, 2009, the park in lieu fee will be further reduced by the owner's grant of a permanent public access easement to the project's roof top park and garden area. Such permanent easement shall make the roof top park and garden area accessible by the public during the project's operational hours and shall be recorded in the final map for the project and memorialized in any other necessary legal document, as determined by the City.
 - c. Pursuant to the City Council's approval of the owner's credit request under Milpitas Municipal Code § XI-1-9 on August 18, 2009, the park in lieu fee shall be further reduced by the value of those improvements in the roof top park and garden area, contingent upon the area's opening to the public by way of a public access easement.
 - d. The total amount of park in lieu fee credit under the reductions listed in subsections (b) and (c) of this Condition of Approval was estimated to be \$2,100,000, as of August 18, 2009 thereby eliminating the requirement for the payment of any park in lieu fees. Under no circumstances shall the City provide any credits, benefits or payments to the owner that exceed the total unadjusted park in-lieu fee.
6. PJ ACCOUNT: If at the time of application for *building 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)

7. PJ ACCOUNT: If at the time of application for *certificate of occupancy*, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
8. NOISE: Prior to building permit issuance, a detailed noise analysis will be required to determine the measures necessary to keep the interior noise levels below 45 dB Ldn. The analysis shall include noise sources between residential units as well as between mechanical/utility rooms. (P)
9. LIGHTING: Prior to building permit issuance, the applicant shall submit details and elevations of all site lighting fixtures to the Planning Division for review and approval. (P)
10. SIGNAGE: Prior to approval of any signage for the development, proper applications, depending on signage type will need to be submitted to the Planning Division. (P)
11. LANDSCAPE: All planter areas (including containerized planters) shall be serviced by a sprinkler or drip system. (P)
12. LANDSCAPE: All required landscaping, as approved on the final landscape plan, shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)
13. LANDSCAPE: Prior to certificate of occupancy permit issuance, all required landscaping shall be planted in place. (P)
14. LANDSCAPE: All landscape planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. (P)
15. MECHANICAL EQUIPMENT: All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts. (P)
16. ROOFTOP EQUIPMENT: Rooftop mechanical equipment shall be concealed from street level views through roof design that is architecturally integrated with the building, such as equipment wells and parapets. (P)

SPECIAL CONDITIONS OF APPROVAL: DEPARTMENT OF PUBLIC WORKS

17. 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. Prior to any building permit issuance, Council's approval of the water Supply Assessment is required.
18. 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.
19. Prior to final map recordation, 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.
20. Prior to any building permit issuance, the developer shall submit an executed petition to annex the subject property into the CFD 2005-1, and agree to pay 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.

21. The final map shall be recorded prior to issuance of any building permit.
22. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements.
23. Prior to final map approval, the developer shall establish necessary homeowner association (HOA). Membership of the HOA shall include all owners of the residential, commercial and office spaces. The HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and private streets and shall have assessment power. The HOA shall manage the onsite water and sewer system and implement the Solid Waste handling plan. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer.
24. Show on the tentative map how the site will drain. Drainage facilities outletting sump conditions shall be designed to convey the flows and protect all buildings.
25. 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.
26. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes.
27. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Barber Lane, including but not limited to, curb, gutter, new sidewalk installation, new median installation, signage and striping, street lights, fire hydrants, bus stop, traffic signal installation at Barber Lane and northerly project entry, Barber Lane reconfiguration from Bellew to the projects southern boundary including restriping and median island configuration to manage traffic, water line relocation, 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 developer shall 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 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 City of Milpitas standard and specification, and all public improvements shall be constructed to the city Engineer's satisfaction and accepted by the City prior to building occupancy permit issuance of the first production unit.
28. Developer shall construct a concrete bus pad at southbound Barber Lane on the far-side of the new traffic signal. Developer shall acquire sufficient right of way for the proposed bus duck-out.
29. No parking along the northbound Barber Lane frontage will be allowed.
30. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - a) Storm water connection fee of **\$64,686** based on 3.0 acres @ \$21,562per acre. The water, sewer and treatment plant fee will be calculated at the time of building plan check submittal.
 - b) Water Service Agreement(s) for water meter(s) and detector check(s).
 - c) Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

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

31. Prior to building permit issuance, the developer shall pay its fair share cost of purchasing adequate public system sewage capacity for the development. Fees shall consist of treatment plant fees up to the Master Plan level and connection fees. Impact fees for discharges above master plan levels for sewage collection system infrastructure improvements, and regional plant capacity needs (above the master plan capacities), as determined by the City Engineer. This amount is estimated to be **\$812,485**, as of January 2008, to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee.
32. Prior to any building permit issuance, the developer shall provide for adequate sewage pumping capacity at the Milpitas Main Sewage Pump Station for the respective developments. The developer can fulfill this obligation by payment of **\$246,995** to the City for this purpose. This amount is as of January 2008, and to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee.
33. Prior to building permit issuance; the developer shall pay its fair share cost of purchasing adequate public system water for the respective developments, including costs for capacity and storage needs above master plan capacities, as determined by the City Engineer. This amount is estimated to be **\$239,183**, as of January 2008, to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee.
34. Prior to any building permit issuance, the developer shall pay a Montague Expressway Traffic Impact fee of **\$186,018**.
35. Prior to any building permit issuance, the developer shall pay a Calaveras Boulevard Traffic Impact fee.
36. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials.
37. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires and remove the related poles within the proposed development, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state the wire voltage.
38. 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.
39. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrub is permitted within City utility easements, where the easement is located within landscape areas.
40. 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.
41. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755.
42. Multistory 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.

43. Prior to any building permit issuance, developer shall incorporate the following solid waste services requirements to the satisfaction of the City Engineer, including revisions to project plans:
- a) This development is limited to the use of self contained roll off compactors for trash and recycling services. All roll off compactors equipments shall be enclosed and accessed on grade by City franchise hauler, in accordance with City's solid waste guidelines.
 - b) Commercial and residential trash is allowed to share a roll off compactor service. Provide one 30 yard self-contained compactor to be serviced twice a week for trash.
 - c) Commercial and residential recycling is allowed to share a roll off compactor service. Provide one 30 yard self-contained compactor to be serviced once a week for recycling.
 - d) The proposed solid waste enclosure shall be designed per the Development Guidelines for Solid Waste Services to house self-contained compactor equipment and tallow bin service. The project plans must demonstrate that the location of the enclosure will not interfere with any public or private services including, but not limited to, utilities, and vehicular and pedestrian access. In accordance with State law, the enclosure shall be adequately sized to allow storage and direct access to all trash, recycling, tallow, and any other solid waste containers needed for this development. The location shall also provide the waste hauler adequate access to the containers and shall take into consideration the needed space and layout for collection vehicles to enter the enclosure, turn around, and operate collection lift machinery. The enclosure drains must discharge to the sanitary sewer line. Storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.
 - e) Provide two sets of chutes (recycling and trash) to the residential area at opposite end of the residential floors. Provide sufficient space for the necessary conveyance equipment to move residential trash and recycling from the chutes to the compactors. Provide access to remove blockages through out all building levels.
 - f) Provide sufficient space for the necessary conveyance equipment to collect non-residential trash and recycling from the point of generation to the compactors.
 - g) The Property Management shall be responsible for solid waste management, including transfer of material to the compactors. Developer shall submit to the City (for review and approval) a written Solid Waste Handling Plan including detailed step-by-step instructions to manage solid waste from generation to disposal. The Plan shall state how the residential waste will be conveyed to the collection areas in the garage level and how the waste will be transported to the compactor area for disposal. Show the path of travel for refuse from commercial spaces. Demonstrate how recycling shall have a separately maintained process from garbage handling. State how the food establishments will handle tallow (food grease); access design for food establishments shall show adequate accommodation for tallow handling and collection. Include housekeeping requirements, such as managing trash chute blockages and odors, and cleaning up spilled waste and tallow anywhere on the property.
 - h) Prior to occupancy permit issuance, the Property Management shall be provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Allied Waste Services. 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 Allied Waste Services at (408) 432-1234. In addition, the Property Management shall provide evidence that a tallow account will be maintained and the tallow bins will be kept clean.

44. 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" Storm water Control Plan and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Storm water Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that

measures specified in the report meet the 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.
45. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the developer's approved Storm water 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 storm water flow and potential storm water pollutants. Any changes to the approved Storm water Control Plan shall require Site & Architectural ("S" Zone) Amendment application review.
46. Prior to issuance of Certificate of Occupancy, the developer shall submit a Storm water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment BMPs and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
47. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the developer, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.
48. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:
- a) Provide separate water meters for domestic water service & irrigation service. Developer is also required to provide separate domestic meters for each proposed use (Residential, Food Services, Commercial/Office).
 - 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.

49. 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. To meet the recycle water guideline the developer shall:

- A. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape adjacent to existing or future recycled water distribution lines (except for rehabilitated landscape less than 2500 square feet along the future alignment).
 - B. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the Department of Health Services (DOHS) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and Department of Health Services approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.
 - C. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas.
50. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, CALTRAN, 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.
51. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms.
52. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
53. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress.
54. 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".
55. 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.
56. The developer shall obtain information from the Milpitas Unified School District (MUSD) regarding providing services.
57. Prior to submittal for building permit issuance, the developer shall submit plans to CALTRAN for review and approval. Provide their comments to the City.
58. The site is located in Local Improvement District #9R and 12R.
59. All utilities shall be properly disconnected before the building can be demolished. Show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped immediately behind the water meter if it is not to be used. The sanitary sewer shall be capped off at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used.

60. Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:
- A. What materials will be salvaged.
 - B. How materials will be processed during demolition.
 - C. Intended locations or businesses for reuse or recycling.
 - D. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Applicant/Contractor shall make every effort to salvage materials for reuse and recycling.

61. Prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section, that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division.
62. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site.
63. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 8/20/2008) in their design plan, and also make changes as noted on Engineering Services Exhibit "T"(dated 9/5/2008) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied.