

**LIST OF ATTACHMENTS for McCANDLESS
MIXED USE PROJECT AGENDA ITEM**

- A.** Resolution
- B.** Planning Commission Staff Report of August 25,
2010
- C.** Planning Commission Approved Meeting Minutes of
July 14, 2010
- D.** Tentative Map Plans

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING TENTATIVE MAP NO. MT08-0002 AND CONDITIONAL USE PERMIT UP08-0046 FOR THE MCCANDLESS MIXED USE PROJECT, TO ALLOW THE FUTURE DEVELOPMENT OF 1,328 DWELLING UNITS AND COMMERCIAL SPACE ON 23 ACRES AT 1350 MCCANDLESS DRIVE

WHEREAS, on June 4, 2008, an application was submitted by Glenn Brown of Integral Communities, to allow the future phased development of 1,573 dwelling units (subsequently reduced to 1,328) and 92,000 square feet of commercial development for a 23-acre site. The property (APN: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101) is located within the Retail High Density Mixed Use (MXD2) and Multi-Family High Density (R3) with Site and Architectural Overlay (-S) and Transit Overlay (-TOD) Zoning district and lies within the Milpitas Transit Area Specific Plan Area; and

WHEREAS, on August 3, 2010, the Board of Directors of the Milpitas Redevelopment Agency approved an Owner Participation Agreement outlining the financial assistance and redevelopment aspects of this proposed development; and

WHEREAS, the impacts of the proposed development, with its transit-oriented density bonus, were previously considered by the Environmental Impact Report (SCH No. 2006032091) for the Transit Area Specific Plan certified by this City Council on June 3, 2008, and the Mitigated Negative Declaration circulated for 20 days from November 21, 2008 through December 10, 2008 and an addendum adopted on August 3, 2010; and

WHEREAS, pursuant to Section 3.2 of the Transit Area Specific Plan, a transit-oriented development density bonus of up to 25 percent of the maximum allowable density may be allowed for a project with the approval of a conditional use permit finding that the project provides public benefits, lies within reasonable walking distance of Bay Area Rapid Transit (BART) and/or light rail transit stations, is consistent with the policies of the Transit Area Specific Plan and/or has only exceptions that meet the requirements of Chapter 57 of said Plan, and complies with the California Environmental Quality Act (CEQA); and

WHEREAS, the applicant now seeks approval of a tentative map and a conditional use permit to allow for the development of its project; and

WHEREAS, on August 25, 2010, the Planning Commission held a duly noticed public hearing on the subject application and recommended approval of the tentative map and conditional use permit application; and

WHEREAS, on September 7, 2010, the City Council held a duly noticed public hearing on the project and considered evidence presented by City staff and other affected parties, including but not limited to the materials and evidence previously presented to the Planning Commission.

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 project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines and/or is not subject to further CEQA documentation requirements under Section 15162 of the CEQA Guidelines, since the project and the circumstances surrounding it have remained unchanged since the certification of the EIR for the Transit Area Specific Plan and approval of the Mitigated Negative Declaration and its addendum previously prepared for this project.
3. The project is consistent with the Milpitas Zoning Ordinance and the Milpitas General Plan in that the project site meets density and land use requirements.

4. With respect to the requested transit-oriented density bonus and approval by conditional use permit:
 - a. The project provides public benefits, which include but are not limited to: public improvements to create comfortable, attractive, and direct walking routes from the building entrances to the nearest transit station; mid-rise or high-rise buildings along the arterials that enhance the visibility and identity of the Transit Area; and public open space which exceeds minimum requirements in that the project provides for a streetscape that accommodates retail, residential and recreational pedestrian traffic. The project is located near the Great Mall bus station and light rail stations.
 - b. The development project site is located within the density bonus area as shown on Figure 3-1 of the Transit Area Specific Plan, which defines areas within reasonable walking distance of the BART and/or light rail transit stations.
 - c. The development project is consistent with the policies of the Transit Area Specific Plan, and any exceptions requested meet the required findings of Chapter 57 of that Plan in that the project is substantially consistent with the policies of the specific plan. Where modifications are requested, the required findings for a Conditional Use Permit are met.
 - d. The proposed project has undergone consideration under CEQA to ensure that the additional transit-oriented density will not result in impacts beyond those previously considered in the EIR for the Transit Area Specific Plan and the Mitigated Negative Declaration and its addendum previously prepared for this project.
 - e. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare. The project will create a welcoming, pedestrian-oriented environment that will serve as the gateway into the Transit Area and provide for retail, residential and recreational opportunities consistent with the surrounding contemplated uses.
 - f. The proposed use is consistent with the specific plan in terms of land use, density, and street layout. Where the project is inconsistent, the project's overall benefit to the public outweighs the strict adherence to the standards regarding McCandless Drive and private street sections.
5. Therefore, Tentative Map No. MT08-0002 and Conditional Use Permit No. UP08-046 for the McCandless Mixed Use Project are approved, 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

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL McCandless Mixed Use Project (MT08-0002, UP08-0046)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans, sample color and materials board approved by the City Council, in accordance with these Conditions of Approval. **(P)**
2. Any deviation from the approved site plan, floor plans, 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. Prior to approval of Site Development Permit, the applicant shall submit a focused Traffic Impact Analysis for the project. Contact Traffic Section for the scope of the study. **(E)**
4. The project shall demonstrate compliance with the project's mitigation monitoring program, including, but not limited to:
 - a. McCandless Drive Tree mitigation;
 - b. Noise and vibration mitigation.**(P)**
5. The owner or designee shall receive approval of a Site Development Permit from the City for the review of architecture and on-site development for the project prior to the submittal of a final map or submittal for any building permits for the project. **(P)**
6. The relevant conditions of approval for the project shall be included within the first four sheets of construction plans submitted for a building permit. **(P)**

Project Conditions

7. 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. **(E)**
8. Prior to final map recordation, 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)**
9. 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. **(E)**

10. The submitted grading plan, street sections along McCandless and Great Mall Drive, vehicular driveway access and pedestrian circulation are preliminary and subject to change. Developer agrees to work with City staff in fine tuning the design of ramps, stairs, and sidewalks. Prior to final map approval developer shall submit a revised plan for review and approval to the satisfaction of the City Engineer. **(E)**
11. Prior to any building permit issuance, the developer shall submit an executed petition to annex the subject property into the Community Facility District 2008-1 (CFD 2008-1), and agree to pay the special taxes levied by CFD 2008-1 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 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)**
12. The final map shall be recorded prior to issuance of any building permit. Provide a current title report with your final map submittal, not more than 90 days old. The title report should include the proposed parking and park area at the southeast corner of Great Mall Parkway/McCandless Drive intersection. **(E)**
13. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. **(E)**
14. 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. **(E)**
15. 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)**
16. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along McCandless Drive and Great Mall parkway, including but not limited to the following:
 - a. Removal and installation of new curb, gutter, and sidewalk, new median installation, signage and striping, street lights, fire hydrants, bus stop, traffic signal, Penitencia Creek Trail improvement, and storm, water and sewer service installation.
 - b. Developer is required to install the sewer project known as 11A, as specified in the City of Milpitas Sewer Master Plan, in its entirety. Developer is required to replace 560 linear feet of 18 inch pipe with 21 inch pipe; replace 992 linear feet of 18 inch pipe with 27 inch pipe; and replace 369 feet of 12 inch pipe with 27 inch pipe, as identified on the sewer master plan.
 - c. Developer is required to install a portion of the sewer project known as 11B, as specified in the City of Milpitas Sewer Master Plan. The work required at this time includes replacement of 360 linear feet of 15 inch diameter pipe with 18 inch diameter pipe; and replacement of 924 linear feet of 10 inch diameter pipe with 18 inch diameter pipe. The upstream portion is deferred.
 - d. Developer is required to upsize the existing sanitary sewer line on McCandless Boulevard to accommodate the proposed development, and preserve the needed capacity for and address the project impact on the future developments upstream.
 - e. 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 Transit Area Specific Plan, and all public improvements shall be constructed to the city Engineer's satisfaction and accepted by the City prior to issuance of any final certificate of occupancy of any unit.* (E)

17. Prior to any final map approval or as directed by the Public Works Director, the developer shall process and obtain approval of a joint use agreement between the City and Santa Clara Valley Water District (SCVWD) for the proposed Penitencia Creek Trail improvements and their maintenance within the districts right-of-way to the satisfaction of City Engineer. Developer is responsible for occurred costs associated with agreement and trail improvements. (E)
18. The proposed Penitencia Creek Trail improvements shall be built to the Santa Clara Valley Water District's and City's satisfaction. Any improvements on the SCVWD right of way require districts approval and permit. (E)
19. It is anticipated that the on-site private storm drainage system will collect a certain amount of public storm water runoff from proposed trail along creek frontage. Prior to building permit issuance, the developer shall enter into an agreement with the City for collecting, accepting, treating and conveying public runoff through private drainage system. The storm water control plan (C3) need to include this area and provide adequate treatment area. (E)
20. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - a. The Storm, Water and Sewer connection fees will be calculated at the time of building plan check submittal for each building.
 - b. Water Service Agreement(s) for water meter(s) and detector check(s).
 - c. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.
 - d. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)
21. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), 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 and materials. (E)
22. Prior to any building permit issuance or as directed by the Public Works Director, the developer shall pay a Transit Area Development Impact fee in accordance with the stipulations in the Owner's Participation Agreement for the project. (E)
23. 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. (E)
24. 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 (408) 586-3345 for further information. (E)

25. 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, AT&T, Comcast, Santa Clara Valley Water District and Santa Clara Valley Transportation Agency (VTA). Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**
26. 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 establishment of 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)**
27. Prior to submittal for building permit issuance, the developer shall submit plans to Santa Clara Valley Water District for review and approval. Provide their comments to the City. **(E)**
28. All utilities shall be properly disconnected before the building can be demolished. Demonstrate 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. **(E)**
29. 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. **(E)**
 - e. Applicant/Contractor shall make every effort to salvage materials for reuse and recycling. **(E)**
30. 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. **(E)**
31. 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. **(E)**

32. 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 and signs as determined by sight distance shall not exceed two feet when measured from street elevation. **(E)**
33. 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)**
34. 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)**
35. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755. **(E)**
36. Prior to occupancy permit issuance, applicant/property owner shall construct a new trash enclosure to accommodate the required self contained compactors needed to serve this development. The proposed enclosures shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. **(E)**
37. Prior to final map recordation, the developer shall:
 - a. Submit a solid waste handling plan for review and approval, stating how the waste and recycling materials will get to the collection area.
 - b. Demonstrate that all collection areas are at grade and accessible;
 - c. Demonstrate how trucks shall access enclosure/compactor areas;
 - d. Provide separate and designated enclosures for each structure, or state how the services can be shared;
 - e. Provide scale drawing noting dimensions for proposed enclosures. **(E)**
38. Per Chapter 200 of Milpitas Municipal Code, Solid Waste Management, V-200-3.10, *General Requirement*, applicant/property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant/property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services' commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact Allied Waste at (408) 432-1234. **(E)**
39. 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 one 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)**
40. 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.
 - c. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. **(E)**
41. 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.
 - 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 or eating areas, walkways, pavements, and any other uncontrolled access areas. **(E)**
42. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. **(E)**
43. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities. **(E)**
44. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AO (depth 1)**. Therefore, flood-proofing is required. Flood-proofing can be accomplished either by elevating or flood proofing the structure and onsite utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the Base Flood Elevation (BFE). The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion. In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment servicing the structure shall be located above the BFE, or shall be flood-proofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. The applicant's civil engineer shall complete and submit several FEMA Elevation Certificates to the City at different stages of the construction. Flood insurance is required for any construction that is financed with government backed loans. **(E)**

45. Prior to final map recordation developer shall process a Conditional Letter of Map Revision (CLOMR) application and prior to any building occupancy permit issuance successfully process Letter of Map Revision (LOMR) application through FEMA. **(E)**
46. Prior to final map approval developer shall:
- a. Submit a focused traffic study to determine the mitigation needed. Developer agrees to modify street geometry to mitigate any impact identified in the traffic study.
 - b. Submit plans for Great Mall Parkway improvements, including but not limited to median island modifications, street curb modifications, and roadway marking modifications, as determined by a focused traffic operations study to address potential weaving impacts that may result from the installation of new driveways along Great Mall Parkway. All such improvements shall be incorporated into the subdivision improvement agreement for this project.
 - c. Maintain the existing lane configurations on McCandless Drive at the Great Mall Parkway intersection to ensure compliance with the Transit Area Specific Plan Environmental Impact Report (TASP EIR).
 - d. Maintain the bike lane along McCandless Boulevard. **(E)**
47. At the 65% build-out of the project, the developer shall provide a performance bond for half (½) of the cost of a traffic signal (assumed fair-share) at the future McCandless Drive/Future Public Park intersection south of the project site; OR at the City's request provide an escrow account naming the City of Milpitas as designee to use the funds for the design and construction of the traffic signal. **(E)**
48. Developer shall comply with the new regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit (MRP) dated October 14, 2009. **(E)**
49. The developer shall comply with Regional Water Quality Control Board's requirements for post construction treatments and implement the following:
- a. Prior to site development permit approval by planning commission, developer shall submit a Storm Water Control Plan package for review and approval.
 - b. 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 MRP and the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - c. Prior to issuance of Certificate of Occupancy, the developer shall submit a Storm Water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The O&M Plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
 - d. Developer shall include in the approved CC&R, language in regard to providing the City with an annual inspection report of the Storm Water Control Plan post construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements. If the City does receive the report, City will conduct the field inspection and report, and the developer and its successor shall be responsible to pay all associated costs.
 - e. 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)**

50. 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 and Architectural (Site Development Permit) Amendment review. **(E)**
51. The developer shall obtain information from the US Postal Service regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. **(P)**
52. Make changes as noted on Engineering Services Exhibit "T" (dated 8/12/2010) and submit a Mylar of the revised tentative map to the Planning Division for approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. **(E)**
53. Prior to final map approval, Sheet L2 shall be revised to include 36" and 48" box tree specimens interspersed within the plant palette. **(P)**



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 25, 2010

APPLICATION: Major Tentative Map No. MT08-0002, Conditional Use Permit No. UP08-0046: McCandless Mixed Use Project

APPLICATION SUMMARY:

A tentative subdivision map for the future construction of three mixed use buildings, six residential buildings, including improvements to the existing adjacent roads, the construction of a new local street, and the creation of an urban plaza and new public trail along Penetencia Creek. The project contemplates a maximum of 1,328 dwelling units, which include a transit oriented density bonus (25%) increase of the maximum density allowed for the site and 92,000 square feet of retail/commercial space. This project does not include any architectural review.

LOCATION: 1315 McCandless Dr. (APNs: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101)

APPLICANT: Integral Communities McCandless, LLC, Glenn Brown, 160 Newport Center Drive, Suite 240, Newport Beach, CA 92625

OWNER: Berg & Berg, LP, 10050 Bandlely Dr., Cupertino, CA 95014

RECOMMENDATION: Staff recommends that the Planning Commission: Adopt Resolution No. 10-035 recommending approval of the project, subject to conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation: Retail High Density Mixed Use (MXD2) and Multi-Family High Density (R3)/Retail High Density Mixed Use (MXD2) and High Density Transit Oriented Residential (R3)

Overlay District: Site and Architectural (-S) and Transit Oriented Development (-TOD)

Specific Plan: Transit Area Specific Plan (TASP)

Site Area: 23.04 acres

CEQA Determination: In accordance with Section 15070(b), a Mitigated Negative Declaration was prepared and circulated between November 21, 2008 and December 10, 2008 (and subsequent addendum) and adopted by the City Council on August 3, 2010.

PLANNER: Sheldon S. Ah Sing, Senior Planner

PJ: 3222

ATTACHMENTS: A. Resolution No. 10-035
B. Street sections from Specific Plan
Project Plans

LOCATION MAP



No scale

BACKGROUND

On June 3, 2008, the City Council adopted the Transit Area Specific Plan. The Plan encompasses 437 acres and promotes the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial space. The plan includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The proposed project is within the McCandless/Centre Pointe sub-district of the Transit Area Specific Plan. The sub-district is located adjacent to the Great Mall and is bisected by McCandless. For the sub-district, the TASP envisioned this to be the best location for successful retail mixed use district, building off the established retail destination of the Great Mall and the visibility along Great Mall Parkway. According to the TASP, the residential development along McCandless can take advantage of the existing mature canopy trees lining the street.

On June 4, 2008, Glenn Brown of Integral Communities McCandless, LLC submitted an application to create a subdivision for the purposes of accommodating future residential development. The application is submitted pursuant to Title XI, Chapter 1, Section 4 of Municipal Code for tentative maps. The plans include infrastructure, roadway and open-space improvements. A Conditional Use Permit is submitted pursuant to the Density Bonus provisions of the Transit Area Specific Plan to consider a 25% increase in density.

On July 14, 2010, the Planning Commission considered the Owner’s Participation Agreement (with the City’s Redevelopment Agency) and the Mitigated Negative Declaration with project addendum and recommended approval to the City Council. The City Council on August 3, 2010, approved the Owner’s Participation Agreement and adopted the Mitigated Negative Declaration with project addendum.

This report represents the Tentative Map and Conditional Use Permit for the project. No site development plans were submitted as part of this application.

PROJECT DESCRIPTION

Site and surrounding uses

The site contains 23.04 acres on seven parcels and is located at the intersection of Great Mall Parkway and McCandless Drive. The project site is partially zoned Retail High Density Mixed Use (MXD2) and High Density Transit Oriented Residential (R3). The entire project site has Site and Architectural and Transit Oriented Development Overlays focusing on design and treatment of projects near transit nodes.

Surrounding the subject property are developed parcels. East of the subject site includes developed industrial buildings on similarly zoned properties. To the north of the project site is the Great Mall on commercially zoned property. To the south of the project site include the East Penetencia Creek and other existing industrial buildings on residentially zoned properties and a site zoned for residential but designated as open space within the TASP. To the west of the subject site includes the Lower Penetencia Creek, a railroad and existing commercial buildings along Main Street, which is currently

zoned multi-family residential. A vicinity map of the subject site location is included on page 2 for reference.

Figure 1
McCandless/Centre point Sub-District Map



Tract map

The project proposes to have a phased development of the 23.04 acre subject site, while preserving the existing property lines. The project also includes the dedication of right-of-way for a new private road (identified as Street B on the project plans) with public access easement, improvement of 0.59 acres for an urban plaza adjacent to Street A with public access easement, and the improvement of 1.46 acres along a proposed trail (Lower Penitencia and East Penitencia Creeks) and improvements along McCandless Drive and Great Mall Parkway. Private lots include private streets to service the development. The plans also include rough grading and utility locations. Table 1 below demonstrates the parcel size and eventual number of dwelling units that could be developed on each parcel.

Table 1
Development Parcel Statistics

Parcel	Acreage	Units
1	3.14	354
2	1.76	170
3	1.91	207
4	1.54	171
5	1.17	86
6	1.58	122
7	1.33	99
8	1.55	119
Others**	9.04	
Total	23.02	

**Others, include common open space, public street to be dedicated, private streets, trail area, and public open space and emergency access described below in Table 2. The parcel demarcations are derived from the submitted plans.

Table 2
Common Lots and Open Space Lots

Parcel	Acreage	Purpose
P1	0.70	Trail
P2	0.21	Trail
P3	0.18	Trail
P4	0.17	Trail
P5	0.30	Trail/courtyard
P6	0.32	Trail/courtyard
P7	0.05	Private Street/Trail
P8	0.48	Urban Plaza
L1	0.54	Landscape Buffer
L2	0.29	Landscape Buffer
L3	0.61	Landscape Buffer/loading area/paseo
L4	0.46	Landscape Buffer/paseo
L5	0.59	Landscape Buffer/paseo
L6	0.45	Landscape Buffer/paseo
L7	0.69	Landscape Buffer/paseo
L8	1.07	Landscape Buffer/paseo

Parcel	Acreage	Purpose
L9	0.23	Landscape Buffer
L10	0.21	Landscape Buffer
L11	0.34	Courtyard
S1	0.13	Private Street B
S2	0.08	Private Street B
S3	0.14	Private Street B
S4	0.10	Private Street B
S5	0.70	Private Street A
Total	9.04	

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 3
General Plan Consistency

Policy	Consistency Finding
<i>2.a.1-25: Require development in the Transit Area to conform to the adopted design guidelines and requirements contained in the Transit Area Plan.</i>	<i>Consistent.</i> The project as proposed and conditioned conforms to the street layout, street sections, density and land use.

Land use designation

It was revealed after the adoption of the Specific Plan that there was an inconsistency between the Specific Plan designation and the Zoning and General Plan land use designations for the 2.24 acre parcel located at 1425 McCandless Drive, which is a part of the subject project. In order to maintain consistency between the General Plan, Zoning and Specific Plan, amendments to the Zoning map and General Plan land use map are required. The Planning Commission has already taken action on the necessary zoning and General Plan amendments and those changes will be considered by the City Council as either part of the General Plan technical clean-up work or the specific development applications for the project.

Zoning Ordinance

Save for the technical error explained in the previous section, the site includes 13.362 acres of Retail High Density Mixed Use-Transit Oriented Development (MXD2-TOD) (31 min/50 max units per acre) and 9.686 acres of High Density Residential-Transit Oriented Development (R3-TOD) (21 min/40 max units per acre). The project is to create a parcel development map that provides for the eventual development of high density residential, which is consistent with the City’s Zoning Map. Other development standards, including density, are described in the Transit Area Specific Plan section below.

Subdivision Ordinance

The project is consistent with the provisions in Title XI, Chapter 1, Section 4, Tentative Map of the City’s Municipal Code regarding the form, content and dedications of the tentative map. The Planning Commission will make their recommendation to the City Council by adopting a resolution.

Transit Area Specific Plan

Overall compliance

The proposed project’s land use and street layout are substantially consistent with the McCandless/Centre Pointe sub-district (Chapter 4.5 of the Specific Plan). Table 4 summarizes compliance with various specific plan policies. Additional discussion is provided for density, the required retail, and street sections.

Table 4
Consistency With Transit Area Specific Plan Policies

Policy	Compliance
Policy 4.59 (MC-C): To the maximum extent feasible (and with exceptions such as removal for emergency, health, or fire hazard purposes), retain the corridor of trees along McCandless Drive and in the vicinity both as an important visual resource and a potential resource for habitat. Also maintain the existing double row of trees on Great Mall Parkway north of McCandless Drive.	No. The project does not preserve the street trees along McCandless.
Policy 4.60 (MC-C): Break the area into smaller scale blocks that are appropriate to residential development and the desired pedestrian scale for the neighborhood. Block dimensions shall generally be between 300 and 400 feet, and shall never exceed 450 feet.	Yes.
Policy 4.61 (MC-C): Transform McCandless Drive into a two lane boulevard with bike lanes and street parking.	Yes.
Policy 4.62 (MC-C): Create a boulevard street design on Great Mall Parkway between McCandless Drive and Centre Point Drive.	Yes.
Policy 4.64 (MC-C): Create a new north/south street parallel to McCandless Drive and Centre Point Drive to provide access to parking as well as service and loading functions.	Yes.
Policy 4.66 (MC-C): Create new streets between McCandless Drive and Lower Penitencia Creek which will provide access to parking garages, and will also provide on-street parking.	No. None are proposed. Pedestrian paseos are provided.
Policy 4.67 (MC-C): Do not create new curb cuts along McCandless Drive or Centre Point Drive, in order to preserve the existing trees and to create a pedestrian environment along the street.	No. New curb cuts are proposed and no street trees

Policy	Compliance
	are preserved along McCandless.
Policy 4.69 (MC-C): Create a mixed use area with retail, restaurant, and personal service uses in the area closest to Great Mall Parkway.	Yes.
Policy 4.70 (MC-C): Create a high-density residential neighborhood at the interior of the subdistrict, centered along McCandless Drive.	Yes.
Policy 4.71 (MC-C): Provide a grocery store within the Residential-Retail High Density Mixed Use district that serves neighborhood residents and provides a range of fresh produce as well as meat, poultry, and fish.	Yes.
Policy 4.73 (MC-C): Create a plaza or other type of public space in the retail mixed use district, located as shown in the Plan Map.	Yes.
Policy 4.74 (MC-C): Create a trail along the Penitencia Creek East Channel.	Yes.

Density

On all sites throughout the Transit Area, densities can be averaged over an individual project which covers multiple parcels or over separate projects; provided that legal instruments are recorded for individual parcels to ensure that the minimum and maximum densities established by the plan are met. The tentative map provides for the eventual development up 1,328 dwelling units for the project site. Based on the project area and zoning, the project cannot achieve proposed amount of dwelling units without using density averaging, using the specific plan’s transit oriented density bonus and using the State’s density bonus for providing affordable housing.

The following Table 5 shows the allowable density for the site.

Table 5
Density Allowed

Land use designation	Acreage	Density (min-max)	Max allowable units
MXD2-S-TOD	13.362	31 du-ac/50 du-ac	668
R3-S-TOD	9.686	21 du-ac/40 du-ac	387
Total	23.04		1,055

The following Table 6 shows the proposed density for the site.

Table 6
Allowed Density plus Density Bonuses

	MXD2	R3	Subtotal
Allowed Max density	668	387	1,055
Transit oriented Density bonus (25%)	167	0	1,222
State Density bonus (10%)			1,328

The applicant demonstrates this scenario in a phasing plan, with development occurring along Great Mall Parkway first and ends with Lots 7 and 8 along East Penitencia as the final phases of the project.

Affordable density bonus provisions provided for in Section 10-54.15 of the zoning ordinance are intended to encourage the inclusion of affordable housing in the community by granting additional density and other incentives to provide housing units that will be available for purchase or rent by lower income persons and households. The amount of density bonus depends on the level of affordability and the amount of housing units offered by the developer. The McCandless Mixed Use Project will be restricting 15 percent of the units for moderate income households and is therefore entitled to a 10 percent density bonus.

Conditional Use Permit for density

A Conditional Use Permit is required since the project is using the transit oriented density bonus provision, which allows an additional 25% of the maximum density for areas near transit stations. The MXD2 portion of the project is eligible for the density bonus. The following discussion includes the criteria that must be met prior to allowing the density bonus and how the project complies:

- The project provides public benefits, which include but are not limited to: public improvements to create comfortable, attractive, and direct walking routes from the building entrances to the nearest transit station; mid-rise or high-rise buildings along the arterials that enhance the visibility and identity of the Transit Area; and public open space which exceeds minimum requirements; and

The project provides for a streetscape that accommodates retail, residential and recreational pedestrian traffic. The project is located near the Great Mall bus station and light rail stations. The project does not provide public open space that exceeds the minimum requirement, but does provide private areas that link to trails.

- The development project sites are located within the density bonus area as shown on Figure 3-1 of the Transit Area Plan, which defines areas within reasonable walking distance of the BART and/or light rail transit stations; and

The project is located within the density bonus area.

- The development projects are consistent with the policies of the Transit Area Specific Plan, and any exceptions requested meet the required findings under Chapter 57; and

The project is mostly consistent with the policies of the specific plan. Where modifications are requested, the required findings for a Conditional Use Permit are met.

- The additional density allowed will require additional CEQA review to ensure that the increase will not result in impacts beyond those identified in the Transit Area Plan EIR.

A Mitigated Negative Declaration was prepared by staff and concludes that the increase in density for the site will not result in impacts beyond those identified in the specific plan EIR. The Mitigated Negative Declaration and its project addendum were adopted by the City Council on August 3, 2010.

Retail

The MXD2 portion of the project requires 200 square feet of retail, restaurant or pedestrian oriented commercial per unit, based on the minimum density. For the project, that equates to 82,844 square feet (414 dwelling units multiplied by 200). The project proposes 92,000 square feet of commercial area, which may include some mezzanine space. No detailed plans for retail are considered with this application.

Grocery store

Policy 4.71 of the specific plan requires that a grocery store within the MXD2 district be accommodated. The specific plan further indicates on an exhibit that the subject site is a potential location for the grocery store. According to the adopted Owner Participation Agreement, the project shall provide a minimum 30,000 square feet to 45,000 square feet for a grocery store and that area may be reduced to no less than 15,000 square feet with Redevelopment Agency approval.

Open space

The specific plan includes provisions for trails along the Lower Penintecia Creek and Penintecia Creek East Channel, an urban plaza (off of McCandless Drive near Great Mall Parkway), buffer landscape areas along Great Mall Parkway and McCandless Drive and the community park site within the vicinity of the project. The applicant may receive credit for land dedication and/or the value of the improvements for open space areas under certain conditions.

Table 7
Open Space breakdown

Parcel	Acreage*	Purpose	Credit
P8	0.48	Urban Plaza	
Public Open Space Subtotal	1.2		Land + improvement value
P1	0.20	Trail/easement	Land + improvement value
P2	0.14	Trail/easement	Land + improvement value
P3	0.11	Trail/easement	Land + improvement value
P4	0.10	Trail/easement	Land + improvement value

Parcel	Acreage*	Purpose	Credit
P5	0.08	Trail/easement	Land + improvement value
P6	0.08	Trail/easement	Land + improvement value
P7	0.04	Trail/easement	Land + improvement value
Area owned by Water District	1.02	Trail/agreement	Improvement value only
Linear Park/Trail Subtotal	1.77		
L1	0.50	Landscape Buffer	
L2	0.29	Landscape Buffer	
Along McCandless	1.78	Landscape Buffer	
Landscape Buffer Subtotal	0.51		20% of area for public park requirements + Improvement value

* The typical layout of each lot includes the building surrounded by a lot that includes a landscape buffer/paseo (L lots) and trail/courtyard (P lots). Any credit towards open space trails will be towards the trail area only, with the courtyards excluded and counted towards other private open space requirements. Likewise landscape buffers will be separated from paseos for the purposes of calculating credit. Approximate acreages were calculated when areas needed to be separated.

Urban Plaza

The specific plan (Policy 4.73) identifies calls for a plaza or other type of public open space area in the northern portion of the McCandless/Centre point sub-district. The concept is to allow patrons and residents an area to sit outside in a pleasant environment and that there is an open area for residents and office users in the upper floors of the project’s buildings. The project is providing 0.48 acres for an urban plaza with public access easement. Since the site is too small for the City to own and maintain, the developer will receive credit for the land and improvement value, however, a private entity will own and maintain the plaza.

Paseos

The areas between lots 2 & 5, 4 & 6, 5 & 7 and 6 & 8 are proposed to accommodate elements that contribute to a walking corridor and connect with the proposed trail along Penitencia Creek and a future trail to the east of the subject site. The applicant may dedicate these paseos as public easements. As such, the applicant may receive a credit towards the land value and the value of improvements for these paseos.

Trail

The specific plan (Policy 4.74) identifies a trail that is to be developed along the Penitencia Creek. Half of the trail is located on Santa Clara Water District property. As such, no land credit is offered for those portions of land not in possession of the developer but credits for trail improvement costs incurred by the developer would be available. A joint use agreement with the Water District will be secured to allow the multi-use trail to span over the District’s property and subject site. All improvements towards the trail on property in possession of the developer will be credited as established in the Transit Area Finance Plan. As shown on the submitted plan, 0.87 acres is subject to this credit. In addition, a public easement is offered for dedication and as such, credit towards the land is offered in combination with credit for improvements.

Landscape Buffers

Policy 3.38 of the specific plan allows for 20% of the identified landscape buffer areas along a street or public right-of-way may count towards the public park requirements, when the area includes trails or wide sidewalks connected to an overall pedestrian/bike circulation network. For the subject site, the specific plan identifies the areas along Great Mall Parkway and McCandless Drive as landscape buffers. Since the project substantially conforms to the specific plan's street sections and maintains the existing tree canopies along Great Mall Parkway, the project is entitled to the 20% credit. The project mostly substantially conforms to the street sections along McCandless Drive, in accordance with the specific plan and the project meets the intent of the policy in that wide sidewalks are provided that connect to the proposed trail network along Penetencia Creek.

Parks, Recreation and Cultural Resources Commission

Public opens space concepts were presented to the Parks, Recreation and Cultural Resources Commission on December 8, 2008. The commission was in favor of the concepts illustrated on the plans and understood that a more formal and detailed plan would be presented to the Commission when the open spaces are further along in design. The Commission expressed interest in maintaining the stage concept for the urban plaza.

Street sections

The Transit Area Specific Plan includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees and landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. Any major modifications to the street sections as proposed by the specific plan may be modified by the Planning Commission. Specifically, the pertinent sections in the specific plan are Figures 5-1, and 5-13 through 16. See Attachment B for reference.

In general, the setback between the buildings and curb are reduced, thus causing a deviation in the landscaping plan for the streets. In order to achieve the proposed density, the applicant would either have to go up in height, as envisioned by the specific plan or expand the footprint of the buildings. The applicant proposes expanding the footprint of the buildings and which brings the buildings closer to the street than originally envisioned in the Specific Plan.

McCandless Retail (Figure 5-15)

The specific plan shows 51 feet on east side from curb to building, project plan shows 29-31 feet from curb to building on both sides. Because of the grade difference between the street and the retail frontages, a retaining wall separates two levels of walkways. Staff is recommending a condition of approval that will allow additional review of the pedestrian pathways and vehicular circulation points within the project as the grading plan is further refined.

McCandless Residential (Figure 5-16)

The specific plan shows 42 feet to 44 feet from curb to residential building, while the proposed plan shows only 32-34 feet. The TASP street sections show two parallel walkways along each side, including a monolithic sidewalk and one separated by landscaping areas. A monolithic sidewalk exists on the east side of McCandless. By adding the second walkway, most existing trees would be removed. The addition of the monolithic sidewalk on the west side will remove existing trees. Both alternatives are proposed and a determination will be made when the first Site Development Permit is submitted as to whether a single walkway or double walkway is preferable.

Street Trees

The specific plan through policies 3.58 and 4.59 includes preservation of the street trees along Great Mall Parkway and McCandless Drive. The policies do allow for some removal of the trees for new driveways and accommodation for utilities. The existing conditions, which include only a sidewalk on the east side lend itself to an inconsistency with the TASP street sections.

The project’s site design and layout with vehicular access for the residential buildings on the east side of McCandless accessed from the rear allow for an uninterrupted walking path between the proposed community park to the south of the project site to the proposed urban plaza along McCandless. This also saves additional trees by not having future curb cuts and driveways interfere with tree locations.

Pictures 1 and 2
Existing McCandless Drive Condition



Staff worked with the applicant to replace, move and abandon utilities along Great Mall Parkway (as required in the specific plan’s infrastructure program) so that there is no conflict with the street trees in that location. However, the amount of trees removed along McCandless Drive will depend upon which sidewalk configuration is chosen. A configuration mostly consistent with the TASP will result in more trees removed. In conformance with the City of Milpitas Municipal Code, all trees removed from the site that measure 37-inches or greater in circumference (12-inches in diameter) at four feet six inches above the ground surface shall be replaced in-kind (i.e., same species) at a 3:1 ratio within the project site.

Trees that are removed but cannot be mitigated for on-site, due to lack of available planting area, shall be mitigated by fees paid to the City. The funds will be deposited in the City’s Tree Replacement Fund and will be used to plant trees within the City of Milpitas.

With either the tree replacement or the in-lieu fee as conditions of approval and further that trees will be preserved to the extent possible, staff can support the deviations from the street sections in the specific plan.

Bus Stops

The project is served by the Valley Transit Authority's bus route 77. There are presently two stops located at the southern boundary of the project site along McCandless Drive, located on the bridge over Pentencia Creek. The VTA during their review of the project commented that the re-location of the bus stops is necessary and desirable because they are sub-standard and do not meet the Americans with Disabilities Act requirements. The VTA suggested two stops near the urban plaza and two stops adjacent to the residential buildings in the southern portion of the project. The applicant proposes the stops near the urban plaza as suggested by VTA.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Because the project is utilizing the transit oriented density bonus provided for in the TASP, the project is subject to additional environmental review. Staff prepared an initial study and distributed a Notice of Intent to Adopt a Mitigated Negative Declaration because the project may have potentially significant impacts on the environment. Mitigation measures are imposed on the project to reduce those identified impacts to a less than significant level. The mitigated negative declaration was circulated for public review between November 21, 2008 and December 10, 2008. Because of the change of scope to the project (reduction in dwelling units), an addendum was drafted. No additional environmental analysis is required.

On July 14, 2010, the Planning Commission recommended approval of the environmental document to the City Council and on August 3, 2010, the City Council adopted the Mitigated Negative Declaration and its addendum.

PUBLIC COMMENT/OUTREACH

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

CONCLUSION

The proposed tentative map is substantially consistent with the Transit Area Specific Plan in terms of land use, density, and street layout. Because of the importance of the site as the gateway into the Transit Area, the inconsistent components of the project can be supported. The project proposes an amount of commercial that is in excess of the required amount for the specific plan. The specific plan identifies a grocery store to be located at the site and the applicant is committed to securing a grocery tenant pursuant to the Owners Participation Agreement.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing, following public testimony and adopt Resolution No. 10-035 recommending approval of Major Tentative Map No. MT08-0002 and Conditional Use Permit No. UP08-0046, McCandless Mixed Use Project to the City Council, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 10-035
- B. Street Sections from Specific Plan Project Plans

APPROVED**PLANNING COMMISSION SUBCOMMITTEE MINUTES****July 14, 2010**

- I. ROLL CALL** Present: Larry Ciardella and Sudhir Mandal
Staff: Ah Sing and Casagrande
- 1. MINOR SITE DEVELOPMENT PERMIT NO. MS10-0013** Sheldon Ah Sing, Senior Planner, presented a request for a three-day outdoor event held on October 1-3, 2010. The event is a Middle Eastern and Greek Food Festival located in the parking lot of St. James Orthodox Church at 195 North Main Street. Mr. Ah Sing recommended approving Minor Site Development Permit No. MS10-0013 subject to the conditions of approval.
- Motion** to approve Minor Site Development Permit No. MS10-0013 subject to the conditions of approval.
- M/S: Ciardella, Mandal
- AYES: 2
- NOES: 0
- 2. MINOR SITE DEVELOPMENT PERMIT NO. MS10-0015** Sheldon Ah Sing, Senior Planner, presented a request for a one day special event for Humane Society's Summer Music and Wine Festival held on August 1, 2010 between the hours of 1:00 p.m. to 6:00 p.m. in the Humane Society central parking lot area at 901 Ames Avenue. Mr. Ah Sing recommended approving Minor Site Development Permit No. MS10-0015 subject to the conditions of approval.
- Motion** to approve Minor Site Development Permit No. MS10-0015 subject to the conditions of approval.
- M/S: Mandal, Ciardella
- AYES: 2
- NOES: 0
- II. ADJOURNMENT** This meeting was adjourned at 6:45 p.m.

APPROVED

PLANNING COMMISSION MINUTES

July 14, 2010

- I. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Steve Tao, Mark Tiernan, and Cliff Williams
Absent: None
Staff: Ah Sing, Casagrande, Lindsay, and Otake
- II. PLEDGE OF ALLEGIANCE** Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- III. PUBLIC FORUM** Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
June 23, 2010 Chair Williams called for approval of the minutes of the Planning Commission meeting of June 23, 2010.
There were no changes to the minutes.
Motion to approve the minutes of June 23, 2010 as submitted.
M/S: Mandal, Tiernan
AYES: 6
NOES: 0
ABSENT: 0
ABSTAIN: 1 (Cliff Williams)
- V. ANNOUNCEMENTS** Commissioner Sandhu announced his appointment to Santa Clara County Grand Jury as alternate juror No. 1. He also announced his daughter's marriage.
Commissioner Tabladillo announced she will not be at the next PC meeting.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Williams asked whether staff or the Commission have any changes to the agenda.
There were no changes to the agenda.
Motion to approve the agenda as submitted.

APPROVED

Planning Commission Minutes

July 14, 2010

M/S: Mandal, Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**VIII. ELECTION OF
PLANNING
COMMISSION
OFFICERS**

Assistant City Attorney, Bryan Otake, stated each year the Chair and Vice-Chair are elected to serve a one-year term.

Commissioner Ciardella nominated Cliff Williams as Chair. Commissioner Tabladillo seconds the nomination.

Motion to elect Cliff Williams as Chair.

M/S: Tiernan, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Commissioner Tabladillo nominated Sudhir Mandal as Vice-Chair. Commissioner Ciardella seconds the nomination.

Motion to elect Sudhir Mandal as Vice-Chair.

M/S: Tabladillo, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**IX. CONSENT
CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

Chair Williams opened the public hearing on Item No. IX-1.

Motion to continue Item No. IX-1 to the September 8, 2010 PC meeting.

M/S: Ciardella, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

- 1. CONDITIONAL USE PERMIT NO. UP09-0040 AND MINOR SITE DEVELOPMENT NO. MS09-0011:** A request to construct two new 24' tall antennae with enclosures on the property located at 461 S. Milpitas Blvd. (APN:

APPROVED

Planning Commission Minutes

July 14, 2010

086-42-016) zoned Heavy Industrial with Site and Architectural Overlay (M2-S).
Applicant: Globalstar Inc. Staff Contact: Cindy Hom (480) 586-3284. PJ #
2609. (Continue to the September 8, 2010 Planning Commission meeting.)

X. PUBLIC HEARING

1. OWNER PARTICIPATION AGREEMENT AND MITIGATED NEGATIVE DECLARATION NO. EA08-0005 FOR MCCANDLESS MIXED USE PROJECT

James Lindsay, Planning Director, presented an Owner Participation Agreement (OPA) establishing development milestones and financial reimbursement for certain costs to develop a 23 acre site with 92,000 square feet of retail space (including a new grocery store space), 1,328 new residential units, and approximately 3 acres of new public open space. The site is located at 1315 McCandleless Drive and is also located within the Transit Area Specific Plan. Mr. Lindsay recommended adopting Resolution No. 10-025 recommending approval of the Agreement and Mitigated Negative Declaration to the City Council.

Commissioner Tao asked if the first three buildings be built on lot 1, 3 or 4. Mr. Lindsay stated they will be built on the lots closer to the Great Mall. Commissioner Tao also asked if there is a timeframe. Mr. Lindsay stated the agreement does not set a timeframe.

Commissioner Ciardella asked how big the grocery store will be. Mr. Lindsay stated the agreement calls for a range from 30,000 to 45,000 square feet for the grocery store.

Commissioner Sandhu asked if there is a designated store for this area. Mr. Lindsay said no.

Vice-Chair Mandal wanted clarification on the grocery store. Mr. Lindsay stated there is an agreement to have the grocery store covenant for 10 years.

Commissioner Tabladillo wanted clarification on the impact fees and what percentage will go to the schools. Mr. Lindsay said close to four million dollars could go to schools from the impact fees.

Evan Knapp, Principal, Integral Communities, stated they are looking forward to this project and being part of this community.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Commissioner Tiernan supports the prevailing wage requirements.

Commissioner Tabladillo stated staff did a sufficient job on this project.

Chair Williams feels this project will fulfill the goals and ideas of this project. He is very supportive of this project.

Commissioner Sandhu also supports this project. He asked if the commercial area is on the ground floor. Mr. Lindsay stated this type of development is the same as in Santa Clara.

APPROVED
Planning Commission Minutes

July 14, 2010

Motion to adopt Resolution No. 10-025 recommending approval of the Agreement and Mitigated Negative Declaration to the City Council.

M/S: Williams, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

XI. NEW BUSINESS

James Lindsay, Planning Director, stated this is a continuation from the previous meeting. Mr. Lindsay handed out a list of suggestions for the tour.

1. DISCUSSION OF 2010 WALKING TOUR

Vice-Chair Mandal suggested a tour to the BART station area.

Chair Williams asked staff which areas are more important. Mr. Lindsay stated Transit Area opportunity sites, and areas surrounding the proposed Conference Center and North McCarthy Boulevard.

Commissioner Tabladillo suggested staff give a briefing on the BART project at a future meeting.

Mr. Lindsay stated that the tour will consists of the Transit Area opportunity sites and areas surrounding the proposed Conference Center and North McCarthy Boulevard. Mr. Lindsay asked the Commission to supply staff with available dates in August.

XII. ADJOURNMENT

The meeting was adjourned at 8:40 p.m. to the next meeting of July 28, 2010.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

APPROVED
Planning Commission Minutes

July 14, 2010

McCANDLESS TENTATIVE MAP

DEVELOPERS:

INTEGRAL COMMUNITIES McCANDLESS LLC
160 NEWPORT CENTER DRIVE, SUITE 240
NEWPORT BEACH, CA 92625

CIVIL ENGINEER:

RUGGERI-JENSEN-AZAR & ASSOCIATES
8055 CAMINO ARROYO
GILROY, CA 95020
408-848-0300

ARCHITECTS:

ARCHITECTS ORANGE
144 NORTH ORANGE STREET
ORANGE CA 92866
714-639-9860

LANDSCAPE ARCHITECT:

URBAN ARENA LLC
3195 REDHILL AVENUE, LOFT F
COSTA MESA, CA 92626
714-754-4500

GENERAL NOTES:

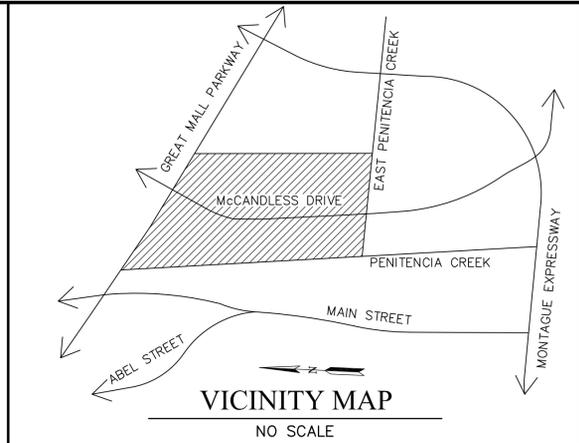
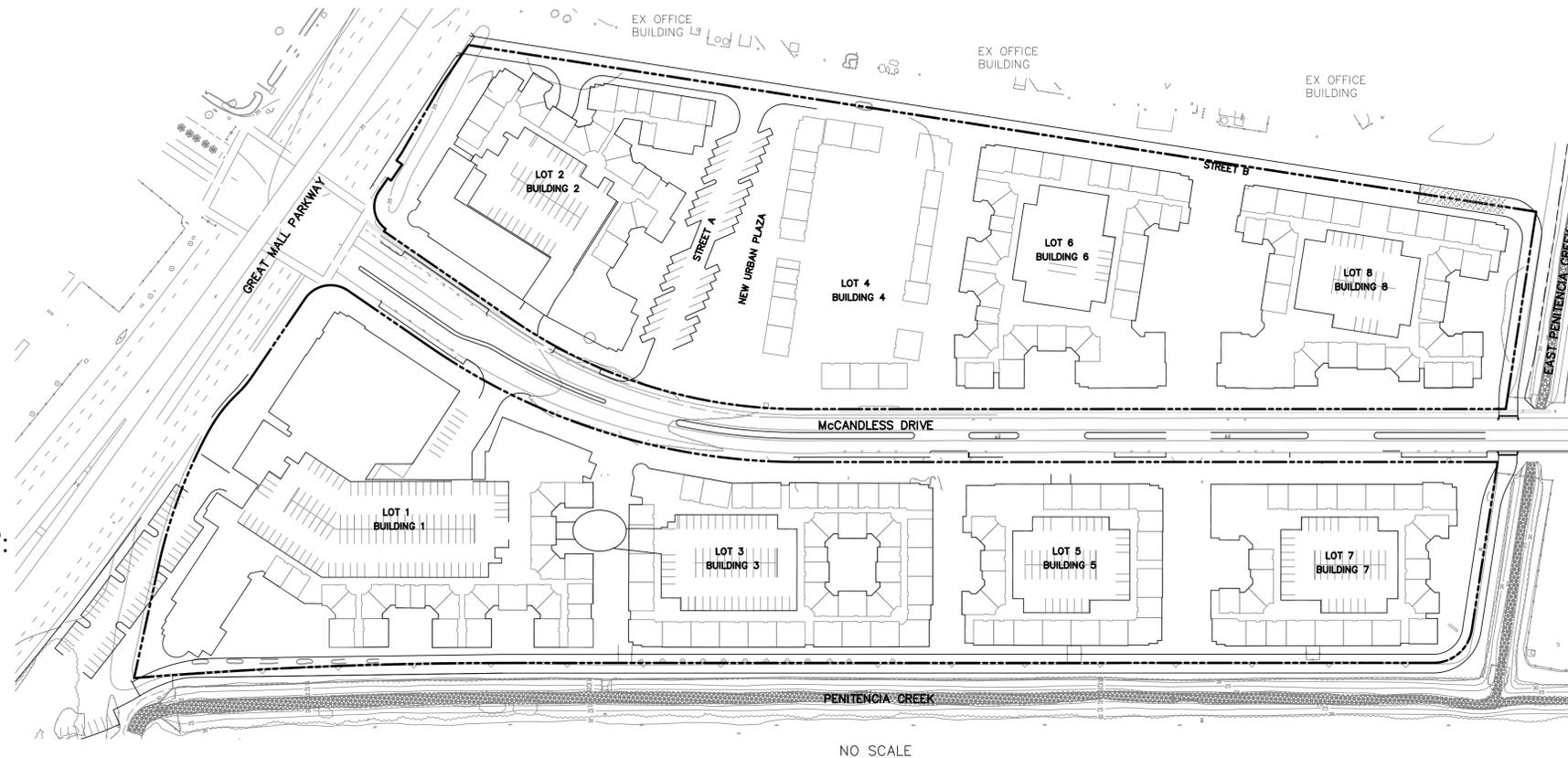
- RECORD OWNER:
MISSION WEST PROPERTIES, L.P.11
10050 BANDLEY DRIVE,
CUPERTINO, CA 95014
- PROPERTY ADDRESS:
1315-1595 McCANDLESS DRIVE
1320-1590 McCANDLESS DRIVE
- APN: 086-33-092/093/094/095/098/099/101
- EXISTING LAND USE: COMMERCIAL/OFFICE BUILDING
- PROPOSED LAND USES:
GROSS AREA: 23.0 ACRES±
GROSS DENSITY: 69.0 DU/AC.
STREETS & PARKING: 1.5 ACRES±
NET DENSITY: 73.9 DU/AC.
BUILDINGS: 15.5 ACRES±
- RECYCLED WATER
• PUBLIC (McCANDLESS DRIVE)
- WATER (SCVWD ZONE1)
• PUBLIC (McCANDLESS DRIVE, STREETS A, B)
• PRIVATE (WITHIN THE RESIDENTIAL AREAS)
- SEWER
• PUBLIC (McCANDLESS DRIVE, STREET A)
• PRIVATE (WITHIN THE RESIDENTIAL AREAS)
- STORM
• PUBLIC (McCANDLESS DRIVE, EXISTING SD STREET B,
EXISTING SD BETWEEN BUILDINGS 1 & 3)
• PRIVATE (WITHIN THE RESIDENTIAL AREAS)

- STREET LIGHTS - ON PUBLIC STREETS WILL BE CONSTRUCTED TO THE CITY STANDARDS AND DEDICATED TO THE CITY
- STREET TREES: (McCANDLESS DRIVE) INSTALLED PER CITY STANDARDS, MAINTAINED BY THE LANDSCAPE MAINTENANCE DISTRICT
- STREETS: STREETS A & B WILL BE PRIVATE STREETS. STREET DRIVEWAY BETWEEN BUILDING 1 & 3 WITHIN THE RESIDENTIAL AREA WILL BE PRIVATELY MAINTAINED BY A HOMEOWNERS' ASSOCIATION. ALL PRIVATE STREETS WILL HAVE PSUE'S (MIN. LONGITUDINAL SLOPE = 0.6%) AND EVAE'S.
- DATUM: CITY OF MILPITAS DATUM
- NO EXISTING WELLS.
- STREET LIGHTS: STREET LIGHTS ON PRIVATE STREETS WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
- FLOOD ZONE AO: FLOOD PLANE DEPTH OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING VELOCITIES ALSO DETERMINED. (FIRM COMMUNITY PANEL NUMBER 060344 0003 G, DATED JUNE 22, 1998)
- PROPOSED GRADES AS SHOWN ARE CONCEPTUAL. FINISH GRADING IS SUBJECT TO FINAL DESIGN, SUBJECT TO SITE SPECIFIC FLOOD STUDY, AND MAY VARY AT FINAL DESIGN.
- ALL GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS AND CONDITIONS OF THE GEOTECHNICAL ENGINEER AND SUPPLEMENTAL REPORTS REGARDING THIS PROJECT.
- ALL EROSION CONTROL MEASURES SHALL BE DONE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF MILPITAS.

- THE EXISTING TOPOGRAPHY IS BASED ON AERIAL SURVEYS RECEIVED FROM AERO GEODETIC, DATED MAY 15, 2006; THE CONTOURS SHOWN ON THIS PLAN REPRESENT GROUND ELEVATIONS, AS DETERMINED AT THE TIME OF SAID SURVEY. EXISTING SURFACE IMPROVEMENTS DEPICTED ON THE TOPOGRAPHIC MAPPING MAY DIFFER FROM CURRENT SITE CONDITIONS SINCE CONSTRUCTION ACTIVITIES ON THE COMMERCIAL SITE ARE ON GOING.
- COMMON OPEN SPACE PARCELS AND STREET PARCELS MAY BE SPLIT INTO ADDITIONAL PARCELS AS PART OF MULTIPLE FINAL MAPS AND BASED ON FINAL CONSTRUCTION PHASING.
- BUILDING DESIGNATIONS ARE FOR IDENTIFICATION PURPOSES ONLY AND ARE NOT INTENDED AS FINAL.
- PROJECT MAY REQUIRE MULTIPLE FINAL MAPS FOR CONDOMINIUM PURPOSES.

AC	ACRES	LP	LOW POINT
APN	ASSESSOR'S PARCEL NUMBER	MAX	MAXIMUM
BC	BACK OF CURB	MH	MANHOLE
BFE	BASE FLOOD ELEVATION	MIN	MINIMUM
BNDY	BOUNDARY	PD	PROJECT DRIVEWAY
CB	STORM DRAIN CATCH BASIN	PIV	POST INDICATOR VALVE
CL or C	CENTERLINE	PIWE	PRIVATE IRRIGATION WATERLINE EASEMENT
DWY	DRIVEWAY	PL	PROPERTY LINE
ELECT	ELECTROLIER	PP	POWER POLE
ESMT	EASEMENT	PSUE	PUBLIC SERVICE UTILITY EASEMENT
EX	EXISTING	R/W	RIGHT OF WAY
FDC	FIRE DEPARTMENT CONNECTION	RW	RECYCLED WATER
FOC	FACE OF CURB	SD	STORM DRAIN
FFU	FINISHED FLOOR GROUND LEVEL	SDMH	STORM DRAIN MANHOLE
FG	FINISHED GRADE	SF	SQUARE FEET
FH	FIRE HYDRANT	SLD	SEE LANDSCAPE DRAWINGS
GB	GRADE BREAK	SS	SANITARY SEWER
HP	HIGH POINT	SSMH	SANITARY SEWER MANHOLE
		SWK	SIDEWALK

ABBREVIATIONS



SHEET INDEX

SHEET TITLE

TM-1	TITLE SHEET
TM-2	EXISTING SITE PLAN
TM-3	PROPOSED SITE PLAN
TM-4	MCCANDLESS CROSS SECTIONS
TM-5	PRIVATE STREET SECTIONS
TM-6	CONCEPTUAL LOTTING PLAN
TM-7	CONCEPTUAL GRADING PLAN NORTH
TM-8	CONCEPTUAL GRADING PLAN SOUTH
TM-9	CONCEPTUAL UTILITY PLAN NORTH
TM-10	CONCEPTUAL UTILITY PLAN SOUTH
TM-11	MCCANDLESS DRIVE CONCEPTUAL OFFSITE IMPROVEMENTS
TM-12	GREAT MALL PARKWAY CONCEPTUAL OFFSITE IMPROVEMENTS
TM-13	SOLID WASTE PLAN
L1 - L4	LANDSCAPE PLANS

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	CATCH BASIN	
	ELECTRIC	
	ELECTROLIER	
	EXISTING CENTER-LINE	
	EXISTING SITE	
	FIRE HYDRANT	
	FLOW DIRECTION	
	LOT NUMBER	
	LOT-LINE	
	MANHOLE	
	PROJECT BOUNDARY	
	SANITARY SEWER	
	SPOT GRADE	
	STORM DRAIN	
	WATER	
	LIMIT OF BUILDING AT GROUND LEVEL	

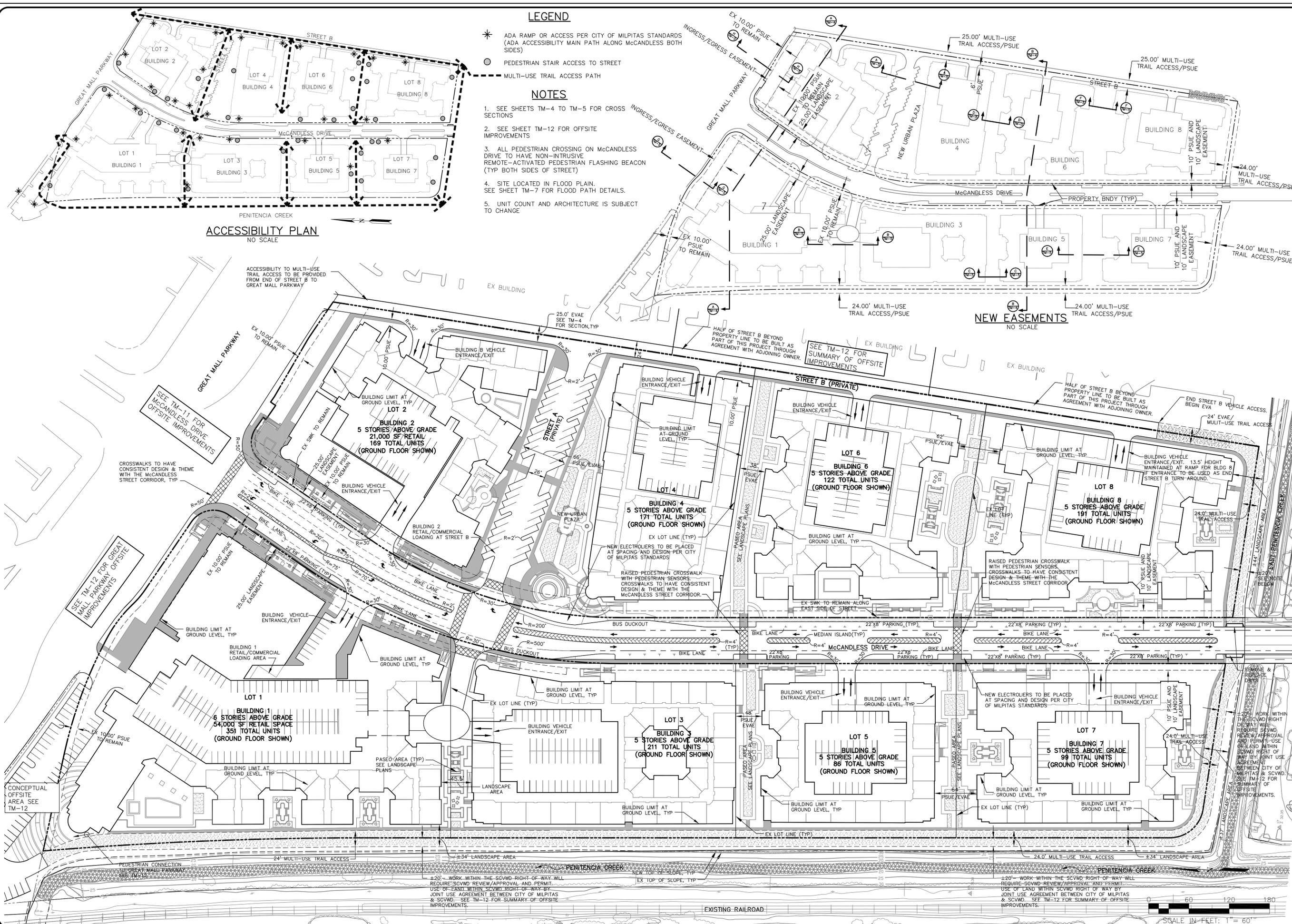
Z	PARCEL	SITE	Studio	1-BR	2-BR	3-BR	TOTAL	GUEST 15% TOT	RETAIL .8/250	1/250	TOTAL STALLS	STALLS/LEVEL	GARAGE LEVELS	SURFACE PARKING
MXD2-TOD	92	1	16	186	266	16	484	73	170	213	769	132	5	79
	93	3	12	107	155	16	290	44	334		334	58	6	
	101	2	8	78	128	22	236	35	67	84	356	56	6	37
R3-TOD		4	8	78	138	16	240	36			276	42	7	
	94	5	3	46	64	6	119	18			137			
	99	6	3	65	90	13	170	26			196			
	95	7	3	54	74	6	137	21			158			
	98	8	3	64	86	13	166	25			191			
	TOTAL						1842	276	237	296	2415			116

* Residential Parking provided at: 0.8 per Studio; 1.2 per One-Bedroom; 1.6 per Two & Three Bedroom

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10000 CALIFORNIA AVENUE, SUITE 200
MILPITAS, CALIFORNIA 95035
PHONE: (408) 848-0300 FAX: (408) 848-0302

TENTATIVE MAP
TITLE SHEET
McCANDLESS PROJECT
MILPITAS, CALIFORNIA

SCALE	NO SCALE	DATE	AUG 2010
BY	CK		
SHEET	REVISIONS		
DATE	MR		
SHEET			
TM-1			
OF 13 SHEETS			
JOB NO. 072030			



LEGEND

- * ADA RAMP OR ACCESS PER CITY OF MILPITAS STANDARDS (ADA ACCESSIBILITY MAIN PATH ALONG McCANDLESS BOTH SIDES)
- PEDESTRIAN STAIR ACCESS TO STREET
- - - MULTI-USE TRAIL ACCESS PATH

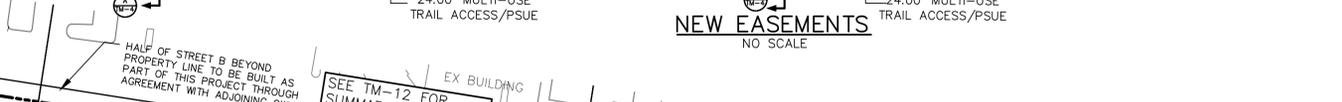
NOTES

1. SEE SHEETS TM-4 TO TM-5 FOR CROSS SECTIONS
2. SEE SHEET TM-12 FOR OFFSITE IMPROVEMENTS
3. ALL PEDESTRIAN CROSSING ON McCANDLESS DRIVE TO HAVE NON-INTRUSIVE REMOTE-ACTIVATED PEDESTRIAN FLASHING BEACON (TYP BOTH SIDES OF STREET)
4. SITE LOCATED IN FLOOD PLAIN. SEE SHEET TM-7 FOR FLOOD PATH DETAILS.
5. UNIT COUNT AND ARCHITECTURE IS SUBJECT TO CHANGE

ACCESSIBILITY PLAN
NO SCALE

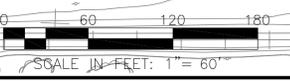


NEW EASEMENTS
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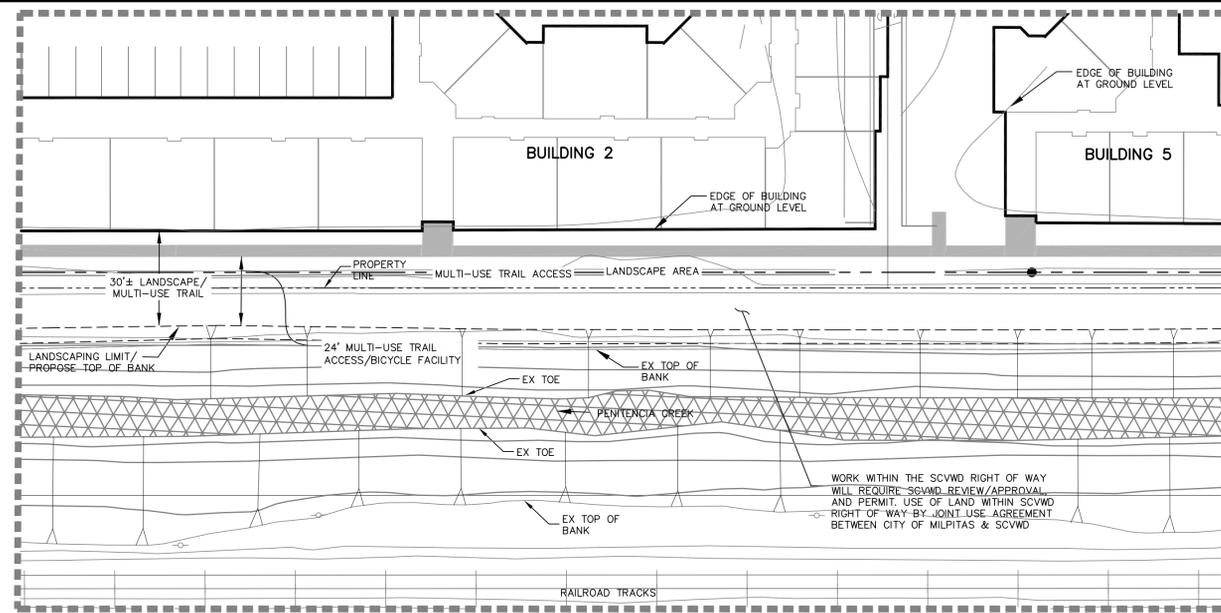


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DATE	AUG 2010

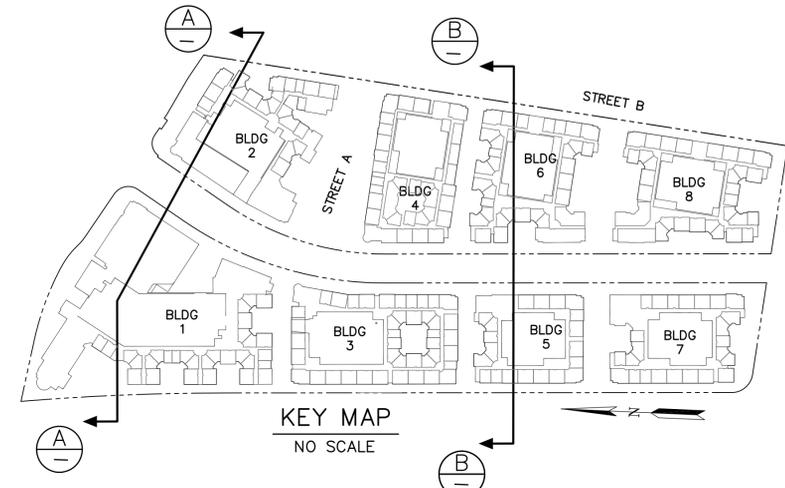
DATE	BY	CHK	REVISIONS



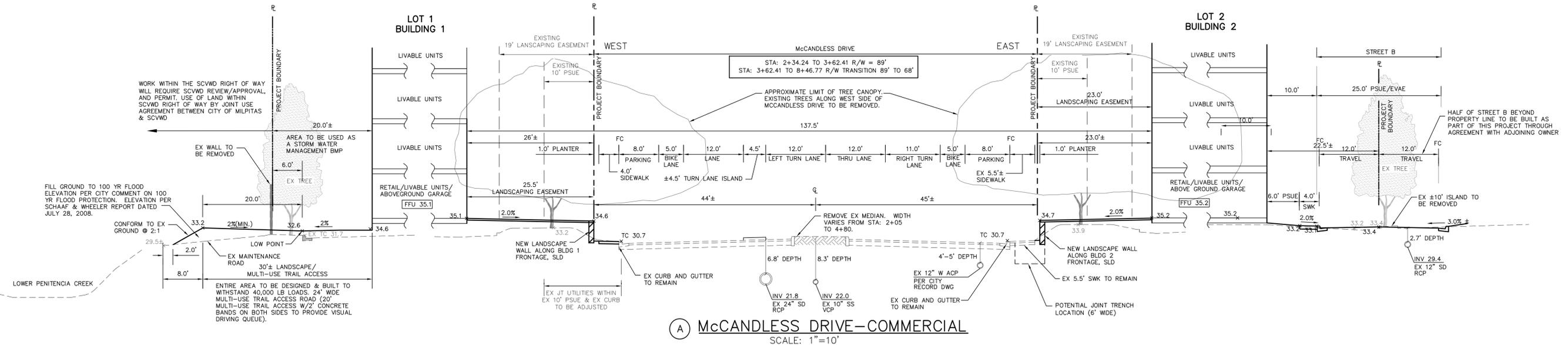
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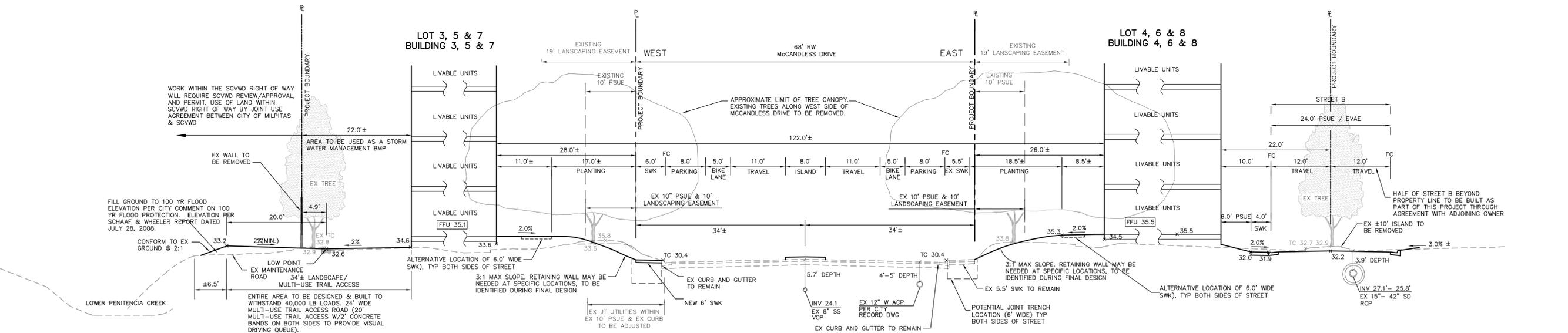
**PEDESTRIAN TRAIL DETAIL
PLAN VIEW** SCALE: 1"=30'



**KEY MAP
NO SCALE**

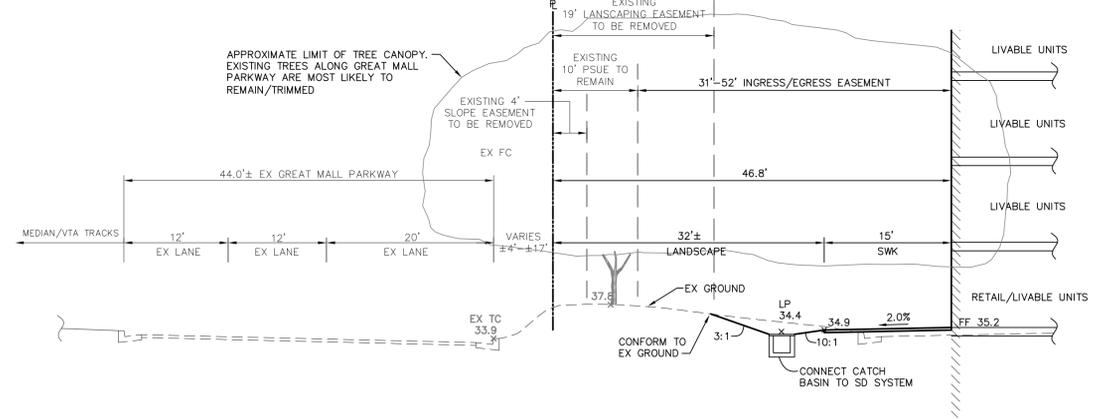
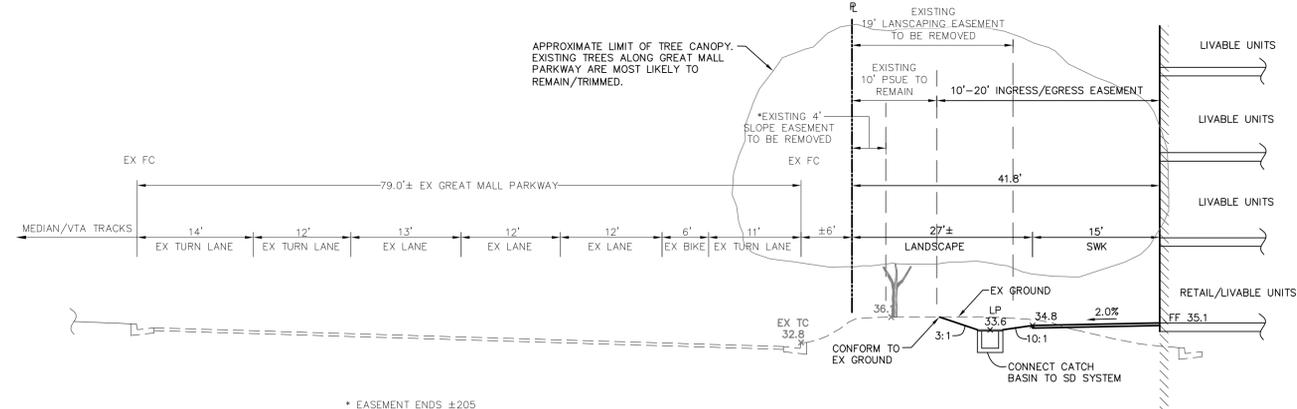
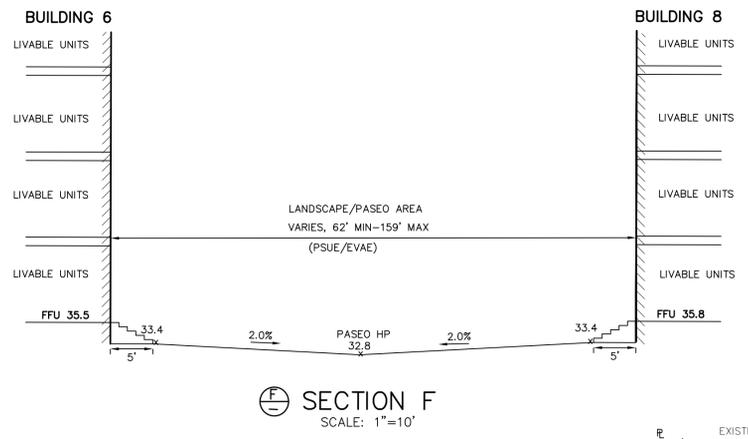
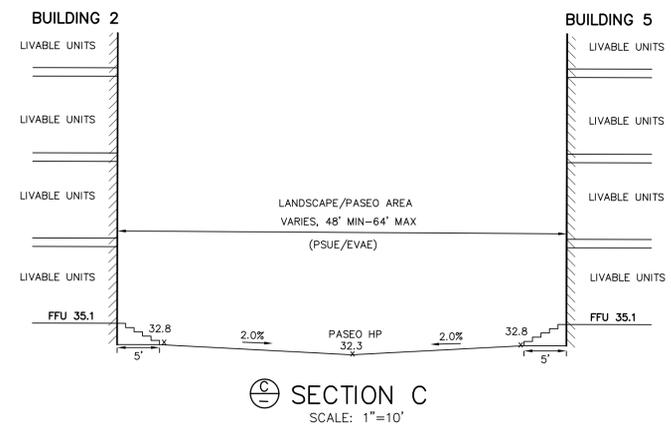
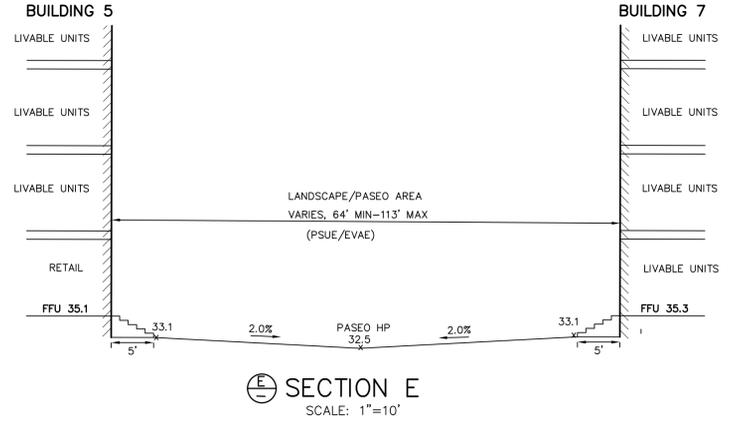
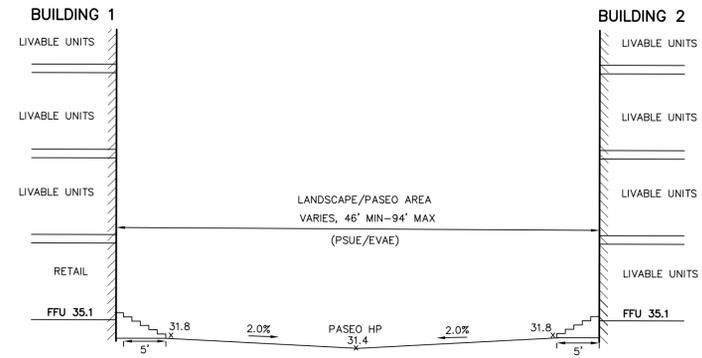
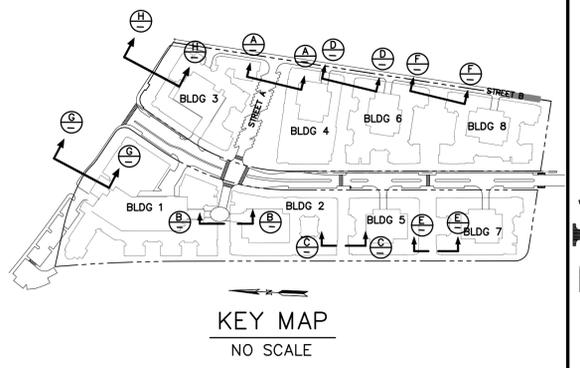
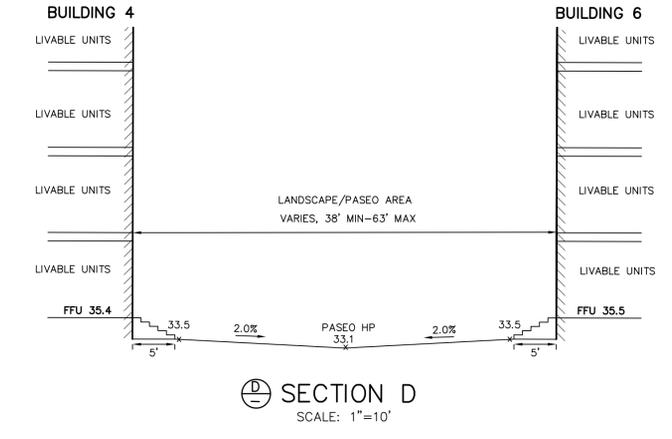
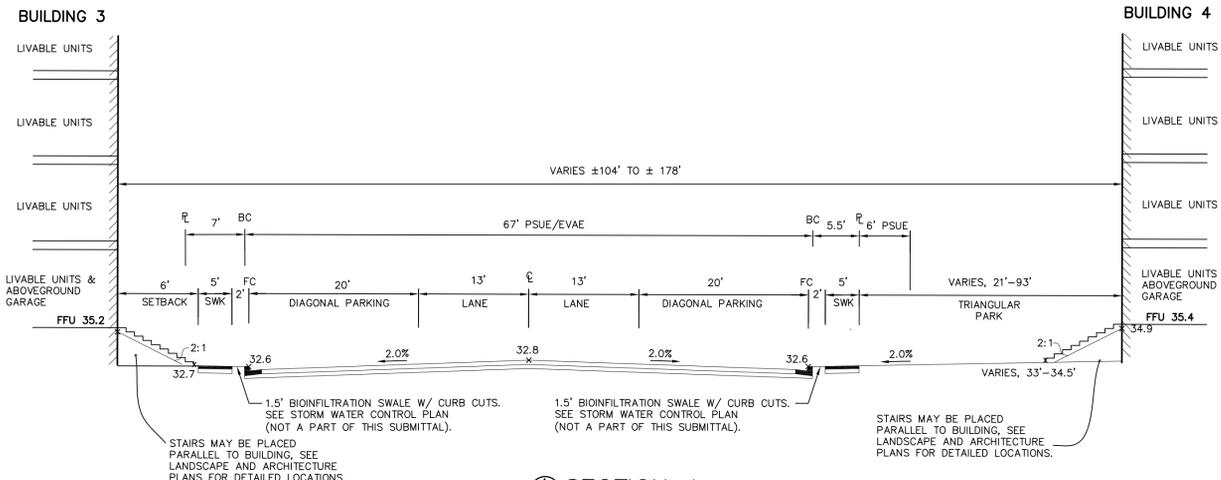


A McCANDLESS DRIVE-COMMERCIAL
SCALE: 1"=10'



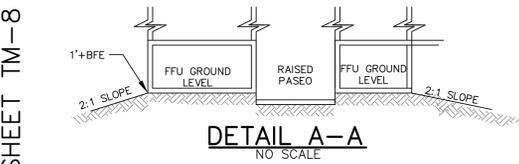
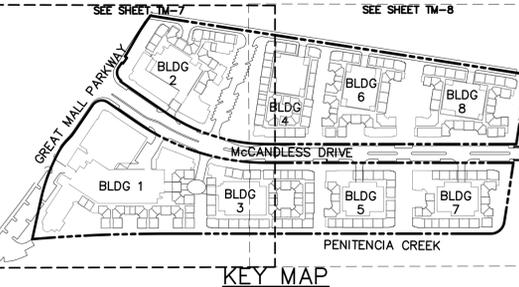
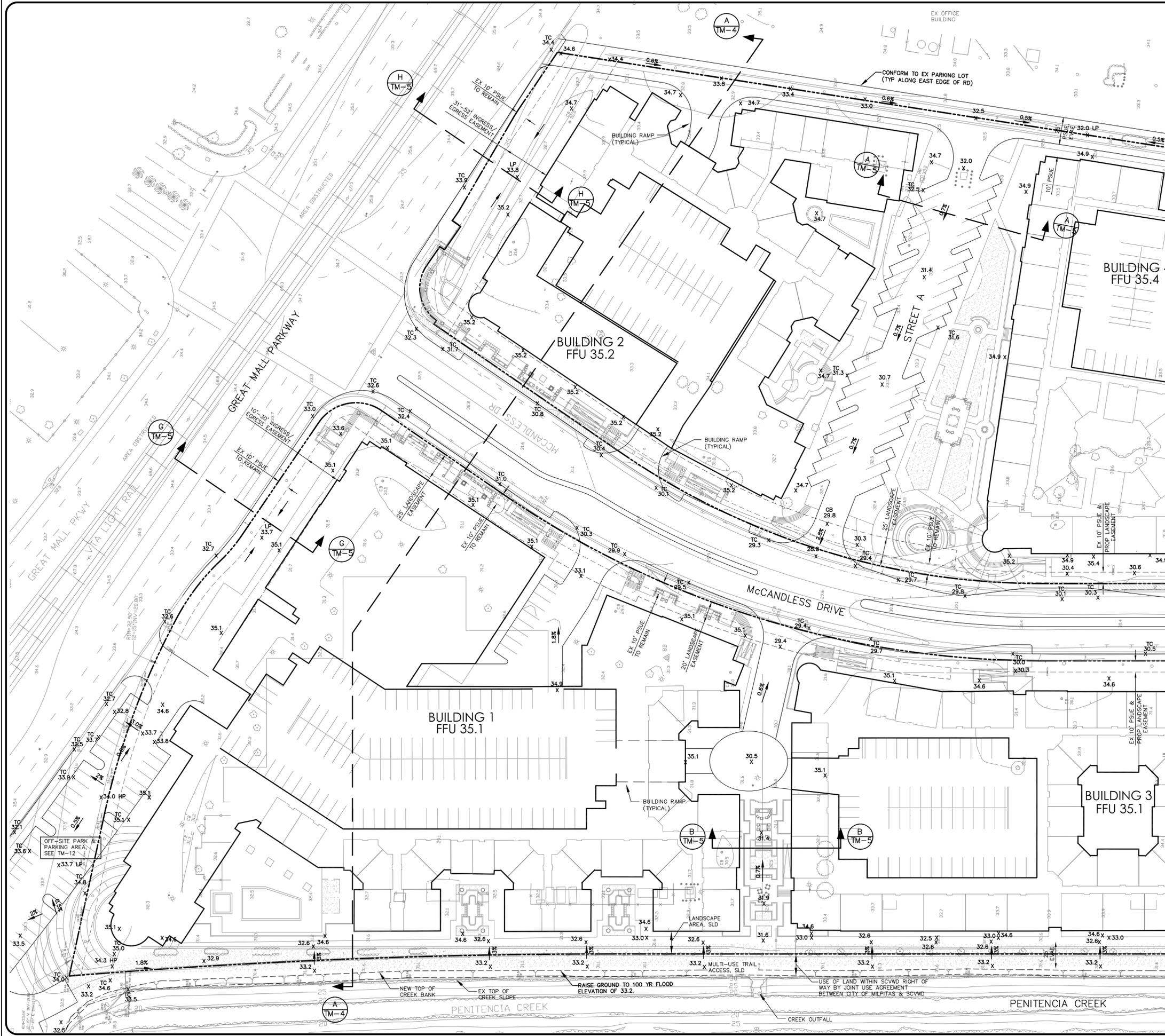
B McCANDLESS DRIVE-RESIDENTIAL
SCALE: 1"=10'

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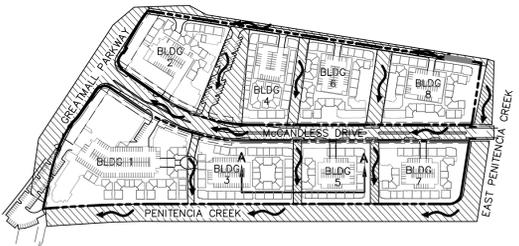


* EASEMENT ENDS ±205 WEST OF THE INTERSECTION OF GREAT MALL PARKWAY AND McCANDLESS DRIVE

DATE	BY	REVISIONS



- BUILDING XX
 BUILDING STRUCTURE, FFU TO BE 1' ABOVE 100 YR BASE FLOOD ELEVATION; BUILDING FOOT PRINTS TO BE REMOVED FROM FEMA FLOOD ZONE THROUGH CLOMR & LOMR
- LIVABLE BUILDING STRUCTURE
- 100 YEAR FLOOD PATH PER SCHAAF AND WHEELER REPORT DATED 06/2010



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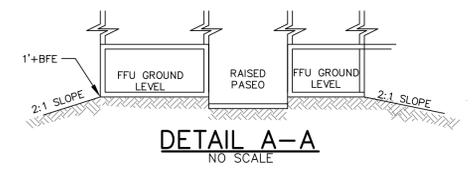
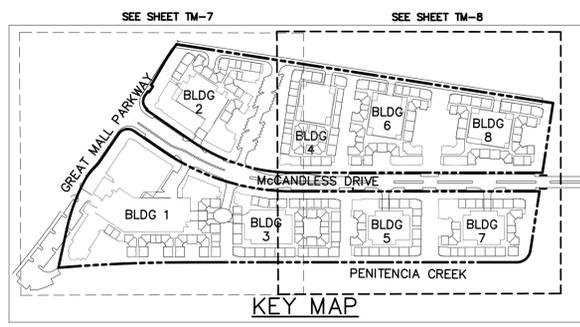
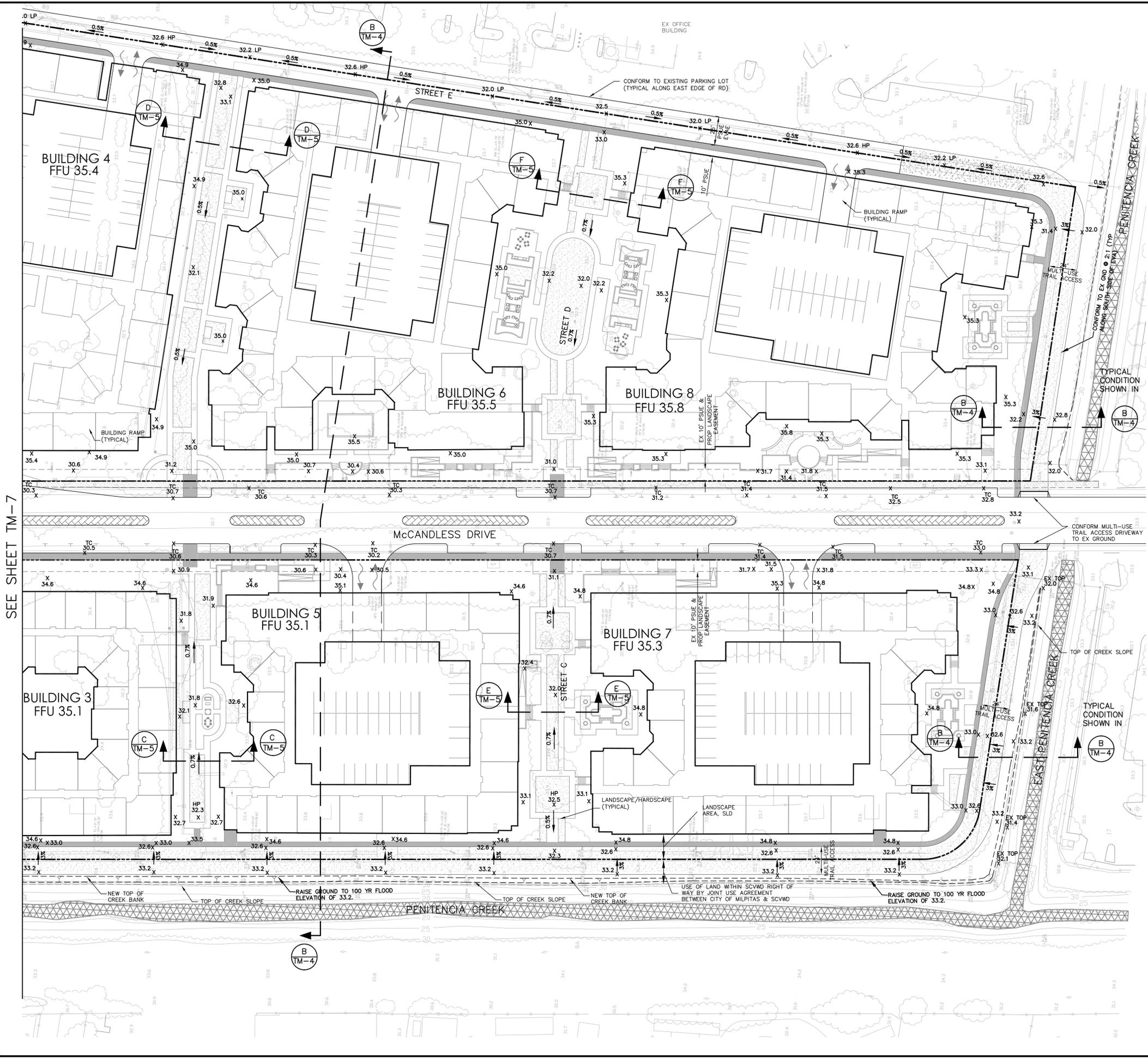
TENTATIVE MAP
 CONCEPTUAL GRADING PLAN NORTH
MCCANDLESS PROJECT
 MILPITAS, CALIFORNIA

SCALE 1" = 40'
 DATE BY CK
 SHEET REVISIONS

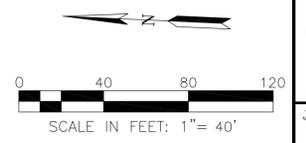
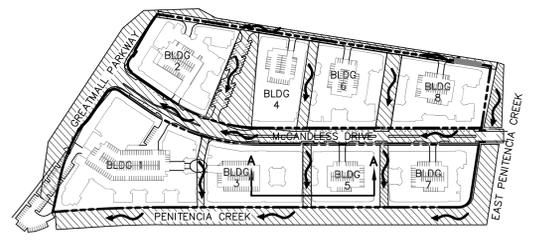
DATE	BY	REVISIONS

SHEET
TM-7
 OF 13 SHEETS
 JOB NO.
 072030

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- BUILDING XX BUILDING STRUCTURE, FFU TO BE 1' ABOVE 100 YR BASE FLOOD ELEVATION; BUILDING FOOT PRINTS TO BE REMOVED FROM FEMA FLOOD ZONE THROUGH CLOMR & LOMR
- LIVABLE BUILDING STRUCTURE
- 100 YEAR FLOOD PATH PER SCHAAF AND WHEELER REPORT DATED 06-2010



TENTATIVE MAP
CONCEPTUAL GRADING PLAN SOUTH
McCANDLESS PROJECT
MILPITAS, CALIFORNIA

SCALE 1" = 40'
DATE AUG 2010

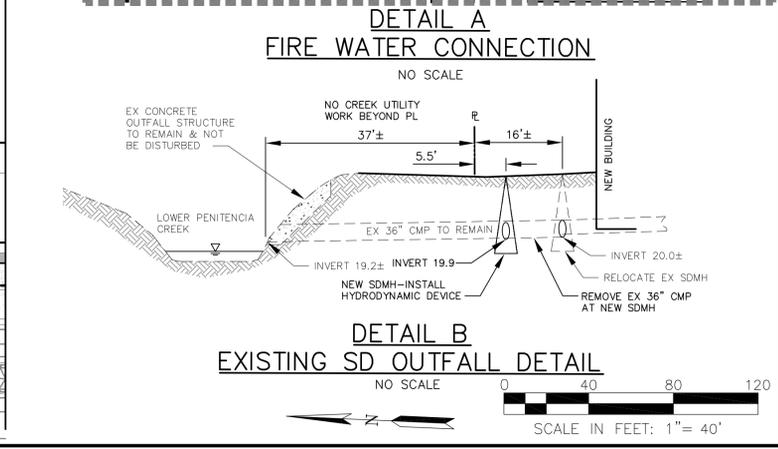
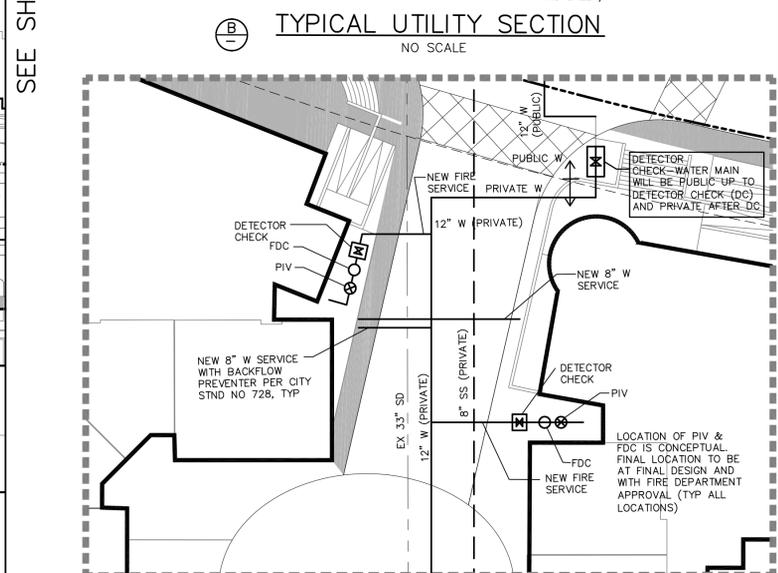
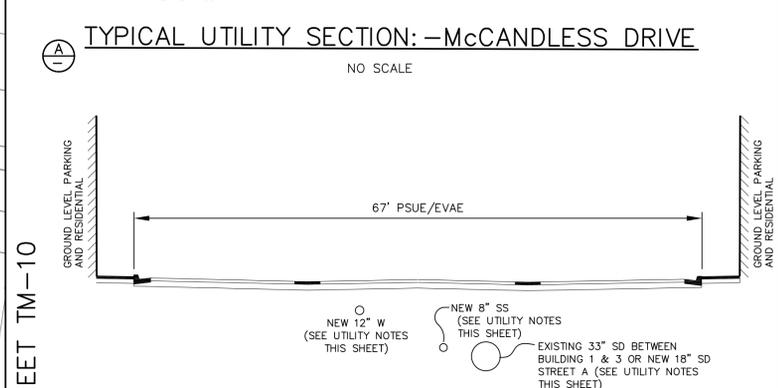
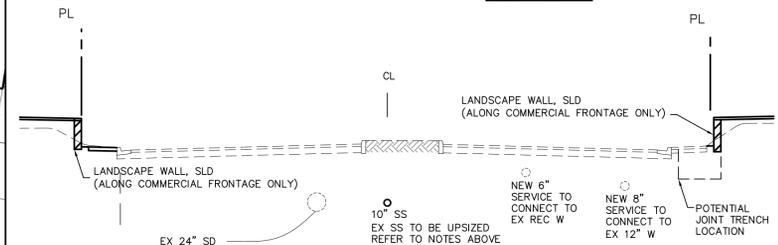
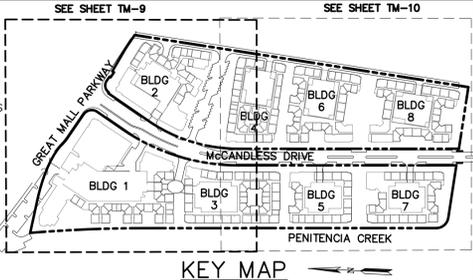
DATE	BY	REVISIONS

SHEET **TM-8**
OF 13 SHEETS
JOB NO. 072030

SEE SHEET TM-12 FOR OFFSITE IMPROVEMENTS

SEE SHEET 10 NOTES FOR STORMWATER MANAGEMENT APPLICATIONS

- UTILITIES NOTE:
- WATER (SCVWD ZONE 1)
 - SEWER PUBLIC (McCANDLESS DRIVE, STREETS A,B)
 - STORM PUBLIC (McCANDLESS DRIVE, STREET A)
 - RECYCLED WATER PUBLIC (McCANDLESS DRIVE)
- * ALL OTHER UTILITIES WITHIN PASEG'S AND MULTI-USE TRAIL TO BE PRIVATELY OWNED AND MAINTAINED.
- SEWER NOTE: SEWER IMPROVEMENTS SHOWN ON GREAT MALL PARKWAY AND McCANDLESS DRIVE ACCOMMODATE FUTURE UPSTREAM USER (FUTURE PROJECTS SOUTH AND EAST OF PROJECT). THE McCANDLESS PROJECT WILL BE DUE REIMBURSEMENT FOR THE ADDITIONAL PIPE LENGTH AND LARGER PIPE SIZES.



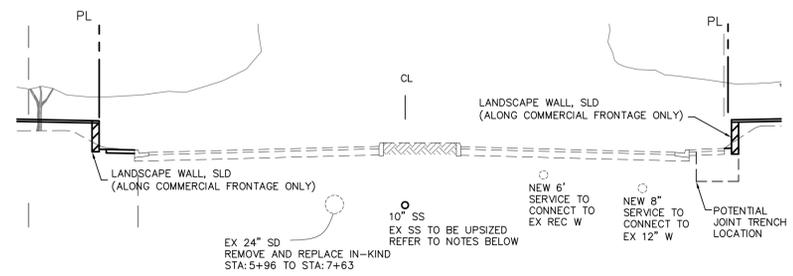
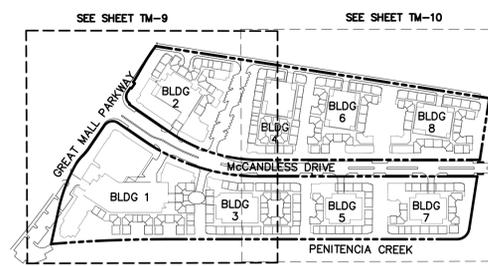
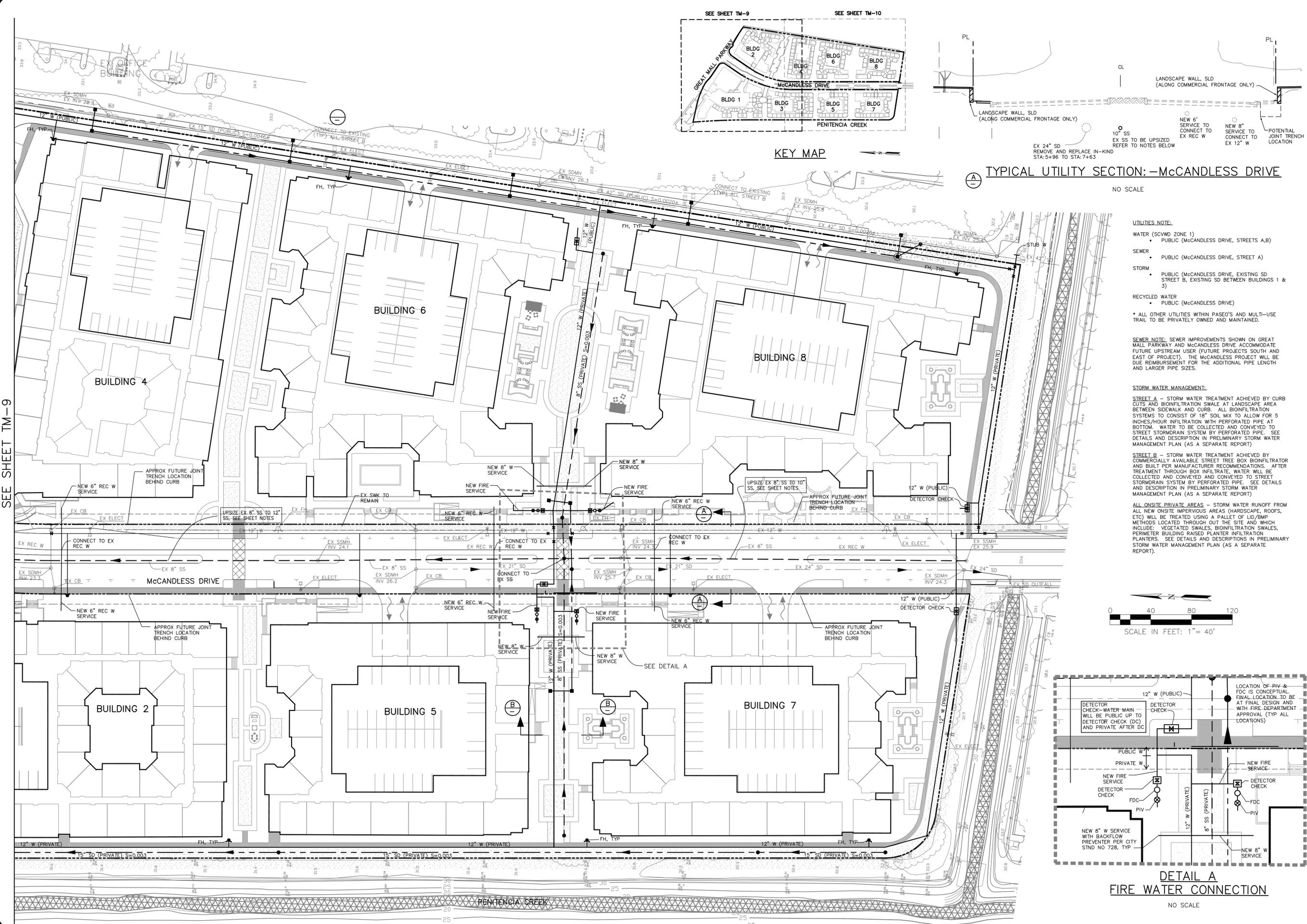
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 MILPITAS, CALIFORNIA 95035
 PHONE: (408) 948-0300 FAX: (408) 948-0302

TENTATIVE MAP
 CONCEPTUAL UTILITY PLAN NORTH
 McCANDLESS PROJECT
 MILPITAS, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES McCANDLESS, LLC

DATE	BY	CHK	SCALE	AS NOTED	DATE
					AUG 2010

SHEET **TM-9**
 OF 13 SHEETS
 JOB NO. 072030

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NO SCALE

- UTILITIES NOTE:**
- WATER (SCVWD ZONE 1)
 - PUBLIC (McCANDLESS DRIVE, STREETS A,B)
 - SEWER
 - PUBLIC (McCANDLESS DRIVE, STREET A)
 - STORM
 - PUBLIC (McCANDLESS DRIVE, EXISTING SD STREET B, EXISTING SD BETWEEN BUILDINGS 1 & 3)
 - RECYCLED WATER
 - PUBLIC (McCANDLESS DRIVE)
- * ALL OTHER UTILITIES WITHIN PASEO'S AND MULTI-USE TRAIL TO BE PRIVATELY OWNED AND MAINTAINED.

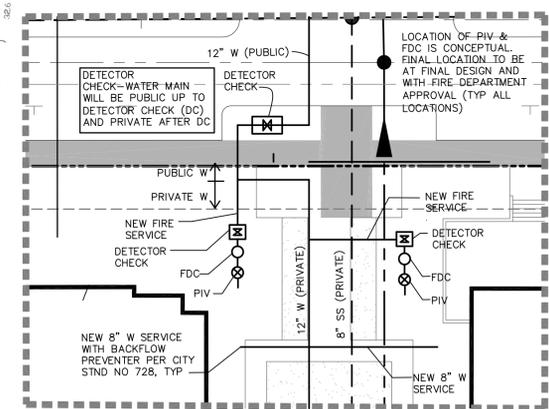
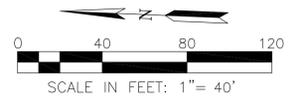
SEWER NOTE: SEWER IMPROVEMENTS SHOWN ON GREAT MALL PARKWAY AND McCANDLESS DRIVE ACCOMMODATE FUTURE UPSTREAM USER (FUTURE PROJECTS SOUTH AND EAST OF PROJECT). THE McCANDLESS PROJECT WILL BE DUE REIMBURSEMENT FOR THE ADDITIONAL PIPE LENGTH AND LARGER PIPE SIZES.

STORM WATER MANAGEMENT:

STREET A - STORM WATER TREATMENT ACHIEVED BY CURB CUTS AND BIOINFILTRATION SWALE AT LANDSCAPE AREA BETWEEN SIDEWALK AND CURB. ALL BIOINFILTRATION SYSTEMS TO CONSIST OF 18" SOIL MIX TO ALLOW FOR 5 INCHES/HOUR INFILTRATION WITH PERFORATED PIPE AT BOTTOM. WATER TO BE COLLECTED AND CONVEYED TO STREET STORMDRAIN SYSTEM BY PERFORATED PIPE. SEE DETAILS AND DESCRIPTION IN PRELIMINARY STORM WATER MANAGEMENT PLAN (AS A SEPARATE REPORT)

STREET B - STORM WATER TREATMENT ACHIEVED BY COMMERCIALY AVAILABLE STREET TREE BOX BIOINFILTRATOR AND BUILT PER MANUFACTURER RECOMMENDATIONS. AFTER TREATMENT THROUGH BOX INFILTRATE, WATER WILL BE COLLECTED AND CONVEYED TO STREET STORMDRAIN SYSTEM BY PERFORATED PIPE. SEE DETAILS AND DESCRIPTION IN PRELIMINARY STORM WATER MANAGEMENT PLAN (AS A SEPARATE REPORT)

ALL ONSITE PRIVATE AREAS - STORM WATER RUNOFF FROM ALL NEW ONSITE IMPERVIOUS AREAS (HARDSCAPE, ROOFS, ETC) WILL BE TREATED USING A PALLET OF LID/BMP METHODS LOCATED THROUGH OUT THE SITE AND WHICH INCLUDE: VEGETATED SWALES, BIOINFILTRATION SWALES, PERIMETER BUILDING RAISED PLANTER INFILTRATION PLANTERS. SEE DETAILS AND DESCRIPTIONS IN PRELIMINARY STORM WATER MANAGEMENT PLAN (AS A SEPARATE REPORT).



DETAIL A
FIRE WATER CONNECTION
NO SCALE

SEE SHEET TM-9

TENTATIVE MAP
CONCEPTUAL UTILITY PLAN SOUTH
McCANDLESS PROJECT
MILPITAS, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
10000 N. SAN ANTONIO AVE., SUITE 200
MILPITAS, CA 95035
PHONE: (408) 948-0300 FAX: (408) 948-0302

SCALE 1" = 40'
DATE AUG 2010

DATE	BY	REVISIONS

SHEET
TM-10
OF 13 SHEETS
JOB NO.
072030

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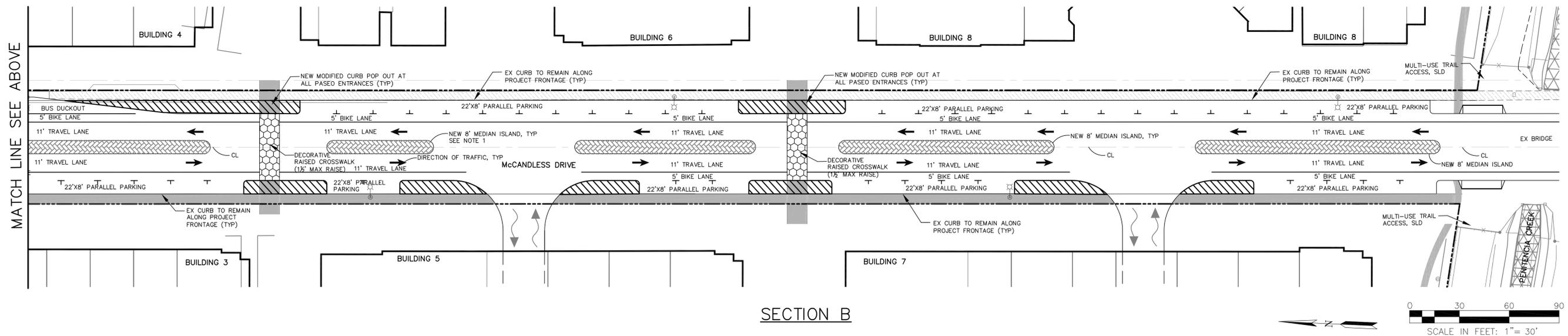
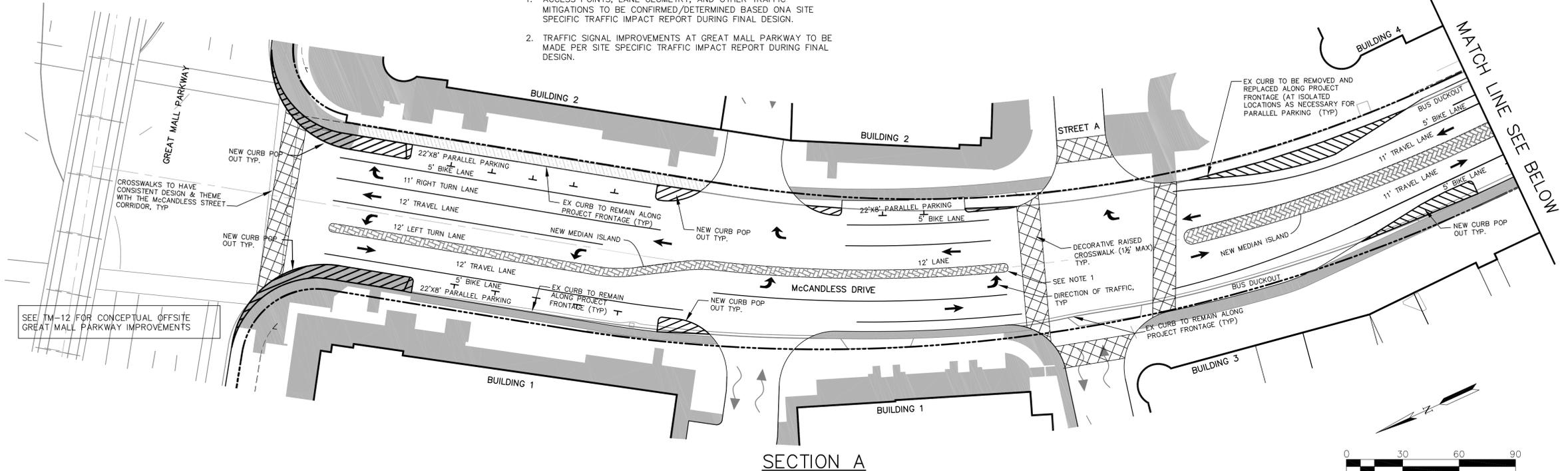
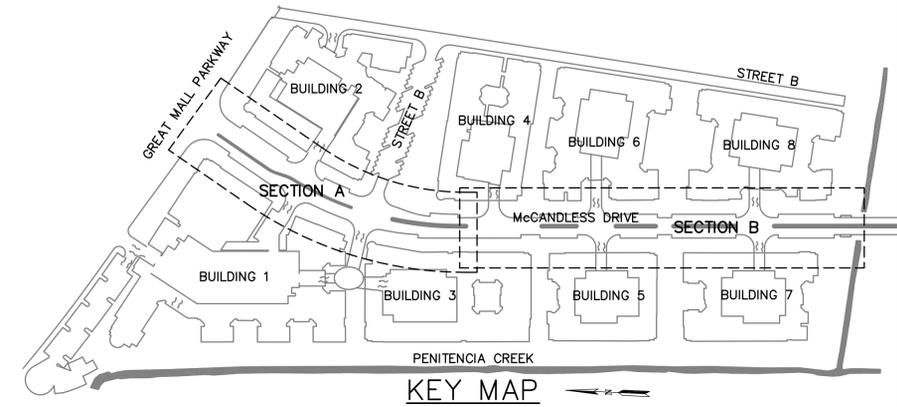
SUMMARY OF MCCANDLESS DRIVE SCOPE OF IMPROVEMENTS

- 1. NEW MEDIAN ISLAND (WITH ROLLED CURB AS SHOWN IN PLAN VIEW)
- 2. DECORATIVE RAISED CROSSWALK (1½' MAX RAISE)
- 3. NEW CURB POP OUTS AT STREET INTERSECTIONS (SLD). REMOVE EXISTING CURBS AS NECESSARY.
- 4. REMOVE AND REPLACE EXISTING CURB AND GUTTER ON MCCANDLESS DRIVE (AT ISOLATED LOCATIONS AS NECESSARY FOR PARALLEL PARKING)
- 5. PARALLEL PARKING
- 6. SURFACE PAINT STRIPING

SEE TM-12 FOR SUMMARY OF OFFSITE IMPROVEMENTS

NOTES

1. ACCESS POINTS, LANE GEOMETRY, AND OTHER TRAFFIC MITIGATIONS TO BE CONFIRMED/DETERMINED BASED ON A SITE SPECIFIC TRAFFIC IMPACT REPORT DURING FINAL DESIGN.
2. TRAFFIC SIGNAL IMPROVEMENTS AT GREAT MALL PARKWAY TO BE MADE PER SITE SPECIFIC TRAFFIC IMPACT REPORT DURING FINAL DESIGN.



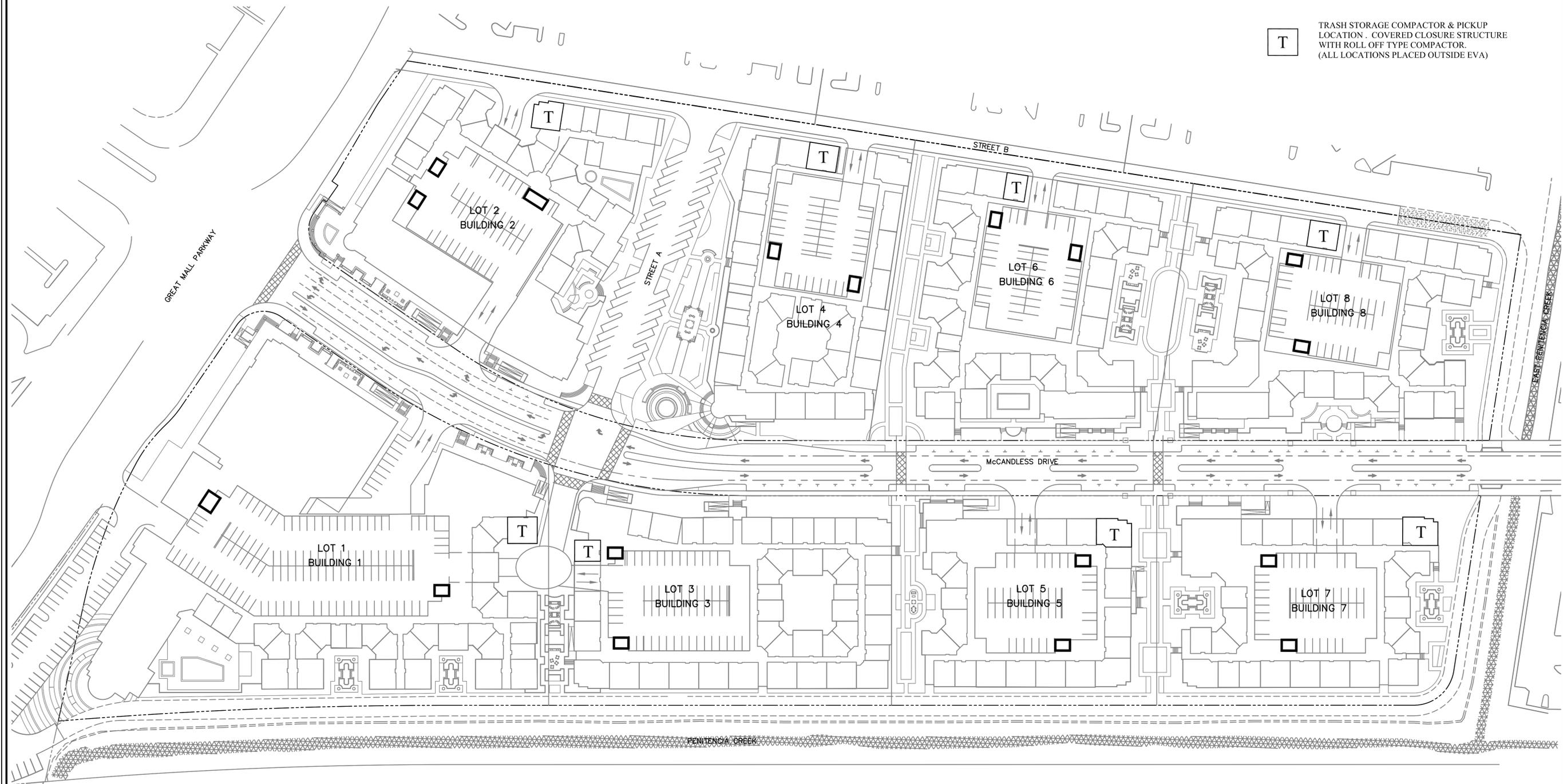
DATE	BY	CHK	REVISIONS

W:\Jobs\072030\Drawings\Plan\TM-11 MCCANDLESS DRIVE CONCEPTUAL OFFSITE IMPROVEMENTS.dwg, 8/9/2010 3:46:58 PM, 11

DATE	BY	REVISIONS

LEGEND

-  TRASH COLLECTION AREA
-  TRASH STORAGE COMPACTOR & PICKUP LOCATION - COVERED CLOSURE STRUCTURE WITH ROLL OFF TYPE COMPACTOR. (ALL LOCATIONS PLACED OUTSIDE EVA)

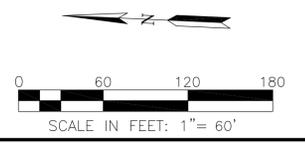


Commercial Solid Waste and Recycling Calculations

Building	Compacted Trash	Loose Recycling	Compacted Recycling
Building 1			
Sub-Retail Area with Proposed Usage	CY Compacted Trash per Week	CY Loose Recycling per Week	CY Compacted Recycling per Week
Area 1- 1 Grocery	30	X	24
Area 1- 2 Bakery	4	12.0	4
Area 1- 3 Restaurant	7	20.0	7
Area 1- 4 Restaurant	7	20.0	7
Building 2			
Sub-Retail Area with Proposed Usage	CY Compacted Trash per Week	CY Loose Recycling per Week	CY Compacted Recycling per Week
Area 2- 1 Pharmacy	4	12	4
Area 2- 2 Small Retailer	3	8	3
Area 2- 3 Medium Retailer	4	12	4
Area 2- 4 Restaurant	7	20	7

Residential Solid Waste and Recycling Calculations

Building with Number of Units/Bedrooms	Compacted Trash	Loose Recycling	Compacted Recycling
Building 1- 351 \ 537	39.8	54.6	18.2
Building 2- 169 \ 328	19.2	26.3	8.8
Building 3- 211 \ 277	23.9	32.8	10.9
Building 4- 171 \ 277	19.4	26.6	8.9
Building 5- 86 \ 134	9.7	13.4	4.5
Building 6- 122 \ 194	13.8	19.0	6.3
Building 7- 99 \ 153	11.2	15.4	5.1
Building 8- 191 \ 189	21.6	29.7	9.9
Total: 1,328 Units/ 2,089 Bedrooms	158.7	217.8	72.6



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ULTIMATE ALIGNMENT OF
GREAT MALL PARKWAY FRONTAGE
SIDEWALK TO BE DETERMINED

PROJECT IDENTITY
MONUMENTATION

ULTIMATE ALIGNMENT OF
GREAT MALL PARKWAY FRONTAGE
SIDEWALK TO BE DETERMINED



PROPOSED STREET LEVEL LANDSCAPE: 380,000 S.F. APPROX.
PROPOSED COURTYARD LANDSCAPE: 175,000 S.F. APPROX.

MILPITAS, CALIFORNIA



PROJECT #: 07-096
DATE: JULY 27, 2010
SCALE: 1" = 60'

PLANTING LEGEND

PROPOSED STREET TREES:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.S. III
	CINNAMOMUM CAMPHORA	CAMPHOR TREE	24" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	24" BOX	MEDIUM
	GINKGO BILOBA 'PRINCETON SENTRY'	MAIDENHAIR TREE	24" BOX	M EDIUM
	GINKGO BILOBA 'SARATOGA'	MAIDENHAIR TREE	24" BOX	MEDIUM
	JACARANDA MIMOSIFOLIA	JACARANDA	24" BOX	MEDIUM
	KOELREUTERIA BIPINNATA	CHINESE FLAME TREE	24" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	24" BOX	MEDIUM
	PLATANUS ACERIFOLIA 'BLOODGOOD'	LONDON PLANE	24" BOX	MEDIUM
	QUERCUS ILEX	HOLLY OAK	24" BOX	LOW
	SOPHORA JAPONICA	PAGODA TREE	24" BOX	LOW
	ULMUS x 'FRONTIER'	FRONTIER ELM	24" BOX	MEDIUM
	ULMUS PARVIFOLIA	CHINESE ELM	24" BOX	MEDIUM
	ZELKOVA SERRATA	ZELKOVA	24" BOX	MEDIUM

PROPOSED PARK TREES:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.S. III
	CINNAMOMUM CAMPHORA	CAMPHOR TREE	24" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	24" BOX	MEDIUM
	GINKGO BILOBA 'PRINCETON SENTRY'	MAIDENHAIR TREE	24" BOX	M EDIUM
	GINKGO BILOBA 'SARATOGA'	MAIDENHAIR TREE	24" BOX	MEDIUM
	JACARANDA MIMOSIFOLIA	JACARANDA	24" BOX	MEDIUM
	KOELREUTERIA BIPINNATA	CHINESE FLAME TREE	24" BOX	MEDIUM
	KOELREUTERIA PANICULATA	GOLDEN RAIN TREE	24" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	24" BOX	MEDIUM
	PLATANUS ACERIFOLIA 'BLOODGOOD'	LONDON PLANE	24" BOX	MEDIUM
	QUERCUS ILEX	HOLLY OAK	24" BOX	LOW
	SEQUOIA SEMPERVIRENS	COAST REDWOOD	24" BOX	HIGH
	SOPHORA JAPONICA	PAGODA TREE	24" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	24" BOX	MEDIUM
	ULMUS x 'FRONTIER'	FRONTIER ELM	24" BOX	MEDIUM
	ULMUS PARVIFOLIA	CHINESE ELM	24" BOX	MEDIUM
	ZELKOVA SERRATA	ZELKOVA	24" BOX	MEDIUM

PROPOSED COMMON AREA TREES:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.S. III
	AGONIS FLEXUOSA	PEPPERMINT TREE	24" BOX	LOW
	ARBUTUS 'MARINA'	STRAWBERRY TREE	24" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	24" BOX	LOW
	GELJERA PARVIFLORA	AUSTRALIAN WILLOW	24" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	24" BOX	MEDIUM
	GINKGO BILOBA 'PRINCETON SENTRY'	MAIDENHAIR TREE	24" BOX	M EDIUM
	GINKGO BILOBA 'SARATOGA'	MAIDENHAIR TREE	24" BOX	MEDIUM
	JACARANDA MIMOSIFOLIA	JACARANDA	24" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	24" BOX	MEDIUM
	PLATANUS ACERIFOLIA 'BLOODGOOD'	LONDON PLANE	24" BOX	MEDIUM
	PYRUS CALLERYANA (CULTIVARS)	ORNAMENTAL PEAR	24" BOX	MEDIUM
	QUERCUS ILEX	HOLLY OAK	24" BOX	LOW
	RHAPHIOLEPIS 'MAGESTIC BEAUTY'	N.C.N.	5 GAL.	LOW
	RHUS LANCEA	AFRICAN SUMAC	24" BOX	LOW
	SEQUOIA SEMPERVIRENS	COAST REDWOOD	24" BOX	HIGH
	SOPHORA JAPONICA	PAGODA TREE	24" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	24" BOX	MEDIUM
	TRISTANIA LAURINA	WATER GUM	24" BOX	MEDIUM

PROPOSED VINES AND ESPALIERS:

BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.S. III
CLYSTOMA CALLISTEGIODES	LAVENDER TRUMPET VINE	5 GAL.	MEDIUM
DISTICTIS BUCCINATORIA	BLOOD-RED TRUMPET VINE	5 GAL.	MEDIUM
GELSEMIUM SEMPERVIRENS	CAROLINA JESSAMINE	5 GAL.	LOW
JASMINUM POLYANTHUM	PINK JASMINE	5 GAL.	MEDIUM
MACFADYENA UNGUIS-CATI	CAT'S CLAW	5 GAL.	LOW
PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	5 GAL.	MEDIUM
ROSA BANKSIAE	LADY BANK'S ROSE	5 GAL.	LOW
WISTERIA SINENSIS	CHINESE WISTERIA	5 GAL.	MEDIUM

PROPOSED SHRUBS AND GRASSES:

BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.S. III
ABELIA GRANDIFLORA	GLOSSY ABELIA	5 GAL.	MEDIUM
AGAPANTHUS AFRICANUS	LILY-OF-THE-NILE	5 GAL.	MEDIUM
AGAPANTHUS ORIENTALIS	LILY-OF-THE-NILE	5 GAL.	MEDIUM
BERBERIS THUNBERGII	JAPANESE BARBERRY	5 GAL.	LOW
CALAMAGROSTIS ACUTIFLORA 'STRICTA'	FEATHER REED GRASS	5 GAL.	LOW
CALAMAGROSTIS OVERDAM	FEATHER REED GRASS	5 GAL.	LOW
CAREX TUMULICOLA	BERKLEY SEDGE	5 GAL.	MEDIUM
CARPENTERIA CALIFORNICA	BUSH ANEMONE	5 GAL.	LOW
CEANOTHUS 'CONCHA'	WILD LILAC	5 GAL.	LOW
CENTRANTHUS RUBER	RED VALERIAN	5 GAL.	VERY LOW
CISTUS x PURPUREUS	ORCHID ROCK\ROSE	5 GAL.	MEDIUM
DIETES BICOLOR	AFRICAN IRIS	5 GAL.	MEDIUM
DIETES VEGATA	FORTNIGHT LILY	5 GAL.	MEDIUM
DIOSMA PULCHRUM	PINK BREATH OF HEAVEN	5 GAL.	MEDIUM
ESCALLONIA EXONIENSIS	ESCALLONIA	5 GAL.	MEDIUM
FEJOA SELLOWIANA	PINEAPPLE GUAVA	5 GAL.	LOW
GREVILLEA NOELLII	GREVILLEA	5 GAL.	LOW
HEMEROCALLIS 'BELL ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
HETEROMELES ARBUTIFOLIA	TOYON	5 GAL.	VERY LOW
ILEX SPECIES	HOLLY	5 GAL.	MEDIUM
KNIPHOPHIA 'SHINING SCEPTOR'	RED HOT POKER	5 GAL.	MEDIUM
LEONOTIS LEONURUS	LION'S TAIL	5 GAL.	LOW
MISCANTHUS SINENSIS 'ARABESQUE'	JAPANESE SILVER GRASS	5 GAL.	HIGH
MISCANTHUS SINENSIS 'GRACILLIMUS'	MAIDEN GRASS	5 GAL.	HIGH
MUHLENBERGIA CAPILLARIS	PINK MUHLY	5 GAL.	LOW
MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
MYRSINE AFRICANA	AFRICAN BOXWOOD	5 GAL.	LOW
MYRTUS COMMUNIS	TRUE MYRTLE	5 GAL.	LOW
NANDINA DOMESTICA 'COMPACTA'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
NASSELLA TENUISSIMA	MEXICAN FEATHER GRASS	5 GAL.	VERY LOW
PENNISETUM SETACEUM 'RUBRUM'	PURPLE FOUNTAIN GRASS	5 GAL.	MEDIUM
PENNISETUM SPATHEOLATUM	RYE PUFFS	5 GAL.	MEDIUM
PHORMIUM TENAX	NEW ZEALAND FLAX	5 GAL.	LOW
PITOSPORIUM TOBIRA 'VARIEGATA'	VARIEGATED TOBIRA	5 GAL.	LOW
PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	5 GAL.	MEDIUM
PYRACANTHA 'APACHE'	FIRETHORN	5 GAL.	LOW
RHAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIA HAWTHORN	5 GAL.	LOW
ROSA 'WHITE FLOWER CARPET'	WHITE CARPET ROSE	5 GAL.	MEDIUM
ROSMARINUS OFFICINALIS 'HILL HARDY'	N.C.N.	5 GAL.	LOW
SCHIZACHYRIUM SCOPARIUM	LITTLE BLUE STEM	5 GAL.	MEDIUM
SPIRAEA JAPONICA 'BUMALDA'	N.C.N.	5 GAL.	MEDIUM
VIBURNUM TINUS 'DWARF'	DWARF LAURISTINUS	5 GAL.	MEDIUM

PROPOSED GROUNDCOVERS:

BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.S. III
ACACIA REDOLENS 'LOW BOY'	PROSTRATE ACACIA	1 GAL.	VERY LOW
ARCTOSTAPHYLOS UVA-URSI 'EMERALD CARPET'	EMERALD CARPET MANZANITA	1 GAL.	LOW
BACCHARIS PILULARIS 'TWIN PEAKS'	COYOTE BRUSH	1 GAL.	LOW
CEANOTHUS 'CENTENNIAL'	WILD LILAC	1 GAL.	LOW
COTONEASTER DAMMERI	BEARBERRY COTONEASTER	1 GAL.	MEDIUM
FESTUCA ARUNDINACEA 'MARATHON II'	DWARF TALL FESCUE TURF	SODDED	HIGH
GAZANIA 'SUNBURST'	GAZANIA	1 GAL.	MEDIUM
LANTANA MONTEVIDENSIS	TRAILING LANTANA	1 GAL.	LOW
ROSA 'FLOWER CARPET'	FLOWER CARPET ROSE	1 GAL.	MEDIUM
ROSMARINUS OFFICINALIS 'PROSTRATUS'	TRAILING ROSEMARY	1 GAL.	LOW
TRACHELOSPERMUM ASIATICUM	ASIAN JASMINE	1 GAL.	MEDIUM
ANNUAL COLOR	TO BE SELECTED BY L.A.	1 GAL.	VARIES



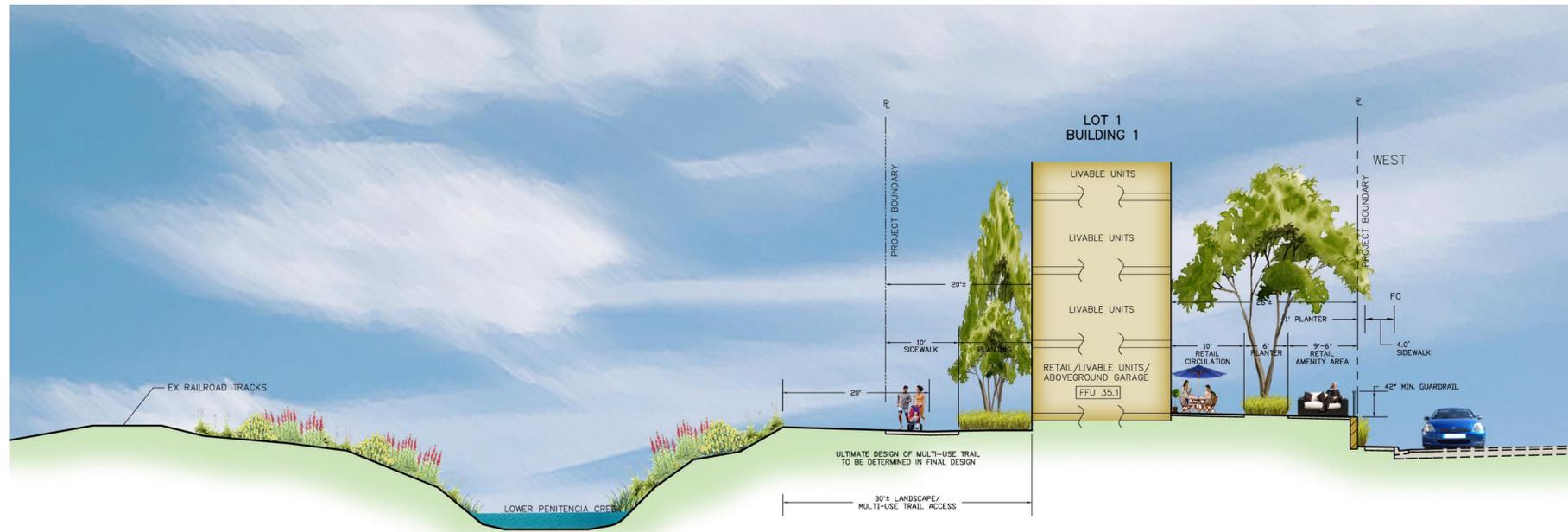
MILPITAS, CALIFORNIA



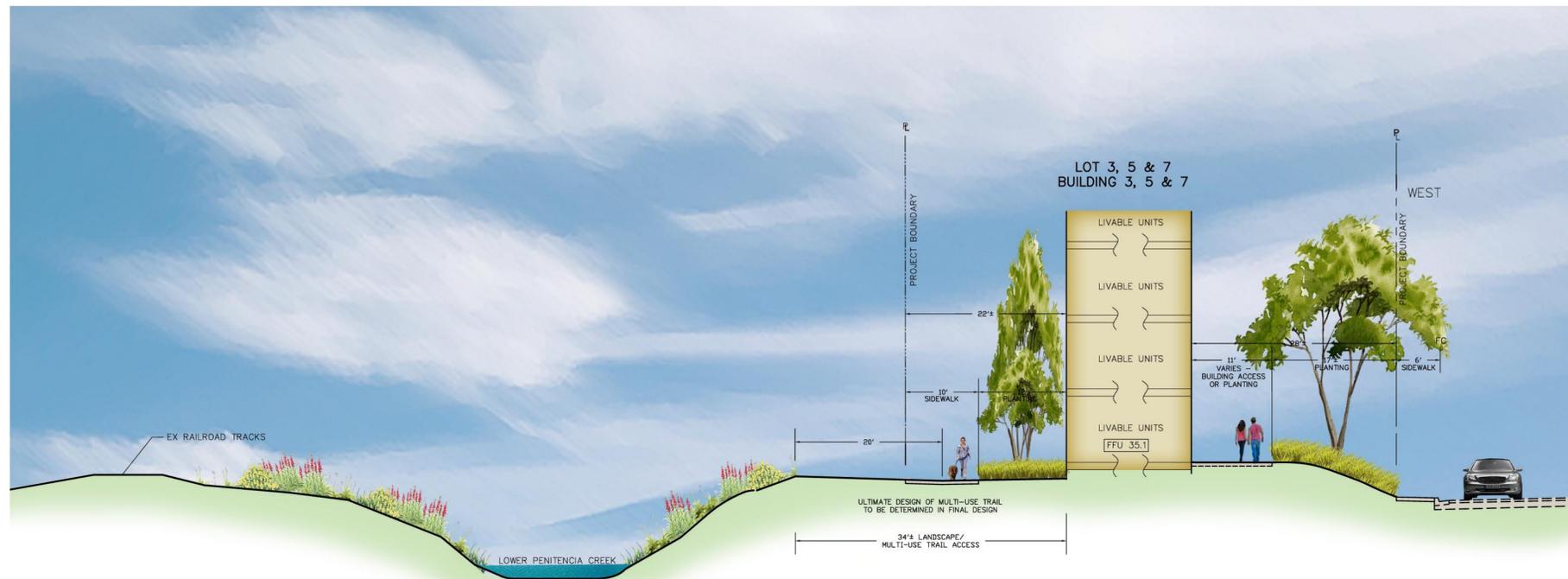
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DATE: JULY 27, 2010
SCALE: 1/16" = 1'

TRIANGLE PARK

L3



McCANDLESS DRIVE—COMMERCIAL
SCALE: 1"=10'



McCANDLESS DRIVE—RESIDENTIAL
SCALE: 1"=10'