List of Attachments for Public Hearing Item No. 2

Vesting Tentative Map, Conditional Use Permit, Site Development Permit at 450 Montague Expressway

Conduct a Public Hearing and Adopt a Resolution to Approve Vesting Tentative Map, Conditional Use Permit and Site Development Permit for a 489 Units Development on 10.47 Acres in Two Structures Subject to Conditions of Approval at 450 Montague Expressway (Staff Contact: Darryl Boyd, 408-586-3287)

Attachments:

Memo to City Council, responding to questions from April 21, 2015 Council Meeting. Memo from Lennar dated April 29, 2015

2A – Planning Commission Staff Report, 3/25/2015

2B – Adopted Planning Commission Resolution No. 15-003, March 25, 2015

2C – Planning Commission Meeting Minutes, 3/25/2015

2D – Initial Study and Categorical Exemption

2E – Plan Set *(separate book / item)*

2F – Parks, Recreation and Cultural Resources Commission (PRCRC) material, 2/2/2015

2G – Parks, Recreation and Cultural Resources Commission (PRCRC) material, 3/2/2015

2H – Three Layout Design Figures

2I – Draft City Council Resolution

2J – Three (3) Letters of Support for Project

2K – Correspondence Recommending One Park Name

MEMORANDUM

Planning & Neighborhood Services Department

To: **Mayor & City Council**

Through: **Tom Williams, City Manager**

From: Bill Ekern, Interim Director

Subject: **450 Montague Expressway Supplemental Information**

Date: April 28, 2015

The questions raised by the Mayor and Council at the public hearing on April 21, 2015 are most appropriately responded to in writing, and with sufficient time for the City Council to review the responses to be clear about the proposed project prior to its meeting on May 5, 2015. The Council's questions focused on the quantitative analysis of public benefits, issues associated with deviations from the Transit Area Specific Plan (TASP) standards and guidelines, and an understanding of the open space concepts proposed by the project.

Public Benefits

As noted by staff and the report to Council, the TASP allows for exceptions from the applicable development standards and design guidelines under the review of a conditional use permit. Exceptions cannot be granted for use, floor area ratio, density and park land requirement regulations. Two findings are required for granting such exceptions:

1. The exceptions meet the design intent identified within the Zoning District and/or Specific Plan and do not detract from the overall architectural, landscaping and site planning integrity of the proposed development.

2. The exceptions allow for a public benefit not otherwise obtainable through the strict application of the specified standard.

The developer, staff and Planning Commission agreed on seven identifiable public benefits listed below. At the April 21, 2015 meeting, the Mayor and Council requested an analysis of the value of these public benefits. Because they are outside of the standards, they should be considered as true benefits to the community. The design and construction of the Penitencia Creek Bridge, the Pedestrian Bridge over Montague Expressway, public parks and linear parks/trails are included in the TASP Basic Infrastructure Program. The funding for those improvements is incorporated in the current TASP Development Impact Fee of $32,781 per residential unit. The extension of Milpitas Blvd. from Capitol Avenue to Penitencia Creek is not a part of the TASP Financing program and is the joint proportional responsibility between the proposed project and future development of 730 and 750 Capitol Avenue properties.

The project's public benefit is in the direct financial value of the items listed in this memorandum, as well as the intangible benefit of advancing the construction of the physical improvements. The project is required to pay the TASP development impact fees that were set at a level to fund the basic infrastructure program as included in the adopted *2014 Transit Area Development Impact Fee Update*. The payment of the required TASP development impact fees, approximately $16,030,000, constitutes the project's standard obligation under the TASP and Zoning Code. The established impact fees are intended to cover the design costs normally associated with each specific infrastructure improvement. In this case, the project has committed to provide approximately $1,834,000 in additional financial resources, above and beyond the impact fees, to manage and complete the performance of discrete work tasks that will facilitate the construction of the Penitencia Creek Bridge and Montague Expressway Pedestrian Bridge.

Engineering and Planning staff independently evaluated the likely monetary value of the seven items and vetted the developer's evaluation. The public benefit estimates are based on the project cost estimates included in the adopted *2014 Transit Area Development Impact Fee Update* prepared by Economic & Planning Systems. The cost of preparing construction drawings and specifications can only be estimated using a standard percentage because the specific scopes of work for the feasibility studies and design work have not yet been prepared. In addition, the review and coordination with a myriad of outside agencies is unpredictable. However, under the recommended project conditions, the developer must fund the entire work, regardless of such outside issues.

Construction costs can only be estimated in today's dollars, but the contribution to actual construction will be escalated appropriately to the anticipated construction date. The shelf life of plans and specifications is tied to regulatory codes and to the changing world around each project. The basic concepts of a project's design will remain valid for a significant time, but the details must be finalized only when the project goes for bid.

Finally, it is important to note again that the intangible benefits to the community are that the ability to construct these critical infrastructure pieces is accelerated because of the developer's financial contribution. The performance of discrete work items avoids the delay in waiting for full funding of a City capital improvement project. Completion of these design elements will better enable the owners of the properties at 730 and 750 Capitol Avenue to proceed with the planned sales of their properties to developers because there will be better definition of the implications of improvements on their properties. The uncertainties as to cost, alignment and timing greatly affect these property owners' ability to finalize the sale of their land for development.

1. Feasibility Study for Milpitas Blvd. Extension and Penitencia Creek Bridge:	$ *129,000*
2. Construction Drawings & Cost Estimates for Penitencia Creek Bridge:	$ 270,000
3. Construction Drawings for Milpitas Blvd. Extension from Capitol:	$ 80,000
4. Cost Estimates for Milpitas Blvd. Extension:	$ 20,000
5. 53% of Construction Costs for Milpitas Blvd. Extension:	$ 414,000
6. Feasibility Study for Pedestrian Bridge over Montague Expressway:	$ *525,000*
7. Construction Drawings and Cost Estimates for Montague Pedestrian Bridge:	$1,050,000
Total Estimated Cost to Developer:	$2,488,000

TASP Credit/Reimburseable per applicant's request	*$ 654,000*
NET Public Benefit	**$1,834,000**

TASP Concept Plans

The interior road layout in the TASP anticipated cul-de-sacs interior to the property stemming from the extension of Milpitas Boulevard. This concept is not viable given the timing of this development within this sub-area of the Plan prior to the development of 730 Capitol Ave. accordingly; the developers proposed that all roadways necessary for the project be built on site. This proposed configuration provides the opportunity, as the other properties along Capitol Avenue develop, to build a reasonable and usable internal circulation system that will support both emergency vehicle needs, as well as the publics.

The developer's design and funding support for the Milpitas Extension enables that project to move further ahead in likely timing for construction. The construction of the extension will be of significant value to the traffic circulation supporting the BART station.

Open Space Issues

The project meets the TASP park requirements. The need for public benefit is due to the relocation of the public parkland as shown in TASP Figure 3-6. The project is required to provide a total of 4.3 acres of open space and approximately 2.5 acres of publicly accessible parkland based on a population of 1,233 residents. The 1.8 acres of open space can be comprised of a combination of common and private open space, such as courtyards, recreation centers, balconies, porches or roof decks. Any parkland obligation not fulfilled by land dedication and improvements, can be met with the payment of in-lieu fees. The project proposes about 1.5 acres of public parkland with the dedication and improvement of Parks A and B and the Linear Park. The project is required to provide the necessary public access easements over private property prior to the approval of the first Final Map.

The developers requested relief from the Zoning Code requirement to provide all of the Building One apartment balconies as part of the private open space. Rather than build balconies on units facing Capitol Avenue with the concomitant noise of traffic, light rail, and BART trains, the developers propose to enclose the forty square feet of balcony within the building envelop. Based on staff research, there is no per square foot cost difference between the two types of space. So there is no public benefit, but there is likely some benefit to the apartment tenants with the additional indoor living space.

The TASP Public Parks, Spaces and Trails Diagram (Figure 3-6) anticipates a 2.51-acre public park adjacent to Penitencia Creek spread across the project site and the 730 and 750 Capitol Avenue properties. Through meetings with the Parks, Recreation and Cultural Resources Commission and Planning Commission, the concept of constructing two publicly accessible park spaces on the project site, slightly relocated away from the Creek, was reviewed and supported. As noted by staff at the Council meeting, placing the park open space closer to the housing is a tradeoff between clear access to a single, discrete park that is isolated from the adjacent residents, and parks that may feel more private than public.

Staff believes that the most critical element of good park design is public safety. The proposed locations create spaces that are safer and consequently more likely to be used on a regular and routine basis. Staff will work with the developers to design clear and inviting routes and signage into these public spaces, so they will meet the City's goals of more public open space. Staff will also assure that the final design of the park spaces is reviewed by and approved by the Parks, Recreation and Cultural Resources Commission.

As a matter of housekeeping, the City Council must also determine the name(s) of the public park spaces. Reiterating the information from the previous meeting, the names recommended for Council consideration are:

- J.W. Johnson
- Captain Calvin Valpey
- O.H.P. Vennum
- Charles Beverson

cc: City Council
City Manager
City Clerk

LENNAR

April 29, 2015

Darryl Boyd
City of Milpitas
Planning and Neighborhood Services Dept.
455 E Calaveras Blvd
Milpitas, CA

RE: 450 MONTAGUE – CONTINUED CITY COUNCIL HEARING

Dear Darryl,

Thank you for your help in presenting our project to the City Council on April 21st. As you know, the Councilmembers had asked several questions regarding our proposed project that we did not have a chance to fully respond to before our hearing was continued due to the audio/visual failure. The following letter is our response to their questions and we will further address them at our hearing on May 5, 2015.

The questions that we had heard during the hearing were:

1. **Why is the applicant asking to not provide balconies on 55 of the 489 total proposed units?**

Response: Lennar is asking to not provide the private open space/balconies on 55 of the studio and junior one bedroom apartments located in the apartment building for the following reasons:

- The removal of the balconies will allow for more habitable space within the smaller units that are located in the apartment building. By not having a balcony, the layout for these units will allow for a larger living and bedroom area which the residents will be able to utilize more fully compared to a balcony.

- The majority of the units without balconies will be located along Montague Expressway and Capitol Avenue. Both frontages are large busy streets that serve thousands of vehicles every day. In addition our project also faces the VTA light rail line along Capitol Avenue. Studies have shown the balconies in these areas will not be fully used by the future residents as a result of the noise and urban environment along these street frontages.

- The removal of the balconies along Montague and Capitol also is a significant component of the proposed architecture. The spacing and configuration of the balconies allows for a varied and interesting architectural aesthetic to occur along our project's public interface. If every unit had an associated balcony, the overall architecture and theme of the building would be diminished and the overall uniqueness and interest would be greatly reduced.

- Although these 55 units will lack balconies, our proposed project will offer over 20,000 square feet of outdoor gathering and amenity space that is easily accessible. This outdoor space will contain BBQ areas, outdoor gaming areas, a pool and spa area, outdoor fitness areas, and ample seating and gathering areas. This 20,000 square feet of space is in addition to the 1.5 acres of public parks that we will be providing on site.

2. **Why is the applicant asking to have the underground garage extend more than 5' above grade (the max allowed in the TASP)?**

Response: Lennar is proposing to have some portions of the underground garage extend up to 6' in

some locations. The main reason for this deviation is that the property is located in a FEMA flood zone area. As our design team worked with the flood zone regulations and building code, the additional one foot extension is required in some areas to address the structural and foundation design and base flood elevations required of the building. It should also be noted that the garage structure will not visible along the street interfaces. The garage structure will be concealed by unit stoop entries, landscaping planters, and in ground landscaping at all public interfaces.

3. Will the project contain electric vehicle charging stations?

Response: Yes, Lennar intends to provide at least fifty electric vehicle charging stations throughout the project.

4. Why is Park A and Park B located where they are?

Response: Park A is designed and programmed to primarily be a kids' play area with adult fitness surrounding it. The concept is for adults to be able to exercise while they watch their children play. In considering that children will be the primary users of this park we wanted to locate the park in an area of the project that has as many eyes on the park as possible for safety and security. In addition we wanted the park to be away from busy streets to provide additional safety and security for the children. Although Park A is not located adjacent to the linear park next to the creek, we will be providing a generous pedestrian and bike path, similar in layout to the linear creek park, that will lead from the linear park directly to Park A. The path will contain both highly visible signage and way finding for the greater community to access Park A.

Park B will be located adjacent to a future street that will have direct access to Capitol Avenue, the VTA light rail station, and the future BART station. Similar to Park A we did not want to locate Park B directly next to a busy street or thoroughfare (Montague or Capitol), and instead have located it as close to the public realm as possible. Park B is designed to have more open play and general gathering opportunities and will be visible from Capitol Ave. The community will be able to gather, recreate, and find shaded seating within the park. We will also be providing a pedestrian and bike path that will link Park A to Park B and Park B to the linear park. Similar to Park A, we will be providing signage and way finding for the community to easily access Park B.

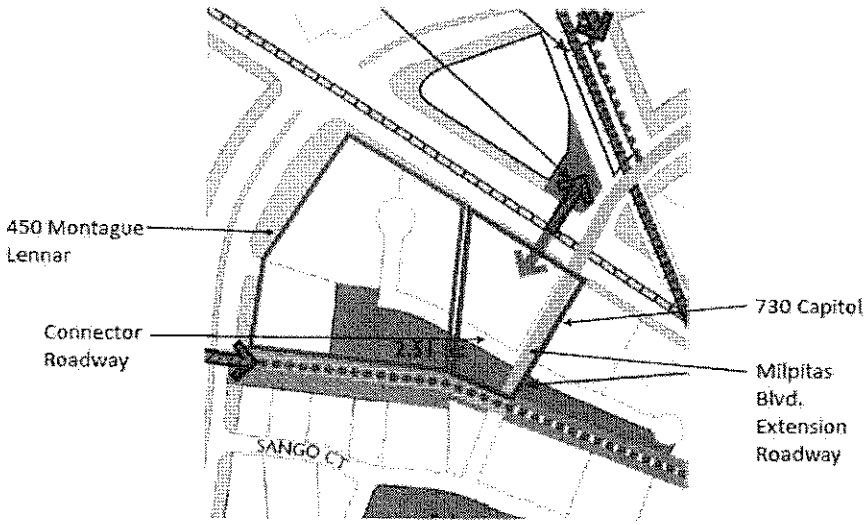
The overall layout and design for our parks is in accordance with best practices for park planning in an urban setting. It should also be noted that all of the parks located within our project will be open to the public and will be privately maintained. In addition, the park design and locations have been reviewed and approved by the Park Recreation and Cultural Resources Commission (PRCRC) on both Feb. 1, 2015 and on March 2, 2015.

5. Why is the roadway network proposed not the same as shown in the specific plan/TASP?

Response: As shown in the TASP and in the exhibit below, the roadway network that serves our project is depicted by a roadway that bisects and cuts through our neighboring property (730 Capitol) and ends with a cul-de-sac on our property. In the early stages of our project both Lennar and Staff discussed the concern that as shown in the TASP, our property could not be developed until 730 Capitol was developed and the new roadway, Milpitas Blvd. Extension, was constructed and operational. The roadways as shown in the TASP did not allow our property, 450 Montague, to be redeveloped as an independent project and would have to rely on 730 Capitol to build the roadway. It should be noted that 730 Capitol currently is not actively being redeveloped.

Also the roadway connecting our property to Milpitas Blvd. Extension was shown in the TASP as being located midway through 730 Capitol's property. The location of this roadway made the ability for 730 Capitol to redevelop very difficult at best as the roadway eliminated the ability to create efficient building footprints on the property.

As a result of these challenges, both Staff and Lennar designed the current circulation and roadway plan which still maintains the spirit of the TASP roadway layout and allows our project to be developed as a standalone viable project.



6. Please clarify the project's public benefits as a result of the requested revisions and variance.

Response: Lennar has been working with Staff and its consultants to develop a total dollar amount associated with the public benefits that the project is offering. The project will be contributing 100% of the associated TASP impact fees which total almost $16 million. In addition to the $16 million fee contribution, the project will also provide almost $1.5 million in public benefit over and above the base impact fee amount. The public benefit estimate is based on cost estimates from Lennar's Civil Engineer, Carlson, Barbee, and Gibson (CBG). The scope of the public benefits that the project will provide over and above the fee contributions will be:

- Milpitas Blvd Extension feasibility, design, and construction drawings including cost estimates
- Penitencia Creek Bridge feasibility, design, and construction drawings including cost estimates
- Funding 53% of the total cost to construct Milpitas Blvd Extension
- Montague pedestrian bridge feasibility, design, and construction drawings including cost estimates
- Dedication of private land to accommodate future Montague pedestrian bridge crossing
- Design and installation of recycled water main line along Capitol Ave

Staff has prepared its own public benefit analysis and we are of the understanding that their value estimate is similar to one discussed above. We believe that these public benefits will be a significant step in bringing several public/community elements of the TASP to reality.

It is our goal that this letter helps to clarify the questions from Council. We believe that our project's public benefits will fully mitigate these minor revisions to the TASP and design guidelines. Staff will confirm the total project public benefit, and our estimate (provided by our Civil Engineer) shows the benefit to be $1.5 million, which is over and above the standard TASP fees for the project. Please let us know if there is anything we can do to help prepare for our hearing on the 5th. Thanks again for all of the help.

Sincerely,

Kevin Ma
VP Development, Northern California
Lennar Multifamily Communities, LLC

Cc:
Tyler Wood, Lennar
Chad Kiltz. Lennar
Bill Ekern, City of Milpitas

2A

MILPITAS PLANNING COMMISSION
STAFF REPORT

March 25, 2015

APPLICATION: **LENNAR 450 MONTAGUE – 450 Montague – Site Development Permit No. SD14-0017, Conditional Use Permit UP14-0024, and Vesting Tentative Map No. MT14-0004 -** A request to allow development of 489 dwelling units on 10.47 acres (46.7 dwellings/acre) with 351 Units in one five story building with amenities located over the centralized garage and 138 units in stacked flat units with associated on-site parking and landscaping.

RECOMMENDATION: **Staff recommends that the Planning Commission Conduct a Public Hearing and adopt Resolution No. 15-003 Recommending the City Council Approve Site Development Permit No. SD14-0017, Conditional Use Permit UP14-0024, and Vesting Tentative Map No. MT14-0004 subject to the conditions of approval.**

LOCATION:

Address/APN: 450 Montague Expressway (APNs: 86-037-004, -019, -020, and -021)

Area of City: Northeast Corner of the Montague Expressway and East Capitol Avenue Intersection.

PEOPLE:

Project Applicant: Lennar Multifamily Communities

Property/Business Owner: Milpitas Montague LLC, c/o Lyon Capitol Ventures (4901 Birch Street, Newport Beach, California 92660); Uffda LLC (400 E. Montague Expressway, Milpitas, CA 95035

Project Planner: Shaunn Mendrin, Senior Planner

LAND USE:

General Plan Designation: Boulevard Very High Density Mixed Use (BVMU)/Urban Residential (UR)

Zoning District: Mixed Use Very High Density (MXD3)/ Urban Residential (R5)

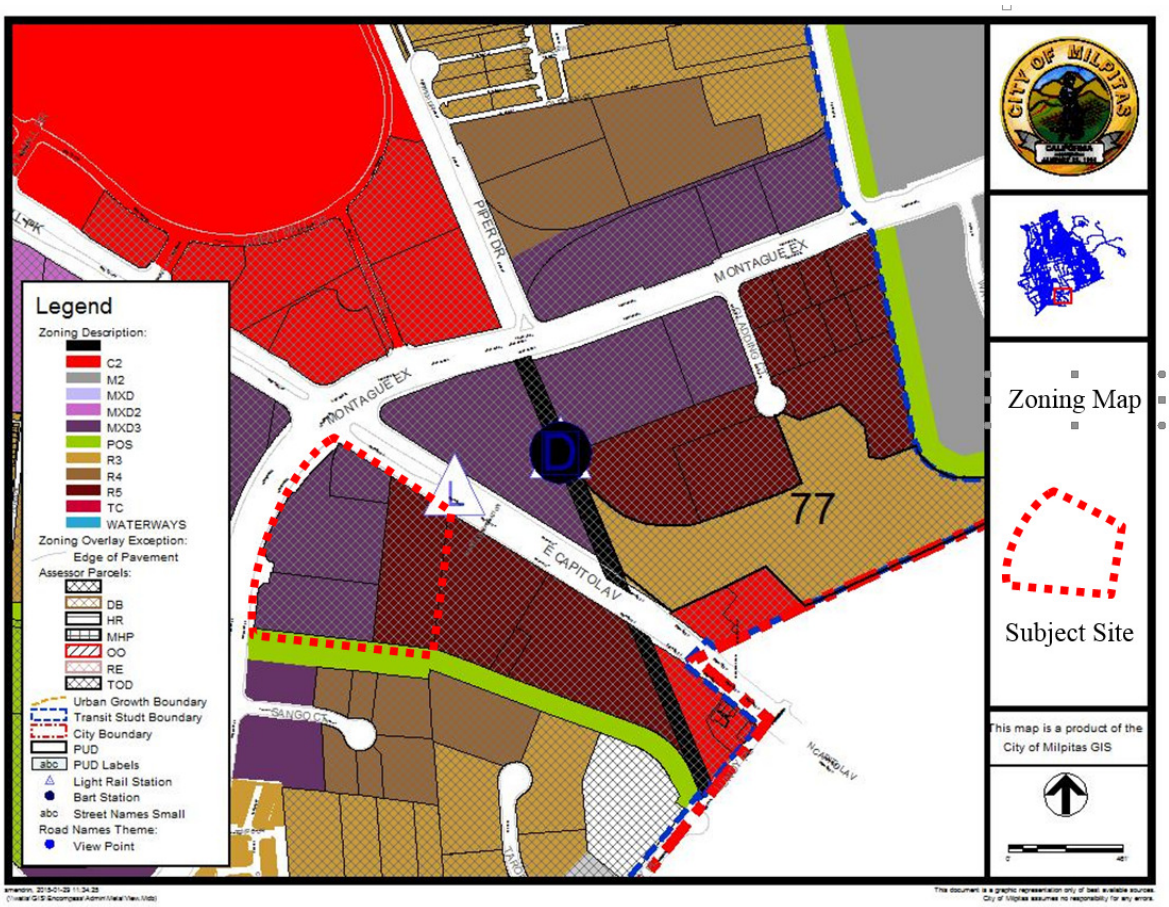
Overlay District: Site and Architectural (-S) and Transit Oriented Development (-TOD)

ENVIRONMENTAL: Categorically Exempt pursuant to Sections 15168(c)(2) of the California Environmental Quality Act (CEQA).

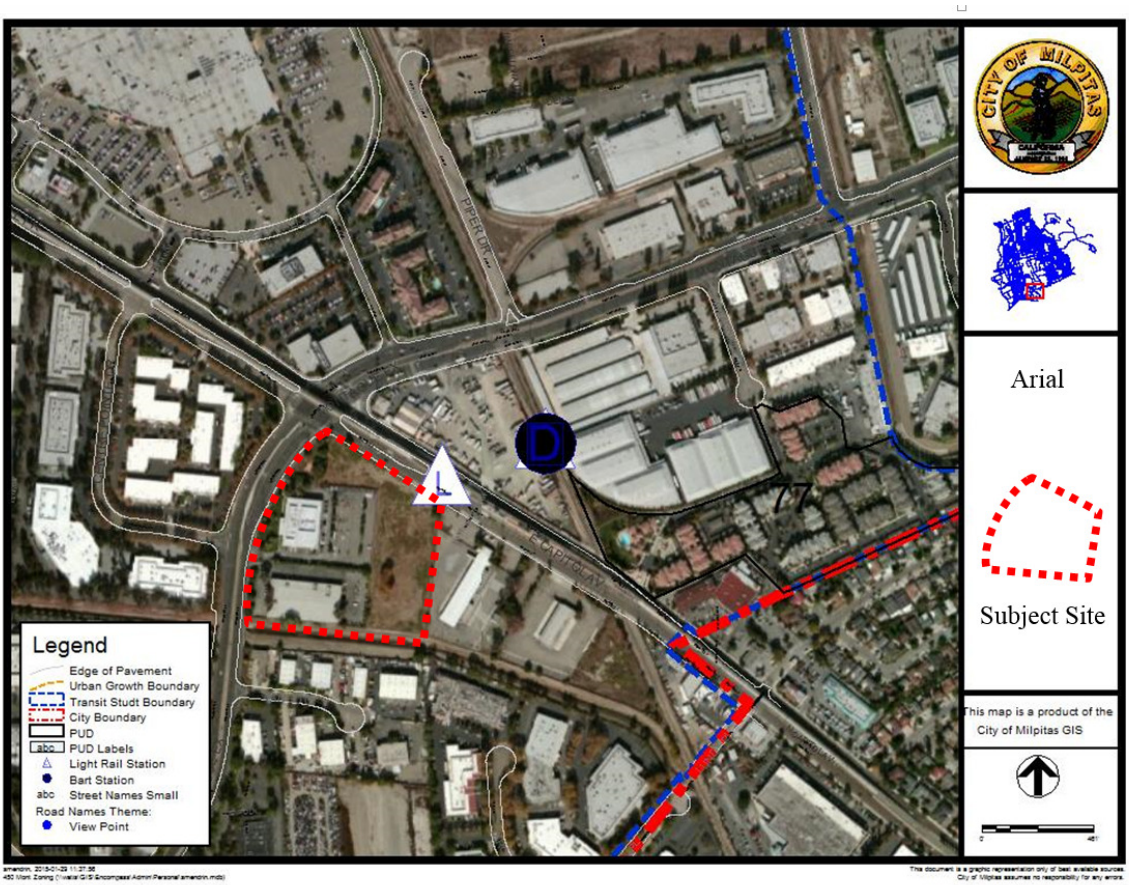
EXECUTIVE SUMMARY

The applicant is requesting a Site Development Permit, Conditional Use Permit and Vesting Tentative Map to allow the development of 489 dwelling units in one five-story building and seventeen staked flat townhouse buildings. The project would also include the development of two parks, a linear park, on-site parking, landscaping and other associated landscape improvements. The project applicant will also fund the development of construction drawings for the Milpitas Boulevard Extension and vehicular/pedestrian bridge over Penitencia Creek and the Pedestrian Bridge over Montague Expressway connecting to Centrepoint. The approval of this permit will rescind and replace previously approved entitlements for 474 dwelling units and associated improvements formerly approved for Lyon Communities on the same site (Site Development Permit No. SD12-0009, Conditional Use Permit UP12-0024, and Tentative Map No. MT12-0005).

Map 1
Project Site-Zoning Map



Map 2
Project Site



Context Pictures – View from Montague

Context Picture – View from Corner of Montague and E Capitol

Context Picture – View E Capitol

BACKGROUND

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

On December 18, 2012, the City Council adopted Resolution No. 8216 approving Site Development Permit No.SD12-0009, Conditional Use Permit No. UP12-0025 and Tentative Map No. MT12-0005 for the development of 474 residential units located at the subject site.

On October 23, 2014, an application was submitted by Lennar Multi-Family Communities to amend and replace the prior the entitlements to allow for the development of one five story building with 351 dwelling units located over a podium with two levels of parking below and 138 stacked flat townhouses with associated landscaping and site improvements. The project also includes the development of two park areas (A, B and a Linear Park Trail parallel to Penitencia Creek and improvements to the existing maintenance road along the creek). The proposed project is located within the Trade Zone-Montague Sub-District of the Transit Area Specific Plan. The sub-district is located near the future BART station and the existing VTA Light Rail Station.

The Application

The project proposed by Lennar Multi-Family requires Planning Commission and City Council review pursuant to Section 57 of the Milpitas Zoning Code and consideration of the following Planning Applications:

- *Site Development Permit:* to allow the development of 489 dwelling units, site design and landscaping.
- *Conditional Use Permit:* to allow for deviations from the Transit Area Specific plan in regards to driveway access, park space configuration and underground garage structure height, and exception from Zoning Code requirements for private open space and to allow tandem parking spaces.
- *Major Vesting Tentative Map:* to allow the subdivision of the land for condominium purposes.

PROJECT DESCRIPTION

Overview

The project is located on four parcels totaling 10.47 acres along East Capitol Avenue and Montague Expressway. The subject property is located within the Transit Area Specific Plan and is partially zoned Mixed Use Very High Density and Urban Residential with Transit Oriented Development with Site and Architectural Overlays. A vicinity map and context photos of the subject site are included on the previous pages.

The project includes two housing products types. First, is a 351 unit five-story building (Building 1) located over a partially submerged two-story parking garage. Building 1 will include a central podium level open space with landscaping and pool for the residents. The second product is a 138 Stacked Flat housing units ranging from three to four stories and all have garages at the ground floor (see Attachment C). The project proposes to deviate from the Transit Area Specific Plan's circulation component, park reconfiguration, and the amount of the garage that extends above the grade for Building 1. Thus, the project is required to demonstrate a public benefit (see discussion below).

In addition, the project proposes to dedicate approximately one acre of parkland and they will design and construct this area for park purposes. The project will also design and construct a linear trail on-site parallel to Penitencia Creek and they will also construct the multiuse trail along East Penitencia creek on the maintenance road from Montague Expressway to the eastern

boundary of the project connecting to a sidewalk leading up to Park B for the interim. The next developments to the east will extend the trail to the east to Lundy Place.

Location and Context

The project is located on the southeast corner at the intersection of Montague Expressway and East Capitol Avenue within the Tradzone/Montague Subdistrict. The site is approximately 10 acres and is currently occupied by two vacant industrial buildings of approximately 20,000 square feet located in the southwest corner of the site. The remainder of the site is vacant with various types trees on the site. All existing site improvement and vegetation will be removed and replaced with the proposed project, site improvements and landscaping.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The General Plan Designation for this site is Boulevard Very High Density Mixed Use (BVMU) for the parcels abutting Montague Expressway and Urban Residential (URR) for the parcel abutting East Capitol Avenue. These designations were identified as appropriate land uses during the development of TASP due to the proximity to the existing VTA station and future BART station. These designations require a minimum density of 41 dwelling units per acre and it does allow for retail space at the ground floor (although it is not required in this area). The intent of this designation is to locate high density residential adjacent to local mass transit options such as VTA and BART. The proposed project is consistent with the General Plan and TASP land use designations and densities. In addition, the project is consistent with the Zoning Designations of Very High Density Mixed Use (MXD3) and Urban Residential (R5) which reflect the General Plan land use designations.

Architectural & Site Design

The project's architecture represents a contemporary style that is consistent with the design guidelines of the TASP. The proposed architecture is a contemporary vernacular that uses modern interpretations on traditional forms. For example, the large protruding bay elements provide a modern industrial feel in combination with the contrasting color palate and stone materials. The colors and materials provide a base to the building and pedestrian scale at the street level. The corner elements have been enhanced with storefront glazing to provide a visually large leasing and amenities area and the second lobby on Montague has been enhanced to establish the entry. Staff has included several conditions requiring minor refinements to the architecture, which some have been addressed in the submittal before you tonight. The additional changes are intended to refine the quality of the building and to establish a stronger base for the structures. The proposed site layout is consistent with the TASP in that the street and trail frontages comply with TASP sections and details.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Very High Density Mixed Use (MXD3) and Urban Residential (R5) zoning districts.

Table 1:
Summary of Development Standards

	Zoning Ordinance/TASP	**Proposed**
Density (Min/Max)	41-75 units/acre	46.7 units/acre
Setbacks (Minimum) Capitol Avenue	 49’	 49’
Montague Expressway East South	45’ 20’ 20’	45’ 41’ 25’
Building Height (Maximum)	12 stories	5 stories
Parking (Minimum)	668 residential + 121 guest = 780	*834 spaces (272 Tandem)**
Maximum encroachment into setbacks by patios, stoops, etc.	± 6’	*6’*
Open Space	Min 40 sq. ft. for balconies and Min of 50 sq. ft. for patios	*Short 16% for some studios and 1 bedroom units on Capitol Ave.* *
* Indicates a Conditional Use Permit is required to allow the proposed deviations.		

The proposed project is generally consistent with Development Standards noted above with the approval of a Conditional Use Permit (CUP) as allowed by Code. The following discussion will provide an overview of the project and highlight those elements that require consideration of a Conditional Use Permit.

Parking

Parking for the project complies with the Milpitas Municipal Code, which is a minimum of 780 parking spaces for the entire project based on the bedroom count and parking type (individual garage versus parking structure). The following table summarizes the parking required and provided for the project:

Table 2
Parking Summary

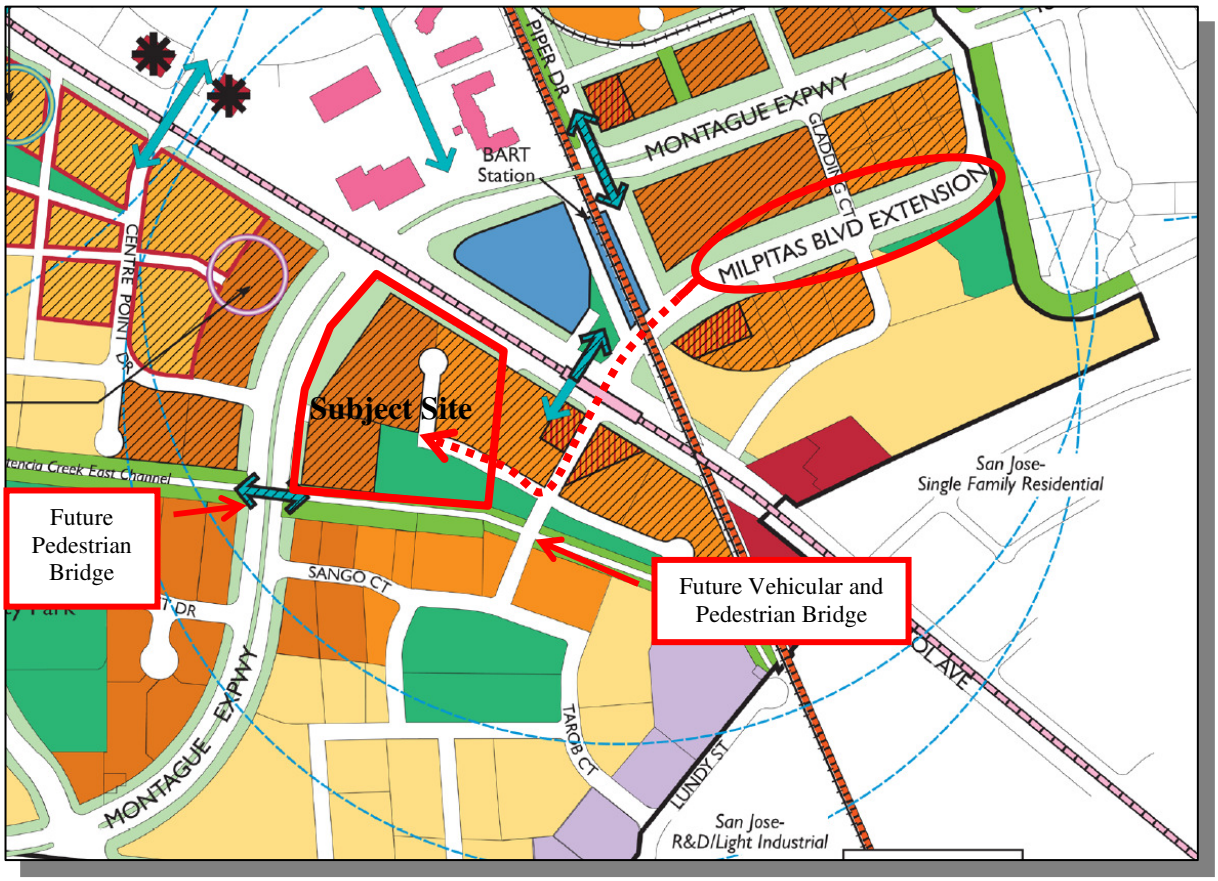
5-Story Rental Building			
Unit Type	**Number of Units**	**Spaces Provided**	**Parking Ratio**
Studios	45	384	1.09
1BR	202		
2BR	104		
Total	***351***		
Tandem Parking Allowed (75% of total required parking)		128	25%
Guest Parking (15% of residential parking)		67	15%
Total ***Total Required by Code***		**579** ***510***	1.45
Stacked Flat Units			
Unit Type	**Number of Units**	**Spaces Provided**	**Parking Ratio**
2BR	42	126	1.95
3BR	92		
4BR	4		
Total	***138***		
Tandem Parking Allowed (50% of total required parking)		144 (63)	53%* (50%)
Guest Parking (20% of residential parking)		52	23%
Total ***Total Required by Code***		**270** ***268***	1.95
** See discussion below about parking*			

Parking is provided in the parking structure under Building 1 and private garages in the Staked Flat units and open on-site spaces. The project includes tandem spaces which has different requirements for structured parking vs. private garage. The amount proposed in Building 1 is below the maximum allowed of 75% of the total required parking. However, the Stacked Flats exceed the maximum allowed of 50%, with a total of 53%. The project meets the requirements for the remaining parking for the residential units and guest parking. The total parking provided on site meets the minimum required. A Conditional Use Permit is required to allow the use of tandem parking spaces, which has been discussed below under the CUP discussion.

Access & Circulation

The site is accessed through two main accesses points from Montague Expressway and East Capitol Avenue. The site will also be accessed from the future Milpitas Boulevard extension and frontage road paralleling Penitencia Creek. The access from both Montague and Capitol will be right in and right out as a temporary measure until the Milpitas Boulevard Extension is constructed. Once constructed, both entry points will be right in only and access out of the site will be focused through the new Milpitas Boulevard Extension. The podium building garage will be partially submerged and will have to distinct levels and access points. The lower level will be accessed from the ramp off of Drive Isle 1 (near the Montague side) and the second level will be accessed off Street B. Pedestrian circulation will be provided around the perimeter of the site with the installation of new sidewalks and landscape. In addition, pedestrians will be able to walk through the site to the two public parks through the pedestrian trail adjacent to the creek, connecting paseos through the site and on-site sidewalks.

FIGURE 1
TASP Area and Future Improvements



Landscaping & Open Space Design

The proposed project site will result in the removal of several existing trees that will be replaced at a two to one ratio as per the Zoning Code. The landscape improvements will establish the pedestrian realm along Montague Expressway and East Capitol Avenue by adding in a wide planter bed, wide sidewalk and street trees. In addition, the project will include a pedestrian walking trail on the subject site parallel to the trail. Open space will include two parks, with one located in the center of the site with a tot-lot and the second will be located on the east edge of the site adjacent to the five-story building. Additional open space, including a pool, will be located on the podium level for residents of the larger building. In addition, most units will provide private balconies, except for a few units located on the larger building (see CUP discussion below). There are two linkages from the linear park to the interior of the site. The site will be irrigated with reclaimed water for all common areas except for the podium plantings and pool. These two areas will require an Exception from the Urgency Ordinance (No. 240.2) by the City Council (see discussion below). The landscape palate is consistent with the TASP and staff has included some minor refinements to the planting plan to deter skate boarding on planter walls and enhancement of the overall plant palate. Staff notes that the proposed park location is different than what is noted in the TASP and has included a discussion under the CUP section of the report below.

Urgency Ordinance (240.2) Exception Request

On August 26th, 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 will be extending the reclaimed water line from Centere Point to the west side of the proposed Milpitas Boulevard Extension, which will be used on the site perimeter and all common areas. Reclaimed water is not allowed to be used on the podium level in the five-story building and for the proposed pool. Staff is in support of the proposed exception since the potable water use will be for small raised planter beds which are consistent with the Water Efficient Landscape Ordinance and for the proposed pool which will serve as a great amenity for the 351 residents in the main building.

Grading, Drainage and Stormwater

The proposed project will require grading to allow for the construction of the garage, streets and pad for the staked flat units. Site drainage will be treated through a combination of Low Impact Development (LID) measures, which include bio-treatment planters and some mechanical filtration units. These are allowed for projects with higher densities located near mass transit.

Utilities

The site will be served by City water and sewer and San Jose reclaimed water. All other utilities will be either underground or may be relocated to accommodate new utilities or site improvements. The site does have two PG&E electrical distribution towers which cannot be placed underground and will remain in place and they may be relocated later by the County to accommodate improvements to Montague Expressway. The actual timeframe has not been

determined as of yet. The proposed trees under these utilities have been vetted with PG&E and are an acceptable species due to the mature growth height of the tree (Red Maple).

Climate Action Plan Conformance

The proposed project includes numerous measure identified in the CAP including waste reduction, bikeways, water conservation, recycled water and green building. The project will be achieving 80 Build it Green points through the implementation of several measures which will be further refined during the development of the construction drawings.

Conditional Use Permit

According to the TASP, exceptions to the TASP standards are allowed through a Conditional Use Permit. In addition to the standard findings for a CUP, the following two additional findings must be met:

> *The deviation from the Transit Area Specific Plan standard meets the design intent identified within the Specific Plan and does not detract from the overall architecture landscaping and site planning integrity of the proposed development.*
>
> *The deviation from the Transit Area Specific Plan standard allows for a public benefit not otherwise obtainable through the strict application of the zoning standard.*

The TASP is a conceptual land use document designed in 2008 and it is being implemented at a faster rate as we near the opening of the future BART station. The document also acknowledged that there may be some deviations from the plan as they relate to development standards and it established a process for consideration. The proposed project includes the following deviations from the adopted plan:

- *Driveway access on Montague Expressway and East Capitol Avenue.*
  The TASP street network requires vehicular access to the proposed project from the Milpitas Boulevard extension. However, the Milpitas Extension has not been constructed and it is located on land not owned or controlled by the applicant. The extension will be constructed at a future date when the adjacent property is redeveloped. In the interim, staff is proposing to allow a temporary right turn access from East Capitol Avenue until the Milpitas Boulevard Extension has been constructed.

- *Underground garage extending more than 5 feet above grade.*
  The TASP limits the amount of an underground garage that may extend above the grade to 5 feet. The proposed garage does extend up to 6 feet in some places on the site, which is a result of the site topography. The project uses raised planters planter beds and site landscaping to shield these elements from view which reduces the visual impacts of these sections.

- *Roadway Network Change*
  The TASP originally laid out a road network for these properties front on E Capitol Avenue based on the projected layout of the plan. Since the construction of the BART station, a major high pressure gas line was relocated in the middle of the block further limiting the development area of 730 E Capitol Avenue. Since that time, the road network has been adjust to push the east west road further to the south to parallel Penitencia Creek and the linear park. This location has been reviewed internally and it still achieves the same goal of an internal road network to remove traffic off of Montague and Capitol.

- *Park Location*
  The TASP also called out for a larger park location closer to Penitencia Creek for the 450 Montague site. The applicant proposed the park at a more internal location to better benefit the site. The parks will still be open to the public and they will be required to provide way finding signage. Furthermore, staff has presented the proposed park locations to the Park, Recreation and Cultural Resources Commission for their input and possible names for the park. The following provides an overview of the PRCRC comments:

  Park Recreation and Cultural Resources Commission (PRCRC)

  Staff presented the proposed park layout and design to the Parks, Recreation and Cultural resources Commission (PRCRC) on Monday, February 1, 2015. Staff reviewed the proposed layout, park elements and requested that the PRCRC provide names for the City Council to consider for the parks. The applicants Landscape Architect presented additional information about the proposed project and answered questions. The PRCRC was receptive to the park and recommended the City Council approve the design and recommended that the Council decide on one of the four names including; J.W. Johnson, Captain Calvin Valpey, O.H.P. Vennum and Charles Beverson for Park A (being West) and Park B (being East). The staff report and minutes have been included in Attachment E.

  Staff brought the proposed park layout back to the PRCRC on March 2, 2015 due to change in the location of the Emergency Vehicle Access, relocation of the trash enclosure and removal of a connecting paseo. The PRCRC was also receptive of the change and comfortable with the additional conditions that staff included. The staff report and minutes are included in Attachment F.

In addition to the TASP Conditional Use Permit allowances, the Zoning Code also requires approval of a Conditional Use Permit for deviations from code provisions for the following:

Tandem parking: The Zoning Code allows the uses of tandem parking spaces with the approval of a Conditional Use Permit. The Zoning Code allows a maximum of 75% for structured garage spaces and 50% for private garages. The proposed development includes 128 tandems spaces in the structured garage (25%) and 144 spaces in private garages (53%). The amount proposed for the Stacked Flats is slightly above the maximum allowed. Staff is in support of the slightly higher number since the proposed product type (one level unit) is one that is not commonly built in the area. This type of unit provides housing opportunities for a larger age group range of residents. Each

building will have a main lobby and elevator to each floor. Each garage space has a private entrance into the building leading to the main lobby and elevator. In addition, the site is in close proximity to the Light Rail and the future BART station; therefore staff is in support of the proposal. In addition, staff has added a Condition of Approval requiring the applicant to enter into an agreement with VTA for the Residential Eco Pass program. This will allow residents to receive the Eco Passes (or Clipper Cards) at a discounted rate due to the developments proximity to VTA Light Rail and BART.

Private Open Space: The Zoning code requires a minimum of 40 square feet for balconies and 50 square feet for patios for all development. The applicant is proposing that the 55 units do not have balconies in Building 1. They are a mix of studios and junior one bedrooms. Their justification is that site will be providing ample outdoor spaces for residents in this will also allow for more livable space in each unit, which is needed in smaller units. The project will have podium open space and the two parks and trail on the site.

Public Benefit

Since the project is requesting a Condition Use Permit through the TASP, the project is required to provide a public benefit at part of the development. Staff has worked with the applicant to design several important components related to the subject site and the remaining site to the east. You may refer to Figure 1 in the report, which identifies these elements. The applicant has agreed to the following:

- Fund a Feasibility Study for the Milpitas Avenue Extension Vehicular and Pedestrian Bridge that will span Penitencia Creek and eventually connect to Sango Court.
- Prepare Construction Drawings for the proposed bridge once the Feasibility Study has been vetted through the City and the Santa Clara Valley Water District and other require agencies.
- Fund the design and construction drawings for the Milpitas Avenue Extension from E Capitol Avenue to the new bridge.
- Provide cost estimates for the construction of the Milpitas Avenue Extension.
- Contribute 53% of the total costs for the construction of the Milpitas Avenue Extension.
- Fund a Feasibility Study for the new Pedestrian Bridge over Montague Expressway near Penitencia Creek.
- Prepare Construction drawings and cost estimates for the construction of the new Pedestrian Bridge.

Overall, the applicant will be providing a substantial amount of funding to design several key elements within the TASP, which are key elements for these several parcels.

Major Vesting Tentative Map

A Major Vesting Tentative Map is required to allow the subdivision of land to allow the creation of 18 building lots for the residential structures. Seventeen of the lot will be created for condominium units in the Staked Flats. The map will also allow Building 1 to be sold off separately to the Rental Division of Lennar. Staff has included a condition requiring the recordation of a Density Averaging Agreement prior to recordation of the Final Map, this acknowledges that the development has been considered as a whole for density calculations and

that no changes in the number of units may change. The requested map is consistent with the General Plan, TASP and Zoning Code in regards to lots sizes and allowable densities.

FINDINGS FOR APPROVAL

Staff has included Findings for Approval in Attachment A for reference. Staff found that the development is consistent with the General Plan, Zoning Code and TASP Goals and Polices. In addition, the project is providing a substantial public benefit by designing several key circulation elements for this subdistrict.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further environmental review pursuant to Section 15168(c)(2) of the CEQA Guidelines because of its consistency with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council (See Attachment B).

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on January 30, 2015. (Two Fridays before the meeting) In addition, 124 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the April 21, 2015 Council agenda.

CONCLUSION

The project represents a high quality, high density compact project near the future BART station. The project would anchor a prominent intersection in the TASP. While the project includes some deviations the project's public benefits will outweigh the exceptions.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing; and
2. Adopt Resolution No. 15-003 Recommending that the City Council approve the proposed project Site Development Permit No. SD14-0017, Conditional Use Permit No. UP14-0024, And Tentative Map No. MT14-0004 for the Lennar residential project located at 450 Montague Expressway based on the finding and subject to the Conditions of Approval in Exhibit 1.

ATTACHMENTS

A: Resolution 15-003
B: Initial Study and Categorical Exemption
C: Plan Set
D: Parks, Recreation and Cultural Resources Commission, Packet and Draft Minutes February 2, 2015
E: Parks, Recreation and Cultural Resources Commission, Packet and Draft Minutes March 2, 2015

RESOLUTION NO. 15-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL APPROVAL OF SITE DEVELOPMENT PERMIT NO. SD14-0017, CONDITIONAL USE PERMIT UP14-0024, AND TENTATIVE MAP NO. MT14-0004 FOR THE LENNAR RESIDENTIAL PROJECT LOCATED AT 450 MONTAGUE EXPRESSWAY

WHEREAS, on October 23, 2014, an application was submitted by Lennar Communities to allow the development of 489 dwelling units on 10.47 acres (46.70 dwellings/acre) in a multi-story building and staked flat units building with three and four stories located at 450 Montague Expressway (APNs: 86-037-004, -019, and -020) zoned Mixed Use Very High Density/Urban Residential with Transit Oriented Development & Site and Architectural Overlays (MXD3/R5-TOD-S) within the Transit Area Specific Plan; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and the Planning Commission recommended that the City Council determine this project exempt and that it is consistent with the TASP EIR approved on June 3, 2008; and

WHEREAS, on March 25, 2015, 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 unanimously recommended approval to the City Council of the project; and

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

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

2. The project is exempt pursuant to Section 15168(c) (2) of the CEQA Guidelines because staff determined that the project is consistent with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council; and

3. The project is consistent with the Milpitas Zoning Ordinance in that the project site meets the density and land use requirements.

4. The project is consistent with the Milpitas General Plan in that the project meets the density and land use requirements.

5. The project conforms to the intent and the specific requirements of the Transit Area Specific Plan, including the Development Standards and Design Guidelines in that the project creates a high density residential project, and a component of public open space with trail.

6. Site Development Permit (Section XI-10-57-03(F))

a. 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 development is of a higher quality architecture located adjacent to the new BART station and existing VTA station. The proposed project will implement the TASP streetscape along all frontages and install parks and trails as identified in the TASP. Although there will not be any other residential building immediately adjacent to the site, it will be the first on the block and will act as an important anchor for the intersection.

b. The project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with this finding because the site located in TASP and consistent with required density and requested a Conditional Use permit for minor deviations from the TASP as allowed in the TASP. The remaining portions of the development are consistent with setbacks open spaces and other development standards. The table below indicates the project setbacks, height, parking and density.

Table 1:
Summary of Development Standards

	Zoning Ordinance/TASP	**Proposed**
Density (Min/Max)	41/75 units/acre	46.7 units/acre
Setbacks (Minimum) Capitol Avenue	49'	49'
Montague Expressway East South	45' 20' 20'	45' 41' 25'
Building Height (Maximum)	12 stories	5 stories
Parking (Minimum)	668 residential + 121 guest = 780	*834 spaces (272 Tandem)**
Maximum encroachment into setbacks by patios, stoops, etc.	± 6'	*6'*
Open Space	Min 40 sq. ft. for balconies and Min of 50 sq. ft. for patios	*Short 16% for some studios and 1 bedroom units on Capitol Ave.* *
* Indicates a Conditional Use Permit is required to allow the proposed deviations.		

Parking for the project complies with the Milpitas Municipal Code, which is a minimum of 780 parking spaces for the entire project based on the bedroom count and parking type (individual garage versus parking structure). The following table summarizes the parking required and provided for the project:

Table 2
Parking Summary

5-Story Rental Building			
Unit Type	**Number of Units**	**Spaces Provided**	**Parking Ratio**
Studios	45	317	1.10
1BR	202		
2BR	104		
Total	***351***		
Tandem Parking Allowed (75% of total required parking)		128	25%
Guest Parking (15% of residential parking)		67	15%
Total		**512**	
Total Required by Code		***511***	
Stacked Flat Units			
Unit Type	**Number of Units**	**Spaces Provided**	**Parking Ratio**
2BR	42	126	1.09
3BR	92		
4BR	4		
Total	***138***		
Tandem Parking Allowed (50% of total required parking)		112	50%
Guest Parking (20% of residential parking)		52	23%
Total		**322**	
Total Required by Code		***269***	

Parking is provided in the parking structure under Building 1 and private garages in the Staked Flat units and open on-site spaces. The project includes tandem spaces which has different requirements for structured parking vs. private garage. The amount proposed in Building 1 is below the maximum allowed of 75% of the total required parking at 25%. The Stacked Flats are at

the maximum allowed of 50%. The project meets the requirements for the remaining parking for the residential units and guest parking. The total parking provided on site meets the minimum required. A Conditional Use Permit is required to allow the use of tandem parking spaces, which has been discussed in the Conditional Use Permit Section.

c. The project is consistent with the Milpitas General Plan and TASP.

The proposed Project is consistent with this finding as discussed previously in the staff report, and because the approved use is allowed in the TASP and it is consistent with the minimum density. The project furthers the goals and policies of the land use element by further implementing the project residential units within the TASP.

d. 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-5	*A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.*	**Consistent**
2.a-G-7	*When considering development proposals, seek "community benefit", such as upgrading infrastructure facilities, constructing new infrastructure facilities, and funding contributions to programs.*	**Consistent**
2.a-I-1	*New developments should not exceed the building intensity limits established in the General Plan.*	**Consistent**
2.a I-2	*Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.*	**Consistent**
2.a-I-8	*Establish redevelopment projects to secure funds that can be used to attract commercial, industrial, and residential development in order to eliminate blight and improve an area.*	**Consistent**

Guiding Principles and Implementing Policies		Consistency Finding
2.a 1-31	*Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*	**Consistent**
2.a 1-32	*Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.*	**Consistent**
2.b-I-3	*Provide housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.*	**Consistent**

7. Conditional Use Permit Amendment (Section XI-10-57-04-(F)(1&2)

a. 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 project is located with the Transit Area Specific Plan and is consistent with the Goals, Policies and Development Standards of the TASP. The project will improve the property frontages by installing new sidewalks, street trees, street lights and landscaping to enhance the area and to provide safe pedestrian access around the site. The requested deviations from the TASP development standards and Zoning Code standards have been found to be acceptable by staff as noted in the staff report. Overall, the development will improve the site and enhance the intersection of Montague Expressway and E Capitol Avenue.

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

See discussion above.

c. The proposed use is consistent with the Milpitas Zoning Ordinance.

In addition to the TASP Conditional Use Permit allowances, the Zoning Code also requires approval of a Conditional Use Permit for deviations from code provisions for the following:

- Tandem parking: The Zoning Code allows the uses of tandem parking spaces with the approval of a Conditional Use Permit. The Zoning Code allows a maximum of 75% for structured garage spaces and 50% for private garages. The proposed development includes 128 tandems spaces in the garage (25%) and 112 spaces in private garages (50%). The proposed tandem spaces are within the maximums allowed. In addition, this type of unit provides housing opportunities for a larger age group range of residents. Each building will have a main lobby and elevator to each floor. Each garage space has a private entrance into the building leading to the main lobby and elevator. The site is in close proximity to the Light Rail and the future BART station; therefore staff is in support of the proposal. In addition, staff has added a Condition of Approval requiring the applicant to enter into an agreement with VTA for the Residential Eco Pass program. This will allow residents to receive the Eco Passes (or Clipper Cards) at a discounted rate due to the developments proximity to VTA Light Rail and BART.

- Private Open Space: The Zoning code requires a minimum of 40 square feet for balconies and 50 square feet for patios for all development. The applicant is proposing that the 55 units do not have balconies in Building 1. They are a mix of studios and junior one bedrooms. Their justification is that site will be providing ample outdoor spaces for residents in this will also allow for more livable space in each unit, which is needed in smaller units. The project will have podium open space and the two parks and trail on the site.

  Based on the analysis above, staff recommends support of the requested deviations through the Conditional Use Permit process.

d. The proposed use is consistent with the Specific Plan.

The TASP is a conceptual land use document designed in 2008 and it is being implemented at a faster rate as we near the opening of the future BART station. The document also acknowledged that there may be some deviations from the plan as they relate to development standards and it established a process for consideration through a Conditional Use Permit. The proposed project includes the following deviations from the adopted plan:

- *Driveway access on Montague Expressway and Capitol Expressway.* The proposed project is only able to be accessed from Montague and Capitol Expressway since the Milpitas Extension has not been constructed and it is located on land not controlled by the applicant. The access for both driveway will be right in and right out with the driveway on Capitol being reduced to right in only once the Milpitas Extension has been constructed.

- *Underground garage extending more than 5 feet above grade.*

The TASP limits the amount of an unground garage that may extend above the grade to 5 feet. The proposed garage does extend more than 5 feet in some places on the site, which is a result of the site topography. The project uses raised planters planter beds and site landscaping to shield these elements from view which reduces the visual impacts of these sections.

- *Park Location*
  The TASP also called out for a larger park location closer to Penitencia Creek for the 450 Montague site. The applicant proposed the park at a more internal location to better benefit the site. The parks will still be open to the public and they will be required to provide way finding signage. Furthermore, staff has presented the proposed park locations to the Park, Recreation and Cultural Resources Commission for their input and possible names for the park. The following provides an overview of the PRCRC comments:

  Park Recreation and Cultural Resources Commission (PRCRC)

  Staff presented the proposed park layout and design to the Parks, Recreation and Cultural resources Commission (PRCRC) on Monday, February 1, 2015. Staff reviewed the proposed layout, park elements and requested that the PRCRC provide names for the City Council to consider for the parks. The applicants Landscape Architect presented additional information about the proposed project and answered questions. The PRCRC was receptive to the park and recommended the City Council approve the design and recommended that the Council decide on one of the four names including; J.W. Johnson, Captain Calvin Valpey, O.H.P. Vennum and Charles Beverson for Park A (being West) and Park B (being East). The staff report and minutes have been included in Attachment E.

  Staff brought the proposed park layout back to the PRCRC on March 2, 2015 due to change in the location of the Emergency Vehicle Access, relocation of the trash enclosure and removal of a connecting paseo. The PRCRC was also receptive of the change and comfortable with the additional conditions that staff included. The staff report and minutes are included in Attachment F.

The requested TASP deviations can be supported as they can and will be mitigated with the development or future roadway improvements. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity or to the public health, safety, and general welfare in that project will improve the area.

The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract

from the overall architectural, landscaping and site planning integrity of the proposed development in that the streetscape treatment to the access off of Montague Expressway and E Capitol will be consistent with the TASP standards as conditioned.

The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard in that the project will provide the following:

- Fund a Feasibility Study for the Milpitas Avenue Extension Vehicular and Pedestrian Bridge that will span Penitencia Creek and eventually connect to Sango Court.
- Prepare Construction Drawings for the proposed bridge once the Feasibility Study has been vetted through the City and the Santa Clara Valley Water District and other require agencies.
- Fund the design and construction drawings for the Milpitas Avenue Extension from E Capitol Avenue to the new bridge.
- Provide cost estimates for the construction of the Milpitas Avenue Extension.
- Contribute 53% of the total costs for the construction of the Milpitas Avenue Extension.
- Fund a Feasibility Study for the new Pedestrian Bridge over Montague Expressway near Penitencia Creek.
- Prepare Construction drawings and cost estimates for the construction of the new Pedestrian Bridge.

8. Major Tentative Map Findings (Section XI-1-20.01)

   a. 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.

9. The Planning Commission recommends the City Council to approve Site Development Permit No. SD14-0017, Conditional Use Permit No. UP14-0024, and Tentative Map No. MT14-0004 for the Lennar Residential Project at 450 Montague Expressway, subject to the above findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on March 25, 2015:

_____

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 March 25, 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal	✓			
Lawrence Ciardella	✓			
Hon Lien	✓			
Rajeev Madnawat			✓	
Ray Maglalang	✓			
Zeya Mohsin (Alternate)			✓	
Demetress Morris	✓			
Gurdev Sandhu			✓	

EXHIBIT 1

CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD14-0017, CONDITIONAL USE PERMIT UP14-0024, TENTATIVE MAP NO. MT14-0004 AND EXCEPTION TO URGENCY ORDINANCE 204.2 FOR THE LENNAR RESIDENTIAL PROJECT INCLUDING A 5-STORY PODIUM BUILDING WITH 351 DWELLING UNITS AND 138 CONDOMINIUM STAKED FLAT UNITS LOC ATED AT 450 MONTAGUE EXPRESSWAY.

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 DEVELOPMENT PERMIT NO. SD14-0017, CONDITIONAL USE PERMIT UP14-0024, TENTATIVE MAP NO. MT14-0004 (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.

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.

4. Modifications to project. Any deviation from the approved site plan, floor plans, 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 Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, in accordance with the Zoning Ordinance. (P)

5. Previous Planning Application: Previously approved Planning Applications for a Site Development Permit No. SD12-0009, Conditional Use Permit UP12-0024, and Tentative Map No. MT12-0005 to allow the development of 474 dwelling units on 7.98 acres (59 dwellings/acre) in a multi-story building located at 450 Montague Expressway (APN: 86-037-004, -020, and -021) shall be rescinded and replaced completely with the adoption of this Resolution. **(P)**

6. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

7. 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)**

8. 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:
   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)**

9. 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)**

10. 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)**

11. 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)**

12. 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)**

13. 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.

14. 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)

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.

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

16. 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)**

17. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on March 25, 2015, 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 City Council or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

18. 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)**

19. CEQA REVIEW (2008 TASP FEIR & 2015 INITIAL: STUDY) : The project shall be subject to all applicable mitigation measures identified with the adopted 2008 TASP DEIR and FEIR (SCH# 2006032091) and those carried over into the 2015 Initial Study that was prepared for the project. The Permittee shall include a written response to the Mitigations identified in the

2015 Initial Study Document with the building permit submittal indicating how each mitigation has been addressed. **(P)**

20. Climate Action Plan Compliance. Prior to issuance of any building permit, the Permittee shall provide a final version of the Appendix C of the Climate Action Plan (CAP). The applicant shall clearly demonstrate compliance with the CAP. **(P)**

21. Project Phasing Plan: The Permitee shall submit a separate project phasing plan to the Building Department for review. The phasing plan shall be consistent with all construction timing conditions contained within the approval and address access, public safety, fire safety and solid waste access during construction. The Permitte shall contact the Building Department for complete building permit submittal requirements. **(ALL)**

22. Garage Parking for the Stacked Flats: The garages spaces for the stacked flats shall be maintained and available for parking for two cars at all times. In addition, the upper panel of the garage doors shall be maintained with clear glass to allow for visual inspection by the property management or Home Owners Association (HOA), this shall be noted in the CC&Rs. The property manager or HOA shall be responsible for enforcement of parking in private garages. **(P)**

23. On-Site Security: The Permittee shall provide 24 hour security of the site to ensure that no additional vandalism occurs on the site until the existing buildings have been demolished and the entire site is secured. The applicant shall keep the site clean and free of debris. (P)

PROJECT SPECIFIC CONDITIONS

24. Construction Timing: Building Permit for no more than 69 of the staked flat units may be issued before issuance of the podium structure building permit (building 1). No more than 103 of the staked flats may receive occupancy before completion of the podium for the apartment building and occupancy has been received for the first phase. The actual numbers of the stacked flats may vary slightly to accommodate the building type and phasing plan subject to review and approval by the Director of Planning and Neighborhood Services. **(ALL)**

25. Architectural Details. Prior to issuance of any building permit, the following shall be demonstrated in the construction plans for the project:
    a. The stucco texture for the walls of the building shall be of sand 20/30 finish.
    b. The stucco for all trim features around windows and doors shall be a trowel smooth finish.
    c. The plans shall clearly demonstrate a 1.5"-2" inch recess for all windows located in stucco wall faces. The applicant may propose alternatives to achieve the recess subject to review by the Planning Director.
    d. The Cementitious Panels shall be mounted in a manner that is clean and consistent with the architectural style. The applicant shall provide a mock-up for staff review and approval prior building permit issuance.
    e. The raised planter beds located around the podium building shall be consistent with the masonry veneer (color and texture) located at the leasing lobby and second entrance.
    f. The white bay elements on building 1-foot shall be reduced in height by 1 foot.

g. The exterior material for the white bay elements shall be further refined to enhance the elements by using a smooth three coast hand troweled stucco surface.
h. Final details for the balcony railings for both product types shall be provided to Planning Division for review and approval. The railings shall be a high quality material and provide architectural interest.
i. The entry elements for Stacked Flats Buildings B and E (6-Plex) shall be further enhanced with the use of specimen trees adjacent to the entry and enhance entry awning.

All architectural conditions shall be reviewed and approved by the Director of Planning and Neighborhood Services prior to issuance of building permits for any construction. **(P)**

26. Landscape/Hardscape. Prior to issuance of any building permit, the following shall be demonstrated in the construction plans for the project:
    a. All benches and low walls shall be constructed with a patterned inset to discourage skateboarding.
    b. The plant material palate shall be enhanced to include additional seasonally fragrant plants. The landscape plan legend shall clearly identify fragrant plant species.
    c. Plantings around the trash enclosure shall be enhanced to include climbing vines on the enclosure and taller evergreen screening such as Fern Pine (Podocarpus).
    d. An alternate plant for Seqouia Sempervrens will need to be included in the building permit set. This species will not grow with reclaimed water.
    e. Raised planter beds around the staked flats shall be covered in a material that is complimentary to the development.
    f. Exposed CMU or split faced CMU is not allowed. All CMU will need to be treated appropriately to compliment the buildings and site. **(P)**

27. Public Parks: Both public parks and associated amenities shall be fully constructed and accepted by City before the 75% occupancy of the development. **(P)**

28. Creek Trail Connection: The trail shall provide a connection (along the private property) to the adjacent site to the east (730 E Capitol). The pedestrian path will need to extend along the side of the trash enclosure to the EVA and consistent with TASP Figure 3-6. In addition, the Permittee shall install a new decomposed granite trail along the creek on the maintenance road. That Permittee shall be responsible for all permitting required from the SCVWD and other agencies. **(P)**

29. Mechanical Venting: All horizontal mechanical venting shall be located on the balconies of each unit or a return wall. If neither option is available, then venting shall be directed through chase to the roof. All vent covers on the exterior shall be the minimum size needed, painted to match the building and be clearly indicated on the architectural elevations. Venting for the on-demand water heaters shall be a high quality material (see Taylor Morrison on McCandless) and may be located above the garage doors for the staked flats and on the balconies in Building 1 if used. The Permittee may propose some alternatives to achieve the goal of screening all mechanical venting, the applicant shall submit a proposal for review by the Planning Director. **(P)**

30. Signs: The Permittee shall submit project identification signs for the review by the Planning Division prior to any Building Permit issuance. **(P)**

31. Density Averaging Agreement: Prior to Final Map approval, the Permitee shall be required to enter into a Density Averaging Agreement. The Density Averaging Agreement shall be signed by the Permittee and recorded prior to approval of the Final map. **(P)**

32. County Transportation Approval: The Permitee shall obtain final approval from the County Transportation Department prior to issuance of building permits for any site improvement adjacent to County right of way. **(P)**

33. Santa Clara Valley Water District (SCVWD): The Permitee shall obtain final approval from the SCVWD for trail improvements on along the creek maintenance road. Final approval and construction shall be completed prior to final occupancy for the last phase in the development (the Phasing Plan shall clearly denote this requirement). **(P)**

34. Public Improvements. Prior to final map approval, the Permittee shall obtain design approval and bond for all necessary public improvements along Capitol Avenue and Montague Expressway including but not limited to the following:
    a. 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.
    b. Frontage Improvements. Prior to final map approval, Permittee shall submit improvement plans for the frontage improvements along Montague Expressway and Capitol Avenue including curbs, gutters, sidewalks, pavement, striping, hardscape, streetlights, landscaping, trees, irrigation, and utilities in conformance with the Transit Area Specific Plan, City Standard Drawings and guidelines to the satisfaction of the Planning Director and the City Engineer.
    c. Pedestrian Creek Trail. Prior to final approval or building permit issuance, the Permittee shall submit improvement plans for the Pedestrian Creek Trail. The trail shall be designed to drain away from the Penitencia Creek. All run-off from impervious surface shall be treated prior to discharge to the creek or the public storm drain system. Permittee shall submit written approval from the Santa Clara Valley Water District for the trail plans.
    d. Utility Relocation. Underground utilities (such as joint trench conduit, utility boxes, etc.) shall be relocated and adjusted as necessary to accommodate the approved frontage sections to the satisfaction of the Planning Director and the City Engineer.
    e. Occupancy. All public improvements shall be installed and accepted prior to the issuance of the first Certificate of Occupancy. **(E)**

35. Onsite Improvements.

    a. Plan Set Coordination. Permittee shall coordinate all plans showing landscape, utility, and hardscape improvements in order to resolve conflicts. **(ALL)**

    b. Modifications to the Site Plan. Any modifications to the site plan shall require an amendment to the tentative map unless otherwise directed by the Planning Director and the City Engineer.

    c. Storm Water Control Plan (SWCP). Prior to building permit issuance, the Permittee shall revise the SWCP to increase the amount of LID treatment within the project boundary.

Credit for Special Project status will not be applied until all LID treatment opportunities are exhausted on the site to the satisfaction of the City Engineer. All changes shall be reflected on the SWCP report and plan sheet. The treatment summary sheet shall be updated.

d. Interim Bioretention Treatment. Permittee shall maintain the interim 100% LID treatment facility located on the future Building 18 site until issuance of the building permit for the superstructure of Building 1.

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 requirement.

f. Building Permit Issuance. The Permittee shall follow the floodplain removal protocol outlined in the project's floodplain analysis. Construction permits will not be issued until each milestone in the analysis is achieved.

g. Floodproofing. The Permittee shall provide a separate floodproofing report describing the floodproofing for all structures that are not removed from the Special Flood Hazard Area. The report shall demonstrate compliance with NFIP Regulations and technical bulletins. The report shall include the floodproofing of mechanical equipment, elevator shaft and equipment, and utilities. Floodproofing details shall also be included in the site improvement plan set and on the floodplain management sheet.

h. Site Improvement Plan Set. Prior to anybuilding 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.

i. Retaining Wall at Street B. The Permittee shall revise the design of the retaining wall to allow for the capture/conveyance of runoff received at the property line. **(E)**

36. Transportation & Traffic Engineering.

a. Emergency Vehicle Access (EVA). The Permittee shall provide a 26' Emergency Vehicle Access easement along Street B on the subject site. **(P/E)**

b. Temporary Right-Out Access to Capital Avenue. Right-out vehicular access on to Capital Avenue is authorized on a temporary basis until the West Leg of S. Milpitas Boulevard Extension (WLSMBE) and the private street along Penitencia Creek are constructed and open to the public. Upon the acceptance of WLSMBE, right-out access to Capital Avenue shall be revoked and the Permittee, and all successors in ownership, shall design and construct all on-site and off-site improvements necessary to restrict the vehicular access on to Capital Avenue to the satisfaction of the City Traffic Engineer. Prior to building permit issuance, the Permittee shall include the design of the ultimate vehicular access to Capital Avenue in the construction documents submitted for onsite and offsite approvals. The Permittee shall provide full disclosure of the temporary right-out access on Capital Avenue to all future residents, tenants, and home owners/property management associations of this

development. This condition and all associated exhibits shall be included in the Conditions, Covenants, and Restrictions (CC&R) for both associations. **(E)**

c. Right-Out Access to Montague Expressway. Prior to final map approval, the Permittee shall obtain Santa Clara County Roads and Airports' (County) approval of the final access design for right-in and right-out vehicular access to Montague Expressway. If County approval is not obtained, the Permittee shall revise the site plan and amend the tentative map to the satisfaction of the Planning Director and the City Engineer. **(E)**

d. Montague Expressway Pedestrian Bridge Overcrossing & Land Dedication: The Permittee shall be responsible for the design, construction drawings and land dedication to accommodate the Montague Expressway Pedestrian Bridge Overcrossing as identified in the TASP. The following items shall be required:
   i) Conceptual Design Study: The Permittee shall submit conceptual designs for the pedestrian overcrossing over Montague Expressway adjacent to Penitencia Creek prior to Final Map Approval. The Conceptual Design shall include studies, survey information and three bridge design alternatives for architectural design. The applicant shall also coordinate with the County during the development of the design document.
   ii) Construction Drawings: The Permittee shall submit 30% construction drawings prior to First Occupancy and Final Construction drawings by 75% occupancy of the project. The final construction documents shall include all studies, reports, estimates, easements, and dedications required to complete the design and shall be submitted to the City for review and approval. Final construction drawings shall not commence until the conceptual design is approved by the City and the Santa Clara County Roads and Airports. The City Engineer and Planning Director may grant additional time to satisfy this condition due to coordination with outside agencies. The Permitee shall request changes in the timeline in writing and included a revised project schedule for review and approval. The Permittee shall dedicate all land and easements required to construct, access, and maintain the overcrossing structure and landing.
   iii) TASP Credit: The pedestrian overcrossing over Montague Expressway is an identified Transit Area Specific Plan (TASP) item and costs for the design and construction drawings will be credited through the TASP Fee Structure. Fee credit will not be provided until all items above have been completed and all supporting documentation verifying all associated costs. All costs shall be tracked separately from the Penitencia Creek Bridge costs. Final credit will be subject to City review of all materials provided. Prior to Final Map Approva, a separate Fee Credit shall be entered into between the parties. **(P/E)**

e. West Leg of S. Milpitas Boulevard Extension (WLSMBE). The construction of WLSMBE is a required improvement for the ultimate circulation of the 450 Montague Expy, 730 E Capital, and 750 E Capital developments. The design of WLSMBE shall include the design of the East Penitencia Creek Vehicular/Pedestrian Crossing and all related utility relocations. The roadway dedication, design, permitting, and construction of WLSMBE and all associated designs, studies, reports, permits and improvements are a shared cost between the three developments and the costs are distributed in proportion to each development's land area. The Permittee shall comply with the following:

i) East Penitencia Creek Vehicular/Pedestrian Crossing Feasibility Study. Prior to Final Map Approval, the Permitee shall submit a study analyzing:

(1) the feasibility of a vehicular/pedestrian bridge across East Penitencia Creek,
(2) the feasibility of alternative crossings, and
(3) a final recommendation based on cost, design, constructability, schedule, permitting (including CEQA), and maintenance.
(4) the feasibility of incorporating potable water and recycled water pipelines in the bridge deck.

The study shall include outside agency coordination, utility relocation, and engineering estimates for design, construction and permitting of each alternative. The feasibility study shall also indentify the required permitting for each alternative.

ii) East Penitencia Creek Vehicular/Pedestrian Crossing. Prior to first occupancy, the Permitee shall submit construction documents, including plans, studies, reports, and estimates for the alternative identified in the feasibility study or as directed by the City Engineer for review and approval.

iii) East Penitencia Creek Vehicular/Pedestrian Crossing. The East Penitencia Creek Vehicular/Pedestrian Crossing is an identified Transit Area Specific Plan (TASP) item and costs for the feasibility study and construction drawings will be credited through the TASP Fee Structure in a separate Fee Credit Agreement to be approved by the City Council prior to final map approval. Final reimbursement would occur after all documents have been provided to the City for review and approval and all supporting documentation for all costs associated with the study and design. These documents shall be tracked separately from the WLSMBE and Pedestrian Overcrossing documents. The Permitee will receive the reimbursement once all materials have been received and processed. **(E)**

iv) WLSMBE Design. Prior to Final Map, the Permitee shall prepare design documents for the WLSMBE Extension. WLSMBE shall extend from Capitol Avenue to East Penitencia Creek and shall align with the proposed S. Milpitas Boulevard Extension from Montague Expressway to Capital Avenue. The WLSMBE typical cross-section shall conform to the TASP approved sections and shall include, but not be limited to, one 11' southbound lane, one 11' northbound lane, one 11' northbound right turn lane, a Class II bike lane in each direction of travel, a 4' minimum raised median island, an 8' parking lane on one side of the street, a 7' planting strip, and 5' sidewalk on each side of the street or as directed by the Planning Director and the City Engineer. WLSMBE design shall include buried utilities such as potable water pipe, pressure reducing valve and vault, recycled water pipe, storm drain pipe, and sanitary sewer pipe. The pressure reducing valve shall be connected into the Zone 2 piping on the east side of Capitol Avenue and the Zone 1 piping on the west side of Capitol Avenue.The WLSMBE street elevation shall be designed and constructed to accommodate the future crossing over East Penitencia Creek pursuant to the TASP-designated street network and the East Penitencia Creek Crossing feasibility study.

v) WLSMBE Improvements. Prior to first occupancy, the Permitee shall submit construction documents, including plans, studies, reports, and estimates for the WLSMBE Improvements to the City for review and approval. The construction documents shall include all related improvements such as the relocation of existing utilities and the installation of traffic signals. Prior to the issuance of any Certificate of Occupancy, the Permittee shall pay for WLSMBE improvements pursuant to the condition below to the satisfaction of the City Engineer.

vi) WLSMBE Cost Share. Prior to first occupancy, the Permittee shall submit an engineer's estimate for all associated costs for the WLSMBE design, construction, management, and land cost assumption of 12% of the total cost of the project and an ENR Construction Cost Index projected out 5 years to the satisfaction of the City Engineer. The Permittee shall pay to the City a fair share contribution of 53% (based on site area of 10.47 acres) of the estimated costs. The Permittee fair share contribution shall be credited for all design costs. The Permitee shall pay the fair share contribution at Final Occupancy or final approval of construction plans or whichever occurs first._ **(E)**

f. Future Traffic Signal at Capitol and WLSMBE. Prior to building permit issuance, the Permittee shall pay a fair share contribution for the construction of a new traffic signal at the E. Capitol Avenue and WLSMBE intersection. **(E)**

37. Utilities. The Permittee shall comply with the following conditions:

a. Water System. Project shall be served by SCVWD Zone 1. A Water Supply Assessment is not required. Contractual water capacity is available. **(E)**

b. Water Service. Building 1 shall be served by separate water meters for domestic and fire services. All landscape located inside the Building 1 footprint shall be served by a separate irrigation meter. Buildings 2-18 may be served by a combined domestic and fire service. Each parcel shall have independent service or shall provide recorded documents allowing reciprocal shared rights. Permittee is alerted that on-site pumping to upper floors may be required. Permittee shall provide backflow protection on all water connections, including fire services, in accordance with City guidelines and USC Manual of Cross Connection Control. **(E)**

c. Hydraulic modeling is required to verify capacity of the adjacent water system piping and determine points of connection to the water and sanitary sewer systems. Permittee shall authorize the City to proceed with hydraulic modeling. All charges shall be applied to Permittee's PJ Account. **(E)**

Waterline Relocation. Permittee is proposing to relocate the public water line in Montague Expressway. The water pipeline shall be located in Montague Expressway, subject to the City and County discretion on the location. Permittee shall connect the southern point of the relocated water line to the water line at Centre Pointe Drive in order to insure reliability looping. **(E)**

d. Montague Expressway Waterline Easement. Prior to final map approval, the Permittee shall secure an easement, for the City of Milpitas benefit, from Santa Clara County for the installation and future maintenance of the relocated water line within the Montague

Expressway right-of-way. The water line shall be placed into service prior to issuance of the first occupancy. If the easement is not needed the Permitee may provide a letter from the County indicating that is not needed and it will be subject to review by the City Engineer. **(E)**

e. Public Landscaping. Street frontage landscaping shall be served by recycled water. The public portion of the proposed recycled water pipelines shall be a minimum of 8 inches in diameter. The Permittee shall install a gate valve and blind flange on the southerly leg of tee to accommodate future extension of the recycled water system. **(E)**

f. Water Supply Emergency. The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes such as dust control and compaction. Landscape planting shall be deferred for any areas designated to use potable water, such as internal podium areas. **(E)**

g. Existing Utilities. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. **(E)**

h. Multistory Buildings. The apartment building shall require water supply pressures above that which the city can normally supply. Additional evaluations by the Permittee are required to assure proper water supply (potable or fire services). The Permittee shall submit an engineering report detailing how adequate water supply pressures will be maintained to the satisfaction of the City Engineer and the Fire Marshall. **(E)**

i. Utilities near Buildings. Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities.

j. Solid Waste Service. This site is recommended to use roll-off style solid waste service. The Permitee shall provide sufficient facilities for on-site storage and collection of solid waste and recyclables. Permittee shall provide a Solid Waste Handling Plan showing how materials will be transferred from Buildings 1-18 to the trash enclosure/external collection point. The Solid Waste Handling Plan shall also address other requirements, such as compaction, chute shut-off, sufficient number of bins, and property management responsibility for bin management and positioning. The Permittee shall demonstrate that sufficient space is provided at Building 1 basement trash areas to house extra containers and the vehicle that will transport the containers to the compactor. Applicant to demonstrate that the site plan provides sufficient space for the solid waste vehicle to perform collection and turn around on-site or provide proof of easement from adjacent property. Permittee shall procure sufficient service frequency and shall provide a minimum of 15 feet vertical (overhead) clearance at the trellis. Permittee shall provide a plan showing solid waste setout locations for Buildings 2-18 that do not block parking spaces. All s olid waste collection facilities shall comply with City guidelines. The compactors

shall be installed and functional prior to issuance of occupancy of the 80th dwelling unit. **(E)**

k. Solid Waste. Prior to issuance of any certificate of occupancy, Permittee shall construct a new trash enclosure to serve the project. The enclosure shall accommodate the required two self-contained compactors at minimum to serve this development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. The enclosure will be subject to the City's review/approval prior to construction of the enclosure. **(E)**

l. Off-Site Recycled Water. Prior to final map approval, the Permittee shall submit construction documents, including plans, studies, reports, and estimates to extend the City's recycled water pipeline. The work consists of installing approximately 1,800 linear feet of new 8 inch diameter recycled water pipeline in Great Mall Parkway starting at Centre Pointe, crossing Montague Expressway, running along Capitol Avenue, and tieing into the Valley Transportation Authority's planned recycled water pipeline extension at South Milpitas Boulevard. Applicant shall secure an easement for the City of Milpitas benefit, from Santa Clara County for the installation and future maintenance of the relocated water line within Montague Expressway. Prior to the first certificate of occupancy, the Permittee shall construct the off-site recycled water pipeline. The Permitee may be reimbursed through the TASP Fee program for the portions of the recycled waterline not in front of their property. The Permitee shall keep accurate records of all construction costs for the installation and shall confer with Utility Staff regarding the segments that need to be tracked separately.

FEES

38. 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 and (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)**

36. Transit Area Specific Plan (TASP) Fees - Prior to any building permit issuance, Permittee shall pay a Transit Area Development Impact fee. The amount of fee to be paid shall be the amount

in effect pursuant to the implementing City Council ordinance or resolution at the time full payment is made to the City at the time of building permit issuance.

37. Fee Adjustments: All applicable fees for the Project may be adjusted prior to building permit issuance. The amount of fee to be paid shall be the amount in effect pursuant to the implementing City Council ordinance or resolution at the time full payment is made to the City at the time of building permit issuance. **(E)**

38. 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 (STANDARD)

39. Community Facilities District (CFD) Annexation: Prior to final map approval, Permittee shall submit an executed consent to annex the subject property into CFD 2008-1 and shall agree to pay the special taxes levied by CFD 2008-1 for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. 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)**

40. 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, parks 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)**

41. 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, recycled water, storm, and sewer system and implement the Solid Waste handling plan. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. **(E)**

CONSTRUCTION (STANDARD)

42. 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)**

43. 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)**

44. Utility Undergrounding: Prior to issuance of the first Certificate of Occupancy, Permittee shall underground all existing wires and overhang utilities (except the distribution lines located at the upper end of the metal towers, lower lines shall be undergrounded) 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)**

45. 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)**

46. 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)**

47. Agency Approval: It is the responsibility of the Owner or Designee 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)**

48. 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)**

49. 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)**

50. 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)**

51. 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)**

52. 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)**

53. 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 (STANDARD)

54. 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)**

55. 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 Owner or Designee'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)**

56. 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)**

57. 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)**

58. 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 (STANDARD)

59. 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)**

60. 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, 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)**

61. 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)**

62. 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)**

UTILITIES (STANDARD)

63. 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)**

64. 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)**

65. 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)**

66. 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)**

67. 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)**

68. Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240); the landscape irrigation systems for street landscape, Park A, Park B, and the project site must be designed to meet the City's recycled water guidelines and connect to recycled water system. To meet the recycle water guideline the developer shall:

    a. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape.
    b. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the California Department of Public Health (CDPH) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and CDPH approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.
    c. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas. **(E)**

d. The on-site recycled water irrigation system shall be split into several parallel systems to the satisfaction of the City Engineer. The purpose is to match construction phasing in order to allow recycled water use at the final occupancy for each phase. For example: Parks A and B would be on one meter, the podium building would be on one meter, the street landscape would be on a separate meter, and the landscaping around the condominiums would be served by two separate meters.

69. 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 (STANDARD)

70. 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)**

71. 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)**

72. 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)**

73. 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)**

74. 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 Added Conditions:

75. Landscaping and Public Art: Applicant to work with staff and City arborist regarding species of trees for site landscaping, the addition of art for the project and energy efficiency improvements for the project. **(P)**

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

2C

MEETING MINUTES

MILPITAS PLANNING COMMISSION
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd., Milpitas, CA

Wednesday, March 25, 2015

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/ SEATING OF ALTERNATE

Commissioners

Present: Chair Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Rajeev Madnawat, Demetress Morris, Hon Lien, Ray Maglalang

Absent: Gurdev Sandhu and Zeya Mohsin

Commissioner Madnawat left the meeting at 8:05 PM

Staff: Steven McHarris, Johnny Phan, Adam Petersen, Shaunn Mendrin, Tim Wong

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission and there were no speakers.

IV. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the March 11, 2015 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as submitted.

Motion/Second: Commissioner Maglalang/Commissioner Madnawat

AYES: 6

NOES: 0

ABSTAIN: 0

V. ANNOUNCEMENTS

Vice Chair Ciardella announced that he met with the developer for the Lennar project.

VI. CONFLICT OF INTEREST

Assistant City Attorney Johnny Phan asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda and Planning Director Steven McHarris announced that item VIII-1 was deferred to the next meeting.

Motion to approve the March 25, 2015 agenda.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

VIII. CONSENT CALENDAR

VIII-1 **PRESENTATION OF THE PROPOSED 2015-20 CAPITAL IMPROVEMENT PROGRAM (CIP):** Presentation of the CIP program, providing an overview of the Proposed 2015-20 CIP Annual Report.

Item deferred to the next meeting.

IX. PUBLIC HEARING

IX-1 **PUBLIC STORAGE REMODEL – 1600, 1601 Watson Ct / 1080 Pecten Ct. – EA14-0001, SD14-0004, UP14-0007:** A request for a Site Development Permit for the complete demolition of nine buildings and partial demolition of five buildings and construction of two new three-story storage buildings and a two-story mini storage building on three existing mini storage parcels and a Conditional Use Permit to allow mini-storage use on the Heavy Industrial Zoning District and apply for an increase in FAR for the additional square footage proposed. A Mitigated Negative Declaration has been prepared and circulated for this project.

Project Planner Adam Petersen reviewed a PowerPoint presentation discussing the project.

Vice Chair Ciardella asked about the location of the 90 parking spaces and asked if they would be rented out. Mr. Petersen showed the location and said the parking spots will be used for patrons of the public storage.

Chair Mandal said he is concerned with RV or boat parking at the site. Mr. Petersen said the spaces are 9'x18' and that it would be difficult to park an RV or a boat in a space that size.

Chair Mandal asked if there is consideration for public art and Mr. Petersen said the applicant has not proposed public art and the public art ordinance has not gone into effect yet.

Applicant Jim Fitzpatrick, Senior Vice President, said there is a demand for public storage and that their internal studies show this as a good location, and he said the parking spaces are for customers and there will not be parking for RV's or boats.

Chair Mandal opened the public hearing and Milpitas resident Robert Marini asked what will happen to the items in the buildings that are being demolished and how they would be relocated, and if there are elevators for access to the 2nd floor.

Mr. Petersen said there are storage units on the 2nd floor and that each building that has more than one floor has an elevator.

Motion to close the public hearing.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

Motion to adopt Resolution No. 15-014 approving Site Development Permit SD14-0004, Use Permit UP14-0007, and Environmental Impact Assessment EA14-0001 to allow the demolition of nine existing public storage buildings and partial demolition of five existing public storage buildings in order to construct two new three-story storage buildings and a two-story mini-storage building and a Conditional Use Permit to allow mini-storage use in the Heavy Industrial Zoning District and an increase in the Floor Area Ratio at 1600 and 1601 Watson Court and 1080 Pecten Court (APN 092-08-093; -042; -051) as submitted with the recommendation that the applicant work with staff regarding the species of trees for the site and the addition of public art for the project.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

IX-2 **LENNAR 450 MONTAGUE – 450 Montague:** A request for a Site Development Permit No. SD14-0017, Conditional Use Permit No. UP14-0024 and a Major Tentative Map No. MT14-0004 for a 351 unit 5-story building and 138 condominium units located on a 10.5 acre site (APNs: 86-037-004, -019, -020, and -021) zoned Mixed Use Very High Density with Transit Oriented Development & Site and Architectural Overlays (MXD3-TOD-S) within the Transit Area Specific Plan (TASP).

Project Planner Shaunn Mendrin reviewed a PowerPoint presentation discussing the project.

Commissioner Madnawat asked if the parks at this project are public or private and Mr. Mendrin said they will be public parks maintained by the developer.

Commissioner Madnawat recused himself and left the meeting at 8:05 PM.

Chair Manda asked what type of energy efficient options are being built into the project and Mr. Mendrin responded that the applicant has to meet a Build it Green checklist and achieve 80 points by including a combination of things such as window types, insulation and energy efficient appliances.

Applicant Alex Waterbury of Lennar Multifamily Communities provided background on the project.

Kevin Ma of Lennar Homes showed a PowerPoint presentation which included a project summary and park overview.

Jessica Musick of KTGY, the design architects and planners on the project, showed a presentation which included photos of the different views of the buildings and discussed architectural aspects of the project.

Chair Mandal asked for an explanation of the energy efficient options for this project and Mr. Ma made reference to the Build it Green compliance program and said they will use high efficiency windows which will help control the temperature in the units and the units they are building are much more efficient in their layout.

Commissioner Morris asked about the trees selected for the site and Colin Bly of Guzzardo Partnership Inc discussed the trees that were selected and said they can work with the city arborist regarding the species of trees.

Chair Mandal opened the public hearing and there were two speakers.

Milpitas resident Robert Marini said there is a shortage of water in the community, City residents have been asked to cut their water use by 20% if possible, yet the City continues to approve more projects and additional units increases the number of gallons of water needed annually. He said the water fee has doubled in a five year span and the cost of living to the residents increases when more housing is added.

Bob Lawler said his family owns a trucking business located at 730 E Capitol next door to the Lennar project and he he is very much in favor of their project. He said he would like to sell the business to a developer but that there has been difficulty doing so due to the uncertainty of the Milpitas Road extension. He discussed Resolution 15-014 Item #36 and said he is concerned with the methodology of 12% of building costs for the construction of the road and is very much against it.

Motion to close the public hearing.

Motion/Second: Commissioner Maglalang/Vice Chair Ciardella

AYES: 5

NOES: 0

Chair Mandal asked about public art for the project and Mr. Mendrin said the public art ordinance has not yet been adopted by City Council but a condition can be added to require public art.

Commissioner Maglalang wants it on the record that he approves of the project but wishes the developer would reconsider including affordable housing.

Motion to adopt Resolution No. 15-003 recommending the City Council Approve Site Development Permit No. SD14-0017, Conditional Use Permit UP14-0024, and Tentative Map No. MT14-0004 with additional conditions that the applicant work with staff and the City arborist regarding the species of trees for site landscaping, the addition of art for the project and energy efficiency improvements for the project.

Motion/Second: Commissioner Morris/Vice Chair Ciardella

AYES: 5

NOES: 0

IX-3 **SUPPORTIVE AND MANUFACTURED HOUSING ZONE AMENDMENTS**: To conform to State law and to implement two Housing Element programs, the City of Milpitas is considering revising its MXD and R2 zoning code. The proposed ordinance revision would permit supportive and transitional housing in the MXD zone and allow manufactured housing in the R2 zoning district. An Addendum to the Housing Element Negative Declaration has been prepared pursuant to Section 15164(b) of the CEQA Guidelines.

Mr. McHarris explained that the Housing Element has been certified by the state but requires zone amendments and staff decided it would be best to return to the Planning Commission and then bring this and the Housing Element together to City Council.

Project Planner Tim Wong provided a PowerPoint presentation.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Vice Chair Ciardella/Commissioner Maglalang

AYES: 5

NOES: 0

Motion to adopt Resolution No. 15-0015 recommending the City Council approve Zoning Amendment No. ZA15-015 and the Addendum to the 2013 Zoning Ordinance Amendments: Housing Element Implementation Project Initial Study and Negative Declaration.

Motion/Second: Commissioner Morris/Commissioner Maglalang

AYES: 5

NOES: 0

X. NEW BUSINESS

No Items

XI. ADJOURNMENT

The meeting was adjourned at 9:30 PM to the next meeting scheduled on Wednesday, April 8, 2015.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Morris/Commissioner Maglalang

AYES: 5

NOES: 0

Meeting Minutes submitted by
Planning Secretary Elia Escobar

LSA

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SAN LUIS OBISPO

M E M O R A N D U M

DATE: March 19, 2015

TO: Shaunn Mendrin, AICP, Senior Planner, City of Milpitas

FROM: Judith H. Malamut, AICP, Principal, Amy Paulsen, AICP, Associate/Project Manager and Nicole Catalano, Assistant Planner

SUBJECT: California Environmental Quality Act (CEQA) Exemption Memo for the 450 Montague Project, Milpitas, California

This memorandum and attachments provide a description of the 450 Montague Project (project) and substantial evidence to confirm that the potential project is exempt from further environmental analysis per Section 15168(c) of the California Environmental Quality Act (CEQA). The approximately 10.5-acre project site is located at 400 and 450 Montague Expressway in Milpitas, Santa Clara County, at the corner of Montague Expressway and East Capitol Avenue. The proposed project would involve the demolition of all existing structures and associated pavements on the site and grading and construction of 489 residential units.

Attachment A provides a project description of the 450 Montague Project (project). This attachment includes a description of the project, location, existing site characteristics, the proposed project and required approvals and entitlements. The City of Milpitas (City) is the CEQA lead agency for the project.

The responses in an environmental checklist (Attachment B) prepared for the project demonstrate for each CEQA topic that because the proposed project was evaluated and impacts were mitigated to the degree possible as part of the Milpitas Transit Area Specific Plan (Specific Plan) Project and EIR, no additional CEQA review is required. CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. The responses contained in the checklist confirm that the project was considered within the scope of the evaluation within the TASP EIR and no new impacts were identified and no new mitigation measures are required.

The City can approve the 450 Montague project as being within the scope of the Specific Plan covered by its EIR and no new environmental document for the purposes of CEQA clearance is required. Pursuant to Public Resources Code section 21166 and CEQA Guideline 15168, the 450 Montague project is exempt from further review under CEQA. This analysis finds that a Notice of Exemption may be prepared for the project and filed with the Santa Clara County Clerk.

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ATTACHMENT A

PROJECT DESCRIPTION

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PROJECT DESCRIPTION

The following describes the 450 Montague Project (project). This section includes a description of the project, location, existing site characteristics, the proposed project and required approvals and entitlements. The City of Milpitas (City) is the CEQA lead agency for the project.

A. PROJECT SITE

The following section describes the location and site characteristics and provides a brief overview of the existing land uses within and in the vicinity of the site.

1. Location

The approximately 10.5-acre project site is located at 400 and 450 Montague Expressway in Milpitas, Santa Clara County, at the corner of Montague Expressway and East Capitol Avenue. The irregularly-shaped site is bounded by Montague Expressway to the west, Capitol Expressway to the north, Penitencia Creek Channel to the south, and office development to the east. Figure 1 shows the site's regional and local context.

Regional vehicular access to the project site is provided by Interstate 80 (I-880), located approximately 3 miles west of the site and by Interstate 680 (I-680), located approximately 1.5 miles east of the site. The future Bay Area Rapid Transit (BART) Milpitas station is currently under construction and will be co-located with the Montague VTA light rail station, approximately 0.30 miles northeast of the project site.

2. Site Characteristics and Current Site Conditions

The generally level project site (Assessor's Parcel Number [APN] 086-37-019, 086-37-020, 086-37-004, and 086-37-021) is located in the southern, light-industrial land use corridor of Milpitas. Approximately 44 percent of the site is currently covered with impervious surfaces, consisting of buildings and paved parking lots, driveways, and walkways. The remainder of the site (approximately 56 percent) consists of pervious vegetated areas.[1]

Two existing office buildings, and their associated surface parking lots, are located on the western portion of the project site. Both structures are one-story in height and are accessible via Montague Expressway. A median island separates the two driveway approaches to the two buildings from Montague Expressway. A row of ornamental trees and other vegetation extends between the two structures. In addition, an electric utility box is also located in the vegetated area between the two properties. The northern building (located at 450 Montague Expressway) is approximately 30,000 square feet and the southern building (located at 400 Montague Expressway) is approximately 40,000 square feet in size.

[1] Carlson, Barbee & Gibson, Inc., 2014. *Stormwater C3 Control Plan*. December 12.

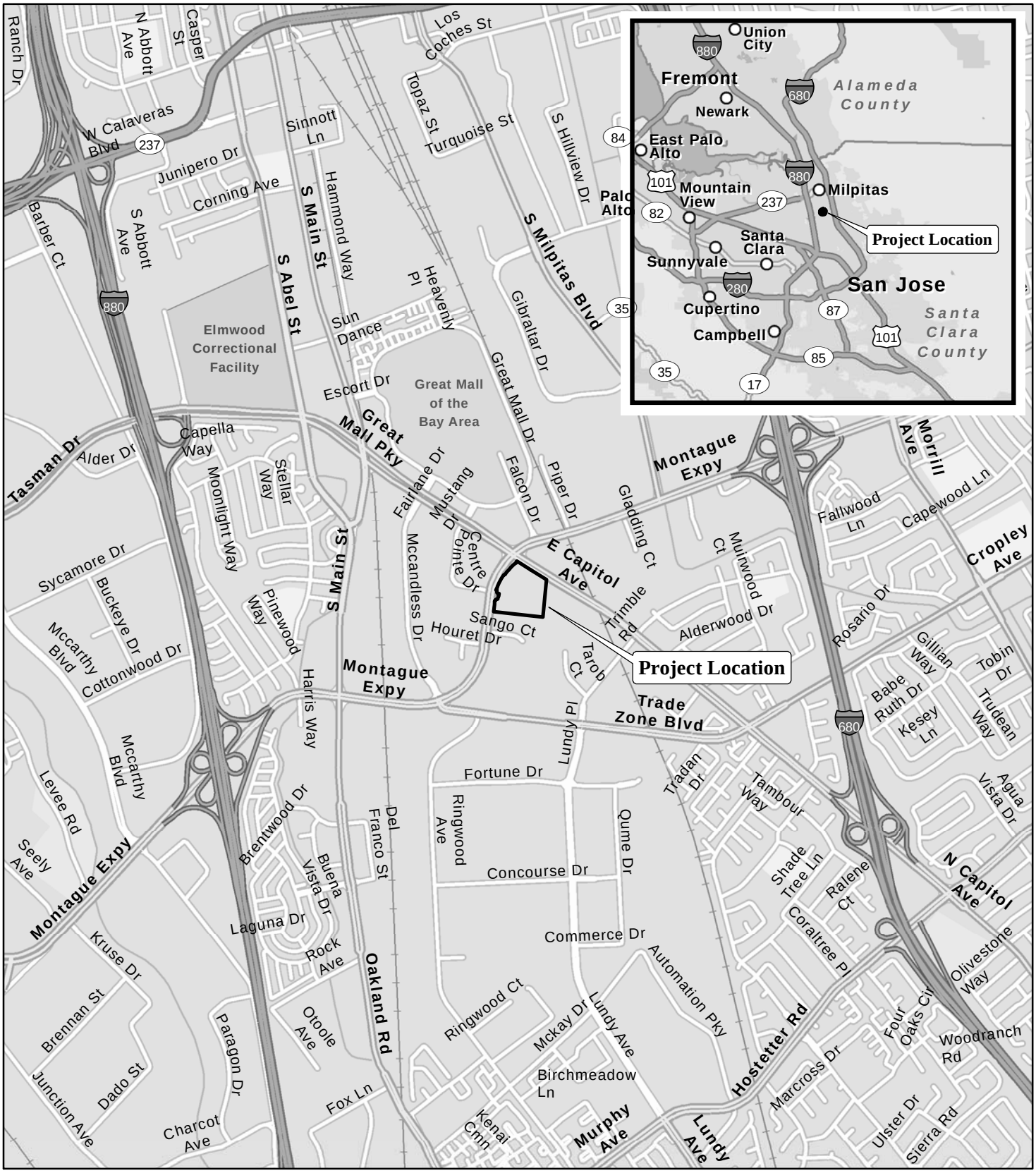

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FIGURE 1

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SOURCE: ESRI StreetMap North America (2012).

I:\MLP1501 450 Montague\figures\Fig_1.ai (1/13/15)

450 Montague Project

Project Location and Regional Vicinity Map

The eastern and northern portion of the project site is largely undeveloped, including the area directly east of the two office buildings, extending north to the corner of Montague Expressway and East Capitol Avenue. This undeveloped area includes grass vegetation with a few shrubs and trees. An unused driveway approach is located near the northeastern edge of the project site along East Capitol Avenue and is surfaced with gravel and rock.

Mature street trees and landscaped areas border the site on the western edge of the project site near Montague Expressway. Approximately 45 trees (which are greater than 15 inches in diameter at breast height) are located within, or immediately adjacent to, the site. A vegetated channel of the Penitencia Creek is located directly south of the project site. Water was flowing in the creek during the site visit on January 14, 2015. A high-pressure gas transmission line is located south of the Penitencia Creek channel.

There are no existing sidewalks along the portions of Montague Expressway and East Capitol Avenue that front the project site.

3. Existing General Plan and Zoning

The project site is currently designated as Boulevard Very High Density Mixed Use and Urban Residential in the City's General Plan. The site is zoned as Mixed Use Very High Density (MXD-3) and Urban Residential (R5). Permitted uses in the Boulevard Very High Density Mixed Use designation include residential, office, commercial and medical. The project would require a Site Development Permit, a Conditional Use Permit and a Major Tentative Map entitlement.

4. Milpitas Transit Area Specific Plan

In 2008, the City of Milpitas adopted the Milpitas Transit Area Specific Plan[2] (Specific Plan) for the area in the vicinity of the future BART and current VTA station. The goal of the Specific Plan is to transform the area into a high-density, mixed-use neighborhood that meets the demand for housing, offices and shopping and that is within walking distance to the future Milpitas BART station. Environmental impacts associated with implementation of the Specific Plan were evaluated in the Milpitas Transit Area Specific Plan Draft Environmental Impact Report (TASP EIR).[3] A Final EIR was released in 2008. The project site was included within the area evaluated within the TASP EIR.

The Specific Plan identifies subdistricts within the Specific Plan area, each having their own policies related to street design, land use, building height, setbacks, parks and building design. The project site is located within two overlapping subdistricts within the Specific Plan: the Montague Corridor Subdistrict and the Trade Zone/Montague Subdistrict.

As noted above, the TASP EIR evaluated the environmental impacts associated with implementation of the Specific Plan. Table 1 shows the housing units and population assumptions evaluated within the TASP EIR and also shows existing and proposed housing development.

[2] Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan,* June, (amended December 2011).

[3] Dyett & Bhatia, 2007. *Draft Environmental Report, Milpitas Transit Area Specific Plan,* October.

Table 1: Existing and Proposed Housing Units and Population with the Specific Plan Area

	Evaluated Within The TASP EIR	Approved Units	Under Construction	450 Montague Project	Remaining Development Available
Housing Units	7,109 [a]	2,122	1,548	489	2,950
Population	17,915 [a]	5,348 [b]	3,901 [b]	1,233 [b]	7,443

[a] Milpitas, City of, 2008. *Final Transit Area Specific Plan EIR*.
[b] Estimated population associated with approved units, under construction units, and the proposed project was determined by using the residents per unit evaluated within the TASP EIR (17,915 residents / 7,109 units = 2.52 residents per unit).
Source: LSA Associates, Inc., 2015.

5. Surrounding Land Uses

The project site is located within a light industrial land use corridor of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial uses. The project site is in close proximity to the Great Mall shopping center in Milpitas, located approximately 0.5 miles northwest of the project site. A Heald College campus and a Marriott Courtyard hotel are also located directly northwest of the project site. Commercial office uses associated with Centerpointe Drive are located directly west of the project site on the other side of Montague Expressway, and a combination of office and light industrial uses surround the project site to the east, south and northeast.

B. PROPOSED PROJECT

This section provides a description of the proposed project as identified in the materials provided by the project applicant that are dated October 17, 2014, and December 15, 2014. The proposed project would involve the demolition of all existing structures and associated pavements on the site and grading and construction of 489 residential units. Figure 2 depicts the proposed conceptual site plan for the project site, and Figures 3a and 3b provide representative conceptual elevations of the project. The proposed project components are described in detail below.

1. Residential Development

The proposed project would develop 489 residential units. The project would feature a combination of two different building types: one multi-story building that features 351 podium flats (apartment units) and 17 individual multi-story buildings that feature a total of 138 stacked flats (townhome units). The podium building (Building 1) would front on East Capitol Avenue and Montague Expressway, with five levels of rental residential units above two levels of subterranean parking. Types of units include studio units (690 square feet), one-bedroom units (719 to 1,083 square feet) and two-bedroom units (1,029 to 1,391 square feet). The ground floor of the podium building would contain a 1,330-square-foot leasing lobby, a 725-square-foot sky deck, and a 6,022-square-foot, two-story indoor amenity.

The project would also include the development of 17 multi-story buildings that include 138 for-sale townhomes. The townhomes (Buildings 2 through 18) would vary in size from 1,057 to 1,779 square feet and would include two- and three-bedroom units. The interior of the building configuration would be varied with 3-plex, 6-plex and 9-plex structures. Building heights for the stacked townhome units would reach four stories plus a roof, extending no more than 45 feet in height. Each townhome would be provided a two-car, above-ground garage.

Building heights along East Capitol Avenue would reach 5.5 stories, and building heights along Montague Expressway would range from 3 stories to 5.5 stories.

In addition to the residential development, the project would build two new driveways, two private roads, landscaped paseos, parks, drive aisles, open space improvements, and improvements to public sidewalks and roadways.

The 450 Montague Project would develop in the lower range of the density and intensity standards than what was assumed in the TASP EIR. The Specific Plan allows a density range from 41 to 75 dwelling units per acre and the project proposes a density of 47 dwelling units per acre. In addition, TASP development policies allow the construction of buildings up to 12 stories in height. The proposed project proposes development that will not exceed 5.5 stories in height. Impervious surface area would not exceed 70 percent. Front yard setbacks would conform to the City's standards: 45-foot landscape setback from the curb on Montague Expressway, plus 15- to 20- foot setback from back of sidewalk; 24-foot planting strips; and 10-foot sidewalks for units facing East Capitol Avenue. Other street facing yards would have 12- to 14-foot setback. Side yard setbacks between buildings would average approximately 20 feet. The Penitencia Creek setback would start at 25 feet from the top of the creek with an additional 18-foot setback to buildings.

2. Open Space and Landscaping

The proposed project would include approximately 86,648 square feet (approximately 1.99 acres) of open space on the site, including two interior courtyards and two interior parks. The majority of the units would have private open space in the form of balconies. However, 16 percent of the podium apartment units would not have balconies (mostly studio and one-bedroom units) due to overall unit size and proximity to noise from a major arterial. The podium building would provide additional open space via two courtyards and a sky deck. There would be two parks (Park A and Park B) within the development, totaling 1.48 acres that would serve as open space and transition areas between the housing types. The project would include two trails for future residents. One trail (Park B extension) would be located between Building 14 and Building 15 and would connect Park B to Linear Park and other local trails and parks in the area. Another trail (Linear Park) would include a 0.49-acre linear park adjacent and parallel to Penitencia Creek on the southern boundary of the project site. In addition, the proposed project would install a decomposed granite trail over the existing maintenance road along the creek in efforts to support the development of public trails along Lower Penitencia Creek.

Approximately 8.0 acres (70 percent) of the project site would be covered with impervious surface and about 3.5 acres (30 percent) would be covered with landscaped areas including lawns, shrubs, and trees. There are 45 protected trees on and immediately bordering the project site, all of which would be removed with development of the proposed project and would be replaced according to City standards.[4] Approximately 324 new trees would be planted along existing public streets and within the project site. Landscaping would be provided throughout the site, including planting strips along public roadways.

[4] Neck of the Woods Tree Service. 2014. *Arborist Report for 400 and 450 Montague Expressway*. October 12.

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FIGURE 2

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SOURCE: KTGY GROUP, INC., JANUARY 23, 2015

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450 Montague Project
Conceptual Site Plan

View of the Building 1 (Podium) apartments from East Capitol Avenue

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FIGURE 3a

450 Montague Project

Representative Conceptual Elevation for Building 1

SOURCE: KTGY GROUP, INC., JANUARY 23, 2015.

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View of the Townhouses from Internal Road

LSA

FIGURE 3b

450 Montague Project

Representative Conceptual Elevations for Townhome Buildings 2 – 18

SOURCE: KTGY GROUP, INC., JANUARY 23, 2015.

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Sidewalks would be constructed on the perimeter of the project site, along Montague Expressway, East Capitol Avenue, the southern boundary of the site by Penitencia Creek (an 8-foot sidewalk is proposed in this location), and the eastern boundary of the project site by Street B. A pedestrian connection would be developed along Penitencia Creek and would terminate at the boundary of the project site to allow future extension by the City.

3. Access, Circulation and Parking

All existing driveway approaches and median islands would be removed. Two new driveways would be constructed to provide access to the development from Montague Expressway and East Capitol Avenue. In addition, two new internal private roads would be built within the development (Street A and Street B) as shown on Figure 2. Street A would be accessible directly from Montague Expressway and Street B would be accessible directly from East Capitol Avenue via the new driveways. Street A would intersect the stacked flats and terminate at its intersection with Street B. The two new streets would vary between 26 and 40 feet in width. Vehicular access to each home in the stacked flats would be provided by 10 private drive aisles.

The two new driveways would both be right-turn only and would have one inbound and one outbound lane. The first driveway would be located on Montague Expressway that would prohibit turns from accessing the eastbound left turn pocket on Montague Expressway at Great Mall Parkway/Capitol Avenue. The second driveway would be a temporary driveway and would be located on East Capitol Avenue, approximately 630 feet south of the Montague Expressway/Capitol Avenue intersection. Access from this driveway to the existing southbound left turn pocket on Capitol Avenue at Montague Station would also be prohibited. All project traffic destined for westbound Montague Expressway would most likely make u-turns at the future intersection of Capitol Avenue/Milpitas Avenue extension, proceed northbound on Capitol Avenue, and turn left at the intersection of Montague Expressway/Great Mall Parkway/Capitol Avenue. A future roadway is planned just south of the project site, which would link the proposed project to the future Capitol Avenue/Milpitas Boulevard extension traffic signal. All movements (left and right turn) would be permitted to and from the project site onto Capitol Avenue at the future location, which is not scheduled to be completed until the properties directly south of the proposed project are redeveloped.

A two-level subterranean parking garage would be located below the podium apartment building. The garage height will vary above grade at some points due to the topography and water table, but would be mostly at grade at major entry points. Entrance into the parking garage would be made accessible via Street B and also by Drive Aisle 1 between Building 2 and Building 3. Ramps to the lower level would be located near these entry points. There is no direct access from Montague Expressway or East Capitol Avenue to the parking garage.

A total of 839 parking spaces will be provided for the entire development, including a total of 111 guest parking spaces. The podium apartment building would have 512 parking spaces in the form of standard, compact and tandem parking. The stacked flats would have 327 parking spaces, mostly in the form of garages and minimal surface parking. A total of 127 short-term and long-term bicycle parking spaces would be provided, a majority of which are for the future residents of the podium flats.

4. Utilities and Infrastructure

The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. The

majority of existing utilities within the boundary of the project site would be removed. Existing and proposed utility connections are discussed below.

a. Water. Water service in the City of Milpitas is provided by the Santa Clara County Water District (SCVWD). Existing water mains within the vicinity of the site are located on Montague Expressway and East Capitol Avenue. One water line would be relocated, from Montague Expressway to the center of the travel lane on Montague Expressway. The applicant proposes to secure an easement from Santa Clara County for the installation and future maintenance of the relocated water line within the Montague Expressway right-of-way. In addition, two existing fire hydrants would also be relocated.

b. Wastewater. The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site. Residential units built as part of the proposed project would connect directly to these lines, which are located on Montague Expressway and East Capitol Avenue.

c. Stormwater. The Santa Clara Valley Water District owns and maintains most of the storm-water infrastructure within the City of Milpitas, including the project site. Existing storm drainage infrastructure surrounding the site includes two principle drainage areas:

- Drainage Area ‘A’: Approximately 3.5 acres of the northern portion of the project site will discharge into the existing storm drain line in Montague Expressway which ultimately flows through an existing outfall into Penitencia Creek. Water discharging from the project site will be treated by a combination of bioretention, raised planters, and media filtration before entering the storm drain system.
- Drainage Area ‘B’: Approximately 8.0 acres of the southern portion of the project site will discharge into the existing storm drain stub on the project site, which ultimately flows through an existing outfall into Penitencia Creek. Water discharging from the project site will be treated by a combination of bioretention and media filtration before entering the storm drain system.

In addition, bioretention areas will be incorporated into the landscape design to provide appropriate vegetation and water quality treatment, including in open spaces, street frontages, and paseos. On site drainage has been designed consistent with the C3 requirements for Low Impact Development and Special Project Categories. All walkways within the open space area of the development will be sloped to drain onto the surrounding landscaping.

This project would extend the existing recycled water main in Centre Pointe Drive to the project site to provide recycled water for irrigation.

d. Electricity and Natural Gas. Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The proposed project would connect to these existing lines and any new electrical lines would be installed underground.

To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen’s 2013 standard building measures for residential buildings and Title 24 requirements.

C. APPROVALS/PERMITS

The following approvals and permits would be required for the project:

- Site Development Permits
- Conditional Use Permits
- Major Tentative Map Permits
- Demolition Permits
- Building Permits
- Off-Site (Encroachment) Permits
- Tree Removal Permits

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ATTACHMENT B

PROGRAM EIR CHECKLIST
PURSUANT TO CEQA GUIDELINE 15168

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PROGRAM EIR CHECKLIST
PURSUANT TO CEQA GUIDELINE 15168

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the 450 Montague Project is within the scope of the Transit Area Specific Plan EIR (TASP EIR) and will have no effects and no new mitigation measures are required, and as such, the City can approve the 450 Montague project as being within the scope of the TASP covered by its EIR and no new environmental document is required. Pursuant to Public Resources Code section 21166 and CEQA Guideline 15168, the 450 Montague project is exempt from further review under CEQA.

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

DISCUSSION

As described in more detail in the project description (Attachment A), the 10.5-acre site currently includes two vacant one-story light industrial buildings, paved driveways and parking areas, an undeveloped area, and trees and landscaping. The proposed project would involve: (1) the demolition of all existing structures; (2) the removal of existing pavement, landscaping and trees; (3) the construction of 18 buildings, housing 489 residential townhomes and apartment units; and (4) the installation of parks, landscaping, trees, and other site improvements. The proposed buildings would be between three to five-and-a-half stories along Montague Expressway.

The project site (400/450 Montague Expressway) is located within two overlapping subdistricts identified in the Specific Plan: the Montague Corridor Subdistrict and the Trade Zone/Montague Subdistrict. Specific policies that apply to each district are outlined further below and would be applicable to the proposed project.

As noted in the TASP EIR, the Specific Plan will enhance the visual and aesthetic character of the planning area by incorporating specific development standards to ensure that impacts to visual resources are less than significant. These development standards and design guidelines are detailed in Section 5 of the Specific Plan and include policies related to street design, land use, building height, setbacks, parks and building design in order to create a unique character for each subdistrict within the Specific Plan area.

The primary potentially significant impact to scenic resources identified in the TASP EIR was the potential for 12- to 24-story buildings along Montague Expressway to block scenic views of the eastern foothills (Impact 3.2-1). The proposed project would include buildings that would be between three to five-and-a-half stories along Montague Expressway, which is significantly shorter than what was assumed in the TASP EIR (12- to 24-story buildings). Additionally, given the varied heights of the proposed structures on the project site, intermittent views of the hills would still be available from the site. Therefore, the proposed project would have a less severe effect on scenic views of the foothills than was identified in the TASP EIR.

The TASP EIR determined that Specific Plan policies related to aesthetics ensure that impacts are less than significant. The design style and materials proposed for the 450 Montague project are consistent with policies of the Specific Plan.

The TASP EIR also addressed the loss of mature trees that serve as visual or scenic resource in the area, specifically on McCandless Drive. The proposed project is not located on or near McCandless Drive and, as such, would have no impact on the mature trees that exist on McCandless Drive. Other than the scenic trees on McCandless Drive, there are no scenic resources located within the Planning area.[1]

The project would involve removal of all existing trees on the site (including 45 trees that are 15 inches or more in diameter as measured at breast height). Any tree removal on the project site would be conducted in compliance with the City ordinance which requires a tree removal permit for the removal of any protected tree and compensation for lost trees as may be requested by the City. The proposed project includes the planting of approximately 314 trees, which is significantly more than the number of trees currently on the project site.

The TASP EIR found that there are potential significant impacts resulting from the introduction of new light and glare in the area (Impact 3.2-2), but concludes that Specific Plan Development Standards related to lighting will minimize light and glare impacts. The proposed project will not cause any new light and glare impacts.

[1] Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008.

The 450 Montague project is generally consistent with the type of development analyzed in the TASP EIR, it reduces the height of the buildings from what was assumed in the TASP EIR, it is consistent with the Specific Plan policies relating to aesthetics, and it would greatly increase the number of trees on the property and within the area. As such, there is no new impact on visual and aesthetic resources.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES TO REDUCE THE IMPACT

Midtown Plan Policies

- *Policy 6.13: Require the undergrounding of new utilities.*
- *Policy 6.14: Prioritize the undergoing of existing above ground facilities within the Midtown Area for the use of PG&E Rural 20A money. Consider using other financial resources to complete the undergoing of utilities, as necessary.*

Specific Plan Development Standards

- Utilities shall be underground or in subsurface conduits and accessible.

Specific Plan Policies

These policies apply specifically to the Montague Corridor Subdistrict:

- *Policy 4.4: A 40 foot wide, landscaped setback is required from the future right of way line of Montague Expressway.* A landscaped setback creates a strong attractive image for the Transit Area, offers an attractive view to residents or employees in the buildings, and provides a buffer from the heavy traffic volumes and automobile exhaust. The setback will contain a double row of trees and a continuous sidewalk, as shown in the Street Sections in Chapter 5. The future right of way refers to Montague Expressway after its planned expansion to eight through-lanes.
- *Policy 4.6: Buildings will be designed with facades facing Montague Expressway.* A building entrance shall be provided facing onto Montague Expressway. The facades facing Montague Expressway shall not have blank walls, service entrances, or other features that make the façade look like the back side of a building. Building facades should contain punched openings similar to window openings, cornice or other details at the top of the building, and any sloping floors must be concealed. Parking structures may only front on Montague Expressway if the façade facing the expressway is of a design quality equivalent to habitable space.

These policies apply specifically to the Trade Zone/Montague Subdistrict:

- *Policy 4.46: Create a deep landscape setback along Capitol Avenue to separate residences from noise and heavy traffic on Capitol Avenue.* See Figure 5-11, Chapter 5 of the Specific Plan.

This policy applies to the entire Planning Area:

- *Policy 6.41: Construct a continuous trail network as delineated in the Transit Area Plan through land dedication and improvements by property owners in coordination with the Santa Clara Valley Water District and the City of Milpitas.*

Other Specific Plan Development Standards:

5. *Lighting*
   a. Lighting should be designed and placed to direct lighting to appropriate surfaces and minimize glare into adjacent areas.
   b. The light source used in outdoor lighting should provide a white light for better color representation and to create a more pedestrian-friendly environment.
   c. Low pressure sodium lamps are prohibited.
   d. To reinforce the pedestrian character of the area, light standards along sidewalks should be approximately 12 to 16 feet in height.
   e. The use of uplighting to accent interesting architectural features or landscaping is encouraged

CONCLUSION

The TASP EIR adequately evaluated the potential aesthetic impacts of the 450 Montague project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
II. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

DISCUSSION

There are no agricultural or forestry resources located within or near the project site. The Specific Plan area is predominantly urbanized and is classified as "Urban and Built-Up Land" by the State Department of Conservation. The City of Milpitas does contain prime farmland between North McCarthy Boulevard and Coyote Creek, north of Route 237. However, this prime farmland is not located within the boundaries of the Specific Plan. The proposed project is also not located on land that is currently under the Williamson Act contract. In addition, the City does not contain woodland or forestland cover, nor land zoned for timberland production

Therefore, the proposed project would not result in a significant impact to agriculture or forestry resources.

APPLICABLE MITIGATION

No new mitigation measures are required.

CONCLUSION

There would be no agriculture or forestry impacts associated with the 450 Montague project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

DISCUSSION

The TASP EIR includes a detailed analysis of the air quality impacts related to the construction and operation of projects associated with implementation of the Specific Plan. The TASP EIR summarizes the air quality impacts on page 3.6-14 as follows:

Air quality impacts resulting from the implementation of the proposed Specific Plan fall into two categories: short-term impacts due to construction and long-term impacts due to operation. Construction activities pursuant to development under the Specific Plan would affect local particulate concentrations primarily due to fugitive dust sources and an increase in other criteria pollutant emissions from equipment exhaust.

Over the long-term, the full implementation of the proposed Specific Plan would result in an increase in criteria pollutant emissions primarily due to related motor vehicle trips. Stationary sources and area sources would result in lesser quantities of criteria pollutant emissions. These pollutant emissions would add to the regional pollution burden and conflict with the implementation of the 2005 Ozone Strategy. Stationary sources and diesel-fueled mobile sources would also generate emissions of TACs including diesel particulate matter that could pose a health risk.

The Bay Area Air Quality Management District's (BAAQMD) guidelines were referenced to determine if a project would conflict with or obstruct implementation of an applicable air quality plan, which for the TASP EIR was the 2005 Bay Area Ozone Strategy.[2] For a plan to be consistent with an air quality plan it must be consistent with population and vehicle miles traveled thresholds, which are:

- The population growth for the jurisdiction should not exceed the values included in the current regional air quality plan, and
- The rate of increase in vehicle miles traveled (VMT) for the jurisdiction should be equal to or lower than the rate of increase in population.

In forecasting future stationary and mobile source emissions and preparing the regional air quality plan, the BAAQMD uses growth projections prepared by ABAG.[3] The 2005 Bay Area Ozone Strategy is based on population projections in the 2003 ABAG Projections. The TASP EIR found that the increase in population in the City is anticipated to exceed the population increase accounted for by the 2003 ABAG Projections, thus resulting in a significant and unavoidable impact (Impact 3.6-1) related to consistency with the applicable Clean Air Plan.

The population growth associated with the 450 Montague project is consistent with the Specific Plan and would not result in any new impacts related to consistency with the applicable air quality plan.

The TASP EIR determined that construction activities that would occur as part of the Specific Plan would generate substantial amounts of dust primarily from “fugitive” sources and lesser amounts of other criteria air pollutants primarily from the operation of heavy equipment construction machinery (primarily diesel operated) and construction worker automobile trips (primarily gasoline generated). The TASP EIR found that with implementation of BAAQMD dust control measures, construction emissions would not be expected to impede attainment or maintenance of ozone standards in the Bay Area. The Specific Plan also developed policies that would reduce construction and demolition

[2] Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

[3] Association of Bay Area Governments, 2003. *Projections 2003*.

related air quality impacts to less-than-significant levels. The 450 Montague project would be required to comply with BAAQMD dust control measures as described in Specific Plan Policy 5.16, which are designed to address short term air pollutants caused by construction and demolition activities.

The TASP EIR analyzed the Specific Plan's long-term impact on localized air quality from increases in traffic. The analysis indicated no violations of ambient carbon monoxide standards at any of the intersections analyzed. Worst-case carbon monoxide concentrations in the vicinity of the intersections would be well below the State and federal ambient air quality standards. Therefore, the 450 Montague project is not anticipated to result in new air quality impacts related to carbon monoxide hot-spots.

As noted in the TASP EIR, the Bay Area is currently designated “non-attainment” for State (1-hour and 8-hour) and national (8-hour) ozone standards and for the State PM_{10} and $PM_{2.5}$ standards. Development of projects associated with the Specific Plan (including the 450 Montague project) could further contribute to non-attainment of air quality standards. The TASP EIR identified this impact is significant and unavoidable (Impact 3.6-5).

Additionally, implementation of the Specific Plan could place sensitive land uses near roadways associated with air pollutant emissions that expose sensitive receptors to substantial pollutant concentrations. The TASP EIR analyzed the impact of toxic air emissions (TACs) on sensitive receptors, such as future residents of the 450 Montague project. The TASP EIR found that compliance with Policy 5.25 and BAAQMD's construction BMPs would ensure that impacts are less than significant. Policy 5.25 requires new residential developers to inform future residents of TAC related health effects.

In compliance with Policy 5.25, the project applicant hired ENVIRON International Corporation to conduct an analysis[4] of the impact of roadways within 500 feet of new residential receptors if traffic on the roadways exceeds 100,000 vehicles per day. The roadways within 500 feet of the proposed project are Montague Expressway, East Capitol Avenue, Great Mall Parkway, Center Point Drive and Sango Court. The results of the analysis found that the total daily traffic volume from all roadways within 500 feet of the project site is approximately 74,000 trips per day, which is below the threshold of 100,000 vehicles per day identified in Policy 5.25. Therefore, the analysis concluded that the City of Milpitas does not require further analysis of TACs from roadway traffic to determine the necessity of the exposure minimization measures for future residents, as residents would not be exposed to substantial pollutant concentrations.

The 450 Montague project is consistent with the type of development analyzed in the TASP EIR and is consistent and therefore, implementation of the project would not result in any new air quality impacts.

APPLICABLE MITIGATION

No new mitigation measures are required.

[4] ENVIRON, 2014. *CEQA Toxic Air Contaminant Roadway Screening Analysis for Proposed Residential Development at 450 Montague Expressway, Milpitas, California.* November 6.

APPLICABLE POLICIES

General Plan Policies

- Policy 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.
- Policy 3.d-I-9: Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.
- Policy 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.
- Policy 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.
- Policy 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.
- Policy 2.b-I-2: Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.

Specific Plan Policies

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 [of the Specific Plan]. The City and/or private property owner shall install sidewalks in areas where they currently do not exist, and where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.*
- *Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes are continuous and designed to be attractive and safe for pedestrians.*
- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy3.16.*
- *Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as day care facilities, schools, nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.*

- *Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.*
- *Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement. This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999).*
- *Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.*

CONCLUSION

The TASP EIR adequately covered the air quality impacts of the 450 Montague project. In addition, ENVIRON International Corporation conducted a CEQA toxic air contaminant (TAC) roadway screening analysis for the proposed project which determined that impacts would be less-than-significant and that further analysis is not required.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	☒

DISCUSSION

The majority of the Specific Plan area is already developed and there are no sensitive habitats identified within the area. The TASP EIR found that the Specific Plan would largely have minimal impacts on biological resources. However, the TASP EIR concluded that proposed development within the Specific Plan would result in removal of landscaping and disturbance to habitat, which could affect wildlife including burrowing owl, nesting birds and common wildlife species (Impacts 3.8-1 and 3.8-2). The TASP EIR also found that development activities near jurisdictional hydrologic features, such as Lower Penitencia Creek, could result in significant impacts (Impacts 3.8-4 and 3.8-5). The TASP EIR concluded that implementation of the proposed policies of the General Plan and Specific Plan would ensure that the impact on biological resources is less than significant.

The only record of special-status species occurring in the area is the burrowing owl. The TASP EIR notes that development of vacant and ruderal lots could result in a loss of burrowing owls or their nests. Since 55 percent of the project site is not developed, the proposed project must adhere to General Plan Policies 4.b-I-4 and 4.b-I-5, and Specific Plan Policy 5.25 to reduce this potential impact to less-than-significant levels.

H.T. Harvey & Associates Ecological Consultants was hired to conduct a burrowing owl survey for the 450 Montague project site on October 17, 2014.[5] The result of the survey found that burrowing owls are currently absent from the site, the site does not currently provide suitable nesting and foraging habitat, and that it is highly unlikely that burrowing owls will occupy the site or immediately adjacent areas given the low quality of habitat on and adjacent to the site. The survey did find evidence of ground squirrel burrows along the Penitencia Creek Channel area that could potentially be used by burrowing owls, but found this to be highly unlikely due to the presence of human activity, the presence of feral cats, and the highly disturbed conditions surrounding the potential burrowing owl habitat. Furthermore, the project would be required to comply with Specific Plan Policy 5.26 requiring pre-construction surveys 30 days before the beginning of construction to ensure that no owls occupy the site.

The TASP EIR found that the removal of trees could have an impact on non-listed special-status nesting raptors and other birds, as trees do provide habitat for birds and have biological value (Impact 3.8-2). Specific Plan Policy 5.26 addresses the impacts of tree removal and non-listed special-status raptors and nesting birds.

The City has a tree and planting ordinance to protect significant trees,[6] which require removal permits. According to the City ordinance, any tree that is located on developed commercial or industrial property or on vacant, undeveloped property is protected if the trunk measures 37 inches or greater circumference at 4.5 feet above the ground. The arborist report for the project site identified 45 trees on the project site greater than 15 inches diameter measured at breast height, all of which will be removed. A tree removal permit is required to remove any protected tree and compensation for lost trees may be requested by the City. Tree removal will also comply with all City requirements to minimize impacts on biological resources during removal. As part of the landscape plan, the applicant proposes to plant 314 trees within and along the street frontage of the project site.

Penitencia Creek is protected under Section 404 of the Clean Water Act. The TASP EIR found that while development could have an impact on wetlands and other waterways associated with Penitencia Creek (Impacts 3.8-4 and 3.8-5), direct impacts on the creek are not likely to occur due to required setbacks from the creek (a minimum of 25 feet from top of bank or from a maintenance road if one exists for creation of a public trail) in addition to required side or rear yard setbacks. The General Plan also requires the project applicant to coordinate with appropriate agencies such as the Corps, California Fish and Game (CDFG), and Resource Water Quality Control Board (RWQCB) if necessary. The General Plan and Specific Plan policies outlined below ensure that impacts would be less than significant. In addition, the 450 Montague Project would have no direct impact on Penitencia Creek and meets the setback requirements for all structures.

The 450 Montague project is consistent with the type of development analyzed within the TASP EIR. Tree removal will be conducted in conformance with the City's Tree Ordinance. As such, there is no new impact on biological resources.

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[5] H.T. Harvey & Associates Ecological Consultants, 2014. *Lennar-Milpitas Burrowing Owl Survey and Habitat Assessment Report (HTH #7647).* October 23.

[6] Milpitas, City of. Municipal Code, Title X, Street and Sidewalks, Section 7 – Tree Protection and Heritage Tree Program.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- Policy 4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.
- Policy 4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

Specific Plan Policies

- *Policy 5.26: For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.*
- *Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
- *Policy 5.29: Per Figure 5-23 G and Tables 5-1 and 5-2 [of the Specific Plan], a minimum 25 foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.*
- *Policy 5.30: Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFG, as required by law. Coordination will include evaluation of existing riparian habitat and development of*

avoidance, minimization, and/or compensatory measures sufficient to procure a Streambed Alteration Agreement with the CDFG.

- *Policy 5.31: For properties adjacent to any waterway in the study area, the following requirements shall apply:*
  - *Any plans for construction over the Santa Clara Valley Water District (SCVWD) fee or easement lands require review and issuance of a permit.*
  - *The SCVWD's Milpitas Pipeline, located at the north end of the study area and adjacent and parallel to the rail line continuing south onto Capitol Avenue at the southern end of the study area, shall be shown on all future plans.*
  - *Projects should generally be consistent with the recommendations developed by the Water Resources Protection Collaborative in the "Guidelines and Standards for Land Use Near Streams."*
- *Policy 5.32: Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.*

CONCLUSION

The TASP EIR adequately evaluated the potential biological impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

DISCUSSION

The TASP EIR concluded that the potential impact of development within the Specific Plan area on cultural resources, including historic, archeological and paleontological resources and human remains was less than significant. However, the TASP EIR concluded that a disturbance to cultural resources could occur during grading and development of individual projects within the Specific Plan area, and that there is a reasonable possibility that archeological deposits could be uncovered and identified during grading (Impacts 3.13-2 and 3.13-3). The TASP EIR identifies several national, State and local laws and policies in the General Plan, Midtown Plan and Specific Plan that would reduce the potential impacts on known or undiscovered cultural resource to less than significant levels.

There are no known historic or cultural resources within the project site.[7] The existing structures that would be demolished as part of the project are approximately 35 years, are typical of light industrial buildings located throughout the State, and are not likely to yield important information about the State or region's history. The project applicant would be required to adhere to all applicable State laws if human remains are discovered, and would be required to follow Specific Plan Policies 5.34 and 5.35 during earth moving activities. Construction of the 450 Montague project would not result in any new impacts to cultural resources.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Santa Clara County and other appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center Office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA standards of significance, construction shall proceed. On the other hand, if the archaeologist determines that further information is needed to evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be

[7] Milpitas, City of, 2015. Cultural Resources Register. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_cultural_resources.pdf (accessed on January 13).

required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Clara County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin,
    - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
    - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission

Specific Plan Policies

- *Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA §§ 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.*
- *Policy 5.35: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.*

CONCLUSION

The TASP EIR adequately evaluated the potential cultural resource impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

DISCUSSION

The TASP EIR concluded that the geologic and soil impacts in the Specific Plan area are primarily related to potential ground shaking and associated ground failure (liquefaction), soil expansion, settlement and soil erosion during construction activities. Since the Specific Plan area is not located within an Earthquake Fault Hazard Zone, the likelihood of surface fault rupture is minimal. In addition, the TASP EIR found that slope instability hazards are also minimal because the surface area in the Specific Plan area is relatively level.

The TASP EIR determined that impacts related to ground shaking, liquefaction, settlement and soil erosion are less than significant when projects are built in accordance with General Plan Policy 5.a.-I-3, the City of Milpitas Municipal Code and NPDES General Construction Permit requirements (Impacts 3.5-1, 3.5-2, and 3.5-3). Specifically, the TASP EIR states that State of California building codes and construction standards contained in Title 24 of the CCR reduce impacts to a less-than-significant level. The 450 Montague project would be designed and constructed in accordance with these requirements.

Projects associated with implementation of the Specific Plan would be required to comply with NPDES General Construction Permit requirements. Project applicants would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) to minimize the discharge of pollutants, including silt and sediment, during construction. The SWPP would need to include measures to control erosion and effectively manage runoff and retain sediment on-site during construction.

Additionally, in accordance with the City Code, building permit applications for subdivisions must be accompanied by a preliminary soils report. The report must address site soil conditions, including expansive soils, settlement, and erosion, and provide recommendations to offset potential soils problems. Compliance with the recommendations included in the preliminary soils report and geotechnical investigation would help reduce potential liquefaction hazards to less-than-significant levels.

The 450 Montague Project is consistent with the type of development analyzed in the TASP EIR and is required to adhere to General Plan and Specific Plan policies relating to building standards and emergency service needs. The 450 Montague Project submitted a Stormwater Control Plan on December 12, 2014.[8]

In addition, the applicant hired Rockridge Geotechnical to prepare a preliminary soils report on January 7, 2014, which was submitted to the City on December 14, 2014. The findings of the preliminary soil report indicated that the project site is bound by the following geotechnical constraints: 1) the presence of 1 to 3 feet of undocumented fill on the site; 2) the presence of highly expansive near-surface fill and native clay; and 3) the potential for differential settlement under static foundation loads due to compression of the thin, light over-consolidated clay layers between depths of 10 and 20 feet.[9] The preliminary geotechnical report makes specific recommendations to lessen these constraints, including: moisture conditioning; blending and re-compacting of the undocumented fill; moisture conditioning the expansive soil and adding non-expansive fill or lime treated soil; the use of supporting foundations below the moisture zone, or the use of stiff, shallow foundations; and the use of conventional shallow foundations to resist the effect of highly expansive near-surface soil.[10] The report also recommends that the expansion potential of the soil and the potential impact on the 450 Montague Project should be further evaluated during the final geotechnical investigation of the

[8] Carlson, Barbee & Gibson, Inc., 2014. *Stormwater Control Plan for 450 Montague, Milpitas, CA*. December 14.

[9] Rockridge Geotechnical, 2014. *Preliminary Geotechnical Study Due Diligence Evaluation*. January 17.

[10] Ibid.

project once a proposed grading plan has been established.[11] Implementation of measures identified in the geotechnical report would be required as a Condition of Approval.

Since the 450 Montague Project would comply with Specific Plan policies, including implementing the recommendations of the preliminary geo-technical report, there is no new impact on geology and soil.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual.* Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.

Specific Plan Policies

- *Specific Plan Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Specific Plan Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.*

CONCLUSION

The TASP EIR adequately evaluated the potential geology and soil impacts of the 450 Montague Project.

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[11] Ibid.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

DISCUSSION

The TASP EIR found that the primary source of greenhouse gas (GHG) emissions related to urban development in the Specific Plan area are anticipated to continue to be from combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are anticipated from construction activity that will occur during the implementation of the Plan. Since the GHG emission rate is related to growth, the Specific Plan promotes policies that reduce energy consumption and fuel usage by encouraging development patterns that will reduce the vehicles miles traveled (VMT) per capita and proposes a variety of actions and policies that can reduce emissions to less-than significant levels.

The TASP EIR found that the rate of increase in VMT would be less than the rate of increase in population due to the mixed-use and transit area nature of new development proposed under the Specific Plan. The TASP EIR found that while the population is expected to increase significantly in the area, a large percentage of that population would use transit options made available to them which in turn would reduce vehicle use. The TASP EIR also found that the increase in VMT will not prevent the reduction of statewide greenhouse gas emissions to 1990 levels.

In 2013, the City adopted the Milpitas Climate Action Plan (CAP),[12] which is considered a Qualified GHG Reduction Strategy by the Bay Area Air Quality Management District (BAAQMD). If the project is consistent with the CAP, it can be presumed that the project will not have significant GHG emissions under CEQA and no further GHG analysis would be required for the project. As shown in Appendix A to this document, the City and the project applicant prepared the Development Checklist from Appendix C of the CAP. Based on the features incorporated into the project by the applicant, the project would be consistent with the CAP.

Additionally, the TASP EIR identifies several Specific Plan policies that reduce the impacts of greenhouse gas emissions associated with growth: planting trees, establishing and implementing a travel demand management program to encourage alternate modes of transportation, providing

[12] Milpitas, City of, 2013. *Climate Action Plan. A Qualified Greenhouse Gas Reduction Strategy*. May 27.

pedestrian and bike routes, providing continuous bicycle circulation routes, requiring provision of bicycle and pedestrian facilities, and requiring new development to facilitate the use of alternate modes of transportation through various programs. These policies are outlined further below and would be applicable to the proposed project.

Regarding electricity consumption, the TASP EIR found that the increase in total demand for electrical energy as a result of the Specific Plan will be reduced to less-than-significant levels by requiring compliance with State, local and Specific Plan energy efficiency policies. These policies (outlined below) will ensure that the additional energy that homes and businesses consume will not impede achievement of the statewide reduction in emissions mandated by the California Climate Solutions Act of 2006 and will ensure that the impact of increased energy consumption in the Specific Plan area is less than significant.

The 450 Montague Project adheres to the building guidelines of the Specific Plan, is consistent with the Milpitas CAP, and promotes reductions in greenhouse gas emissions through high-density development in close proximity to transit. Additionally, while the proposed project would remove all existing trees, the project proposes to plant approximately 314 trees, which will help offset greenhouse gas emissions. The proposed project would result in no new impacts related to greenhouse gas emissions and further analysis is not required.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

Specific Plan Policies related to Greenhouse Gas Emissions

- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.*
- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.*
- *Policy 3.22: Private development shall provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.*
- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the Specific Plan].*

- *Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.*
- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy3.16.*
- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*
- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*
- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*
    - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*
    - *Automatic lighting systems in public buildings and offices; and*
    - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

CONCLUSION

The TASP EIR adequately covered the greenhouse gas emissions impacts of the 450 Montague Project and no new impacts related to greenhouse gas emissions are anticipated.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

DISCUSSION

The TASP EIR concluded that due to past land uses and previously reported hazardous material releases and spills, there are potential impacts associated with existing soil and groundwater contamination in areas of the Specific Plan (Impact 3.4-1). These potential impacts include the risk of upset during demolition and construction activities and could pose a health risk to humans and the environment. All projects implemented as part of the Specific Plan are subject to existing hazardous materials regulations for the use, transport and disposal of hazardous materials. The TASP EIR found that any impact from potential exposure during construction can be reduced to a less-than-significant level with implementation of Specific Plan policies.

Existing structures that would be demolished in the Specific Plan area could potentially include hazardous building materials such as asbestos, PCBs or lead-based paint. Specific Plan Policy 5.21 requires applicants to submit information to the City regarding asbestos-containing building materials, PCBs, and lead-based pain in existing buildings proposed for demolition. The 450 Montague Project would be required to comply with Policy 5.21, reducing this impact to a less-than-significant level.

All new development within the Specific Plan area must comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Full compliance with Title 17 and Title 8 of the California Code of Regulations is also required, which includes implementing work practice standards related to the evaluation and abatement of lead in public and residential buildings and covers construction work where an employee may be exposed to lead.

Advanced Environmental Concepts, Inc. (AEC) prepared a Phase I hazards report for the 450 Montague project site in October 2012. The results of this study identified the following Recognized Environmental Condition:[13]

> Subsurface investigations of soil gas, soil, and groundwater conducted by Enviro Soil Tech and Environmental Guidance have identified concentrations of volatile organic compounds in the three media that exceed applicable regulatory action levels such as the Bay Area ESLs and water quality MCLs. However, the site is under the supervision of the Bay Area RWQCB (Mr. Mark Johnson), and Mr. Johnson has informed both the current consultant of record (Tim Becker of Environmental Guidance) and AEC that due to the low onsite concentrations of VOCs in shallow groundwater that it does not warrant remedial measures.
>
> Therefore, AEC recommends completion of the required groundwater sampling events and obtaining a letter of no further action from the RWQCB. In addition, AEC recommends preparation of a Soil Management Plan to address contingencies that may be identified during the demolition of the existing building and proposed new development.

[13] Advanced Environmental Concepts, Inc., 2012. *Phase I Site Assessment for 450 Montague Expressway*. October.

Arcadis US, Inc. (Arcadis) prepared a Phase I Environmental Site Assessment (ESA) report on March 7, 2014 for the portion of the project site located at 400 Montague Expressway. The findings of this report did not identify environmental concerns related to the historical development and current use of the site other than the following Recognized Environmental Conditions:

- The prior agricultural use of the site indicates the potential for residual pesticides in shallow surface soil.
- The prior use of the site by Vickers for minor vehicle servicing and washing indicates a potential for a release of automotive-related fluids to the site surface.
- The adjacent property north of the site (450 Montague Expressway) had a release of VOCs that impacted groundwater. Based on the hydraulically cross-gradient location, there is a potential that contaminated groundwater has migrated beneath the site.

The applicant will comply with Policy 5.2 and will prepare a Phase I for the 2369 E. Capitol Avenue and 620 E. Capitol Avenue parcels prior to the issuance of the site development permits.

Arcadis later prepared a Limited Phase II hazards report in July 2014 for the 450 Montague portion of the project site, the Capitol Avenue portions, as well as some portions of the 400 Montague site. The purpose of the Phase II hazards report was to assess whether chemicals, primarily volatile organic compounds (VOCs) are present. The report concluded that VOC concentrations in soil and ground-water samples collected during the investigations were below their corresponding residential environmental screening levels (ESLs). However, several VOCs were detected in soil vapor samples that exceeded their corresponding ESLs by one or two orders of magnitude. Arcadis found that the VOC-impacted soil vapor to be limited to the parking lot behind the existing building at 450 Montague and recommend that it can be remediated with soil excavation during site development and that it does not appear that VOC-affected groundwater is a source of VOCs in the soil vapor.

In addition, Arcadis reported that based on RWQCB data, the concentrations of VOCs were declining at the 450 Montague portion of the project site and that the RWQCB issued a letter on December 2013 to the property owner stating that they were considering a “low threat closure” of the property if an Environmental Covenant and Deed Restriction to restrict the use of groundwater was recorded and if a Soil Management Plan was prepared for possible redevelopment of the property with a residential use.

Implementation of the above-mentioned remediation actions, including those associated with soil excavation and the development of a soil management plan, would be required as a Condition of Approval for the project. Implementation of the remediation measures identified in the various environmental reports, as well as a deed restriction, would also be required as a Condition of Approval. In addition, Specific Plan Policy 5.22 requires Risk Management Plans at sites with known contamination issues. As noted above, a Phase II hazards report identified VOC-impacted soil vapor above the associated screening level. The proposed project would be required to develop a Risk Management Plan.

Hazardous materials transportation, use, and disposal would be subject to State and federal hazards materials laws and regulations. Hazardous materials would be required to be transported under DOT regulations as well as ordinances administered by the Milpitas Fire Department and Santa Clara County department of Environmental Health.

The project site is not located within 2 miles of a public airport. Additionally, the proposed project would not be expected to impair implementation or interfere with an adopted emergency plan. Specific Plan Policies 6.49, 6.50, and 6.52 would ensure that adequate emergency services are available.

The 450 Montague Project is consistent with the overall vision of transforming the area from industrial to a new, transit-oriented, mixed-use neighborhood. Since the proposed project would comply with Specific Plan policies, including Policy 5.20, 5.21 and 5.22, there are no new impacts on hazards and hazardous materials.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

Specific Plan Policies

- *Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination.*

  For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs[2]) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings.

  For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

- *Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing*

building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos-containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.

- *Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.*
- *Policy 6.50: The Fire Department shall conduct a "standards of cover" analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional fire department staff will be hired, equipment purchased, and facilities built to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund. These facilities are not expected to be sited within the Transit Area.*
- *Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account.*

CONCLUSION

The TASP EIR adequately evaluated potential impacts related to hazards and hazardous materials at or affecting the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

DISCUSSION

The TASP EIR identified that implementation of the Specific Plan would have minimal impacts on the hydrology and water quality of the Specific Plan area. Potential impacts to groundwater and to streams and rivers are not likely to occur, and the Specific Plan area is expected to maintain the same drainage pattern upon build-out, utilizing existing street gutters and storm drains. Furthermore, the Specific Plan area is also not subject to inundation by seiche, tsunami or mudflow. Potential impacts would be related to stormwater and flooding (Impacts 3.10-3) and water quality (Impacts 3.10-1 and 3.10-2). The TASP EIR concluded compliance with specific municipal policies, General Plan and Specific Plan policies would reduce the impacts related to stormwater quality, runoff, and flooding to less-than-significant levels.

During the construction period, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in runoff. This condition could cause erosion and increase sedimentation in storm drains or waterways within the area. In addition, there is the potential for release of chemicals such as fuels, oils, paints and solvents from construction sites. The chemicals could be transported to nearby surface waterways, groundwater in stormwater runoff, wash water and dust control water. General Plan Policies 4.d-G-1 and 4.d-I-1 and Specific Plan Policies 5-36 and 5-37 would help reduce construction related water quality impacts to less-than-significant levels.

In addition, construction projects are required to prepare a Stormwater Control Plan, which requires implementing Best Management Practices (BMPs) to control stormwater peak flows and pollutant levels. This requirement is stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES). All projects within the Specific Plan area must comply with NPDES requirements, including the proposed project.

The proposed increase in population and traffic associated with the project could increase discharge of pollutants in stormwater runoff beyond current levels after partial or full build-out of the Specific Plan. However, full compliance with the Santa Clara County NPDES permit guidelines for stormwater discharge, General Plan Policy 4.d-G-1, Midtown Policy 6.8, and Specific Plan Policies 5-36 and 5-37 would ensure the impacts would be less than significant.

The Specific Plan area is within a FEMA-designated floodplain. As such, the City has conducted area-wide storm drainage planning that includes Master Grading and Storm Drainage Plans for each subdistrict of the Specific Plan area. The proposed project must comply with the requirements of the Master Grading and Storm Drainage Plans for the Montague Corridor and Trade Zone/Montague subdistricts. Additional impacts related to the floodplain could occur, however, several local and Specific Plan policies identified in the TASP EIR would reduce the impact to less-than-significant levels.

Since the 450 Montague project site is located in a FEMA special flood area, a flood study was conducted for the property by Schaaf & Wheeler Associates on October 21, 2014.[14] The analysis found that the project site has impacts of less than 0.3 feet, neighboring projects would not adversely impact one another, and cumulative impacts would be less than 1 foot. The report found that the proposed project complies with the City of Milpitas Floodplain Ordinance Section XI-15-4.3 (a)(4) and XI-15-5.1 (c)(1), which requires residential finish floor elevations be one foot above the base flood elevation.

The 450 Montague Project conforms to the TASP EIR, and, therefore, there is no new impact on hydrology and water quality.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

City of Milpitas Municipal Policies

- Standards of Construction (Section XI-15-5.1) – specify requirements for anchoring, construction materials and methods, and elevation and flood-proofing
- Standards for Utilities (Section XI-15-5.2) – specify requirements for new and replacement water supply and sanitary sewage systems, and on-site waste disposal systems
- Standards for Subdivisions (Section XI-15-5.3)
- Floodways (Section XI-15-5.6) – specify requirements and constraints for encroachments, and other flood hazard reduction provisions.

General Plan Policies

- Policy 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area.
- Policy 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.

[14] Schaaf & Wheeler Consulting Civil Engineers, 2014. *450 Montague Flood Study*. October 21.

Specific Plan Policies

- *Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge.*
- *Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.*
- *Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.*
- *Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk. The design and development standards in Chapter 5 [of the proposed Plan] must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.*
- *Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.*
- *Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.*
- *Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.*
- *Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.*

Midtown Specific Plan Policies

- *Policy 6.8: Encourage creativity in design of new development in order to reduce stormwater runoff, increase percolation, and improve water quality.*

CONCLUSION

The TASP EIR adequately evaluated the hydrology and water quality impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

DISCUSSION

The TASP EIR concluded that while implementation of the Specific Plan would significantly change the land use designations and pattern of development for the area, impacts related to land use would be minimal. The Specific Plan does not divide an established community because the area was primarily developed with industrial uses prior to the development of the Specific Plan. In addition, there is no habitat conservation or natural community conservation plans within the Specific Plan area.

Existing land use designations in the Specific Plan would change from industrial to residential, mixed-use, and parks/community facilities over a period of 20 years. The changes that occur as a result of the Specific Plan are seen as positive and will include the development of street and trail connections and pedestrian bridges across major arterials to connect resident and employees with jobs, services, parks and transit. New zoning districts associated with the Specific Plan include: MXD2, MXD3, and R5 and edits the "- TOD" Combining District to include MXD2-TOD, MXD3-TOD, R3-TOD, R5-TOD, and MPTOD and revises C2-TOD. These amendments ensure that potential impacts related to inconsistency and altered land use designations are less than significant.

Under the Specific Plan, the proposed project has two land use designations: Boulevard Very High Density Mixed Use and Very High Density Transit Oriented Residential. Permitted uses under the Boulevard Very High Mixed Use designation include residential, office, commercial and medical.

A 1.5 maximum gross FAR and density of FAR of 2.5 may be permitted on individual sites in this land use designation. In addition, building heights of 4-12 stories (20 stories with CUP) are permitted. Permitted densities for residential uses range from a minimum of 41 units per acre minimum average gross density to 60 units per acre maximum average gross density. Small local-serving retail, office, and live/work uses are permitted at ground floor levels.

Permitted uses under the Very High Density Transit Oriented Residential include only residential with densities ranging from 41 units per acre minimum to 60 units per acre maximum gross density. Building heights in this land use designated area range from 4 to 6 stories, with 12 stories permitted near arterials and 20 stories permitted with CUP.[15] The 450 Montague Project complies with the standards of both of these land use designations and would develop in the lower range of the density and intensity standards from what was assumed in the TASP EIR.

The TASP EIR also found that proposed uses would be more compatible with the adjacent residential and commercial uses than existing uses. However, over the planning horizon, the City expects there would be temporary incompatible land uses in the area until the build-out of the Specific Plan is complete. Policies are included in the Specific Plan to address temporary neighboring incompatible land uses. The Specific Plan includes streets, landscaped areas, parks and linear parks that create buffers between the different types of land uses. Conformance with Specific Plan policies (outlined below) will ensure that temporary conflicts between land uses would be less than significant.

The Specific Plan area is intended to be a cohesive neighborhood identified by a similar look and feel in its public spaces and a consistent orientation toward walking and transit usage. However, the area is currently bisected by regional arterial roadways and rail lines that create discrete areas with varying development environments. As a planning and development strategy, the Specific Plan created subdistricts to capitalize on and accommodate these identified areas. Each subdistrict has a carefully chosen plan of land uses, local street grid, and open space assigned to it to generate a character that takes into account existing and future physical conditions as well as expected market demand. Each subdistrict has individual development criteria for setbacks and building location and placement, which would reduce the impact of interactions between adjacent potentially incompatible uses.

The proposed project is within the overlapping Montague Corridor and Trade/Montague subdistricts. The Montague Corridor subdistrict encompasses the area fronting Montague Expressway, which is a broad, high volume roadway that is anticipated to become wider and experience an even greater volume of traffic by the time the Specific Plan is built out. The goal of the corridor is to create a grand boulevard style neighborhood with intense development that is near a major transit station.

The Trade Zone/Montague subdistrict is located east of Montague Expressway and south of Capitol Avenue, extending to the City limits on Trade Zone Boulevard and Lundy Street. The goal of this subdistrict is to create an attractive residential district, with ample green space in the form of a sports field and a creekside park, plus trails along Penitencia Creek. Land Use Policy 4.44 for the Trade Zone/Montague Subdistrict of the Specific Plan requires all projects within this subdistrict to create an interior street parallel to Capitol Avenue in an effort to create a “quiet front door” and “residential

[15] Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008; Chapter 3.

character" for the residents.[16] The proposed project includes two internal roads, Street A and Street B. Street A conforms to Policy 4.44 as it is parallel to East Capitol Avenue and would be extended in the future by adjacent properties as they redevelop. As such, the proposed project would conform to the development standards of both subdistricts, which lessens the impact of incompatible adjacent uses.

Since the land use impacts of the 450 Montague Project are consistent with the impacts identified in the TASP EIR, and because the project would comply with the building standards of the Specific Plan, there is no new impact on land use.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

Specific Plan Policies

- *Policy 3.8: Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*
- *Policy 3.9: Maintain the Midtown Plan's gross floor area policy, which excludes all areas of a building devoted to parking from FAR calculations.*
- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.2.4) shall apply to the entire area of the Transit Area Specific Plan.*

Montague Corridor Subdistrict Policies

- *Policy 4.1 (MON): High rise buildings are encouraged along Montague Expressway.*
- *Policy 4.2 (MON): New curb cuts and auto access onto Montague Expressway are strongly discouraged, unless specifically indicated on the Plan map.*
- *Policy 4.3 (MON): Parcels fronting Montague Expressway are permitted to contain residential, employment, or hotel uses.*
- *Policy 4.4 (MON): A 45 foot wide, landscaped setback is required from the future right of way line of Montague Expressway.*
- *Policy 4.5 (MON): New development along Montague Expressway must dedicate land, such that a total of 79 feet from the roadway centerline is provided, to accommodate the future Montague Expressway widening project.*
- *Policy 4.6 (MON): Buildings will be designed with facades facing Montague Expressway.*

Trade/Montague District Policies

- *Policy 4.43 (TR-M): Create a new street that aligns with the Milpitas Boulevard Extension with a traffic signal that allows left and right turns from Capitol Avenue.*

[16] Dyett and Bhatia, *City of Milpitas Transit Area Specific Plan,* June 2008. Chapter 4.

- *Policy 4.44 (TR-M): Create an interior street parallel to Capitol Avenue.*
- *Policy 4.45 (TR-M): Do not locate curb cuts for driveway or garage access on Capitol Avenue.*
- *Policy 4.46 (TR-M): Create a deep landscape setback along Capitol Avenue to separate residences from noise and heavy traffic on Capitol Avenue. See Figure 5-11, Chapter 5 of the Specific Plan.*
- *Policy 4.47 (TR-M): Create a street connection between Sango Court and the new residential area to the south and east when the Sango Court area redevelops for residential use.*
- *Policy 4.48 (TR-M): Provide street connections from residential and mixed use development on Montague Expressway to the park and residential neighborhoods within this subdistrict.*
- *Policy 4.49 (TR-M): Create street connections, bike connections, and pedestrian connections across the creek channel.*
- *Policy 4.50 (TR-M): Prevent cut-through traffic avoiding the Montague/Capitol intersection.*
- *Policy 4.51 (TR-M): Create a deep landscape setback along Trade Zone Boulevard to buffer residential uses from the office/R&D/industrial uses across the street in San Jose, and to provide an overall attractive street appearance.*
- *Policy 4.52 (TR-M): Access to private parking should be from local streets that do not abut a park.*
- *Policy 4.53 (TR-M): Provide 30 foot landscape setbacks with a double row of trees between the BART track and residential buildings.*
- *Policy 4.54 (TR-M): Provide very high-density residential near BART and light rail stations, served by a linear park along the drainage-way. Provide high-density residential development at the interior of the subdistricts, serviced by neighborhood parks with sports fields.*
- *Policy 4.58 (TR-M): Buildings fronting on Capitol Avenue must be designed to minimize impacts of traffic, noise and pollution on the residential units that face Capitol Avenue.*

CONCLUSION

The TASP EIR adequately evaluated the land use impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

DISCUSSION

The City of Milpitas General Plan does not identify mineral resources within the Specific Plan area. Therefore, the 450 Montague Project has no new impact on mineral resources.

CONCLUSION

The TASP EIR adequately evaluated the mineral resource impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

DISCUSSION

The TASP EIR found that the implementation of the Specific Plan would result in temporary and intermittent construction-related noise impacts (Impact 3.7-4) as well as long-term operational impacts from the increase in roadside noise levels (Impact 3.7-1) and the exposure of sensitive receptors to noise levels above the standards (Impact 3.7-2). The TASP EIR also found that due to the transit-oriented and mixed-use nature of the Specific Plan area, there would be exposure to groundborne noise and vibration from future BART activity (Impact 3.7-3). The TASP EIR cites General Plan and Specific Plan policies to ensure that these impacts are less than significant.

Traffic-related noise levels would increase on local roadways within the Specific Plan area. Significant noise impacts, as a result of traffic, are expected for segments of Great Mall Parkway and East Capitol Avenue, which are adjacent to the project site. Noise analysis conducted as part of the TASP EIR found that these segments would reach traffic specific noise level estimates of 70.4 dBA by 2030.[17] In addition, peak-hour noise levels along Montague Expressway would expose future residents to noise levels of 65 to 70 dBA, placing the proposed project in an area considered "conditionally acceptable" per the land use noise compatibility guidelines of the City of Milpitas General Plan.[18] Noise impacts to new multi-family residential or hotel development along these road segments would be mitigated to a less-than-significant level by policies in the General Plan and Specific Plan.

General Plan Policy 6-I-2 requires that projects within "conditionally acceptable" or "normally unacceptable" exterior noise exposure areas prepare a an acoustical analysis and implement measures to reduce noise to acceptable levels. A noise study was conducted on October 30, 2014 by Charles M. Salter and Associates for the 450 Montague Project, which analyzed noise from traffic and the VTA light-rail line that runs along East Capitol Avenue. The study found that current noise levels at the

[17] Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008; *Section 3.7-14. Table 3.7-4.*

[18] Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008; *Section 3.7-23.*

project site are at normally unacceptable levels.[19] The study provides recommendations to reduce sound levels to acceptable levels, including the use of sound-rated assemblies for exterior façades, windows, and doors and the use of mechanical ventilation. Pursuant to General Plan Policy 6-I-2 and 6-I-4, the project must include measures identified in the noise study as well as Specific Plan policies to reduce sound levels to acceptable levels. A detailed analysis of the noise reduction requirements must be made as well as noise insulation features included in the design. Implementation of these actions would be required as a Condition of Approval for the proposed project.

The Santa Clara Valley's VTA's BART Extension SEIR[20] has developed specific mitigation measures to reduce future noise and vibration impacts as a result of the new BART extension project in Milpitas. Additional Specific Plan policies 5.13 and 5.14 also address these impacts.

The TASP EIR identifies temporary, short-term noise impacts as a result of construction activity that would occur intermittently during the implementation of the Specific Plan. The TASP EIR concludes that these impacts would be less than significant with implementation of several policies, including General Plan Policy 6-I-13 and Specific Plan Policy 5.15. As the 450 Montague project would be required to comply with the Specific Plan and General Plan policies, the project's construction would not result in additional noise impacts, beyond those analyzed in the TASP EIR.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.
- Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.
- Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.
- Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.
- Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.

[19] Charles M. Salter and Associates, 2014. *Due Diligence Environmental Noise Study 450 Montague Expressway*. October 30.

[20] Santa Clara Valley Transportation Authority, 2007. *Draft Supplemental EIR,* January; and *Final Supplemental EIR,* May.

- Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.
- Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.
- Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.
- Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

Specific Plan Policies

- *Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels. The particular policies of note are Policies 6-I-1 through 6-I-16.*
- *Policy 5.11: Construct masonry walls to buffer residential uses from BART and UPRR train tracks. These walls will be constructed by residential developers. They may be located within the landscaped buffer along the tracks*
- *Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.*
- *Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measure to reduce vibration to acceptable levels.*
- *Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance. Mitigation may include a combination of techniques that reduce noise generated at the source, increase the noise insulation of the receptor or increase the noise attenuation rate as noise travels from the source to the receptor.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*
- *Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these*

sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.

- *Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation—when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.*

CONCLUSION

The TASP EIR, with incorporation as a Condition of Approval of the noise reduction measures identified in the project's noise impact analysis, adequately covered the noise impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION

Implementation of the Specific Plan would transform a predominantly industrial area by adding high intensity residential developments near transit to maximize transit ridership and to create a vibrant residential community that is in close proximity to jobs, parks and retail uses.

The TASP EIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the Specific Plan area. The TASP EIR assumes that the population growth is concentrated in this area and that the Specific Plan would increase the City's

housing stock by 39 percent and its population by 28 percent based on 2006 estimates from the California Department of Finance.[21]

The TASP EIR concluded that the population and growth impacts associated with the Specific Plan are adequately addressed by the City's Housing Element. Table 1 below includes the housing and population assumptions evaluated within the TASP EIR and also shows existing and proposed housing development within the Specific Plan area. As the population and housing units proposed by the project would fall within the total development anticipated by the TASP EIR, the project would result in no new impacts associated with population and housing.

Table 1: Existing and Proposed Housing Units and Population with the Specific Plan Area

	Evaluated Within The TASP EIR	Approved Units	Under Construction	450 Montague Project	Remaining Development Available
Housing Units	7,109 [a]	2,122	1,548	489	2,950
Population	17,915 [a]	5,348 [b]	3,901 [b]	1,233 [b]	7,443

[a] Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008.
[b] Estimated population of the associated approved units, under construction units, and the proposed project was determined by using the residents per unit evaluated within the TASP EIR (17,915 residents / 7,109 units = 2.52 residents per unit).
Source: LSA Associates, Inc., 2015.

APPLICABLE MITIGATIONS

No new mitigation measures are required.

CONCLUSION

The TASP EIR adequately evaluated the population and housing impacts of the 450 Montague Project.

[21] Dyett and Bhatia, *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan*, October 2007; and *Final Environmental Impact Report, Milpitas Transit Area Specific Plan*, May 2008.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

DISCUSSION

The Specific Plan area contains portions of three school districts: the Milpitas Unified School District (MUSD), Berryessa Union School District, and East Side Union School District. The TASP EIR evaluated the impact that the Specific Plan's anticipated 18,000 residents, and associated increase in expected student population, would have on the three school districts. The TASP EIR concluded that build-out of the Specific Plan will require at least one new elementary school within MUSD and the expansions of existing facilities. The TASP EIR identified a significant and unavoidable impact related to an increased demand for school facilities (Impact 3.9-1).

The project site falls within the Berryessa Union School District and the East Side Union School District attendance boundaries. Projected student enrollment rates associated with the build-out of the TASP are as follows: 233 students for East Side Union High School District and 330 students for Berryessa Union School District.[22]

Due to the project's location, school-aged children would be expected to attend Northwood Elementary and Morrill Middle School in the Berryessa Union School District.[23] Northwood Elementary has a

[22] Dyett and Bhatia, 2008. *Milpitas Transit Area Specific Plan, p. 3.9-8.* May.

[23] Berryessa Union School District, 2015. Margot Sandoval, Administrative Assistant, Business Services. Written communication with LSA Associates. January 27.

current student enrollment of 446 and a capacity of 648.[24] The TASP identifies the elementary school student generation rate for the district as 0.046 students per unit.[25] As such, the proposed project would generate 22.5 new students that would attend Northwood Elementary. Morrill Middle School has a current enrollment of 730 students and a capacity of 1,024 students.[26] The TASP identifies the middle-school student generation rate to be 0.016 students per unit.[27] Based on this rate, the proposed project would generate 7.8 students that would attend Morrill Middle School. The number of elementary and middle-school students generated by the proposed project would be within the capacity range of these two schools.

High-school aged students would be expected to attend Independence High School in the East Side Union High School District.[28] Independence High School has a current enrollment of 3,126 students and a capacity to serve a total of 3,744 high school students.[29] The student generation rate for Independence High School is 0.078 students per multi-family housing unit.[30] Since the proposed project would develop 489 residential units, the expected number of high school-aged students generated from the proposed project would be 38.2, which is within the existing capacity of Independence High School.

Policies in the General Plan, Midtown Plan and Specific Plan would reduce the impact and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and consider joining use agreements for potential shared facilities; as well as applicant payment of school impact fees pursuant to State Government Code 65995 to 65998, which is a means of offsetting development's school impacts. As the above information illustrates, residential growth associated with implementation of the proposed project would fall within the growth parameters evaluated within the TASP EIR and the proposed project's impacts on schools have been adequately analyzed in the TASP EIR; as such, the project would not result in a new impact to school facilities.

The TASP EIR concluded that the fire department would need to expand an existing fire station and/or construct a new station, in addition to providing additional staff and equipment, to adequately serve the development associated with implementation of the Specific Plan (Impact 3.9-2). The TASP EIR noted that under the National Fire Protection Association (NFPA) standard of one firefighter per 1,000 residents, 18 new firefighters would be needed. Policies contained in the Milpitas General Plan and the Specific Plan would help to ensure that even with new development anticipated in the Specific Plan, Milpitas Fire Department response times remain consistent with National Fire Protection Association Standard 1710. Given this, less-than-significant impacts to the provision of

[24] Berryessa Union School District,2015. Margot Sandoval, Administrative Assistant, Business Services. Written communication with LSA Associates. February 26.

[25] Dyett and Bhatia, 2008. *Milpitas Transit Area Specific Plan*, *p. 3.9-7*. May.

[26] Berryessa Union School District,2015, op. cit.

[27] Ibid.

[28] East Side Union High School District, 2015. Marcus Battle, Associate Superintendent. Written communication with LSA Associates. January 28.

[29] Ibid.

[30] Ibid.

fire services are anticipated. As the population and housing units proposed by the project would fall within the total development anticipated by the TASP EIR, the project would result in no new impacts associated with fire services.

As noted in the TASP EIR, implementation of the Specific Plan would increase the long-term demand for police assistance and new staff and equipment would be required (Impact 3.9-3); however, a new police station would not be warranted. An addition of 26.3 police offers would be needed to service the Specific Plan's increase in population. Policy 6.45 of the Specific Plan would ensure that there are adequate police services in place to serve the Specific Plan area, including the proposed project. As such, the TASP EIR concluded that the impacts to police services would be less than significant. The 450 Montague Project also adheres to policies in the Specific and General Plan, and because the population and housing units proposed by the project would fall within the total development anticipated by the TASP EIR, the project would result in no new impacts associated with fire services.

The TASP EIR concluded that the combination of Parks/Plazas and Linear Parks meets the expected park requirements for the Planning Area given the anticipated population associated with implementation of the Specific Plan. All land shown in the Specific Plan as parks or landscape buffers with trails must be dedicated as public parks to meet the requirements (or an equivalent amount of land if park locations are adjusted). The TASP EIR concludes that the impacts to parks would be less than significant because of various policies regarding open space requirements, park land dedication and in-lieu feeds for new development. The Specific Plan also provides numerous policies related to parks which are incorporated into the Parks and Recreation section (Section XV, Recreation) of this checklist. The 450 Montague project would comply with all applicable policies regarding the provision and design of open space and parks, and would include the provision of two parks on site, connection to the new trail along Penitencia Creek. Additionally, the proposed project would install a decomposed granite trail over the existing maintenance road along the creek in efforts to support Policy 3.54 of the Specific Plan, which is focused on developing a network of public trails along Penitencia Creek.

The TASP EIR adequately evaluates public service impacts and the proposed project's impacts are adequately included in and analyzed by the TASP EIR. Therefore, the 450 Montague Project has no new impact on public services.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- Policy 2.c-I-1: Continue working with Milpitas Unified School District (MUSD), Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.
- Policy 2.c-I-3: Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fees when necessary

to comply with statutory changes. Following this policy will permit the MUSD to update school fees for developers to cover the cost of constructing a new school and expanding Milpitas High School.

- Policy 5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.

Midtown Specific Plan Policies

- *Policy 6.20: Coordinate with the school districts in planning for adequate public school facilities.*

Specific Plan Policies

- *Policy 6.46: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.*
- *Policy 6.44: The City will ensure that all school impact fees are paid from individual projects prior to the issuance of any building permits.*
- *Policy 6.44: The City and the school districts located in the Transit Area should consider entering into a joint use agreement, allowing public use of a new school's playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the Transit Area's public parks requirement. The school building should include facilities that can be accessed and used for community events.*
- *Policy 6.50: The Fire Department shall conduct a "standards of cover" analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional fire department staff will be hired, equipment purchased, and facilities built to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund. These facilities are not expected to be sited within the Transit Area.*
- *Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts. The new station should be chosen to minimize noise and traffic impacts on existing land uses.*
- *Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account.*
- *Policy 5.3: All streets (public & private) shall be consistent with the street sections in Chapter 5 [of the proposed Plan] and shall meet any additional Milpitas Fire Department fire apparatus design requirements for access and firefighting operations.*

CONCLUSION

The TASP EIR adequately evaluated the public service impacts of the 450 Montague Project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

DISCUSSION

Public parks identified in the Specific Plan have three main forms: Parks/Plazas, Linear Parks, and Landscape Buffers. The TASP EIR concluded that the combination of Parks/Plazas and Linear Parks would meet the expected park requirements for the Specific Plan area given the anticipated population at full implementation of the Specific Plan. All land shown in the Plan as parks or landscape buffers with trails must be dedicated as public parks to meet the requirements (or an equivalent amount of land if the park locations are adjusted), and recreation impacts would be considered less than significant.

The proposed project would include approximately 86,648 square feet (approximately 1.99 acres) of open space on the site, including two interior courtyards and two interior parks. The majority of the units would have private open space in the form of balconies. However, 16 percent of the podium apartment units would not have balconies (mostly studio and one-bedroom units) due to overall unit size and proximity to noise from a major arterial. The podium building would provide additional open space via two courtyards and a sky deck. There would be two parks (Park A and Park B) within the development, totaling 1.48 acres that would serve as open space and transition areas between the housing types. The project would include two trails for future residents. One trail (Park B extension) would be located between Building 14 and Building 15 and would connect Park B to Linear Park and other local trails and parks in the area. Another trail (Linear Park) would include a 0.49-acre linear park adjacent and parallel to Penitencia Creek on the southern boundary of the project site. In addition, the proposed project would install a decomposed granite trail over the existing maintenance road along the creek in efforts to support the development of public trails along Lower Penitencia

Creek. The City's Parks, Recreation and Cultural Resources Commission would review the proposed park layout and design prior to submitting the project to the City Council for approval.

The TASP EIR adequately evaluated the environmental impacts associated with implementation of the Specific Plan, including parks and recreation impacts. Development of the proposed project would fall within the development assumptions evaluated within the TASP EIR. Therefore, the proposed project has no new impact on parks and recreation.

APPLICABLE MITIGATION

No new mitigation measures are required.

APPLICABLE POLICIES

Midtown Plan Policies

- *Policy 3.24: Require new residential development to provide public parks at a ratio of 3.5 acres per 1,000 persons, of which up to 1.5 acres per 1,000 persons can be developed as private or common open space.*
- *Policy 3.26: Encourage new or expanding office and public/quasi-public uses to provide publicly accessible outdoor open spaces (plazas, gardens, arcades) as a part of new development. Ensure that open spaces are linked to sidewalks and pedestrian paths.*

Specific Plan Policies

- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.24) shall apply to the entire area of the Transit Area Specific Plan. Parks are required at a ratio of 3.5 acres per 1,000 people, with at least 2.0 of those acres publicly accessible. Land dedicated for public parks or trails shall fulfill the park land requirements. In addition, 20 percent of a landscape buffer area along a street or public right of way may count towards the public park requirements, when it includes trails or wide sidewalks connected to an overall pedestrian/bike circulation network.*
- *Policy 3.39: Develop between 32 and 47 acres of public park space in the Transit Area, with a goal of around 36 acres. This target is based on the Midtown Milpitas Specific Plan's parks standard of 2.0 acres of public park land per 1,000 residents, applied against the minimum and maximum population expected in the Transit Area. The 36 acre goal, which includes parks, plazas and linear parks, is generated from the Transit Area's expected final population.*
- *Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the Specific Plan]. Minor adjustments to the location of parks may be necessary to facilitate a better site plan, respond to site specific constraints, or to accommodate phasing of a project. Smaller parks may be combined to form a larger neighborhood park within the same subdistrict as long as there is no reduction in park area. Complete elimination or relocation of a park outside of a subdistrict requires an amendment to the Specific Plan. If a school is located on a site designated as a park, it may be counted as a park if a joint use agreement is established to allow public use of open space and buildings*

for recreation purposes after school hours and on weekends. If no such joint use agreement is established, an alternative park site shall be designated.

- *Policy 3.41: Park land dedication and in-lieu fees required of new development. Park land shall be dedicated as part of the approval of any new development, if a park site is designated on the property as shown in Figure 3-6 [of the Specific Plan]. Land dedication is required for Parks/Plazas/Community Facilities and Linear Parks and Trails in the locations and amounts shown on Figure 3-6 [of the Specific Plan].*

  Dedication of the land shown on Figure 3-6 cannot be substituted by in-lieu fees. If a development's parkland obligation as determined by City ordinances is not satisfied by the require land dedication, it must pay an in-lieu fee which shall be spent to acquire and develop other parks within the Transit Area. If a development provides more than its fair share of park land, it will be compensated by the City at fair market value, using in-lieu fees paid by new development and other available sources.

- *Policy 3.42: If a public utility easement (such as the one existing between Capitol Avenue and Penitencia Creek East Channel) is developed as a publicly-accessible pathway or linear park that connects two public streets, it can be counted toward a development's park dedication requirement.*
- *Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half-streets if bordering an adjacent development site). In addition to dedicating or contributing toward the land for new public parks, projects under this Specific Plan must also pay for the improvement of the parks with appropriate landscaping and recreation facilities. Covering this cost can be handled by paying a fee to the City or by direct development of parkland, or both. The cost and/or actions expected of projects will be determined by the City.*
- *Policy 3.44: The design and programming of new parks must be approved by the City's Parks and Recreation Department.*
- *Policy 3.45: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis.*
- *Policy 3.48: The park along the Penitencia Creek East Channel shall provide a pedestrian path along the creek; BBQ's; a tot lot; open space areas for frisbee and similar informal recreation, and other passive recreation facilities.*
- *Policy 3.50: The park in the center of the Trade Zone/Montague subdistrict shall provide sports fields for soccer, baseball, basketball, and/or other sports that have a high demand in Milpitas. There shall be ample perimeter landscaping to create an attractive setting for the surrounding housing; and a tot lot shall be included. A community center could also be included. Sports fields should serve both children and adult sports leagues.*
- *Policy 3.51: Parks will have public streets abutting at least three sides. Parks shall be surrounded by streets on three sides in order to: provide parking for the park on the street; enhance security of the park by having residents overlook the park and police vehicles able to drive by; and provide noise and visual separation for residents and offices from the activities in the park. If approved by the City, a park can also have public streets on two sides and a public right of-way, such as a trail, or a railroad right-of-way along the third side.*

- *Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways. These bike/pedestrian trails will connect into the citywide trail network, pedestrian overcrossings of expressways, and the Transit Area's continuous network of bike lanes. They will be located on both sides of Lower Penitencia Creek and on the east side of the Union Pacific railroad tracks that run between Main Street and McCandless Drive.*
- *Policy 3.55: Complete a Trail Loop connecting the whole Transit Area. The trail loop goes from McCandless Drive and Lower Penitencia Creek; along Penitencia Creek East Channel, across Montague Expressway, west along the creek channel, then northeast across Capitol Avenue, then across Montague Expressway, along Piper Drive, and across the Great Mall back to Centre Point and McCandless. It is shown on Figure 3-6 [of the Specific Plan].*
- *The Trail Loop provides a clear and easy way for people to access the BART and LRT station, move between different subareas of the Transit Area, and offers a roughly 1.5 to 2 mile jogging and walking and biking path for recreational use.*
- *Policy 3.56: Connections shall be created across Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks. One connection will be where the Penitencia Creek East Channel crosses Montague, via ramps in the creek channel area or on adjacent park land, and another will be at Piper Drive, connected to the BART station, with elevators at both ends.*
- *Policy 3.57: All properties along the trail network will need to set aside land for the trails. This land will count towards the required public park land dedication requirement. Refer to Figure 3-7 [of the Specific Plan] for required dimensions. If trail easements already exist or are acquired within the rail line or flood control right of way, these easements may be used in lieu of land on development sites.*

CONCLUSION

The TASP EIR adequately evaluated the recreation impacts of the 450 Montague Project**.**

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

DISCUSSION

The TASP EIR concluded that the build-out of the Specific Plan would result in significant changes in transportation patterns and use. Implementation of the Specific Plan would have significant near-term impacts to 15 key intersections, four freeways systems, and to existing bicycle, pedestrian and transit facilities (Impacts 3.3-1 through 3.3-21). The TASP EIR found that year 2030 impacts would occur at the majority of roadway segments within the Specific Plan area. The TASP EIR states that while compliance with Specific Plan policies would reduce impacts to less-than-significant levels, there will still be significant and unavoidable impacts for key intersections, freeways and roadway segments.

The TASP EIR identified intersections in the Specific Plan area that would have traffic that would exceed existing standards. Specific Plan policies require developers to pay two new traffic impact fees, one for the City and one for the County. Payment of the traffic impact fees would contribute funding towards road improvements to alleviate traffic related impacts; however, intersections that cannot widen lanes would result in significant and unavoidable impacts. In particular, relative to the proposed 450 Montague Project, the following three intersections would have level-of-service (LOS)

conditions that would be significant and unavoidable: 1) the intersection of the Great Mall Parkway and East Capitol Avenue and Montague Expressway; 2) the intersection of Montague Expressway and McCandless Drive/Trade Zone Boulevard; and 3) the intersection of Montague Expressway and Milpitas Boulevard. The City proposes an extension of Milpitas Boulevard as part of VTA's BART Extension project between Montague Expressway and East Capitol Avenue to partially mitigate this impact. However, the TASP EIR found that feasible mitigation measures are not available to reduce impacts at these intersections to less-than-significant levels.

The TASP EIR found that build-out of the Specific Plan would exacerbate unacceptable operations for four freeway segments and multiple roadway segments, making the impacts significant and unavoidable despite the numerous freeway and roadway improvements that are planned for the area.

The TASP EIR concluded that the Specific Plan area is deficient in sidewalks and bicycle paths (Impact 3.3-19) and therefore will not meet the future demand associated with high-density residential housing. Specific Plan policies 3.15, 3.28 and 3.29 are designed to reduce this impact to less than significant, and require the development of sufficient pedestrian and bicycle facilities and pathways that are consistent with TASP circulation standards.

Increased vehicle trips from new residential development could be reduced with use of public transportation including the new Bart line extension and existing use of the VTA light rail system. The TASP EIR concluded that the VTA would likely adjust the transit schedule and frequency to accommodate future demand. Specific Plan policy 3.32 would reduce this impact to a less-than-significant level.

The TASP EIR concluded that the mix of proposed land uses in the Specific Plan reduces the amount of vehicle trips by providing opportunities for residents to link trips, including walking and biking to destinations in lieu of driving, thereby reducing parking demand. However, a Court of Appeals decision held that parking is not part of the permanent physical environment, and that parking conditions change over time as people change their travel patterns. Therefore, unmet parking demand created by a project need not be considered a significant environmental effect under CEQA unless it would cause significant secondary effects. The development of residential units adjacent to transit and employment could reduce vehicle use and parking demand, and the project provides parking for the residential units. The TASP EIR found the impacts to parking would be less than significant.

Hexagon Transportation Consultants, Inc. conducted a traffic analysis for the proposed project in December 2014. The report includes an analysis of the project's two proposed driveways as well as the nearby intersections of Montague Expressway/Great Mall Parkway/Capitol Avenue and the future Capitol Avenue/Milpitas Boulevard extension. The results of the analysis determined that the proposed project would generate an estimated total of 3,107 daily trips, with 243 trips occurring during the AM peak hour and 289 trips occurring during the PM peak hour period.[31] This trip generation estimate does not include any deductions for public transit usage on the adjacent light rail system.

[31] Hexagon Transportation Consultants, Inc. 2014. *400 & 450 Montague Expressway Traffic Operations, Milpitas, CA.* December 24.

In addition, the results of the analysis concluded that the proposed project driveways would not cause significant operational problems on Montague Expressway or Capitol Avenue under near term conditions. The signalized intersection of Montague Expressway and Great Mall Parkways currently operates at LOS E during the AM peak hour and LOS F during the PM peak hour. The proposed driveway on Montague Expressway is expected to operate at LOS A during the AM peak hour and LOS C during the PM peak hour. The analysis concluded that no adverse impacts to traffic flow on Montague Expressway as a result of this proposed driveway.[32] However, the report notes that if the driveway is moved further east on Montague Expressway, the level of service could degrade because eastbound traffic queues on Montague Expressway could block the driveway during peak hours. The temporary driveway proposed on East Capitol Avenue would operate at LOS A during the AM peak hour and LOS E during the PM peak hour. The poor LOS during the PM commute period is due to heavy southbound traffic on Capitol Avenue. The analysis notes that while southbound vehicle queues could block the temporary driveway on Capitol Avenue during the PM commute period, it is not usual to occur at properties located adjacent to major arterial streets. Therefore, the analysis concluded that there would be adequate gaps for project traffic to enter the traffic stream after the adjacent queues clear.[33]

Hexagon also conducted a Sight Distance Analysis and concluded that the sight distance provided by the proposed driveways would comply with Caltrans Highway Design Manual (HDM) standards. Sight distance at the existing driveway on Montague Expressway is currently obscured by a monument sign for the adjacent office building and also by a utility pole that is within 100 feet west of the existing driveway. The report noted that the signage would be removed as part of the proposed project and the fact that drivers could see around the pole for at least 715 feet along Montague Expressway. As such, the analysis concluded that the proposed driveway on Montague Expressway complies with HDM standards. The report also determined that the sight distance for the temporary driveway on Capitol Avenue was also in excess of 605 feet, which is in compliance with HDM standards.[34]

Since development of 450 Montague Project falls within the development parameters anticipated in the Specific Plan and evaluated in the TASP EIR, there are no new transportation impacts associated with the proposed project. Moreover, the 450 Montague Project would be required to comply with all policies within the Specific Plan and the applicant would be required to pay the TASP Mitigation Fee of approximately $32,781 per unit and the CFD Maximum Annual Special Tax Rate of $559.86 per market-rate unit which would be used for circulation improvements. These fees are updated annually.

APPLICABLE MITGATION

No new mitigation measures are required.

APPLICABLE POLICIES

[32] Ibid.

[33] Ibid.

[34] Ibid.

Specific Plan Policies

- *Policy 3.12: Preserve adequate right-of-way along Capitol Avenue, Great Mall Parkway, and Montague Expressway to accommodate future regional roadway improvements. Final dimensions of right-of-way acquisition are not yet known. The detailed street sections in Chapter 5 [of the Specific Plan] include notes about right-of-way acquisition, to the extent that information is currently available.*
- *Policy 3.15: Review individual development applications to ensure that adequate street right-of- way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5 [of the Specific Plan].*
- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.*
- *Policy 3.17: New streets shall be located as generally shown on the Street System Map, Figure 3-2.*
- *Policy 3.18: New development must dedicate land for new public streets and pay for their construction.*
- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.*
- *Policy 3.22: Private development shall provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the Specific Plan]. Gaps exist on Capitol Avenue between Montague Expressway and Trimble Road, and on Trade Zone Boulevard between Montague Expressway and Lundy Place. Capitol Avenue only needs to be re-striped to add a bike lane. Trade Zone Boulevard generally contains sufficient width to accommodate two travel lanes and bike lanes in each direction; however, the westbound lanes on Trade Zone jog south slightly, so right-of-way acquisition will likely be required to push the curb further north to maintain a consistent section and to add bike lanes. Bike routes should be upgraded to bike lanes as part of any Montague widening project.*
- *Policy 3.29: A Class III bicycle route shall be created on the internal roadways (from the Milpitas Boulevard Extension/Capitol Avenue intersection to Tarob Court) to provide a continuous bicycle connection between Milpitas Boulevard and the existing bicycle lanes on Lundy Street, as indicated on Figure 3-5 [of the Specific Plan].*
- *Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.*

- *Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements.*
- *Policy 6.33: The City shall establish and assess a transportation impact fee program to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.*
- *Policy 6.34: The new traffic impact fee program should include fair-share payments toward the following improvement: At the West Calaveras Boulevard/I-880 northbound ramps, convert the northbound center left turn lane to a shared left-turn/right-turn lane. The City of Milpitas will coordinate with Caltrans to implement this improvement.*
- *Policy 6.35: The new traffic impact fee program should include fair-share payments toward the following improvement: At the intersection of Tasman Drive/McCarthy Boulevard, the southbound (McCarthy Boulevard) shared through/right-turn lane will be converted to an exclusive right-turn lane with overlap signal phasing. The southbound right-turn will have a green arrow and enter the intersection at the same time as the eastbound left-turn movement. Eastbound left-turns will be prohibited. The City of Milpitas will implement this improvement.*
- *Policy 6.36: The new traffic impact fee program should include fair-share payments toward the following improvement: Coordinate the traffic signals at the Tasman Drive / I-880 southbound ramps and the Great Mall Parkway/I-880 northbound ramps with one another as well as adjacent intersections, particularly Tasman Drive/Alder Drive, in order to improve operations in the Great Mall Parkway/Tasman Drive corridor north of the Transit Area. The City of Milpitas will coordinate with Caltrans to implement this improvement.*

CONCLUSION

The TASP EIR adequately evaluated the transportation impacts of the 450 Montague Project. The proposed project would be required to comply with Specific Plan policies related to transportation including the traffic impact fees and City of Milpitas 2008 CFD (TASP area) tax rates.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

DISCUSSSION:

The TASP EIR concluded that development associated with implementation of the Specific Plan would result in less-than-significant impacts on utilities and services systems, including water supply, wastewater treatment, stormwater drainage and solid waste disposal. The TASP EIR anticipates impacts related to additional demand for water, sewer flow capacity, and recycled water lines (Impacts 3.11-1, 3.11-2, 3.11-3, 3.11-4, 3.11-5, and 3.11-6). Policies are included in the Specific Plan that address these impacts and include the installation of additional pipes, water efficiency measures and the purchase of water and sewer treatment capacity as needed. The TASP EIR also describes how the Specific Plan area is already developed and therefore will require upgrading of existing infrastructure in lieu of adding new infrastructure.

The TASP EIR describes how the transition from industrial to high density residential in the Specific Plan area will decrease the amount of stormwater runoff. The Specific Plan area would add more landscaping and the amount of impervious surface area over time will actually decrease, resulting in less stormwater runoff in the area. Therefore, implementation of the Specific Plan would not require any storm drain improvements.

The TASP EIR concluded that there would be a substantial increase in water demand as a result of the build-out of the Specific Plan -- average daily demand would be 2.65 mgd in comparison to the City's 2002 Master Water Plan prediction of 1.55 mgd (Impact 3.11-1). This increase in demand for water would require improvements to existing water infrastructure both in the Specific Plan area and affected pressure zones. The capacity of the existing turnout delivering water from the Santa Clara Valley Water District (SCVWD) system could be exceeded during peak hours of demand. As such, an additional 20-inch turnout would be needed to supply the additional water needed to the Specific Plan area which would eliminate the need for any pipeline improvements in the SCVWD pressure zones. The Specific Plan includes additional policies that would ensure that impacts to the provision of water would be less than significant.

The TASP EIR found that additional allotments of water needed to serve new growth (Impact 3.11-2) would be approximately 1.0 mgd, and that this increase would be offset by the supplies available from the SCWVD. During droughts, the City has the ability to run emergency wells and increase the use of recycled water to offset potable water demand. The Specific Plan includes numerous policies that would provide additional water supply allocations, including the use of recycled water.

The TASP EIR determined that sewer flow capacity as a result of the build-out of the Specific Plan would exceed the capacity planned for in the City's Sewer Master Plan (Impact 3.11-3) by a total of 2.20 mgd over 2007 conditions. This increased demand for capacity would require extensive improvements to the sewer pipelines within the Specific Plan area. Policies in the Specific Plan would reduce the impact to less than significant. In addition, the TASP EIR found that no improvements are needed for the City's Main Pump Station, as wet weather flow is not expected to exceed capacity.

The TASP EIR found that citywide cumulative wastewater generation would exceed the City's current WPCP capacity rights and would be considered cumulatively considerable (Impact 3.11-4). Policies in the Specific Plan are in place that would help meet wastewater treatment capacity demands, including the purchase of additional treatment plant capacity from the cities of San Jose and Santa Clara, the owners of the WPCP. This additional capacity would enable the City to meet the cumulative wastewater treatment demands generated by cumulative growth and development throughout the City, including the net increase in demand attributable to the Specific Plan area. However, the City's need to acquire an additional 1.0 mgd of WPCP capacity is based on the ability to serve all planned growth and development within the City. The need for this additional WPCP capacity will not be triggered until such time in the future when full General Plan build-out and Transit Area Specific Plan build-out is realized.

The TASP EIR found that the build-out of the Specific Plan would generate approximately 2.20 mgd of additional sewage flows above current levels and, when added to the existing wastewater disposal rate at the WPCP, it would be below the RWQCB trigger threshold of 120 mgd. Therefore the Specific Plan estimated sewage flow would be considered less than significant. However, the RWQCB has specific requirements designed to off-set cumulative regional increases in sewer flows

and discharge into the San Francisco Bay, primarily through water recycling and water conservation. The TASP EIR concluded that the amount of recycled water demand associated with the Specific Plan is not sufficient to fully offset the increased sewer flows and discharge into the Bay. Specific Plan policies 6.16, 6.17 and 6.20 are designed to reduce this impact to a less-than-significant level.

The TASP EIR concluded that new mainlines for water recycling would need to be installed and would have a less than significant impact because they would be installed on existing and proposed roads.

The increase in residential density under the Specific Plan would cause an increase in the amount of solid waste generation by approximately 7,400 pounds per day. The TASP EIR concludes that policies to implement recycling programs as well as solid waste source and reduction programs would reduce the impacts to less than significant. The City is also required to negotiate new agreements to handle long-term solid waste disposal after closure of the Newby landfill in 2023, which would also reduce the impact to a less-than-significant level.

Since the TASP EIR adequately addresses utilities and service systems, and the development associated with the 450 Montague Project's falls within the development assumptions evaluated in the TASP EIR, the proposed project has no new impact on utilities and public services. In addition, the 450 Montague Project must comply with the Municipal Code requirements and Conditions of Approval identified by the City related to utilities and service systems, including water supply, water easement, sewer, storm drainage, solid waste and property management.

APPLICABLE MITIGATION MEASURES

No new mitigation measures are required.

APPLICABLE POLICIES

Specific Plan Policies

- *Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development in the Transit Area.*
- *Policy 6.13: Provide water supply for the Transit Area from the Santa Clara Valley Water District per the Water Supply Assessment.*
- *Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.*
- *Policy 6.18: Construct recycled water mains along Great Mall Parkway, Capitol Avenue, as Montague Expressway, Sango Court, and into the Piper/Montague subdistrict, as shown in Figure 6-3 [of the Specific Plan].*
- *Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.*

- *Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.*
- *Policy 6.9: The City of Milpitas will implement improvements to the Main Sewage Pump Station and the force mains which convey flows to the WPCP in general accordance with those improvements identified in the "Functionality and Operation Report" as prepared for the City by Winzler & Kelly Engineers, November 2005.*
- *Policy 6.10: The City of Milpitas will acquire up to 1.0 mgd of wastewater treatment capacity at the WPCP if necessary. The final amount to be acquired, if any, and the timing of the acquisition will be based on studies of actual usage and the pace of development in the city. The City shall monitor the increase in actual sewage flows and the amount of new development approved on an annual basis to determine when additional capacity is required.*
- *Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping.*
- *Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas. The City shall also require, where reasonable and feasible, that commercial uses, schools and non-residential mixed use developments be provided with dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible.*
- *Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.*
- *Policy 6.24: Before the expiration of its current waste disposal contract, the City shall negotiate new agreements to handle the long-term disposal of its solid waste past the closure of the Newby Island Sanitary Landfill.*

Midtown Specific Plan Policies

- *Policy 6.17 Implement existing recycling programs in the Midtown Area.*
- *Policy 6.18 Promote recycling of demolition and construction debris*

CONCLUSION

The TASP EIR adequately evaluated the utilities and service system impacts of the 450 Montague Project. In addition, the 450 Montague Project must comply with the Municipal Code requirements and Conditions of Approval identified by the City related to utilities and service systems, including water supply, water easement, sewer, storm drainage, solid waste and property management.

REPORT PREPARATION

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B. REFERENCES

Advanced Environmental Concepts, Inc., 2012. *Phase I Site Assessment for 450 Montague Expressway*. October.

Arcadis US, Inc., 2014. *Draft Summary of Limited Phase II Subsurface Investigation*. October 17.

Association of Bay Area Governments, 2003. *Projections 2003*.

Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

Berryessa Union School District, 2015. Margot Sandoval, Administrative Assistant, Business Services. Written communication with LSA Associates. January 27.

Carlson, Barbee & Gibson, Inc. 2014. *Stormwater Control Plan for 450 Montague, Milpitas, C*A. December 14.

Charles M. Salter and Associates, 2014. *Due Diligence Environmental Noise Study 450 Montague Expressway*. October 30.

Dyett and Bhatia, 2007. *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan.* October.

Dyett and Bhatia, 2008. *Final Environmental Impact Report, Milpitas Transit Area Specific Plan.* May.

East Side Union High School District, 2015. Marcus Battle, Associate Superintendent. Written communication with LSA Associates. January 28.

ENVIRON, 2014. *CEQA Toxic Air Contaminant Roadway Screening Analysis for Proposed Residential Development at 450 Montague Expressway, Milpitas, California*. November 6.

Hexagon Transportation Consultants, Inc. 2014. *400 & 450 Montague Expressway Traffic Operations, Milpitas, CA.* December 24.

H.T. Harvey & Associates Ecological Consultants, 2014. *Lennar-Milpitas Burrowing Owl Survey and Habitat Assessment Report (HTH #7647).* October 23.

Milpitas, City of, 2013. *Climate Action Plan. A Qualified Greenhouse Gas Reduction Strategy*. May 27.

Milpitas, City of, 2015. Cultural Resources Register. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_cultural_resources.pdf (accessed on January 13).

Milpitas, City of. Municipal Code, Title X, Street and Sidewalks, Section 7 – Tree Protection and Heritage Tree Program.

Rockridge Geotechnical, 2014. *Preliminary Geotechnical Study Due Diligence Evaluation*. January 17.

Santa Clara Valley Transportation Authority, 2007. *Draft Supplemental EIR*, January; and *Final Supplemental EIR*, May.

Schaaf & Wheeler Consulting Civil Engineers, 2014. *450 Montague Flood Study*. October 21.

APPENDIX A

CAP Development Checklist

(Appendix C of the Milpitas Climate Action Plan)

Appendix C: Development Checklist

Development Checklist

The following checklist has been developed to assist project applicants and City staff to determine whether a proposed project complies with the Climate Action Plan.

If the proposed project's expected GHG emissions were not considered in the GHG emissions 2020 and 2035 forecast included in **Appendix A** of the CAP, this checklist is provided for informational use but may not preclude preparation of separate GHG analysis for the project. Examples of projects that may not be incorporated into the City's forecast include stationary source emissions regulated by the Bay Area Air Quality Management District, General Plan amendments, new specific plans that exceed the City's proposed population and job growth forecasts, and GHG emissions used in specific manufacturing processes that are not easily tracked at a community-wide level.

Project Description/Characteristics

Please identify the applicable land uses included in the proposed project and provide a brief description of the proposed project (or the project description to be used for the associated environmental document).

Identify the applicable land uses:

☒ Residential ☐ Commercial ☐ Industrial ☐ Manufacturing ☒ Other

Project Description:

The project is located at 400 and 450 Montague and consists of 351 units of rental apartment homes, 138 for sale stacked flats, approx. 10,000 sf of non-residential space, and multiple public parks across approximately 10 acres. The project will be located across the street from the new Milpitas BART station.

Appendix C: Development Checklist

Amendments Requested

Does the project require an amendment to any of the following planning documents?

General Plan: ☐ Yes ☒ No ☐ Not Sure

Midtown Specific Plan: ☐ Yes ☒ No ☐ Not Sure

Transit Area Specific Plan: ☐ Yes ☒ No ☐ Not Sure

GHG Emissions Incorporated Within City GHG Forecast

Was this project, and its potential GHG emissions sources, considered in the City's GHG inventory and forecast?

☒ Yes ☐ No ☐ To be determined by staff

Project Sources of GHG Emissions Considered in City Inventory

Identify the activities and sources of GHG emissions anticipated by the proposed project during either the construction or operational phases of the project.

Potential GHG Emissions Sources:		
☒ Electricity Use	☒ Res./Comm./Ind. Waste	☒ Gasoline or Diesel Use
☒ Natural Gas Use	☒ Wastewater Disposal	☒ Transportation (On-Road)
☒ Const. & Demolition Waste	☒ Water Use	☒ Off-Road Equipment
☐ Other _____		

Applicable Measures/Compliance

Identify in the checklist below the applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's Climate Action Plan.

Required Measures

This list includes measures and actions included in the CAP that are (1) required to be included in the project design and implementation and(2) currently being implemented by the City. By following these two conditions and meeting the requirements identified below, the project demonstrates consistency with the CAP. As the City implements additional CAP measures, they will be added to this list.

Appendix C: Development Checklist

Measure	Action	Applicability	Compliance*
Waste reduction			☒ Yes ☐ No ☐ N/A
New multi-family development			☒ Yes ☐ No ☐ N/A
Bikeways master plan			☒ Yes ☐ No ☐ N/A
Municipal solar power purchase agreement			☐ Yes ☐ No ☒ N/A
Water conservation			☒ Yes ☐ No ☐ N/A
Recycled water			☒ Yes ☐ No ☐ N/A
Green building			☒ Yes ☐ No ☐ N/A

** All measures that are considered applicable on this list are required to be implemented in order to demonstrate consistency with the CAP.*

Recommended Measures

This list includes measures and actions identified in the CAP, or programs and regulations that have yet to be adopted by the City, which would apply to a project of this type. These measures should be included in the project design as feasible and, once implemented or adopted by the City, be included in the list of required measures above.

Measure	Action	Applicability	Compliance*
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A

Appendix C: Development Checklist

Measure	Action	Applicability	Compliance*
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A

** All measures considered applicable on this list should be considered for implementation in order to demonstrate consistency with the CAP.*

Other GHG Reduction Measures Implemented

List and describe any additional measures that this project will incorporate to reduce GHG emissions that are not included in the CAP. If available, provide the estimated GHG reductions that would occur on an annual basis from implementing the measure, in $MTCO_2e$.

Additional Measure	Estimated Annual GHG Reductions ($MTCO_2e$)
Project is located across the street from a VTA light rail station and the new Milpitas BART station. The project's location will reduce vehicle miles travelled for the project's residents	TBD

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A0.0

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Architectural

A0.0	Cover Sheet
A0.1	Sheet Index
A0.5	Zoning & Code Analysis & Project Conformance
A0.6	Project Data
A1.0	Master Site Plan
A1.1	Site Section
A1.2	Conceptual Perspectives
A1.3	Conceptual Perspectives
A1.4	Conceptual Perspectives
A1.5	Conceptual Perspectives
A1.6	Conceptual Perspectives
A1.7	Conceptual Perspectives
A1.8	Conceptual Perspectives

Type III Podium:

AP2.0	Elevations
AP2.1	Elevations
AP3.0	Basement 2 Plan
AP3.1	Basement 1 Plan
AP3.2	Podium Level Plan (Level 1)
AP3.3	Level 2 Plan
AP3.4	Level 3 & 4 Plan
AP3.5	Level 5 Plan
AP3.6	Roof Plan
AP4.0	Building Section
AP5.0	Unit Plans
AP6.0	Details
AP6.1	Conceptual Unit Exhaust Diagram
AP7.0	Color and Materials Board

Type V Stacked Flats:

AS2.0	Building "A" 3-Plex Elevations
AS2.1	Building "B" 6-Plex Elevations
AS2.2	Building "B" 6-Plex Elevations
AS2.3	Building "C" 9-Plex Elevations
AS2.4	Building "C" 9-Plex Elevations
AS2.5	Building "C Alt." 9-Plex Elevations
AS2.6	Building "C Alt." 9-Plex Elevations
AS2.7	Building "D" 9-Plex Elevations
AS2.8	Building "D" 9-Plex Elevations
AS2.9	Building "E" 6-Plex Elevations
AS2.10	Building "E" 6-Plex Elevations
AS3.0	Building "A" 3-Plex Building Plan
AS3.1	Building "B" 6-Plex Building Plan
AS3.2	Building "C" 9-Plex Building Plan
AS3.3	Building "C" 9-Plex Building Plan
AS3.4	Building "C Alt." 9-Plex Building Plan
AS3.5	Building "C Alt." 9-Plex Building Plan
AS3.6	Building "D" 9-Plex Building Plan
AS3.7	Building "D" 9-Plex Building Plan
AS3.8	Building "D" 9-Plex Building Plan
AS3.9	Building "E" 6-Plex Building Plan
AS3.10	Building "E" 6-Plex Building Plan
AS5.0	Stacked Flat Unit Plans
AS5.1	Stacked Flat Unit Plans
AS5.2	Stacked Flat Unit Plans
AS5.3	Stacked Flat Unit Plans
AS5.4	Stacked Flat Unit Plans
AS5.5	Stacked Flat Unit Plans
AS5.6	Stacked Flat Unit Plans
AS5.7	Stacked Flat Unit Plans
AS5.8	Stacked Flat Unit Plans
AS5.9	Stacked Flat Unit Plans
AS5.10	Stacked Flat Unit Plans
AS5.11	Stacked Flat Unit Plans
AS7.0	Color and Materials Board - Scheme 1
AS7.1	Color and Materials Board - Scheme 2
AS8.0	Trash Enclosure Plan & Elevation

Civil

TM.01	Vesting Tentative Subdivision Map for Condominimum Purposes
TM.02	Existing Conditions
TM.03	Site Plan
TM.04	Preliminary Grading & Drainage Plan
TM.05	Flood Plain Map
TM.06	Preliminary Utility Plan
TM.07A	Preliminary Stormwater Control Plan
TM.07B	Preliminary Stormwater Control Plan Details
TM.08	Fire Truck Access Plan
TM.09	Solid Waste Management Plan
TM.10	Parking Plan
TM.11	Conditions of Approval

Landscape

L1	Landscape Plan
L2	Podium Courtyard Enlargements
L3	Park Enlargement
L4	Planting & Irrigation
L5	Landscape Imagery

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SHEET INDEX

A0.1

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	MILPITAS TRANSIT AREA SPECIFIC PLAN (TASP) DEVELOPMENT STANDARDS (2008, UPDATED 2011, TABLE 5-1)		PROPOSED IN PROJECT SITE	DEPATURES (IF ANY)	REASON FOR DEPARTURE (IF ANY)
	Boulevard Very High Density Mixed Use (MXD3-TOD)	**Very High Density Transit Oriented Residential (R5-TOD)**			
Density:	Maximum FAR: 2.5 with CUP MXD3-TOD: 41-75 du/gross acre (average density) Max FAR: 1.88	41-75 du/gross acre	Average over the project site is: 46.7 du/gross acre (acreage based on existing property boundary)	N/A	N/A
Transit-Oriented Density Bonus:	MXD3-TOD: Up to 25% additional density increase with Use Permit	Up to 25% additional density increase with Use Permit	None	N/A	N/A
Block Size:	• Min 2.0 acres • Max 4.0 acres		Block size range: +/-3.25 acres to +/-3.5 acres	N/A	N/A
Block Dimension:	Maximum 500 feet between publicly accessible paths of travel		maximum dimension: +/-485 feet frontage on Capitol Ave.	N/A	N/A
Maximum Buiding Height:	12 stories along Montague Expressway	75 feet, 12 stories along Capitol Ave, Montague Expressway	5.5 stories along Capitol Ave and ranges from 3 stories to 5.5 stories along Montague Expressway	N/A	N/A
Front Setback (Major Streets):	45 feet landscape setback from the (original) curb on Montague Expressway, plus 15-20 feet setback from back of sidewalk	24 feet planting strip and 10 feet sidewalk off Capitol Ave. (per figure 5-11). Plus 15 feet setback from sidewalk	Project conforms; See Site Plan sheet A1.0 for dimensions.	N/A	N/A
Other Street Facing Yards:	12-20 feet from back fo sidewalk	12-20 feet from back of sidewalk	Between 12 to 14 feet is provided.	N/A	N/A
Side Yard minimum:	• 10 feet minimum • 15 feet when abutting residential • 20 feet for portions of buildings over 60 feet or 4 stories tall	• 15 feet • 20 feet for buildings over 3 stories when abuuing residential	+/-20 feet provided between buildings on site. See sheet A1.0 for exact dimensions.	Building 1 side yard less than 20 feet; Building 16 side yard less than 15 feet; +/-20 feet between Building 1 and Building 16	Site Geometry
Rear Yard minimum:	• 15 feet minimum, 20 feet when abutting residential use. • Minimum 30 feet for portions of buildings over 60 feet or 4 stories tall	• 15 feet • 20 feet for buildings over 3 stories when abuting residential	N/A	N/A	N/A
From Creeks:	Minimum 25 feet from top of bank		25 feet from top of Creek with additional +/- 18 feet setback to buildings for +/- 43 feet total.	N/A	N/A
Projections into required yards:	Allowed up to 6 feet for porches, stairs, balconies, bay windows, and awnings		Project conforms; See Site Plan sheet A1.0.	N/A	N/A
Building Orientation & Entrances:	Building must face the street; and primary building entrances must be oriented towards the street		The Podium building has frontages along Capitol Ave. and Montague Expressway. The stacked flat product are alley loaded so that buildings all have a street frontage.	N/A	N/A
Parking & Auto Access:	(Per Table 5-3)				
Residential uses:	**minimum**	**max**	Project meets parking requirements per development standards. See Project Data on sheet A0.6 for more information.	N/A	N/A
Studio:	0.8 covered	1.0 covered			
1-bedroom:	1.2 covered	1.5 covered			
2-3 bedroom:	1.6 covered	2.0 covered			
4+bedroom:	2.6 plus 1.0 per each additonal bedroom (2.0 covered minimum)	Depends on min required			
Guest:	• Projects with parking structures: 15% of required total • Projects with private garages: 20% of required total				

	MILPITAS TRANSIT AREA SPECIFIC PLAN (TASP) DEVELOPMENT STANDARDS (2008, UPDATED 2011, TABLE 5-1)		PROPOSED IN PROJECT SITE	DEPATURES (IF ANY)	REASON FOR DEPARTURE (IF ANY)
	Boulevard Very High Density Mixed Use (MXD3-TOD)	**Very High Density Transit Oriented Residential (R5-TOD)**			
Bicycle Parking:	• 1 for every 4 spaces (exempting units with private garages) • Plus 5% of total required for short term • Short-term bike parking for residential shall be located on a public street within site of a front door and spaced evenly throughout the development • Long-term bike parking should be located within the parking structure		Project meets bicycle parking requirements. See Project Data sheet on sheet A0.6 for more information, and sheet AP3.1 and L1 for location information.	N/A	N/A
Parking Design Standards:	• No parking allowed within front or street side setback areas. • At least 70% of the street facing perimeter shall be wrapped with habitable space • Parking may also be designed so that is partially above ground, provided that no more than 5 feet is above grade, and above grade portion is wrapped with continuous landscaping that screens parking garage openings • Individual garages may not occupy more than 50% of Ground Level Frontage facing the street. • Maximum of 2 curb cuts per lot per street frontage. Exceptions allowed through acrhitectural review process. • Width of parking garage entrances must be minimized (20-25 feet) and the parking access point set back from the curb • Tandem parking may be allowed pursuant City's Off Street Parking Requirements		See sheet AP3.0 and AP3.1 for garage plans and sheet A1.1 for site section.	Podium building garage height above grade varies along Capitol Ave and Montague Expressway; some points will be more than 5 feet above grade	Working with the water table, topography and liveability on major arterials, the garage height above grade will vary and at some points and be above the 5 feet allowed. However, the garage is completey at or below grade at building main entry points (Lobby and Leasing along Capitol Ave.) for accessiblity. All above grade garage openings have proposed landscape screening mechanisms such as planter boxers. The additional heigh of the garage above grade will help with privacy and livability of the ground floor units along a busy street.
Parks and Open Space:	• All residential projects within the TASP shall provide park land at the ratio of 3.5 acres/1,000 population: 2.0 acres that is public park land, and 1.5 acres of it may be satisfied by provision of private recreational areas • Per Figure 3-6 of the TASP, this project site in conjunction with surrounding projects totals an approximate 2.31 acres of park and open space for the area • 20% of landcape buffers count towards park requirements, if they include trails or wide sidewalks connected to the City Trail System		See sheet A0.6 for more information.	N/A	N/A
Private Open Space:	(Per Zoning Sec.XI-10-6.04.G.2.b) • Balconies (above ground level): minimum 40 sq.ft.; or • Patios and porches (at ground level): minimum 50 sq.ft.	(Per Zoning Sec.XI-10-4.05.E.2.b.ii) • Balconies (above ground level): minimum 40 sq.ft.; or • Patios and porches (at ground level): minimum 50 sq.ft. • Balconies, porches, or roof decks, with a minimum dimension of 4.5 feet may be considered usable open space	See sheet A0.6 for more information.	All of the 138 units in the Stacked Flat product and 296 units out 251 units in the Podium builing (84%) provide the required private open space. Approximately 16% of units in the Podium building does not private open space.	Studio units and a few 1 bedrooms (located along Capitol Ave) do not have private open space due to overall unit size and proximity to a major arterial. Although the project deviates from the private open space requirement, ample common open space is provided in 2 courtyards and a sky deck on the podium building. Limited balconies along Capitol Ave also helps with noise attenuation in the units and offers a building design that speaks to a more urban edge fronting the VTA station and future BART station.
Garbage Truck Access and Trash/Recycling Enclouses:	• Large refuse and recycling containers used by the multifamily and mixed-use buildings shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular accessway with appropriate screening • Trash receptacle pads shall be integrated within design of residential lanes (private streets) • All enclosure walls shall incorporate building materials and colors to match architecture of building, and they shall include appropriate landscape for screening		A trash compactor is located in the SE corner of the site. Location and design of waste management follows the City's Waste Management Guidelines. Also see Trash Management Plan document.	N/A	N/A
Emergency Vehicle Access:	Primary access for emergency vehicles shall be from public streets; streets shall not be eliminated because this will compromise emergency access		See sheet TM.08 for more information	N/A	N/A
Utilities	• Utilities shall be underground or in subsurface conduits and accessible • All mechanical equipment shall be adequately screened with planting, berms or with an enclosure		• Utilities are proposed to be underground. • Roof top equipment shall be screened by parapet and screens; see sheets AP3.6, AS3.0-3.7.	N/A	N/A
Lighting:	• Shall be designed and placed to direct lighting to appropriate surfaces and minimize glare onto adjacent areas • The light source used in outdoor lighting should provide a white light • Low pressure sodium lamps are prohibited • Light standards along sidewalks should be approximately 12' to 16' • Uplighitng is encouraged to accent architectural features or landscaping		See sheet L1 for more information	N/A	N/A

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PROJECT SUMMARY

Address	450 Montague	
Zone:	MXD3-TOD & R5-TOD	
Site Acreage:	10.47 ac (existing property boundary)	
	10.04 net ac (after right-of-way vacations and dedications)	
Total Units:	Podium:	351 d.u.
	Stacked Flats:	138 d.u.
		489 d.u. total
Density:	46.70 d.u./ac	
F.A.R.:	1.36	

UNIT SUMMARY

	Unit Type	Unit Area	D.U.	Total	%
Podium	**Studio**	690	**45**		**9%**
	1 Bedroom	719-1,083	**202**	**351**	**41%**
	2 Bedroom	1,029-1,391	**104**		**21%**
Stacked Flats	**2 Bedroom**	1,056-1,400	**42**		**9%**
	3 Bedroom	1,453-2,030	**92**	**138**	**19%**
	4 Bedroom	2,289-2,344	**4**		**1%**
	Total	**499,502**	**489**		**100%**
	Average Unit SF	1,021			

Podium Building Net Area: measured to face of exterior stud +1" air gap; includes all shafts; does not reflect 2" window recess
Stacked Flat Net Area: measured to inside face of stud, includes all shafts

PARKING SUMMARY

Residential Parking Required:

	Unit Type	Ratio	Units	Required	Total Req.
Podium	Studio	0.8	45	36	
	1 Bedroom	1.2	202	242	444
	2 Bedroom	1.6	104	166	
Stacked Flats	2 Bedroom	1.6	42	67	
	3 Bedroom	1.6	92	147	224
	4 Bedroom	2.6	4	10	
					668

Guest Parking Required:

Podium	15% of required	67
Stacked Flats	20% of required	45
		112

780 total spaces required

Parking Provided:

	Space Type	Residential Parking	Guest Located within Residential Parking Area	Separated Guest Parking	Total	%
Podium	Standard	284	39	21	344	41%
	Compact	33	-	7	40	5%
	Tandem (Parking Structure)	128	-	-	128	33%
Stacked Flats	Tandem Garage	144	-	-	144	
	Side-by-side Garage	126	-	-	126	15%
	Surface Parking	-	-	52	52	6%
	Total				**834 provided**	
	Parking Ratio				**1.71 sp/d.u.**	

Bicycle Parking:

		Ratio	Required	Provided
Podium	Long Term	1 per every 4 units	88	88
	Short Term	5% Res. Required	26	26
Stacked Flats	Long Term	n/a	0	0
	Short Term	5% Res. Required	13	13
	Total		**127**	**127**

NON-RESIDENTIAL AREA SUMMARY

	SF
Podium	8,840
Stacked Flats	0
Total	**8,840**

FLOOR AREA CALCULATIONS

	Building Level	Residential
Podium	Level 1	74,600
	Level 2	67,214
	Level 3	75,979
	Level 4	75,979
	Level 5	72,790
	Total	366,562

		Area Per Building	Total Bldgs	Total Area
Stacked Flats	Type A	5,639	1	5,639
	Type B	9,785	1	9,785
	Type C	15,794	6	94,764
	Type C Alt.	15,832	6	94,992
	Type D	20,987	1	20,987
	Type E	14,356	2	28,712
	Total			254,879

Combined Floor Area	**621,441**

OPEN SPACE SUMMARY

Private Open Space:

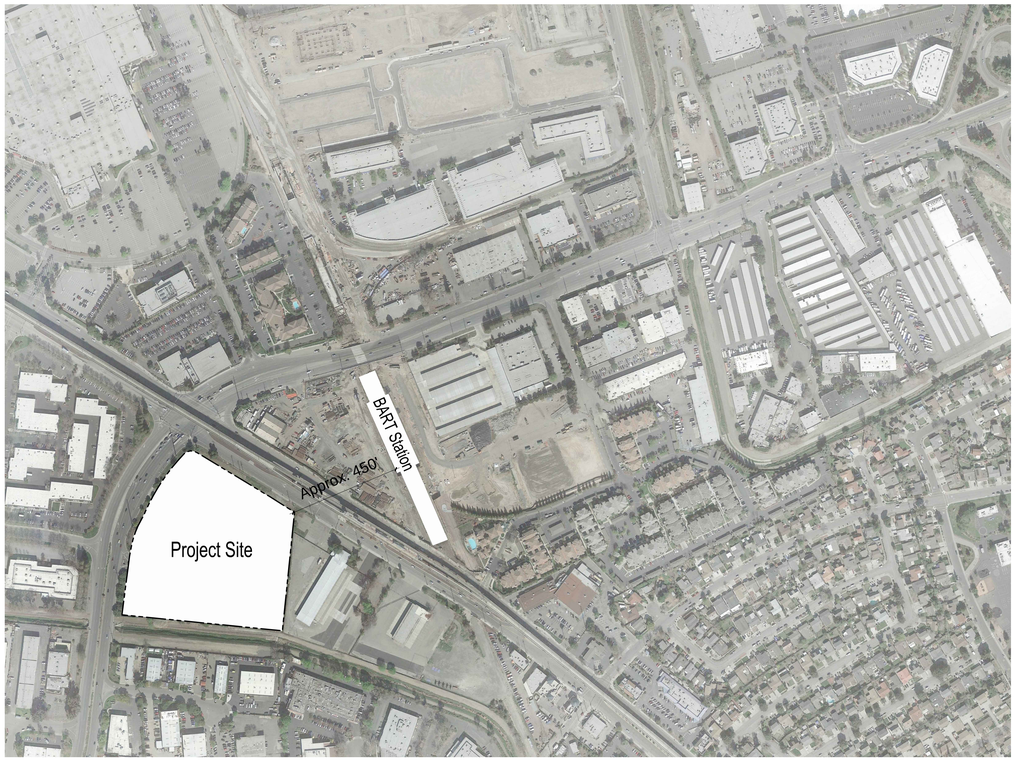
Podium	296 d.u. out of 351 d.u. have balconies complying with the minimum area and dimension requirements*
Stacked Flats	All 138 d.u. have balconies complying with the minimum area and dimension requirements*

*Per Zoning XI-10-4.05.E: minimum dimension 4.5 feet, balconies above ground level: minimum 40 SF, patios at ground level: minimum 50 SF

Parks and Common Open Space:

	Common	SF
Podium	Courtyard A	7,231 SF
	Courtyard B	14,949 SF

Site Open Space	Park	1.46 ac



Vicinity Map N.T.S.

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PROJECT DATA

A0.6

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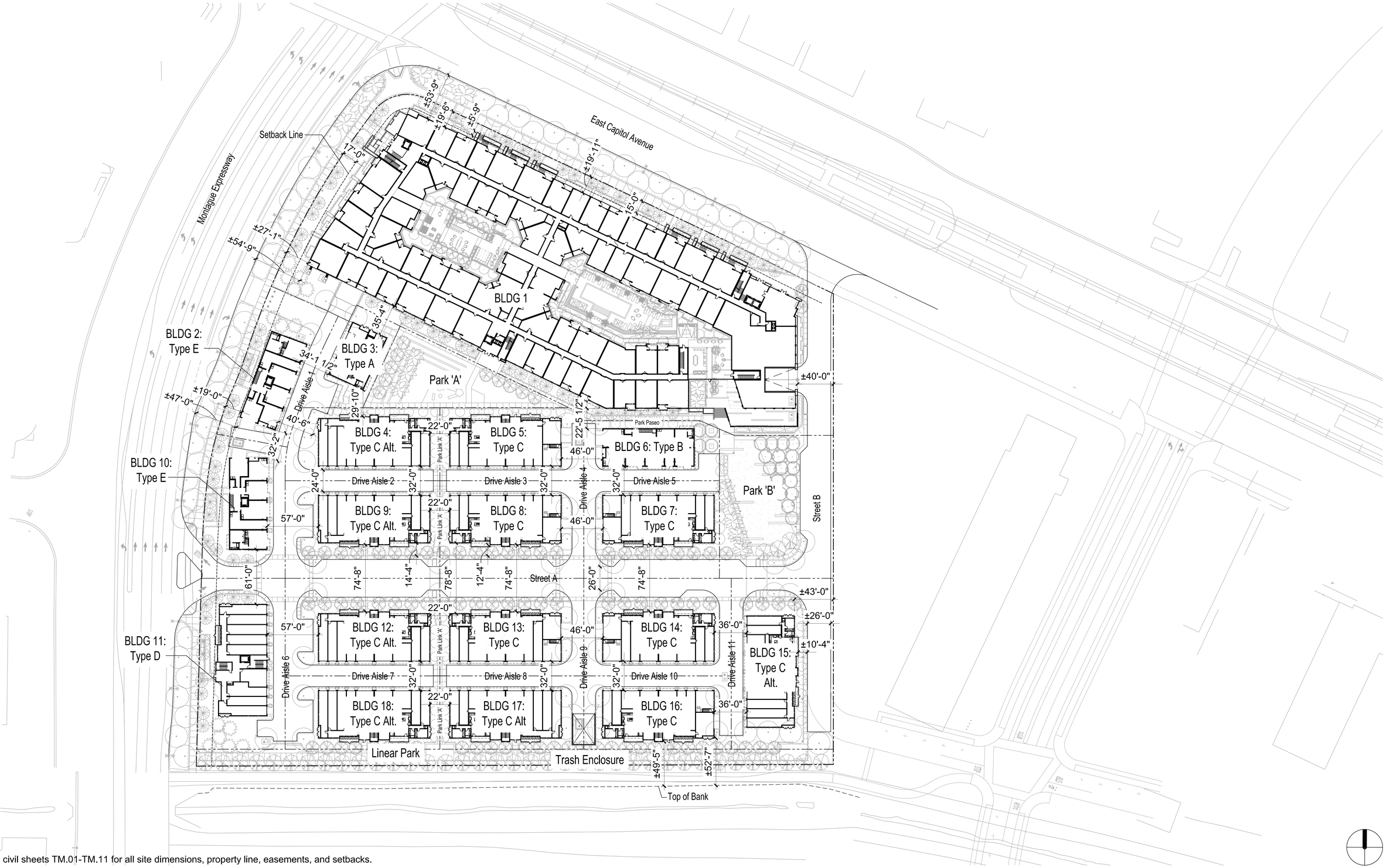

*Refer to civil sheets TM.01-TM.11 for all site dimensions, property line, easements, and setbacks.

0 20 40 80

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SITE PLAN

A1.0

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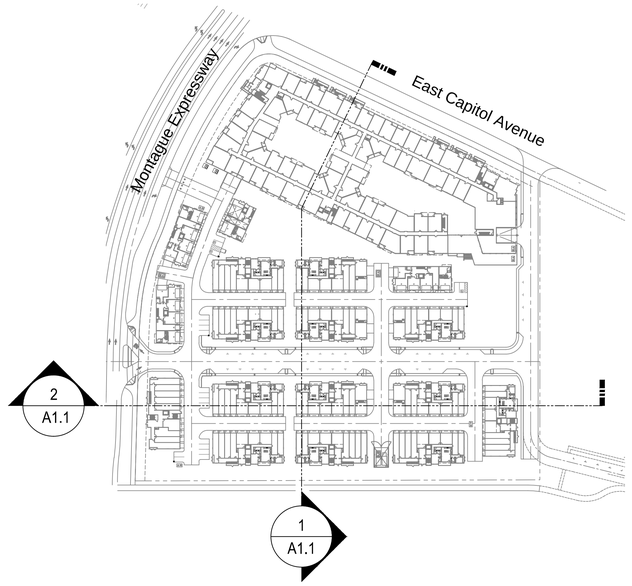
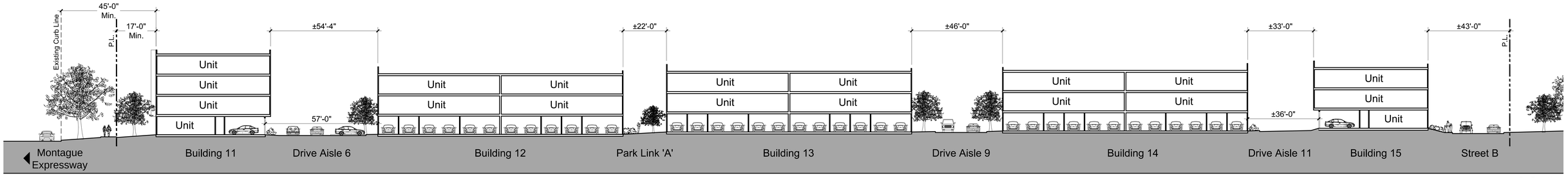
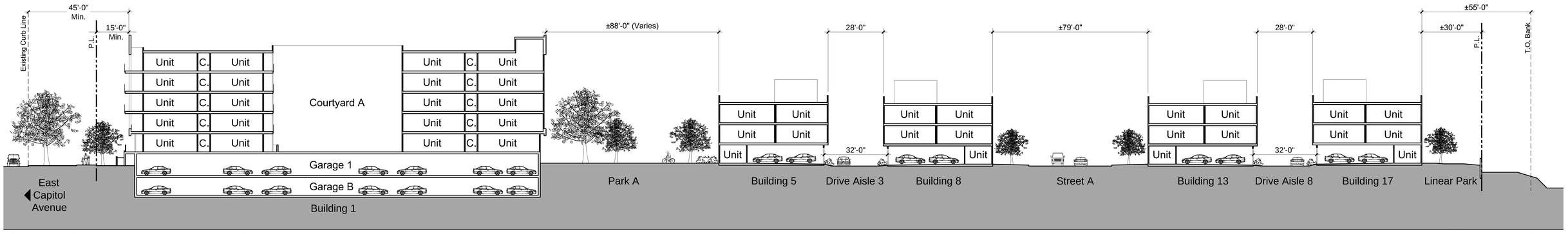




2. Section



*Refer to elevation sheets for building height information

1. Section

0 10 20 40

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SITE SECTION

A1.1

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Key Map n.t.s.

1. View of Leasing Lobby and Amenities from Capitol Avenue

*Refer to Landscape sheets for plant species and placement

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CONCEPTUAL PERSPECTIVES

A1.2

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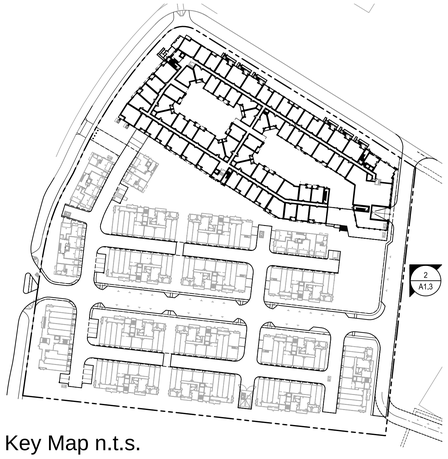

Key Map n.t.s.

2. Corner View of Amenity Terrace and Park 'B'

*Refer to Landscape sheets for plant species and placement

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CONCEPTUAL PERSPECTIVES

A1.3

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Key Map n.t.s.

3. Leasing Lobby View from Capitol Avenue

*Refer to Landscape sheets for plant species and placement

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CONCEPTUAL PERSPECTIVES

A1.4

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Key Map n.t.s.

4. View from Montague Expressway and Capitol Avenue

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

CONCEPTUAL PERSPECTIVES

A1.5

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Key Map n.t.s.

5. View from Capitol Avenue

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

CONCEPTUAL PERSPECTIVES

A1.6

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Key Map n.t.s.

6. View of Townhomes from Internal Road

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

CONCEPTUAL PERSPECTIVES

A1.7

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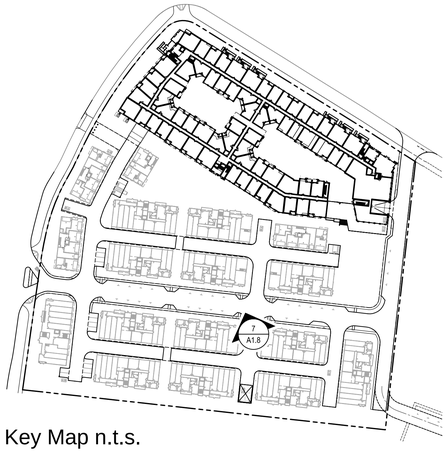

Key Map n.t.s.

7. View of Townhomes from Internal Road

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

CONCEPTUAL PERSPECTIVES

A1.8

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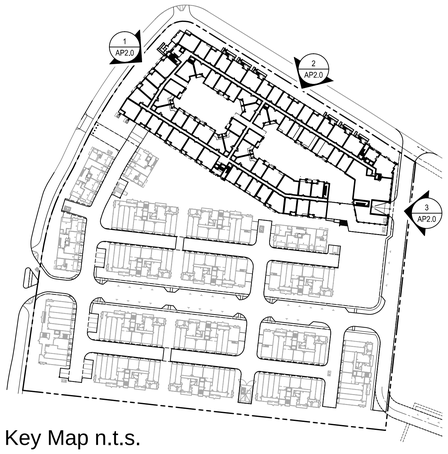
3. EVA Elevation

Material Legend

1. Stucco
2. Trim
3. Fiber Cement Siding
4. Smooth Plaster
5. Decorative Panel
6. Metal Panel
7. Metal Awning
8. Masonry Veneer
9. Metal Railing
10. Metal Railing w/ Decorative Panel
11. Glass Railing
12. Decorative Light Fixture
13. Vinyl Window
14. Storefront Window
15. Window Wall System



Key Map n.t.s.

2. Capitol Elevation

1. Montague Elevation

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

PODIUM BUILDING - ELEVATIONS

AP2.0

0 8 16 32

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Material Legend

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2. Trim
3. Fiber Cement Siding
4. Smooth Plaster
5. Decorative Panel
6. Metal Panel
7. Metal Awning
8. Masonry Veneer
9. Metal Railing
10. Metal Railing w/ Decorative Panel
11. Glass Railing
12. Decorative Light Fixture
13. Vinyl Window
14. Storefront Window
15. Window Wall System

Key Map n.t.s.

5. Park 'A' Elevation

4. Park 'B' Elevation

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

PODIUM BUILDING - ELEVATIONS

0 8 16 32

AP2.1

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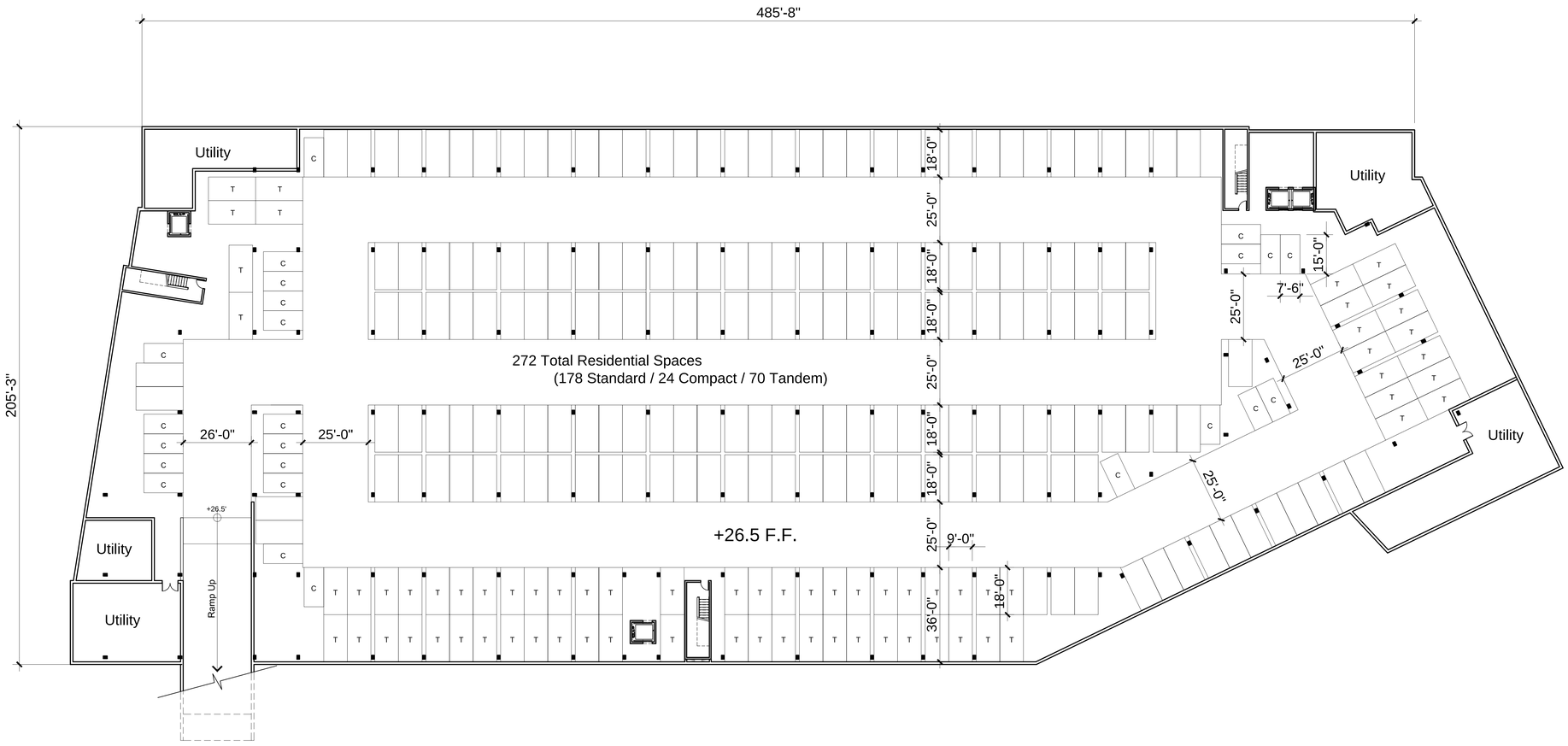

450 MONTAGUE

BASEMENT 2 PLAN

AP3.0

0 10 20 40

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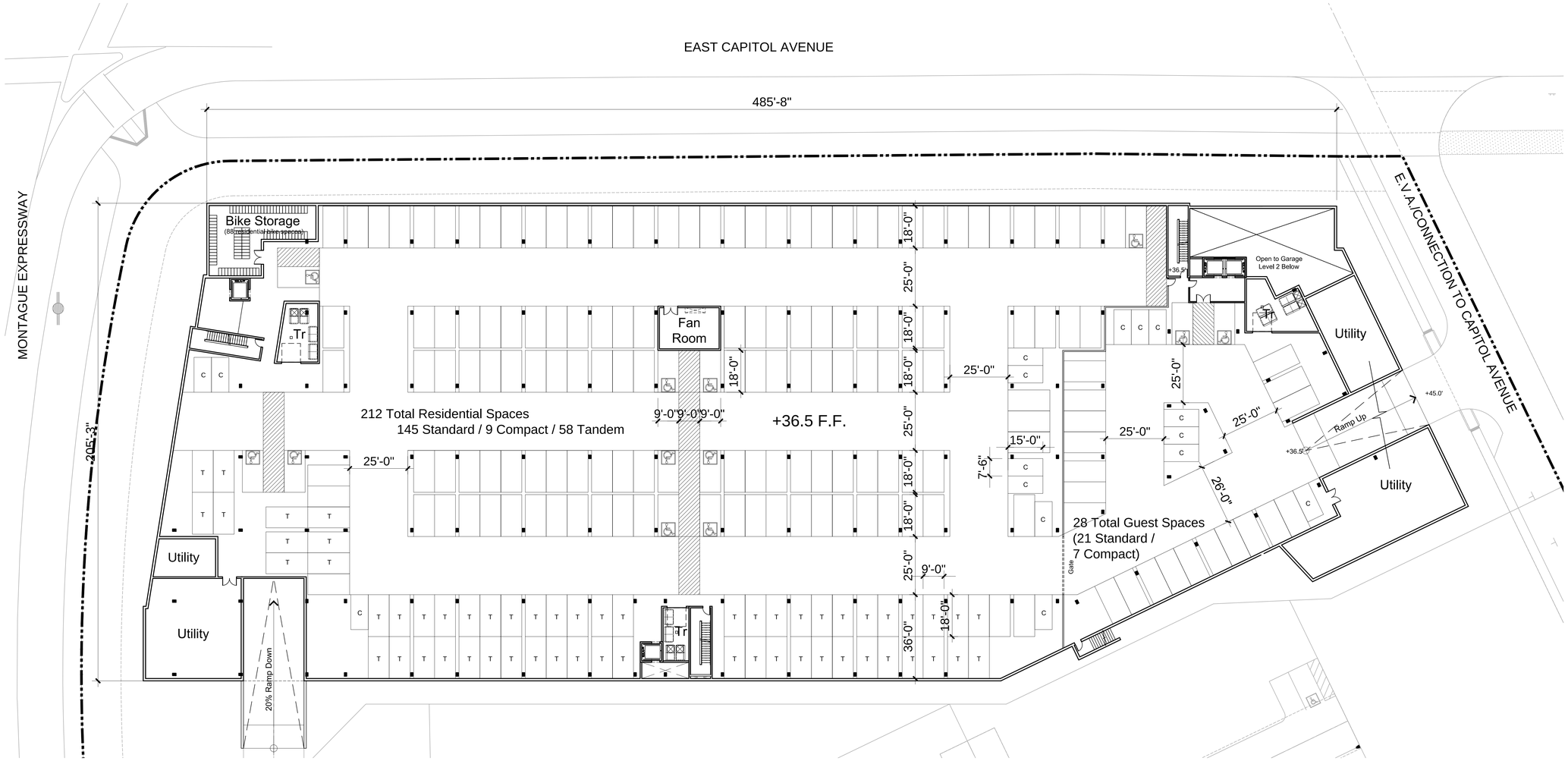

450 MONTAGUE

BASEMENT 1 PLAN

AP3.1

0 10 20 40

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*Shaded area indicates Non-Residential Space.

0 10 20 40

450 MONTAGUE

PODIUM LEVEL PLAN (LEVEL 1)

AP3.2

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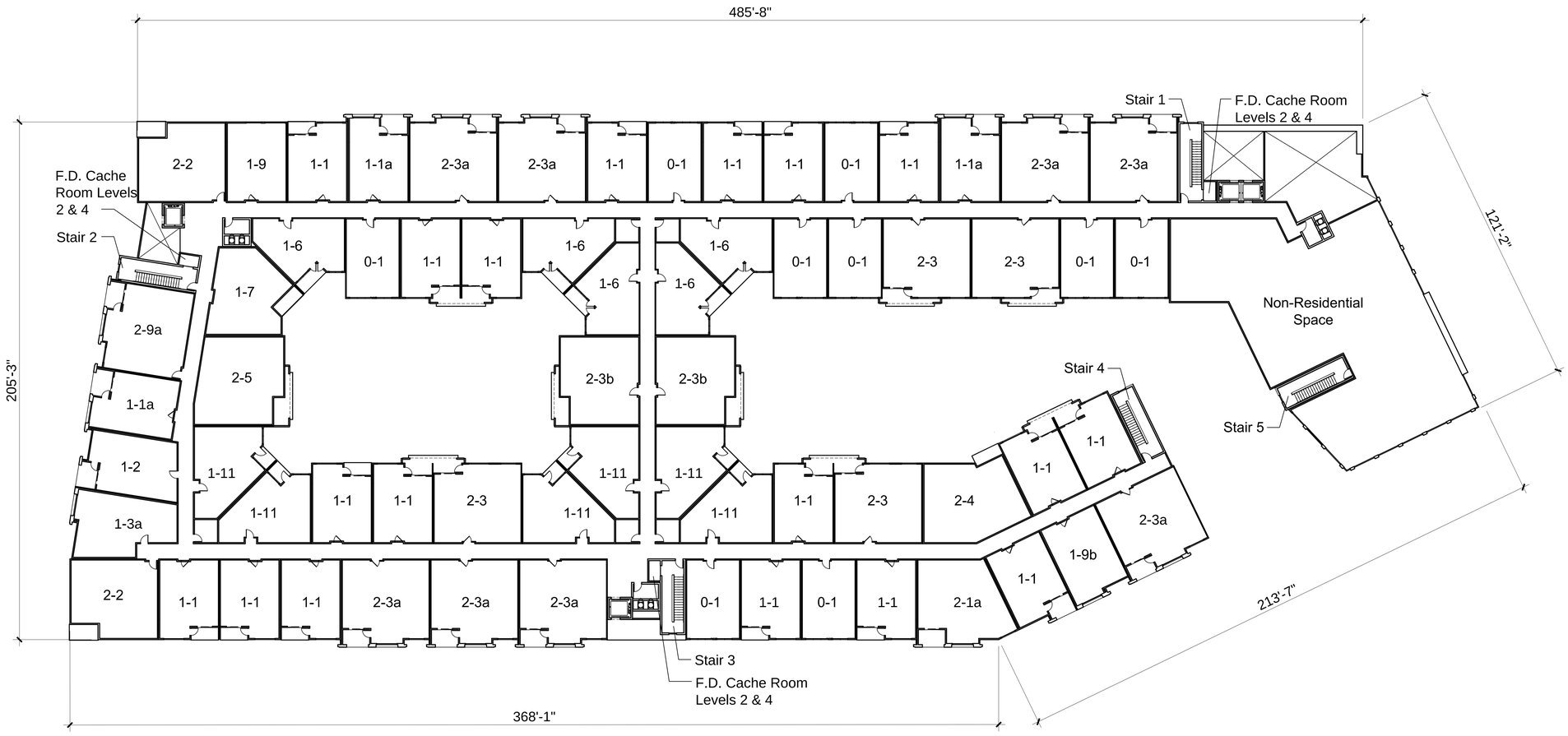

450 MONTAGUE

LEVEL 2 PLAN

AP3.3

0 10 20 40

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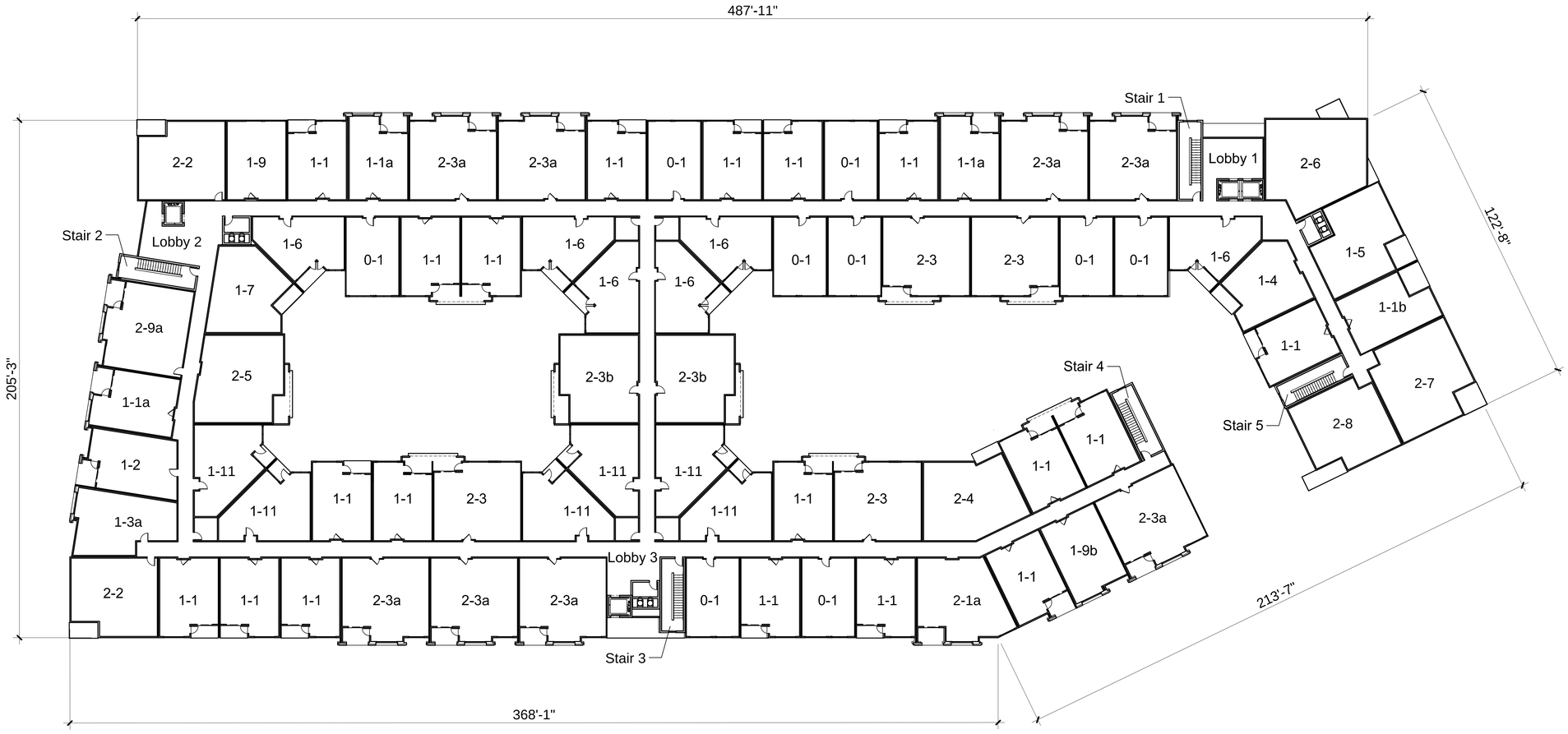

450 MONTAGUE

LEVEL 3 & 4 PLAN

AP3.4

0 10 20 40

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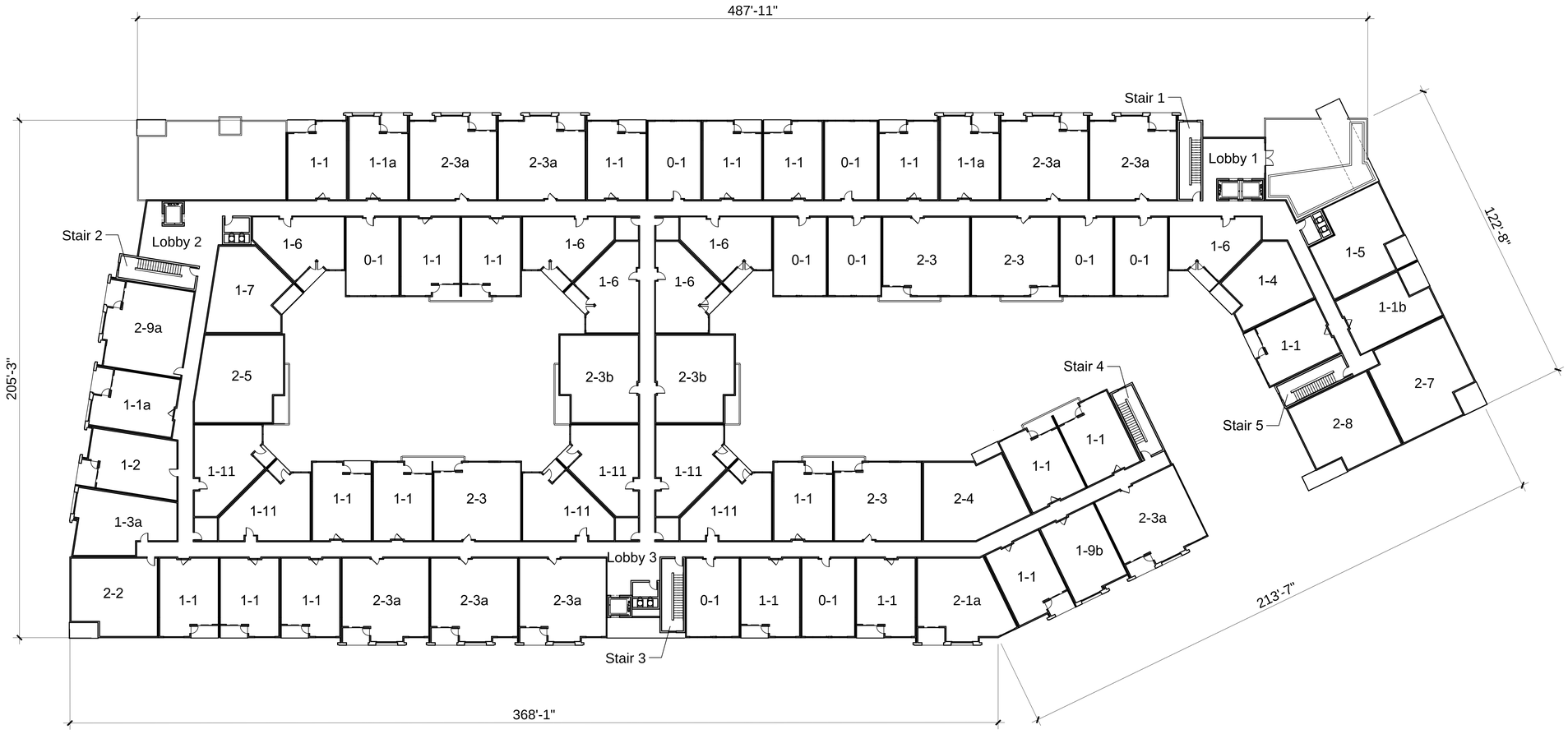

450 MONTAGUE

BUILDING PLAN - LEVEL 5

AP3.5

0 10 20 40

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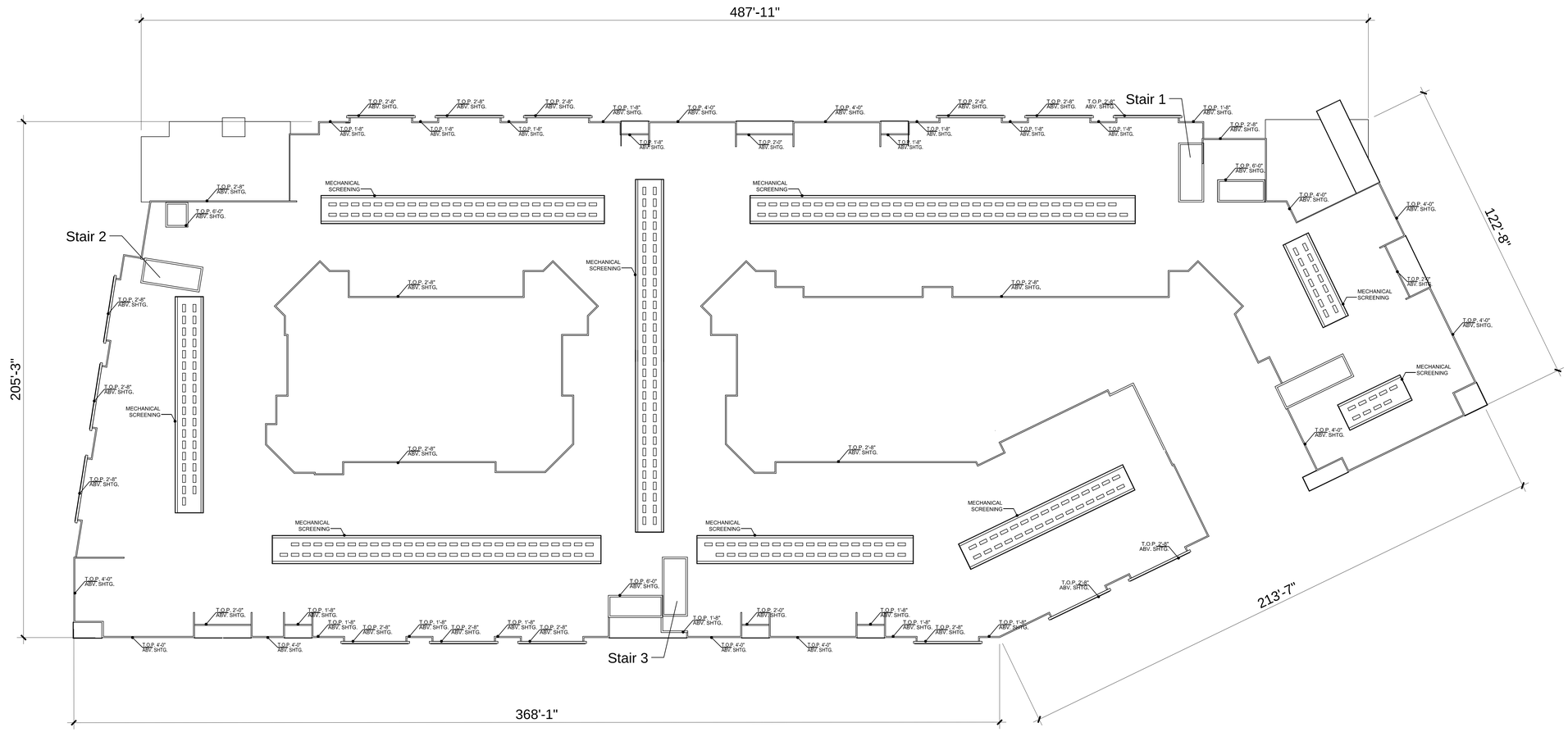

*All mechanical equipment to be screened

0 10 20 40

450 MONTAGUE

ROOF PLAN

AP3.6

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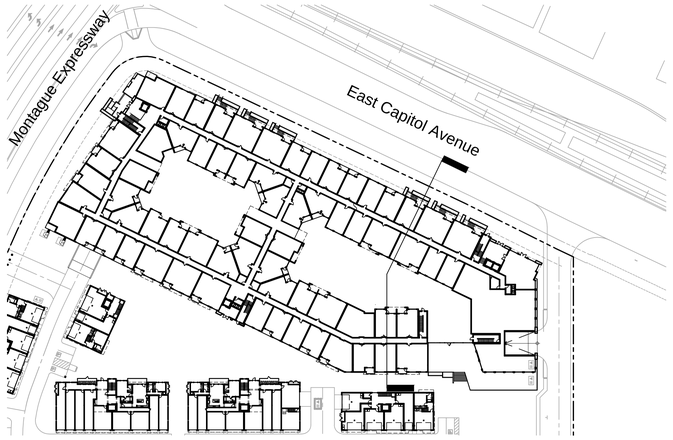

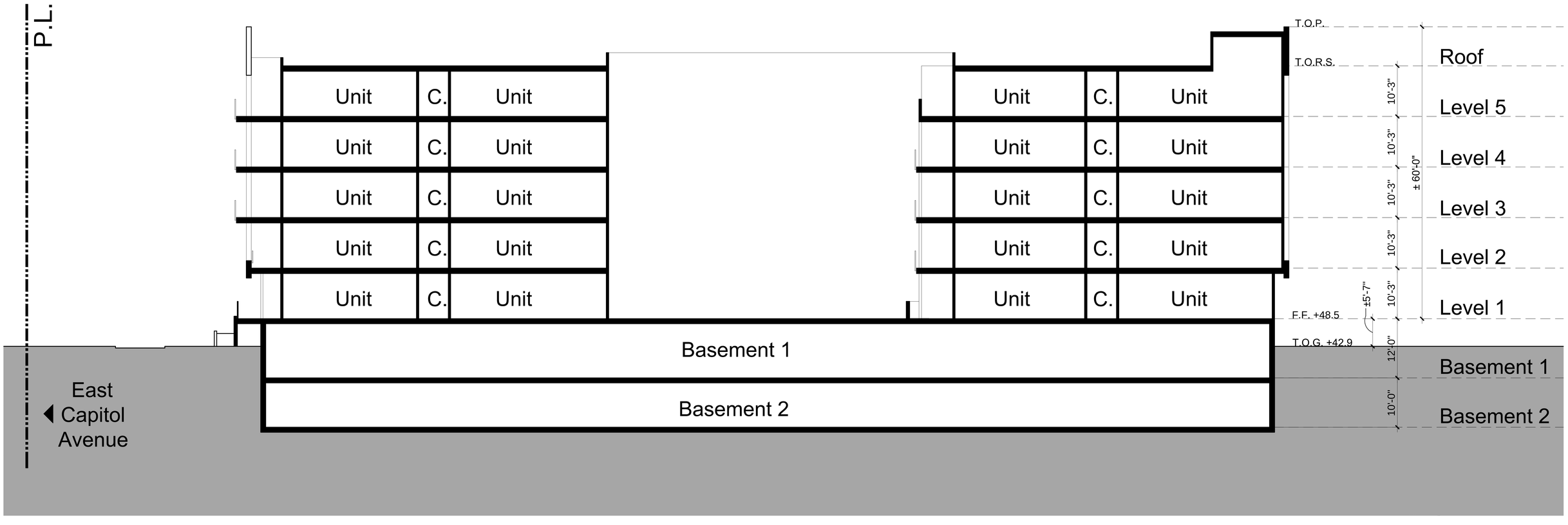

450 MONTAGUE

BUILDING SECTION

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0 10 20 40

AP4.0

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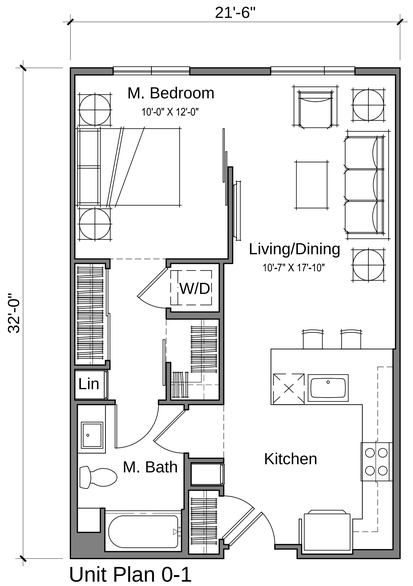
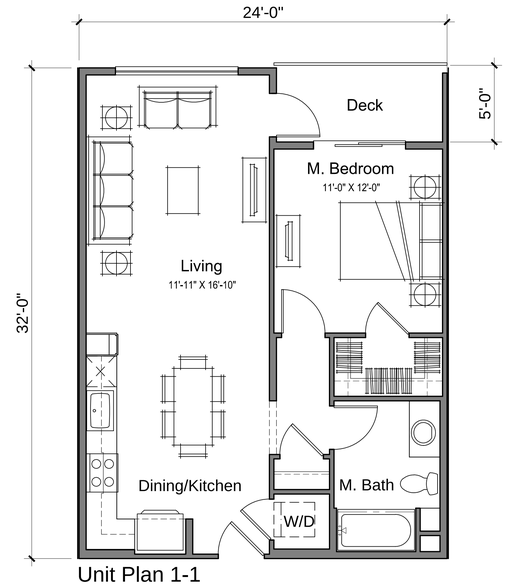


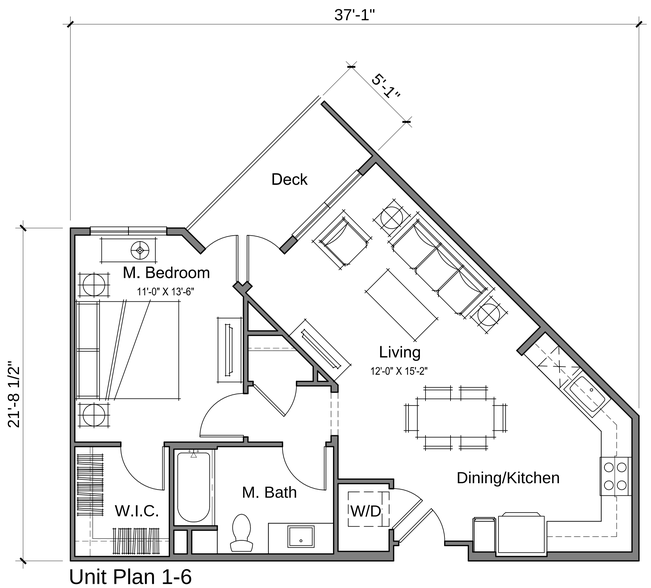
Unit Plan 0-1
JR 1 BR / 1 BA
UNIT AREA: 690 NSF
DECK AREA: 0 SF

45 D.U.
13% of total units



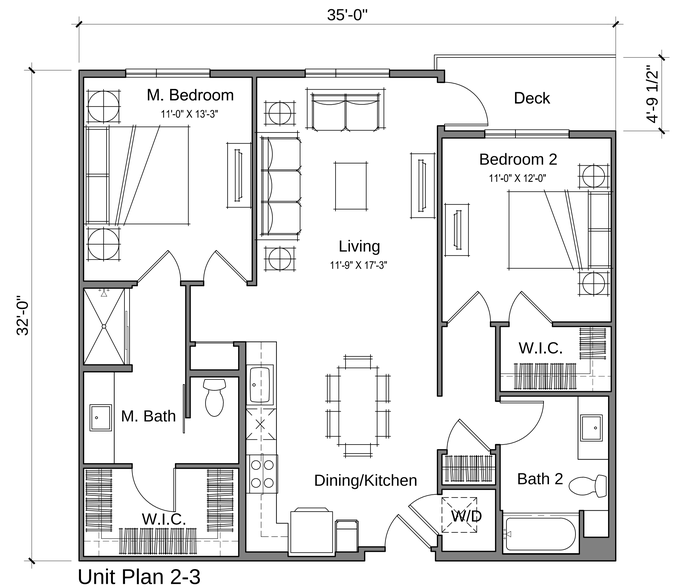
Unit Plan 1-1
1 BR / 1 BA
UNIT AREA: 719 NSF
DECK AREA: 54 SF

96 D.U.
27% of total units



Unit Plan 1-6
1 BR / 1 BA
UNIT AREA: 740 NSF
DECK AREA: 61 SF

28 D.U.
8% of total units



Unit Plan 2-3
2 BR / 2 BA
UNIT AREA: 1078 NSF
DECK AREA: 54 SF

28 D.U.
8% of total units

*Net rentable area: face of exterior stud +1" air gap; does not reflect 2" recess at windows; includes all shafts

0 2 4 8

450 MONTAGUE

UNIT PLANS

AP5.0

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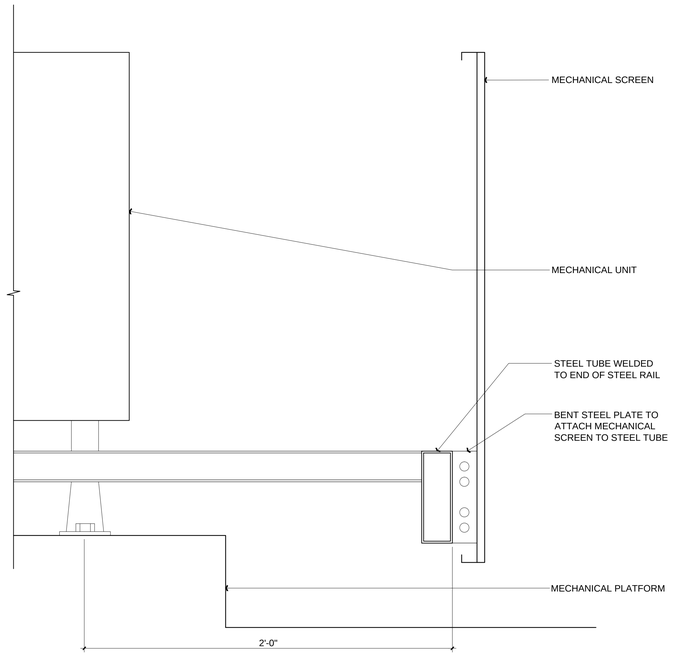
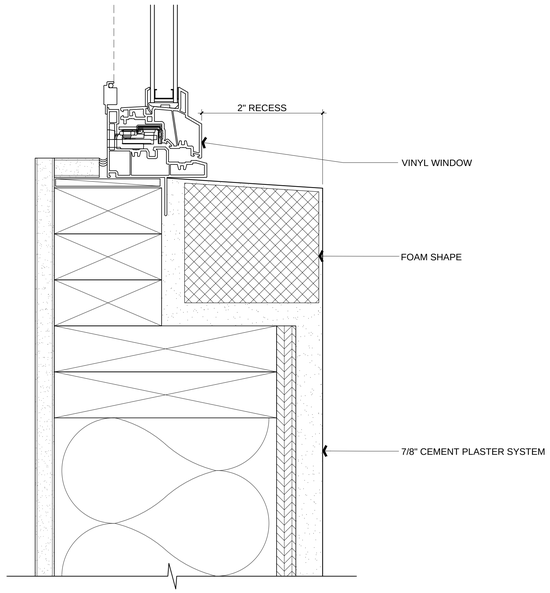


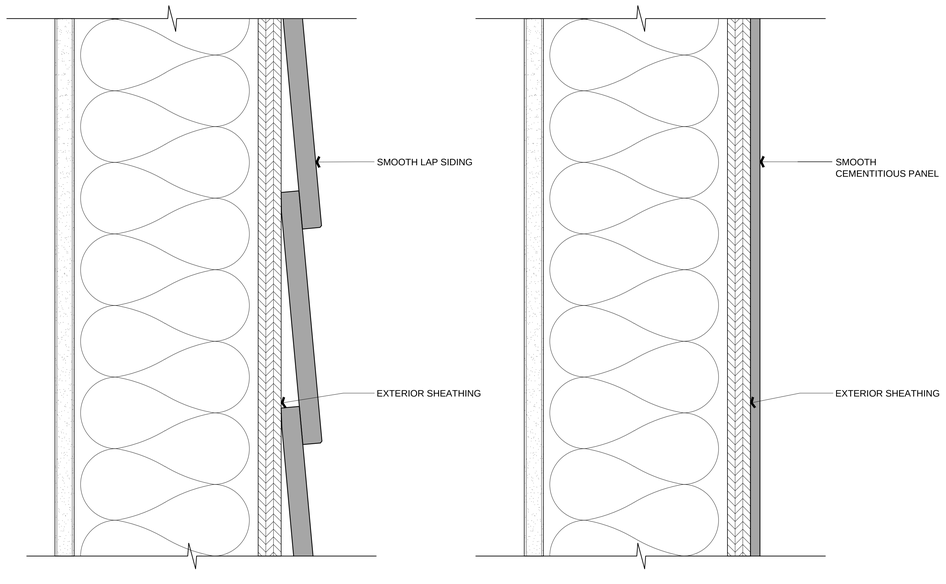
3 MECHANICAL SCREEN
6" = 1'-0"



1 RECESSED WINDOW SILL @ CEMENT PLASTER
6" = 1'-0"

EXAMPLE: CEMENTITIOUS LAP SIDING

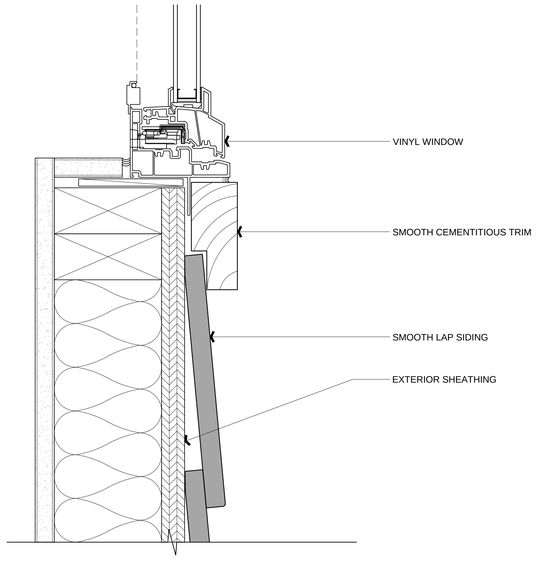
EXAMPLE: CEMENTITIOUS PANEL



LAP SIDING

CEMENTITIOUS PANEL

4 TYPICAL WALL DETAILS
6" = 1'-0"



2 WINDOW SILL AT SIDING
6" = 1'-0"

Note: Details are conceptual and will continue to develop. Final review will occur at building permit submittal.

0 2 4 8

450 MONTAGUE

DETAILS

AP6.0

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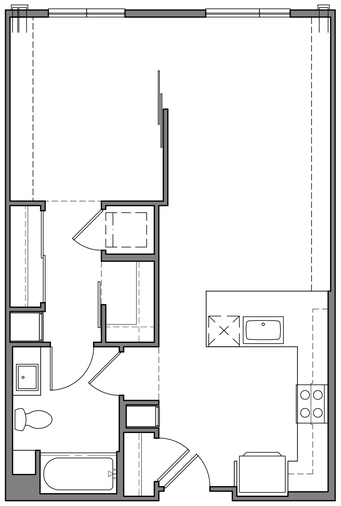
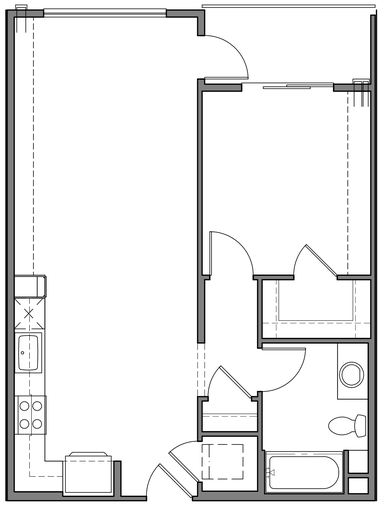
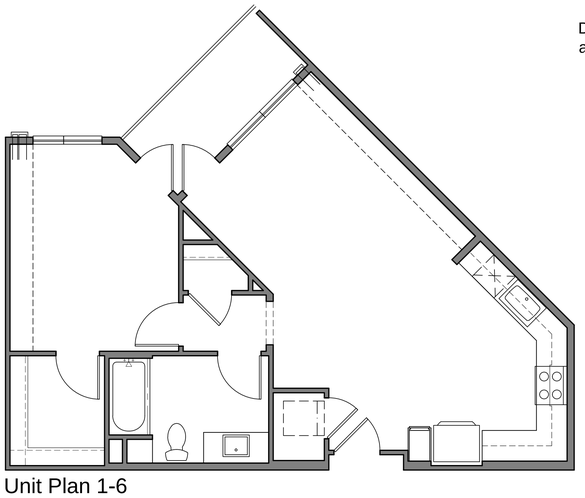


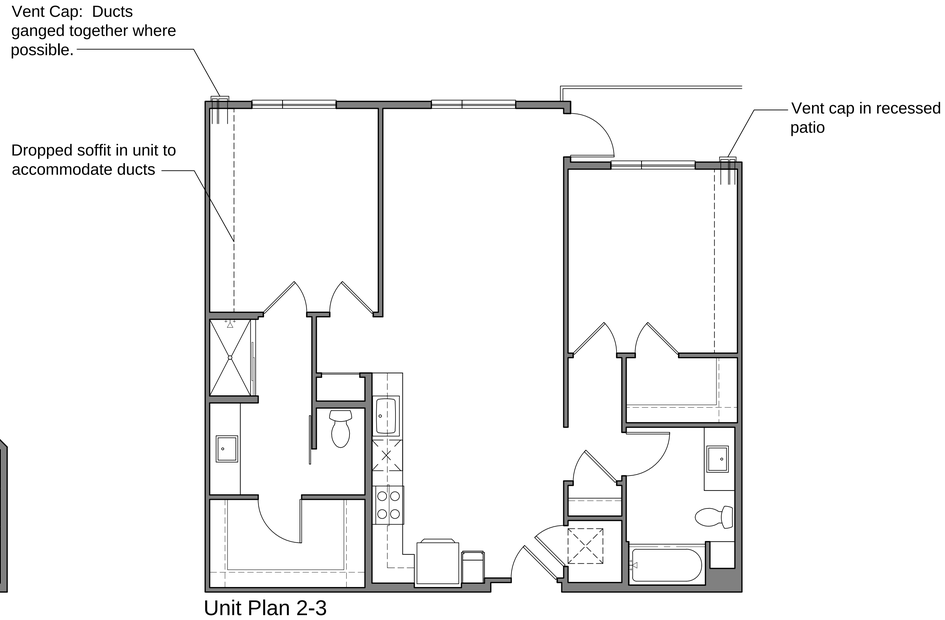
Unit Plan 0-1
JR 1 BR / 1 BA



Unit Plan 1-1
1 BR / 1 BA



Unit Plan 1-6
1 BR / 1 BA



Unit Plan 2-3
2 BR / 2 BA

0 2 4 8

450 MONTAGUE

CONCEPTUAL UNIT EXHAUST DIAGRAM

AP6.1

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STUCCO 1
SW 7671

STUCCO 2
SW 7065

SMOOTH PLASTER 1
SW 7671

SMOOTH PLASTER 2
SW 2839

MASONRY VENEER
MONSOON

CEMENTITIOUS SIDING/TRIM 1
SW 7068

CEMENTITIOUS SIDING/TRIM 2
SW 7066

METAL 1
SW 7073

METAL 2
SW 7027

METAL 3
SW 7008

METAL 4
RAL 7040

METAL 5
SW 2839

METAL 6
SW 2802

ACCENT 1
SW 7675

VINYL WINDOW
TAN

Building A - Capitol Street Elevation
NTS

450 MONTAGUE

COLOR AND MATERIALS BOARD

AP7.0

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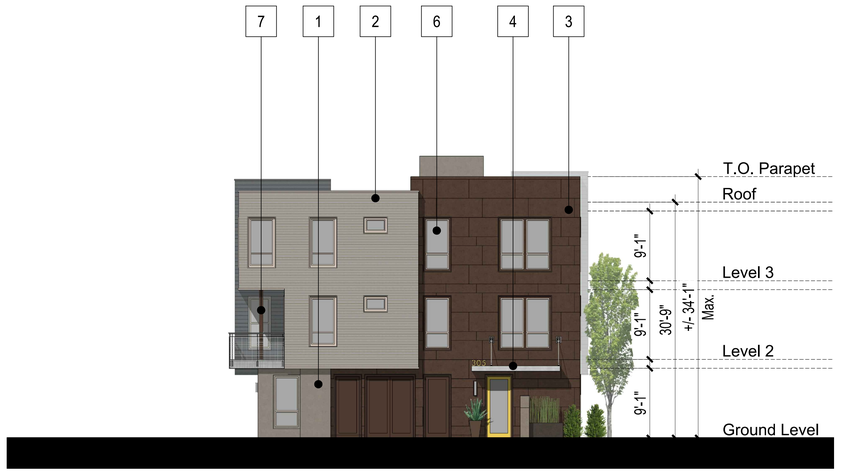
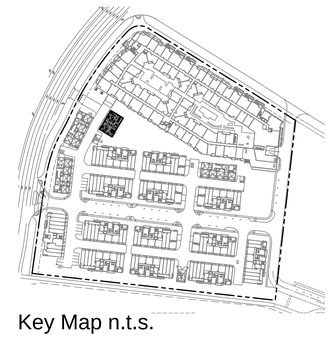


Front Elevation - Dark Color Scheme

Rear Elevation - Dark Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

Right Elevation - Dark Color Scheme

Left Elevation - Dark Color Scheme

450 MONTAGUE

STYLE I
BUILDING "A" 3-PLEX - ELEVATIONS

0 4 8 16

AS2.0

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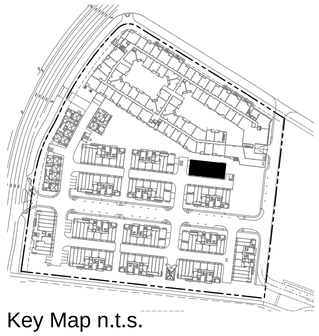
Front Elevation - Light Color Scheme

Right Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

STYLE I
BUILDING "B" 6-PLEX - ELEVATIONS

0 4 8 16

AS2.1

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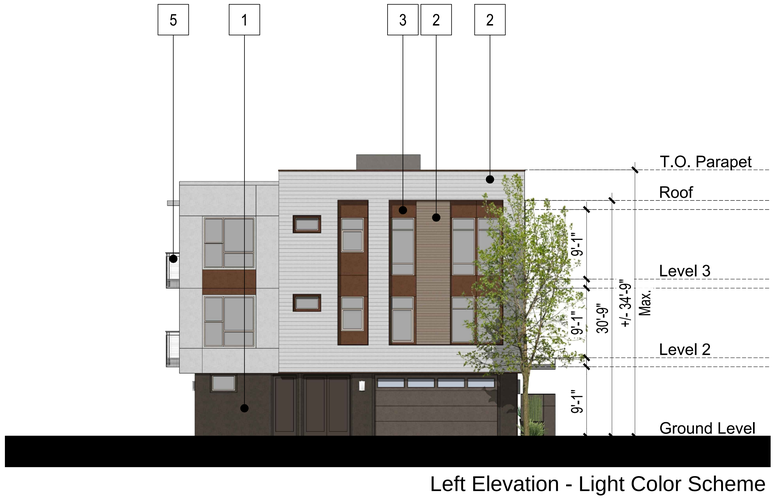
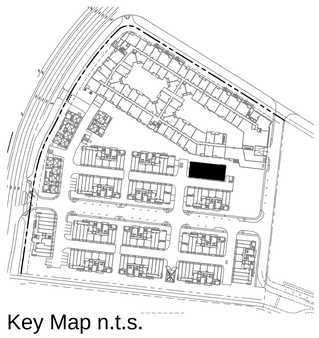
Rear Elevation - Light Color Scheme



Left Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

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STYLE I
BUILDING "B" 6-PLEX - ELEVATIONS

MILPITAS, CA

KTGY # 2013-0551 02.26.2015

0 4 8 16

AS2.2

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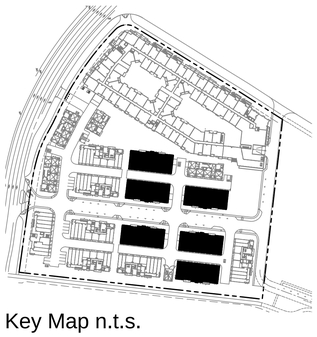
Front Elevation - Dark Color Scheme

Right Elevation - Dark Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

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STYLE I
BUILDING "C" 9-PLEX - ELEVATIONS

MILPITAS, CA

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0 4 8 16

AS2.3

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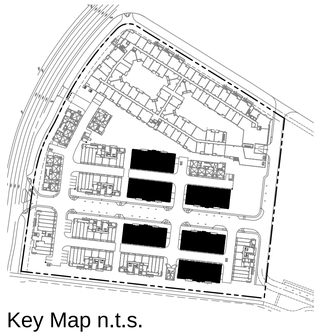
Rear Elevation - Dark Color Scheme

Left Elevation - Dark Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

STYLE I
BUILDING "C" 9-PLEX - ELEVATIONS

0 4 8 16

AS2.4

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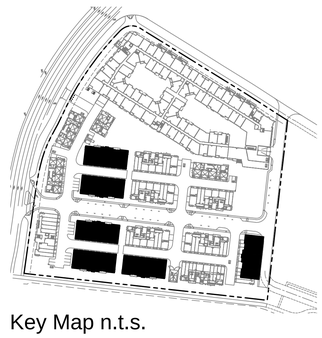
Front Elevation - Light Color Scheme

Right Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

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STYLE 2
BUILDING "C ALT." 9-PLEX - ELEVATIONS

MILPITAS, CA

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AS2.5

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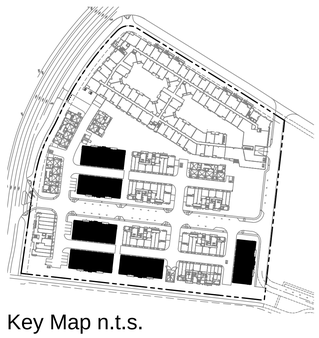
Rear Elevation - Light Color Scheme

Left Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

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STYLE 2
BUILDING "C ALT." 9-PLEX - ELEVATIONS

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AS2.6

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Front Elevation - Light Color Scheme

Right Elevation - Light Color Scheme

Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

0 4 8 16

450 MONTAGUE

BUILDING "D" 9-PLEX - ELEVATIONS

AS2.7

MILPITAS, CA

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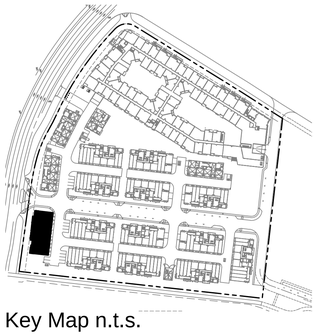
Rear Elevation - Light Color Scheme

Left Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

BUILDING "D" 9-PLEX - ELEVATIONS

0 4 8 16

AS2.8

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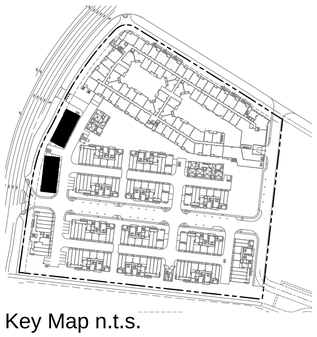
Front Elevation - Light Color Scheme

Right Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

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STYLE I
BUILDING "E" 6-PLEX - ELEVATIONS

MILPITAS, CA

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AS2.9

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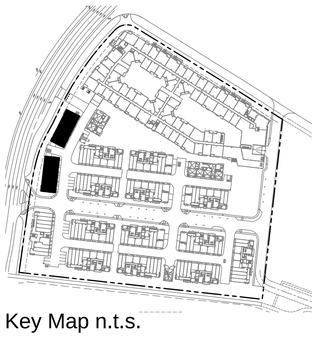
Rear Elevation - Light Color Scheme

Left Elevation - Light Color Scheme



Key Map n.t.s.

Material Legend

1. Stucco
2. Cementitious Lap Siding
3. Cementitious Panel
4. Metal Awning
5. Metal Railing
6. Vinyl Window
7. Metal Column
8. Metal Panel Garage Door

450 MONTAGUE

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STYLE I
BUILDING "E" 6-PLEX - ELEVATIONS

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AS2.10

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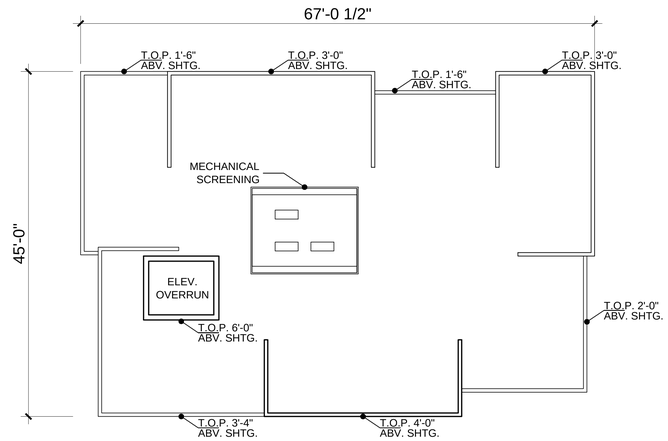
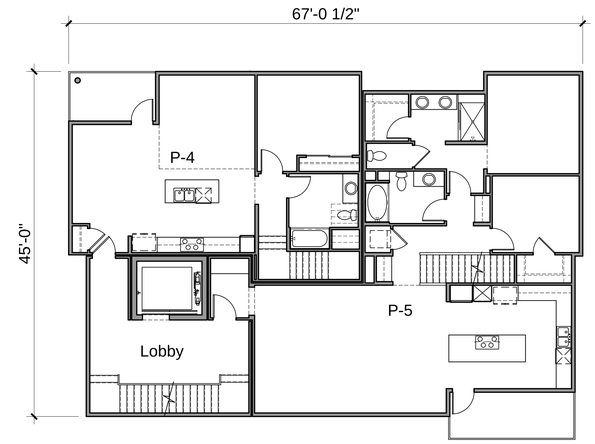
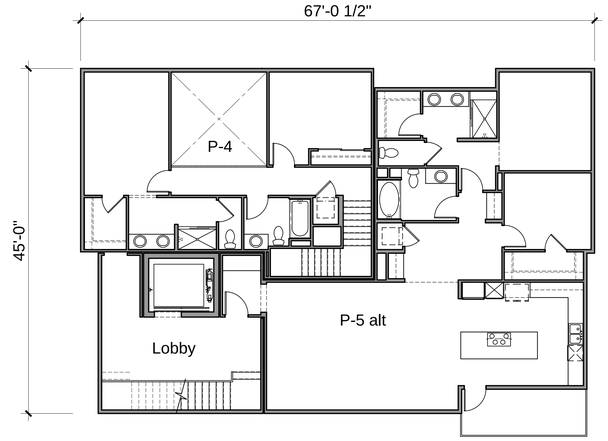


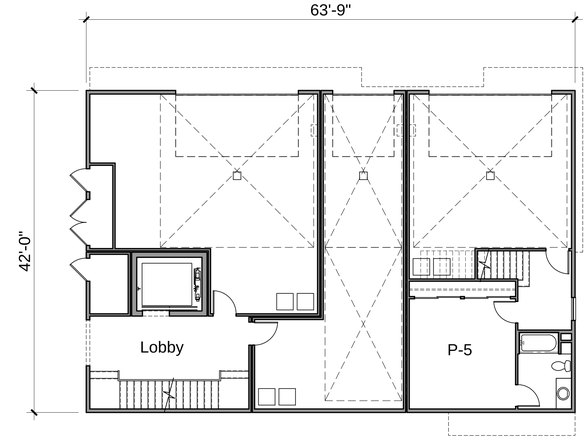
Roof



Level 2



Level 3



Ground Level

Note: All rooftop mechanical equipment to be screened.

0 4 8 16

450 MONTAGUE

BUILDING "A" 3-PLEX - PLANS

AS3.0

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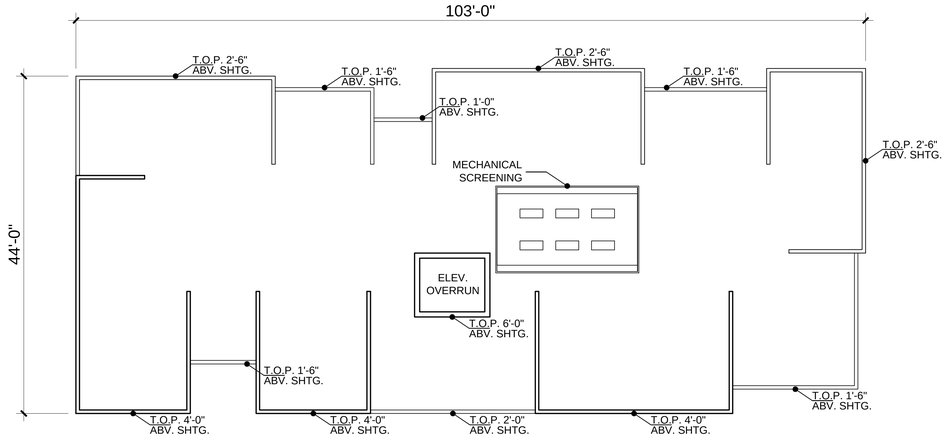
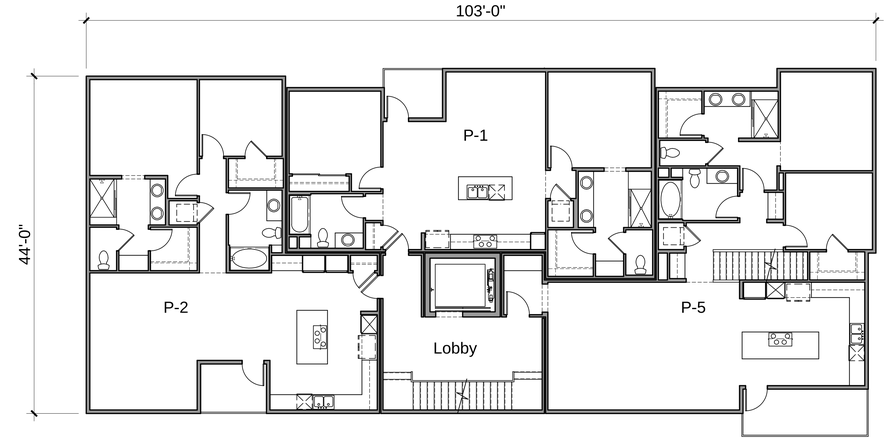
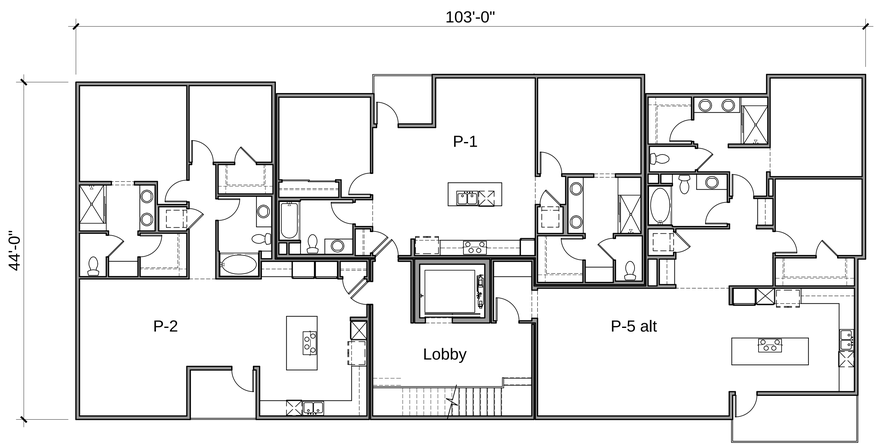


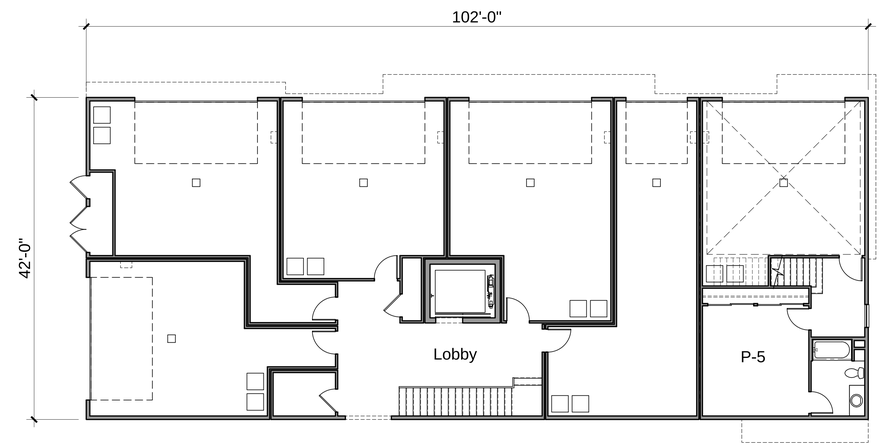
Roof



Level 2



Level 3



Ground Level

Note: All rooftop mechanical equipment to be screened.

450 MONTAGUE

BUILDING "B" 6-PLEX - PLANS

AS3.1

0 4 8 16

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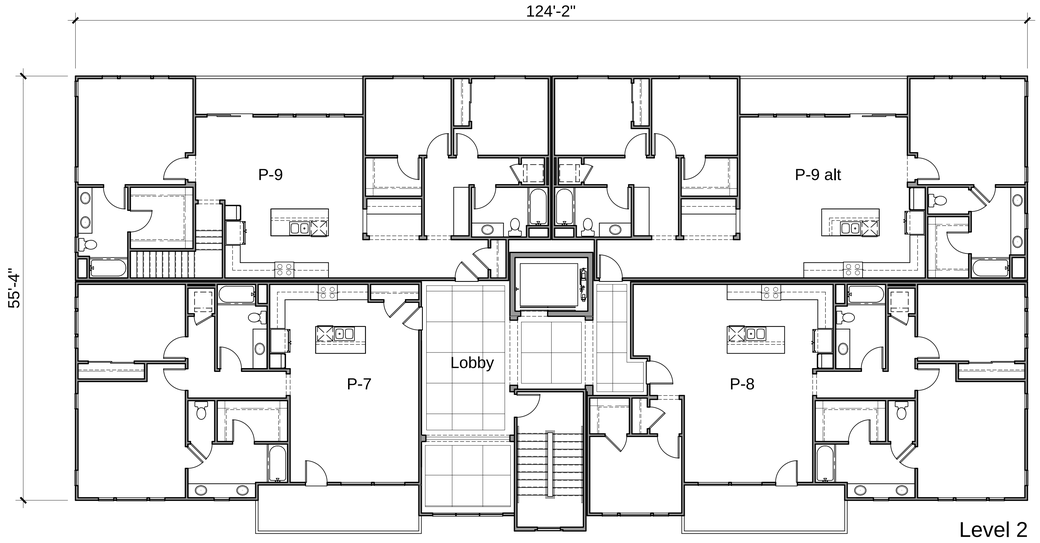
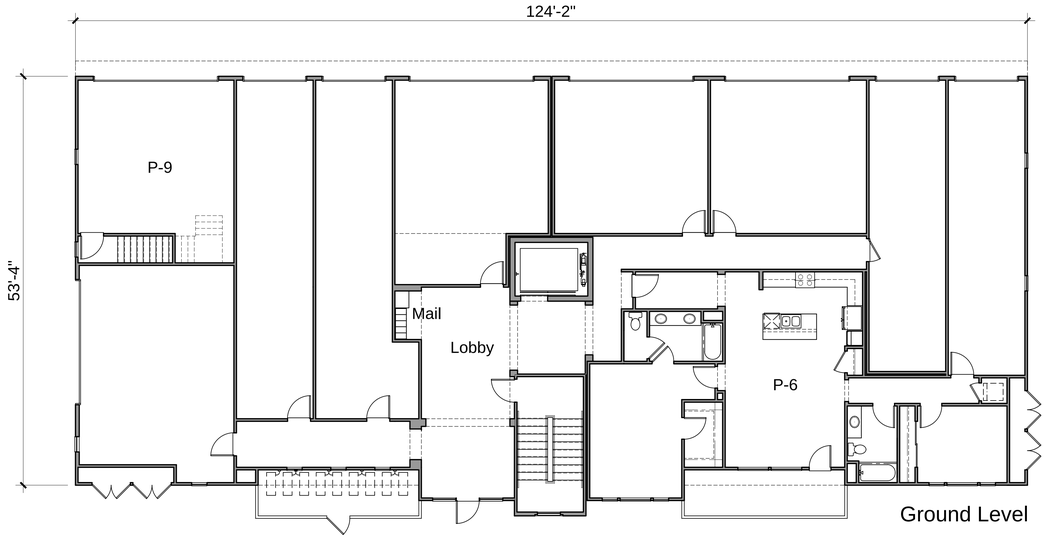


Level 2



Ground Level

450 MONTAGUE

BUILDING "C" 9-PLEX - PLANS

0 4 8 16

AS3.2

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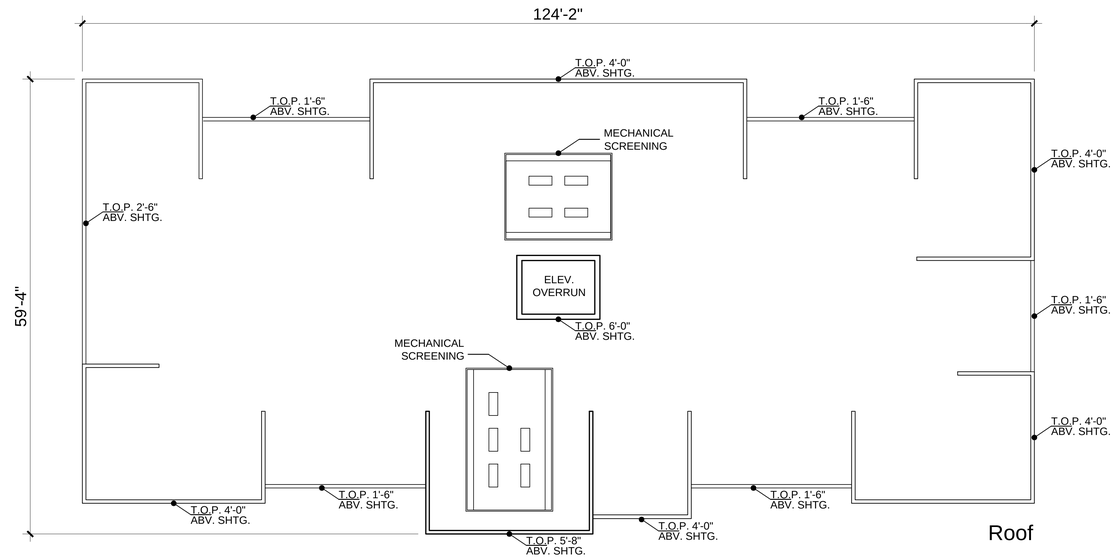

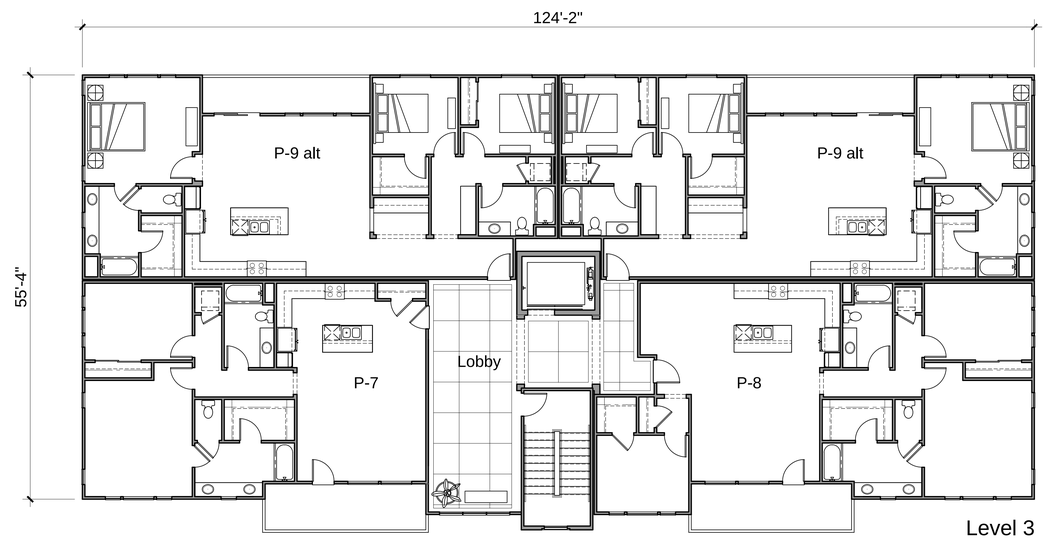

Note: All rooftop mechanical equipment to be screened.

450 MONTAGUE

BUILDING "C" 9-PLEX - PLANS

AS3.3

0 4 8 16

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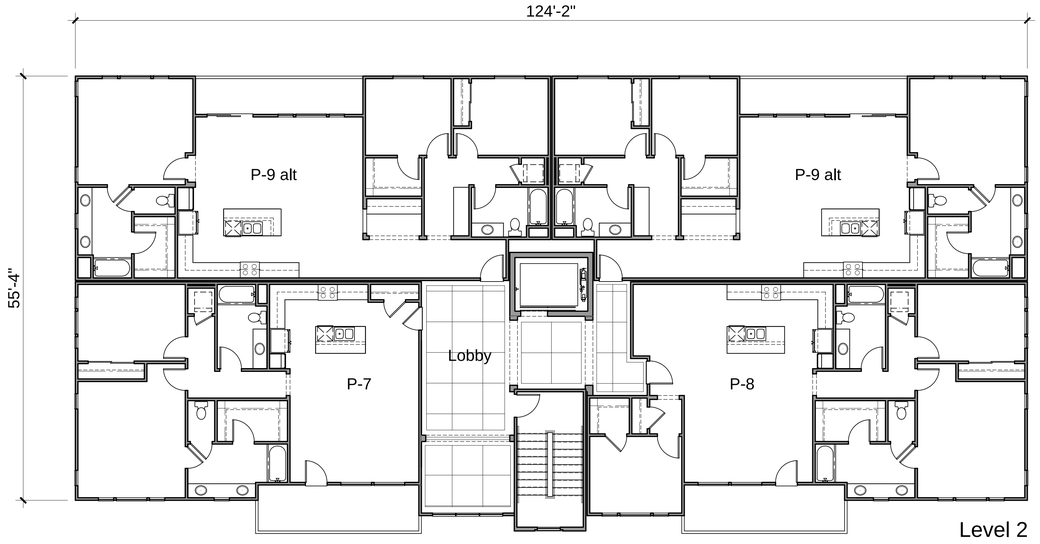

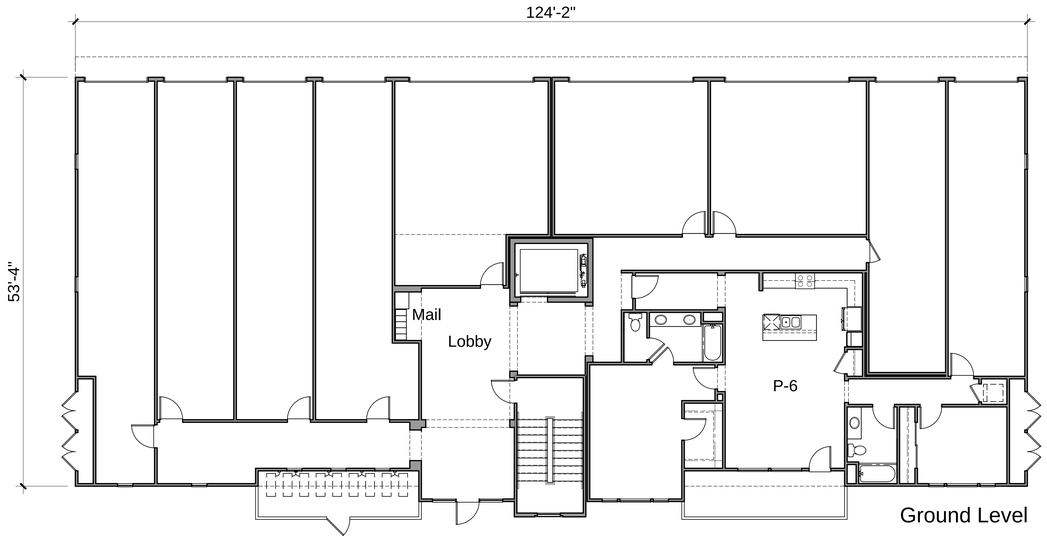

450 MONTAGUE

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BUILDING "C ALT." 9-PLEX - PLANS

MILPITAS, CA

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AS3.4

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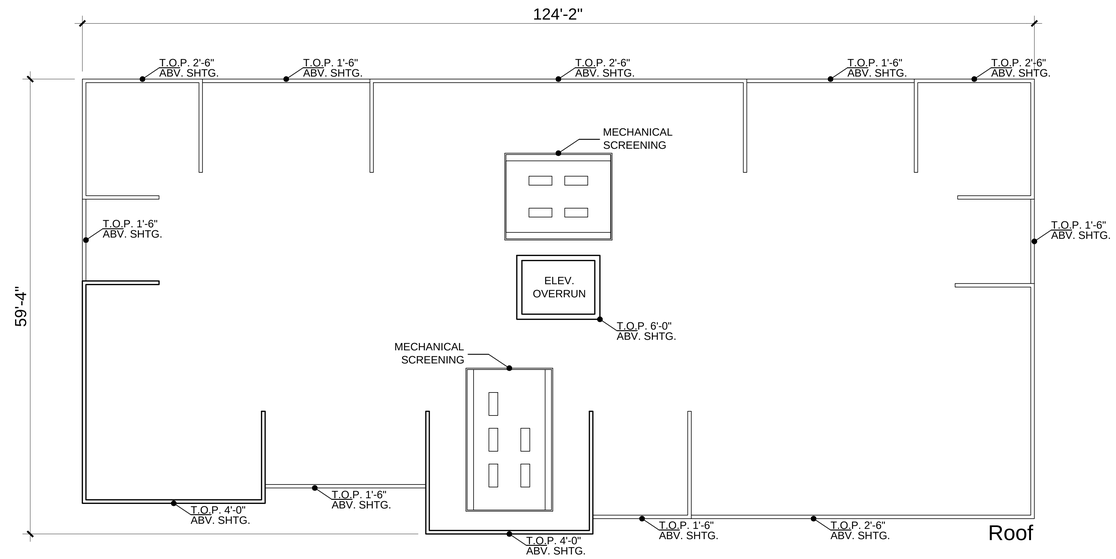

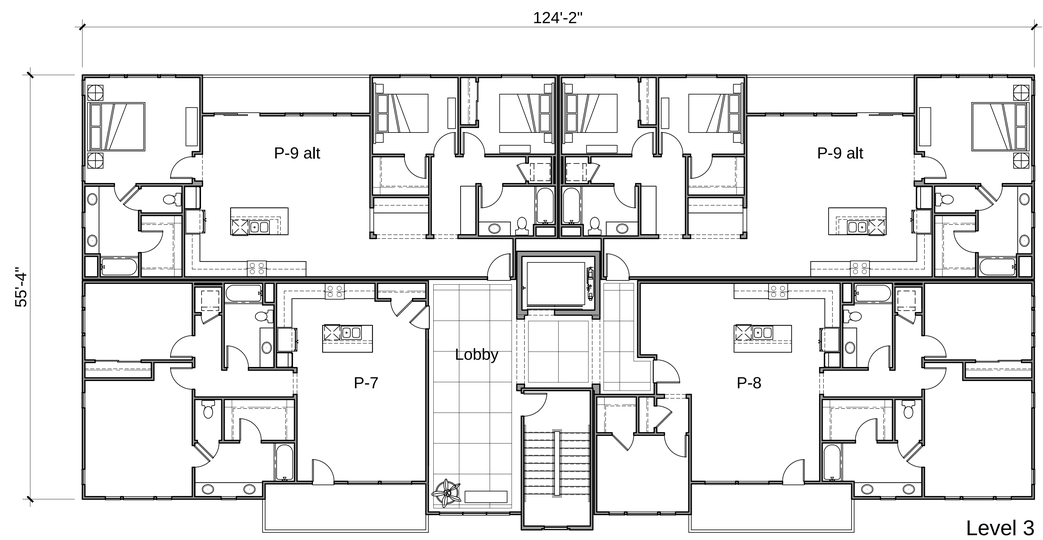

Note: All rooftop mechanical equipment to be screened.

450 MONTAGUE

BUILDING "C ALT." 9-PLEX - PLANS

AS3.5

0 4 8 16

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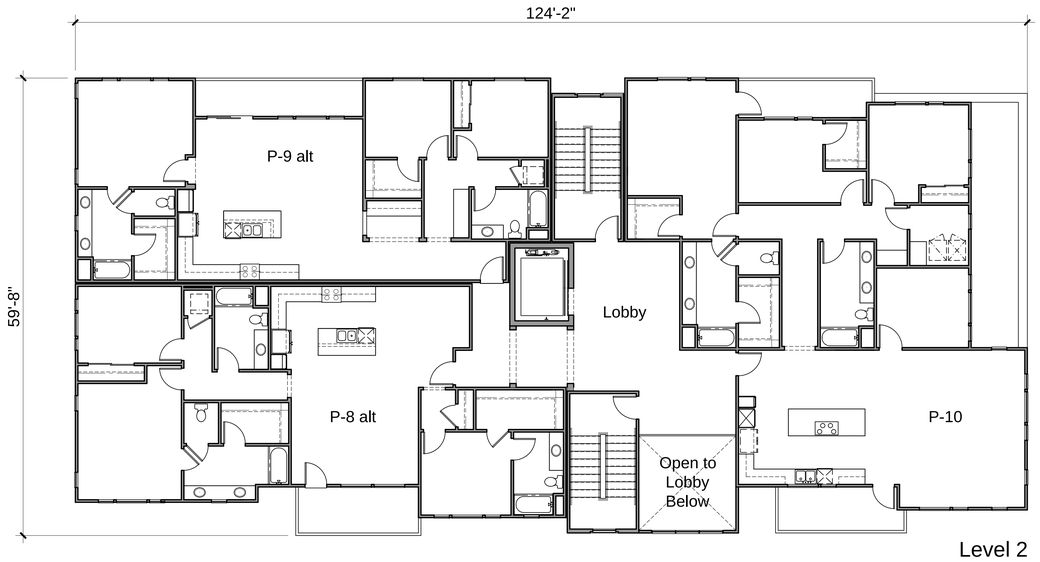

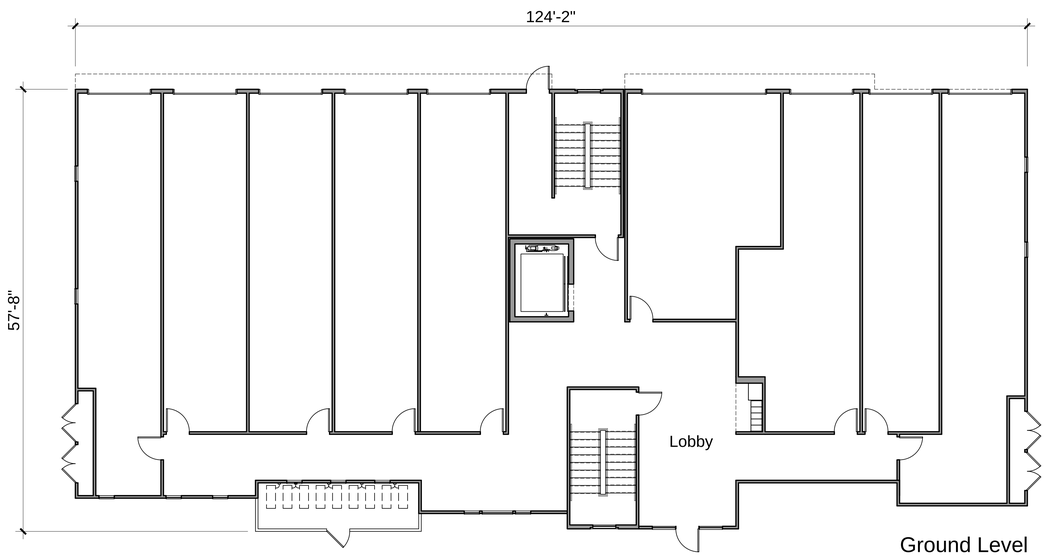

450 MONTAGUE

BUILDING "D" 9-PLEX - PLANS

AS3.6

0 4 8 16

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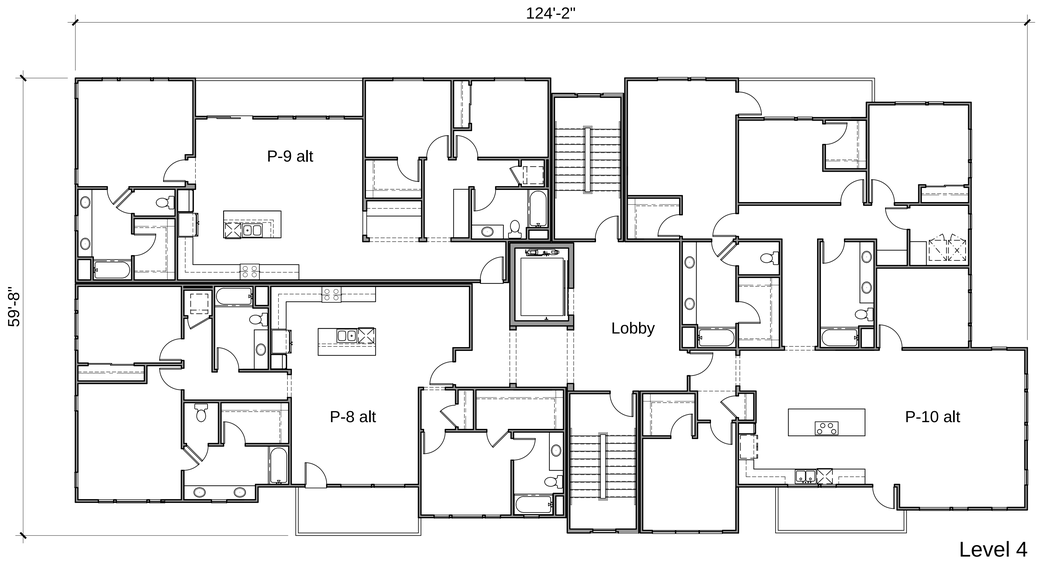

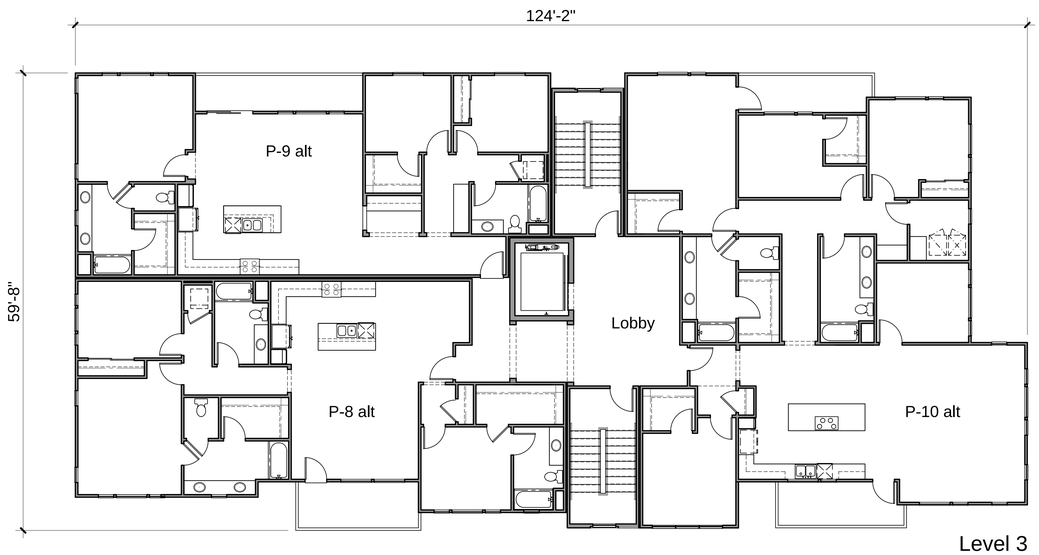

0 4 8 16

450 MONTAGUE

BUILDING "D" 9-PLEX - PLANS

AS3.7

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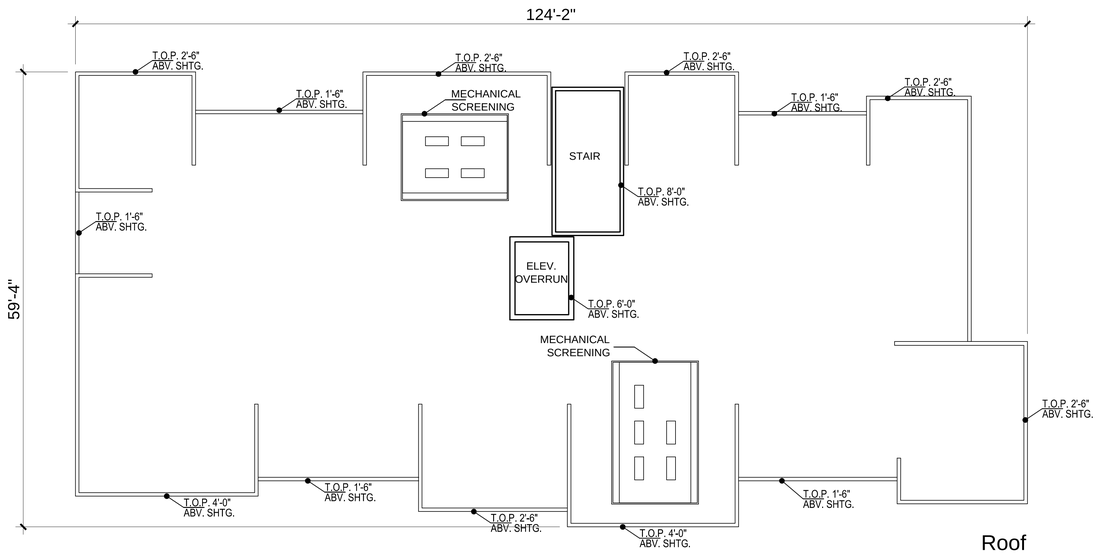

Roof

Note: All rooftop mechanical equipment to be screened.

450 MONTAGUE

BUILDING "D" 9-PLEX - PLANS

MILPITAS, CA

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AS3.8

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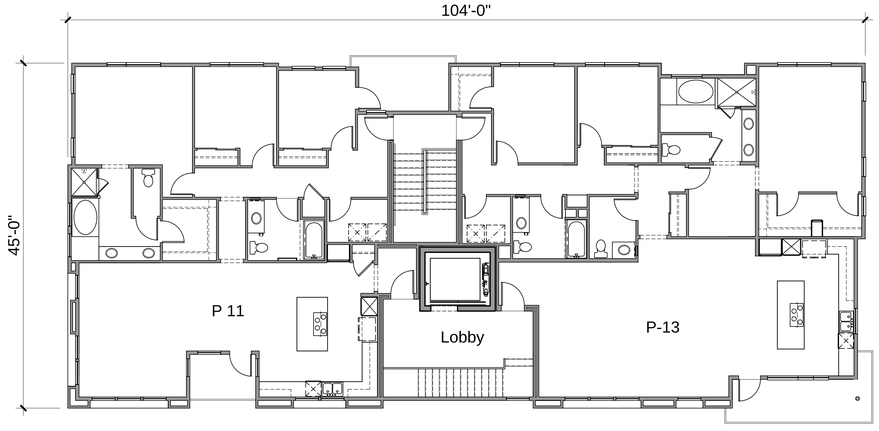
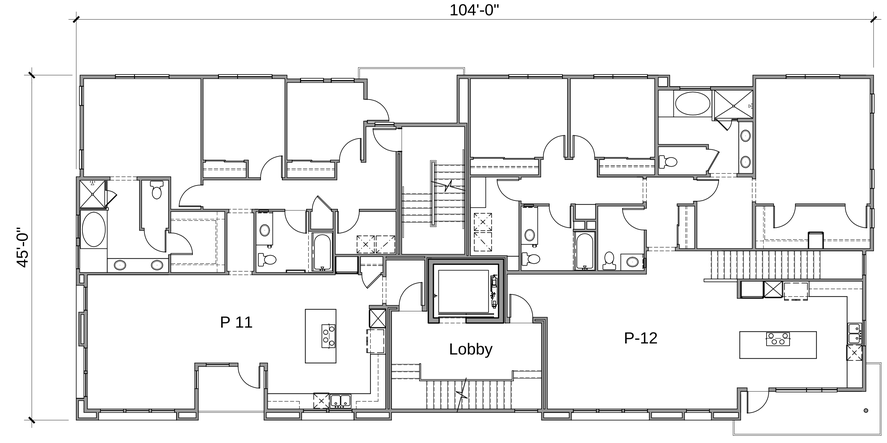


Level 4



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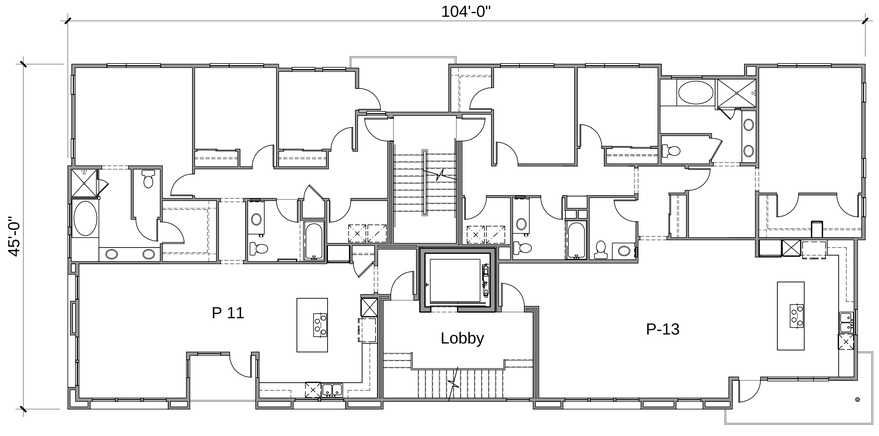
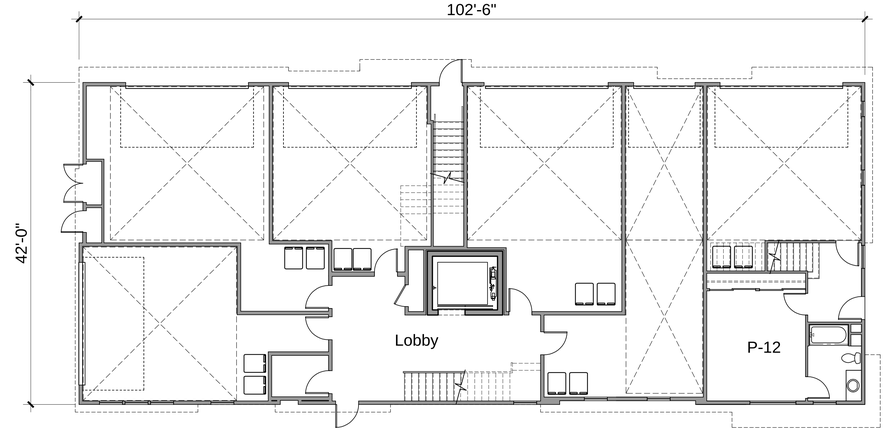


Level 3



Ground Level

450 MONTAGUE

BUILDING "E" 6-PLEX - PLANS

0 4 8 16

AS3.9

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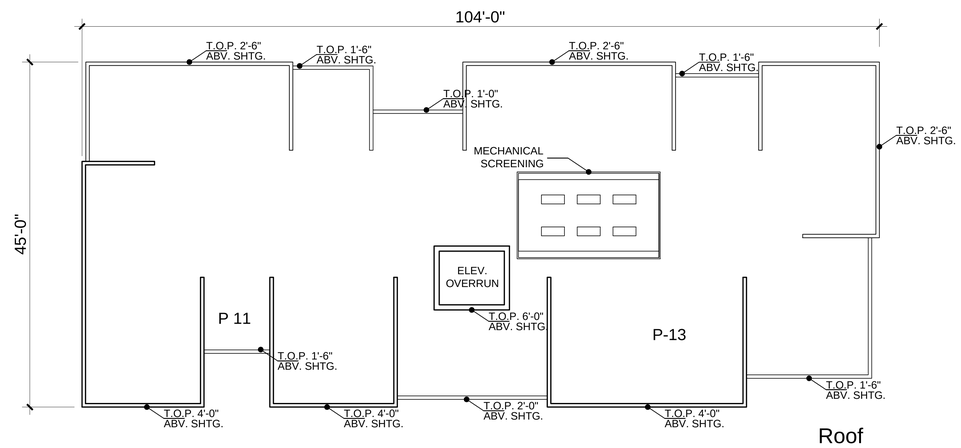

Note: All rooftop mechanical equipment to be screened.

450 MONTAGUE

BUILDING "E" 6-PLEX - PLANS

0 4 8 16

AS3.10

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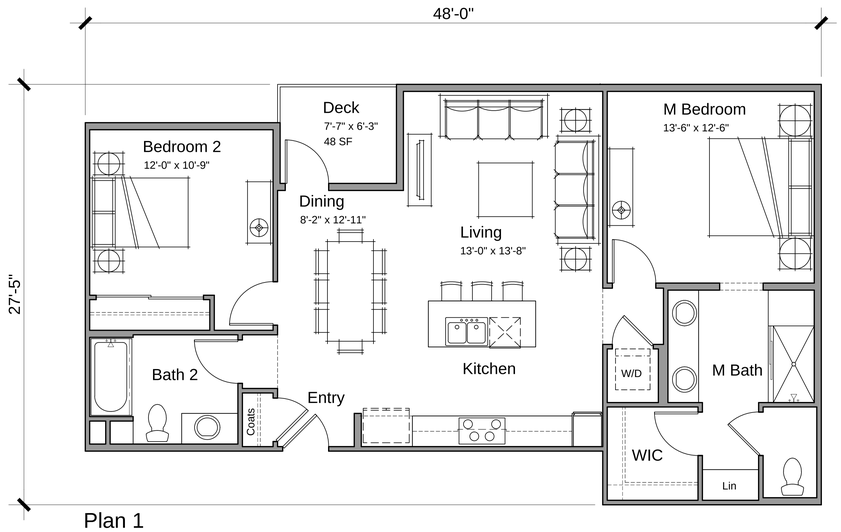
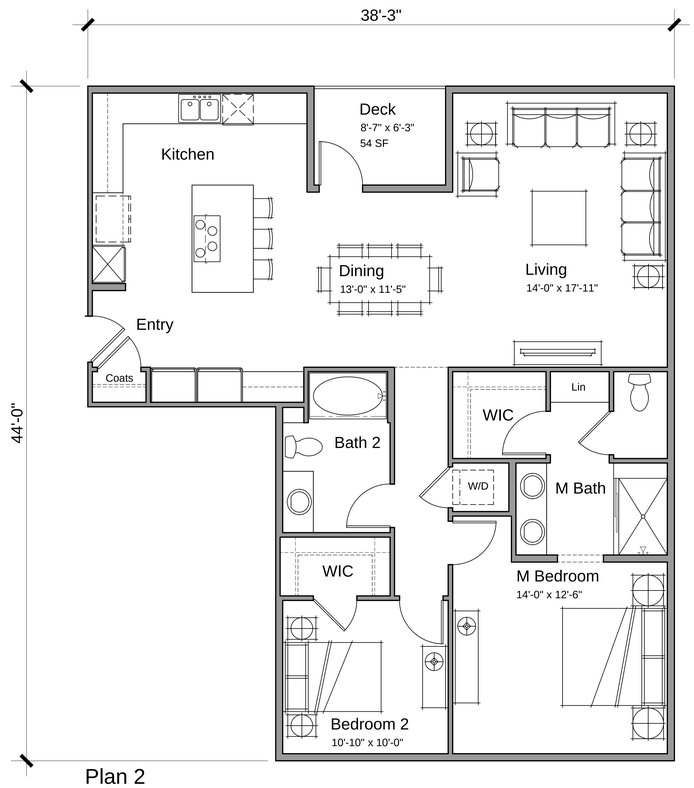


Plan 1
2 Bedroom / 2 Bathroom
1056 NSF



Plan 2
2 Bedroom / 2 Bathroom
1270 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

0 2 4 8

AS5.0

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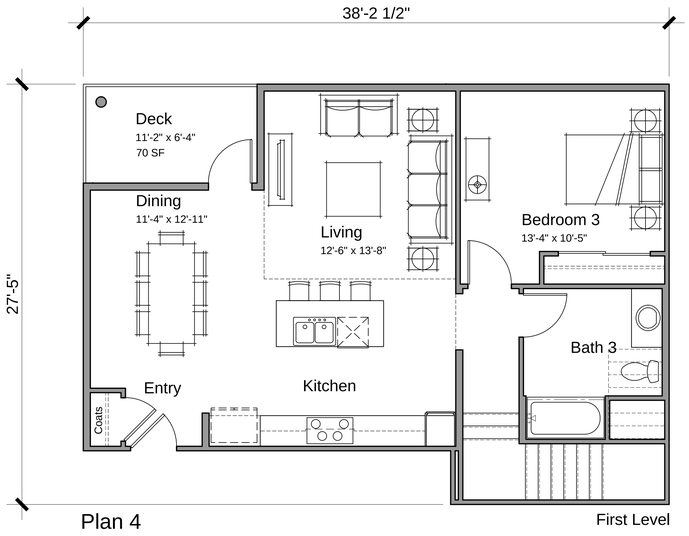
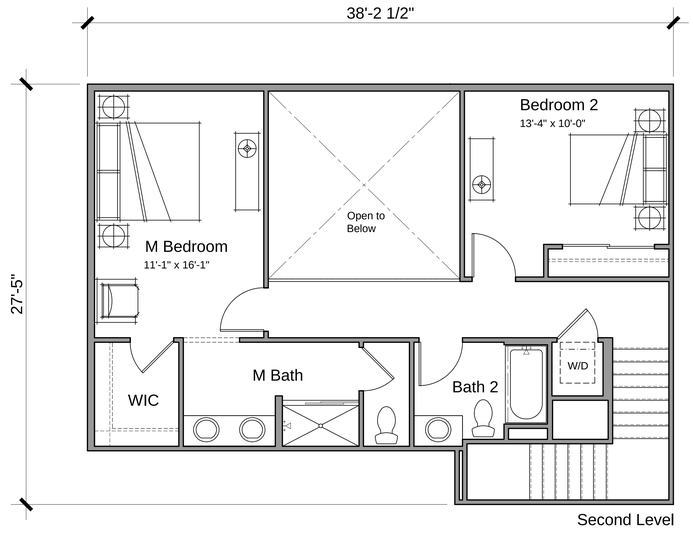


Plan 4
3 Bedroom / 3 Bathroom
1531 NSF



*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

AS5.1

0 2 4 8

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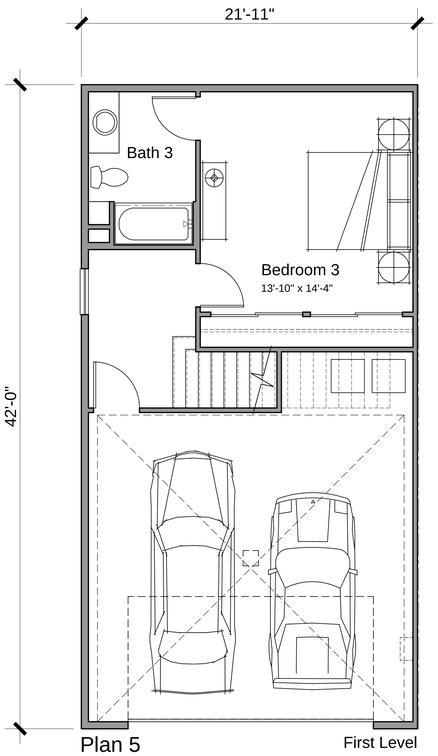
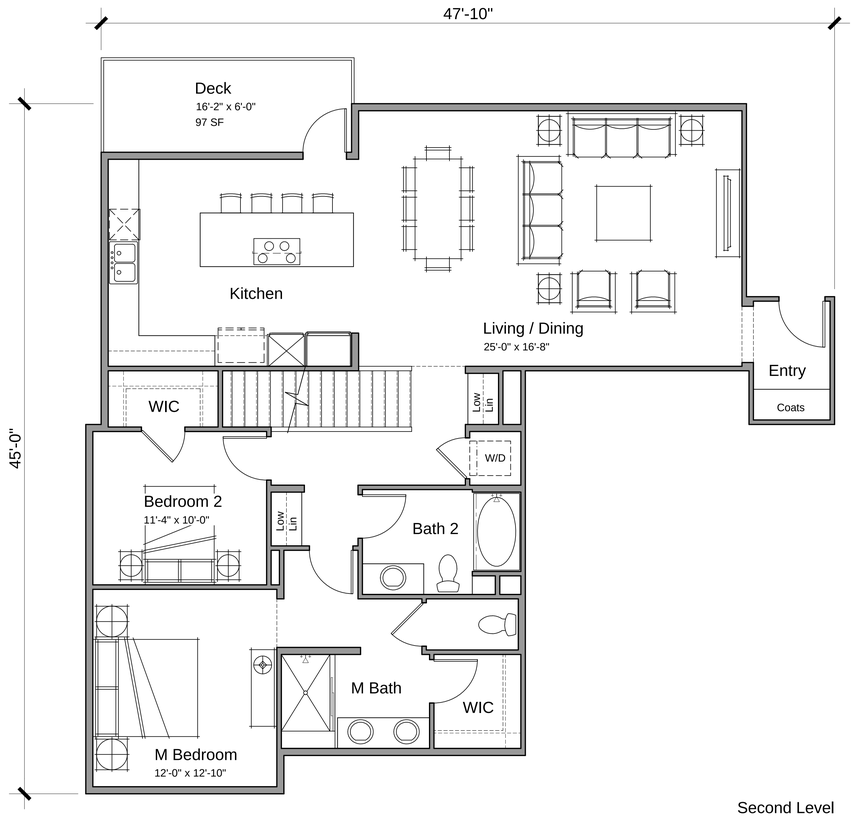


Plan 5

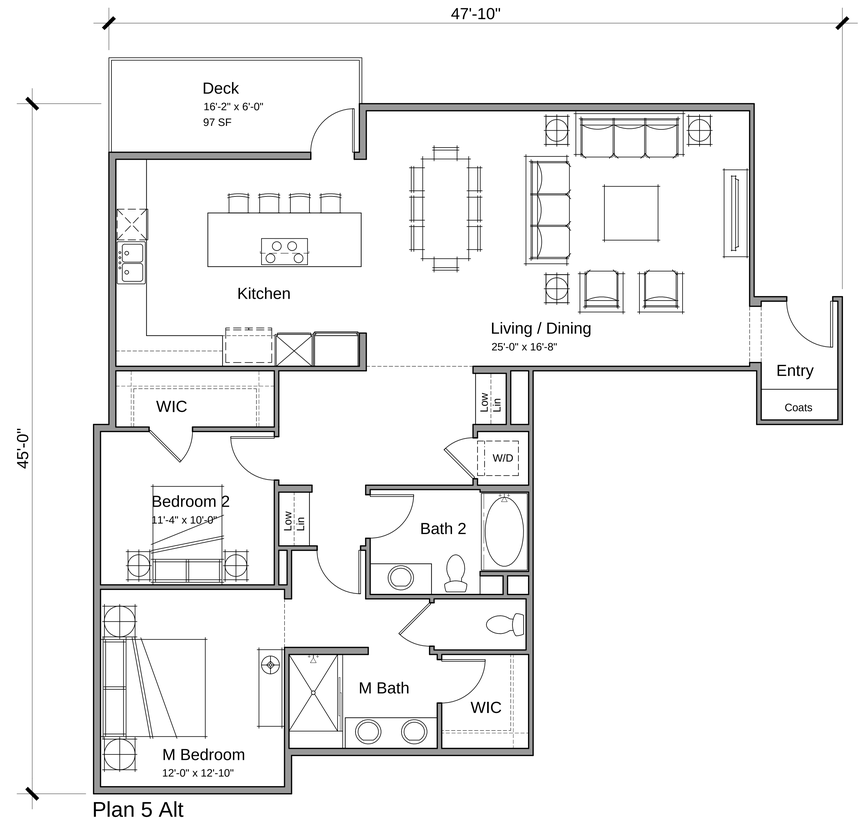
First Level

3 Bedroom / 3 Bathroom

1779 NSF



Second Level



Plan 5 Alt

2 Bedroom / 2 Bathroom

1400 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

AS5.2

0 2 4 8

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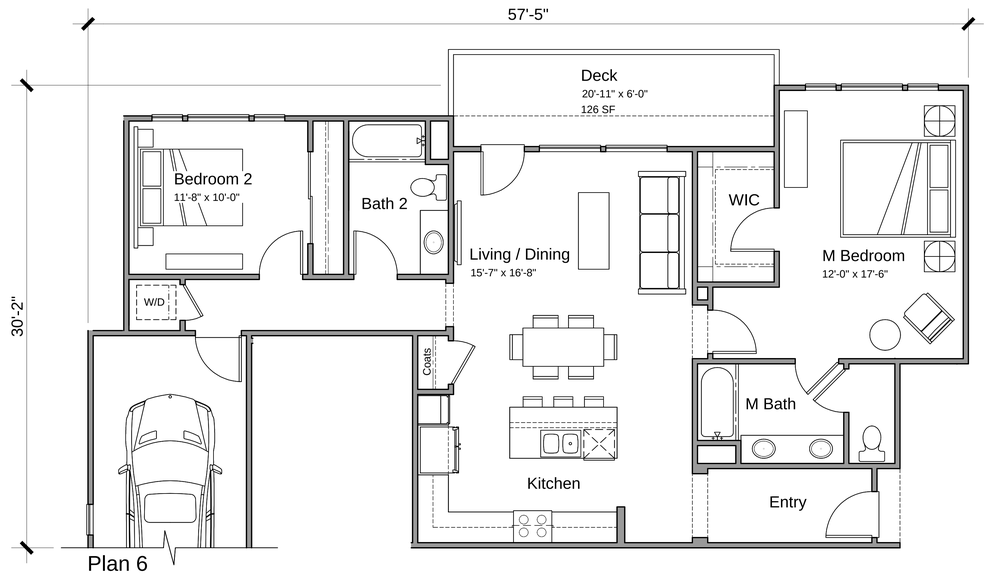
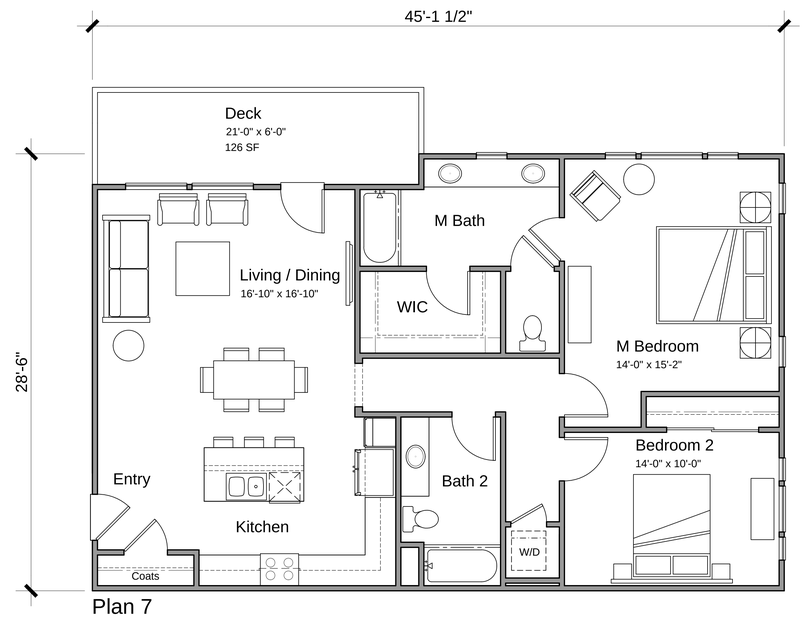


Plan 6
2 Bedroom / 2 Bathroom
1156 NSF



Plan 7
2 Bedroom / 2 Bathroom
1195 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

0 2 4 8

AS5.3

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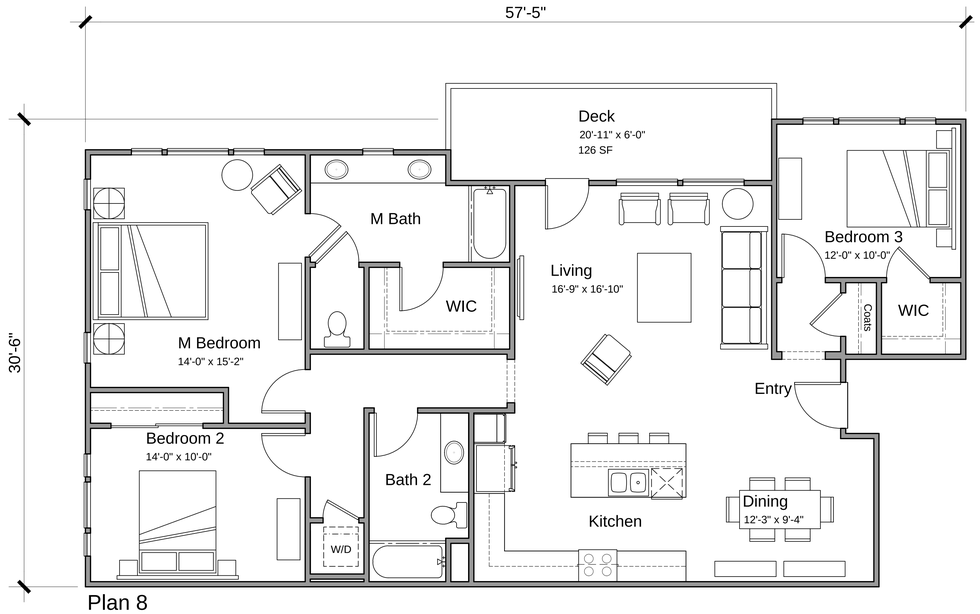

Plan 8
3 Bedroom / 2 Bathroom
1464 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

AS5.4

0 2 4 8

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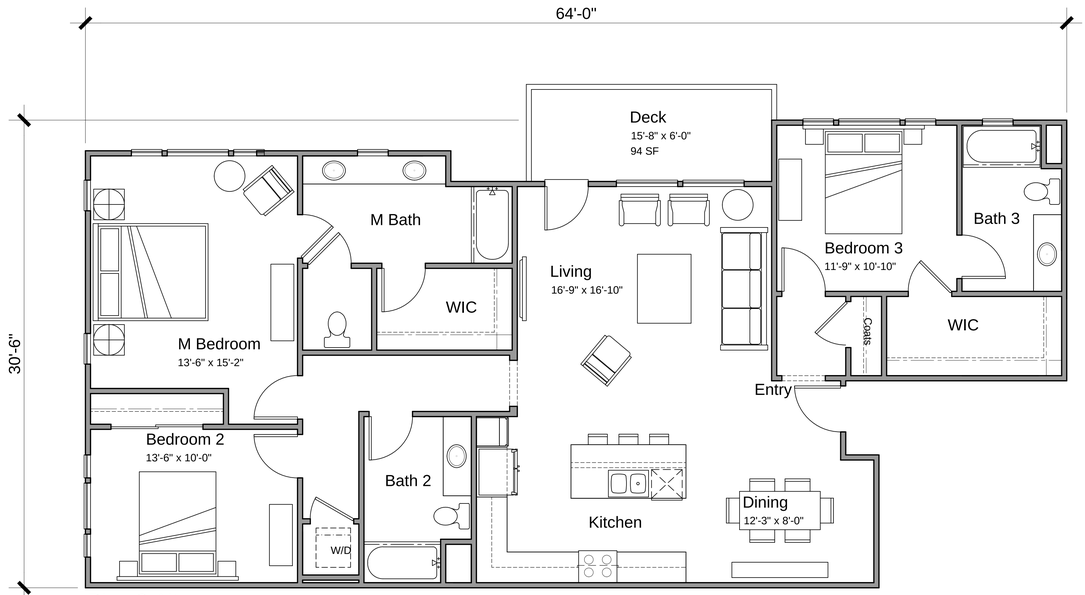

Plan 8 Alt
3 Bedroom / 3 Bathroom
1573 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

0 2 4 8

AS5.5

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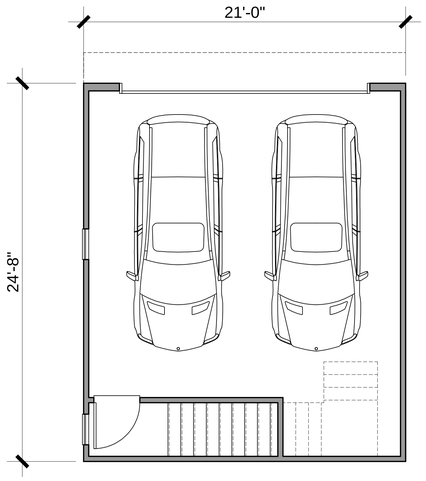
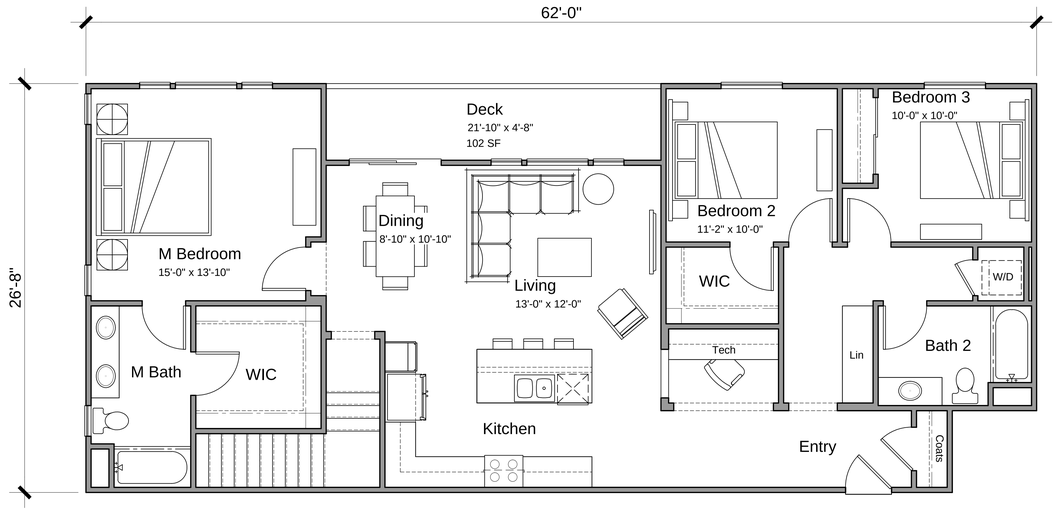


Plan 9

3 Bedroom / 2 Bathroom

1474 NSF

First Level



Second Level

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

0 2 4 8

AS5.6

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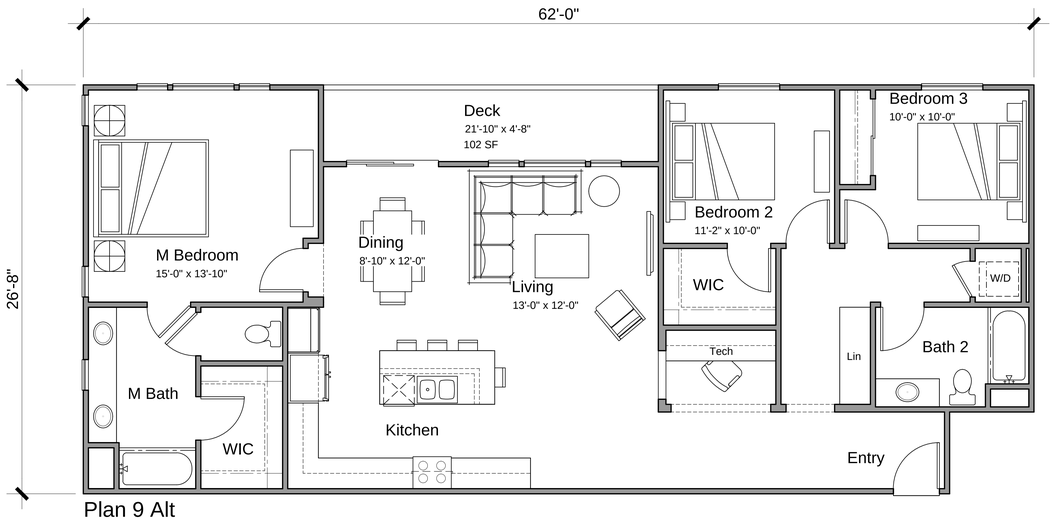

Plan 9 Alt
3 Bedroom / 2 Bathroom
1453 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

AS5.7

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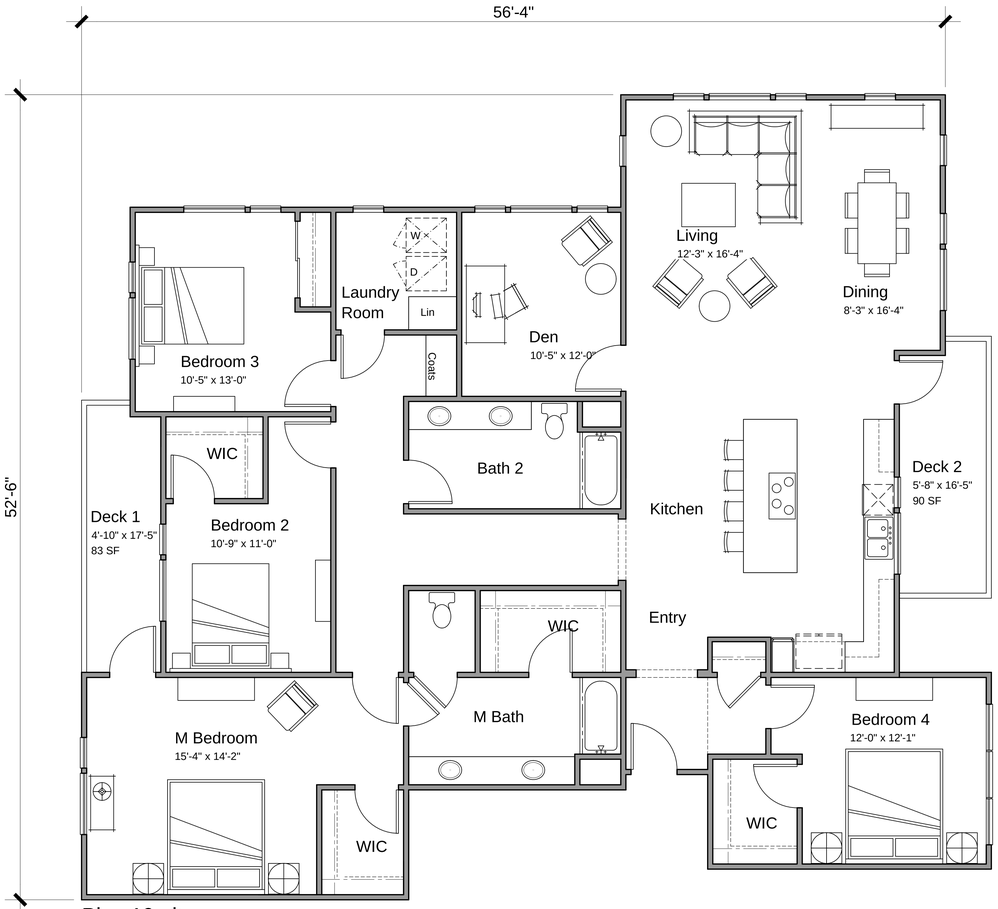
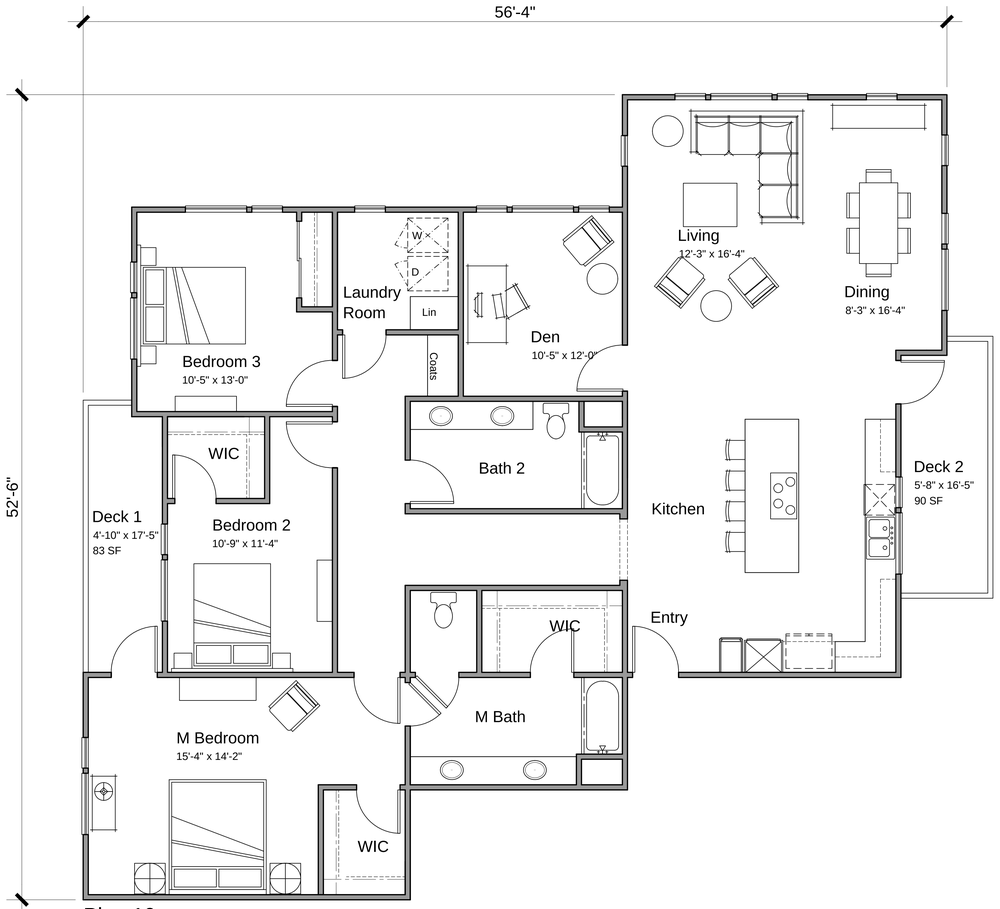


Plan 10 alt
4 Bedroom / 2 Bathroom
2289 NSF



Plan 10
3 Bedroom / 2 Bathroom
2030 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

0 2 4 8

AS5.8

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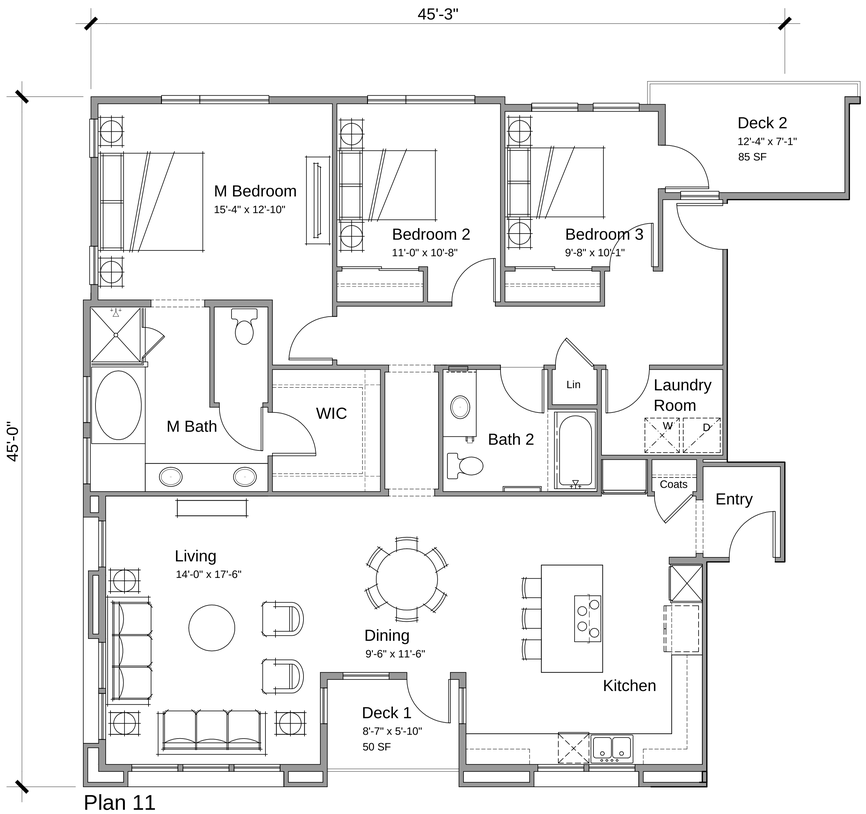

Plan 11
3 Bedroom / 2 Bathroom
1669 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

AS5.9

0 2 4 8

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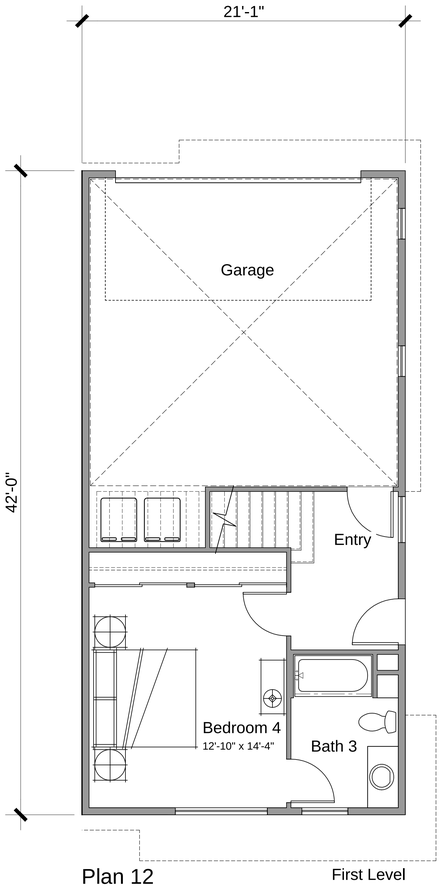
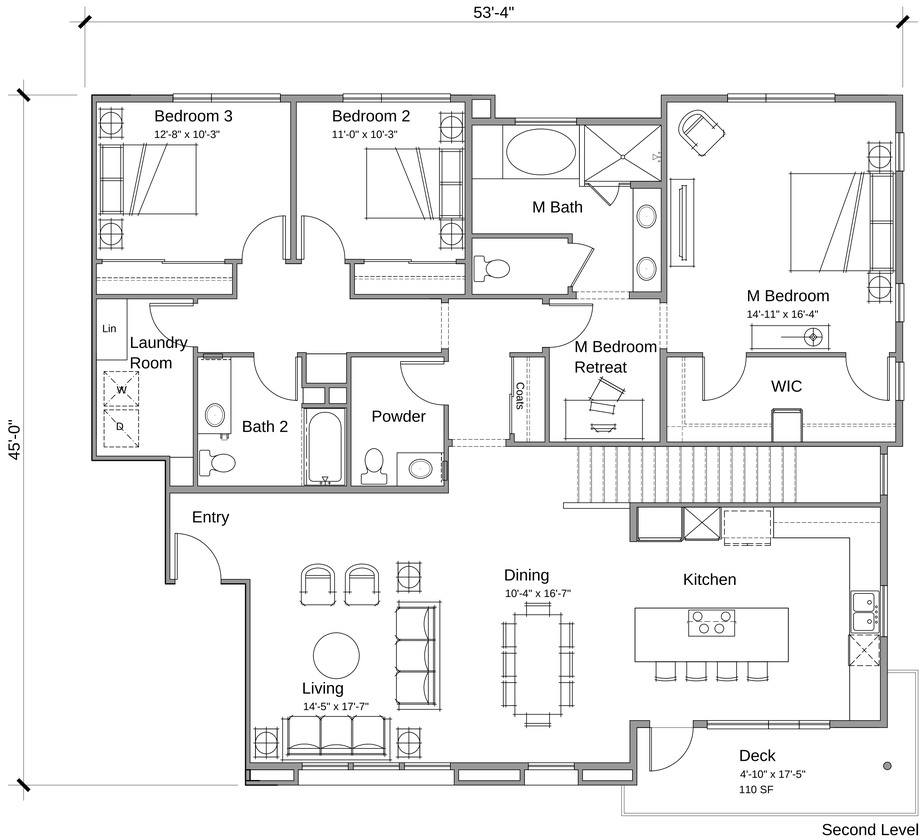


Plan 12

First Level

4 Bedroom / 3.5 Bathroom

2344 NSF



Second Level

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

0 2 4 8

AS5.10

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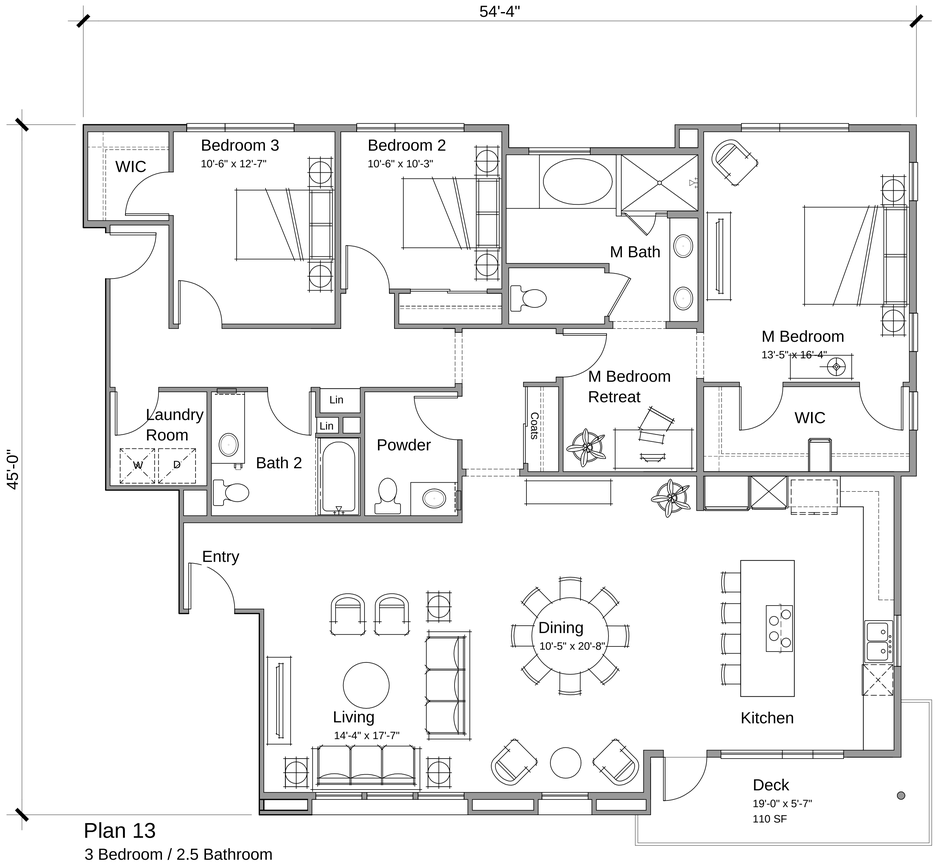

Plan 13
3 Bedroom / 2.5 Bathroom
2013 NSF

*Net rentable area: measured to inside face of stud, includes all shafts; does not reflect 2" window recess; excludes furred wall

450 MONTAGUE

STACKED FLATS - UNIT PLANS

AS5.11

0 2 4 8

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STUCCO 1
SW 7048

STUCCO 2
SW 6062

STUCCO 3
SW 7064

STUCCO 4
SW 7054

CEMENTITIOUS PANEL
SW 6062

CEMENTITIOUS SIDING/TRIM 1
SW 7064

CEMENTITIOUS SIDING/TRIM 2
SW 7038

ACCENT 1
SW 7023

ACCENT 2
SW 7038

ACCENT 3
SW 7509

ACCENT 4
SW 6670

ACCENT 5
SW 7054

ACCENT 6
SW 6062

METAL 1
SW 7064

VINYL WINDOW
TAN

Rear Elevation

Building C Alt - Style 2 - Front Elevation
NTS

Rear Elevation

Building B - Style 1 - Front Elevation
NTS

450 MONTAGUE

COLOR AND MATERIALS BOARD - SCHEME 1

AS7.0

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STUCCO 1
SW 7041

STUCCO 2
SW 7038

CEMENTITIOUS PANEL
SW 7041

CEMENTITIOUS SIDING/TRIM 1
SW 7615

CEMENTITIOUS SIDING/TRIM 2
SW 7044

ACCENT 1
SW 7674

ACCENT 2
SW 7509

ACCENT 3
SW 6902

ACCENT 4
SW 7041

METAL 1
SW 7064

VINYL WINDOW
TAN

Rear Elevation

Building C - Style 1 - Front Elevation
NTS

Rear Elevation

Building A - Style 1 - Front Elevation
NTS

450 MONTAGUE

COLOR AND MATERIALS BOARD - SCHEME 2

AS7.1

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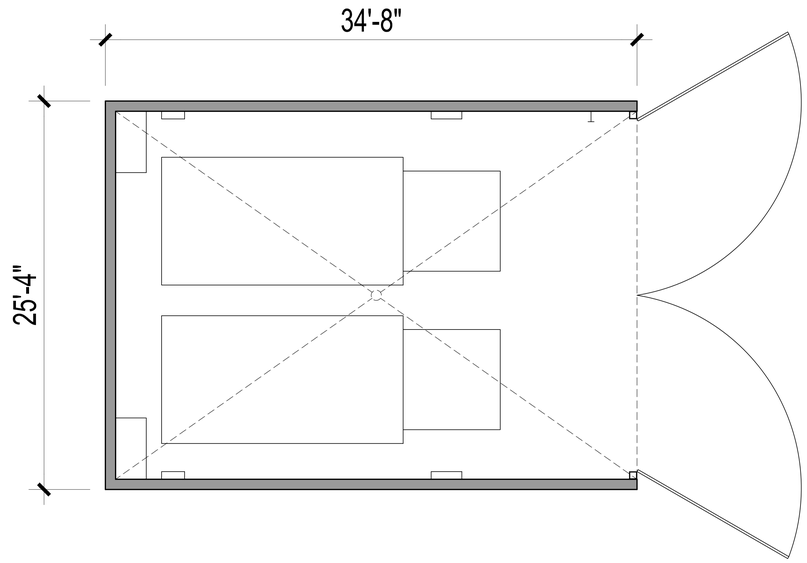
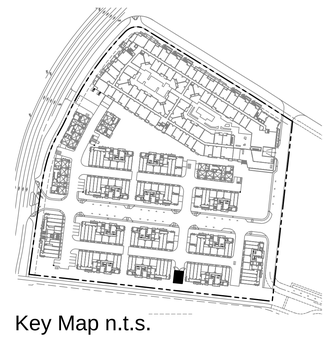


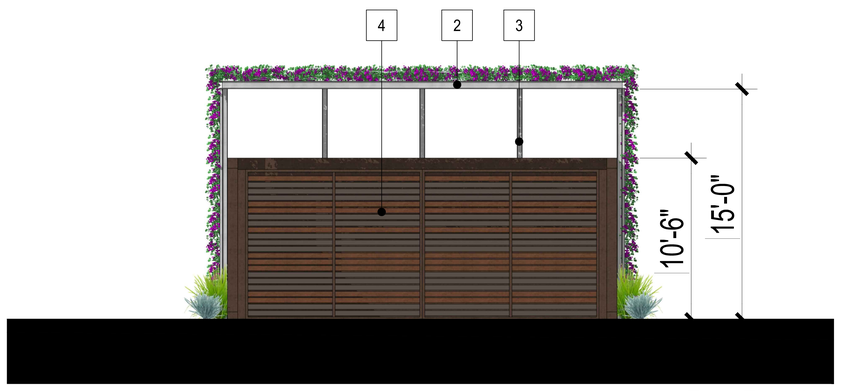
Plan



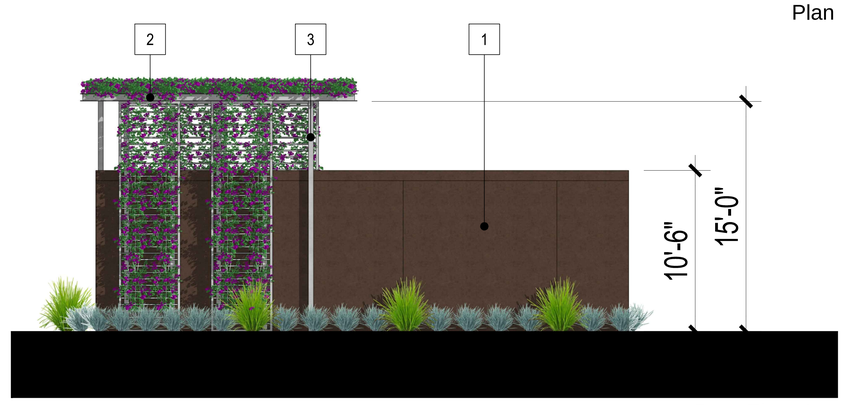
Key Map n.t.s.

Material Legend

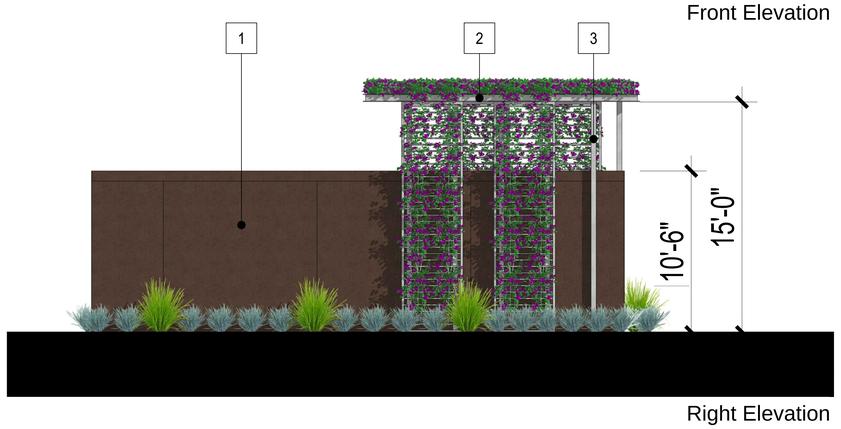
1. Stucco
2. Metal Trellis
3. Metal Column
4. Metal Gate



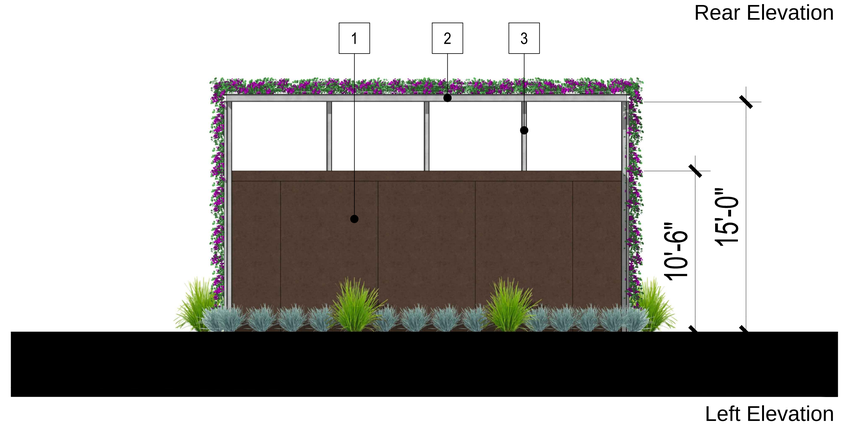
Front Elevation



Rear Elevation



Right Elevation



Left Elevation

450 MONTAGUE

TRASH ENCLOSURE PLAN & ELEVATIONS

0 2 4 8

AS8.0

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CONTACTS

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100 PINE STREET, SUITE 2260
SAN FRANCISCO, CA 94111
(415) 975-4989
KEVIN MA

2. ENGINEER: CARLSON, BARBEE & GIBSON, INC
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322
JASON NERI, RCE 59136

3. SOILS ENGINEER: ROCKRIDGE GEOTECHNICAL
270 GRAND AVENUE
OAKLAND, CA 94610
(510) 420-5738

GENERAL NOTES

1. ASSESSORS PARCEL NO: 086-37-004, 086-37-019, 086-37-020, 086-37-021
2. SITE ADDRESS: 400 & 450 MONTAGUE EXPRESSWAY MILPITAS, CA
3. SITE AREA: 10.47± ACRES
4. DWELLING UNITS: 351 APARTMENTS
138 STACKED FLATS
489 TOTAL UNITS
5. EXISTING ZONING: LIGHT INDUSTRIAL/ R&D DISTRICT
PROPOSED ZONING: MIXED USE VERY HIGH DENSITY WITH TRANSIT ORIENTED DEVELOPMENT OVERLAY (MXD3-TOD)
DENSITY: 46.7 DU/AC
NET DENSITY: 48.7 DU/AC
6. EXISTING USE: INDUSTRIAL
PROPOSED USE: MULTI-FAMILY RESIDENTIAL
7. MINIMUM LOT SIZE: 7,500 SF (LOT 3)
8. BASIS OF BEARINGS: CENTERLINE OF McCANDLESS DRIVE PER PARCEL MAP 536 M 41
9. BENCHMARK: CITY OF MILPITAS BENCHMARK "CED-MA": BRASS DISK IN MONUMENT WELL AT THE INTERSECTION OF CEDAR WAY AND SOUTH MAIN STREET.
EL 33.940 FEET (NGVD 29)
CITY OF MILPITAS LEVEL GPS SURVEY 12/1999 TO 2/2000
10. EXISTING STRUCTURES: ALL EXISTING BUILDINGS, PAVEMENT AND TREES WITHIN BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED.
11. EXISTING UTILITIES: ALL EXISTING UTILITIES WITHIN THE BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED.
12. STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PRIVATE STREETS AND WILL BE PRIVATELY MAINTAINED. ALL PRIVATE STREETS WILL BE WITHIN PSUE'S (MINIMUM LONGITUDINAL SLOPE = 0.6%). ACCESS EASEMENTS WILL BE PROVIDED TO UTILITY OWNERS AS REQUIRED. RECIPROCAL ACCESS EASEMENTS WILL BE PROVIDED OVER STREETS FOR THE BENEFIT OF THE DEVELOPMENT.
13. STREET LIGHTS: EXISTING STREET LIGHTS ALONG EAST CAPITOL AVENUE AND MONTAGUE EXPRESSWAY TO REMAIN, UNLESS OTHERWISE NOTED, AND WILL BE PUBLICLY OWNED AND MAINTAINED. STREET LIGHTS ALONG PRIVATE STREETS WILL BE PRIVATELY MAINTAINED.
14. WALLS: ALL WALLS WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY MAINTAINED.
15. UTILITIES: ALL UTILITIES WITHIN EAST CAPITOL AVENUE, MONTAGUE EXPRESSWAY, AND THE RECYCLED WATER MAIN IN STREET A WILL BE PUBLIC FACILITIES TO BE OWNED AND MAINTAINED BY THE CITY OF MILPITAS.
ALL OTHER UTILITIES WITHIN THE PROPOSED SUBDIVISION ARE PRIVATELY OWNED AND MAINTAINED, INCLUDING BUT NOT LIMITED TO, WATER, STORM AND SEWER.
16. EASEMENTS: EXISTING EASEMENTS MAY REQUIRE VACATION OR RELOCATION TO FACILITATE DEVELOPMENT. ALL PROPOSED, EXISTING, RELOCATED AND VACATED EASEMENTS TO BE SHOWN ON THE FINAL MAP.
17. LANDSCAPING: LANDSCAPING WITHIN THE CITY RIGHT-OF-WAY TO BE OWNED AND MAINTAINED BY THE CITY OF MILPITAS.
ALL LANDSCAPING OUTSIDE OF THE PUBLIC RIGHT-OF-WAY TO BE PRIVATELY OWNED AND MAINTAINED.
18. FLOOD ZONE: ZONE AO (DEPTH 1')
REFER TO:
FLOOD INSURANCE RATE MAP
06085C0067J (FEBRUARY 19, 2014)
ALL PROPOSED STRUCTURES TO BE REMOVED FROM SPECIAL FLOOD HAZARD AREA (SFHA).
19. WELLS ONSITE: ALL EXISTING WELLS TO BE DECOMMISSIONED PER CITY OF MILPITAS REQUIREMENTS.
20. WATER: CITY OF MILPITAS
21. STORM: CITY OF MILPITAS
22. SEWER: CITY OF MILPITAS
23. GAS & ELECTRIC: PG&E
24. TELEPHONE: AT&T
25. CABLE TV: AT&T BROADBAND
26. CONDOMINIUM MAP: A CONDOMINIUM MAP WILL BE RECORDED FOR LOTS 1 THRU 18. PARCELS A, B & C WILL BE COMMON AREA PARCELS. PARCEL D WILL BE DEDICATED TO THE CITY OF MILPITAS AS RIGHT-OF-WAY. PARCELS E & F WILL BE DEDICATED TO THE SANTA CLARA COUNTY RIGHT-OF-WAY. THE SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET SEQ OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS SHALL BE NO MORE THAN 489 UNITS.
27. PHASING: THE PROJECT MAY INCLUDE MULTIPLE PHASES AND FINAL MAPS.
28. DIMENSIONS: ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO THE FINAL SUBDIVISION MAP.

EXISTING EASEMENTS

1. 10' PUBLIC SERVICE UTILITY EASEMENT IN FAVOR OF SANTA CLARA COUNTY TRANSIT DISTRICT PER 15084324
2. SLOPE EASEMENT IN FAVOR OF CITY OF MILPITAS PER B842 OR 712
3. 15' PUBLIC SERVICE UTILITY EASEMENT IN FAVOR OF SANTA CLARA COUNTY TRANSIT DISTRICT PER 15084322
4. 10' PUBLIC SERVICE UTILITY EASEMENT IN FAVOR OF CITY OF MILPITAS PER 420 M 22
5. ABUTTER'S RIGHTS RELINQUISHMENT PER H639 OR 655 AND H639 OR 660
6. 10' SANITARY SEWER EASEMENT IN FAVOR OF MILPITAS SANITARY DISTRICT PER 8694 OR 326
7. 10' SANITARY SEWER EASEMENT IN FAVOR OF MILPITAS SANITARY DISTRICT PER 8879 OR 480
8. 12' PUBLIC SERVICE UTILITY EASEMENT IN FAVOR OF CITY OF MILPITAS PER 420 M 22
9. ROADWAY, SIDEWALK & UTILITY EASEMENT IN FAVOR OF STUART LEEB, ROBERT J BRAUD & CHRISTINE BRAUD PER H653 OR 471
10. ABUTTER'S RIGHTS RELINQUISHMENT PER H639 OR 665

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		RIGHT-OF-WAY LINE
		PROPERTY LINE
		EASEMENT LINE
		RELINQUISHMENT OF ABUTTERS RIGHTS
		CURB, GUTTER & SIDEWALK
		ADJACENT PROPERTY COORDINATION AREAS

ABBREVIATIONS

BD	BOUNDARY
BFE	BASE FLOOD ELEVATION
BRC	BACK OF ROLLED CURB
DW	DRIVEWAY
EX	EXISTING
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
FC	FACE OF CURB
OB	OVERBUILD
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R	RADIUS
RW	RECYCLED WATER
R/W	RIGHT-OF-WAY
SCVWD	SANTA CLARA VALLEY WATER DISTRICT
SD	STORM DRAIN
SS	SANITARY SEWER
SSE	SANITARY SEWER EASEMENT
W	WATER

LINE TABLE

NO	BEARING	LENGTH
L2	N58°09'20"W	33.54'
L3	N56°18'29"W	65.61'
L4	N83°42'50"W	13.69'
L6	N70°36'57"W	10.00'
L8	N06°17'10"E	40.00'
L9	N83°42'50"W	10.39'
L10	N06°17'10"E	43.00'
L12	N58°06'37"W	21.89'
L13	N57°06'54"W	110.78'
L14	N08°09'19"E	77.55'
L15	N07°58'55"E	181.82'
L16	N06°26'55"E	30.83'

CURVE TABLE

NO	RADIUS	DELTA	LENGTH
C2	606.03'	1°50'51"	19.54'
C3	70.00'	10°34'32"	12.92'
C4	255.00'	5°26'28"	24.22'
C5	100.00'	3°16'19"	5.71'
C6	40.00'	103°05'53"	71.98'
C7	40.00'	87°24'53"	61.03'
C8	923.00'	2°35'22"	41.71'
C9	46.00'	34°06'42"	27.39'
C10	46.00'	43°25'37"	34.87'
C11	428.00'	5°49'39"	43.53'
C12	372.00'	17°11'20"	111.60'
C13	844.00'	3°41'16"	54.32'
C14	46.00'	77°32'18"	62.25'

SHEET INDEX

TM.01	VESTING TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES
TM.02	EXISTING CONDITIONS
TM.03	SITE PLAN
TM.04	PRELIMINARY GRADING & DRAINAGE PLAN
TM.05	FLOOD PLAIN MAP
TM.06	PRELIMINARY UTILITY PLAN
TM.07A	PRELIMINARY STORMWATER CONTROL PLAN
TM.07B	PRELIMINARY STORMWATER CONTROL PLAN DETAILS
TM.08	FIRE TRUCK ACCESS PLAN
TM.09	SOLID WASTE MANAGEMENT PLAN
TM.10	PARKING PLAN
TM.11	CONDITIONS OF APPROVAL

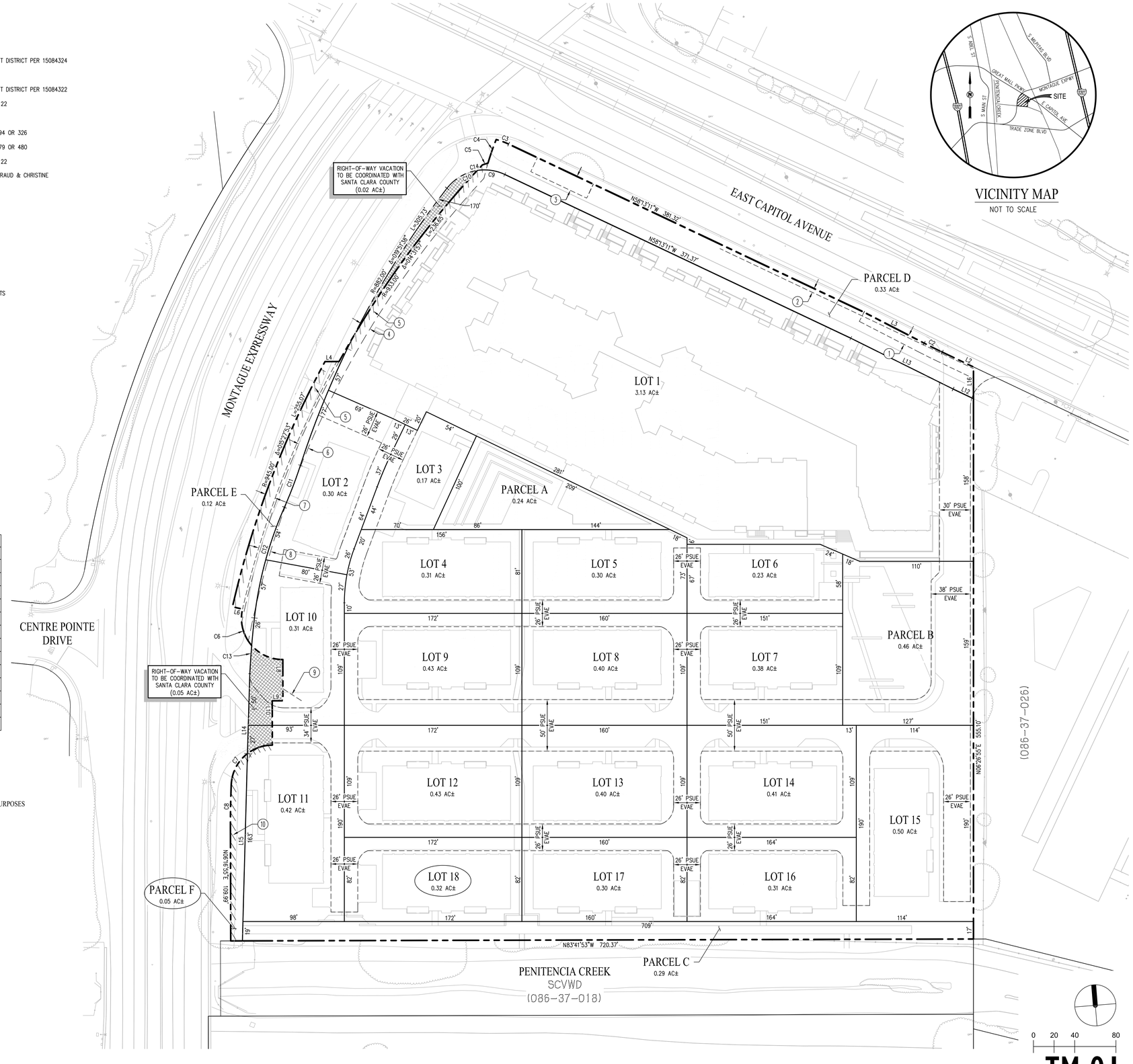
SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

City Engineer **Date**

Recommended for Approval by the Milpitas Planning Commission, this _____ day of _____ 20 ____ , and Approved by the Milpitas City Council this_____ day of _____ 20 _____ .

Planning and Neighborhood Services Director **Date**



VICINITY MAP

NOT TO SCALE

450 MONTAGUE

VESTING TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES

TM.01

LENNAR MULTIFAMILY COMMUNITIES
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Lennar Homes
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MILPITAS, CA

KTGY # 2013-0551

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12.12.2014 2nd SUBMITTAL

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LINE TABLE		
NO	BEARING	LENGTH
L1	N58°09'20"W	33.54'
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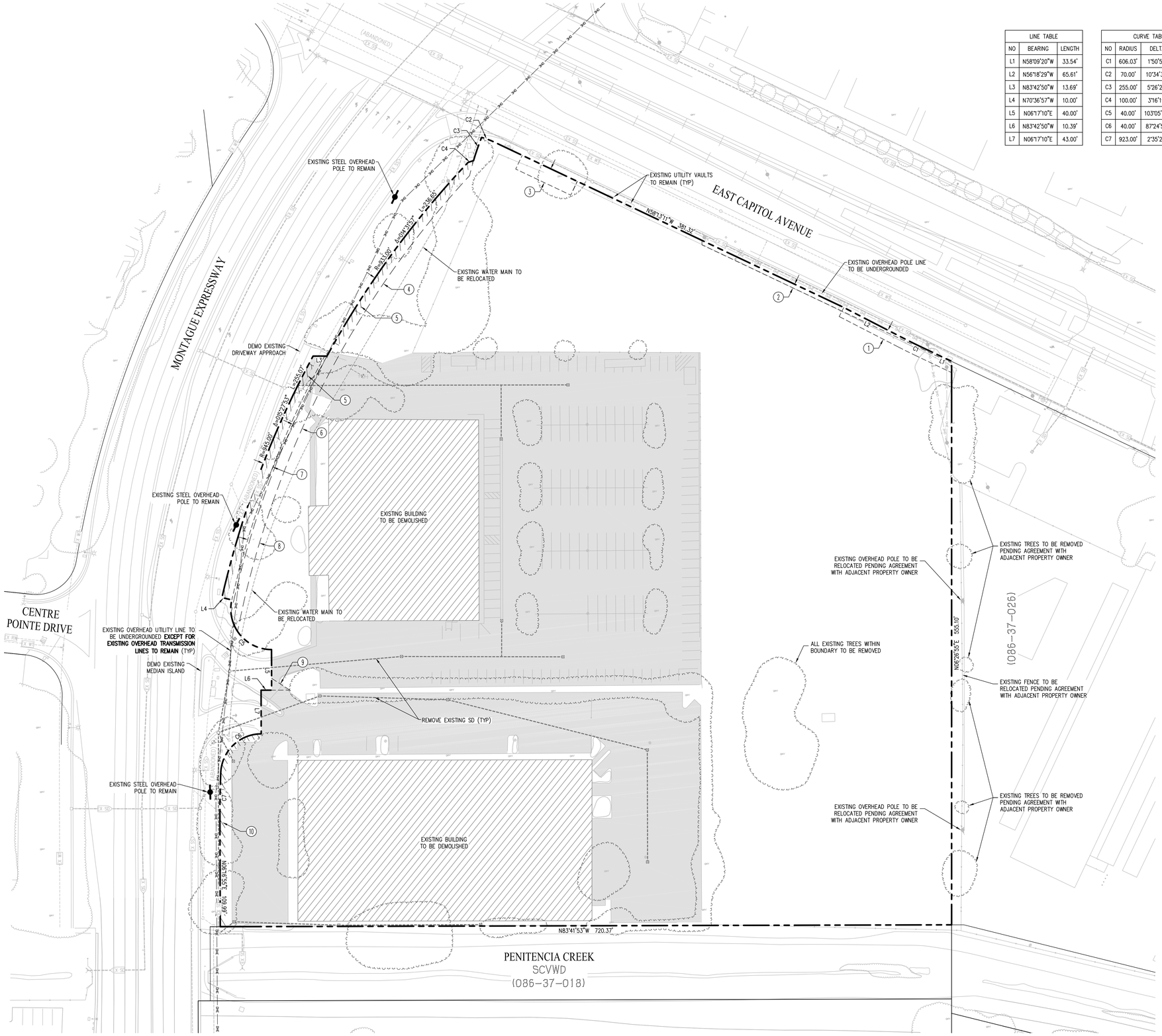

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LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE
- EXISTING UTILITY TO BE REMOVED
- EXISTING BUILDING TO BE DEMOLISHED
- EXISTING PAVEMENT/CONCRETE TO BE DEMOLISHED
- EXISTING TREE TO BE REMOVED

0 20 40 80

450 MONTAGUE

EXISTING CONDITIONS

TM.02

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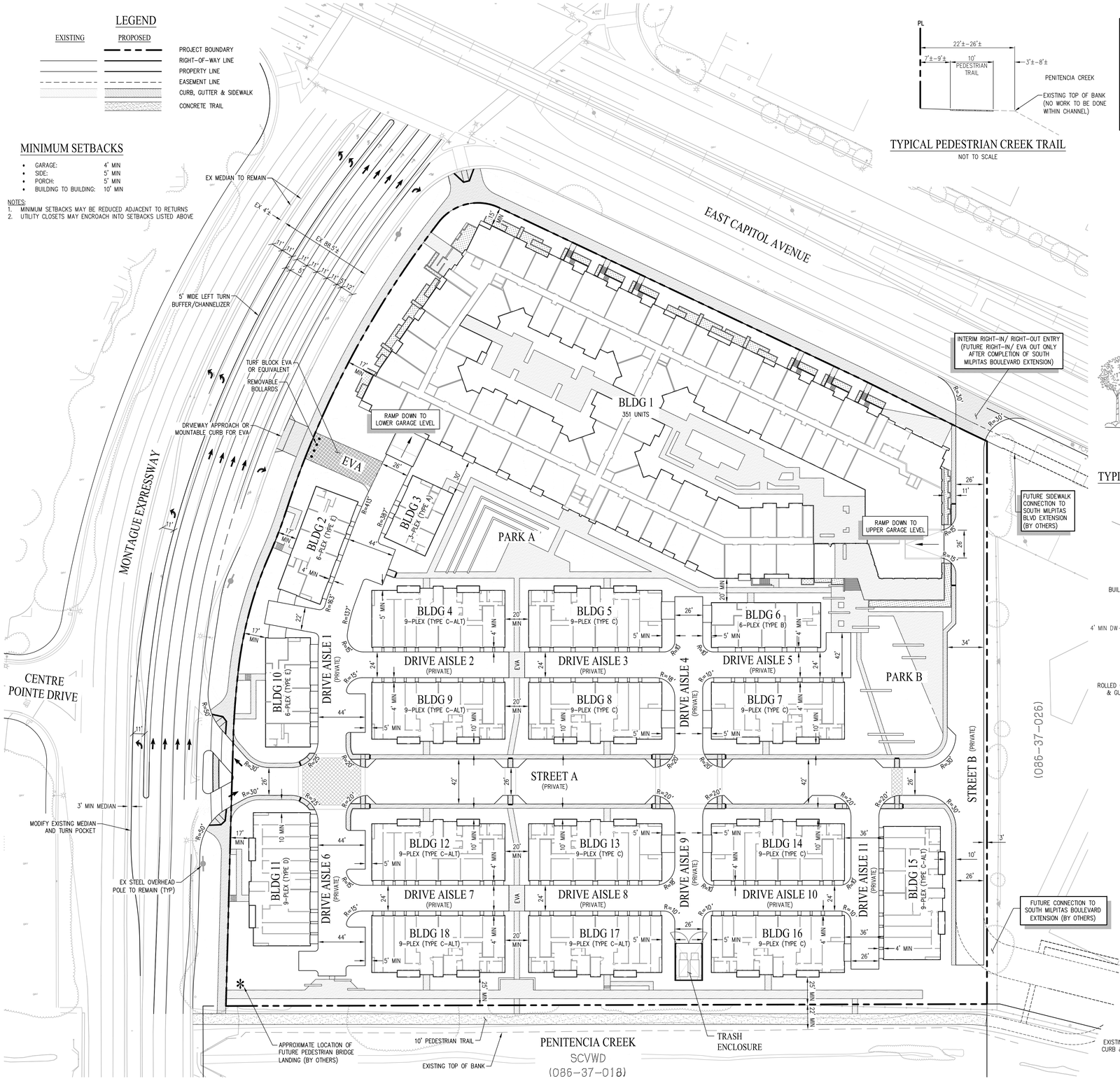
LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		RIGHT-OF-WAY LINE
		PROPERTY LINE
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
		CONCRETE TRAIL

MINIMUM SETBACKS

- GARAGE: 4' MIN
- SIDE: 5' MIN
- PORCH: 5' MIN
- BUILDING TO BUILDING: 10' MIN

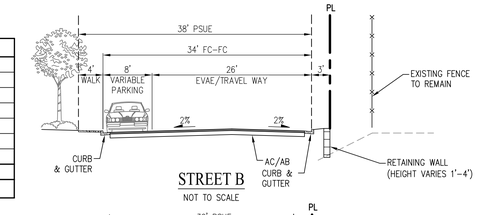
NOTES:
1. MINIMUM SETBACKS MAY BE REDUCED ADJACENT TO RETURNS
2. UTILITY CLOSETS MAY ENCROACH INTO SETBACKS LISTED ABOVE



TYPICAL PEDESTRIAN CREEK TRAIL
NOT TO SCALE

UNIT SUMMARY

BUILDING TYPE			BUILDING COUNT	UNIT COUNT
STACKED FLATS	TYPE A	3-PLEX	1	3
	TYPE B	6-PLEX	1	6
	TYPE C	9-PLEX	6	54
	TYPE C-ALT	9-PLEX	6	54
	TYPE D	9-PLEX	1	9
	TYPE E	6-PLEX	2	12
	SUBTOTAL		17	138
PODIUM APARTMENTS			1	351
TOTAL			18	489



STREET B
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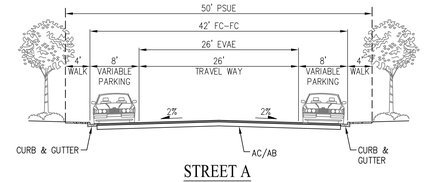

STREET A
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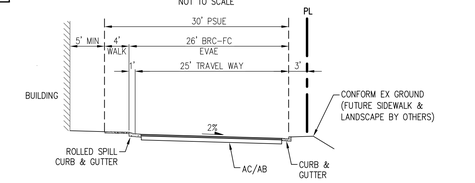

STREET B (AT BUILDING 15)
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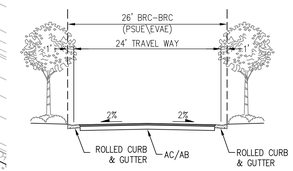
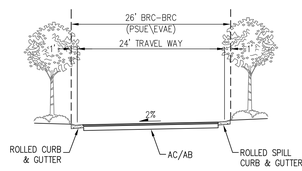
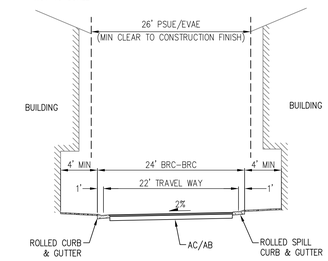


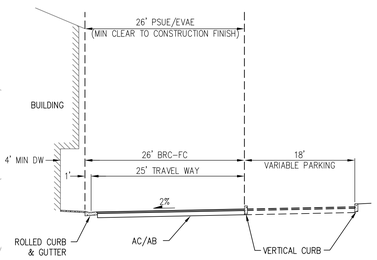
TYPICAL 26' DRIVE AISLE (CROWN)
(DRIVE AISLES 4 & 9)
NOT TO SCALE



TYPICAL 26' DRIVE AISLE (CROSS SLOPE)
(DRIVE AISLE 11)
NOT TO SCALE



TYPICAL 24' DRIVE AISLE (CROSS SLOPE)
(DRIVE AISLES 2, 3, 5, 7, 8 & 10)
NOT TO SCALE



TYPICAL 26' DRIVE AISLE (CROSS SLOPE)
(DRIVE AISLES 1 & 6)
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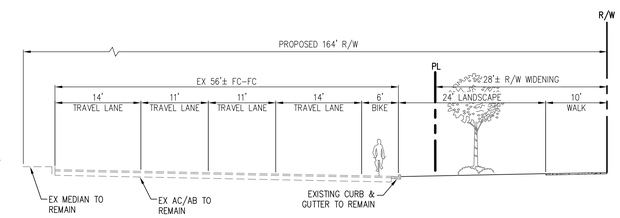
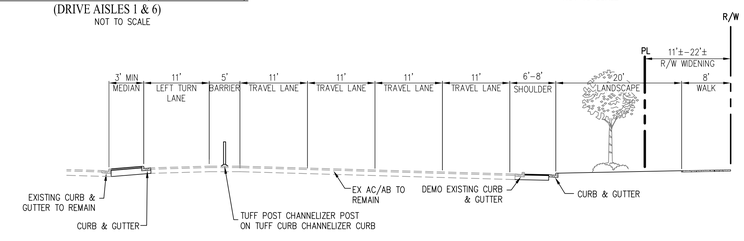
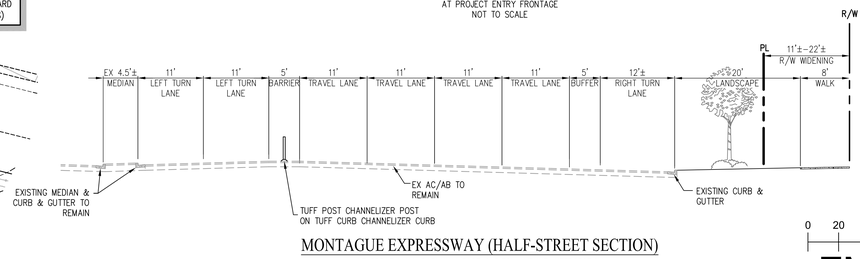


EAST CAPITOL AVENUE (HALF-STREET SECTION)
NOT TO SCALE



MONTAGUE EXPRESSWAY (HALF-STREET SECTION)
AT PROJECT ENTRY FRONTAGE
NOT TO SCALE



MONTAGUE EXPRESSWAY (HALF-STREET SECTION)
AT GREAT MALL PARKWAY/EAST CAPITOL AVENUE INTERSECTION
NOT TO SCALE

0 20 40 80

450 MONTAGUE

SITE PLAN

TM.03

LENNAR MULTIFAMILY COMMUNITIES
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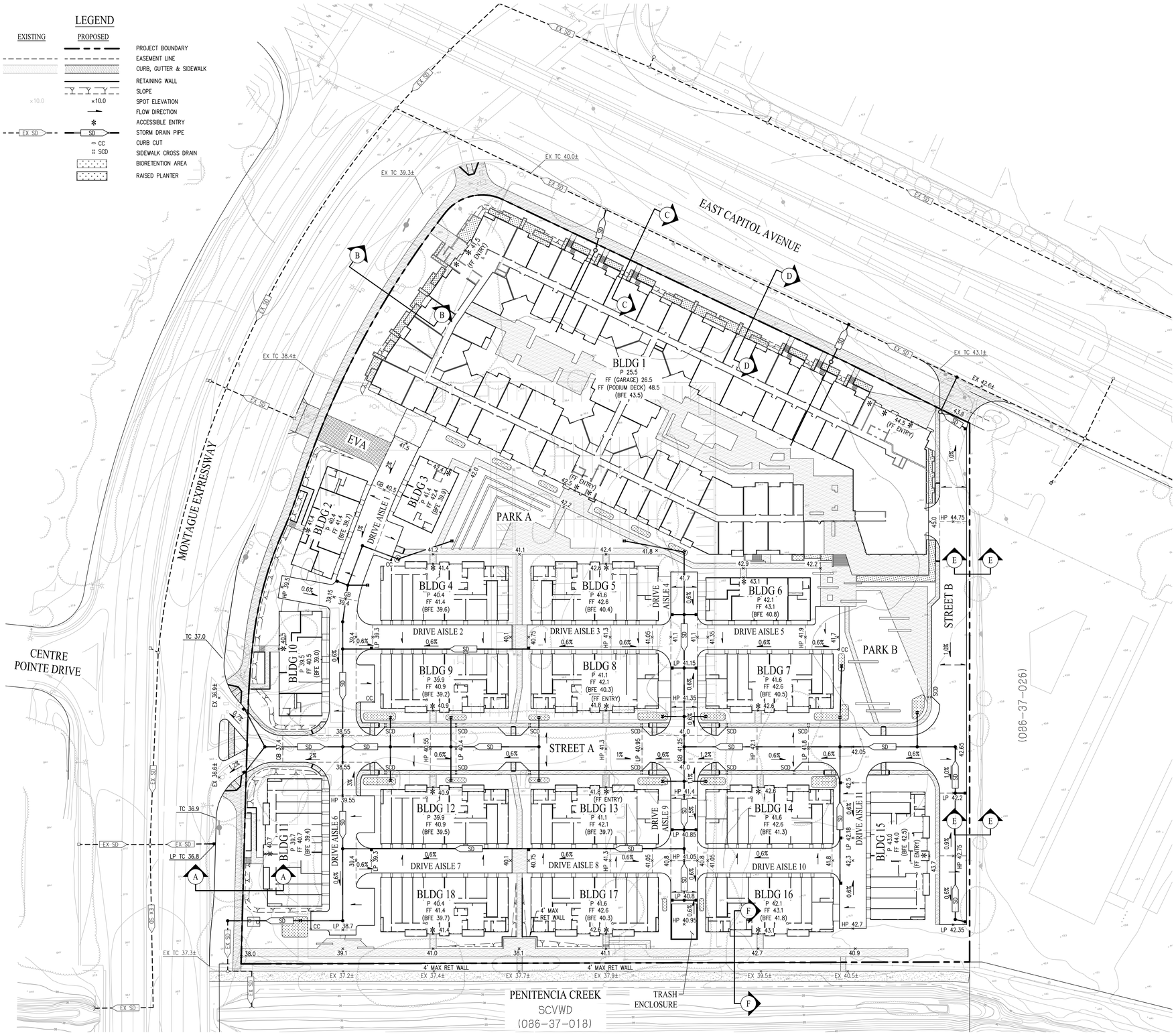
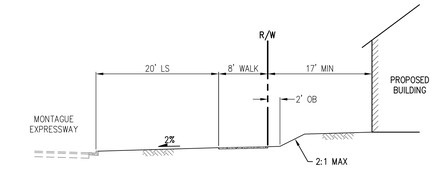
LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
		RETAINING WALL
		SLOPE
×10.0	×10.0	SPOT ELEVATION
		FLOW DIRECTION
		ACCESSIBLE ENTRY
EX SD	SD	STORM DRAIN PIPE
	CC	CURB CUT
	SCD	SIDEWALK CROSS DRAIN
		BIORETENTION AREA
		RAISED PLANTER





SECTION A-A
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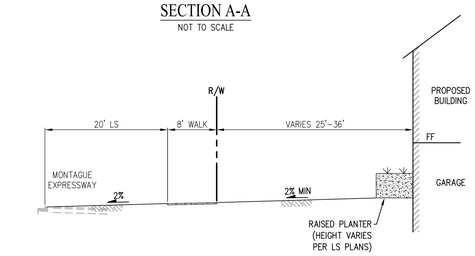

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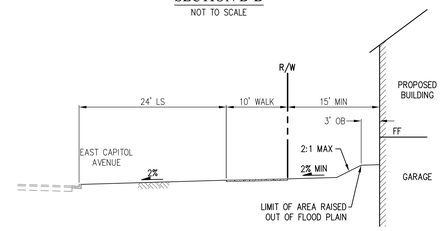

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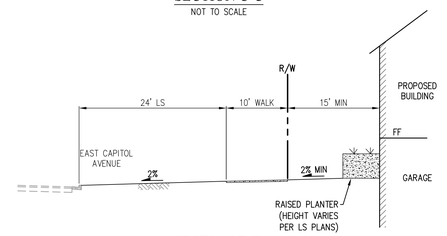

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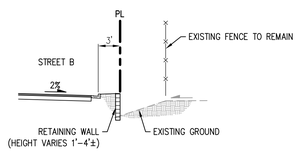

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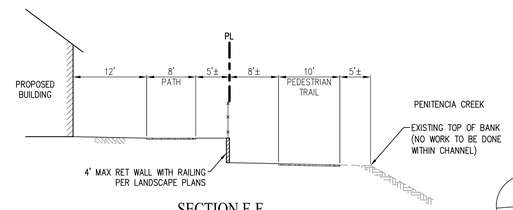
NOT TO SCALE



SECTION F-F
NOT TO SCALE

0 20 40 80

450 MONTAGUE

PRELIMINARY GRADING & DRAINAGE PLAN

TM.04

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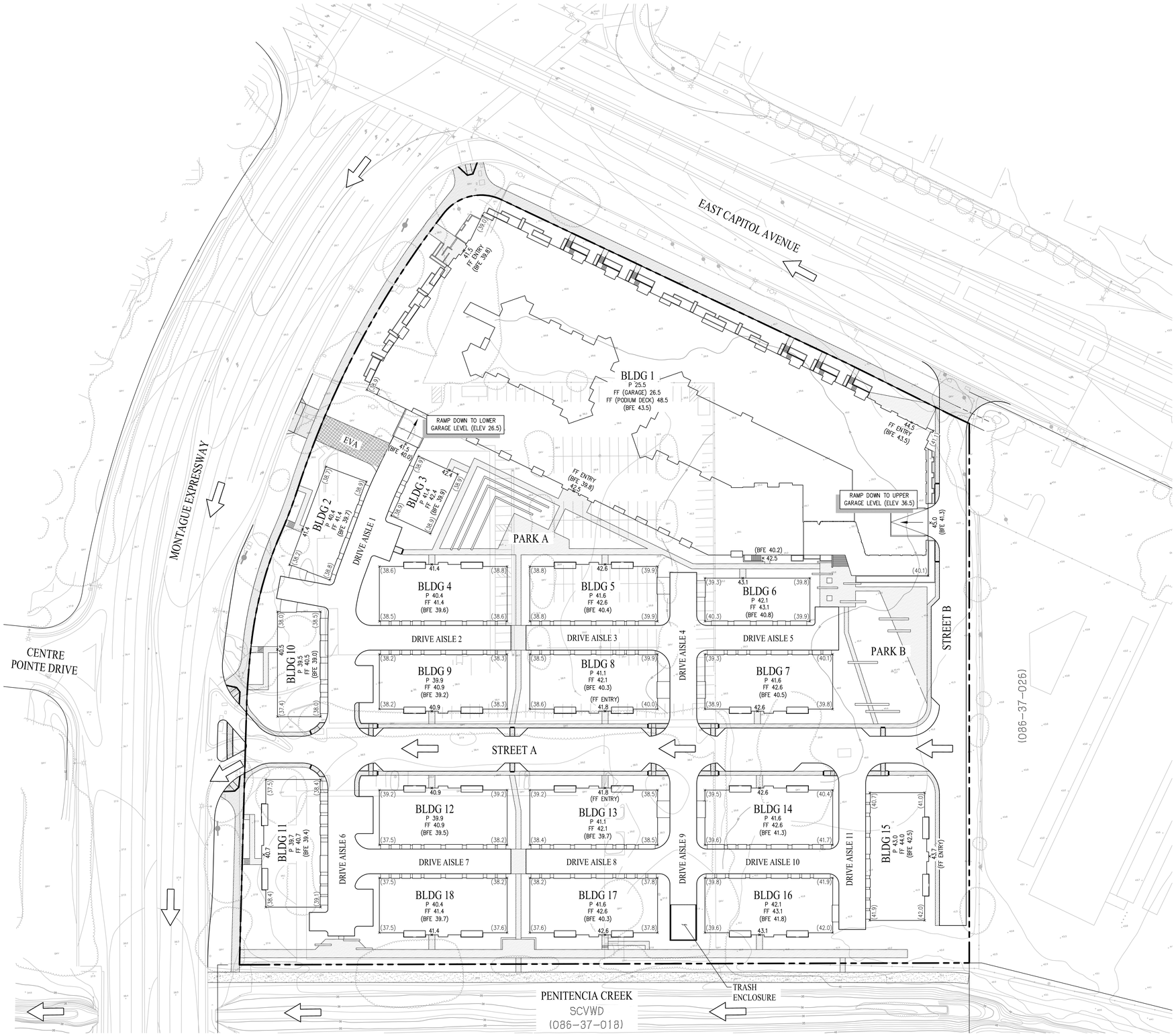

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
×10.0	×10.0	SPOT ELEVATION
×(10.0)		APPROXIMATE ELEVATION AT BUILDING CORNERS
		FLOOD WATER OVERLAND FLOW PATH

BASE FLOOD ELEVATION (BFE) SUMMARY

BUILDING NUMBER	FINISHED FLOOR ELEVATION (FF)	BASE FLOOD ELEVATION (BFE)	DIFFERENCE (FT)
1	48.5 (44.5)	43.5	5.0 (1.0)
2	41.4	39.7	1.7
3	42.4	39.9	2.5
4	41.4	39.6	1.8
5	42.6	40.4	2.2
6	43.1	40.8	2.3
7	42.6	40.5	2.1
8	42.1 (41.8)	40.3	1.8 (1.5)
9	40.9	39.2	1.7
10	40.5	39.0	1.5
11	40.7	39.4	1.3
12	40.9	39.5	1.4
13	42.1 (41.8)	39.7	2.4 (2.1)
14	42.6	41.3	1.3
15	44.0	42.5	1.5
16	43.1	41.8	1.3
17	42.6	40.3	2.3
18	41.4	39.7	1.7

NOTES:

1. PROJECT SITE IS WITHIN AO FLOOD AREA (DEPTH 1') PER FLOOD INSURANCE RATE MAP 06085C0067J (FEBRUARY 19, 2014). ALL PROPOSED STRUCTURES TO BE REMOVED FROM SPECIAL FLOOD HAZARD AREA (SFHA).
2. PER CITY OF MILPITAS REQUIREMENTS, FINISH FLOOR ELEVATIONS MUST BE GREATER THAN OR EQUAL TO ONE FOOT ABOVE THE BASE FLOOD ELEVATION.
3. BASE FLOOD ELEVATIONS (BFE'S) LISTED FOR EACH BUILDING ARE PER THE MEMO GENERATED BY SCHAAF & WHEELER ENTITLED 400–450 MONTAGUE 100–YEAR FLOODPLAIN ANALYSIS DATED OCTOBER 21, 2014. BFE'S ARE CALCULATED FOR EACH BUILDING BY ADDING 1' (AO FLOOD DEPTH) TO THE HIGHEST ELEVATION OF THE FOLLOWING:
   - AVERAGE EXISTING ELEVATION (BLDGS 2–15)
   - ADJACENT TOP OF CURB ELEVATION (BLDG 1)
   - CREEK PROFILE (BLDGS 16–18)
4. BUILDINGS 1, 8 AND 13 HAVE DEPRESSED ENTRIES. FINISHED FLOOR ELEVATIONS LISTED IN PARENTHESES INDICATE ELEVATION AT THESE DEPRESSED ENTRIES. ALL DEPRESSED ENTRIES STILL REMAIN ABOVE THE BASE FLOOD ELEVATION.

0 20 40 80

450 MONTAGUE

FLOOD PLAIN MAP

TM.05

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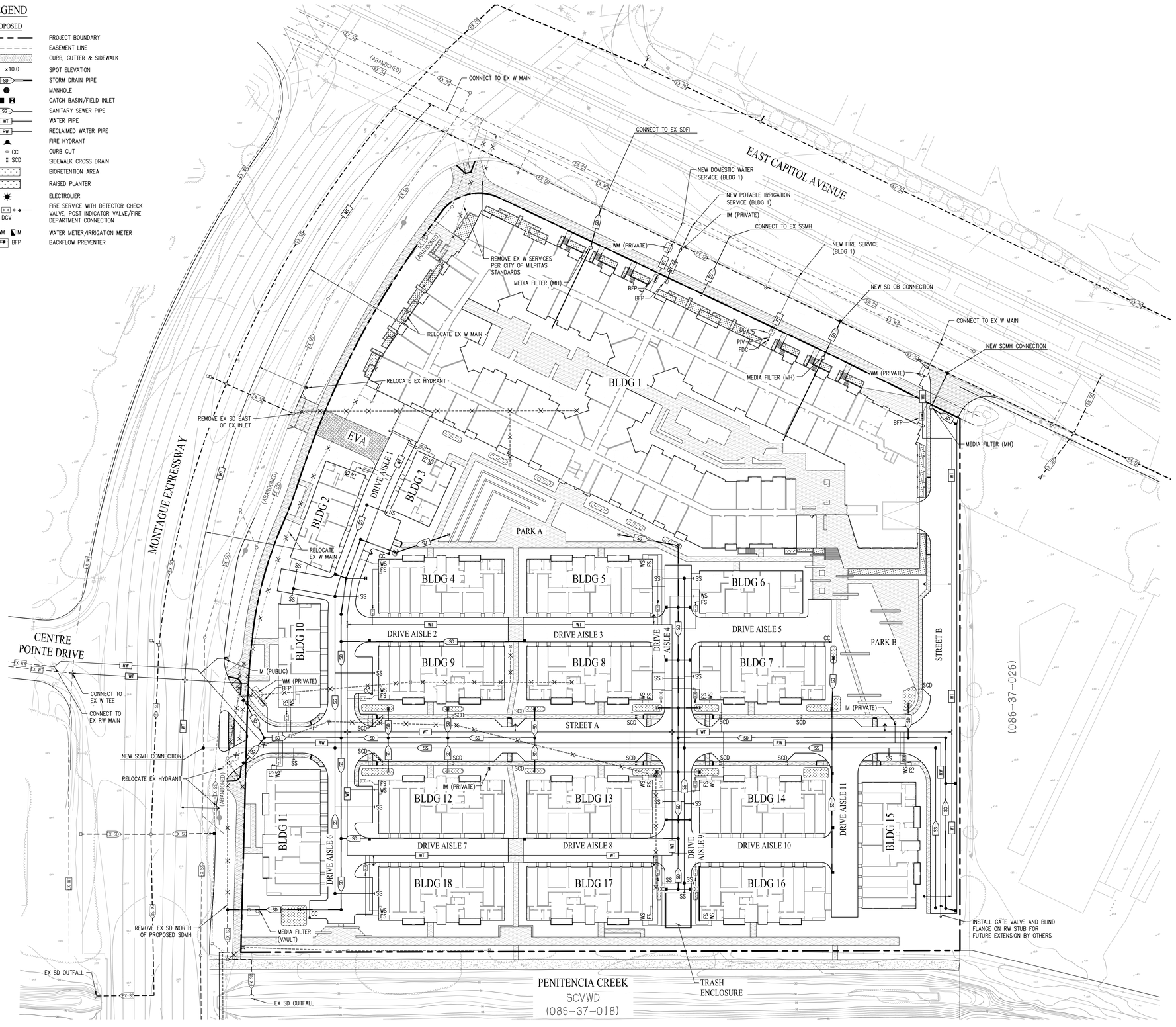
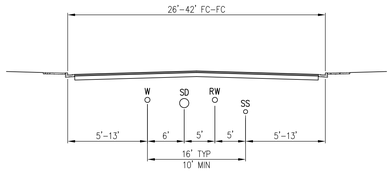
LEGEND

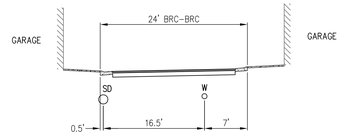
EXISTING	PROPOSED	
		PROJECT BOUNDARY
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
×10.0	×10.0	SPOT ELEVATION
SD	SD	STORM DRAIN PIPE
		MANHOLE
		CATCH BASIN/FIELD INLET
SS	SS	SANITARY SEWER PIPE
WT	WT	WATER PIPE
	RW	RECLAIMED WATER PIPE
		FIRE HYDRANT
	CC	CURB CUT
	SCD	SIDEWALK CROSS DRAIN
		BIORETENTION AREA
		RAISED PLANTER
		ELECTROLIER
	DCV	FIRE SERVICE WITH DETECTOR CHECK VALVE, POST INDICATOR VALVE/FIRE DEPARTMENT CONNECTION
WM IM		WATER METER/IRRIGATION METER
BFP		BACKFLOW PREVENTER





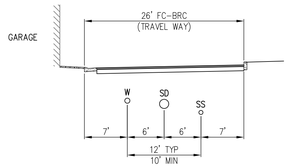
TYPICAL STREET UTILITY SECTION

NOT TO SCALE



TYPICAL 24' DRIVE AISLE UTILITY SECTION

NOT TO SCALE



TYPICAL 26' DRIVE AISLE UTILITY SECTION

NOT TO SCALE

UTILITY NOTES

1. UTILITIES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL DESIGN. FINAL DESIGN SHALL ADHERE TO CITY OF MILPITAS STANDARDS.
2. PUBLIC RECYCLED WATER MAIN TO BE 8" DIAMETER MINIMUM.

0 20 40 80

450 MONTAGUE

PRELIMINARY UTILITY PLAN

TM.06

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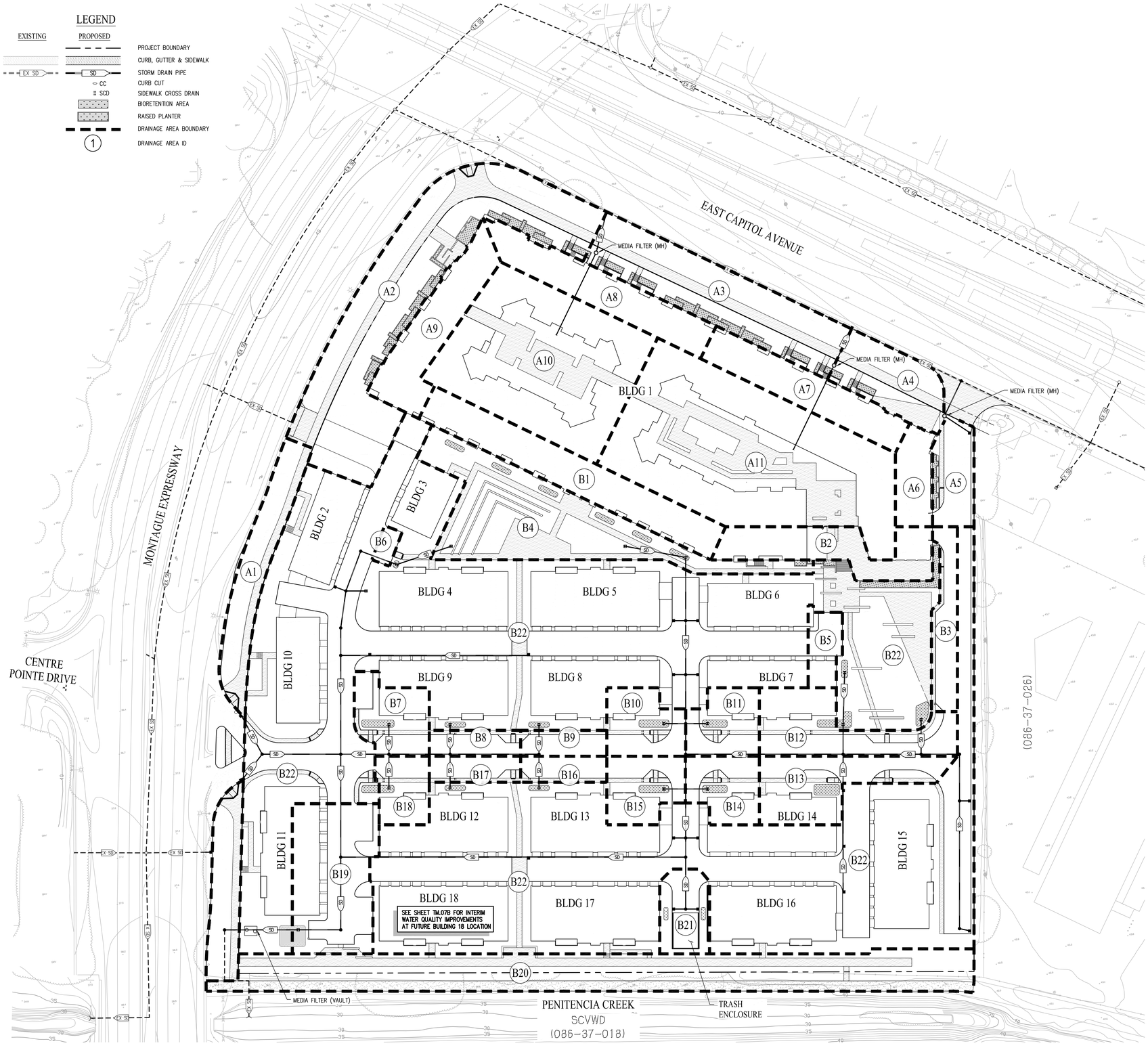

SEE SHEET TM.07B FOR STORMWATER CONTROL PLAN DETAILS AND INTERIM BIORETENTION AREA

PRELIMINARY STORMWATER TREATMENT SUMMARY

AREA ID	TREATMENT TYPE	IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)
A1	SELF-RETAINING	2,440	1,220	4,730
A2	SELF-RETAINING	5,680	2,840	22,010
A3	SELF-RETAINING	3,390	1,6985	10,600
A4	SELF-RETAINING	2,640	1,320	4,110
A5	MEDIA FILTER (MH)	3,170	N/A	N/A
A6	RAISED PLANTER	3,160	126	205
A7	RAISED PLANTER	7,130	285	780
A8	RAISED PLANTER	7,920	317	1,330
A9	RAISED PLANTER	7,680	307	1,265
A10	MEDIA FILTER (MH)	18,540	N/A	N/A
A11	MEDIA FILTER (MH)	26,070	N/A	N/A
A12	SELF-RETAINING	1,770	885	3,450
B1	BIORETENTION	10,920	437	580
B2	RAISED PLANTER	6,630	265	795
B3	BIORETENTION	3,950	180	220
B4	SELF-RETAINING	6,620	3,310	14,200
B5	BIORETENTION	2,130	85	95
B6	BIORETENTION	630	25	30
B7	BIORETENTION	3,500	140	215
B8	BIORETENTION	2,100	84	95
B9	BIORETENTION	2,050	82	95
B10	BIORETENTION	3,590	144	195
B11	BIORETENTION	3,390	136	160
B12	BIORETENTION	7,170	287	290
B13	BIORETENTION	6,270	251	250
B14	BIORETENTION	3,340	134	160
B15	BIORETENTION	3,580	143	195
B16	BIORETENTION	2,050	82	95
B17	BIORETENTION	2,090	84	95
B18	BIORETENTION	2,670	107	215
B19	BIORETENTION	9,110	364	495
B20	SELF-RETAINING	12,120	6,060	14,200
B21	BIORETENTION	2,180	87	95
B22 (INTERIM)	BIORETENTION	159,050	6,362	6,650
B22 (ULTIMATE)	MEDIA FILTER (VAULT)	159,050	N/A	N/A

NOTES:

1. ALL TREATMENT MEASURES AND TECHNICAL REQUIREMENTS FOR THIS PROJECT ARE BASED UPON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPPP) C.3 STORMWATER HANDBOOK DATED APRIL 2012.
2. REQUIRED SURFACE AREA OF THE BIORETENTION TREATMENT AREA IS EQUAL TO 4% OF THE CONTRIBUTING IMPERVIOUS SURFACE AREA. THIS CALCULATION IS BASED UPON THE UNIFORM INTENSITY METHOD ASSUMING RAINFALL INTENSITY OF 0.2 INCHES/HR AND A BIORETENTION SOIL MIX WITH A 5 INCHES/HR INFILTRATION RATE.
3. REQUIRED SURFACE AREA OF LANDSCAPE WITHIN SELF-RETAINING AREAS IS EQUAL TO 50% OF THE TRIBUTARY IMPERVIOUS SURFACE.
4. THIS PROJECT IS A CATEGORY C SPECIAL PROJECT AND SUBJECT TO 70% LID TREATMENT REDUCTION CREDIT. MEDIA FILTRATION WILL BE USED TO TREAT A MAXIMUM OF 70% OF THE PROPOSED IMPERVIOUS SURFACE ON THE SITE. PRIOR TO CONSTRUCTION OF PODIUM BUILDING (BLDG 1), AN INTERIM BIORETENTION AREA WILL BE INSTALLED AT FUTURE BLDG 18 LOCATION IN ORDER TO PROVIDE 100% LID TREATMENT FOR STACKED FLAT PRODUCT. (SEE SHEET TM.07B FOR DETAILS.)
5. HYDROMODIFICATION IS NOT REQUIRED BECAUSE THE PROJECT IS IN A CATCHMENT AREA WITH GREATER THAN 65% IMPERVIOUSNESS.
6. ALL STORMWATER TREATMENT MEASURES AND SIZING SHOWN ON THIS EXHIBIT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL DESIGN.
7. SEE 450 MONTAGUE STORMWATER CONTROL PLAN BY CARLSON, BARBEE & GIBSON FOR DETAILED SIZING CALCULATIONS.

0 20 40 80

450 MONTAGUE

PRELIMINARY STORMWATER CONTROL PLAN

TM.07A

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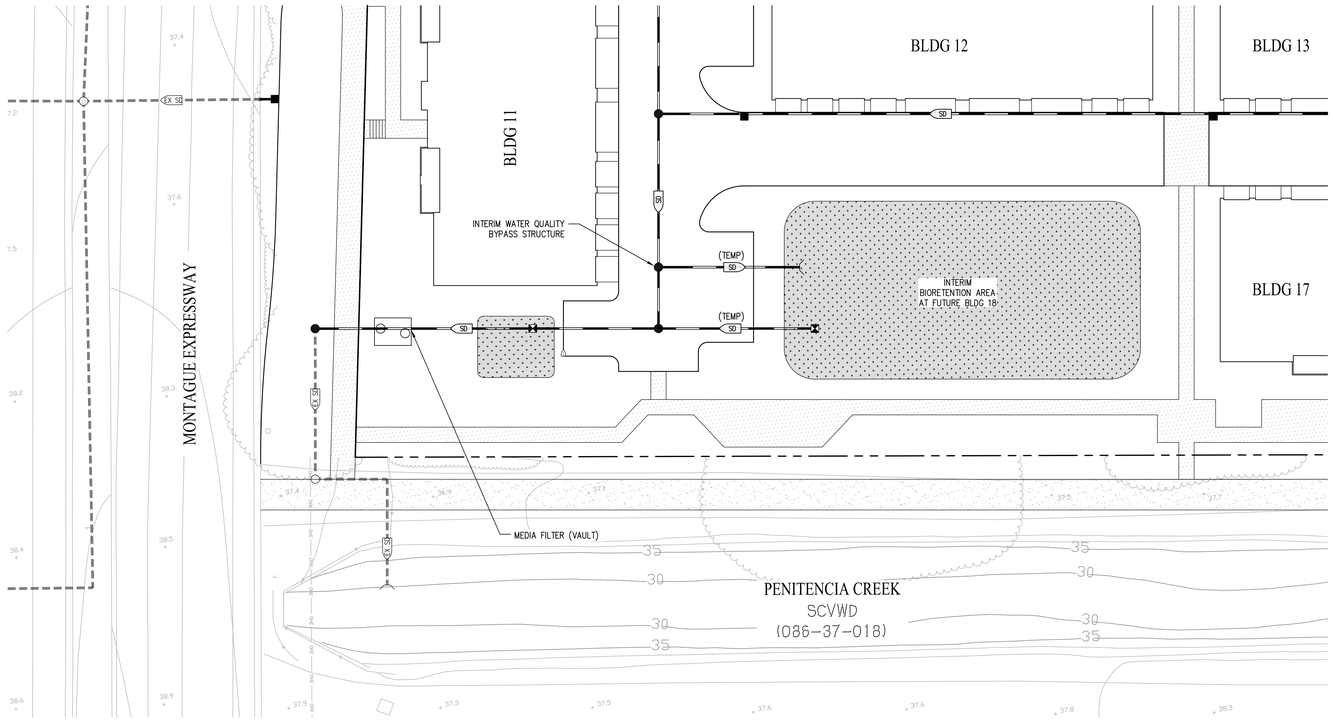
LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		CURB, GUTTER & SIDEWALK
EX SD	SD	STORM DRAIN PIPE
	CC	CURB CUT
	SCD	SIDEWALK CROSS DRAIN
		BIORETENTION AREA
		RAISED PLANTER
		DRAINAGE AREA BOUNDARY
	1	DRAINAGE AREA ID

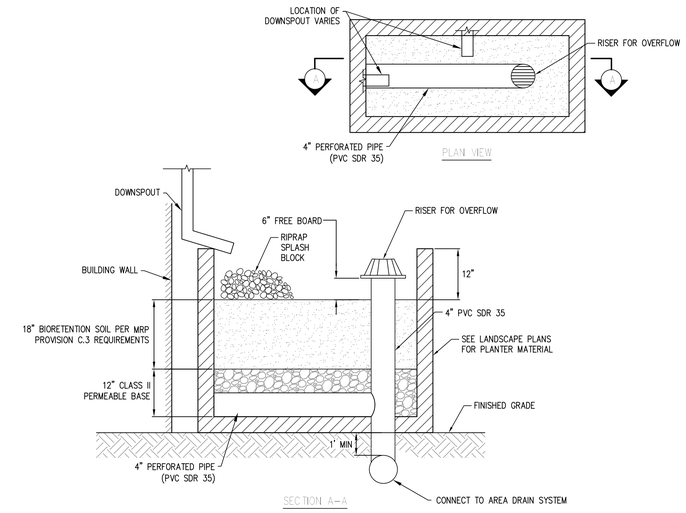
SEE SHEET TM.07A FOR ULTIMATE STORMWATER CONTROL PLAN



INTERIM BIORETENTION AREA ENLARGEMENT

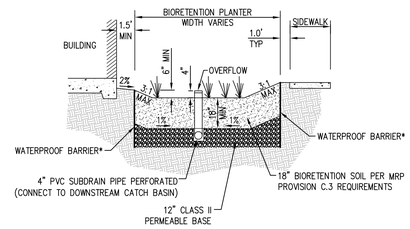
SCALE: 1" = 20'

NOTES:
INTERIM BIORETENTION AREA TO BE INSTALLED AT FUTURE BUILDING 18 LOCATION IN ORDER TO PROVIDE 100% LID TREATMENT FOR STACKED FLATS UNTIL CONSTRUCTION BEGINS ON PODIUM BUILDING (BUILDING 1). FOLLOWING CONSTRUCTION OF BUILDING 1, THE INTERIM BIORETENTION AREA AND ASSOCIATED STORM DRAIN BYPASS FACILITIES WILL BE REMOVED AND BUILDING 18 WILL BE CONSTRUCTED IN ITS PLACE.



TYPICAL RAISED PLANTER

NOT TO SCALE



TYPICAL BIORETENTION AREA

NOT TO SCALE

*NOTE:
INSTALL DEEPENED CURB IN ADDITION TO WATERPROOF BARRIER WHERE NECESSARY PER GEOTECHNICAL RECOMMENDATIONS

0 20 40 80

450 MONTAGUE

PRELIMINARY STORMWATER CONTROL PLAN DETAILS

TM.07B

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LEGEND

- FIRE APPARATUS ACCESS ROADS
- ROADS INACCESSIBLE TO FIRE APPARATUS
- FIRE HYDRANT
- EXISTING FIRE HYDRANT

EAST CAPITOL AVENUE

MONTAGUE EXPRESSWAY

CENTRE POINTE DRIVE

REMOVABLE BOLLARDS

EVA

TURF BLOCK OR EQUIVALENT

BLDG 1

BLDG 2

BLDG 3

PARK A

BLDG 4

BLDG 5

BLDG 6

MOUNTABLE CURB

EVA

PARK B

BLDG 10

BLDG 9

BLDG 8

BLDG 7

STREET A

STREET B

(086-37-026)

BLDG 11

BLDG 12

BLDG 13

BLDG 14

BLDG 15

MOUNTABLE CURB

EVA

BLDG 18

BLDG 17

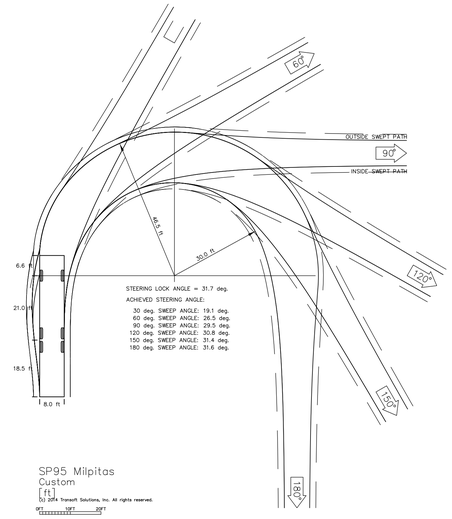
BLDG 16

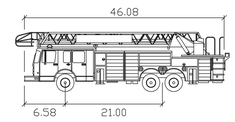
TRASH ENCLOSURE

PENITENCIA CREEK

SCVWD

(086-37-018)





SP95 Milpitas feet

Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 5.0
Steering Angle	: 31.7

0 20 40 80

450 MONTAGUE

FIRE TRUCK ACCESS PLAN

TM.08

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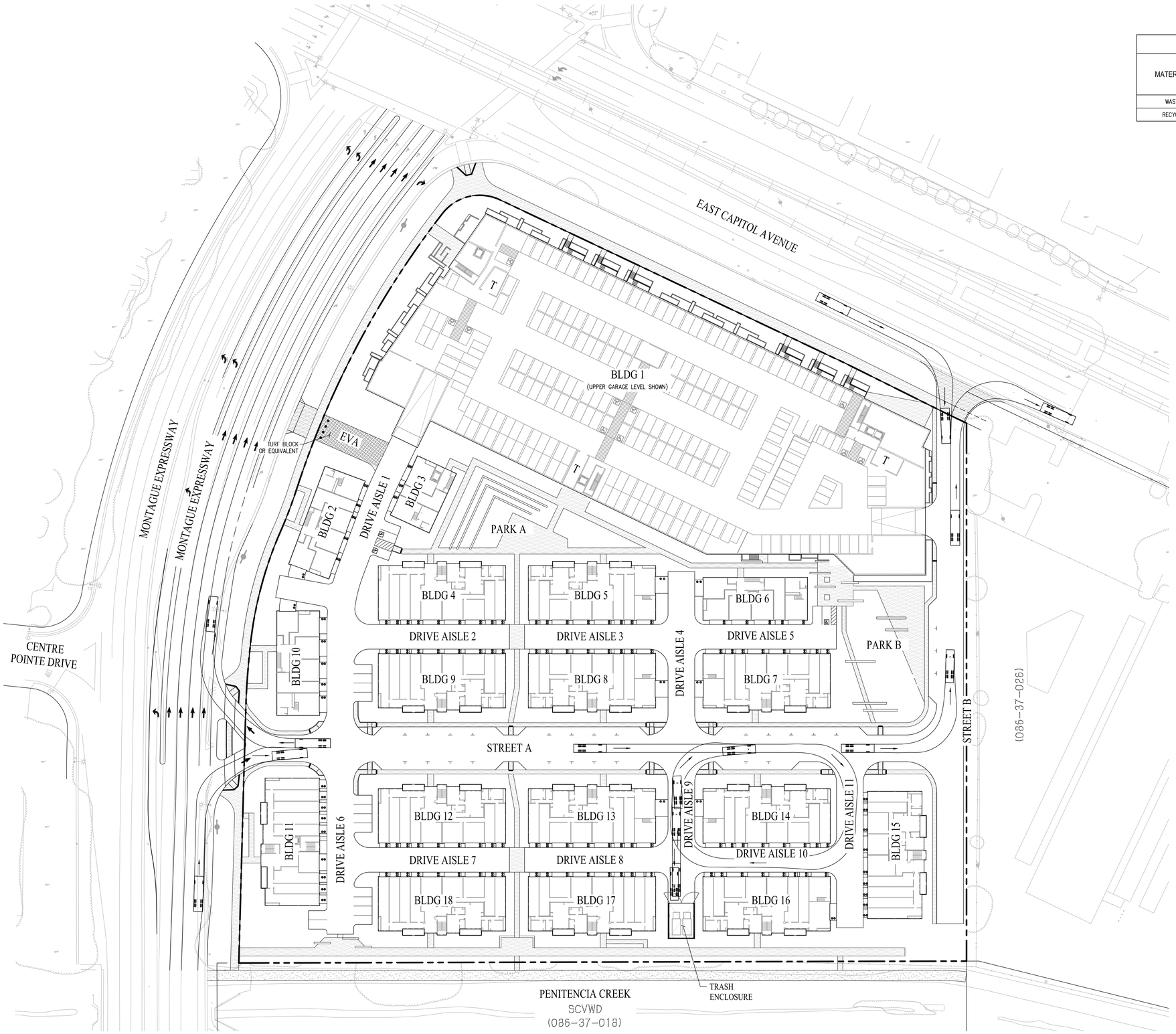


SOLID WASTE HANDLING SUMMARY

MATERIALS	WASTE FACTOR PER UNIT PER WEEK (CY)	WEEKLY WASTE GENERATION - APARTMENTS (CY)	WEEKLY WASTE GENERATION - STACKED FLATS (CY)	TOTAL WASTE GENERATION PER WEEK (CY)	COMPACTED CUBIC YARDS (3:1 COMPACTION RATIO)	PROJECTED PICKUPS PER WEEK (30 CY)
WASTE	0.340	124	56	180	60	2
RECYCLE	0.155	57	26	82	27	1

NOTES:
1. WASTE GENERATION CALCULATIONS ARE BASED UPON 365 APARTMENT UNITS AND 165 STACKED FLAT UNITS FOR A CONSERVATIVE ASSUMPTION.
2. SEE TRASH MANAGEMENT PLAN BY AMERICAN TRASH MANAGEMENT DATED DECEMBER 11, 2014 FOR DETAILED WASTE GENERATION CALCULATIONS.

LEGEND

•• WASTE AND RECYCLING TRASH BAGS
WASTE BAG: BLACK/GRAY
RECYCLING BAG: WHITE/CLEAR

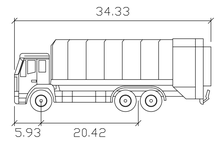
T TRASH ROOM

NOTES:
1. ALL TRASH BAGS PLACED ON DRIVEWAY FOR PICK UP TO COMPLY WITH SECTION V-200-3.30 OF MILPITAS MUNICIPAL CODE.
2. TURNING MOVEMENTS SHOWN REPRESENT REPUBLIC SERVICES COLLECTION VEHICLE TO AND FROM TRASH ENCLOSURE.

WASTE COLLECTION PROCESS

1. STACKED FLAT BUILDINGS: RESIDENTS TO PLACE TRASH BAGS OUTSIDE GARAGE DOORS ON INDIVIDUAL DRIVEWAYS ON DESIGNATED TRASH DAY (ONE DAY PER WEEK).

   PODIUM BUILDING: RESIDENTS TO DEPOSIT TRASH FROM INDIVIDUAL UNITS INTO GRAVITY TRASH CHUTES WHICH EMPTY INTO LOOSE BINS OR COMPACTORS WITHIN TRASH ROOMS ON THE GARAGE LEVEL OF THE BUILDING.
2. INDEPENDENT CONTRACTOR TO TRANSPORT TRASH BAGS FROM INDIVIDUAL DRIVEWAYS OF STACKED FLAT BUILDINGS AND LOOSE BINS/COMPACTORS FROM TRASH ROOMS WITHIN PODIUM GARAGE TO THE CENTRAL TRASH ENCLOSURE USING STANDARD UTILITY VEHICLE OR PICK-UP TRUCK TOWING TRAILER OR CARTS. INDEPENDENT CONTRACTOR SERVICES TO BE COORDINATED BY PROJECT HOMEOWNERS ASSOCIATION.
3. REPUBLIC SERVICES TO PICK UP TRASH FROM CENTRAL ENCLOSURE ONCE PER WEEK.



Garbage feet
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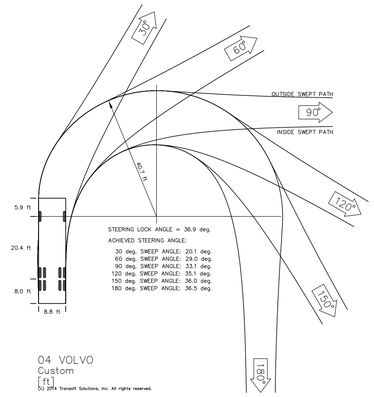
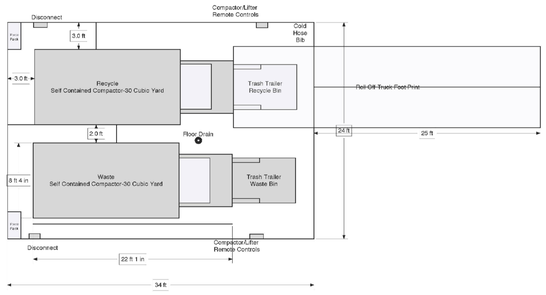
Track : 8.83
Lock to Lock Time 6.0
Steering Angle : 36.9





TRASH ENCLOSURE DETAIL
NOT TO SCALE

0 20 40 80

450 MONTAGUE

SOLID WASTE MANAGEMENT PLAN

TM.09

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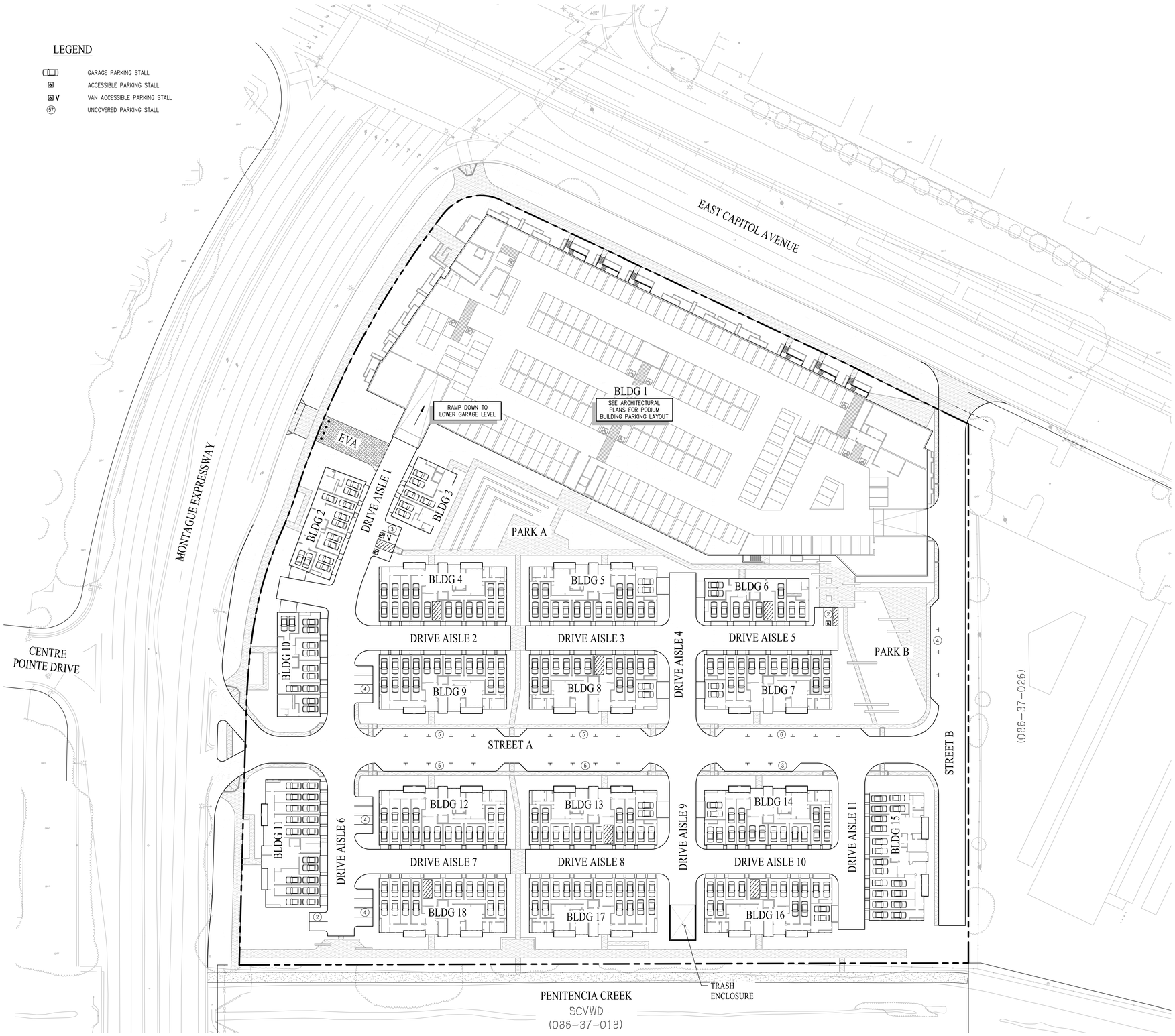
LEGEND

- GARAGE PARKING STALL
- ACCESSIBLE PARKING STALL
- VAN ACCESSIBLE PARKING STALL
- UNCOVERED PARKING STALL



PARKING SUMMARY

STACKED FLATS

DESCRIPTION	UNIT COUNT	PARKING REQUIRED	PARKING PROVIDED
GARAGE	138	224	270
ON-STREET GUEST	–	45 (20% REQUIRED)	52 (23% PROVIDED)
TOTAL	–	269	322

NOTES:

1. STANDARD GARAGE PARKING INCLUDES 6 VAN ACCESSIBLE SPACES. THE UNITS WITH ACCESSIBLE SPACES WILL ONLY HAVE 1 PARKING SPACE PER UNIT.
2. GUEST PARKING INCLUDES 2 STANDARD ACCESSIBLE AND 1 VAN ACCESSIBLE SPACES.
3. PROVIDED GUEST PARKING IS BASED ON PRELIMINARY DESIGN. ACTUAL PARKING PROVIDED MAY VARY WITH FINAL DESIGN IN ACCORDANCE WITH MINIMUM GUEST PARKING REQUIREMENTS.

PODIUM APARTMENTS

			PARKING REQUIRED		PARKING PROVIDED	
DESCRIPTION	UNIT TYPE	UNIT COUNT	REQUIRED PARKING RATIO	PARKING REQUIRED	PROVIDED PARKING RATIO	PARKING PROVIDED
GARAGE (RESIDENT)	JR 1 BEDROOM	45	0.8 SPACES/DU	36	0.8 SPACES/DU	36
	1 BEDROOM	202	1.2 SPACES/DU	242	1.2 SPACES/DU	242
	2 BEDROOM	104	1.6 SPACES/DU	166	1.6 SPACES/DU	167
	SUBTOTAL	351	–	444	–	445
GARAGE (GUEST)		–	15% OF REQUIRED	67	15% OF REQUIRED	67
TOTAL		–	–	511	–	512

NOTES:

1. SEE ARCHITECTURAL PLANS FOR LOCATIONS OF ACCESSIBLE PARKING SPACES.
2. PROVIDED GUEST PARKING IS BASED ON PRELIMINARY DESIGN. ACTUAL PARKING PROVIDED MAY VARY WITH FINAL DESIGN IN ACCORDANCE WITH MINIMUM GUEST PARKING REQUIREMENTS.

OVERALL PROJECT

PRODUCT	PARKING PROVIDED	PARKING PROVIDED	%
PODIUM	STANDARD	344	41%
	COMPACT	40	5%
	TANDEM	128	33%
STACKED FLATS	TANDEM	144	
	STANDARD	126	15%
	ON-STREET	52	6%
TOTAL		834	100%

0 20 40 80

450 MONTAGUE

PARKING PLAN

TM.10

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KTGY # 2013-0551

02.26.2015 3rd SUBMITTAL
12.12.2014 2nd SUBMITTAL

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CONDITIONS OF APPROVAL

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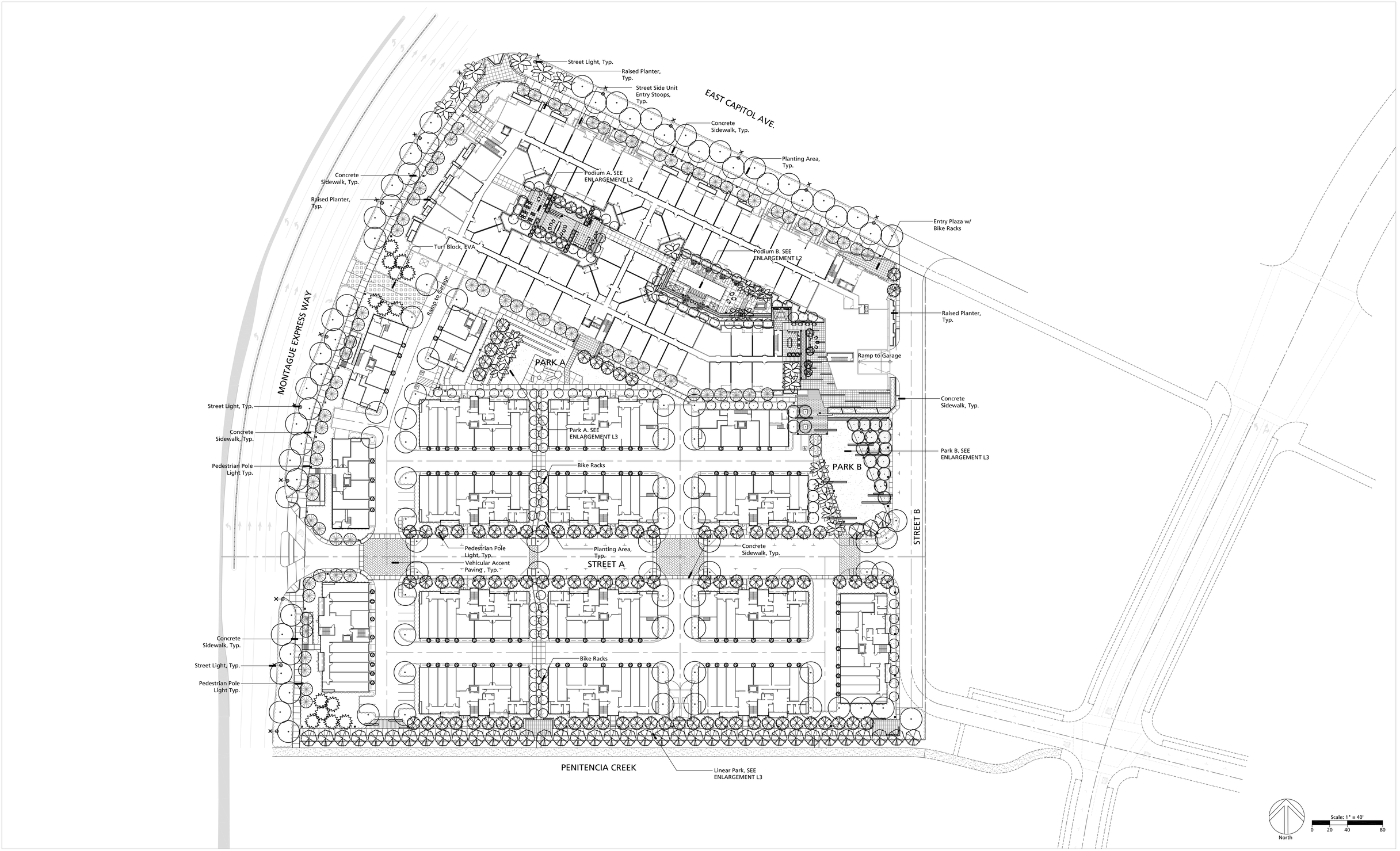

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LANDSCAPE PLAN

L1

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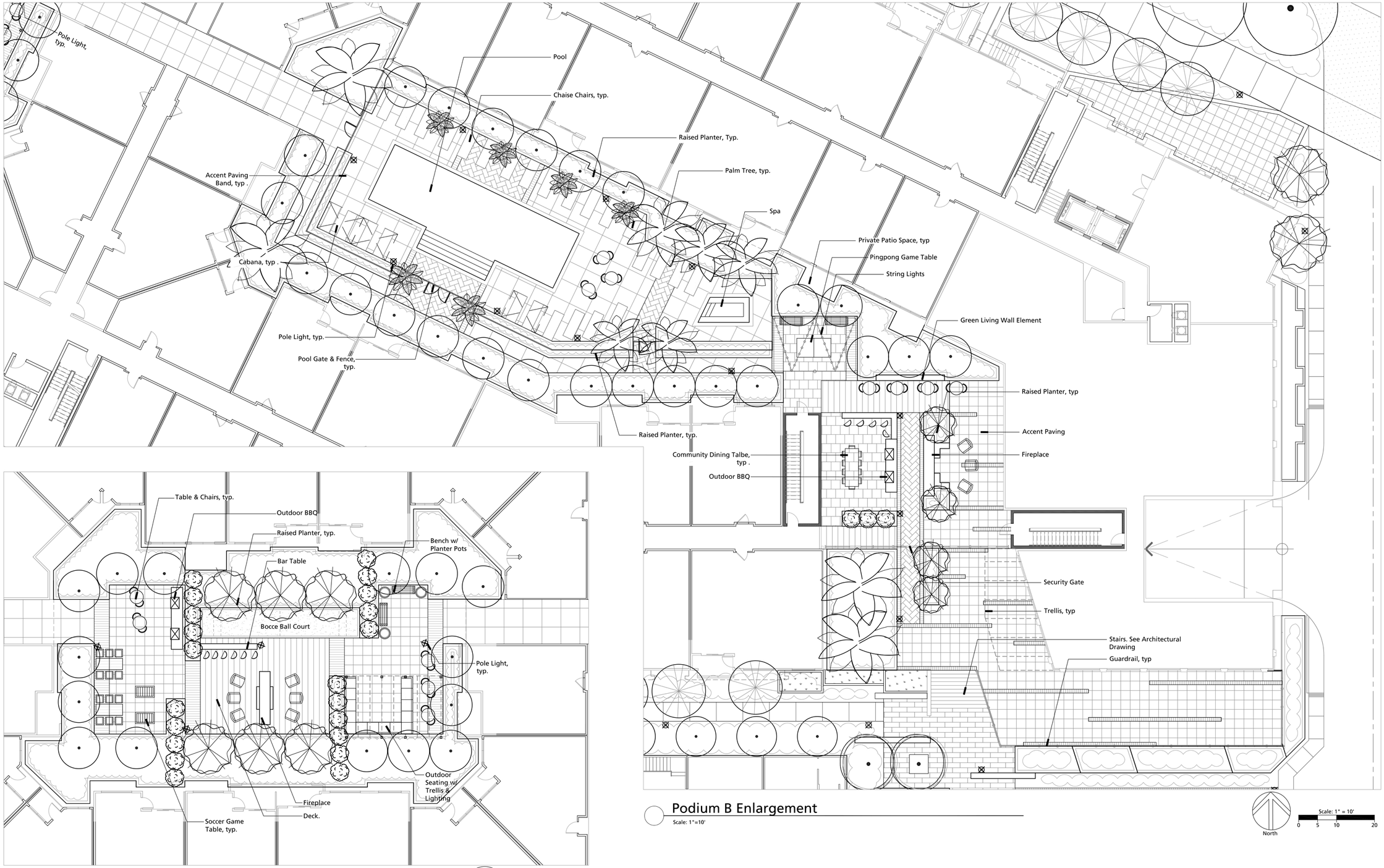

Podium B Enlargement

Scale: 1"=10'

Podium A Enlargement

Scale: 1"=10'

450 MONTAGUE

PODIUM COURTYARD ENLARGEMENTS

L2

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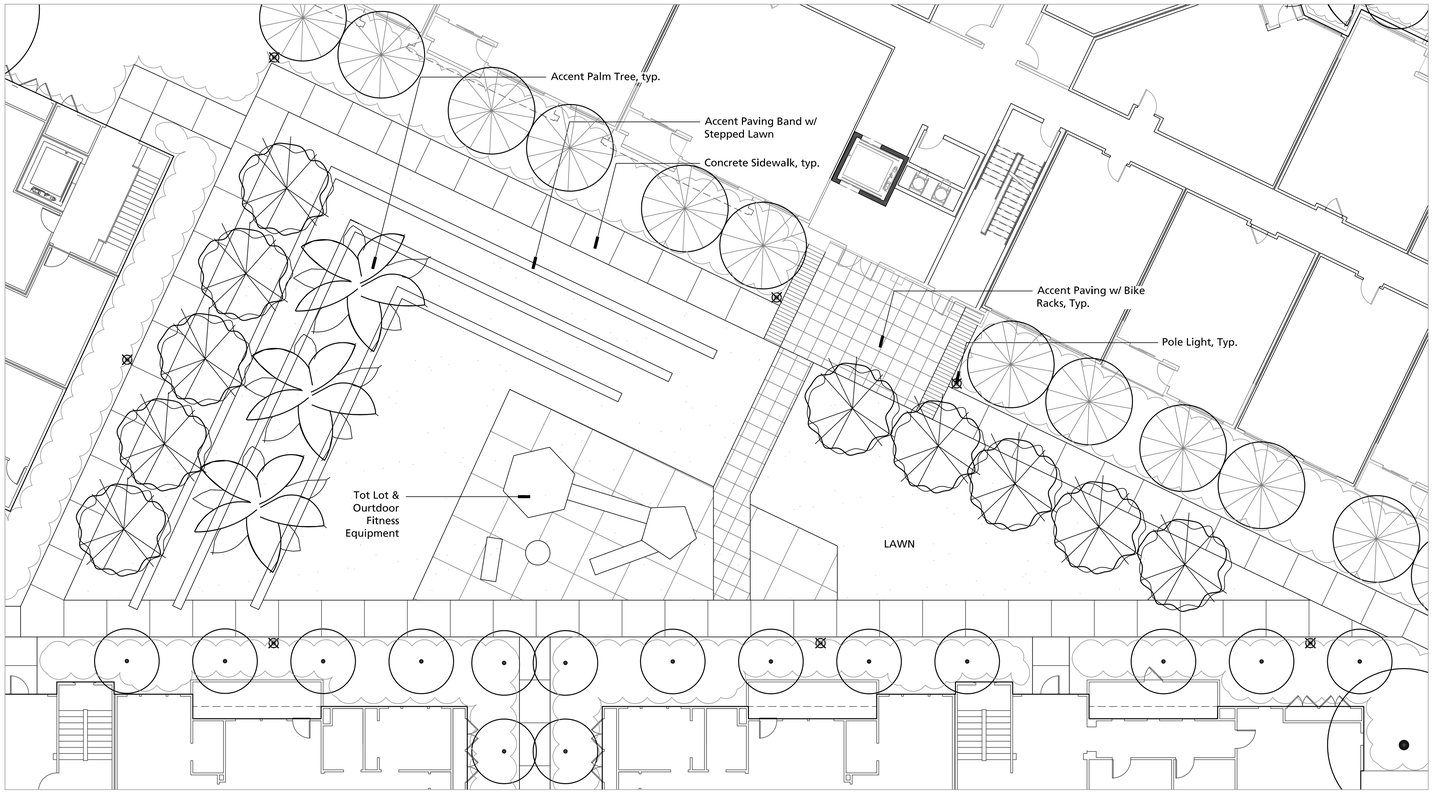

Park A Enlargement

Scale: 1"=10'

Scale: 1" = 10'
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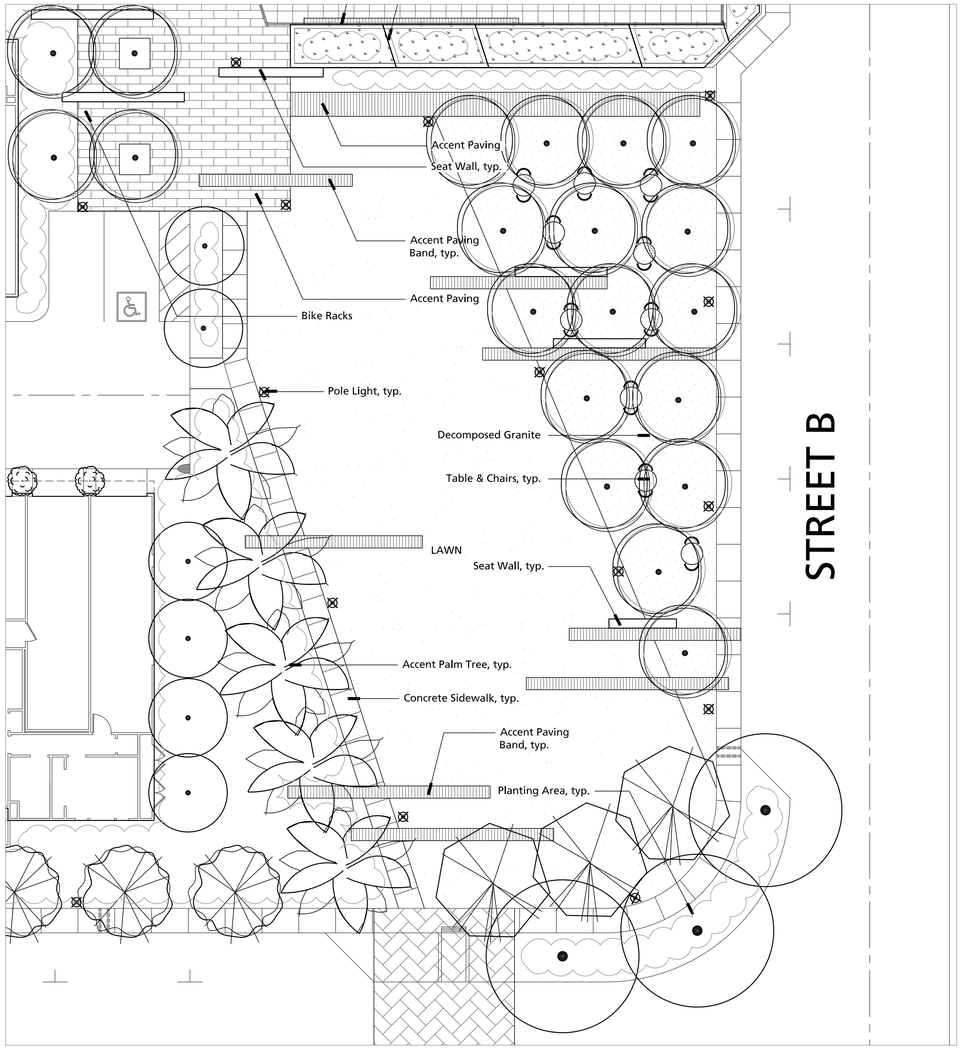

Park B Enlargement

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Scale: 1" = 10'
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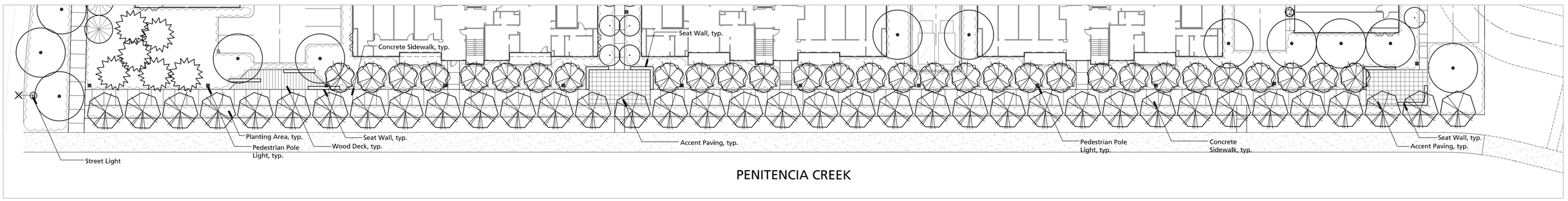

Linear Park Enlargement

Scale: 1"=20'

Scale: 1" = 20'
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PARK ENLARGEMENTS

North

L3

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PLANT PALETTE (Quantities are Approximate) **

TREES					
KEY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	QUANTITY
ACE KAT	24"box	Acer palmatum 'Katsura'	Coral Bark Japanese Maple		
ARB MAR	24"box	Arbutus marina	Strawberry Tree		42
BET NIG	24"box	Betula nigra	Jacquemontii Birch		
CAR BET	24"box	Carpinus betulus 'fastigiata'	Hornbeam		26
CER OCC	24"box	Cercis occidentialis	Western Redbud	Standard	4
CIT MEY	15gal	Citrus x meyerii	Lemon Tree 'Improved Meyer'		
ELA DEC	24"box	Elaeocarpus decipiens	Japanese Blueberry Tree		
ERI DEF	24"box	Eriobotrya deflexa	Bronze Loquat		31
GAR ELL	24"box	Garrya elliptica 'James Roof'	James Roof Silk Tassel		
LAG TUS	24"box	Lagerstroemia tuscarora	Crape Myrtle		18
LOP CON	24"box	Lophostemon confertus	Brisbane Box		48
MAG GRA	24"box	Magnolia g. 'St. Mary'	Southern Magnolia		16
OLE EUR	24"box	Olea europa	Olive		
PIS CHI	24"box	Pistachia chinensis	Chinese Pistache		
PLA ACE	24"box	Platanus acerifolia	London Plane Tree		3
POD NAG	24"box	Podocarpus nagi	Nagi Tree	Columnar	
POD MAC	24"box	Podocarpus macrophyllus	Yew Pine		17
PRU CAR	15gal	Prunus caroliniana	Carolina Cherry Laurel		
PYR CAL	24"box	Pyrus calleryana 'Aristocrat'	Flowering Pear		35
QUE VIR	24"box	Quercus virginiana	Southern Live Oak		31
RHU LAN	24"box	Rhus lancea	African Sumac		
SEQ SEM	24"box	Sequoia sempervirens	Coast Redwood		
TRI LAU	24"box	Tristaniopsis laurina 'Elegant'	Water Gum		19
ULM PAR	24"box	Ulmus parvifolia 'True Green'	True Green Evergreen Elm		12
PALMS					
BUT CAP	24"box	Butia capitata	Pindo Palm		
CHA HUM	24"box	Chamaerops humilis	Mediterranean Fan Palm		
WAS FIL	18'bth	Washingtonia filifera	California Fan Palm		12

SHRUBS					
KEY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	QUANTITY
AV	5 gal	Agave geminiflora	Twin–Flowered Agave		150
AT	15gal	Agave attenuata	Foxtail Agave		150
AA	15gal	Agave americana sp.	Century Plant		300
AM	5 gal	Aloe marlothii	Marlothii Aloe		400
AZ	5 gal	Aeonium Zwarfkop	Aeonium		120
AM	5 gal	Acanthus mollis	Bear's Breech		110
BT	15gal	Bambusa textilis	Weaver's Bamboo		250
BA	15gal	Bambusa multiplex 'Alphonse Karr'	'Alphonse Karr' Bamboo		200
DB	5 gal	Dietes bicolor	Fortnight Lily	30" O.C.	175
DV	15gal	Dodonaea viscosa Purpurea	Hopseed Bush		130
GT	15gal	Gunnera tinctoria	Gunnera		280
HH	15gal	Himalaycalamus hookerianus	Blue Bamboo		350
IL	5gal	Ilex vomitoria 'Nana'	Dwarf Yaupon		350
PN	15gal	Phyllostacys nigra	Black Bamboo		200
PM	15gal	Podocarpus 'Maki'	Maki Fern Pine	Columnar	50
LC	5 gal	Loropetalum chinense	Loropetalum	36" O.C.	320
GJ	5 gal	Gardenia jasminoides	Gardenia		340
LD	5 gal	Leucadendron discolor 'Pom Pom'	Leucadendron Pom Pom		275
MR	5 gal	Muhlenbergia rigens	Deer Grass	36" O.C.	350
PZ	5 gal	Phormium 'Maori Maiden'	Maori Maiden New Zealand Flax		160
PG	5 gal	Phormium 'Guardsman'	Guardsman New Zealand Flax		230
SN	15gal	Strelitzia nicolai	Giant Bird of Paradise		10
SR	5 gal	Strelitzia reginae	Bird of Paradise	24" O.C.	225
YF	15gal	Yucca filamentosa 'Variegata'	Variegated Adam's Needle		275

SUB SHRUBS, GRASSES, FERNS					
KEY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	QUANTITY
AH	5 gal	Anigozanthos hybrids 'Big Red'	Kangaroo Paw	30" O.C.	350
AS	5 gal	Asparagus densiflorus 'Sprengeri'	Sperenger's Asparagus Fern	24" O.C.	650
CM	5 gal	Clivia miniata	Kaffir Lily	30" O.C.	300
EM	1 gal	Euphorbia x martini	Martini Euphorbia	24" O.C.	770
FE	1 gal	Festuca G. 'Elijah Blue'	Elijah Blue Fescue	18" O.C.	710
OS	1 gal	Osteospermum 'Cream Symphony'	Cream Symphony Freeway Daisey	12" O.C.	800
LP	5 gal	Libertia peregrinans	Orange Libertia	18" O.C.	550
IC	1 gal	Imperata cylindrica 'Rubra'	Japanese Blood Grass	12" O.C.	230
NC	5 gal	Nephrolepis cordifolia	Southern Sword Fern	30" O.C.	400
PP	5 gal	Pleioblastus pygmaea	Dwarf Bamboo	30" O.C.	200

GROUNDCOVERS					
COT	1 gal	Cotyledon orbiculata	Cotyledon	18" O.C.	1310
PLE	1 gal	Plecostachys serpyllifolia	Plecostachys	18" O.C.	710
ROS	1 gal	Rosemary 'Prostrata'	Creeping Rosemary	24" O.C.	1150
MYP	1 gal	Myoporum 'Putah Creek'	Putah Creek Myoporum	72" O.C.	250
TRA	1 gal	Trachelospermum jasminoides	Star Jasmine	24" O.C.	1550
SAL	1 gal	Salvia officinalis	Common Sage	12" O.C.	1010
SAN	1 gal	Santolina chamaecyparissus	Lavender Cotton	24" O.C.	510
SED	Flats	Sedum spurium	Stonecrop	12" O.C.	430
VIN	1 gal	Vinca minor	Periwinkle	24" O.C.	1760
SEN	1 gal	Senecio mandraliscae	Mandraliscae Senecio	24" O.C.	380
SOD	SOD	Festuca 'No Mow'	No Mow Fescue		

VINES					
BO	5 gal	Bougainvillea 'Oo-La-La'	Oo La La Bougainvillea		160
CA	5 gal	Clematis armandii	Evergreen Clematis		122

**NOTE: Plant quantities listed are approximate. The above plants have been selected as being representative of the overall planting design intent. This plant palette is suggested for use, but does not preclude use of other appropriate plant material. Water-conserving plants and other climate appropriate varieties of trees, shrubs and ground covers have been selected to complement the character of the project.

All planted areas are to be watered with an approved automatic underground irrigation system. The system shall be designed to make efficient use of water through conservation techniques, and be in compliance with the City's Water Efficient Landscape Ordinance 238.

The final construction documents will provide the contractor with an understanding of the design intent for the maintenance of the planting areas regarding care and pruning of the site. The maintenance contractor shall furnish all labor, equipment, materials and supervision required to properly maintain the landscaped areas in an attractive condition and as described in the project maintenance specifications.

Total Landscape Area 152,300 Sqft.

Water Budget Calculation Worksheet

Maximum Applied Water Allowance (MAWA)
The maximum allowed water to be used on a site is calculated based on the formula below.

45.3	0.62	0.70	152,300	0		
ETO	Conversion from inches to gallons.	ETAF	Landscaped Area	Special Landscape Area	=	2,994,248 Gallons

Estimated Total Water Use Savings
1,079,774

Irrigation System Design Factors

Hydrozone Category (WUCOLS)	Plant Material (from landscape plan)	Species Factor (Ks)	Density Factor (Kd)	Microclimate Factor (Kmc)	Average Landscape Coefficient (Kl)	Area (Sqft)	Plant Water Requirement (Gallons)	System Type	Estimated Design Efficiency	Hydrozone water Requirement (Gallons)
High Water Use	MIXED	0.8	1	1	0.8	15,230	342,200	Sub Surface Drip	0.90	380,222
High Water Use	WATER FEATURES	0.8	1	1	0.8	200	4,494	Line	0.90	4,993
Medium	MIXED	0.5	1	1	0.5	30,260	424,941	Drip	0.80	531,176
Low Water Use	MIXED	0.3	1	1	0.3	106,610	898,275	Sub Surface Drip	0.90	998,083
TOTALS						152,300	1,669,909			1,914,474

Total Estimated Irrigation Requirement 1,914,474

The information included on this sheet and associated landscape and irrigation plans represent the landscape water allowance and estimated water requirements of this project.

Base Schedule

STA	PRECIP	Ks	Kd	Kmc	AKC	RUN TIME	CYC	CYC TIME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Spray Turf	1.80	0.70	0.83	1.20	0.70	19	4	5	0	0	3	5	9	9	11	10	8	5	1	0
Rotor Turf	0.55	0.50	0.83	1.20	0.50	58	4	16	0	0	2	4	6	7	8	7	6	3	1	0
Spray GC/Shrub	1.80	0.30	0.83	1.20	0.30	57	11	5	0	0	0	1	1	1	2	1	1	1	0	0
Rotor GC/Shrub	0.55	0.30	0.83	1.20	0.30	175	11	16	0	0	0	1	1	1	2	1	1	1	0	0
Subsurface GC/shrubs	1.10	0.30	0.83	1.20	0.30	97	12	8	0	0	0	1	1	1	1	1	1	0	0	0
Bub-Trees in planting	8.00	0.50	0.83	1.20	0.50	35	31	1	0	0	0	0	1	1	1	1	1	0	0	0
Bub-Trees in wells	12.00	0.30	0.83	1.20	0.30	35	47	1	0	0	0	0	0	0	0	0	0	0	0	0

NOTES OF DESIGN INTENT

1. IRRIGATION SYSTEM SHALL BE DESIGNED IN ACCORDANCE WITH LOCAL WATER EFFICIENT LANDSCAPE ORDINANCE.
2. IRRIGATION CONTROLLER SHALL BE "SMART" SELF ADJUSTING BASED ON DAILY ET REQUIREMENTS OF THE PLANT MATERIAL.
3. DEDICATED IRRIGATION SYSTEM WATER METER SHALL CONNECT TO A LOOPED IRRIGATION SYSTEM SUPPLYLINE.
4. LOW PRECIPITATION RATE IRRIGATION SPRAY HEADS SHALL BE USED WHEREVER PLANTING MATERIAL AND WATER EFFICIENT LANDSCAPE ORDINANCE WILL ALLOW.
5. HIGH EFFICIENCY DRIP IRRIGATION SHALL BE USED WHEREVER PRACTICLE WITHIN GROUNDCOVER AND SHRUB AREAS.
6. DEDICATED IRRIGATION ZONES FOR TREES SHALL BE DESIGNED WITH BUBBLER IRRIGATION.
7. VALVE BOX LOCATIONS SHALL BE IN GROUNDCOVER AREAS WHEREVER POSSIBLE.

PROPOSED EQUIPMENT LIST

DOMESTIC WATER METER–2"	–BY OTHER SECTION OF CONTRACT	
IRRIGATION BACKFLOW PREVENTION DEVICE	–WILKINS–975–XLU–2"	
MASTER CONTROL VALVE	–TORO–220–27–09 –2"	
FLOW SENSOR	–DATA INDUSTRIAL–P220–1"	
FERTIGATION SYSTEM (20 GALLON)	–EZ–FLO–EZ20	
ELECTRIC CONTROLLER ASSEMBLIES	–BASELINE 3200 X–CABINET	
REMOTE CONTROL VALVES	–TORO–P220 SERIES	
DRIP REMOTE CONTROL VALVES	–TORO–P220 SERIES WITH DRIP CONTROL ASSEMBLY	
QUICK COUPLING VALVES	–RAINBIRD–33DRC	
GATE VALVES –LINE SIZE	–SEE DETAIL	
DIGITAL SOIL MOISTURE SENSOR	–BASELINE–BL BISENSOR	
RAIN SENSOR	–TORO–TRS	
FLUSH VALVE	–SEE DETAIL	
PLANTER POT IRRIGATION	–SEE DETAIL	
TREE BUBBLERS	–TORO–FB–100–PC	
IRRIGATION SUPPLYLINE –DOMESTIC SYSTEM	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
IRRIGATION SPRINKLERLINE	–1120/SCHEDULE 40 PVC PIPE	–12" COVER
ELECTRICAL CONDUIT–SIZE AS INDICATED	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
SLEEVING–SIZE AS INDICATED	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
IRRIGATION SUBSURFACE EMITTERLINE	–NETAFIM–TLCV4–12	–4" COVER

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PLANTING & IRRIGATION

L4

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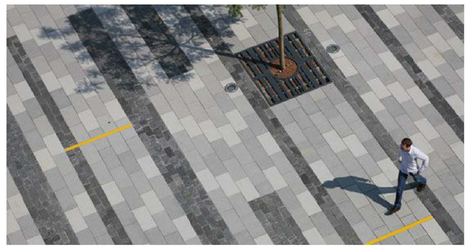
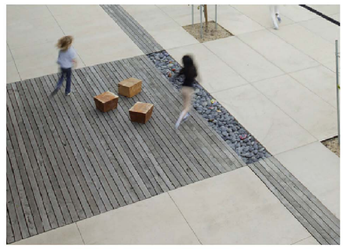
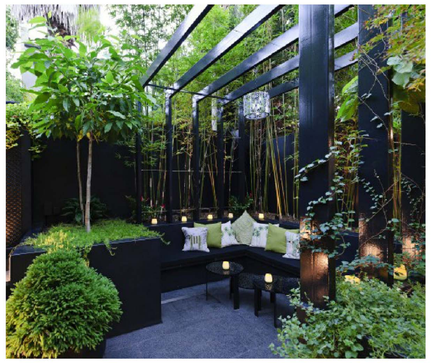
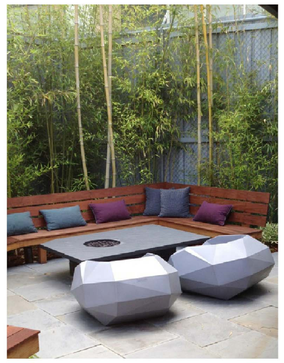

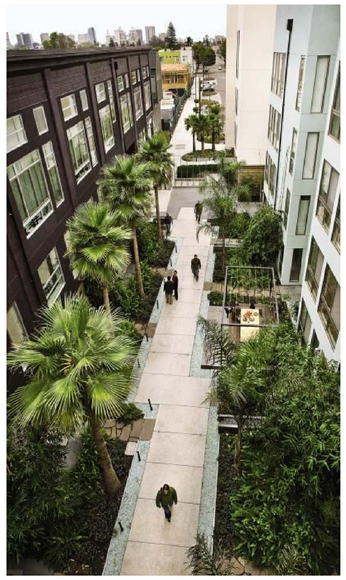
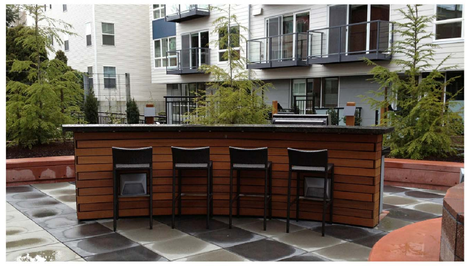

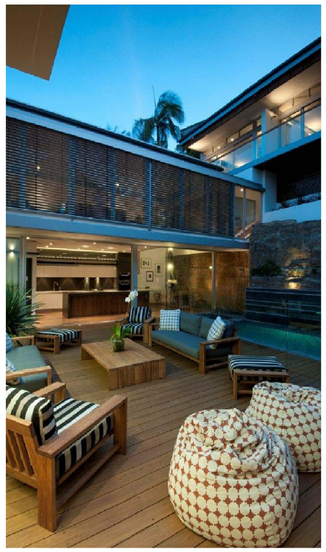
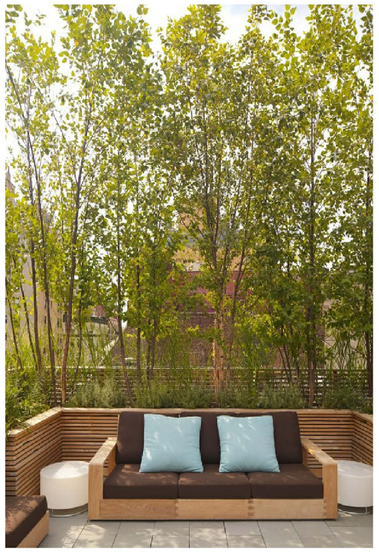

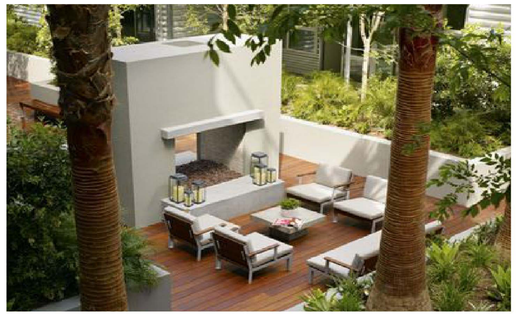

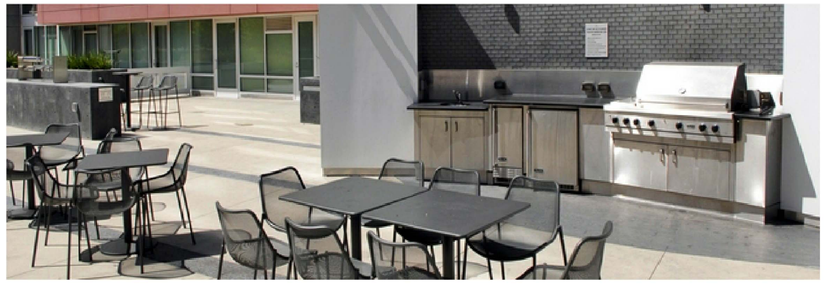

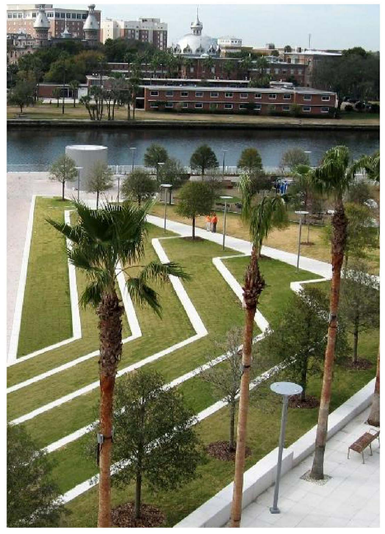

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LANDSCAPE IMAGERY

L5

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2F

M E M O R A N D U M

Department of Planning and Neighborhood Services

To: Parks, Recreation, and Cultural Resources Commission

From: Shaunn Mendrin, Senior Planner

Subject: **450 Montague Park**

Date: February 2, 2015

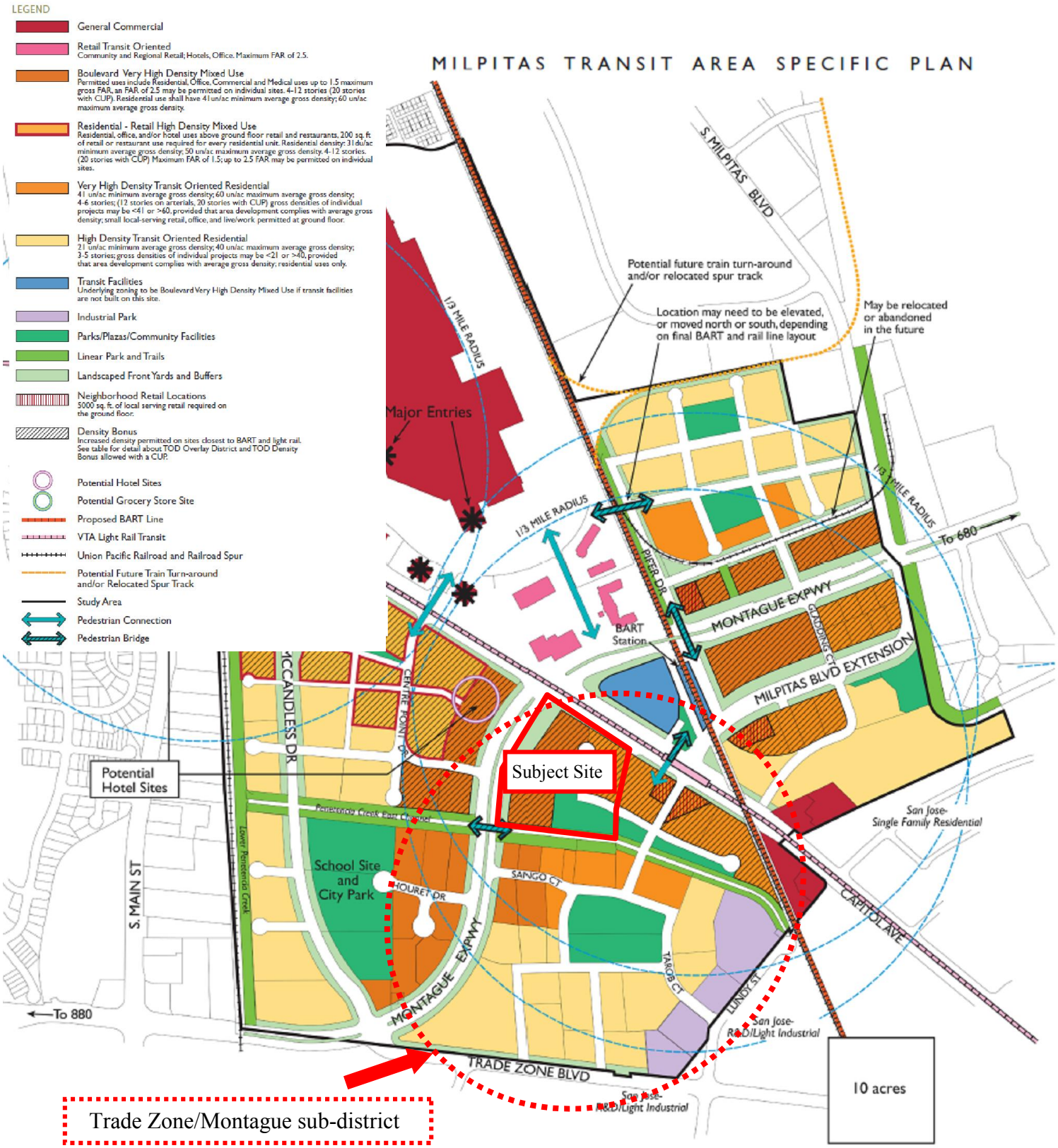
Background:
In June 2008, the City Council adopted the Transit Area Specific Plan (TASP), which includes the vision for approximately 7,000 dwelling units, 900,000 square feet of office and 280,000 square feet of retail space over a 437 acre area. The plan also anticipates 36 acres of public park land. The transit area is intended to be a cohesive neighborhood with consistent focus towards walking and transit usage. However, the planning area is divided by creeks, roadways, railways and various developed parcels. As a planning strategy, the specific plan created sub-districts with specific planning and vision criteria to take advantage of local characteristics. This report is on the Trade Zone/Montague sub-district.

For this subdistrict, the TASP envisioned a larger park located off Sango and a smaller linear park paralleling Penetencia Creek between Montague and Lundy. 450 Montague is currently in process for consideration of a new residential development and park space. The proposed project is located over three parcels and includes linear park and larger park areas. The proposed park is comprises of three areas

Recommendation:
Receive proposed parks, identify park name and forward to City Council for final approval.

Attachments:
A- Transit Area Specific Plan- Land Uses & Subdistrict

Attachment A – TASP Land Use Plan



Attachment B

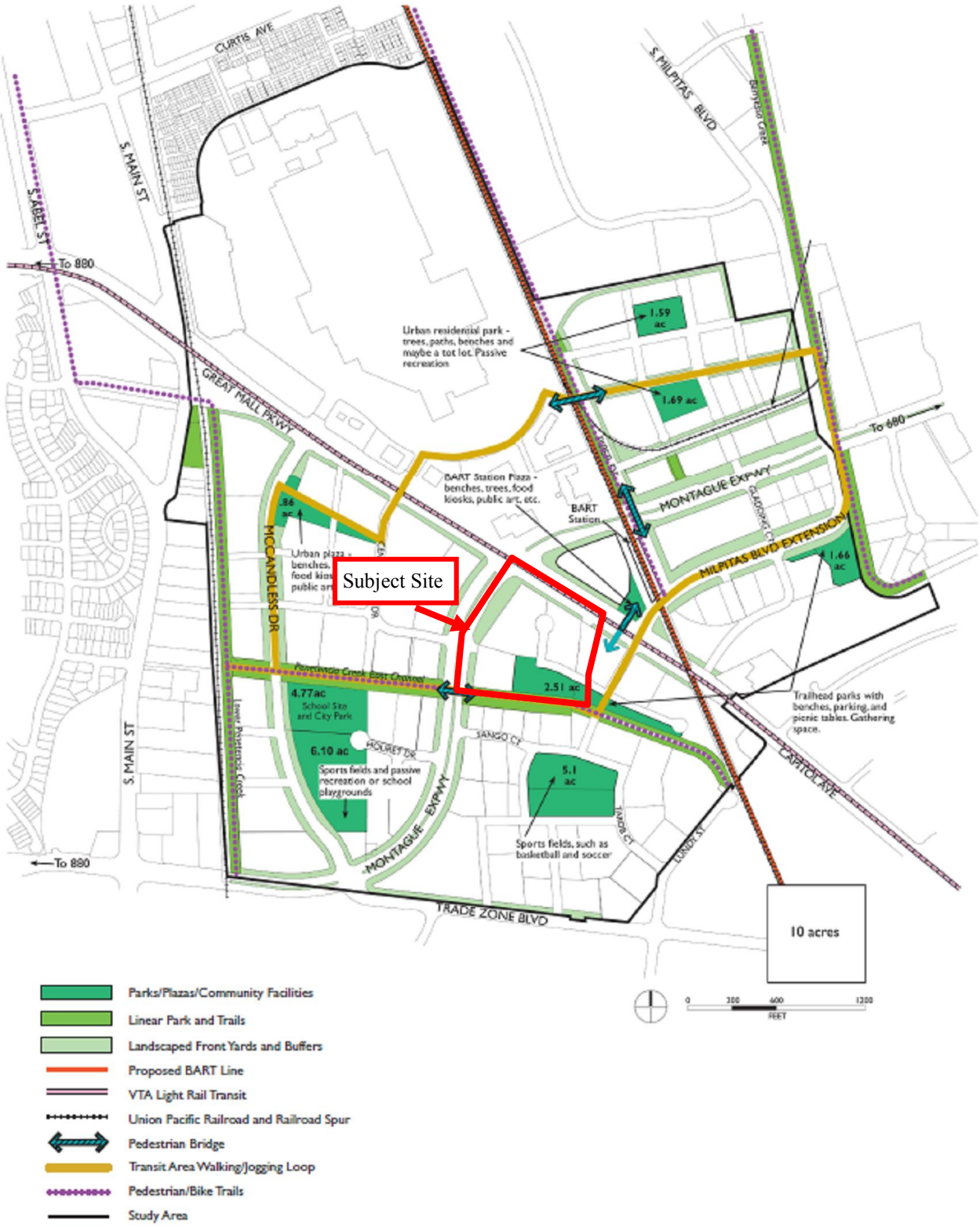


Exhibit Index:

1	Landscape Plan
2	Site Plan - Park Area Summary
3	Park Enlargements
4	Conceptual Park Imagery
5	Section Through Linear Park & Park B Extension
6	Park B Extension Plan and Conceptual Imagery
7	Park Paseo - Link Between Park A & B
8	Park Paseo Conceptual Perspective

450 MONTAGUE

PARKS EXHIBIT

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LANDSCAPE PLAN

1

MILPITAS, CA

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Park Area Summary

	Acres
Park 'A'	0.33
Park 'B'	0.31
Linear Park	0.50
Park Link 'A'	0.13
Park Link 'B'	0.14
Park Paseo	0.07
Total Provided	**1.48**

450 MONTAGUE

SITE PLAN - PARK AREA SUMMARY

2

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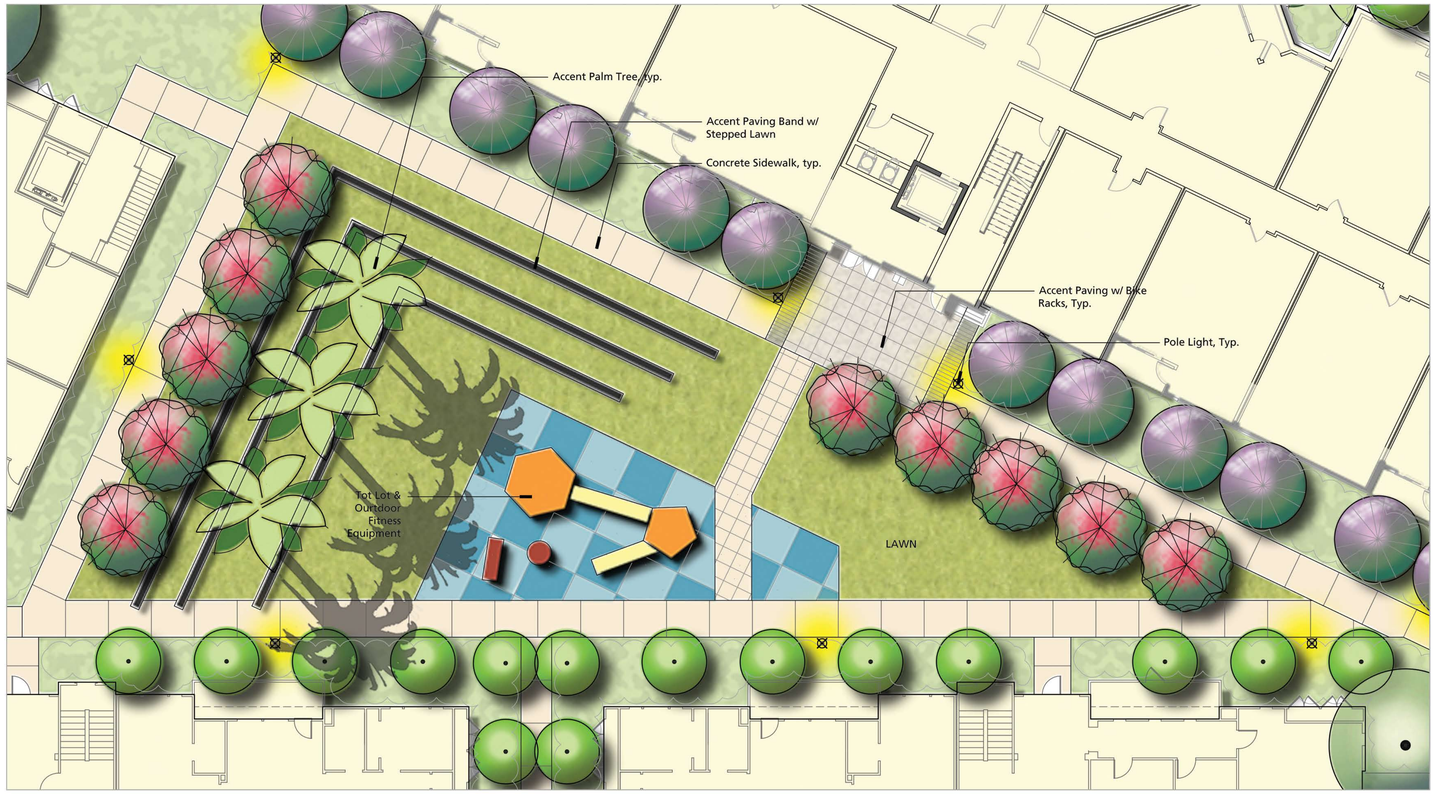
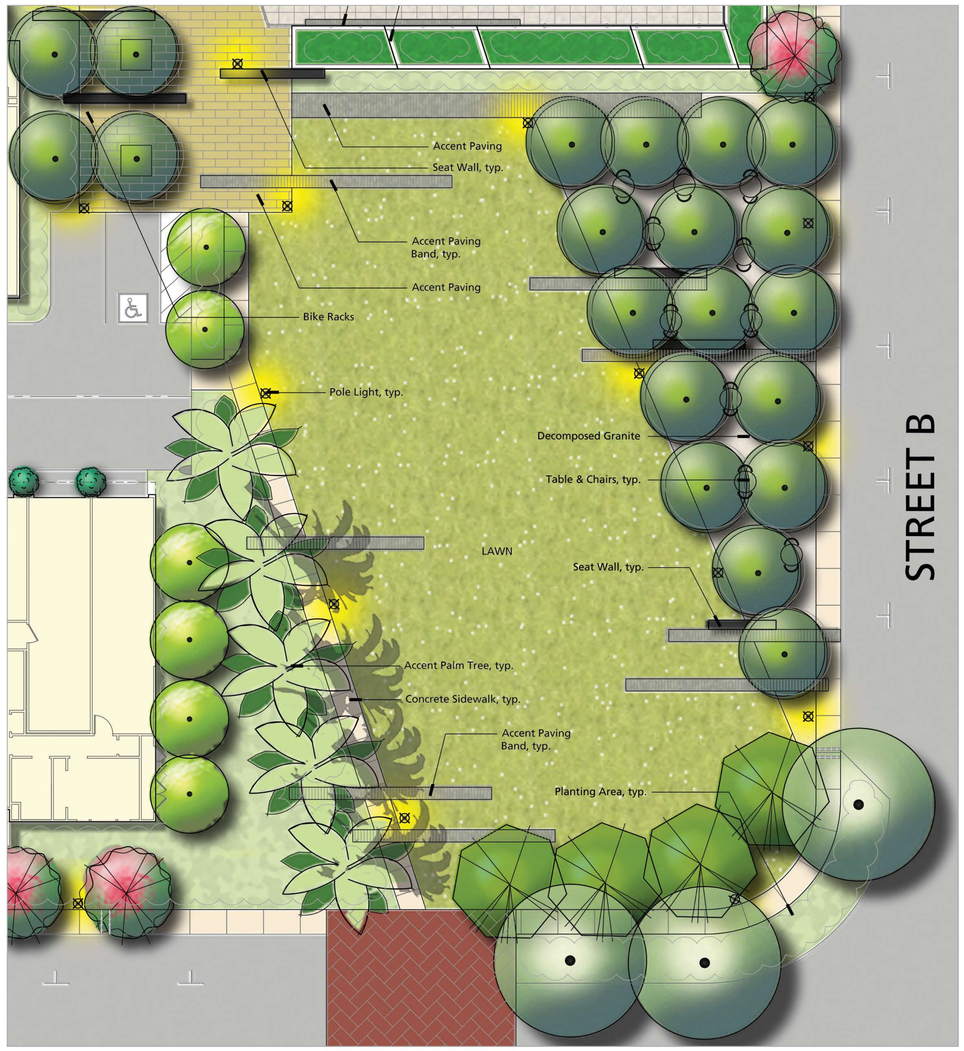


Park A Enlargement

Scale: 1"=10'

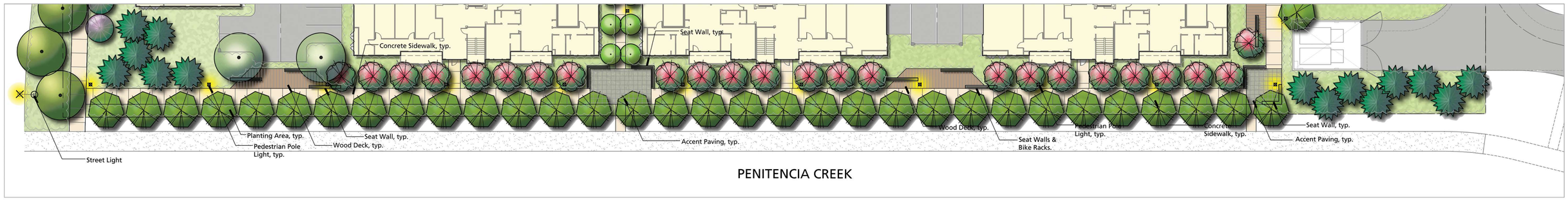
Scale: 1" = 10'
0 5 10 20



Park B Enlargement

Scale: 1"=10'

Scale: 1" = 10'
0 5 10 20



Linear Park Enlargement

Scale: 1"=20'

Scale: 1" = 20'
0 10 20 40

450 MONTAGUE

PARK ENLARGEMENTS

North

3

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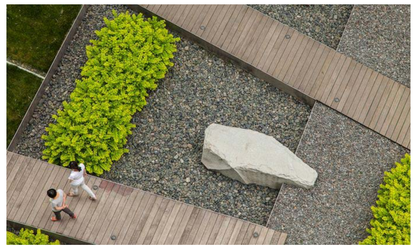

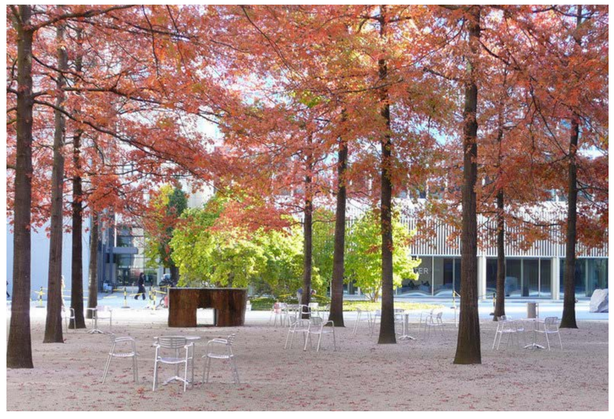

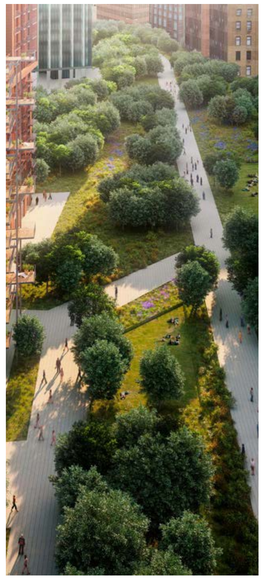

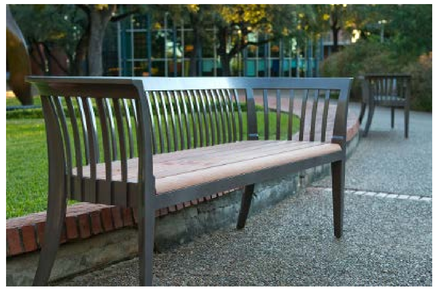

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CONCEPTUAL PARK IMAGERY

MILPITAS, CA

KTGY # 2013-0551

01.23.2015

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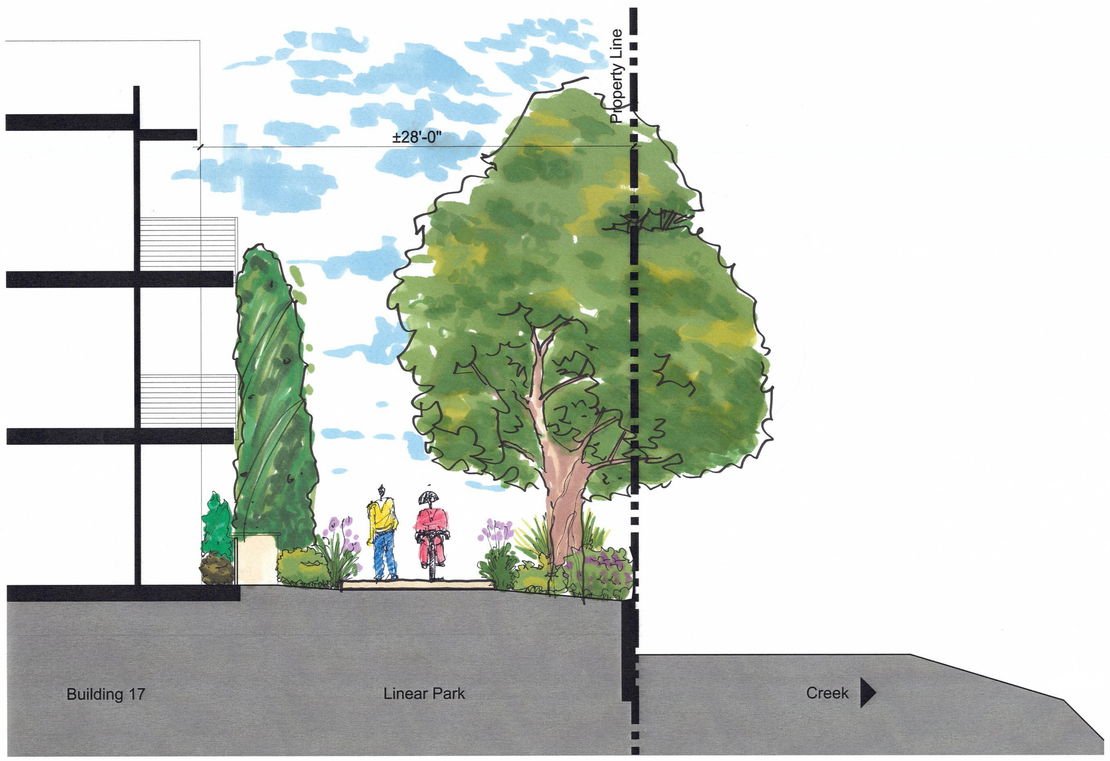
Keymap



1. Section A Through Linear Park

2. Section Through Park B Extension

0 2 4 8

450 MONTAGUE

SECTION THROUGH LINEAR PARK & PARK B EXTENSION

5

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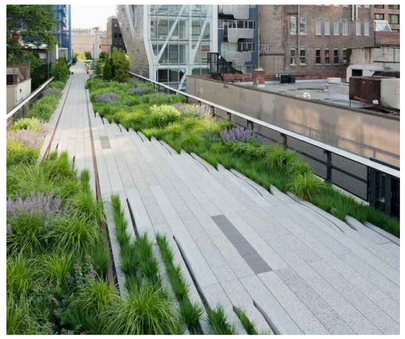

High Line Park, NY

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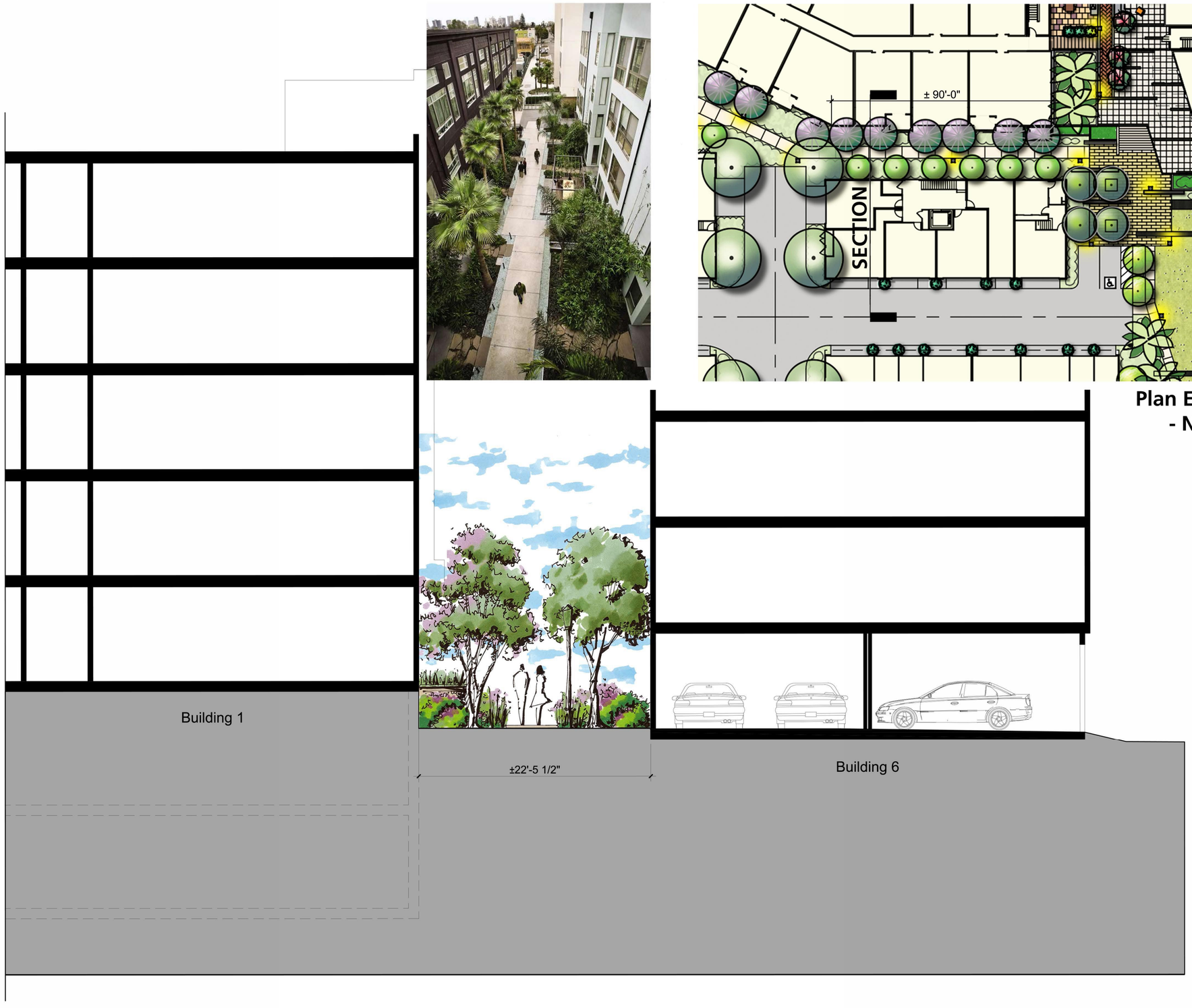

Plan Enlagement - Not to Scale

0 2 4 8

450 MONTAGUE

PARK PASEO - LINK BETWEEN PARK A & B

7

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KTGY # 2013-0551 01.23.2015

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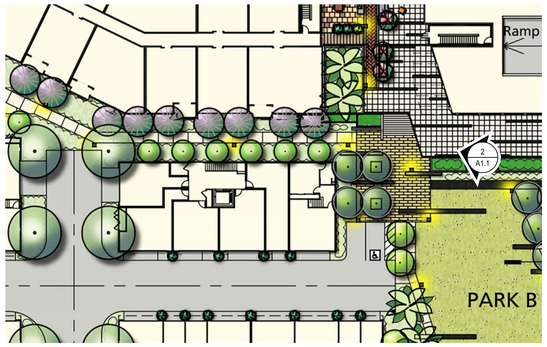

Key Map n.t.s.

2. Aerial View of Park Paseo

*Refer to Landscape sheets for plant species and placement

450 MONTAGUE

PARK PASEO CONCEPTUAL PERSPECTIVE

MILPITAS, CA

KTGY # 2013-0551 01.23.2015

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CITY OF MILPITAS
M I N U T E S

PARKS, RECREATION AND CULTURAL RESOURCES COMMISSION

Minutes: Regular Meeting of the Parks, Recreation and Cultural Resources Commission

Date of Meeting: February 2, 2015

Place of Meeting: Milpitas Community Center: Auditorium, 457 E. Calaveras Blvd.

I. Call to Order: Chair Sharma called the meeting to order at 7:05pm.

II. Roll Call: Commissioners Present: Bansal, Matau, Munzel, Ramirez, Sharma and Singh
Commissioners Excused: Fong and Mathur
Commissioner Unexused: None
City Staff Present: Jaime Chew – Recreation Services Supervisor
Lisa Ciardella – Public Services Clerk
City Council Liaison Present: Council Member Barbadillo

III. Seating of Alternates: Bansal

IV. Approval of Agenda: MOTION to approve the agenda for February 2, 2015 as submitted.
M/S: Munzel/Matau Ayes: All

V. Approval of Minutes: MOTION to approve the minutes from January 5, 2015 and January 21, 2015 as submitted.
M/S: Matau/Sharma Ayes: All

VI. Public Forum: None

VII. Announcements and Correspondence

Jaime Chew announced that this will be her last meeting with the Commission. Recreation Services Supervisor Stephanie Douglas will be the Commission Liaison while she is on Maternity Leave When she returns from leave, she and Lisa Ciardella will be moving to the Arts Commission and Recreation Services Manager Renee Lorentzen will be the Staff Liaison to the PRCRC Commission and Public Services Assistant Justin Yount will be the Recording Secretary.

VIII. New Business

1. Public Parks and Naming at 450 Montague

City Planner, Shaunn Mendrin presented the Commission with the proposed project at 450 Montague. There will be three public parks within the project that will be the responsibility of the Home Owner's Association. The project will be presented to the Planning Commission on February 11, 2015 and to the City Council on March 3, 2015.

Representatives from Lennar Corporation and the Builder for the project presented the information to the Commission. They presented the details of the three parks. Park A will be between the buildings. There will be a lawn area for active and passive recreation. There will be a tot lot with a shade structure as well as seating and adult fitness elements. Park B will also have a lawn area for active and passive

recreation. It will be lined with palm trees with seating available underneath. Street parallel parking will also be available. Sidewalks will line both parks A and B. The third area will be a Linear Park along the creek with a par course. There are no restrooms planned as it is within the complex and although they are considered public parks, they will more than likely be utilized by the residents of the complex. Commissioner Munzel questioned if the grass in the parks, especially park A, would receive enough sun light as it is between the buildings. Lennar staff said they felt it would as the buildings are approximately 20-25 feet away. Commissioner Munzel stated that he would like to see water permeable landscape and to make sure there are no toxic plants.

The Commission questioned Mr. Mendrin if the project met the per capita ratio of residents to park space. Mr. Mendrin stated that it does.

The Commission also discussed the possible names for Park A and Park B. The choices that they would like to pass on for consideration by City Council are J.W. Johnson, Captain Calvin Valpey, O.H.P. Vennum and Charles Beverson.

MOTION to forward to City Council proposed parks and locations and the list of 4 proposed names of J.W. Johnson, Captain Calvin Valpey, O.H.P. Vennum and Charles Beverson for Park A and Park B for final approval of 450 Montague
M/S: Sharma/Ramirez Ayes: All

IX. Staff Report

None.

X. Liaison Reports

1. City Council:

2. Community Advisory Commission:

3. Senior Advisory Commission: None.

4. Planning Commission: None.

5. Youth Advisory Commission: None.

6. Milpitas Historical Society

7. Arts Commission: None

8. Recycling and Source Reduction Advisory Commission: None.

Santa Clara County Parks & Recreation:

XI. Future Agenda Items

XII. Adjournment:

With there being no further business, the meeting was adjourned at 9:15 p.m. to the next scheduled meeting on Monday March 2, 2015 at 7:00pm.

2G

Agenda
City of Milpitas
Parks, Recreation and Cultural Resources Commission

Monday, March 2, 2015
City Hall Committee Room
455 E. Calaveras Blvd.
7:00 PM

I. Call to Order

II. Flag Salute

III. Roll Call

IV. Seating of Alternates

V. Approval of Agenda: March 2, 2015

VI. Approval of Minutes: February 2, 2015

VII. Public Forum

Members of the audience are invited to address the Commission on any subject not on the agenda. Speakers must state their name and address for the record, and limit their remarks to under three minutes. As an unagendized item, no response is required of City staff or the Commission; however, the Commission may agendize the item for a future meeting.

VIII. Announcements and Correspondence

- New Commission Alternate – Samu Tiumalu

IX. Old Business

1. Youth Sport User Fee (Stephanie Douglas, Recreation Supervisor)

Background: At the October 2014 PRCRC meeting, the Commission requested an update on the Youth Sports User Fee at the February 2015 meeting. At the February 2015 meeting the Commission requested to continue this item to the March meeting. Staff has prepared a presentation to update the Commission.

Recommendation: Receive presentation.

X. New Business

1. Little League Farm Field Dedication (Renee Lorentzen, Recreation Manager)

Background: Milpitas Resident and Little League player, Christian Dalugdug passed away at the age of 8 years old on December 27, 2014. A third grader at Weller Elementary, Christian loved playing baseball. He

played on the Milpitas Sports Center's Farm fields for two years before his passing. Christian's family and friends and the President of Milpitas Little League are asking for the Commission's support in dedicating the Milpitas Sports Center Little League Farm Field to Christian Dalugdug with a plaque. The last field dedication was for Michael De Jesus, at Gill Park in 2008.

Recommendation: Discuss and make recommendation to City Council on dedicating the Milpitas Sports Center's Little League Farm Field to Christian Dalugdug.

2. Review and Recommend the Parks Projects in the Proposed Capital Improvement Program 2015-2020 to the City Council (Steven Machida, City Engineer)

Background: City Staff will provide an overview of the current Parks Capital Improvement Program, including a progress report on work underway. Staff will also present the Parks section of the proposed 5 year Capital Improvement Program (2015-2020) for review and recommendation to the City Council.

Recommendation: Receive Staff Report and recommend the Parks projects in the Proposed 2015-2020 Capital Improvement Program to the City Council for final approval.

3. Review International Park Concept at Tom Evatt Park (Steven McHarris, Planning Director)

Background: The City has received requests from international organizations, representing Philippines, India, Korea, and Vietnam to have a public place to represent the culture of each respective country. Additional country representation is anticipated. Preliminary discussions have resulted in a concept of an "International Park" in Milpitas, and Tom Evatt Park was identified as a possible location due to its central and accessible midtown location.

The International Park concept is to provide a public space with an educational non-political theme of culture, arts, history, architecture, geography, native plants for each participating international group. The park could be divided into small delineated areas with the first to be located on the east side of Main Street. The concept could be expanded to the west side of main Street dependent on other organizations participation interest. If the concept moves forward, staff would develop policies, procedures and specifications for size of each area.

Recommendation: Although there are no preliminary design plans to review, Staff will discuss with the Commission and request the Commission review the concept and provide feedback

4. Minor Public Parks Changes to 450 Montague (Shaunn Mendrin, Senior Planner)

Background:
In June 2008, the City Council adopted the Transit Area Specific Plan (TASP), which includes the vision for approximately 7,000 dwelling units, 900,000 square feet of office and 280,000 square feet of retail space over a 437 acre area. The plan also anticipates 36 acres of public park land. The transit area is intended to be a cohesive neighborhood with consistent focus towards walking and transit usage. However, the planning area is divided by creeks, roadways, railways and various developed parcels. As a planning strategy, the specific plan created sub-districts with specific planning and vision criteria to take advantage of local characteristics. This report is on the Trade Zone/Montague sub-district.

For this subdistrict, the TASP envisioned a larger park located off Sango and a smaller linear park paralleling Penitencia Creek between Montague and Lundy. 450 Montague is currently in process for consideration of a new residential development and park space. The proposed project is located over three parcels and includes linear park and two larger park areas. The linear park area will parallel Penitencia

Creek with a larger park (Park A) located within the development and it will include passive areas and a Tot Lot. The second larger park (Park B) will be located on the edge of the development adjacent to a North South local roadway. Pedestrians may access the parks from Montague or Capitol or from the linear park through a large Paseo connecting to Park B and a smaller Paseo connecting from Park B to Park A. The proposed project will be conditioned to include way finding signs from the public right of way and linear trail. See Attachment A for park plans and materials and Attachment B for suggested names.

The PRCRC reviewed the item on February 2, 2015 and concurred with the proposed park layout and included some suggested four names for the City Council including J.W. Johnson, Captain Calvin Valpey, O.H.P. Vennum and Charles Beverson for Park A and Park B. Since February 2, 2015, the applicant has made revisions to the north south vehicular access from E Capitol, moving the entire access road onto the subject site (originally it was shared with the adjacent property). This has resulted in a reconfiguration of the orientation of Building 15 located at the southeast corner of the site. The resulting change has eliminated the connecting paseo originally located between Building 15 and Buildings 14 & 16. The frontage of Building 15 will be conditioned to include a wider sidewalk with double row of trees to enhance the connection. In addition, staff will also include a condition requiring a future minor realignment of the road transition onto the property to the east near Penitencia Creek to allow for a wider connection to the linear park along the creek. This change would not happen until the adjacent site redevelops.

Recommendation:
Review the modification and forward recommendation to City Council for final approval.

XI. Staff Report

XIII. Liaison Reports

1. City Council – Council Member Garry Barbadillo
2. Community Advisory Commission – Chair Sharma
3. Senior Advisory Commission – Commissioner Ramirez
4. Planning Commission – Commissioner Mathur
5. Youth Advisory Commission – Commissioner Fong
6. Milpitas Historical Society – Vice Chair Munzel
7. Arts Commission/Public Art Committee - Commissioner Matau
8. Recycling and Source Reduction Advisory Commission- Commissioner Singh
9. Santa Clara County Parks & Recreation – Vice Chair Munzel

XIV. Future Agenda Items

KNOW YOUR RIGHTS UNDER THE **OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Parks, Recreation and Cultural Resources Commission after initial distribution of the agenda packet are available for public inspection at the Community Center office, 457 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035

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XV. Adjournment

Approved by PRCRC 2-2-15

450 MONTAGUE

LANDSCAPE PLAN

1

MILPITAS, CA

KTGY # 2013-0551 01.23.2015

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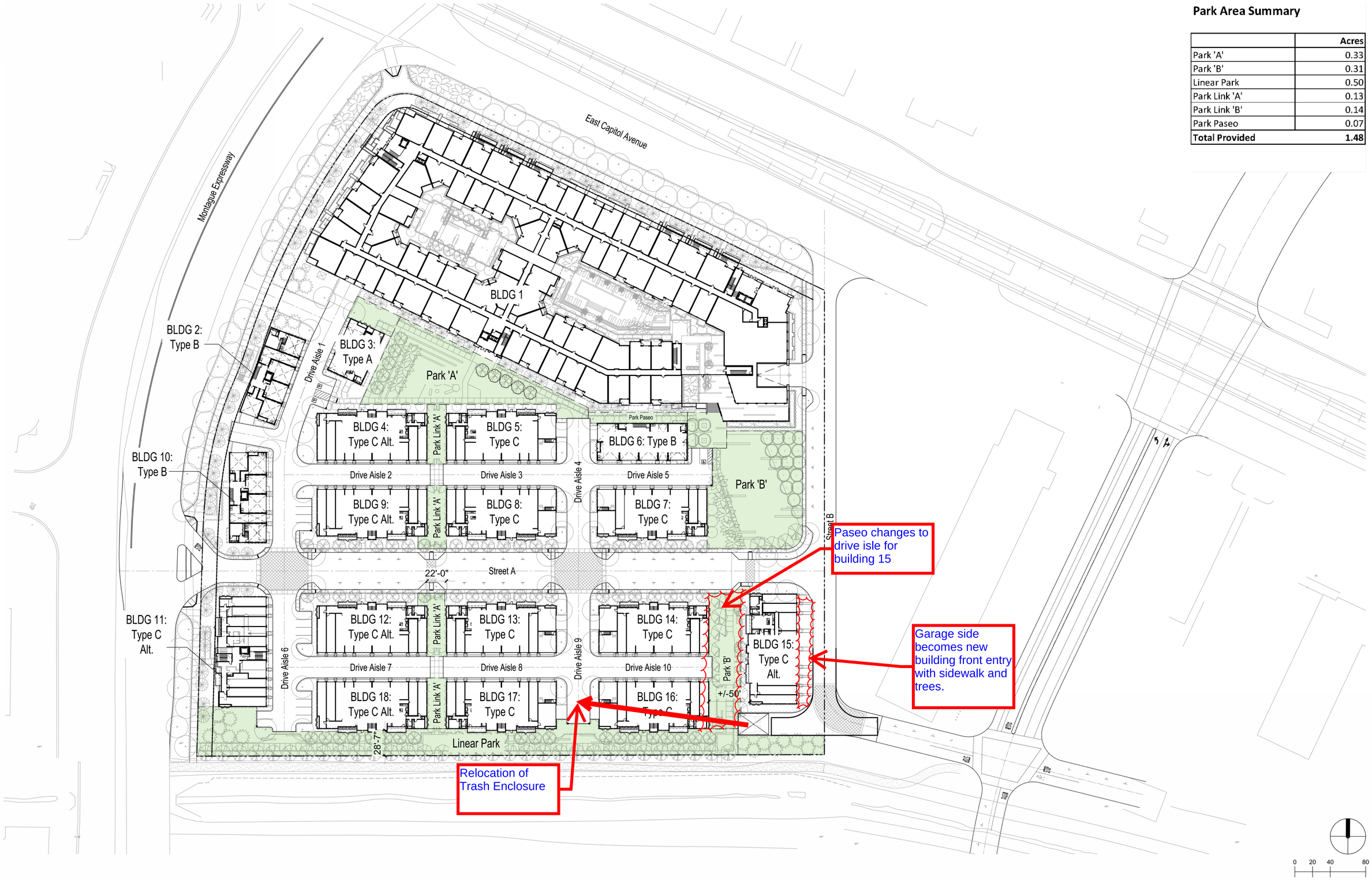
Park Link 'A'	0.13
Park Link 'B'	0.14
Park Paseo	0.07
Total Provided	**1.48**



450 MONTAGUE

SITE PLAN - PARK AREA SUMMARY

2

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KTGY # 2013-0551 01.23.2015

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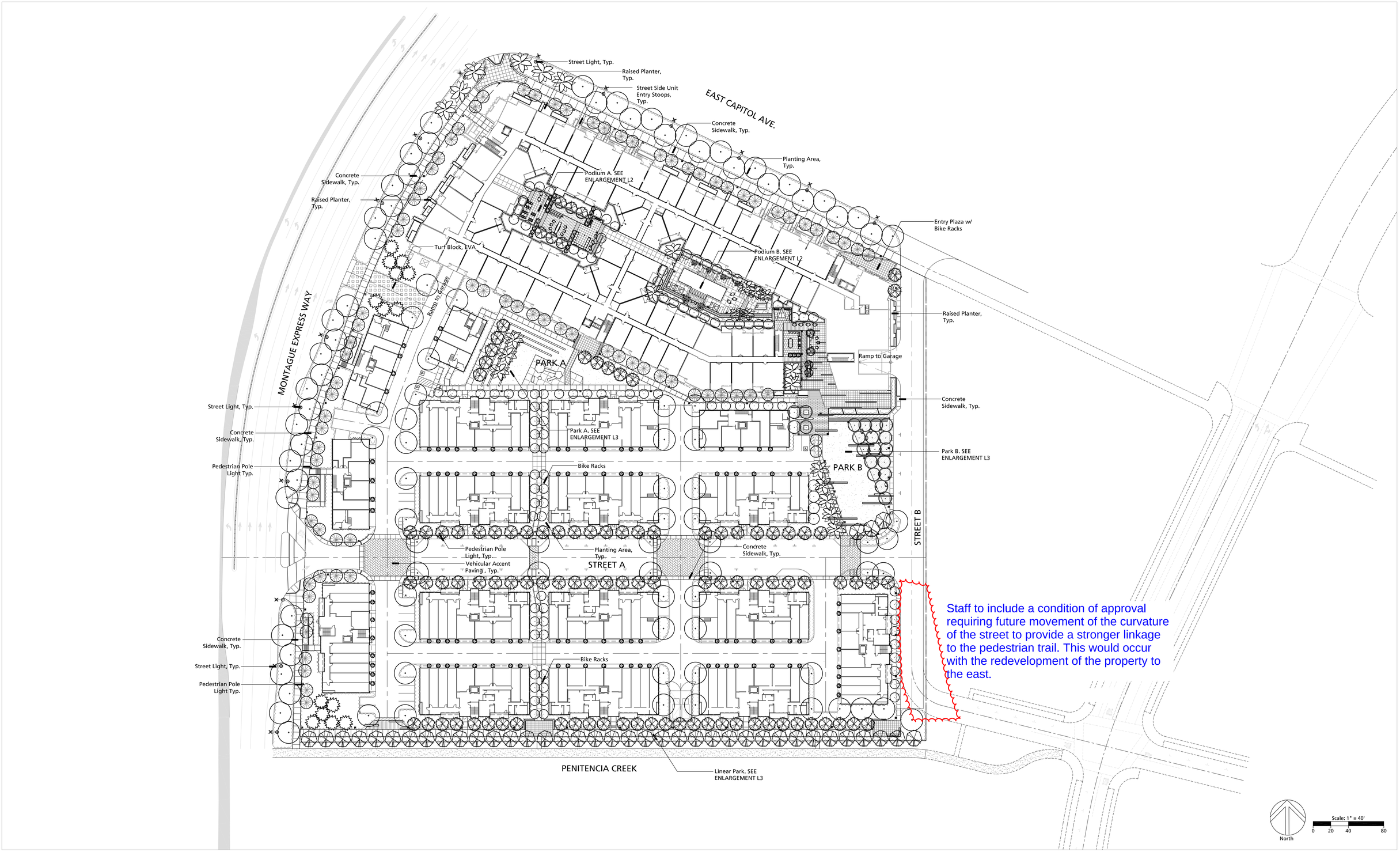

Proposed Changes Around Building 15

450 MONTAGUE

LANDSCAPE PLAN

L1

MILPITAS, CA

KTGY # 2013-0551 02.24.15

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CITY OF MILPITAS
M I N U T E S

PARKS, RECREATION AND CULTURAL RESOURCES COMMISSION

Minutes: Regular Meeting of the Parks, Recreation and Cultural Resources Commission

Date of Meeting: March 2, 2015

Place of Meeting: Milpitas City Hall: Committee Conference Room, 455 E. Calaveras Blvd.

I. Call to Order: Vice Chair Munzel called the meeting to order at 7:00pm.

II. Roll Call:
Commissioners Present: Bansal, Fong, Munzel, Singh and Tiumalu
Commissioners Excused: Matau, Mathur, Ramirez and Sharma
Commissioner Unexcused: None
City Staff Present: Renee Lorentzen – Recreation Services Manager
Stephanie Douglas – Recreation Services Supervisor
Lisa Ciardella – Public Services Assistant
City Council Liaison Excused: Council Member Barbadillo

III. Seating of Alternates: Bansal and Tiumalu

IV. Approval of Agenda: MOTION to approve the agenda for March 2, 2015 as submitted.
M/S: Bansal/Fong Ayes: All

V. Approval of Minutes: MOTION to approve the minutes from February 2, 2015 as submitted.
M/S: Matau/Sharma Ayes: All

VI. Public Forum: None

VII. Announcements and Correspondence
Stephanie Douglas announced that Jaime Chew gave birth to a baby girl. She also welcomed Samu Tiumalu as the new alternate commissioner.

VIII. Old Business

1. **Youth Sport User Fee**

IX. New Business

1. **Little League Farm Field Dedication**

2. **Review and Recommend the Parks Projects in the Proposed Capital Improvement Program 2015-2020 to the City Council**

3. **Review International Park Concept at Tom Evatt Park**
The City of Milpitas has received requests from international organizations representing the Philippines, India, Korea and Vietnam to have a public place to represent the culture of each respective country. Preliminary discussions have led to a concept of an "International Park" in Milpitas with the anticipation of other country representation in the future. Tom Evatt was identified as a possible

location due to its central and accessible midtown location. The thought is to start on the east side of the park and expand to the west side of Main St. dependent on other organizations interest. The location was questioned by the Commission as they did not feel that there is ample parking at the Tom Evatt park location. The suggested that parking be planned as part of the Main Street Improvements to allow for parallel street parking near the park, for the park. It was also mentioned to have the International Park idea represented at different parks throughout the city.

A group of San Jose State Students were in attendance to fulfill a class requirement. Vice Chair asked for their opinion of the park idea. They also felt that it would bring unity throughout the City, if the idea was spread out to several parks, rather than just isolating it to one park. They also gave the idea, if feasible to offer diagonal parking on the street rather than parallel parking to provide more spaces.

4. Minor Public Parks Changes to 450 Montague

At the February 2, 2015 PRCRC meeting a presentation was made about the proposed parks at 450 Montague. The Commission concurred with the proposed park layouts and suggested four names for the parks to be presented to City Council. Since that meeting the applicant has made revisions to the north/south vehicular access from E Capitol, moving the entire access road onto the subject site. That resulted in a reconfiguration of the orientation of Building 15 located at the southeast corner of the site. The change has eliminated the connecting paseo originally located between Building 15 and Buildings 14 and 16. The frontage of Building 15 will be conditioned to include wider sidewalks with double rows of trees to enhance the connection. Staff will also include a condition requiring a future minor realignment of the road transition onto the property to the east near Penitencia Creek to allow for a wider connection to the linear park along the creek. That change would not happen until the adjacent site redevelops.

MOTION to approve the modification of the orientation of Building 15 and the changed pathways and forward to City Council for final approval.
M/S: Bansal/Singh Ayes: All

IX. Staff Report

None.

X. Liaison Reports

1. City Council: None.

2. Community Advisory Commission: None.

3. Senior Advisory Commission: None.

4. Planning Commission: None.

5. Youth Advisory Commission: None.

6. Milpitas Historical Society:

7. Arts Commission: None

8. Recycling and Source Reduction Advisory Commission: None.

9. Santa Clara County Parks & Recreation:

XI. Future Agenda Items

XII. Adjournment:

With there being no further business, the meeting was adjourned at 8:25 p.m. to the next scheduled meeting on Monday April 6, 2015 at 7:00pm.

FIGURE 1
450 Montague Access and Circulation

FIGURE 2
TASP Area and Future Improvements

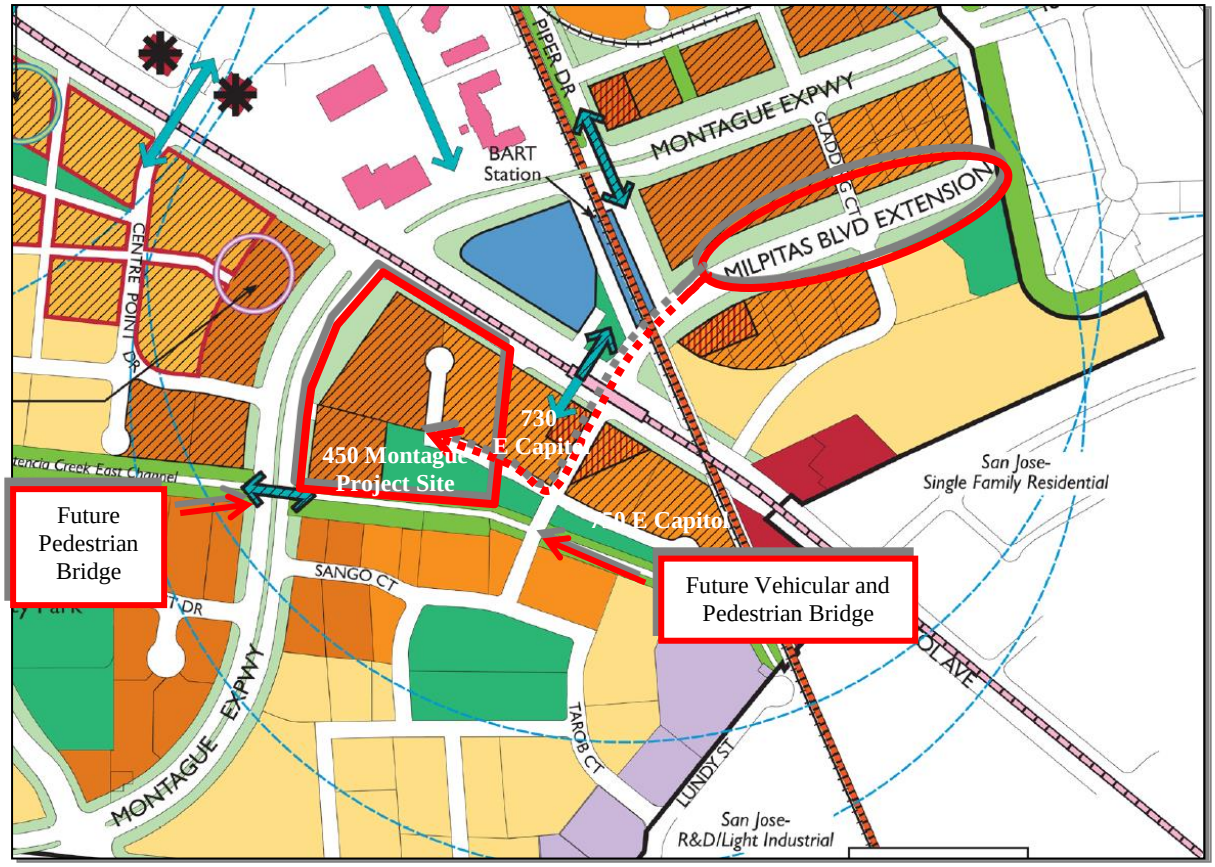
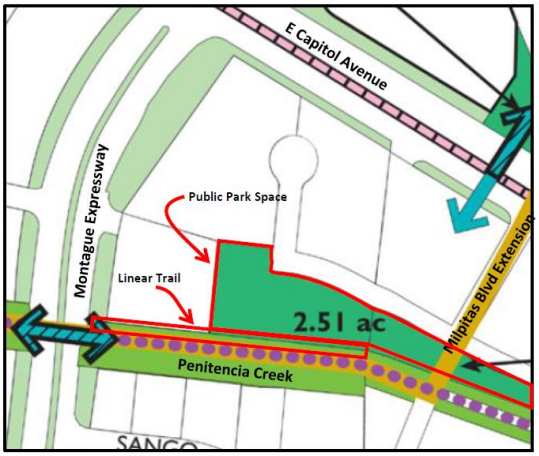
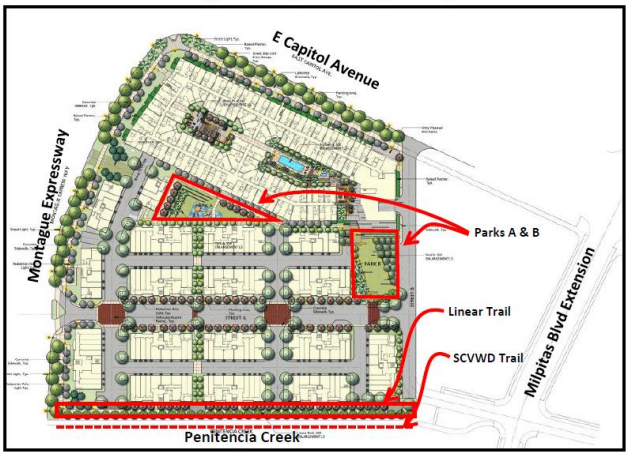


FIGURE 3
Open Space Comparison

TASP - Open Space Plan



450 Montague Proposed Open Space



RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD14-0017, CONDITIONAL USE PERMIT NO. UP14-0024, AND TENTATIVE MAP NO. MT14-0004 FOR THE LENNAR RESIDENTIAL PROJECT LOCATED AT 450 MONTAGUE EXPRESSWAY

WHEREAS, on October 23, 2014, an application was submitted by Lennar Communities for the development of 489 dwelling units on 10.47 acres (46.70 dwellings/acre) in a multi-story building and stacked flat units building with three and four stories located at 450 Montague Expressway (APNs: 86-037-004, -019, and -020) zoned Mixed Use Very High Density/Urban Residential with Transit Oriented Development & Site and Architectural Overlays (MXD3/R5-TOD-S) within the Transit Area Specific Plan; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and the Planning Commission recommended that the City Council determine this project exempt and that it is consistent with the Transit Area Specific Plan EIR approved on June 3, 2008; and

WHEREAS, on March 25, 2015, 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 unanimously recommended approval to the City Council of the project; and

WHEREAS, on April 21, 2015, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and

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

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

2. The project is exempt pursuant to Section 15168(c) (2) of the CEQA Guidelines because the project is consistent with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008, by the City Council.

3. The project is consistent with the Milpitas Zoning Ordinance in that the project site meets the density and land use requirements.

4. The project is consistent with the Milpitas General Plan in that the project meets the density and land use requirements.

5. The project conforms to the intent and the specific requirements of the Transit Area Specific Plan, including the Development Standards and Design Guidelines in that the project creates a high-density residential project, and a component of public open space with trail.

6. <u>Site Development Permit (Section XI-10-57-03(F))</u>

   a. 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 development is of a higher quality architecture located adjacent to the new BART station and existing VTA station. The proposed project will implement the TASP streetscape along all frontages and install parks and trails as identified in the TASP. Although there will not be any other

residential building immediately adjacent to the site, it will be the first on the block and will act as an important anchor for the intersection.

b. The project is consistent with the Milpitas Zoning Ordinance.

The proposed project is consistent with this finding because the site is located in TASP and consistent with required density and requested a Conditional Use permit for minor deviations from the TASP as allowed in the TASP. The remaining portions of the development are consistent with setbacks, open spaces and other development standards. The table below indicates the project setbacks, height, parking and density.

Table 1:
Summary of Development Standards

	Zoning Ordinance/TASP	**Proposed**
Density (Min/Max)	41/75 units/acre	46.7 units/acre
Setbacks (Minimum) Capitol Avenue	 49’	 49’
Montague Expressway East South	45’ 20’ 20’	45’ 41’ 25’
Building Height (Maximum)	12 stories	5 stories
Parking (Minimum)	668 residential + 121 guest = 780	*834 spaces (272 Tandem)**
Maximum encroachment into setbacks by patios, stoops, etc.	± 6’	*6’*
Open Space	Min 40 sq. ft. for balconies and Min of 50 sq. ft. for patios	*Short 16% for some studios and 1 bedroom units on Capitol Ave.* *
* Indicates a Conditional Use Permit is required to allow the proposed deviations.		

Parking for the project complies with the Milpitas Municipal Code, which is a minimum of 780 parking spaces for the entire project based on the bedroom count and parking type (individual garage versus parking structure). The following table summarizes the parking required and provided for the project:

Table 2
Parking Summary

5-Story Rental Building			
Unit Type	**Number of Units**	**Spaces Provided**	**Parking Ratio**
Studios	45	317	1.10
1BR	202		
2BR	104		
Total	***351***		
Tandem Parking Allowed (75% of total required parking)		128	25%
Guest Parking (15% of residential parking)		67	15%
Total		**512**	

Total Required by Code		***511***	
Stacked Flat Units			
Unit Type	**Number of Units**	**Spaces Provided**	**Parking Ratio**
2BR	42	126	1.09
3BR	92		
4BR	4		
Total	***138***		
Tandem Parking Allowed (50% of total required parking)		112	50%
Guest Parking (20% of residential parking)		52	23%
Total ***Total Required by Code***		**322** ***269***	

Parking is provided in the parking structure under Building 1 and private garages in the Stacked Flat units and open on-site spaces. The project includes tandem spaces, which has different requirements for structured parking vs. private garage. The amount proposed in Building 1 is below the maximum allowed of 75% of the total required parking at 25%. The Stacked Flats are at the maximum allowed of 50%. The project meets the requirements for the remaining parking for the residential units and guest parking. The total parking provided on site meets the minimum required. A Conditional Use Permit is required to allow the use of tandem parking spaces, which has been discussed in the Conditional Use Permit Section.

c. The project is consistent with the Milpitas General Plan and Transit Area Specific Plan.

The proposed Project is consistent with this finding as discussed previously in the staff report and herein because the approved use is allowed in the TASP and it is consistent with the minimum density. The project furthers the goals and policies of the land use element by further implementing the project residential units within the TASP.

d. 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-5	*A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.*	**Consistent**
2.a-G-7	*When considering development proposals, seek "community benefit," such as upgrading infrastructure facilities, constructing new infrastructure facilities, and funding contributions to programs.*	**Consistent**
2.a-I-1	*New developments should not exceed the building intensity limits established in the General Plan.*	**Consistent**
2.a I-2	*Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.*	**Consistent**

Guiding Principles and Implementing Policies		Consistency Finding
2.a-I-8	*Establish redevelopment projects to secure funds that can be used to attract commercial, industrial and residential development in order to eliminate blight and improve an area.*	**Consistent**
2.a 1-31	*Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*	**Consistent**
2.a 1-32	*Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.*	**Consistent**
2.b-I-3	*Provide housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.*	**Consistent**

7. Conditional Use Permit Amendment (Section XI-10-57-04-(F)(1&2))

a. 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 project is located with the Transit Area Specific Plan and is consistent with the Goals, Policies and Development Standards of the TASP. The project will improve the property frontages by installing new sidewalks, street trees, streetlights and landscaping to enhance the area and to provide safe pedestrian access around the site. The requested deviations from the TASP development standards and Zoning Code standards have been found to be acceptable by staff as noted in the staff report. Overall, the development will improve the site and enhance the intersection of Montague Expressway and East Capitol Avenue.

b. The proposed use is consistent with the Milpitas General Plan.

See discussion above.

c. The proposed use is consistent with the Milpitas Zoning Ordinance.

In addition to the TASP Conditional Use Permit allowances, the Zoning Code also requires approval of a Conditional Use Permit for deviations from Code provisions for the following:

- Tandem parking: The Zoning Code allows the uses of tandem parking spaces with the approval of a Conditional Use Permit. The Zoning Code allows a maximum of 75% for structured garage spaces and 50% for private garages. The proposed development includes 128 tandem spaces in the garage (25%) and 112 spaces in private garages (50%). The proposed tandem spaces are within the maximums allowed. In addition, this type of unit provides housing opportunities for a larger age group range of residents. Each building will have a main lobby and elevator to each floor. Each garage space has a private entrance into the building leading to the main lobby and elevator. The site is in close proximity to the Light Rail and the future BART station; therefore, staff is in support of the proposal. In addition, staff has added a Condition of Approval requiring the applicant to enter into an agreement with VTA for the Residential Eco Pass program. This will allow residents to receive the Eco

Passes (or Clipper Cards) at a discounted rate due to the developments proximity to VTA Light Rail and BART.

- Private Open Space: The Zoning Code requires a minimum of 40 square feet for balconies and 50 square feet for patios for all development. The applicant is proposing that the 55 units do not have balconies in Building 1. They are a mix of studios and junior one bedrooms. The site will be providing ample outdoor spaces for residents and this will also allow for more livable space in each unit, which is needed in smaller units. The project will have podium open space and the two parks and trail on the site.

  Based on the analysis above, the City Council supports the requested deviations through the Conditional Use Permit process.

d. The proposed use is consistent with the Transit Area Specific Plan.

The TASP is a conceptual land use document designed in 2008 and it is being implemented at a faster rate as we near the opening of the future BART station. The TASP plan also acknowledged that there may be some deviations from the plan as they relate to development standards and it established a process for consideration through a Conditional Use Permit. The proposed project includes the following deviations from the adopted TASP plan:

- *Driveway access on Montague Expressway and Capitol Expressway.*
  The proposed project can only be accessed from Montague Expressway and East Capitol Avenue since the Milpitas Boulevard Extension has not been constructed and the future Milpitas Boulevard Extension is located on land not owned or controlled by the applicant. The access for both driveways will be right in and right out with the driveway on Capitol being reduced to right in only once the Milpitas Extension has been constructed.

- *Underground garage extending more than 5 feet above grade.*
  The TASP limits the amount that an underground garage may extend above the grade to 5 feet. The proposed garage does extend more than 5 feet in some places on the site, which is a result of the site topography. The project uses raised planters, planter beds and site landscaping to shield these elements from view, which reduces the visual impacts of these sections.

- *Park Location*
  The TASP also called for a larger park location closer to Penitencia Creek for the 450 Montague site. The applicant proposed the park at an internal location to benefit the site. The parks will still be open to the public and they will be required to provide way-finding signage. Furthermore, staff has presented the proposed park locations to the Park, Recreation and Cultural Resources Commission for their input and possible names for the park.

  The requested TASP deviations can be supported, as they will be mitigated with the development or future roadway improvements. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity or to the public health, safety, and general welfare in that the project will improve the area.

  The deviation from the Transit Area Specific Plan Standard meets the design intent of the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development in that the streetscape treatment to the access off of Montague Expressway and E Capitol will be consistent with the TASP standards as conditioned.

  The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard in that the project will complete the following:

- A Feasibility Study for the Milpitas Avenue Extension Vehicular and Pedestrian Bridge that will span Penitencia Creek and eventually connect to Sango Court.
- Prepare Construction Drawings for the proposed bridge once the Feasibility Study has been vetted through the City and the Santa Clara Valley Water District and other require agencies.
- Design and construction drawings for the Milpitas Avenue Extension from East Capitol Avenue to the new bridge.
- Provide construction cost estimates for the Milpitas Avenue Extension.
- Contribute 53% of the total construction costs of the Milpitas Avenue Extension.
- A Feasibility Study for the new Pedestrian Bridge over Montague Expressway near Penitencia Creek.
- Prepare Construction drawings and cost estimates for the construction of the new Pedestrian Bridge.

8. Major Tentative Map Findings (Section XI-1-20.01)

   a. 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 Zoning Code and General Plan. The proposed Project type, density and size are all consistent with the General Plan Land Use Designation for the site.

9. The City Council approves Site Development Permit No. SD14-0017, Conditional Use Permit No. UP14-0024, and Tentative Map No. MT14-0004 for the Lennar Residential Project at 450 Montague Expressway, subject to the above findings, and the Conditions of Approval attached hereto as **Exhibit 1**.

10. The City Council formally adopts the name of _____West for Park A and _____ _____ East for Park B located at 450 Montague Expressway.

PASSED AND ADOPTED this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD14-0017, CONDITIONAL USE PERMIT NO. UP14-0024, TENTATIVE MAP NO. MT14-0004 AND EXCEPTION TO WATER CONSERVATION ORDINANCE NO. 204.2 FOR THE LENNAR RESIDENTIAL PROJECT INCLUDING A 5-STORY PODIUM BUILDING WITH 351 DWELLING UNITS AND 138 CONDOMINIUM STACKED FLAT UNITS LOCATED AT 450 MONTAGUE EXPRESSWAY

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 SITE DEVELOPMENT PERMIT NO. SD14-0017, CONDITIONAL USE PERMIT NO. UP14-0024, TENTATIVE MAP NO. MT14-0004 (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.

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.

4. Modifications to project. Any deviation from the approved site plan, floor plans 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 Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, in accordance with the Zoning Ordinance. (P)

5. Previous Planning Application: Previously approved Planning Applications for a Site Development Permit No. SD12-0009, Conditional Use Permit UP12-0024, and Tentative Map No. MT12-0005 to allow the development of 474 dwelling units on 7.98 acres (59 dwellings/acre) in a multi-story building located at 450 Montague Expressway (APN: 86-037-004, -020, and -021) shall be rescinded and replaced completely with the adoption of this Resolution. **(P)**

6. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

7. 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)**

8. 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:
   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)**

9. 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)**

10. 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)**

11. 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)**

12. 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)**

13. 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.

14. 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)

15. 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.

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

17. 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)**

18. Permittee shall develop the approved project in conformance with the approved plans approved by the City Council on April 21, 2015, 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 City Council or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

19. 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)**

20. CEQA REVIEW (2008 TASP FEIR & 2015 INITIAL: STUDY) : The project shall be subject to all applicable mitigation measures identified with the adopted 2008 TASP DEIR and FEIR (SCH# 2006032091) and those carried over into the 2015 Initial Study that was prepared for the project. The Permittee shall include a written response to the Mitigations identified in the 2015 Initial Study Document with the building permit submittal indicating how each mitigation has been addressed. **(P)**

21. Climate Action Plan Compliance. Prior to issuance of any building permit, the Permittee shall provide a final version of the Appendix C of the Climate Action Plan (CAP). The Permittee shall clearly demonstrate compliance with the CAP. **(P)**

22. Project Phasing Plan: The Permittee shall submit a separate project-phasing plan to the Building Department for review. The phasing plan shall be consistent with all construction-timing conditions contained within the approval and address access, public safety, fire safety and solid waste access during construction. The Permittee shall contact the Building Department for complete building permit submittal requirements. **(ALL)**

23. Garage Parking for the Stacked Flats: The garages spaces for the stacked flats shall be maintained and available for parking for two cars at all times. In addition, the upper panel of the garage doors shall be maintained with clear glass to allow for visual inspection by the property management or Home Owners Association (HOA); this shall be noted in the CC&Rs. The property manager or HOA shall be responsible for enforcement of parking in private garages. **(P)**

24. On-Site Security: The Permittee shall provide 24-hour security of the site to ensure that no additional vandalism occurs on the site until the existing buildings have been demolished and the entire site is secured. The Permittee shall keep the site clean and free of debris. (P)

PROJECT SPECIFIC CONDITIONS

25. Construction Timing: No more than sixty-nine (69) building permits for the stacked flat units shall be issued before issuance of the podium apartment building permit (Building One (1) on the site plan). No more than one hundred and three (103) stacked flats residential units shall receive a Certificate of Occupancy (temporary or final) before completion of the podium for Building One and a Certificate of Occupancy (temporary or final) has been received for the first phase of the apartment building. The first apartment building phase (approximately 80 units) shall be precisely determined prior to the issuance of the first building permit. The actual numbers of the stacked flats may vary slightly to accommodate the building type and phasing plan subject to review and approval by the Director of Planning and Neighborhood Services. **(ALL)**

26. Architectural Details. Prior to issuance of any building permit, the following shall be demonstrated in the construction plans for the project:
    a. The stucco texture for the walls of the building shall be of sand 20/30 finish.
    b. The stucco for all trim features around windows and doors shall be a trowel smooth finish.
    c. The plans shall clearly demonstrate a 1.5”-2” inch recess for all windows located in stucco wall faces. The Permittee may propose alternatives to achieve the recess subject to review by the Planning Director.
    d. The Cementitious Panels shall be mounted in a manner that is clean and consistent with the architectural style. The Permittee shall provide a mock-up for staff review and approval prior building permit issuance.
    e. The raised planter beds located around the podium building shall be consistent with the masonry veneer (color and texture) located at the leasing lobby and second entrance.
    f. The white bay elements on building 1-foot shall be reduced in height by 1 foot.

g. The exterior material for the white bay elements shall be further refined to enhance the elements by using a smooth three coat hand troweled stucco surface.
h. Final details for the balcony railings for both product types shall be provided to Planning Division for review and approval. The railings shall be a high quality material and provide architectural interest.
i. The entry elements for Stacked Flats Buildings B and E (6-Plex) shall be further enhanced with the use of specimen trees adjacent to the entry and enhance entry awning.

All architectural conditions shall be reviewed and approved by the Director of Planning and Neighborhood Services prior to issuance of building permits for any construction. **(P)**

27. Landscape/Hardscape. Prior to issuance of any building permit, the following shall be demonstrated in the construction plans for the project:
    a. All benches and low walls shall be constructed with a patterned inset to discourage skateboarding.
    b. The plant material palate shall be enhanced to include additional seasonally fragrant plants. The landscape plan legend shall clearly identify fragrant plant species.
    c. Plantings around the trash enclosure shall be enhanced to include climbing vines on the enclosure and taller evergreen screening such as Fern Pine (Podocarpus).
    d. An alternate plant for Sequoia Sempervrens will need to be included in the building permit set. This species will not grow with reclaimed water.
    e. Raised planter beds around the staked flats shall be covered in a material that is complimentary to the development.
    f. Exposed CMU or split faced CMU is not allowed. All CMU will need to be treated appropriately to compliment the buildings and site. **(P)**

28. Public Parks: Both public parks (Park A and Park B) and associated amenities shall be fully constructed and accepted by City prior to the issuance of Certificate of Occupancy (temporary or final) for seventy-five percent (75%) of the total residential units in the development. **(P)**

29. Southern End of Emergency Vehicle Access: When 730 East Capitol Avenue redevelops, the alignment of the southern bend of the EVA shall be reevaluated to allow for a larger paseo connection from the linear trail up to Park B. The Permittee and future HOA shall agree to the proposed changes and enhancements, which will be at the expense of the developer of 730 E Capitol Avenue. The proposed changes shall be subject to review and approval by the Director of Planning and Neighborhood Services and the Public Works Director. **(P)**

30. Creek Trail Connection: The trail shall provide a connection (along the private property) to the adjacent site to the east (730 E Capitol). The pedestrian path will need to extend along the side of the trash enclosure to the EVA and be consistent with TASP Figure 3-6. In addition, the Permittee shall install a new decomposed granite trail along the creek on the maintenance road. Permittee shall solely be responsible for all permitting required from the SCVWD and other agencies. **(P)**

31. Mechanical Venting: All horizontal mechanical venting shall be located on the balconies of each unit or a return wall. If neither option is available, then venting shall be directed through chase to the roof. All vent covers on the exterior shall be the minimum size needed, painted to match the building and be clearly indicated on the architectural elevations. Venting for the on-demand water heaters shall be a high quality material (see Taylor Morrison on McCandless) and may be located above the garage doors for the staked flats and on the balconies in Building 1 if used. The Permittee may propose some alternatives to achieve the goal of screening all mechanical venting, provided the Permittee shall submit a proposal for review by the Planning Director. **(P)**

32. Signs: The Permittee shall submit project identification signs for the review by the Planning Division prior to any Building Permit issuance. **(P)**

33. Density Averaging Agreement: Prior to Final Map approval, the Permittee shall be required to enter into a Density Averaging Agreement approved by City Attorney and Planning Director. The Density Averaging Agreement shall be signed by the Permittee and recorded prior to approval of the Final map. **(P)**

34. County Transportation Approval: The Permittee shall obtain final approval from the County Transportation Department prior to issuance of any building permit for any site improvement adjacent to County right of way. **(P)**

35. Santa Clara Valley Water District (SCVWD): The Permittee shall obtain final approval from the SCVWD for trail improvements on along the creek maintenance road. Final approval and construction shall be completed prior to final Certificate of Occupancy for the last phase in the development (the Phasing Plan shall clearly denote this requirement). **(P)**

36. Public Improvements. Prior to final map approval, the Permittee shall obtain design approval and bond for all necessary public improvements along Capitol Avenue and Montague Expressway including but not limited to the following:
    a. 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.
    b. Frontage Improvements. Prior to final map approval, Permittee shall submit improvement plans for the frontage improvements along Montague Expressway and Capitol Avenue including curbs, gutters, sidewalks, pavement, striping, hardscape, streetlights, landscaping, trees, irrigation, and utilities in conformance with the Transit Area Specific Plan, City Standard Drawings and guidelines to the satisfaction of the Planning Director and the City Engineer.
    c. Pedestrian Creek Trail. Prior to final approval or building permit issuance, the Permittee shall submit improvement plans for the Pedestrian Creek Trail. The trail shall be designed to drain away from the Penitencia Creek. All run-off from impervious surface shall be treated prior to discharge to the creek or the public storm drain system. Permittee shall submit written approval from the Santa Clara Valley Water District for the trail plans.
    d. Utility Relocation. Underground utilities (such as joint trench conduit, utility boxes, etc.) shall be relocated and adjusted as necessary to accommodate the approved frontage sections to the satisfaction of the Planning Director and the City Engineer.
    e. Occupancy. All public improvements shall be installed and accepted prior to the issuance of the first Certificate of Occupancy. **(E)**

37. Onsite Improvements.

    a. Plan Set Coordination. Permittee shall coordinate all plans showing landscape, utility, and hardscape improvements in order to resolve conflicts. **(ALL)**

    b. Modifications to the Site Plan. Any modifications to the site plan shall require an amendment to the tentative map unless otherwise directed by the Planning Director and the City Engineer.

    c. Storm Water Control Plan (SWCP). Prior to any building permit issuance, the Permittee shall revise the SWCP to increase the amount of Low Impact Development (LID) treatment within the project boundary. Credit for Special Project status will not be applied until all LID treatment opportunities are exhausted on the site to the satisfaction of the City Engineer. All changes shall be reflected on the SWCP report and plan sheet. The treatment summary sheet shall be updated.

    d. Interim Bioretention Treatment. Permittee shall maintain the interim 100% LID treatment facility located on the future Building 18 site until issuance of the building permit for the superstructure of Building 1.

    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 appurtenances. The layout design shall comply with all separation and access requirement.

    f. Building Permit Issuance. The Permittee shall follow the floodplain removal protocol outlined in the project's floodplain analysis. Construction permits will not be issued until each milestone in the analysis is achieved.

    g. Floodproofing. The Permittee shall provide a separate flood proofing report describing the floodproofing for all structures that are not removed from the Special Flood Hazard Area. The report shall demonstrate compliance with NFIP Regulations and technical bulletins. The report shall include the floodproofing of mechanical

equipment, elevator shaft and equipment, and utilities. Flood proofing details shall also be included in the site improvement plan set and on the floodplain management sheet.

h. 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.

i. Retaining Wall at Street B. The Permittee shall revise the design of the retaining wall to allow for the capture/conveyance of runoff received at the property line. **(E)**

38. Transportation & Traffic Engineering.

a. Emergency Vehicle Access (EVA). The Permittee shall provide a twenty-six feet (26') Emergency Vehicle Access easement along Street B on the subject site. **(P/E)**
b. Temporary Right-Out Access to Capital Avenue. Right-out vehicular access on to Capital Avenue is authorized on a temporary basis until the West Leg of S. Milpitas Boulevard Extension (WLSMBE) and the private street along Penitencia Creek are constructed and open to the public. Upon the acceptance of WLSMBE, right-out access to Capital Avenue shall be revoked and the Permittee, and all successors in ownership, shall design and construct all on-site and off-site improvements necessary to restrict the vehicular access on to Capital Avenue to the satisfaction of the City Traffic Engineer. Prior to any building permit issuance, the Permittee shall include the design of the ultimate vehicular access to Capital Avenue in the construction documents submitted for onsite and offsite approvals. The Permittee shall provide full disclosure of the temporary right-out access on Capital Avenue to all future residents, tenants, and home owners/property management associations of this development. This condition and all associated exhibits shall be included in the Conditions, Covenants, and Restrictions (CC&R) for both associations. **(E)**
c. Right-Out Access to Montague Expressway. Prior to final map approval, the Permittee shall obtain Santa Clara County Roads and Airports' (County) approval of the final access design for right-in and right-out vehicular access to Montague Expressway. If County approval is not obtained, the Permittee shall revise the site plan and amend the tentative map to the satisfaction of the Planning Director and the City Engineer. **(E)**

d. Montague Expressway Pedestrian Bridge Overcrossing & Land Dedication: The Permittee shall be responsible for the design, construction drawings and land dedication to accommodate the Montague Expressway Pedestrian Bridge Overcrossing as identified in the TASP. The following items shall be required:
   i) Conceptual Design Study: The Permittee shall submit conceptual designs for the pedestrian overcrossing over Montague Expressway adjacent to Penitencia Creek prior to Final Map Approval. The Conceptual Design shall include studies, survey information and three bridge design alternatives for architectural design. The Permittee shall also coordinate with the County during the development of the design document.
   ii) Construction Drawings: Subject to City review and approval, the Permittee shall complete thirty percent (30%) construction drawings prior to First Certificate of Occupancy (temporary or final) for any residential units and Final Construction drawings prior to the Certificate of Occupancy (temporary or final) for seventy-five percent (75%) of the total residential units in the project. The final construction documents shall include all studies, reports, estimates, easements, and dedications required to complete the design and shall be submitted to the City for review and approval. Final construction drawings shall not commence until the conceptual design is approved by the City and the Santa Clara County Roads and Airports. The City Engineer and Planning Director may grant additional time to satisfy this condition due to coordination with outside agencies. The Permittee shall request changes in the timeline in writing and include a revised project schedule for review and approval. The Permittee shall dedicate all land and easements required to construct, access, and maintain the overcrossing structure and landing.
   iii) TASP Credit: The pedestrian overcrossing over Montague Expressway is an identified Transit Area Specific Plan (TASP) public improvement and costs for the design and construction drawings will be credited through the TASP Fee Structure. Fee credit will not be provided until all items above have been completed and all supporting documentation verifying all associated costs. All costs shall be tracked separately from the Penitencia Creek Bridge costs. Final credit will be subject to City review of all materials provided. Prior to Final Map Approval, a separate Fee Credit shall be entered into between the parties subject to City Attorney and City Engineer approval. **(P/E)**

e. West Leg of S. Milpitas Boulevard Extension (WLSMBE). The construction of WLSMBE is a required improvement for the ultimate circulation of the 450 Montague Expressway, 730 East Capitol Avenue, and 750 East Capitol Avenue developments. The design of WLSMBE shall include the design of the East Penitencia Creek Vehicular/Pedestrian Crossing and all related utility relocations. The roadway dedication, design, permitting, and construction of WLSMBE and all associated designs, studies, reports, permits and improvements are a shared cost between the three developments and the costs are distributed in proportion to each development's land area. The Permittee shall comply with the following:

i) East Penitencia Creek Vehicular/Pedestrian Crossing Feasibility Study. Prior to Final Map Approval, the Permittee shall submit a study analyzing:

(1) the feasibility of a vehicular/pedestrian bridge across East Penitencia Creek,
(2) the feasibility of alternative crossings, and
(3) a final recommendation based on cost, design, constructability, schedule, permitting (including CEQA), and maintenance.
(4) the feasibility of incorporating potable water and recycled water pipelines in the bridge deck.

The study shall include outside agency coordination, utility relocation, and engineering estimates for design, construction and permitting of each alternative. The feasibility study shall also identify the required permitting for each alternative.

ii) East Penitencia Creek Vehicular/Pedestrian Crossing. Prior to issuance of first Certificate of Occupancy (temporary or final) for any residential unit, the Permittee shall submit construction documents, including plans, studies, reports, and estimates for the alternative identified in the feasibility study or as directed by the City Engineer for review and approval.

iii) East Penitencia Creek Vehicular/Pedestrian Crossing. The East Penitencia Creek Vehicular/Pedestrian Crossing is an identified Transit Area Specific Plan (TASP) item and costs for the feasibility study and construction drawings will be credited through the TASP Fee Structure in a separate Fee Credit Agreement to be approved by the City Council prior to final map approval. Final credit would occur after all documents have been provided to the City for review and approval and all supporting documentation for all costs associated with the study and design. These documents shall be tracked separately from the WLSMBE and Pedestrian Overcrossing documents. **(E)**

iv) WLSMBE Design. Prior to Final Map Approval, the Permittee shall prepare design documents for the WLSMBE Extension. WLSMBE shall extend from Capitol Avenue to East Penitencia Creek and shall align with the proposed S. Milpitas Boulevard Extension from Montague Expressway to Capital Avenue. The WLSMBE typical cross-section shall conform to the TASP approved sections and shall include, but not be limited to, one 11' southbound lane, one 11' northbound lane, one 11' northbound right turn lane, a Class II bike lane in each direction of travel, a 4' minimum raised median island, an 8' parking lane on one side of the street, a 7' planting strip, and 5' sidewalk on each side of the street or as directed by the Planning Director and the City Engineer. WLSMBE design shall include buried utilities such as potable water pipe, pressure reducing valve and vault, recycled water pipe, storm drainpipe, and sanitary sewer pipe. The pressure reducing valve shall be connected into the Zone 2 piping on the east side of Capitol Avenue and the Zone 1 piping on the west side of Capitol Avenue. The WLSMBE street elevation shall be designed and constructed to accommodate the future crossing over East Penitencia Creek pursuant to the TASP-designated street network and the East Penitencia Creek Crossing feasibility study.

v) WLSMBE Improvements. Prior to issuance of first Certificate of Occupancy (temporary or final) for any residential unit, the Permittee shall submit construction documents, including plans, studies, reports, and estimates for the WLSMBE Improvements to the City for review and approval. The construction documents shall include all related improvements such as the relocation of existing utilities and the installation of traffic signals. Prior to the issuance of any Certificate of Occupancy, the Permittee shall pay for WLSMBE improvements pursuant to the condition below to the satisfaction of the City Engineer.

vi) WLSMBE Cost Share. Prior to issuance of the first Certificate of Occupancy (temporary or final) for any residential unit, the Permittee shall submit an engineer's estimate for all associated costs for the WLSMBE design, construction, management, and land cost assumption of 12% of the total cost of the project and an ENR Construction Cost Index projected out 5 years to the satisfaction of the City Engineer, or land value may be based on fair market value completed by an appraiser subject to City review and approval. The Permittee shall pay to the City a fair share contribution of 53% (based on site area of 10.47 acres) of the estimated costs. The Permittee fair share contribution will be credited for all design costs. The Permittee shall pay the fair share contribution at issuance of Certificate of Occupancy (temporary or final) for any residential unit or final approval of the WLSMBE construction plans, whichever occurs first. **(E)**

f. Future Traffic Signal at Capitol and WLSMBE. Prior to any building permit issuance, the Permittee shall pay a fair share contribution for the construction of a new traffic signal at the E. Capitol Avenue and WLSMBE intersection as approved by City Engineer**. (E)**

39. Utilities. The Permittee shall comply with the following conditions:

a. Water System. Project shall be served by SCVWD Zone 1. A Water Supply Assessment is not required. Contractual water capacity is available. **(E)**

b. Water Service. Separate water meters for domestic and fire services shall serve building one. All landscape located inside the Building 1 footprint shall be served by a separate irrigation meter. Buildings 2-18 may be served by a combined domestic and fire service. Each parcel shall have independent service or shall provide recorded documents allowing reciprocal shared rights. Permittee is alerted that on-site pumping to upper floors may be required. Permittee shall provide backflow protection on all water connections, including fire services, in accordance with City guidelines and USC Manual of Cross Connection Control. **(E)**

c. Hydraulic modeling is required to verify capacity of the adjacent water system piping and determine points of connection to the water and sanitary sewer systems. Permittee shall authorize the City to proceed with hydraulic modeling. All charges shall be applied to Permittee's PJ Account. **(E)**
Waterline Relocation. Permittee is proposing to relocate the public water line in Montague Expressway. The water pipeline shall be located in Montague Expressway, subject to the City and County discretion on the location. Permittee shall connect the southern point of the relocated water line to the water line at Centre Pointe Drive in order to insure reliability looping. **(E)**

d. Montague Expressway Waterline Easement. Prior to final map approval, the Permittee shall secure an easement, for the City of Milpitas benefit, from Santa Clara County for the installation and future maintenance of the relocated water line within the Montague Expressway right-of-way. The water line shall be placed into service prior to issuance of the first Certificate of Occupancy (temporary or final) for any residential unit. If the easement is not needed the Permittee may provide a letter from the County indicating that is not needed and it will be subject to review by the City Engineer. **(E)**

e. Public Landscaping. Street frontage landscaping shall be served by recycled water. The public portion of the proposed recycled water pipelines shall be a minimum of 8 inches in diameter. The Permittee shall install a gate valve and blind flange on the southerly leg of tee to accommodate future extension of the recycled water system. **(E)**

f. Water Supply Emergency. The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes such as dust control and compaction. Landscape planting shall be deferred for any areas designated to use potable water, such as internal podium areas. **(E)**

g. Existing Utilities. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. **(E)**

h. Multistory Buildings. The apartment building shall require water supply pressures above that which the City can normally supply. Additional evaluations by the Permittee are required to assure proper water supply (potable or

fire services). The Permittee shall submit an engineering report detailing how adequate water supply pressures will be maintained to the satisfaction of the City Engineer and the Fire Marshall. **(E)**

i. Utilities near Buildings. Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities.

j. Solid Waste Service. This site is recommended to use roll-off style solid waste service. The Permittee shall provide sufficient facilities for on-site storage and collection of solid waste and recyclables. Permittee shall provide a Solid Waste Handling Plan showing how materials will be transferred from Buildings 1-18 to the trash enclosure/external collection point. The Solid Waste Handling Plan shall also address other requirements, such as compaction, chute shut-off, sufficient number of bins, and property management responsibility for bin management and positioning. The Permittee shall demonstrate that sufficient space is provided at Building 1 basement trash areas to house extra containers and the vehicle that will transport the containers to the compactor. Permittee to demonstrate that the site plan provides sufficient space for the solid waste vehicle to perform collection and turn around on-site or provide proof of easement from adjacent property. Permittee shall procure sufficient service frequency and shall provide a minimum of 15 feet vertical (overhead) clearance at the trellis. Permittee shall provide a plan showing solid waste setout locations for Buildings 2-18 that do not block parking spaces. All solid waste collection facilities shall comply with City guidelines. The compactors shall be installed and functional prior to issuance of Certificate of Occupancy of the eightieth (80th) residential unit. **(E)**

k. Solid Waste. Prior to issuance of any certificate of occupancy, Permittee shall construct a new trash enclosure to serve the project. The enclosure shall accommodate the required two self-contained compactors at minimum to serve this development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. The enclosure will be subject to the City's review/approval prior to construction of the enclosure. **(E)**

l. Off-Site Recycled Water. Prior to final map approval, the Permittee shall submit construction documents, including plans, studies, reports, and estimates to extend the City's recycled water pipeline. The work consists of installing approximately 1,800 linear feet of new 8 inch diameter recycled water pipeline in Great Mall Parkway starting at Centre Pointe, crossing Montague Expressway, running along Capitol Avenue, and tying into the Valley Transportation Authority's planned recycled water pipeline extension at South Milpitas Boulevard. Permittee shall secure an easement for the City of Milpitas benefit, from Santa Clara County for the installation and future maintenance of the relocated water line within Montague Expressway. Prior to the issuance of the first certificate of occupancy (temporary or final) for any residential unit, the Permittee shall construct the off-site recycled water pipeline. The Permittee may receive credit through the TASP Fee program for the portions of the recycled waterline not in front of their property. The Permittee shall keep accurate records of all construction costs for the installation and shall confer with Utility Staff regarding the segments that need to be tracked separately. Any credit shall be a part of the Fee Credit Agreement approved by the City Council prior to final map approval.

FEES

40. 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 and (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)**

40. Transit Area Specific Plan (TASP) Fees - Prior to any building permit issuance, Permittee shall pay a Transit Area Development Impact fee. The amount of fee to be paid shall be the amount in effect pursuant to the implementing City Council ordinance or resolution at the time full payment is made to the City at the time of building permit issuance or at the time the full amount is paid to City. There is no vesting of the fees with the adoption of this Resolution.

41. Fee Adjustments: All applicable fees for the Project may be adjusted prior to building permit issuance. The amount of fee to be paid shall be the amount in effect pursuant to the implementing City Council ordinance or resolution at the time full payment is made to the City at the time of building permit issuance, or when full payment is made to City. **(E)**

42. 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 (STANDARD)

43. Community Facilities District (CFD) Annexation: Prior to final map approval, Permittee shall submit an executed consent to annex the subject property into CFD 2008-1 and shall agree to pay the special taxes levied by CFD 2008-1 for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. 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)**

44. 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, parks 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)**

45. 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 streetlights, common area and private streets and shall have assessment power. The Association shall manage the onsite water, recycled water, storm and sewer system and implement the Solid Waste handling plan. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. **(E)**

CONSTRUCTION (STANDARD)

46. 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)**

47. 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 residential unit. **(E)**

48. Utility Undergrounding: Prior to issuance of the first Certificate of Occupancy (temporary or final) for any residential unit, Permittee shall underground all existing wires and overhang utilities (except the distribution lines located at the upper end of the metal towers, lower lines shall be undergrounded) 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)**

49. 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)**

50. 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)**

51. 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)**

52. 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)**

53. 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)**

54. 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)**

55. 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)**

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

57. 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 (STANDARD)

58. 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)**

59. 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)**

60. 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)**

61. 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)**

62. 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 (STANDARD)

63. 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)**

64. 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 issuance of final Certificate of Occupancy for 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)**

65. 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)**

66. 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 runoff 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 issuance of final Certificate of Occupancy for any residential unit, 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 (STANDARD)

67. 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)**

68. 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)**

69. 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)**

70. 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)**

71. 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)**

72. Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240); the landscape irrigation systems for street landscape, Park A, Park B, and the project site must be designed to meet the City's recycled water guidelines and connect to recycled water system. To meet the recycle water guideline the developer shall:

    a. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape.
    b. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the California Department of Public Health (CDPH) for approval; this approval requires additional processing time. The Permittee is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and CDPH approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.
    c. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas. **(E)**
    d. The on-site recycled water irrigation system shall be split into several parallel systems to the satisfaction of the City Engineer. The purpose is to match construction phasing in order to allow recycled water use at the final occupancy for each phase. For example: Parks A and B would be on one meter, the podium building would be on one meter, the street landscape would be on a separate meter, and the landscaping around the condominiums would be served by two separate meters.

73. 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 Permittee 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 (STANDARD)

74. 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)**

75. 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)**

76. 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)**

77. 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)**

78. 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 Added Conditions:

79. Landscaping and Public Art: Permittee to work with staff and City arborist regarding species of trees for site landscaping, the addition of art for the project and energy efficiency improvements for the project. **(P)**

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

CENTER FOR CREATIVE LAND RECYCLING

Redesigning Land for Sustainable Communities

March 23, 2015

2J

Honorable Mayor Jose Esteves and Members of City Council
City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035

RE: Lennar's Project Located at 400 and 450 Montague Expressway

Dear Mayor Esteves and Members of City Council:

On behalf of the Center for Creative Land Recycling ("CCLR"), a nonprofit organization founded on the belief that intelligent, innovative land use is the key to ensuring a healthy future for both communities and our environment, I am writing to strongly urge the City Council to approve Lennar's development project located at 400 and 450 Montague Expressway. The transformation of this underutilized light industrial and brownfield site into a transit-oriented residential development is exactly the type of development that Bay Area cities should be encouraging.

CCLR, as the official Technical Assistance to Brownfields ("TAB") provider to the federal EPA Regions 2, 4, 9, and 10, provides workshops, technical assistance, research and advocacy for changing brownfields and similarly derelict redevelopment sites into rational economic choices for private sector investment (http://cclr.org/). Lennar's 400 and 450 Montague Expressway project represents an exciting opportunity in continuing to bring to life the City's Transit Area Specific Plan (TASP).

CCLR has learned from its experience the difficult challenges that cities face in redeveloping urban infill brownfield sites in today's environment when public resources are increasingly scarce. Incentivizing private investment by establishing clear development guidelines, reliable ground rules, and working in cooperative partnership with the development community are crucial tools for successful development.

Thus, CCLR strongly encourages the City Council of Milpitas to approve Lennar's development project at your April 21st hearing.

Sincerely,

Evan Reeves, Policy Director

cc: Vice Mayor Carmen Montano
Councilmember Debbie Indihar Giordano
Councilmember Gary Barbadillo
Councilmember Marsha Grilli
Tom Williams, City Manager
Steven McHarris, Planning and Neighborhood Services Director
Shaunn Mendrin, Senior Planner
Kevin Ma, Lennar Multifamily Communities
Chad Kiltz, Lennar Homes

333 Pine Street, Suite 300, San Francisco, California 94104 • 415.398.1080 • Fax 415.398.5738 • www.cclr.org

Santa Clara County Housing Action Coalition

The Santa Clara County Housing Action Coalition is comprised of a broad range of organizations and individuals who have, as a common goal, the vision of affordable, well-constructed and appropriately located housing

2J

April 20, 2015

Mayor and City Council
City of Milpitas
200 E. Santa Clara Street
San Jose, CA 95113

Re: 400/450 Montague Expressway Development by Lennar Multifamily

Dear Mayor Esteves and Members of the City Council:

On behalf of the Santa Clara County Housing Action Coalition, I am writing to support the Lennar Multifamily development located at 400/450 Montague Expressway, Milpitas.

By way of reference, the Housing Action Coalition includes more than 100 organizations and individuals. Its goal is the production of well-built, appropriately-located homes that are affordable to families and workers in Silicon Valley. Organizations participating in the HAC include the Silicon Valley Leadership Group, the Home Builders Association, Greenbelt Alliance, the Sierra Club, the League of Women Voters, Santa Clara County Association of Realtors, and the California Apartments Association, Tri-County Division.

Lennar is proposing to build 351 rental apartments and 138 for-sale stacked flats with a density of 47 homes per acre. The project will promote urban lifestyle with easy access to the future BART station and the Great Mall. It also provides bike-lanes and on-site public parks. It is our hope that this type of growth will help to facilitate less dependency on the automobile, while creating much-needed housing opportunities. Particularly, we are pleased to see that Lennar includes large-size stacked flats. Combine with convenient access to public transit, this project will enable aging in place.

While we would like to see more affordable components included in the project, we see the addition of new rental and for sale homes as a positive in Milpitas and encourage the Council to approve Lennar's proposal for 400/450 Montague Expressway.

Sincerely,

Margaret Bard
Chair
Housing Action Coalition

SILICON VALLEY LEADERSHIP GROUP

2001 Gateway Place, Suite 101E
(408)501-7864 Fax (408)501-7861
www.svlg.org
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President & CEO

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KLA-Tencor
JED YORK
San Francisco 49ers
Established in 1978 by
DAVID PACKARD

April 20, 2015

2J

Mayor and Councilmembers
City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035

Dear Mayor Esteves and Councilmembers,

On behalf of the Silicon Valley Leadership Group, I write to express support for Lennar's application for a high density residential development that includes 489 homes on 400/450 Montague Expressway.

By way of background, the Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 375 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley.

Lennar's proposal for 400/450 Montague Expressway, which has immediate access to a VTA station and the new Milpitas BART station, coincides with the city's vision to take advantage of public transit and transform an older light industrial area to meet the high demand for housing. The development will also provide critical community facilities including bike lanes and 3 public parks on-site. We are also pleased to se a TOD development that includes 2-4 bedroom units which are suitable for young professionals with families.

Silicon Valley Leadership Group supports projects that promote transportation alternatives, affordable housing, mixed-uses, and the creation of jobs. Overall, the development proposal meets our goals of thoughtful, well placed housing near transit stations to accommodate the growing work force in Silicon Valley. In the future, we would also encourage the city to consider encouraging a mix of affordability in TOD projects like this.

Sincerely,

Carl Guardino
President and CEO
Silicon Valley Leadership Group

2K

Mary Lavelle

From: John S Craycroft [craycroftdesign@mac.com]
Sent: Friday, April 17, 2015 10:22 AM
To: Mary Lavelle
Subject: Public Parks and Naming at 450 Montague: Captain Calvin Valpey
Attachments: Captain Valpey Biography.pdf

To: Members of the Milpitas City Council

It has come to my attention from reading the minutes of the February 2 meeting of the Parks, Recreation and Cultural Resources Commission that the City Council has been given four names for consideration for the name of the proposed park at 450 Montague. It appears that this decision will be made at the upcoming meeting on April 21. If this is the case and the decision has not yet been made, I would suggest that the name of Captain Calvin Valpey would be an excellent choice.

Calvin Valpey was an early pioneer and developer in the area having captained the schooner "Eagle" with 14 others, crew and passengers, from Nova Scotia to San Francisco in 1851. Sailing to Sacramento, he tried his hand at gold mining, and was even called upon to chair vigilante meetings for a time, but soon found his sailing skills with the trade in goods to be more profitable with Dixon/Warm Springs landing as his base to provide miners coming in to the Mission San Jose area for supplies. In 1860 he was able to send for his family to come and bought a 400 acre ranch where he raised 6 children and many grandchildren, with many descendants are still living in California. It is not well known but quite some time ago the ridge behind his ranch stretching from Mission San Jose to the east of the City of San Jose was named Valpey (sometimes spelled Valpe) Ridge, but no parks, streets or public places appear to have been named for this prominent pioneer.

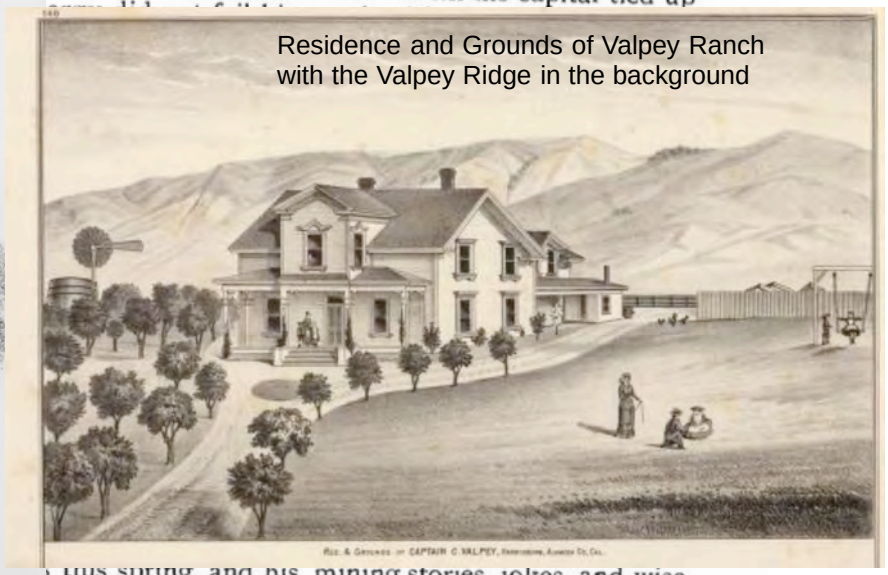
I am attaching a pdf file with additional information.

Thank you for your consideration of naming the park in his name.

John Craycroft

Craycroft Design
Residential Design and Planning
Specializing in Historical Restoration
Serving San Francisco and Monterey Bay Areas
Certified Professional Building Designer #05-636
CA Contractor License #468-608
831-427-3048
408-470-0138

amp was almost deserted. With his capital tied up



Residence and Grounds of Valpey Ranch
with the Valpey Ridge in the background

this spring, and his mining stories, jokes, and wise
s years sat lightly, and none of us dreamed of his
cially sorry that he could not see A. J. Loomis, of
ss the plains. Upon the little mound where lies the
man we loved, we can only lay a leaf of memory and of respect for his qualities as a friend, a father, a citizen. May peace rest upon the house of mourning, and may his sons be manly and noble, as was their father. Such quiet, untroubled lives as his are the best hope of the nation."

CAPTAIN CALVIN VALPEY (deceased).—The subject of this sketch, whose portrait appears in this work, was born in Yarmouth, Nova Scotia, on the 10th day of March, 1806. When quite an infant, his father, who was a seafaring man, and master of a small vessel, was wrecked on one of the Tusket Islands, and lost with all his crew. At the age of seven years he was apprenticed to a sea-captain, with whom he lived and faithfully served during his apprenticeship. His first voyage at sea was made when twelve years of age, and from that time he continued to follow the sea, as boy, able seaman, and officer, until the year 1832, when he first took charge as captain. In the year 1833 he was united in marriage with Miss Elizabeth Gardner, the eldest daughter of the then late Captain Reuben Gardner, of Yarmouth. After his marriage he principally followed the sea; but having purchased some property in the country, he sometimes occupied his time in farming. On the 9th day of November, 1850, he left Yarmouth in the schooner *Eagle* for California, and, passing through Magellan's Straits, he arrived at San Francisco on the 20th day of April, 1851. For some years after his arrival in California he followed several occupations, such as boating, mining, merchandise, etc., but principally boating from the Warm Springs Landing, of which place he was the original proprietor. In the year 1860, his wife and children having arrived in California, he purchased the property at Harrisburgh, where he resided until his death, which occurred September 12, 1880. He leaves a wife and six children, three sons and three daughters, all of whom, except one daughter, are residents of the Pacific Coast. Their names are: Emma, Calvin, Horatio, Lizzie, Charles, and Alice.

HON. HENRY VROOMAN.—The subject of this sketch, whose portrait appears in this volume, was born at Litchfield, Hillsdale County, Michigan, July 25, 1844. At the age of eight years he accompanied his mother to Oregon, and after a short stay in Portland, located on a farm on the east bank of the Willamette River between Milwaukee and Oregon City, where he resided four years, attending school at Forest