ATTACHMENT A.

**RESOLUTION NO. 14-036**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING VESTING TENTATIVE MAP NO. MT14-0002, CONDITIONAL USE PERMIT NO. UP14-0023, SITE DEVELOPMENT PERMIT NO. SD14-0014 AND PLANNED UNIT DEVELOPMENT NO. PD14-0002 FOR A 25 RESIDENTIAL UNITS INCLUDING 5 LIVEWORK UNITS LOCATED AT 75 SOUTH MILPITAS BOULEVARD**

**WHEREAS**, on August 19, 2014, an application was submitted by Michael Sullivan, SRE Development Company ("Applicant") at 145 Pine Wood Lane, Los Gatos, CA 95032 for a development proposal for a 25 unit townhouse residential subdivision on a 1.26 acre site with associated site improvements located at 75 South Milpitas Boulevard ("Project"). The property is located within the Town Center (TC) Zoning District (APN: 086-28-050); and

**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); and

**WHEREAS**, on November 12, 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 and continued the proposed Project to a date uncertain to allow time for the applicant to work with the remaining tenants on relocation of their businesses; and

**WHEREAS**, on December 10, 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:** The Planning Commission finds the proposed Project is categorically exempt under the provisions of the California Environmental Quality Act (CEQA) Guideline Section 15332 (Infill Development Project) because the proposed Project meets the conditions described in that Section based on the Findings of Approval and subject to the Conditions of Approval attached hereto. As further described in the staff report and in this Resolution:

a) The proposed Project is consistent with the general plan and policies as well as zoning designation and regulations;

b) The proposed Project occurs on a site of no more than five acres substantially surrounded by urban uses;
c) The proposed Project site has no value as habitat for endangered, rare or threatened species;
d) Approval of the proposed Project would not result in any significant effects related to traffic, noise, air quality, or water quality;
e) The site can be adequately served by all required utilities and public services.

There is no substantial evidence that the proposed Project will have a significant effect on the environment in that the proposed Project will result in an increase of 25 units which will have a negligible effect on traffic based International Traffic Engineers (ITE) estimates for the Project and credit for the existing office use, since the Project would result in a decrease in traffic impacts (changing from office to residential); the introduction of 25 new housing units on the Project site would not result in significant noise impacts upon adjacent uses, because noise emanating from the proposed residences would be typical of the neighborhood and would not result in a significant change or increase in the existing noise environment; the Project will be required to comply with Title 24 of the California Government Code which requires that the interior noise levels of multi-family units have an interior noise level of 45 dB DNL or lower; the impact of dust and exhaust generated by grading and excavation of future construction activities is temporary in nature and limited to site preparation and future construction of the new townhouse; the proposed Project would have limited air quality impacts resulting from the minor pollutant emissions related to traffic generated by the proposed Project; the Project will not violate any water quality standards or waste discharge requirements because it will be required to comply with the standard Best Management Practices which regulates discharge into the City's storm drainage system; and the increase in runoff would not be large enough to cause flooding on- or off-site, all projects of this nature are required to comply with the City's standard of approval relating to drainage and runoff. Therefore, it has been determined that the proposed Project is Categorically Exempt under Class 32 Infill Development.

**<u>Section 3</u>:** ***Site Development Permit Amendment (Section XI-10-57-03-1(F))***

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

As detailed in the staff report and herein, the proposed Project is consistent with this finding because the proposed placement of live-work units facing South Milpitas Blvd and the shared driveway provides a buffer to the busier street and adjacent commercial bank use. The residential units are buffered from the busier edges of the buildings. The commercial storefronts of the live-work units are compatible with neighboring businesses and the desired Town Center character along South Milpitas Blvd.

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

The proposed Project is consistent with this finding because the site is zoned Town Center and the approved use is permitted in the Town Center designation. As described in detail in the staff

report and herein, the proposed Project is compatible and consistent with the surrounding uses and have been found to conform to the zoning district and all development standards with a Planned Unit Development. In addition, the live-work units also conform to performance standards of the Live-Work Ordinance for the commercial component of units.

***Development Standards***

The proposed Project requires a Planned Unit Development (PUD) to allow a reduced front setback of 10 feet where 20 feet is required. The table below indicates the project setbacks, height, parking and density.

**Table 1:**
**Summary of Development Standards**

| | **Standard** | **Proposed** | **Complies?** |
|---|---|---|---|
| Setbacks (Minimum) | | | |
| Front | 20 feet | 10 feet | Yes* |
| Right Side | 0 feet | 10 feet | Yes |
| Left Side | 0 feet | 20 feet | Yes |
| Rear | 0 feet | 40 feet | Yes |
| Density (Maximum) | 1-40/acre | 20/acre | Yes |
| Building Height (Maximum) | None | 45.5 feet | Yes |
| *With approval of a Planned Unit Development | | | |

Parking for the project complies with the Milpitas Municipal Code. The following table summarizes the parking required and provided for the project:

**Parking Standards**

| **Parking Ordinance** | **Spaces Required** | **Spaces provided** |
|---|---|---|
| 25-2 & 3 bedroom units | 50 | 32 - 2 car garages<br>18 – 2 car tandem |
| Guest parking<br>(20% of total required) | 10 | 10 uncovered off street parking on site |
| Live Work Guest | 8 | 8 uncovered off street parking on site |
| **Total** | **68** | **68** |

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

The proposed Project is consistent with this finding as discussed previously in the staff report, and because the approved use is allowed in the Town Center land use designation. The project furthers the goals and policies of the land use element by creating a live-work environment along South Milpitas Blvd and providing additional housing to create a compact mixed-use district in the heart of Milpitas.

Specifically, the project supports the following General Plan principles and policies:

| **Guiding Principles and Implementing Policies** | **Consistency Finding** |
|---|---|
| *2.a-G-2: Maintain a relatively compact urban form.* | **Consistent** |
| *2.a-G3: Provide for a variety of housing types and densities that meet the needs of individuals and families.* | **Consistent** |
| *2.a-G-4: The Town Center will be the "heart" of Milpitas' civic, cultural, business, and professional life.* | **Consistent** |
| *2.a-I-20: Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas' identity and image.* | **Consistent** |
| *2.a-I-21: Require development in the Town Center to conform to the adopted design principles/requirements of the Milpitas Redevelopment Agency.* | **Consistent** |
| *3.d-1-25: Where appropriate, require new development provide public access points to the trail system and/or contribute to staging areas.* | **Consistent** |
| *3.d-I-27: Require sidewalks on both sides of the street as a condition of development approval, where appropriate with local conditions.* | **Consistent** |

**<u>Section 4</u>: *Conditional Use Permit Amendment (Section XI-10-57-04-1(F))***

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

The proposed live-work units and building height of 42 feet will not be detrimental or injurious to the property in that the proposed use and building height is compatible with the new development adjacent to the site. In addition, the live-work units will be required to comply with the operational requirements of Zoning Code Section XI-10-13.12.

2. *The proposed use is consistent with the Milpitas General Plan; and*

See discussion above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

See discussion above.

**<u>Section 5</u>:** ***Major Tentative Map Findings (Section XI-1-20.01)***

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

As discussed in detail in the staff report and herein, the subdivision map complies with the TC Zoning District and to the development standards of the General Plan. The proposed Project type, density and size are all consistent with the Town Center General Plan Land Use Designation.

**<u>Section 6</u>:** ***Planned Unit Development (XI-10-54.07)***

1. *Development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*

The proposed Project includes a high quality architectural style and finishes, as conditioned, not found in the immediate area and the improved streetscape improvements on Milpitas Boulevard will enhance the pedestrian realm along the project frontage. The proposed Project will be providing live-work units which will provide the opportunity for residents to work from home, while reducing peak hour trips to and from the site.

2. *The proposed Planned Unit Development is consistent with the Milpitas General Plan*

The proposed Project is consistent with the Town Center designation for residential density and the use and is consistent with other provisions of the General Plan as discussed above.

3. *The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction or loss of privacy that are not mitigated to acceptable levels.*

The proposed Multi-Family Residential development is consistent with the residential Cobblestone project to the south (currently under construction), and existing residential uses to the west of the site and will not have a negative impact on adjacent properties. The proposed buildings will blend with the neighborhood by providing varied setbacks and roof forms and quality materials. The existing banks across the shared access driveway will not be negatively impacted by the Multi-Family Residential buildings since they have been designed to include the live-work units on these frontages.

**<u>Section 7:</u>** ***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 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 currently available for use and therefore they must use potable water for all on-site irrigation. All new developments, especially residential, need to provide landscaping and onsite amenities such as useable open space. Since potable water is the only source for irrigation and landscaping area is minimal, staff supports the exemption request and has included a condition requiring the Applicant (permittee) to tie into reclaimed water if it should become available at a future date.

**Section 8:** The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 14-036 recommending that the City Council approve the Vesting Tentative Map No. MT14-0002, Conditional Use Permit No. UP14-0023, Site Development Permit No. SD14-0014 and Planned Unit Development No. PD14-0002 based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1 and incorporated herein.**

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on December 10, 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 December 10, 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 | | | ✓ | |

| COMMISSIONER | AYES | NOES | ABSENT | ABSTAIN |
|---|---|---|---|---|
| Vacant | | | | |
| Hon Lien (alternate) | ✓ | | | |

**EXHIBIT 1**

**CONDITIONS OF APPROVAL FOR**
**75 SOUTH MILPITAS BLVD**
**VESTING TENTATIVE MAP NO. MT14-002, CONDITIONAL USE PERMIT NO. UP14-0023, SITE DEVELOPMENT PERMIT NO. SD14-0014 AND PLANNED UNIT DEVELOPMENT NO. PD14-0002 FOR A 25 RESIDENTIAL UNITS INCLUDING 5 LIVEWORK UNITS.**

## 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 Tentative Map No. MT14-0001, Conditional Use Permit No. UP14-0023, Site Development Permit No. SD14-0014 and Planned Unit Development No. PD14-0002 (collectively "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 Permittee 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. 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)**

12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but

not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(P/CA)**

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

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

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

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

17. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

**Project Specific Conditions**

18. Relocation. The applicant shall continue to work with tenants and follow through with the negotiated terms for each tenant. The applicant shall provide documentation indicating the negotiated terms of each remaining tenant and the recordation of the Final Map shall not occur unit the last tenant has relocated from the site per the negotiated terms. (P)

19. Architecture. Prior to submittal of building permit application, the Permittee shall revise the buildings to address the following:

    a. Building 801 - Modifications to the front elevation including the following:
        i. Units 31, 41 & 51 shall include a metal awning over the second floor balcony windows.
        ii. Units 31, 41, 51 & 52 shall include a metal awning element over the larger third floor windows.
        iii. Units 31, 41, 51 & 52 shall have an enhanced cornice treatment on the front parapet including any combination of additional thickness, width and color treatment.
    b. Windows - All windows located within a stucco wall face shall provide a minimum recess of 1-2 inches to provide a shadow line on the façade.
    c. First Floor Rear Façade - The first floor rear façade of each building shall be further enhanced to break up the amount of stucco along the first floor and to provide further definition for each unit.
    d. Stucco - All stucco finishes shall be a smooth sand finish (20/30 grade or smoother).
    e. All live work units shall use store front glazing systems for the live work area frontage.
    f. All garage doors shall have glazing along the top panels to allow visibility into the garages.
    g. All vent shall be vented through the roof of the units, side venting is not allowed.
    h. Air Conditioning units shall be placed on the roofs of each townhouse building and shall be screened from view.

20. The ADA parking space adjacent to building 802 shall include a ramp or lift to provide access from the parking space to the live work units in building 902 & 901, subject to approval of the Building Official. If C3 areas are modified, the Permittee shall provide updated Stormwater Plans and 3rd Party Certification with the building permit application. **(B)**

21. All exterior lighting fixtures shall be used, black and of architectural style to complement the iron railing. Final material, color and design of lighting will be at the discretion of the Planning Division during building permits application review. (P)

22. Pedestrian scaled lighting shall be incorporated along South Milpitas Blvd. (P)

23. All roof gutter and down spouts to match or compliment house trim. (P)

24. All materials, colors, and finishes shall be subject to Planning Division approval during building permits application review. (P)

25. Decorative, colored, paving or pavers shall be incorporated at the entryways, and at the corner plaza area. All final materials, colors, and finishes shall be subject to Planning Division approval during building permit and improvement plan review. (P)

26. Live-Work Units: The Live-Work Units located within the Project shall comply with the requirements of the Milpitas Zoning Code, and specifically, shall comply with the

requirements set forth in Section 10-13.12 of the Milpitas Zoning Code, as may be amended from time to time. Additionally, the Live-Work Units shall comply with the following:

a. Commercial windows shall not use dark tinting. Light tinting permitted.
b. All the canopies shall be of rectangular shape and utilize a durable material.
c. Awnings are not allowed to display signage or logos, nor be internally illuminated.
d. Store front wall lighting shall be subject to Planning Staff's approval.
e. The roof material shall be a color that compliments the building color.

27. Live-Work Building Signage:

a. Signage shall be architectural dye cut metal letters.
b. Signage shall be front illuminated with architectural grade and quality gooseneck lighting or similar style.
c. Signage shall be located over the storefront door, and awning as shown on the live-work elevation exhibit. (P)

28. Utilities. The utilities located in front of building 801 shall be adjusted to minimize the visual appearance of the equipment along the frontage. This may result in the relocation of some utilities to spread them out along the frontage. The landscape plans shall be updated accordingly to provide screening and to minimize the visual appearance of the equipment. (P)

29. 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. The sidewalk treatment on Milpitas Boulevard shall be changed to provide an 8.5 foot wide sidewalk as measured from face of curb and a 4'x6' tree well. The Permittee shall update the plan drawings as needed to indicate compliance with this condition. Some flexibility to tree well locations may be allowed for existing joint trench conflicts.

b. The planter bed located in the southeast corner of the site shall include landscaping and a tree to match the north side of the guest parking area.

c. The Permittee shall evaluate the feasibility of adding clumping bamboo in the planter bed along south property line in front of the sound wall.

d. All street trees along S Milpitas Blvd. and Los Coches Street subject to review and approval of staff during improvement plan review.

e. The site shall tie to reclaimed water if it becomes available at any time either at the project site or to the adjacent bank sites. (P)

30. Park Fee. Prior to any building permit issuance, Permittee shall pay the City park impact fee estimated at **$479,955** based on 25 units and .19 acres needed per the City's Subdivision

Ordinance. This amount is an estimate only and there is no vesting of any fees. Permittee shall pay the park fee amount in effect at the time of issuance of building permit.

31. 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.

32. Public Improvements: Prior to final map approval, the Permittee shall obtain design approval and bond for all necessary public improvements along S. Milpitas Blvd including but not limited to the following:

    a. Utility Relocation: Underground utilities (such as joint trench conduit, utility boxes, etc.) shall be relocated and adjusted as necessary to accommodate a 10' public sidewalk with 4' x 6' tree grates adjacent to the back of curb.
    b. Right of Way. The Permittee shall dedicate all necessary rights-of-way and public easements to the City for the proposed public sidewalk improvements and utilities to the satisfaction of the City Engineer.
    c. Occupancy: All public improvements shall be installed and accepted prior to the issuance of the first Certificate of Occupancy.
    d. City Standards: All design and construction of public and private improvements shall be in compliance with City guidelines and standard drawings. **(E)**

33. Onsite Improvements.

    a. Orchid Easement. The Permittee shall not encroach in to the existing 5' Landscape Easement along the westerly boundary of the site adjacent to the Orchid development without the written consent of the easement holder. The Permittee shall submit consent to the City prior to building permit issuance.
    b. Site Improvement Plan Set. Prior to any building permit issuance, the Permittee shall submit a complete site improvement plan set, including but not limited to a separate plan sheet for floodplain management, storm water control, emergency vehicle access, and solid waste handling.
    c. Storm Water Conrol Plan (SWCP). Prior to any building permit issuance, the Permittee shall revise the SWCP to show a single treatment measure for every drainage area. All down spouts shall be shown and labeled. The treatment summary sheet shall be updated.
    d. Raised Planters. Treated runoff from the raised planters adjacent to the public frontage shall be connected directly to the public storm drain system. Treated runoff that is subsequently exposed to pollutants or comingled with untreated runoff shall require further treatment prior to conveyance to the public storm drain. The Permittee shall revise the Storm Water Control Plan to meet this condition.
    e. Utility Meter Layout. The Permittee shall include a detail in the Site Improvement plan set showing the size, dimensions, and layout of all utility meters and associated appurtances. The layout design shall comply with all separation and access requirements. The permittee and City staff shall work together to comply with the intent of all separation and access requirements.
    f. Accessibility. The Permittee shall provide an ADA accessible route from ADA parking stalls to all Live-Work units.

g. Floodproofing. The Permittee shall provide floodproofing for the portions of all structures that are not removed from the Special Flood Hazard Area. The floodproofing details shall be included in a floodproofing submittal with the site improvement plan set and on the floodplain management sheet. Subject approval of City Engineer. **(E)**

34. Transportation & Traffic Engineering:

a. Street Surfacing. Permittee shall micro-surface the full street width of S. Milpitas Blvd project frontage or as otherwise agreed to with the City Engineer.
b. Emergency Vehicle Access (EVA) Easement. Prior to any building permit issuance, Permittee shall acquire an EVA access easement adjoining property (TriPointe) for the benefit of the City in order to fulfill the EVA requirements for the development.
c. Wheel Stops. All on-site parking stalls shall have wheel stops. **(E)**

35. Utilities: The Permittee shall comply with the following:

a. Water System. Project shall be served by Santa Clara Valley Water District Zone 2.
b. Water Service. This project shall be served by master water meters at the connection to the public water system. An on-site water system owned and maintained by the property owners shall serve the development downstream of the master meters. A combined domestic and fire water pipeline is allowed. A separate master meter is required for the Live-work units. Fire hydrants shall be located along the public water main whenever possible. A separate water meter is required for irrigation. Water system shall meet all CDPH and City requirements, including but not limited to design, clearance, construction, and backflow.
c. Construction Water. A drought ordinance is in effect due to a water supply shortage. Project is required to use recycled water for construction activities such as grading, compaction, and dust control, unless draught ordinance relieved by City Council. Deferred installation of landscape served by potable water and posting of bond may be required unless authorized by exception by City Council.
d. Sewer Point of Connection. Provide a sanitary sewer manhole at the transition point from private to public.
e. Public Utilities near Buildings. A City-owned storm drain pipeline runs parallel to and is in close proximity to the southerly property line and a City-owned water pipeline runs parallel to and is in close proximity to the northerly property line. Proposed building foundations shall be located outside of utility easements and shall be designed such that future excavation of the City utility pipeline will not affect building stability.
f. Service Meter Separation. Water meter vaults shall maintain a minimum separation of four feet from building faces and any on-site piping. Proposed building foundations shall be designed such that future excavation of the City water meter vault will not affect building stability.
g. Solid Waste Handling. Permittee shall provide sufficient facilities for on-site storage and collection of solid waste and recyclables in accordance with City guidelines. Applicant shall procure sufficient service frequency. The Permittee shall estimate the weekly volume of trash and recyclables, determine container sizes, provide sufficient enclosure space, and include utility hook-ups. Permittee shall provide a Solid Waste Handling Plan showing how materials will be transferred from each dwelling unit to the trash enclosure,

address property management responsibility for residential container deployment and collection, and litter management. Permittee shall provide sufficient curb space for all solid waste and recycling carts. Curb space must be designated solely for solid waste collection and cannot also be used for parking. Permittee shall demonstrate that the site plan provides sufficient space for the solid waste vehicle to perform collection. CCRs shall clearly indicate responsibilities of homeowners including but not limited to: cart storage areas, and moving carts to and from cart service areas. CCRs shall clearly indicate the HOA responsibilities including but not limited to: City ordinance requires that HOA is responsible for solid waste service charges at developments served by master water meters; responding and resolving complaints involving litter, dumping, and scavenging; improper cart storage, and mediation between property owners regarding carts. Project is not eligible for yard trims service.

h. Solid Waste Service. Project shall subscribe to mandatory push and return solid waste service. Plans shall include location of weekly homeowner setouts to insure clearance for vehicle traffic. Show truck turning radius and other clearances on plans to demonstrate that access is sufficient. Curbs and trees on the adjacent property may be obstacles. Plans shall include a detail showing trash and recycle bin size and enclosure interior dimensions. City guidelines allow a minimum of 18 inches between bins and interior curbs; however 36 inches of clearance is necessary to insure ability to place trash in bins and for waste collection driver access to push bins out for service. Plans shall include a reinforced concrete pad in front of the trash enclosure in accordance with City standards.

i. Phasing. The project is proposed to be constructed in a single phase. No occupancy shall be granted until all units are ready for occupancy.

**FEES**

36. Development Fees: Permittee shall submit the following items with the building permit application and pay the related estimated fees prior to 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)**

37. 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)**

## FINAL MAP

38. 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)**

39. 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.
    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)**

40. Homeowners/Property Management Association: Prior to final map approval, Permittee shall establish a Homeowners/Property Management Association ("Association"). The 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 Association shall manage the onsite water and sewer system and implement the Solid Waste Handling and Storm Water Control Plans. **(E)**

## CONSTRUCTION

41. 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)**

42. 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)**

43. 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)**

44. 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)**

45. 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)**

46. Agency Approval: It is the responsibility of the 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)**

47. 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)**

48. 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)**

49. Maximum Slopes: All slopes adjacent to public sidewalks and streets shall be designed to a maximum grade of 4:1 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)**

50. 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)**

51. 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)**

52. 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)**

**FLOODPLAIN MANAGEMENT**

53. Special Flood Hazard Area: The proposed development is located within the Special Flood Hazard Area (SFHA), and, therefore, shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code of Federal Regulations and the City of Milpitas (City) Flood Plain Management Regulations, City of Milpitas Code (COMC) Title XI Chapter 15.

Prior to final map approval or any building permit issuance, Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) or a Conditional Letter of Map Revision based on Fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain or the removal of the development from the SFHA. Permittee shall also obtain a Letter of Map Revision (LOMR) or a Letter of Map Revision based on Fill (LOMR-F) and shall provide all elevation certificates prior to final building inspection or issuance of certificate of occupancy for any portion of the development. The proposed grading plan shall comply with the established BFE as determined in the final flood study report, the approved CLOMR or CLOMR-F, or the official FEMA Federal Insurance Rate Map (FIRM). **(E)**

54. Floodplain Management Ordinance: 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 Permittee'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)**

55. Flood Study: Prior to final map approval or any building permit issuance, Permittee shall submit a Flood Study for the project demonstrating, to the satisfaction of the City Engineer, that the proposed development has NO adverse impact to the surrounding flood plain within the SFHA and to flood carrying capacity of the area. The study should include cumulative effects of existing and proposed developments demonstrating the combined effects will not increase the water surface elevation of the Base Flood (BFE) more than one foot at any point. For the AO Flood Zone, the flood study is required to establish the BFE, and set the building elevation accordingly. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS. **(E)**

56. Drainage Study: Prior to final map approval or any building permit issuance, Permittee shall submit a final grading plan and hydrologic/hydraulic study prepared by a registered Civil Engineer, consistent with the approved CLOMR. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and Permittee shall satisfy the conclusions and recommendations of the approved drainage study. **(E)**

57. Elevation Certificates: Permittee shall submit an elevation certificate for each lot or structure that is to be removed from the SFHA:

a. Prior to any grading permit issuance, based on an approved grading plan. This elevation certificate shall contain all proposed grades applicable and shall be required in order to receive community acknowledgement for the CLOMR or CLOMR-F application.
b. Prior to building foundation pour, based on finished formwork while the building is under construction. If Permittee intends to apply for a LOMR or LOMR-F prior to finished construction, this elevation certificate shall be submitted after the foundation pour and shall be based on existing finished floor and adjacent grades. It shall be required in order to receive community acknowledgement for the LOMR or LOMR-F application.
c. Prior to occupancy of each building or structure, based on finished construction. This elevation certificate shall contain all required finished grades and shall be based on existing information.
d. Prior to final occupancy, Permittee shall submit a binder containing all the elevation certificates produced for the each phase of the project. **(E)**

**CLEAN WATER**

58. 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)**

59. 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 for any 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)**

60. 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)**

71. 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 parcel~~s~~. 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)**

**UTILITIES**

61. 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)**

62. 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)**

63. 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)**

64. 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)**

65. 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)**

66. 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)**

**SOLID WASTE MANAGEMENT & RECYCLING**

67. 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:

    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 pick ups 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)**

68. 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)**

69. 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)**

70. 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)**

71. 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)**

**PLANNING COMMISSION CHANGES**

72. Live-Work Units: If allowed by the Zoning Ordinance and approved by the Home Owners Association, the Live-Work units may convert additional living space to commercial. **(P)**

73. Electrical Wiring – Solar Panels: The development shall install wiring to allow installation of solar panels for use in the common areas. **(P)**

74. Electrical Wiring – Auto Charging: The permitee shall provide the option for wiring for electric car charging within each unit garage. **(P)**

75. Trail Enhancements (Cobblestone): The permittee shall install 1-2 benches along the trail connection, enhance the planting (where feasible) and ensure ample lighting. **(P)**

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