

RESOLUTION NO. 19-026

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, VESTING TENTATIVE MAP MT18-0003, and ENVIRONMENTAL ASSESSMENT EA19-0003 TO ALLOW DEVELOPMENT OF A RESIDENTIAL SUBDIVISION WITH 36 SINGLE-FAMILY HOMES AND TEN ACCESSORY DWELLING UNITS ON A 4.88 ACRE SITE LOCATED AT 1005 NORTH PARK VICTORIA DRIVE AND CEQA FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15070 *et seq.*

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 *et seq.*) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on November 18, 2018, Robson Homes (the “Applicant”) submitted an application to the City of Milpitas for the approvals necessary to allow development of a residential subdivision with 36 single-family homes and ten accessory dwelling units located at 1005 North Park Victoria Drive. The project (the “Project”) thus consists of and requires:

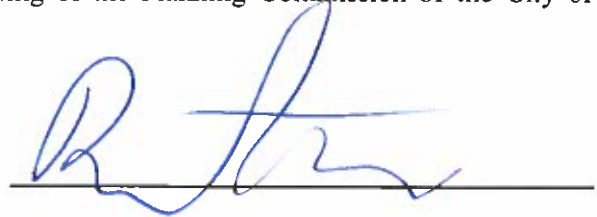
- a. General Plan Amendment GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD); and
- b. Zoning Amendment P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3); and
- c. Planned Unit Development P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
- d. Site Development Permit SD18-0015: To allow a 36-unit single family home development, including ten accessory dwelling units on the 4.88-acre site; and
- e. Vesting Tentative Map P-MT18-0003: To establish 36 single-family home lots and to record site easements; and
- f. Environmental Assessment EA19-0003: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

WHEREAS, the Planning Division completed an environmental assessment for the project, and, based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines sections 15070 *et seq.*. On August 9, 2019 the City provided a notice of intent to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies and the county clerk. The IS/MND is available for public review from 08/09/2019 through 09/09/2019 and is available for public review and inspection at City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California; and

WHEREAS, the IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA and, based upon the information contained in the IS/MND, pending any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project, together with Conditions of Approval, including without limitation, mitigation measures

3. Having likewise reviewed and considered the documents attached hereto and incorporated herein as **Exhibit A**, and having adopted the findings set forth therein as its own, the Planning Commission recommends the City Council approve and adopt **Exhibit A**, subject to any minor technical or clerical revisions that may be necessary or appropriate.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 28, 2019:



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 August 28, 2019 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Ricky Ablaza	X			
Tim Alcorn	X			
Evelyn Chua	X			
Bill Chuan	X			
Sudhir Mandal				X
Demetress Morris	X			
Steve Tao				X

with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, on August 28, 2019, the Planning Commission held a duly-noticed public hearing, during which meeting the Planning Commission considered General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003 for 1005 North Park Victoria Drive heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, by adoption of Resolution No. 19-026, the Planning Commission recommended the City Council approve General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, And Environmental Assessment No. EA19-0003; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the City Council bases the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

WHEREAS, on _____, 2019, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the Environmental Assessment No. EA19-0003, as well as General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003 for 1005 North Park Victoria Drive, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. Recitals

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 incorporated herein by reference.

SECTION 2. California Environmental Quality Act Findings

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.) and the regulations and polices of the City of Milpitas. The purpose of this IS/MND is, among other things, to provide objective information regarding the environmental consequences of the proposed project to the decision makers and the public and to identify measures to substantially lessen or avoid significant adverse environmental effects of the project. The IS/MND is available for public review from 08/09/2019 through 09/09/2019. Also in conformance with CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring

Mitigated Negative Declaration (MND). The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

SECTION 5.Planned Unit Development Findings (XI-1-57.07)

The City Council makes the following findings based on the evidence in the public record in support of Planned Unit Development No. PD18-0001:

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

Overall, the project offers 36 market rate, single-family homes and ten purpose-built accessory dwelling units (ADUs) with various associated social and financial benefits to the public. The project will also be a demonstration of how ADUs can be integrated into a neighborhood of single-family market rate homes. Further, the project will be efficiently sited in a way that is respectful to the character of the existing neighborhood and will incorporate a vacant lot and complete the neighborhood.

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

The proposed PUD is generally consistent with the Milpitas General Plan and the project will be fully consistent if granted the requested land use designation amendment from SFL to SMD. The project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

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

The project's site layout seeks to effectively integrate into the existing neighborhood by offering two-story home heights and mirroring the existing home orientations along Creed Street and Rankin Drive. Further, the Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

SECTION 6.Site Development Permit Findings (Section XI-10-57.03(F)(1))

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD18-0015:

- 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.*

C. The Project is consistent with the Milpitas General Plan.

The project is generally consistent with the development standards pursuant to the Single Family Low Density (SFL) Zone of the Milpitas Zoning Ordinance and will be fully consistent if granted approval of a General Plan Amendment to Single-Family Medium Density (SMD). See General Plan consistency discussion set out above in support of issuing the General Plan Amendment and the Vesting Tentative Map.

SECTION 7. Vesting Tentative Map Findings (Section XI-1-20.01)

The City Council makes the following findings based on the evidence in the administrative record in support of Vesting Tentative Map No. MT18-0003:

D. The tentative subdivision map is consistent with the General Plan.

The project applicant is requesting a General Plan Amendment from SFL to SMD. The intent of this designation is to provide medium-density, single-family housing at a density range of 6-15 dwelling units/acre. As this project proposes 7.4 dwelling units/acre, if granted the General Plan amendment, it is consistent with both the intended land use of the General Plan and the relevant density requirement.

E. None of the conditions identified in California Government Code Section 66474 exist, to wit:

- 1. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

As set forth in Finding 1 above, the map proposes the development of the site into 36 single-family homes and ten accessory dwelling units (ADUs) at a density of 7.4 dwelling units/acre. If granted the General Plan amendment, the proposed map is consistent with the intended SMD land use of the General Plan and the relevant density requirement. The project site does not fall within a specific plan area.

- 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design and improvement of the subdivision is consistent with the density range of 6-15 dwelling units per acre as permitted by the General Plan amendment from SFL to SMD. The proposed density is 7.4 dwelling units per acre. The project site does not fall within a specific plan area.

- 3. That the site is not physically suitable for the type of development.*

The site is surrounded by properties designated for single-family and hillside residential development under the City's General Plan. The project's proposed single-family homes are well-suited to the site and surrounding neighborhood context.

- 4. That the site is not physically suitable for the proposed density of development.*

If granted the General Plan amendment from SFL to SMD, the site is physically suitable for development at the proposed density of 7.4 dwelling units per acre. The site gradually

market, there are a myriad of other benefits associated with the project's proposed ADUs. The California Department of Housing and Community Development (HCD) had identified ADUs as a valuable tool in offering a source of income for homeowners, allowing for flexible living arrangements, providing as much living space as many newly-built apartments and condominiums, but well-suited for couples, small families, friends, young people, and seniors and allowing seniors to age in place as they require more care over time.

The City has identified the potential value ADUs can provide to its residents and City Council recently adopted an amended ADU ordinance to ensure the planning and building permitting processes are more permissive. Therefore, staff agree that the exception requested exceeds the minimum affordable requirements.

B. The community benefits exceed the project benefits.

The project is providing an overall community benefit to the City in that it is the first residential development of its kind to include purpose-built ADUs as part of the overall project design. As discussed in the previous finding, there are many benefits associated with the provision of ADUs including the provision of incremental housing density while maintaining a residential character and suitability for family life. Overall, the project will demonstrate how a concentrated number of ADUs can be seamlessly integrated and appropriately scaled to a single-family home neighborhood. The project's ADUs will also directly support the goals of the HCD and the City by increasing the number of ADUs in Milpitas. Paired with the potential financial and social community benefits associated with ADUs, staff agree the community benefits exceed the project benefits.

SECTION 9. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 10. City Council Approval

The City Council hereby approves General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, And Environmental Assessment No. EA19-0003 (subject to the Conditions of Approval attached hereto and incorporated herein as **Exhibit 1**), based on the above findings.

PASSED AND ADOPTED this ____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

EXHIBIT '1'

CONDITIONS OF APPROVAL 1005 NORTH PARK VICTORIA DRIVE ROBSON HOMES SINGLE-FAMILY DEVELOPMENT

GENERAL PLAN AMENDMENT NO. GP18-0001
ZONING AMENDMENT NO. ZA18-0003
PLANNED UNIT DEVELOPMENT NO. PD18-0001
SITE DEVELOPMENT PERMIT NO. SD18-0015
VESTING TENTATIVE MAP NO. MT18-0003
ENVIRONMENTAL ASSESSMENT NO. EA19-0003

GENERAL CONDITIONS

1. General Compliance: The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. **GENERAL PLAN AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, VESTING TENTATIVE MAP MT18-0003, and ENVIRONMENTAL ASSESSMENT EA19-0003** (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. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.
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 City Council 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. Permit Expiration: Pursuant to Section XI-10-64-06 of the Milpitas Municipal 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 Municipal 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.
5. Time Extension: Pursuant to Section XI-10-64.07 of the Milpitas Municipal 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)**

13. Revocation, Suspension, Modification: This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.
14. Severability: If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.
15. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**
16. Compliance with Fire Department and California Fire Code: The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and approval by the Fire Department. **(F)**
17. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the plans dated July 10, 2019 and approved by the City Council on , 2019, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review, and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

PLANNING CONDITIONS

18. Landscape: All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance. All street tree species must adhere to Milpitas Municipal Code Section X-2-3.02 - Approved Street Tree List.
19. Architecture: Permittee shall submit updated Project Architecture depicted on the Building Elevations sheets to the Planning Division, and obtain approval from the Planning Director or Designee prior to Building Permit submittal. Any deviations from approved Project Architecture shall be approved at the sole discretion of the Director of Planning or his/her approved designee
20. Street Lights: Permittee shall provide street lighting along all street frontages subject to the review and approval of the Planning Division. Permittee shall likewise install pedestrian scale lights along all public and private street frontages. The Permittee shall submit a photometric plan to determine appropriate light levels with submittal of on-site improvement plans.
21. Parking: Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of the following:
 - a. **RESIDENT**: A minimum of three off-street parking spaces must be provided for each four-bedroom single-family home.
 - b. **GUEST**: A minimum of 22 guest spaces are to be provided along the internal private street.
22. Public Art Requirement: Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-

geotechnical engineer must prepare a seismic hazard report which must be reviewed and approved by the City and filed with the State Geologist. The project improvements and building construction shall conform to the recommendations of the seismic hazard report. City consultant peer review of project geotechnical report to the satisfaction of the City Engineer is required prior to building permit issuance.

31. Submit to, and obtain approval from the Land Development Engineering Section the following:
 - a. Preliminary Grading Plan refinement to account for new retaining walls - Note that retaining wall foundations shall not encroach within the City easements or street right-of-way.
 - b. Preliminary Grading Plan refinements to account for overland flow drainage releases, including high storm runoff flows (e.g., Q(100))
 - c. Preliminary Utility Plan refinements to confirm required utility crossing clearances
 - d. Clarify the Stormwater Treatment Plan & Details to account for the high groundwater table elevation, and public storm system HGL
 - e. The stormwater storage vaults shall be designed to support all imposed loads, including but not limited to loading from the adjacent roadway, retaining walls and buildings. Note that modification to the Lot B or Lot C boundary geometry possibly necessitated by the need for use of an alternate vault system may require going back to Council to modify the VTM approval, and additional conditions may apply.

PRIOR TO FINAL MAP APPROVAL/RECORDATION

*The following conditions shall be addressed during the final map plan check process and shall be met **prior to** any final approval/recordation (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

32. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, and all other public easements deemed necessary for the project.
33. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
34. Relinquish Abutter's Rights: Permittee shall relinquish abutter's rights along NPVD along the new Private Street terminus.
35. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.
36. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
37. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the Planning Commission and City guidelines.
38. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.
39. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.

acceptable to the City for perpetual operation/repair/ maintenance of City utilities and to optimize utility right-of-way management.

48. Utility Protection: All existing public utilities shall be protected in place, or 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.
49. Backflow Devices: All backflow devices shall be located outside of city easements throughout the site.
50. Water meters (residential): Landscape water meters, defined as dedicated water service meters, shall be installed for all residential (including single family) irrigated landscapes of 2,500 square feet or greater. A privately owned meter or sub-meter is only allowed upon approval of the City Engineer.
51. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
 - a. Installation of separate water service tap and meter for each of the following services: residential, irrigation, and fire.
 - b. Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for residential.
 - c. Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
 - d. The required extent of improvements (i.e., new tie-in paving, and/or grinding and overlay as applicable to street centerline) along the project fronting streets and associated conforms shall be determined to the satisfaction of the City.
 - e. Installation of new street tree wells along the project frontage. The locations, spacing of tree wells and tree species shall be in compliance with applicable City standards and details.
 - f. Install two radar speed feedback signs (locations to be determined later) on the project frontage along NPVD
 - g. Provide public street lighting per IESNA standards with minimum illumination of 0.1 foot-candle and uniformity ratio (avg/min) of 6 to 1
 - h. Permittee shall loop the water system by extending the water main fronting lots 1 through 8, and connecting it to the water main on N. Park Victoria Dr. for water quality purposes as well as public safety pertaining firefighting.
 - i. Permittee shall abandon the existing sanitary sewer main which runs behind the proposed lots, number 1 through 8 per City's Abandonment Notes and to the City's satisfaction. This main shall be capped and filled at nearest existing manhole downstream which is located behind a property west of lot 1, eastward to the existing manhole at the southwestern corner of Country Club Dr. and N. Park Victoria Dr. intersection.
 - j. Permittee shall ensure that utility appurtenances are not located within concrete collars, and/or beneath curb and gutters.
52. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.

64. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.
65. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
- What materials will be salvaged.
 - How materials will be processed during demolition.
 - Intended locations or businesses for reuse or recycling.
 - 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 shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

66. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.
67. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
- Parkland:
 - The project is required to dedicate 0.86 acres of parkland, equivalent to \$2,404,512 fees-in-lieu.
 - The applicant will receive credit for 0.35 acres of private recreation space on site. Upon demonstration of provision of this private recreation space to the satisfaction of the Direction of Planning or his/her designee, the total acreage/fees provided are 0.52 acres/\$1,442,707.20.

Project Unit Count	46
Project Population Estimate	172.50
Parkland Requirement	5 acres/1,000 people or equivalent fees-in-lieu. Currently \$2,787,840 per acre.
PARKLAND ACREAGE DUE/FEE EQUIVALENT	0.86 acres/\$2,404,512
Less Private Recreation Acreage Credit (40% Max.)	0.35 acres/\$961,804.80
TOTAL ACREAGE/FEES PROVIDED	0.52 acres/\$1,442,707.20

- Storm water connection fee at \$16,771/acre for residential and \$21,562/acre for commercial.

The plans approved by City Council are **not** building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider the plan set approved by City Council as final building plans approved by the Fire Department. Building plans **must** be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2016) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction. Note, Jan. 01, 2020, new CA Building Codes go into effect.

82. Technical Assistance: To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or reports. CFC Section 104.7.2
83. Electronic documents: The Fire Code Official may require electronic base documents for all construction documents and operational permits. The Fire Code Official shall designate the software base format for the electronic documents. CFC Section 105.4.2.2, added by MMC Section V-300-2.11, and CFC Section 102.9
84. Fire Department Access: Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. CFC Section 503
 - a. Minimum Number of Fire Apparatus Access Points: A Minimum of two independent and approved (approved by the Fire Code Official) means of fire apparatus access shall be provided for the site. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760 m²) shall be provided with at least two means of fire apparatus access for each structure. International Fire Code, Section D104.1, adopted and amended by MMC V-300-2.143

Site as proposed, meets the (2) points of access requirements.

- b. Turning Radius: Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (center). CFC Section 503.2.4
- c. Fire Apparatus Clearance: Fire apparatus access roads shall provide a minimum clear width of 20 feet. CFC Section 503.2.1
- d. Fire Apparatus Clearance at Hydrants: Fire apparatus roads shall provide not less than 26' clear width at hydrant locations. CFC Appendix D, Section D103.1
- e. Timing of Installation and Serviceability of Fire Protection Elements: When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. CFC Section 507

The minimum water flow at the worst case hydrant outlet within the private system shall be not less than 1,500 gpm.

- b. Fire Hydrant Location: The location and quantity of hydrants will be evaluation during the construction permit process. This applies to the on-site private streets as well as to the public streets. CFC Section 507.5
 - c. Private Hydrant Requirements: Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. CFC Section 507.5.7, added by MMC V-300-2.54.
 - d. No Parking in Front of Hydrants: No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514
86. Access Control Devices: When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.6, added by MMC Section V-300-2.51
87. Premises Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505

The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9

88. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.52

89. Building/Structure Requirements:

- a. Automatic Fire Sprinklers: The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 D Standards (minimum requirements). CFC Section 903.3
- b. Sprinkler Drainage: All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Storm Water Pollution Regulations
- c. Sprinkler Design: Hydraulic design for the automatic fire sprinkler system shall provide a minimum of 20% safety margin. CFC Section 903.3.5.6, MMC V-300-2.68

102. All structures located in the hillside shall conform to minimum requirements of CBC sec.2308.7.5 as per MMC sec.II-3-2.09.
103. Projects for all structures located in the hillside area must be prepared and designed by Civil, Structural Engineer or Architect licensed in the State of California per City Policy BDP-BLG09.
104. Provide structural design and details for all detached structures and their footings over 120 square feet and decks exceeding 200 square feet that are over 30" above grade, attached to the dwelling and/or serve the required exit as per MMC sec. II-1-17.03.
105. The buildings shall comply with solar ready requirements per CEnC 110.10.
106. No mechanical duct shall penetrate exterior walls unless approved by Planning Division.
107. New dwelling unit shall comply with the electric vehicle charging requirements to facilitate future installation and use of EV chargers per CEnC sec. 4.106.4.
108. Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall comply with City Policy No. BDP-BLG40:
http://www.ci.milpitas.ca.gov/_pdfs/BLG40_RequirementsforConstructionofBalconies.pdf

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109. A soil report shall be provided when applying for grading, site improvement and building permit.
110. Paving shall comply with MMC section II-13-18. Pervious paving and turf blocks shall meet minimum TI requirement of 3.5.
111. All non-structural flat concrete work shall be as per MMC sec. II-13-17.05.
112. Grading and erosion control plan shall be submitted when applying for grading permit as per MMC sec. II-13-10 and shall be prepared by a licensed Civil Engineer.
113. Site must be recently surveyed for the verification of the slopes. Signature of Surveyor or Engineer must show date of survey.
114. All downspouts shall be directed to the landscaped areas and per soils report recommendations. Discharging into the street or City storm system is not permitted. Alternate method of discharge shall be approved by the Building and Safety Department and Engineering Department.
115. Drainage shall not be directed toward adjacent property lines.
116. Prior to issuance of building permit, all the easements including private storm drain easement through adjacent parcels shall be recorded. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained as per MMC sections II-13-10 and II-13-11.

LEGEND

P = Planning Department

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: _____
Signature of Permitte