



P-PA19-0001
MILPITAS PLANNING COMMISSION
STAFF REPORT

September 25, 2019

APPLICATION: **Planned Unit Development No. 45 Amendment PA19-0001.** A request for a Planned Unit Development Amendment to modify the language of the conditions of approval to allow a re-roof of all buildings, including the carports, to be architecturally compatible and use the same roof materials.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 19-029, thereby recommending the City Council approve the Planned Unit Development Amendment No. 45 PA19-0001 subject to findings and Conditions of Approval.**

LOCATION:

Address/APN:

231 Dixon Landing Road (APN: 022-01-014)

Area of City:

The project site is located to the City's northern boundary, north of Dixon Landing Road between the Pioneer Mobile Home Park and the railroad tracks.

PEOPLE:

Project Applicant:

David Litty, Enclave Enterprise, LLC. (Owner Agent)

Property/Business Owner:

Frances Chu, Spinnaker Point, LLC. (Owner/Managing Partner)

Project Planner:

Avery Stark, Assistant Planner

LAND USE:

General Plan Designation:

Multi-Family Residential Very High Density (MFH)

Zoning District:

Multi-Family Residential (R3)

Overlay District:

Planned Unit Development #45

ENVIRONMENTAL:

Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA") and; as a separate and independent basis, the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

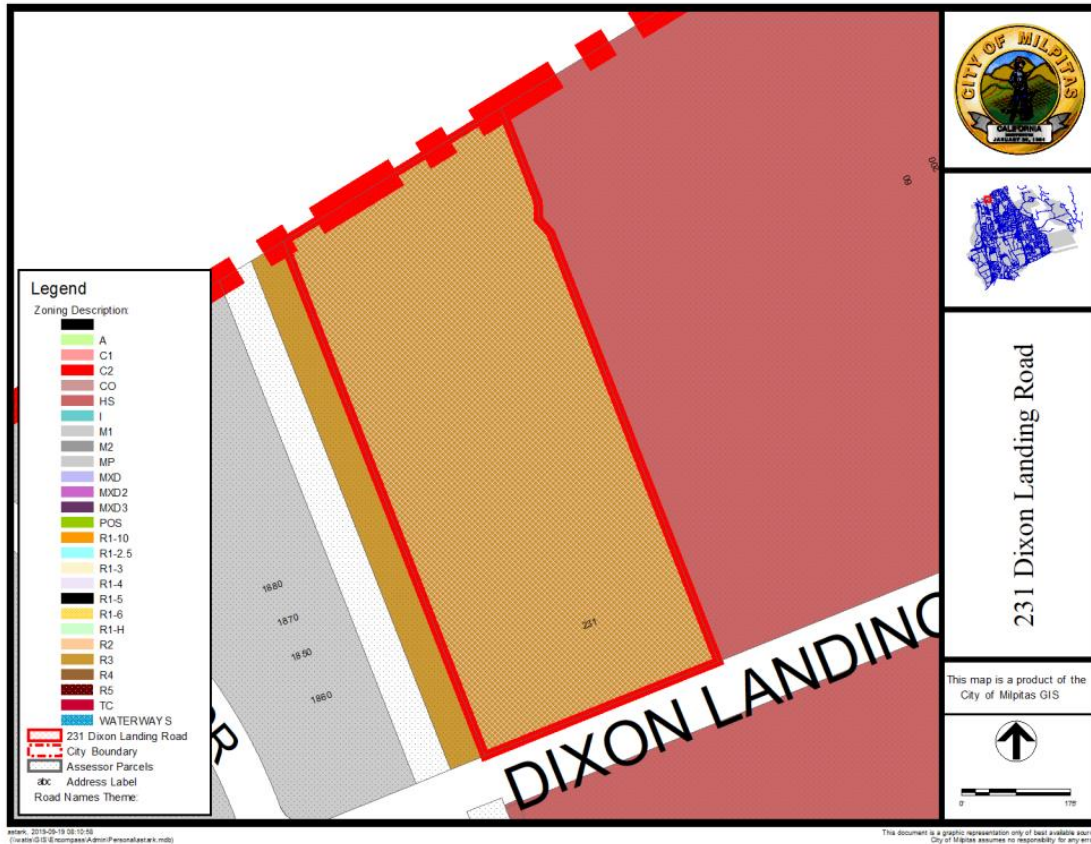
EXECUTIVE SUMMARY

The project includes an amendment to Planned Unit Development (PUD) Number 45 to modify the language of the Conditions of Approval (Condition # 6) which states, “A clay barrel tile (mixed colors) shall be used on all buildings and carports.” The previously amended condition requires carports to be built with a clay barrel tile roof (mixed colors) on buildings and carports, as shown in Exhibit ‘C.’ The proposed amendment would not restrict the roof material type in order to allow a re-roof of all the buildings, including the carports, to be architecturally and materially compatible.

Map 1 Project Location



Map 2 Project Zoning Map



BACKGROUND

History

The original application for the existing condominium development (PUD #45) was submitted by Breckenridge Company for consideration by the Planning Commission on October 16, 1986. The project was subsequently approved by the Milpitas City Council on December 9, 1986. The PUD allowed the development of 220 units, 493 parking spaces, and related facilities including a recreation building, swimming pool, tennis court, tot lot and park area on the 9.24-acre site. No variance or density bonuses were granted or were required for this development. Subsequent amended special conditions for the PUD were reviewed by the Planning Commission on April 16, 1987, and approved by City Council on May 5, 1987.

On July 29, 2019, David Litty of Enclave Enterprises, LLC submitted an application for an amendment to PUD #45 to modify the language in the original conditions of approval to allow a re-roof of all buildings, including the carports, to be architecturally compatible and use the same

roof materials. There will be no change to the underlying zoning district of Multi-Family Residential (R3).

The Application

The following is a summary of the applicant's request:

PUD Amendment: To modify the original conditions of approval to allow a re-roof of all the buildings, including the carports, to be architecturally and materially compatible. Section 57, Table XI-10-57.03-01 of the Zoning Ordinance allows staff to review and administratively approve "re-roofing" applications as a Minor Site Development Permit when the following statement is true: "change to any other roofing material, except wood shake, non-tri-laminate or standing seam metal." However, the original conditions of approval for this PUD require a specific type of roofing material and modifying the conditions of approval requires recommendation by the Planning Commission to the Milpitas City Council for final approval.

PROJECT DESCRIPTION

Overview

The proposed amendment will remove specific language for the type of roof material in order to allow the applicant to re-roof the entire project site, including carports, with composite shingle materials. As stated in the applicant's letter of request: "The existing 35-year-old tile roof is beyond a useful life and is breaking and falling in areas where residents and autos are at risk. The numerous leaks cause wetness and mold inside units, and spot repairs are no longer viable without displacing over 600 residents." The property owner proposed to replace the tile roof with composite shingle material in similar colors and shades that are much lighter in weight and more energy-efficient, environmentally friendly, and earthquake-safe.

The applicant proposes an eight-phase re-roofing project plan, as shown in Exhibit 1. Phase one, to be completed in 2019, includes Buildings I and J and carports II, J1 and J2. Phases two through eight are noted in Exhibit 1 and will be fully completed no later than July 31, 2021.

In conjunction with the proposed re-roofing project, the applicant will also address issues with existing chimneys that serve wood-burning fireplaces included in the units at the project site. Chimneys and fireplaces are not specifically addressed in the conditions of approval for the original project, so Planning Commission approval of proposed changes is not required.

Location and Context

The project site is located north of Dixon Landing Road, between Pioneer Mobile Home Park and the railroad tracks, near the City's northern boundary with the City of Fremont. Nearby uses include residential apartments and mobile home parks to the east and south and light industrial office facilities located to the west abutting Interstate 880.

Table 1:
Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	Multi-Family Residential Very High Density (MFH))	Multi-Family Residential (R3) (PUD No. 45)	Multi-Family Residential
North	City of Fremont	City of Fremont	City of Fremont
South	N/A	N/A	Dixon Landing Road
East	Highway Services (HS)	Highway Services (HS)	Pioneer Mobile Home Park
West	N/A	N/A	Railroad (Santa Clara VTA)

PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the site is Multi-Family Residential Very High Density (MFH). The intent of this designation is to stabilize and protect the residential characteristics of the area and promote, insofar as compatible with the intensity of land use, a suitable environment for family life. The existing multi-family residential development (Planned Unit Development No. 45), was approved by the City Council on December 9, 1986, and is in conformance with the applicable policies and standards in the City’s General Plan, as outlined in Table 2 below:

Table 2:
General Plan Consistency

Policy	Conformance
2.a-G-1 Maintain a land-use program that balances Milpitas’ regional and local role by providing for a highly amenitized community environment and a thriving regional industrial center.	Consistent. The existing development is an attractive residential project with amenities such as a pool, open space, and walking trails. The development provides housing to Milpitas residents to help ensure a thriving regional industrial center.
2.a-G-3 Provide for a variety of housing types and densities that meet the needs of individuals and families.	Consistent. The existing development provides higher-density residential apartments to meet the needs of individuals and families in Milpitas. The proposed re-roofing will help ensure the longevity of the project.
2.a-I-12 Use zoning for new residential developments to encourage a variety and mix in housing types and costs.	Consistent. The existing development offers high-density residential apartments to help ensure a variety of housing types and costs. The proposed re-roofing will help ensure the longevity of the project.

Zoning Conformance

The project conforms to the development standards required in the Multi-Family Residential (R3) and PUD #45 development standards listing in Table 3 below.

The Planned Unit Development (PUD) Zoning District allows diversification and flexibility in the relationships of various buildings, structures, land uses, open spaces, and other features associated with large mixed-use development. PUD Zoning encourages flexibility of site planning and land use to create desirable environments that otherwise may not be achieved under conventional zoning requirements for large developments. The project was reviewed for compliance and developed with applicable codes and ordinances in 1986.

Table 3:
Zoning Conformance R3

Standards	Standard	Proposed	Complies?
<u>Density</u> (min-max)	12-20 units per gross acre	25 units per gross acre	Yes, granted by PUD No. 45
Front Setback (min):	20'-0"	22'-5"	Yes
Side Yard Setback (min):	Two-2.5 story: One side 10', Total both sides 25'	15' 90'	Yes
	Three-3.5 story: One side 12', Total both sides 30'	15' 90'	Yes
Rear Setback (min):	Two/2.5 story: 35' Three/3.5 story: 40'	22' – 5"	Yes, granted by PUD 45
<u>Building Height</u> (max)	Principal building: 3.5 stories (35') Accessory building: 2.5 stories (25')	39' -11	Yes, granted by PUD 45
<u>Parking</u>	1.5 covered spaces for 1 bedroom units Two covered spaces for two or more bedrooms.	One covered stall per unit	Yes, reduced parking standard established per PUD No. 45
<u>Lot Coverage</u> (min)	a. 25% of total lot area (not including paved parking area)	44%	Yes
	b. 200sf of usable open space for each dwelling unit.	768 s.f.	Yes

Site & Architectural Design

The applicant submitted a letter of intent to the City of Milpitas Planning Department that outlines the scope of the work to be completed on the site (see Exhibit 1). The letter documents the existing conditions of the roofs and chimneys and describes the proposed changes in material from the mixed-orange clay barrel tile roofs to a new composite shingle in similar mixed-orange tone. The applicant also outlines the eight-phase construction plan that will be submitted to the building department for review prior to the issuance of any building permits. The applicant also proposes options to remove the wood-burning fireplaces' chimneys and replace with energy-efficient gas or electric alternatives.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Planned Unit Development Amendment

In order to grant a PUD permit amendment, the following standard requirements must be made pursuant to Milpitas Municipal Code Section XI-10-54.07(B)(6)(d):

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

The current project is an amendment to the conditions of approval for the original Planned Unit Development (PUD). The proposed amendment would allow replacement of roofing materials throughout the project, including carports, to be architecturally and materially compatible. Amending the conditions of approval will not fundamentally change the design of the original PUD or the public benefit derived from the original approval. Re-roofing the entire project with new materials will upgrade the existing buildings, enhance the neighborhood, and improve safety.

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

The amendment is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

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

The amendment will allow a re-roofing project, consistent with current roof development standards, to complement and enhance the surrounding neighborhood. The proposed re-roofing project will result in no adverse impacts such as shadows, loss of views, or loss of privacy upon adjacent development.

ENVIRONMENTAL REVIEW

Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) and; as a separate and independent basis, the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on September 13, 2019. In addition, 220 notices were sent to owners and occupants within the PUD No. 45 of the project site. As of September 19, 2019, no public comments have been received. 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

An application for a Planned Unit Development Amendment Permit requires review and recommendation by the Planning Commission to City Council approval under the provisions of Milpitas Municipal Code Section XI-10-54.07.

CONCLUSION

The proposed amendment is consistent with the General Plan, Zoning Ordinance, and neighboring properties within the City of Milpitas.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution 19-029 recommending City Council approval of the Planned Unit Development Amendment PA19-0001 subject to findings and Condition of Approvals.

ATTACHMENTS

- A: Resolution 19-029
- B: Project Phasing Plans and Existing Conditions
- C: Letter Request for PUD Amendment

RESOLUTION NO. 19-029

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PLANNED UNIT DEVELOPMENT AMENDMENT PERMIT NO. PA19-0001 TO AMEND A CONDITION OF APPROVAL TO ALLOW A RE-ROOF OF ALL BUILDINGS, INCLUDING THE CARPORTS, TO BE ARCHITECTURALLY COMPATIBLE AND USE THE SAME ROOF MATERIALS AT 231 DIXON LANDING ROAD (APN 022-01-014)

WHEREAS, on July 29, 2019, David Litty of Enclave Enterprises, LLC, submitted an application for a Planned Unit Development amendment. The property is located within the Planned Unit Development Area, known as PUD 45, within the zoning district of Multi-Family Residential (R3); and

WHEREAS, Planned Unit Development Amendment Permit No. PA19-0001 is required to modify the language of the Conditions of Approval to allow a re-roof of all buildings, including the carports, to be architecturally compatible and use the same roof materials (the "Project"); and

WHEREAS, the Planning Division determined that the Project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA") and; as a separate and independent basis, the Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

WHEREAS, on September 25, 2019, the Planning Commission held a duly-noticed public hearing on the subject application and all proposed project approvals at which all those in attendance were given the opportunity to speak on Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision; and

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

SECTION 1. Recitals. 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 and findings set forth herein are found to be true and correct and incorporated herein by reference.

SECTION 2. Record. The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is within the Planning Department, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035.

SECTION 3. CEQA. The Project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of CEQA and; as a separate and independent basis, the Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

1. *The project is consistent with the Milpitas Zoning Code and Development Standards outlined for PUD 45.*

The Project conforms to the development standards required in the Multi-Family Residential (R3) and PUD #45 development standards listing in table 1 below.

Table 1:
Zoning Conformance R3

Standards	Standard	Proposed	Complies?
<u>Density</u> (min-max)	12-20 units per gross acre	25 units per gross acre	Yes, granted by PUD No. 45
Front Setback (min):	20'-0"	22'-5"	Yes
Side Yard Setback (min):	Two-2.5 story: One side 10', Total both sides 25'	15' 90'	Yes
	Three-3.5 story: One side 12', Total both sides 30'	15' 90'	Yes
Rear Setback (min):	Two/2.5 story: 35' Three/3.5 story: 40'	22' – 5"	Yes, granted by PUD 45
<u>Building Height</u> (max)	Principal building: 3.5 stories (35') Accessory building: 2.5 stories (25')	39' -11	Yes, granted by PUD 45
<u>Parking</u>	1.5 covered spaces for 1 bedroom units Two covered spaces for two or more bedrooms.	One covered stall per unit	Yes, reduced parking standard established per PUD No. 45
<u>Lot Coverage</u> (min)	a. 25% of total lot area (not including paved parking area)	44%	Yes
	b. 200sf of usable open space for each dwelling unit.	768 s.f.	Yes

The Planned Unit Development (PUD) Zoning District allows diversification and flexibility in the relationships of various buildings, structures, land uses, open spaces, and other features associated with large mixed-use development. PUD Zoning encourages flexibility of site planning and land use to create desirable environments that otherwise may not be achieved under conventional zoning requirements for large developments. The Project was reviewed for compliance and developed with applicable codes and ordinances in 1986.

2 The project is consistent with the Milpitas General Plan.

The Project is in conformance with the applicable policies and standards in the City's General Plan, as outlined in table 2 below:

Table 2:
General Plan Consistency

Policy	Conformance
2.a-G-1 Maintain a land-use program that balances Milpitas' regional and local role by providing for a highly amenable community environment and a thriving regional industrial center	Consistent. The existing development is an attractive residential project with amenities such as a pool, open space, and walking trails. The development provides housing to Milpitas residents to help ensure a thriving regional industrial center.
2.a-G-3 Provide for a variety of housing types and densities that meet the needs of individuals and families.	Consistent. The existing development provides higher-density residential apartments to meet the needs of individuals and families in Milpitas. The proposed re-roofing will help ensure the longevity of the project.
2.a-I-12 Use zoning for new residential developments to encourage a variety and mix in housing types and costs.	Consistent. The existing development offers high-density residential apartments to help ensure a variety of housing types and costs. The proposed re-roofing will help ensure the longevity of the project.

The General Plan designation for the site is Multi-Family Residential Very High Density (MFH). The intent of this designation is to stabilize and protect the residential characteristics of the area and promote, insofar as compatible with the intensity of land use, a suitable environment for family life. The existing multi-family residential development (Planned Unit Development No. 45), was approved by the City Council on December 9, 1986.

SECTION 4. Planned Unit Development Amendment Section XI-10-54.07(B)(6)(d).

The Planning Commission makes the following findings based on the evidence in the public record in support of Planned Unit Development Amendment Permit No. PA19-0001:

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

The current project is an amendment to the conditions of approval for the original Planned Unit Development (PUD). The proposed amendment would allow replacement of roofing materials throughout the project, including carports, to be architecturally and materially compatible. Amending the conditions of approval will not fundamentally change the design of the original PUD or the public benefit derived from the original approval. Re-roofing the entire project with new materials will upgrade the existing buildings, enhance the neighborhood, and improve safety.

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

The amendment is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

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

The amendment will allow a re-roofing project, consistent with current roof development standards, to complement and enhance the surrounding neighborhood. The proposed re-roofing project will result in no adverse impacts such as shadows, loss of views, or loss of privacy upon adjacent development.

SECTION 5. Planning Commission Action. Based upon the record as a whole and the findings set forth herein, the Planning Commission of the City of Milpitas hereby recommends the City Council approve Planned Unit Development Amendment Permit No. PA19-0001, subject to the Findings and 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 September 25, 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 September 25, 2019, and carried by the following roll call vote:

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

EXHIBIT 1

CONDITIONS OF APPROVAL FOR SPINNAKER POINT, LLC PLANNED UNIT DEVELOPMENT PERMIT AMENDMENT NO. PA19-0001 213 DIXON LANDING ROAD (APN 022-01-014)

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Planned Unit Development Amendment Permit NO. PA 19-0001, ("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. The Permittee shall develop the approved project in conformance with the approved plans (dated September 25, 2019), sample color and materials board approved by the Planning Commission, in accordance with these Conditions of Approval. **(P)**
3. 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, in accordance with the Zoning Ordinance. **(P)**
4. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
5. 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)**
6. 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)**
7. 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.

8. 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)**
9. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full. **(E)**
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. 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.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval of PLANNED UNIT DEVELOPMENT AMENDMENT PERMIT NO. PA19-0001; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform

any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to PLANNED UNIT DEVELOPMENT AMENDMENT PERMIT NO. PA19-0001 and the balance of the Permit shall be unaffected by said Government Code section. (CA)

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. (P)
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
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 building(s) requires review and approval by the Fire Department. (F)
17. Compliance with Building Department. The project shall comply with the requirements of the Building Department and the International Building Code. (B)

Special Conditions:

1. To allow a re-roof of all the buildings, including the carports, to be architecturally and materially compatible and use the same roof materials.
2. The Planning Director or designee will determine the review process for all additions or alterations to the buildings or site design in accordance with the provisions of Section XI-10-57.03 (Site Development Permits and Minor Site Development Permits) of the Milpitas Municipal Code.

Key:

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