Revised 10-22-14

RESOLUTION NO. 14-033

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL APPROVE VESTING MINOR TENTATIVE MAP NO. TP14-0001, SITE DEVELOPMENT PERMIT NO. SD14-0006 AND DENSITY BONUS NO. DB14-0001 FOR THE CONSTRUCTION OF PHASE 1 OF A SENIOR ASSISTED LIVING AND CONGREGATE CARE FACILITY INCLUDING A NEW 4-STORY RESIDENTIAL BUILDING WITH 199 RENTAL UNITS (INCLUDING 10 VERY LOW-INCOME UNITS) AND ASSOCIATED SITE IMPROVEMENTS LOCATED AT 1504-1620 SOUTH MAIN STREET

WHEREAS, on April 22, 2014, an application was submitted by Joseph Callahan, South Main Senior Lifestyles, LLC ("Applicant") at 5674 Stoneridge Drive, Suite 212, Pleasanton, CA 94588 to construct an assisted living and congregate care facility with 199 rental units (including 10 very low-income units) at 1504-1620 South Main Street ("Project"). The property is located within R4, TOD, Multi-Family Residential with Transit Oriented Development Overlay Zoning District (APN: 86-22-027, -028, -046, -047 and -048).

WHEREAS, in March 2002, the City Council of the City of Milpitas approved the Midtown Specific Plan to guide development in the Midtown Area of the City which includes the project site along South Main Street.

WHEREAS, Milpitas City Staff conducted a full analysis of the proposed Project to ensure compliance with the City's General Plan, Midtown Specific Plan, Zoning Code, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff's report to the Planning Commission.

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is exempt under CEQA Guidelines Section 15332(Infill Development Project), CEQA Guidelines Section 15182 (Compliance with Specific Plan), and CEQA Guidelines Section 15168 (Program EIR).

WHEREAS, on October 22, 2014 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2: A Program Environmental Impact Report (the "EIR") was prepared and certified (SCH#2000092027) for the Midtown Specific Plan on March 19, 2002. The EIR assumed development of this property for residential uses similar to the proposed Project.

No new environmental document is required pursuant to CEQA in connection with this Project and development of the Property in accordance with the adopted Disposition and Development Agreement. Government Code Section 65457 (CEQA Guidelines Section 15182) provides a statutory exemption for residential projects that are consistent with a specific plan for which an EIR was certified after January 1, 1980. Additionally, CEQA Guidelines Section 15168(c)(2) provides that, if the project is within the scope of the Midtown Specific Plan EIR, no new environmental document is required so long as no new effects could occur or no new mitigation measures are required.

There are no substantial changes in the proposed Project or in the circumstances in which the proposed Project will be undertaken that are different from those reviewed in the Midtown Specific Plan EIR, nor does new information show that any additional environmental impacts will occur. The applicant submitted a Traffic Impact Analysis prepared by TJKM Transportation Consultants, and dated May 13, 2014 (Exhibit 2), which shows that the proposed Project will generate less peak hour traffic than the development assumed on the site in the Midtown Specific Plan EIR and substantially less peak hour traffic than previously approved development on the site, resulting in substantially equivalent or lower air quality and greenhouse gas impacts (Exhibit 3). Further, development capacity in the Midtown Specific Plan Area also still exists, and the area has not reached full build out. There are 5,228 residential units planned for the entire Midtown area, and 2,312 have been constructed and/or permitted. Specifically, of the 1,680 residential units planned for the South Main Street/Abel area, 1,270 have been constructed and/or permitted, leaving capacity for an additional 410 units. Access and circulation to the area remain the same as envisioned in the EIR, as well as infrastructure and utility capacity. The proposed Project will be built in accordance with the development standards and design guidelines of the Midtown Specific Plan, and South Main Street Plan Line Study. Mitigation measures required as part of the Midtown Specific Plan EIR are hereby incorporated by reference and apply to the Amended DDA. The Revised Project is therefore statutorily exempt from CEQA as provided in Guidelines Section 15182. Further, because no new effects could occur, no new mitigation measures are required, and the project is within the scope of the Midtown Specific Plan EIR. Hence, no new environmental document is required as provided in CEQA Guidelines Section 15168 (c)(2).

Section 3: ***Minor Tentative Map Findings (Section XI-1-20.01) - The Planning Commission makes the following findings based on the evidence in the public record in support of Minor Tentative Map No. TP14-0001.***

1. *The tentative subdivision map is consistent with the Milpitas General Plan.*

As explained in detail in the accompanying staff report, the project is consistent with this finding because the proposed Minor Vesting Tentative Map will create three parcels which conforms the R4 Zoning District, and to the development standards of the General Plan. The proposed project

type, density and size are all consistent with the General Plan Land Use designation because the use is permitted, and the project size with density bonus are with the density requirements of the General Plan.

Section 4: ***Site Development Permit (Section XI-10-57-03-1(F)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD14-0006:***

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

The project is consistent with this finding because the project is well designed and conforms to the development regulations of the zoning district and general plan. The projects is designed to create two new public streets to extend the circulation network in the vicinity of the project site which will increase compatibility. The building is well designed and includes varied materials with a richness and detail that will complement surrounding development. Further, the completion of street improvements along South Main Street will be help in the

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

The project is consistent with this finding because the project conforms to the development standards and requirements of the R4, Multi-Family Residential zoning district; the use is allowed by the Zoning District, and the project complies with other aspects of the Zoning Ordinance, such as the Density Bonus Ordinance by providing ten very low-income units.

The project conforms to the development standards required in the R4 and TOD Overlay Districts. The table below demonstrates how the Project is consistent with these development standards.

Summary of Development Standards

	Standard	**Proposed**	**Complies?**
Setbacks (Minimum)			
Front	12 feet	10 feet	Yes*
Street Side	12 feet	10 feet	Yes*
Interior	10 feet	20 feet	Yes
Rear (Street Side)	10 feet	20 foot average	Yes*
Density (Maximum)	60/acre	66/acre with density bonus	Yes
Building Height (Maximum)	75 feet	68 feet	Yes
*Incentive as per State Density Bonus			

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

The project is consistent with this finding because of the reasons previously stated.

4. *The project is consistent with the Midtown Specific Plan.*

The project is consistent with this finding because development capacity in the Midtown Specific Plan Area still exists, and the area has not reached full build out as envisioned in the Specific Plan. There are 5,228 residential units planned for the area, and 2,312 have been constructed and/or permitted. Specifically, of the 1,680 residential units planned for the South Main Street/Abel area, 1,270 have been constructed and/or permitted leaving development capacity for 410 units. Access and circulation to the project site are consistent with the vision to complete the street network with the infrastructure and utility capacity. The project will be built in accordance with the development standards and design guidelines of the Midtown Specific Plan.

Section 5: ***Density Bonus for Affordable Housing Developments (Section XI-10-55-15-D)***

1. *Determination of Maximum Allowable Densities. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.*

The base R-4 Zoning would allow up to 181 units at 60 units per acre at 3.02 acres and the application of the Density Bonus of 20% allows an additional 36 units for a total 217 units allowed on the site. The proposed project includes 199 dwelling units, which is within the allowable density with the application of the Density Bonus for Affordable Housing.

2. *Unit Type and Location. All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Housing Authority modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

The affordable units will be dispersed throughout the project and subject to review and approval by the Planning Director and Principal Housing Officer as contained in the Conditions of Approval.

3. *Agreement. Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

The applicant has entered into a Disposition of Development Agreement (DDA) with the City (Housing Authority and City Council) and it was amended on November 19, 2013. The Amended DDA requires the applicant to record a Regulatory Agreement that will serve to satisfy this requirement by imposing extremely low-income restrictions on the real property. In addition, the Conditions of Approval for this project will also be required to be recorded against the property. The Amended DDA may be found at the following link: http://www.ci.milpitas.ca.gov/_pdfs/council/2013/111913/item_ha3a.pdf

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. If the City does not grant at least one (1) additional concession or incentive, in addition to a density bonus as specified in Section XI-10-54.15(E), Density Bonus Conditions, of this Chapter, the developer shall agree to, and the City shall ensure continued affordability for a minimum of ten (10) years of all lower or very low-income housing units receiving a density bonus.*

The designated affordable units will be required to remain in place for a minimum of 30 years as stated in the Conditions of Approval and as will be required with a Regulatory Agreement to be recorded over the Project site. One concession is allowed for the development which results in a decreased setback for the front and street side setbacks allowing 10 feet where 12 is required.

Density Bonus Concession

Density Bonus for Affordable Housing allows a developer to request concessions/incentives from the City's Zoning code based on the affordability of the development this project will be allowed one concession. The applicant has submitted a project description and request for an incentive/reduction from Section XI-10-11-5.d.i (TOD-R4: Front and Street Side Setbacks) of the Zoning Code to allow a front and street setback of 10 feet.

While the above concession must be considered by the City per State Law and the Zoning Code, this type of deviation is common for larger residential in-fill developments. The requested incentive is to allow a 10 foot setback instead of the 12 foot minimum. Typically in the R4 base zoning the front and street side setbacks are a range of 10-12 feet. The current site zoning is restrictive in that it has minimum of 12 feet due to the TOD Overlay. The setback along Costa Street should be a minimum of 12 feet, but due to needed facilities such as solid waste, there are portions that are at a zero setback. If you take the average of the building frontage on Costa, the average is 20 feet. Although the Planning Commission and City Council have to grant the incentive, the proposed 10 feet is within the range allowed in the base zone of R4.

Section 6: ***Urgency Ordinance (240.2) Exception***

On August 26, 2014, the City Council adopted Urgency Ordinance No. 240.2 which implemented water use restrictions. Specifically as it relates to this project, the Urgency Ordinance prohibited the construction of new pools (5.03) and the use of potable water for the

installation of new landscape unless it is served by Reclaimed Water (5.07). Section 5.08 of the Urgency Ordinance allows the City Council to grant exceptions as needed. The subject site is not located in an area where reclaimed water is available for use and therefore they must use potable water for all on-site irrigation. The proposed project is for senior housing and the proposed pool will provide means for low impact exercise for the residents. Since potable water is the only source for irrigation and the pool will provide opportunity for low impact exercise for the residents of the new community, the Planning Commission supports the exemption request.

Section 7: The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 14-033 recommending that the City Council approve Vesting Minor Tentative Map No. TP14-0001, Site Development Permit No. SD14-0006, and Density Bonus No. DB14-0001 based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1 incorporated herein.**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on October 22, 2014.

Sudhir Mandal
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on October 22, 2014 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella			✓	
John Luk	✓			
Rajeev Madnawat	✓			
Sudhir Mandal	✓			
Demetress Morris			✓	
Gurdev Sandhu	✓			
Garry Barbadillo	✓			

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Hon Lien (alternate)			✓	

EXHIBIT 1

CONDITIONS OF APPROVAL
South Main Senior Lifestyles
Vesting Minor Tentative Map, TP14-0001, and a Site Development Permit, SD14-0006

General Conditions

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Vesting Minor Tentative Map, TP14-0001, and a Site Development Permit, SD14-0006 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Department. **(P)**

2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**

3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:

   a. Acceptance of this Permit by Permittee; and
   b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit. **(P)**

4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project: **(P)**

   a. Completes a foundation associated with the project; or
   b. Dedicates any land or easement as required from the zoning action; or
   c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. **(P)**

5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P)**

7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(P)**

8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution. **(P)**

9. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(P)**

10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

11. Compliance with Midtown Specific Plan Program EIR MMRP (SCH#2000092027): Permittee shall comply with all applicable mitigation measures contained in the Mitigation and Monitoring Reporting Program (MMRP) for the Midtown Specific Plan EIR (City Council Resolution #7150 adopted on March 19, 2002) to the satisfaction of the Planning Director. **(P)**

12. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**

13. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses,

judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(P/CA)**

14. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

15. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(P)**

16. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on (October 22, 2014), in accordance with these Conditions of Approval.

    Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

17. Compliance with Fire Department and CA Fire Code. The Project shall comply with the requirements of the Fire Department and the CA Fire Code. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**

Project Specific Conditions

18. Density Bonus. The proposed Project shall provide a minimum of 10 very-low (50% AMI) units within the Phase 1 project and the project may have a reduced front and street

side setback of 10 feet per approved concession. The units shall be subject to the following and review and approval by the Planning Director:

a. The 10 units shall be equally disbursed throughout the building.
b. The 10 units shall be restricted to very-low (50% AMI) for a minimum of 30 years or longer as specified in the Disposition of Development Agreement. (P)

19. Park. Prior to any building permit issuance, Permittee shall pay the City park impact fee in the amount of **$1,325,394** based on 199 units per the City's Subdivision Ordinance. This amount is an estimate only and there is no vesting of any fees.

20. Disposition of Development Agreement. Permittee shall comply with all requirements set forth in the First Amended Disposition of Development Agreement (DDA), as may be amended, subject to the review and approval of the Planning Director.

21. Use. The cafeteria located on the ground floor shall be available for staff, residents and their guests only. The cafeteria shall not be open to the public. (P/E)

22. Landscaping. A final landscaping plans shall address the following items and it shall be subject to review and approval by the Planning Director prior to issuance of any building permit or off-site improvement plans (whichever occurs first):

a. All equipment located between the building and back of sidewalk shall be screened fully.
b. Trees proposed on the EVA shall be a species that has a columnar growth pattern and is evergreen, such as a Fern Podocarpus.
c. The sound wall along the railroad corridor shall include climbing vine plantings on both sides of the wall.
d. All street landscaping shall be consistent with the Midtown Specific Plan.
e. The sound wall along the east property line shall be a maximum height of 8 feet and shall be removed when the adjacent nonresidential use changes to a residential or mixed use development. **(P)**

23. Wall replacement along South Main Street. Permittee shall replace the sound walls along South Main Street as indicated in the plans. The walls shall be replaced prior to any occupancy of the Phase I building. Permittee shall provide plans subject to review and approval by the Planning Director. **(P)**

24. Lighting levels/light spill. Permittee shall provide photometric plans for the on-site improvements clearly indicating that the proposed lighting plan does not result in light overspill onto adjacent properties.

25. Written Response to Conditions of Approval and Midtown Specific Plan EIR MMRP: Permittee shall provide a written response with each permit submittal indicating how and where (sheet) each Condition of Approval has been addressed. **(All)**

26. Public Improvements: Prior to final map approval, Permittee shall obtain design approval and bond for all necessary public improvements along S. Main, Cedar Way,

Costa Street, and the public improvements across Phase 2, including but not limited to the following:

i. Midtown Specific Plan: All S. Main Street offsite frontage improvements (Phase 1 and Phase 2) including street lights, sidewalks, tree wells, landscape, bus stops, street furniture, signing, striping, sound walls, and traffic signal shall be constructed per the Midtown Specific Plan and S. Main Street Planline design guidelines and standards in Phase 1 of the project. S. Main Street public ROW dedication shall be provided to the ultimate back of sidewalk (if needed) and a 10' PSUE dedication shall be provided beyond the ultimate back of sidewalk.

ii. Utility Relocation: Underground utilities (such as joint trench conduit, utility boxes, etc.) shall be relocated and adjusted as necessary to accommodate S. Main Street tree well placements per the Midtown Specific Plan and S. Main Street Planline design guidelines.

iii. Main Street Pavement: Phase 1 of the project shall include AC pavement base repairs, micro-surfacing, and pavement restriping the full width of S. Main Street project (Phase 1 and Phase 2) frontage.

iv. Public Streets: Cedar Way and Costa Street shall be public streets. On these public streets, public ROW dedication shall be provided to the ultimate back of sidewalk and a 10'minimum width PSUE dedication shall be provided beyond the ultimate back of sidewalk or additional easement width as required by the City Engineer.

v. Traffic Signal Improvements: A new traffic signal shall be constructed per the Midtown Specific Plan and S. Main Street Plan Line design guidelines and standards to replace the existing traffic signal at S. Main Street/Cedar Way intersection. The traffic signal shall be constructed and in operation prior to issuance of First Certificate of Occupancy (temporary or final).

vi. All public improvements shall be installed and accepted prior to the issuance of the first Certificate of Occupancy (temporary or final).

27. Cedar Way and Costa Street Maintenance; Permittee shall maintain all public improvements along and within Cedar Way and Costa Street. The Parties shall enter into a Maintenance Agreement prior to issuance of any building permit subject to the review and approval of the City Engineer. Maintenance activities will include restoration and capital improvements necessary to meet the City's standard of service. The following levels of service shall be maintained for public improvements:

i. Limits: Cedar Way and Costa Street shall be privately maintained public streets. The limit of private maintenance on Cedar Way shall begin from the back portland concrete valley gutter on the east side of S. Main Street to Costa Street and bordered by back of sidewalks on Cedar Way. The limit of private maintenance on Costa Street shall begin from Cedar Way to the project southerly limit and bordered by the back of sidewalk and railroad soundwall.

ii. Scope: Maintenance of these public streets shall include but not be limited to AC pavement, sidewalk, street lights, storm drain inlets, C.3 Storm Water Treatment areas, railroad sound wall, landscapes, trees, striping and signing.

iii. Maintenance Level: These streets shall be regularly maintained to the following minimal standard levels:

(1) Pavement, sidewalks, landscapes, and storm drain inlets shall be kept free of debris and litter (street sweeping, etc.),
(2) Pavement, sidewalks, street lights, and sound walls shall be kept free of graffiti and private signage,
(3) Pavement Condition Index (PCI) shall be maintained above 70,
(4) Continuous vehicular access shall be maintained on all public streets
(5) Continuous ADA access shall be maintained on sidewalks
(6) Sidewalks shall be kept free of tripping hazards,
(7) Landscaping, trees, and C.3 Storm Water treatment areas shall be irrigated, pruned, and fertilized to maintain healthy growth,
(8) Street lights shall be in a good state of repair to provide nighttime illumination for safe vehicle and pedestrian travel,
(9) All C.3 Storm Water Treatment facilities shall be maintained to comply with all the provisions of the MRP.

iv. Insurance and Indemnity: Permittee shall be required to obtain adequate insurance and indemnify the City and its officers, employees or agents for any acts or omissions arising from or relating to the maintenance activities described in this condition, all subject to Risk Manager review and approval.

28. Sanitary Sewer Replacement: Permittee shall replace approximately 1,250 linear feet of existing 8-inch sewer pipe with 12-inch diameter sewer pipe along S Main Street described as Project 11D in the 2009 Sewer Master Plan. The work extends from approximately 270 linear feet South of the Cedar Way intersection northward and ties into the sewer line replacement previously installed by the Shea Apartment project. Permittee frontage is approximately 850 linear feet. Permittee is eligible for reimbursement and/or fee credit toward the sewer connection fee for up to 400 linear feet of the sewer line replacement based on the City's approved budget for the replacement cost and in accordance with City's Development Fee Ordinance. Prior to approval of the final map, the parties shall enter into a reimbursement and/or fee credit agreement for City Council review and consideration.

29. Storm Drain Replacement: Permittee shall replace the existing Storm Drain line along S. Main Street from the northern limit of Phase 2 to the southern limit of Phase 1 to the nearest manhole.

30. Waterline Installation: Permittee shall install approximately 950 linear feet of public water pipeline around the perimeter of the Phase 1 and Phase 2 sites connecting the public water system in Costa Street with the public water system in South Main Street. Hydraulic modeling is required to confirm the minimum pipeline diameter necessary to meet maximum day demand plus fire flow of 2,500 gallons per minute. There is insufficient space for the proposed public 8 inch water pipeline between the proposed Phase 2 Building foundation and the storm water treatment area along Cedar Way and this pipeline is not allowed.

31. Storm Drain Connection to S. Main: Permittee shall extend the new public storm drain on Costa Street across the Phase 2 property and connect to the public Storm Drain system

on S. Main. Permittee shall submit a revised utility layout for approval by the City Engineer.

32. Easements: Permittee shall dedicate to the City the following easements:

    i. 20' EVA along the South boundary of the property, unless otherwise specified by the Fire Department
    ii. 20' PSUE for the Proposed Storm Drain Main and Water main crossing the Phase 2 property

33. EVA Access: Permittee shall maintain the EVA free of obstructions of any kind. Underground backflow preventers do not meet City Standards. Permittee shall relocate the proposed backflow devices outside of the proposed EVA and submit a detail of the utility box layout on the improvement plans.

34. C.3 Special Project Status: Permittee has requested special project status for this development under the Municipal Regional Permit's (MRP) provisions for a residential development. In order to continue to qualify under this provision, Permittee shall not propose commercial or retail with the Project limits. If commercial or retail operations are proposed, the project must re-apply for Special Project status. Special Project credits shall only be applied after the Permittee has demonstrated that all opportunities for LID treatment have been exhausted or are infeasible. Permittee shall submit a explanation discussing the feasibility of additional LID treatment.

35. Solid Waste Handling: Permittee shall submit a revised solid waste handling plan. The revised solid waste handling operation shall have a flagger present during all collection operations to ensure pedestrian and vehicular safety.

36. City Standards: All design and construction of public and private improvements shall be in compliance with City guidelines and standard drawings.

37. Utilities: Permittee shall comply with all of the following:

    i. Independent Services: Each parcel is required to have independent utility services.
    ii. CDPH Waivers: All utility designs shall be in accordance with City and State requirements. New public water pipelines shall be in compliance with California Department of Public Health Water Works Standards. Waivers will not be granted for new construction. Permittee shall coordinate utility improvements with other surface improvements, such as landscaping and paved surfaces, to ensure that conflicts do not exist.
    iii. SC Zone 1 Water Supply: The Project shall be served by SC Zone 1 water supply. Separate services are required for domestic, irrigation, and fire uses. Permittee is alerted that on-site pumping to upper floors may be required.
    iv. Phase 2: Permittee shall design all utilities in the Costa Street extension around the Phase 2 lot to ensure there is sufficient space for all utilities. Private utilities are not allowed in public streets.

v. Pool Waiver: Due to the drought, the City has adopted water conservation measures. Permittee is required to seek an exception from the City Council to fill swimming pools and fountains and to irrigate landscaping with potable water.
vi. Grease Interceptor: Permittee is advised to relocate the proposed grease waste interceptor away from public dining and/or gathering areas.
vii. Backflow Preventer: Backflow devices are not permitted in below grade vaults and do not meet City standards. Permittee shall use a City Standard backflow device and submit a revised utility plan prior to final map approval or building permit issuance, whichever occurs first.
viii. C.3 Compliance: Permittee is advised that C3/LID compliance requirements are dependent upon whether the dining area is open to the public. Permittee shall revise the Storm Water Control Plan as necessary and shall meet all City and State requirements.
ix. Vehicular Crossing: As part of the design of Phase 2, the Permittee shall revise the biotreatment area along Cedar Way adjacent to the proposed Phase 2 building to allow for pedestrian and vehicle crossings and shall revise the Storm Water Control Plan at that time to account from this revision.

38. Development Fees: Permittee shall submit the following items with the building permit application and any other applicable fees and pay the related estimated fees prior to any building permit issuance:

a. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire
b. Water Service Agreement(s) for water meter(s), detector check(s), and double check detector assembly.
c. Storm water connection fee of $21,562 per acre.
d. Water, sewer and treatment plant fees will be calculated at the time of building plan check submittal.
e. Calaveras Blvd Widening Traffic Impact Fee of $235 per residential unit (in 2009 dollars) prior to building permit issuance. Fee shall be adjusted per ENR index rate at the time of building permit issuance.

Contact the Land Development Section of the Engineering Division at (408) 586-3328 to obtain the form(s). *The above fees are preliminary estimates and subject to change.* There is no vesting of the fees with the adoption of this Resolution. **(E)**

39. Building Permit Automation Fee: Prior to any building permit issuance, Permittee shall pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, connection fees (water, sewer and storm), Transit Area impact fee, plan check and inspection deposit, and 2.5% building permit automation fee as approved by City Council Resolution No. 7590. **(E)**

40. Community Facilities District (CFD) Annexation: Prior to final map approval, Permittee shall submit an executed consent to annex the subject property into CFD 2005-1 and shall

agree to pay the special taxes levied by CFD 2005-1 for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. Permittee shall comply with all rules, regulations, policies, and practices established by State Law and by the City with respect to the CFD including, without limitation, the requirements for notice and disclosure to future owners and residents. **(E)**

41. Final Map: Prior to issuance of any building permit, the final map shall be recorded. The final map submittal shall meet the following requirements:

    a. Provide a current title report with your final map submittal, not more than 90 days old.
    b. All final maps shall designate all common lots and easements as lettered lots or lettered easements.
    c. The final map shall clearly delineate the project property line and the County right of way line. County right of way and Project boundary should be contiguous.
    d. All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3.
    e. Permittee shall dedicate all necessary easements for public utilities, emergency vehicle access, solid waste collection, pedestrian corridors, sidewalks, trails, paths, and public access on the final map for acceptance by the City in compliance with the City's Engineering Guidelines and the approved Tentative Map.
    f. Prior to recordation of any final map, Permittee shall submit to the City a digital copy of the approved final map in AutoCAD and GIS format. **(E)**

42. Property Management Association: Prior to final map approval, Permittee shall establish a Property Management Association. The Property Management Association 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 Property Management Association shall manage the onsite water and sewer system and implement the Solid Waste Handling Plan. **(E)**

43. Improvement Plans: Prior to final map approval, Permittee shall obtain design approval and bond for all necessary public improvements, including but not limited to the following:

    a. Removal and installation of new curb, gutter, and sidewalk, median modification or installation, signage and striping, street lights, street trees, fire hydrants, bus stop, and storm, water, and sewer service installation.
    b. All improvements plans shall be prepared using Vertical Datum of 1988 (NAVD 88). The specific city benchmark used for the project shall be indicated on the cover sheet of each improvement plan set.
    c. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and developer shall submit a digital copy of the Record Drawings AutoCAD and GIS format upon completion of improvements to the satisfaction of the City Engineer.

d. Permittee 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. **(E)**

44. Initial Acceptance: All improvements must be installed in accordance with the City of Milpitas standard drawing and specification, and 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)**

45. Utility Undergrounding: Prior to issuance of the first Certificate of Occupancy (temporary or final), Permittee shall underground all existing wires and overhang utilities and remove all related poles within the proposed development and along all street frontages. All proposed utilities within the subdivision shall also be undergrounded. The improvement plans shall show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state wire voltage. All utility vaults, boxes, cabinets, and pedestals shall be identified and labeled on the improvement plans. Above ground utility facilities shall be underground, relocated, or screened to the satisfaction of the City Engineer and the Planning Director. **(E)**

46. Joint Trench Relocation: The joint trench shall be relocated in the field, if necessary, to accommodate the approved street layout (sidewalks, trees, streetlights, etc.) to the satisfaction of the City Engineer and the Planning Director. All joint trench structures (vaults, boxes, cabinets, etc.) shall be adjusted to the final grade. **(E)**

47. Encroachment Permit: Prior to any work within the public right of way or City easement, Permittee shall obtain an encroachment permit from City of Milpitas Engineering Division. Prior to installing offsite improvements, Permittee shall obtain an encroachment permit from the City of Milpitas and all necessary encroachment permits from other affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District, Santa Clara County road and Airport Department, and Santa Clara Valley Transportation Agency (VTA). Copies of any approvals or permits shall be submitted to the City of Milpitas Engineering Division as a part of the encroachment permit review. **(E)**

48. Agency Approval: It is the sole responsibility of Permittee to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District and Caltrans. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**

49. Construction Schedule: Prior to start of any construction, Permittee 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, and construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. Permittee shall coordinate their construction activities with other construction activities in the vicinity of this project. Permittee'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)**

50. Demolition: All utilities shall be properly disconnected before the building can be demolished. Show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped at main line in the street if the water meter is not to be used. The sanitary sewer shall be capped at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used. **(E)**

51. Maximum Slopes: All slopes adjacent to public sidewalks and streets shall be designed to a maximum grade of 3:1 slope. The grading design shall also provide a 1' flat bench at the top and bottom of the slope adjacent to the public sidewalks, streets, or pathways. **(E)**

52. Tree Removal Permit: In accordance with COMC Chapter 2, Title X (Ord. 201), Permittee may be required to obtain a permit for removal of any existing tree(s). Contact the Public Works Department at (408) 586-2600 to obtain the requirements and forms. **(E)**

53. Underground Service Alert (USA): Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. **(E)**

54. Mailboxes: Prior to installation of mailboxes, Permittee shall obtain approval from the US Postal Services and submit documentation to the City for review. Structures to protect mailboxes may be required as a result of the Building, Engineering and Planning Divisions review. **(E)**

55. Construction Storm Water Quality: Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the COMC, and the City's Clean Water Program. **(E)**

56. Construction General Permit Compliance: Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:

    a. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,
    b. a copy of the approved Notice of Intent (NOI) from the State Board, and
    c. an erosion control plan and a site monitoring plan meeting the satisfaction of the City Engineer.

    Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the COMC, and the City's Clean Water Program.

    Prior to final occupancy of any residential unit, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project. For general information, contact the City of Milpitas Engineering Division at (408) 586-3329. **(E)**

57. Post-Construction Storm Water Quality: Permittee shall comply with the requirements of the MRP for post-construction storm water treatment (provision C.3 regarding new development and redevelopment requirements for regulated projects) and the City's Clean Water Program. Permittee shall submit a final, certified storm water quality control plan (SWCP), a SWCP sheet, and a post-construction BMP operations and maintenance plan (O&M) in accordance with the City's Clean Water Program and meeting the satisfaction of the City Engineer. **(E)**

58. Storm Water Quality Control Plan (SWCP): Prior to final map approval or any building permit issuance, Permittee shall submit a separate final or amended existing SWCP that incorporates post-construction BMPs for the treatment of storm water run off from all areas of the parcels. The SWCP shall incorporate source control, site design, and storm water treatment consistent with the MRP requirements and the City's Clean Water Program.

    a. The SWCP shall comply with all "Model Conditions of Approval for Stormwater Quality" as shown in the Stormwater Section of the Engineering Plans and Map Procedures and Guidelines, dated July 15, 2010 and are hereby incorporated as conditions of project approval.

b. The final SWCP shall be certified by a third party reviewer from the MRP approved list of certifiers. The third party reviewer shall certify that the SWCP complies with the MRP requirements. A list of qualified reviewers can be found at the Santa Clara Valley Urban Runoff Pollution Prevention Plan (SCVRPPP) website (http://www.scvurppp-w2k.com/)

c. O&M Plan: The final SWCP shall include an Operation and Maintenance (O&M) Plan, acceptable to the City Engineer, describing the operation and maintenance procedures needed to insure that storm water treatment measures continue to work as intended and do not create a nuisance (including vector control). The plan shall include all BMP details, a location map, a maintenance schedule, and inspection and reporting templates. The treatment measures shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the Permittee's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.

d. O&M Agreement: Prior to final occupancy, Permittee shall execute and record an O&M Agreement with the City for the operation, maintenance, and annual inspection of the C.3 treatment facilities. Permittee shall submit documentation of inspection and maintenance to the City's Utility Section annually for reporting to the Regional Board.

e. Permittee shall include language in the approved CC&R providing the City with an annual inspection report in conformance with the approved O&M plan and agreement. If the City does not receive the report, the City will conduct the field inspection and report for the site and the applicant and its successor shall be responsible to pay all associated costs.

f. Format: The SWCP shall comply with the City's Standard SWCP formatting policy.

g. All permit applications shall be consistent with the applicant's final Storm Water Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. Onsite improvement plans shall show the details and methods of construction for site design features, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants. Site design shall limit directly connected impervious areas. Any changes to the final Storm Water Control Plan shall require Site & Architectural ("S" Zone) Amendment application review.

h. Storm Water Control Plan Sheet: A plan sheet shall be included in the offsite and onsite improvement plans for Storm Water Control. The sheet will show and label all drainage areas, treatment measures, drainage flow lines, high points, and low points. Each treatment measure shall have an independent drainage area which

shall be designated. The sheet will provide sections and details for grading, drainage, and treatment measures. The sheet will include a table correlating the drainage areas to the treatment measures and summarizing the treatment provided.

i. Storm Water Control Inspection: Prior to initial acceptance of public improvements or initial occupancy for private improvements, the Third Party Certifier of the SWCP shall submit post-construction certification verifying that the post-construction BMPs have been installed correctly and are functioning properly. **(E)**

59. Utility Protection: 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)**

60. Utility Capacity: The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. **(E)**

61. Utility Studies: Prior to final map recordation, Permittee shall submit and obtain approval from the City Engineer of the water, sewer, and storm drainage 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 satisfaction of the City Engineer. **(E)**

62. Utility Modeling: Hydraulic modeling is required to verify the capacity of the adjacent water and sewer system piping and determine points of connection. Permittee shall authorize the City to proceed with hydraulic modeling and the costs of the modeling shall be charged to Applicant's PJ Account. **(E)**

63. Sanitary Sewer Discharge: Prior to any discharge into the sanitary sewer system, Permittee shall obtain all required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755. **(E)**

64. Landscaping Ordinance 238: In accordance with the provisions of Chapter 5, Title VIII (Ordinance 238) of the COMC for new or rehabilitated landscaping areas equaling 2500 square feet or greater, the applicant shall:

a. Provide separate water meters for domestic water service & irrigation service.
b. Provide separate domestic meters for each proposed use (Residential, Food Services, Commercial/Office).
c. Comply with all the requirements of Ordinance 238.
d. Submit two sets of landscape and irrigation improvement plans to the Building Division with the building permit plan check package. Prior to any building permit issuance, Approval from the Land Development Section of the Engineering Division is required prior to any building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection. (E)

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. **(E)**

65. Solid Waste Handling Plan (Report): Prior to Final Map approval or any building permit issuance, Permittee shall submit a final Solid Waste Handling Plan that incorporates the following solid waste handling requirements and meeting the satisfaction of the City Engineer. The proposed plan submitted with the Site Development Permit has been conceptually approved but a final submittal is required.

a. A description of the Solid Waste Services required for the development per the Development Guidelines for Solid Waste Services (Development Guidelines). The description shall include sizing calculations, type of service (front load bins, roll-off compactors, etc.), size of bins, and level of service (e.g. number of pickups per week).
b. A description of the Solid Waste Operation at ultimate build out and for each phase of the development.
c. A detail of the solid waste enclosure designed per the Development Guidelines for Solid Waste Services to house all service described above and all necessary equipment. The enclosure design shall provide adequate access for the solid waste truck, and allocate enough space for the solid waste truck operation without impacting the proposed private street. The access to the location and size of the enclosure shall be designed to the City Engineer's satisfaction and shown on the plans prior to any building permit issuance.
d. A solid waste handling plan sheet shall be incorporated in the site improvement plan set containing the enclosure detail, a sizing table, a service table, a description of the solid waste operations, and truck turning templates for collection vehicles.
e. The enclosure drains shall discharge to the sanitary sewer line. Storm drain inlets shall be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.
f. The Homeowners Association shall be responsible for solid waste handling. The Solid Waste Handling Plan shall include detailed, step-by-step instructions describing the management of solid waste from generation to disposal. The plan shall demonstrate how recycling and waste will be separately handled and maintained.
g. Permittee shall complete the construction of the new trash enclosure to serve the Project prior to issuance of the First Certificate of Occupancy. **(E)**

66. Solid Waste Management: Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, Permittee shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, Permittee shall subscribe to and pay for solid waste services rendered. Prior to issuance of any certificate of occupancy, Permittee shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Republic Services (formally BFI). After Permittee has full occupancy, Permittee shall contact the Republic Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, Permittee shall increase the service to the level determined by the evaluation. **(E)**

67. Recycling Report, Part I: Prior to demolition permit issuance, Permittee's contractor 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 and Solid Waste Section (Utility Section) prior to demolition permit issuance. The report shall describe the following resource recovery activities:

    a. What materials will be salvaged?
    b. How materials will be processed during demolition?
    c. Intended locations or businesses for reuse or recycling.
    d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

    Permittee's contractor shall make every effort to salvage materials for reuse and recycling. **(E)**

68. Recycling Report, Part II: Prior to final approval of the demolition permit or any building permit issuance, Permittee shall submit Part II of the Recycling Report to the Building Division for forwarding to the Utility Section in order to confirm the information described on Part I 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 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 Section prior to inspection by the Building Division. **(E)**

69. Demolished Material Removal: All demolished materials including, but not limited to, broken concrete, asphalt paving, pipe, vegetation, excess earth, building debris, and other unsuitable materials, etc., shall be removed from the job site for recycling or disposal by Permittee's contractor, to the satisfaction of the City Engineer. Permittee's contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction of the site. Permittee's 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. Permittee's contractor shall perform all recycling and/or disposal by removal from the job site. **(E)**

(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention
(CA) = City Attorney