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Date: May 14, 2003 Planning Commission Meeting Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings Report Prepared by: Troy Fujimoto

Public Hearing: Yes: ✓ No: _____

Notices Mailed On: 5/2/03 Published On: 5/1/03 Posted On: 5/2/03

TITLE:	**USE PERMIT AMENDMENT NO. P-UA2003-9**
Proposal:	Request to amend an existing use permit to allow karaoke, ballroom dancing and other live entertainment at the Green Bamboo Restaurant.
Location:	420 South Main Street
APN:	086-40-001
RECOMMENDATION:	**Approve with Conditions**
Applicant:	Michael Pham, 420 South Main Street, Milpitas, CA 95035
Property Owner:	Michael and Cathy Pham, 420 South Main Street, Milpitas, CA 95035
Previous Action(s):	General Plan Amendment, Rezone, "S" Zone Approval, Use Permit, Sign Program, EIA
General Plan Designation:	Mixed Use
Present Zoning:	Mixed Use with an "S" Zone Overlay (MXD-S)
Existing Land Use:	Restaurant
Agenda Sent To:	Applicant & Owner (as noted above)
Attachments:	Plans Letter from Applicant, dated April 15, 2003 Planning Commission Resolution No. 168, a resolution of standard conditions for commercial development

PJ2328

BACKGROUND

In March 1980, the Planning Commission approved an 18,888 square foot multi-tenant commercial building. Subsequently in June 1984, the Planning Commission approved a Use Permit for a 168-seat restaurant in this tenant space and an accompanying parking reduction for the site. Subsequent approvals included a freestanding sign and sign program.

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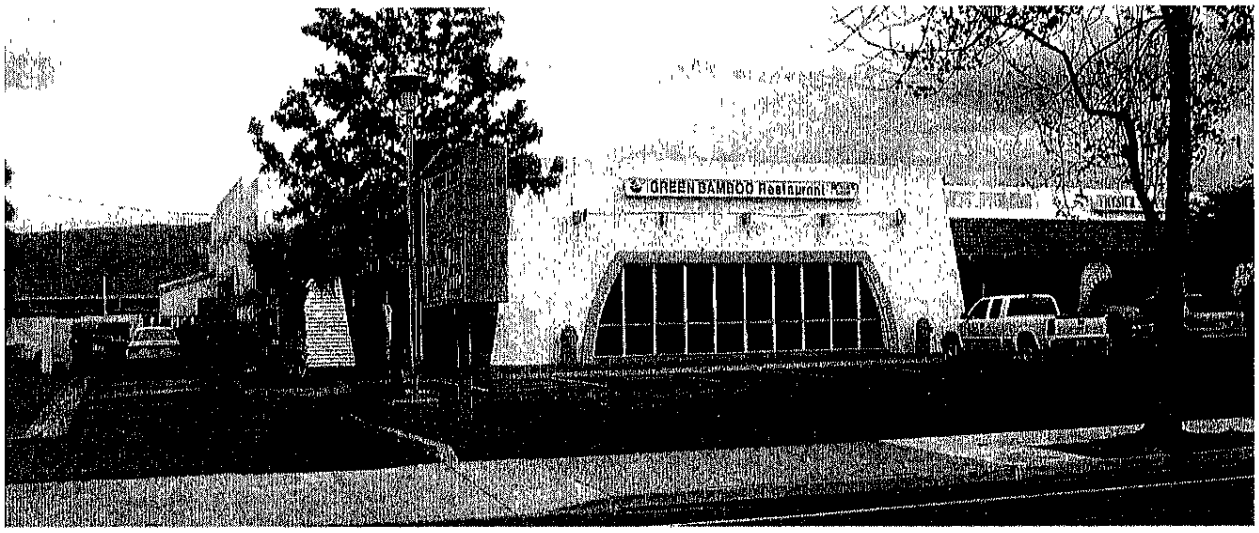
Site Description

The site is zoned Mixed Use (MXD), and is located within the Midtown Specific Plan area. This parcel is located among various uses including commercial and light industrial uses, a hotel and commercial uses to the west, railroad tracks and industrial uses to the east, an abandoned building to the south, and a commercial building to the north.



View looking east

THE APPLICATION

The proposed project is requested pursuant to Milpitas Municipal Code Section 38.03-1(t) (Mixed Use, Conditional Uses, restaurants with a bar area, dancing or live entertainment). The applicant is requesting approval to add karaoke and dancing (live entertainment). Restaurants with a bar area and dancing or live entertainment are conditionally permitted within the MXD zoning district.

PROJECT DESCRIPTION

Facility Operation

The restaurant owner desires to offer live entertainment at his restaurant, including karaoke and ballroom dancing. As proposed by the applicant, ballroom dancing would occur on Friday from 8:00PM to 12:00AM and on Sunday from 7:00PM to 11:00PM. Karaoke would be offered on Sunday afternoons and Saturday will be reserved for wedding receptions and special occasions, which may include live entertainment, dancing, and karaoke.

Building Layout/Floor Plan

The applicant is currently located in an approximate 4,400 square foot tenant space. The rear of the building contains the storage and kitchen areas, while the front area contains the dancing area and restaurant seating. As proposed, the restaurant will have 122 seats and a 210 square foot dance/live entertainment area.

USE PERMIT FINDINGS

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

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

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2. The proposed use is consistent with the Milpitas General Plan.
3. 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 following sections explain how these findings can be made for the proposed project, as conditioned.

CONFORMANCE WITH THE ZONING ORDINANCE

The proposed addition of karaoke, live entertainment, and dancing to the existing restaurant during late night hours of operation is consistent with the "MXD" Zoning District for several reasons. The MXD District conditionally permits restaurants with dancing or live entertainment following review and approval by the Planning Commission. The dancing and karaoke activity is compatible with the restaurant use, and is an entertainment and "around-the-clock" use, which the MXD zoning district encourages. Other compatible uses in the MXD area (nighttime entertainment) include restaurants and bars.

Parking

Pursuant to Use Permit No. 649 (parking reduction), the restaurant is allowed to have 168 restaurant seats based on 26 parking stalls. Thus, based on the Use Permit No. 649, parking is provided at 1 space per 6.5 seats. The parking requirement for live entertainment is based on square footage (1 space per 30 gross square feet). Based on the proposal of 210 square feet of live entertainment area this requires 7 parking spaces. To accommodate the live entertainment area, the applicant has proposed to remove seats to meet the required parking. The table below shows the parking calculations.

Use	Proposed	Parking Required
Restaurant seating* - 1 space per 6.5 seats	122 seats	19
Live entertainment – 1 space per 30 square feet	210 square feet	7
	Total	26

* Based on approval of Use Permit No. 649

Because the revised parking requirement does not exceed the previous parking supply, the site can accommodate a 210 square foot dancing area with the reduction of 48 restaurant seats.

Staff has a concern that dancing patrons could extend into other areas of the restaurant outside of the dance floor. This may cause the establishment to attract more people than parking supply will allow. To discourage this from occurring, ***staff recommends*** the applicant install a low wall on two sides of the dance floor, in an "L" shape. This will help to keep people on the dance floor, while not impeding any access to and from the area.

CONFORMANCE WITH THE GENERAL PLAN

The project conforms to the General Plan in that the use directly relates to:

Implementing Policy 2.a-I-3, which encourages economic pursuits, which will strengthen and promote development through stability and balance,

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Implementing Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector, and

Implementing Policy 2.a-I-22, which encourages developing the Midtown Area as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.

The proposed addition of live entertainment to the restaurant will add to the mix of businesses provided in the City and is of a type that will attract people to area, helping to bring increased vitality to that portion of the Midtown area.

VICINITY COMPATIBILITY

Noise

Because the applicant is proposing to offer live entertainment during late night hours, staff has a concern that any loud activities emanating from the establishment could impact existing and future neighbors. Because the site is located in a mixed use district, there is the potential for future residents in the area. Thus, ***staff recommends*** the applicant not prop open any doors whenever music is being played. In addition ***staff recommends*** a six-month review after the implementation of live entertainment to ensure that the new use is not impacting any uses in the area.

Safety and Security

The applicant is proposing to offer dancing and karaoke during late night hours (9:00PM to 12:00AM). To address any issues with late night operating hours, staff had the Police Department review the proposal and make any recommendations in regards to safety and security. The Police Department recommends that the establishment provide one additional uniformed security person while live entertainment is occurring and to remain no less than a half hour later. Thus, ***staff recommends*** the addition of one additional security person during all live entertainment activities.

Solid Waste

Currently the restaurant is served by a garbage enclosure adjacent to the tenant space. The enclosure gates are not in working order and do not provide adequate screening from Main Street. As such because of the poor condition, the bins can often be seen from views, even when the gates are closed. As such, ***staff recommends*** the applicant replace or repair the gates to the extent that the bins cannot be seen from any views when the gates are closed.

In addition, staff has noted that the enclosure is being used as storage for broken or discarded furniture. To ensure that there is adequate room for the garbage and tallow bins, ***staff recommends*** the applicant clear out all debris/items currently being stored in the garbage enclosure.

Neighborhood/Community Impact

The proposed addition of karaoke, dancing and live entertainment to the existing restaurant, as conditioned, is expected to have a positive community impact by enhancing an existing use in the Midtown Area. The additional entertainment opportunity will allow the restaurant to accommodate increased business and provide an additional entertainment location for residents to enjoy. The proposed project as conditioned, will not negatively impact the surrounding neighborhood.

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RECOMMENDATION

Close the Public Hearing. Approve Use Permit Amendment No. P-UA2003-9 based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.
2. The proposed project, as conditioned, conforms to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines.
3. The proposed addition of karaoke, dancing, and live entertainment complies with the City's Zoning Ordinance and General Plan in terms of land use and development standards for Mixed-Use zoning and the expanded uses will serve the surrounding community.
4. The proposed use, as conditioned, will not impact on-site parking because there is adequate parking for the additional uses.

SPECIAL CONDITIONS FROM THE PLANNING DIVISION

1. This Use Permit Amendment No. P-UA2003-9 approval is for the addition of live entertainment, including karaoke and dancing at an existing restaurant with hours of operation on Friday and Saturday from 10:00AM to 12:00AM and on Sundays from 10:00AM to 11:00PM. This approval includes live entertainment during the afternoon and from 8:00PM to 12:00AM on Fridays, 7:00PM to 11:00PM on Sundays, and all day Saturday as depicted on approved plans dated May 14, 2003, and as amended by the approved special conditions. Any addition of seating or change in nature of the operation shall require review and approval by the Planning Commission of an amendment to this Use Permit. Minor changes, as per Section 42 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)
2. The maximum approved seating for this restaurant is 122 indoor seats. Prior to issuance of a certificate of occupancy for this use, a sign measuring at least 8½ inches by 11 inches, with a lettering height of at least 3 inches, shall be placed in a conspicuous location near the restaurant front entrance stating "Maximum dining room seating: 122, as per Use Permit Amendment No. P-UA2003-9 granted by the Planning Commission on May 14, 2003." (P)
3. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
4. The applicant shall comply with Planning Commission Resolution No. 168, a resolution of standard conditions for commercial development. (#9-P)
5. If any new rooftop equipment is proposed, it shall be screened from all views. (P)
6. No outdoor loudspeakers shall be installed at any exterior locations of the building, nor shall any music of any type be played outdoors at any time. (P)
7. During times when music is played, the business shall not prop open any doors. (P)
8. Prior to issuance of a certificate of occupancy the applicant shall submit plans to the approval of the City for a low wall on two sides of the dance floor in an "L" shape. (P)
9. Prior to issuance of a certificate of occupancy, the applicant shall repair or replace the gates on the northern enclosure, such that the bins cannot be seen from any views when the gates are closed. (P)

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10. The applicant shall keep the northern enclosure free of debris and shall not be used as storage in perpetuity. (P)
11. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all State and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). (P)
12. The business owner shall post signs (Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage prior to the issuance of a Certificate of Occupancy. (P)
13. The preparation and storage of food shall not be permitted outside of the establishment in perpetuity. (P)
14. Washing of containers, equipment, and floor mats shall be conducted in the kitchen area so that wash water may drain into the sanitary sewer in perpetuity. (P)
15. Prior to issuance of a certificate of occupancy, the business owner shall submit a report detailing a program assigning restaurant staff perpetual responsibility for complying with the following guidelines (P)
    a) Keep garbage dumpsters clean inside and out; replace dirty or leaking dumpsters with new, clean ones.
    b) Double or triple bag waste to prevent leaking.
    c) Place, do not drop or throw, waste-filled bags, to prevent leaking.
    d) Keep the ground under and around the garbage dumpsters swept.
    e) Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
    f) It is expected that Best Management Practices for solid waste handling will advance over time, thus it is the expectation that the applicant will modify their practices in accordance with future standards.
16. The applicant shall provide one (1) uniformed private security during all live entertainment events (Friday, Saturday and Sunday) and remain a minimum of 30 minutes after closing of the restaurant. (PD)
17. Six months after the issuance of a certificate of occupancy, a public hearing and review shall occur in regards to concerns related to noise, security, and safety. The applicant shall be responsible for all fees and submittal requirements in regards to this review. (P)
18. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
19. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
20. Prior to building occupancy permit issuance, the applicant shall construct a new trash enclosure, designed per the Development Guidelines for Solid Waste Services, **OR** remodel the existing northern enclosure to provide operating gates and adequate space for existing tallow tank and

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recommended solid waste services. City review/approval is required prior to construction of any new trash enclosure.

21. The applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for the existing commercial use:

    a) Maintain an adequate level of service for recycling and trash collection. Increase the level of service for the enclosure adjacent to the business, at the northerly enclosure. Subscribe to one, 4-cyd bin for trash with collection starting at 4 times per week.

    b) Maintain existing enclosures to house recycle & trash front-load service bins inside enclosures at all times, except for regularly scheduled collection services.

    c) The enclosures must be maintained for trash and recycling purposes. Remove all miscellaneous materials stored in the enclosures.

    d) Maintain a Tallow account and keep the tallow bins clean.

    After the applicant has started its business, the solid waste service shall be evaluated by BFI commercial representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234.

(P) = Planning Division
(E) = Engineering
(PD) = Police Department

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the zoning ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

PLANNING DIVISION [For further information regarding the following notes please contact Troy Fujimoto at (408) 586-3287].

1. All plans submitted for building permits must provide a list of the project's Conditions of Approval.

BUILDING DEPARTMENT [For further information regarding the following notes please contact Keyvan Irannejad at (408) 586-3244]:

1. Obtain permits from Health Department and Water Pollution Control prior to applying for a building permit.
2. Dining room shall be classified as Group A, Division 3 occupancy group as per 2001CBC, Sec 303.1.1.
3. In the assembly occupancy, doors shall swing in the direction of exit as per 2001CBC, Sec. 1003.3.1.5. Exit doors from assembly occupancy shall be provided with panic hardware as per Sec. 1007.2.5 and exit signs as per Sec. 1003.2.8.2.
4. Exit corridors with an occupant load over 30 shall be one-hour fire rated as per 1994 UBC, Sec. 1005.7.
5. Provide exit signs when two exits are required as per 1997 UBC, Sec. 1003.4.3.

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ACCESSIBILITY

6. People with disabilities accessible parking shall be provided as per 2001 CBC, Sec. 1129B.1. Accessible parking spaces shall be dispersed and located closest to the accessible entrances. One in every eight accessible parking spaces, but not less than one parking space shall be accessible as per Sec. 1129B.4.
7. Accessibility signs shall be provided at every primary public entrance, at every major junction along or leading to an accessible route of travel, and at building entrance that are accessible as per CBC 2001, Section 1127 B.3.
8. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC, Sec. 1117.B.5.7.
9. All food establishments selling food for consumption on the premises shall have bathrooms accessible to the public as per 2002 Milpitas Municipal Code. When the number of employees exceeds four, two separate accessible bathrooms shall be provided as per 2001 CBC, Sec. 1115. B.2.
10. All areas shall be accessible to the people with disabilities as per 2001 CBC, Sec. 1104B.1.
11. Food preparation areas shall be accessible to people with physical disabilities as per 2001CBC Sec. 1104B.5.8 and food services aisles and tableware areas as per Sec. 1104B.5.5 and Sec. 1104B.5.6 .accordingly.
12. All restrooms shall be fully accessible to people with disabilities as per 2001 CBC.
13. Provide maneuvering clearances at doors as per 2001CBC, Sec. 1133B.2.4.2.
14. Counters provided for the public and in general employee area must be accessible at least 5%, but not less than one as per 2001 CBC, Sec. 1124B.4.

ENGINEERING DIVISION [For further information regarding the following notes please contact Robert Wang at (408) 586-3327]:

1. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division.
2. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit.
3. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
4. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.

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FIRE DEPARTMENT [For further information regarding the following notes please contact Albert Zamora at (408) 586-3371]:

Applicant shall not consider this as approval from the Fire Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process.

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.
2. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.
3. Fire safety during construction, alteration or demolition of the building shall meet the requirements of Article 87, CFC.
4. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1 CFC.
5. Alterations to the automatic fire sprinkler system and/or the fire detection system requires drawings to be submitted to the Fire Department for review and approval prior to alteration.
6. If new trash enclosure, combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. Section 1103.2.1.2, CFC.
7. If new trash enclosure, dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or places within 5 feet of combustible walls, openings or combustible roof eave lines unless area is protected by an approved automatic sprinkler system. Section 1103.2.2, CFC.
8. The use of candles and other open-flame decorative devices in places of assembly and drinking or dining establishments shall be in accordance with Section 1109.8, CFC.
9. Drapes, hangings, curtains, drops, and other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard, shall be made from material which is not flammable material or shall be treated and maintained in a flame-retardant condition by means of flame-retardant solution or a process approved by the Chief. Section 2501.5, CFC.
10. When required by the Chief, a plan indicating the seating arrangement, location and width of exit ways and aisles shall be submitted for approval, and an approved copy of the plan shall be kept on display on the premises. Section 2501.14, CFC.
11. All building housing Group A Occupancies shall front directly on a public street or an exit discharge not less than 20 feet in width. The exit discharge to the public street shall be a minimum 20-feet-wide right-of-way, unobstructed and maintained only as access to the public street. Provide a clean and unobstructed 20 feet wide exit discharge from the main entrance to the public street. No parking is permitted in the area designated as exit discharge. Section 303.3, California Building Code.
12. Buildings or portions of buildings classed in Group A Occupancy, shall be limited to the types of construction set for in Table 5-B, and shall not exceed in area or height the limits specified in Sections 504, 505 and 506. Section 303.2.1, California Building Code.

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13. Required means of egress shall be provided with a continuous, unobstructed and undiminished path of exit travel from any occupied point in a building to a public way. Section 1001.1, California Fire Code.
14. In aisles in assembly occupancies without fixed seats, the minimum clear aisle width shall be 36 inches where seats, tables, counters, furnishings, displays and similar fixtures or equipment are placed on one side of the aisle only and 44 inches when such fixtures or equipment are placed on both sides of the aisle. Section 2501.9.2 CFC.
15. Exit doors from group A Occupancies shall not be provided with a latch or lock unless it is panic hardware. Section 2501.8.2 California Fire Code.
16. Any room (or area) having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purpose, shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Posting shall be by means of a durable sign having contrasting color from the background to which it is attached. Section 2501.16 CFC.
17. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of 50 or more. Section 1207.2 CFC.
18. Provide exit signs. Exit signs conforming to the requirements of Section 1003.2.8 CBC (California Building Code) shall identify the path of exit travel to and within exits in a building.
19. Graphics, illuminations, and power supply of exit signs shall be in accordance with Sections 1003.2.8.3, 1003.2.8.4, 1003.2.8.5, CBC.
20. The means of egress shall be illuminated at any time the building is occupied with light intensity of not less than 1-foot candle at the floor level. In the event of a failure, illumination shall be automatically provided from an emergency system such as storage batteries or on-site generator set and should be installed in accordance with the National Electrical Code. Sections 1003.2.9.1 and 1003.2.9.2 CBC.
21. The maximum flame-spread class of finish materials used on interior walls and ceilings shall be per Section 804.1, California Building Code.
22. A ventilating hood and duct fire extinguishing system shall be provided in accordance with the Mechanical Code for commercial-type food heat-processing equipment that produces grease-laden vapors. Section 1005, CFC.
23. A fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat-processing equipment, as measured along an unobstructed path of travel, in accordance with California Code of Regulations, Title 19, Division 1, Chapter 3.
24. Shop drawings shall be submitted for the hood and duct fire suppression system (by a licensed installer) to the Fire Department for review and approval prior to start of installation. Section 1001.3, CFC.
25. No approval for any hazardous materials under this review.
26. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation/alteration. Section 901.2.2 and 1001.3, California Fire Code.

April 15th, 2003

To: City Planning
City Of Milpitas

Re: Green Bamboo Restaurant

We would like to add Live Entertainment to our weekend schedule. This is a program that we believe will benefit the local area economy by bringing in adult people to come visit the city of Milpitas. We believe that "live music" will enlighten this part of town in dire need of more "foot" traffic. We are looking at offering a family oriented entertainment, so Ballroom dancing with a live band would most fit our goal.

We would like to offer:

1. Ballroom dancing on Friday night, from 8 pm until Midnight,
2. Ballroom dancing on Sunday night, from 7 pm until 11 pm,
3. Karaoke entertainment on Sunday afternoon.
4. Saturday will be reserved for wedding receptions, and special occasions.

We also believe that safety is the primary concern for our customers, so we will be adding a security unit during the hours with "Live Entertainment".

Sincerely,

Michael K Pham
Green Bamboo Restaurant
420 S. Main St
Milpitas, Ca 95035
408-262-5115

City of Milpitas

Planning Division 455 E. Calaveras Blvd., Milpitas CA 95035 (408) 942-5185

RESOLUTION NO. 168

A RESOLUTION REGARDING STANDARD CONDITIONS FOR COMMERCIAL DEVELOPMENT

WHEREAS, THE CITY PLANNING COMMISSION regards the site appearance of commercial development as being important to community pride,

WHEREAS, CERTAIN "STANDARD" CONDITIONS having consistently been required by the Planning Commission for commercial developments,

WHEREAS, THE CITY PLANNING COMMISSION wishes to aid developers in the preparation of the Site Plans for commercial developments, and to aid the Commission and staff in reducing the number of special conditions,

THEREFORE, BE IT RESOLVED, that the City Planning Commission shall require the following items to be noted on all plans submitted with building permit applications for all commercial developments:

1. Prior to issuance of a building permit, a landscape plan shall be submitted to and approved by the Planning Commission. Said plan shall indicate location and type of trees (deciduous or evergreen), shrubs and ground cover, including sizes and quantities. The applicant is encouraged to utilize mature trees at key areas or focal points on the site to compliment the existing or proposed on-site structures. The landscape plan shall comply with City Council Ordinance No. 238 (An ordinance of the City of Milpitas regulating efficient water use for new or rehabilitated landscapes and existing landscapes).
2. All planter areas shall be serviced by a sprinkler head or drip system.
3. All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance.
4. Prior to issuance of an occupancy permit on this site, the required landscaping shall be planted and in place.
5. All landscaped planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. Plans indicating the curb elevations along public streets shall be approved by the City Engineer prior to construction.
6. All driveway approaches installed in the public right of way shall conform to Public Works Department standards.
7. Any public improvements on the frontage of the subject property that are now or that become damaged during construction shall be restored to the satisfaction of the City Engineer.

8. All on-site public and employee parking, accessways, driveways, loading or similar areas intended for public use shall be paved in accordance with MMC, Title II, Chapter 13, Section 18 as required for commercial developments.

9. All roof-top equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or a line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles.

10. In the event that a fill of over 18 inches above the natural grade is required at the rear or side property line, a grading plan shall be reviewed and approved by the Planning Commission prior to the issuance of a grading permit.

11. On-site utility transformers, boxes, etc. located at the front of the site shall be placed underground (subsurface vaults) or be located at the rear of the property and screened from public view in a manner to the approval of the Planning Commission. For new or relocated transformers or utility boxes on existing developed sites, refer to Section XI-10-42.10-2 of the Milpitas Municipal Code.

12. The applicant shall make changes as noted on Engineering Services Exhibit "S" and return one revised set of exhibit "S" and five sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check.

13. Sidewalks in street rights-of-way shall be in accordance with Standard Drawing No. 426, and shall include 4'x4' tree wells with irrigation bubbler heads connected to the City's water system. The specific tree type and interval shall be determined by the Engineering Division. Trees shall be planted in accordance with Standard Drawing No. 448 (15 gallon minimum size).

14. Whenever on-site drainage is directed to the street right-of-way, either a connection to an underground system or through curb drains shall be installed. A plan of the system, as it affects the street right-of-way, shall be approved by the City Engineer prior to construction.

15. Any work within the City's right of way requires an encroachment permit from the Engineering Division of the Public Works Department.

16. All survey monumentations shall be protected in place. Any disturbed or covered monument shall be reset by a registered civil engineer or land surveyor at the direction of the City Engineer.

17. Site distance areas as indicated on the City standard drawing shall not be obstructed. Overall cumulative height of the grading, landscaping and signs within the sight distance area shall not exceed 2 feet.

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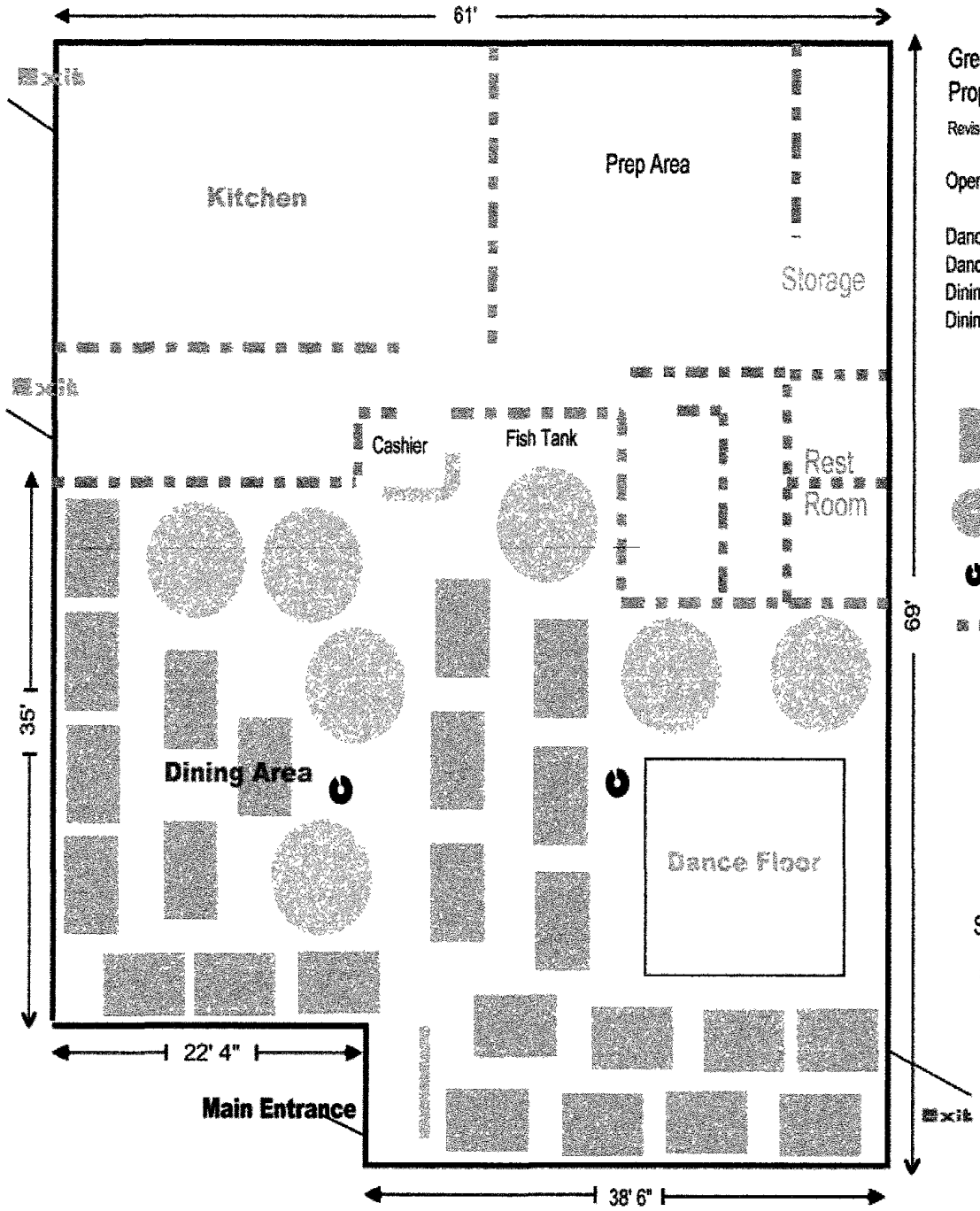


Green Bamboo Restaurant
Proposed Floor Plan

Revised 3/18/2003

Open Area =	**2268** Sqf
Dance Floor = 15' x 14'	210 Sqf
Dance Floor Capacity =	30
Dining Area =	1932 Sqf
Dining Capacity w/Dance Floor =	**122**

Square Table

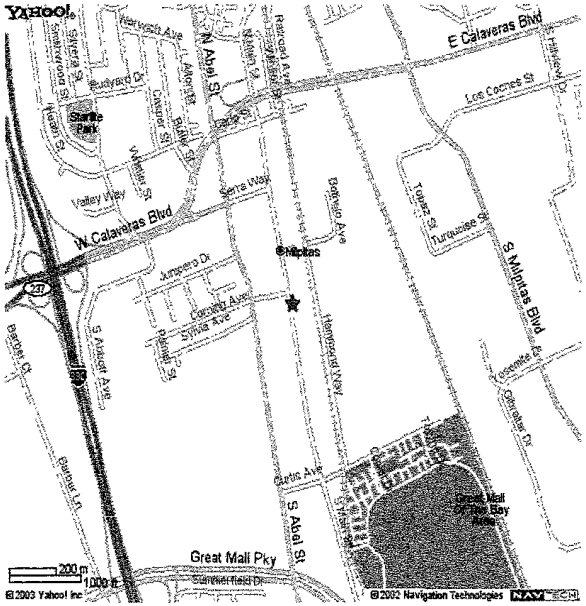
Round Table

Support Beam

Wall

Scale

0 ..... 10 Ft


YAHOO!
E Calaveras Blvd
Los Coches St
N Abel St
Starlite Park
Valley Way
W Calaveras Blvd
Serra Way
Jumpero Dr
Corning Ave
Sylvia Ave
Hillpitas
Bellevue Ave
Topaz St
Turquoise St
S Milpitas Blvd
Yosemite St
Gibraltar Dr
Barber Ct
Barber Ln
S Abel St
Curtis Ave
Great Mall Pky
Great Mall Of The Bay Area
200 m
1000 ft
©2003 Yahoo! Inc
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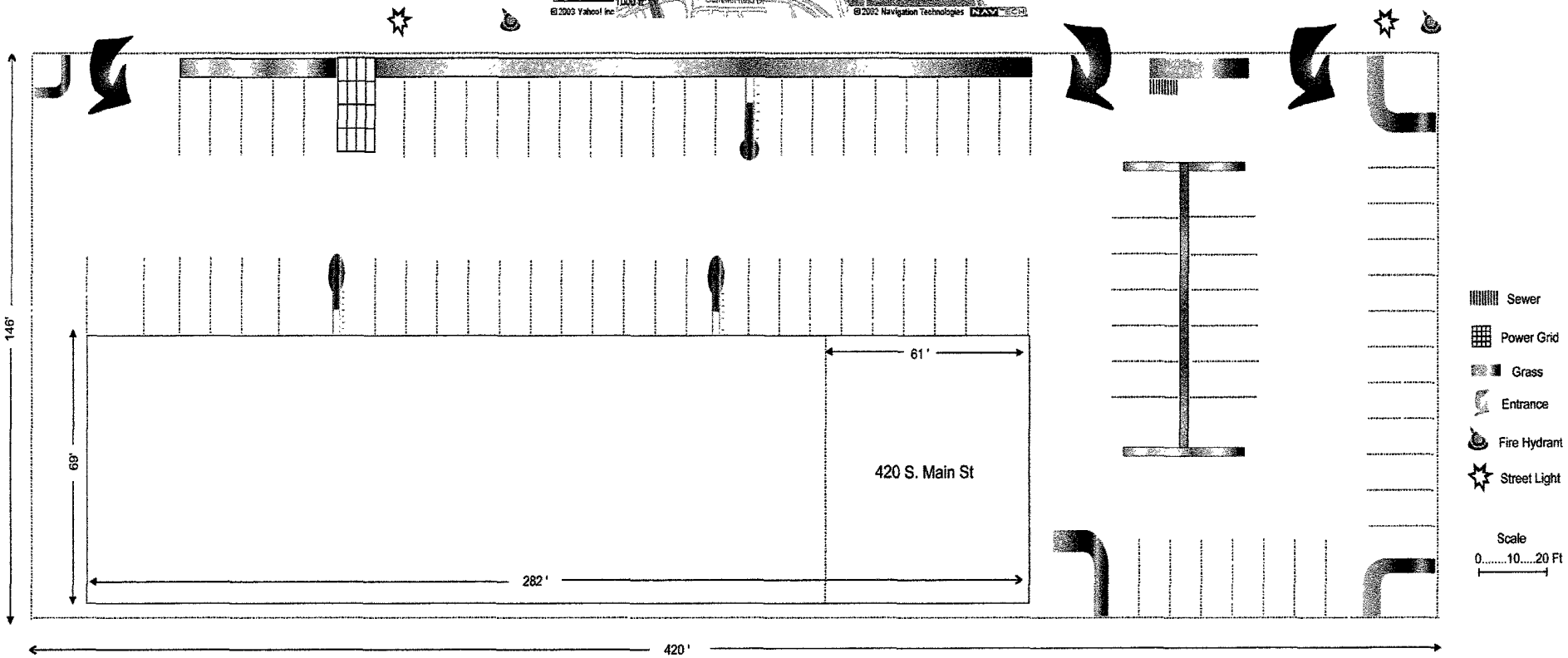
146'
69'
61'
420 S. Main St
282'
420'
Sewer
Power Grid
Grass
Entrance
Fire Hydrant
Street Light
Scale
0.....10....20 Ft