



MILPITAS PLANNING COMMISSION STAFF REPORT

October 11, 2023

APPLICATION:

PULTE HOMES RESIDENTIAL TOWNHOMES AND APARTMENTS – 1355 CALIFORNIA CIR – P-GP22-0001, P-ZA22-0001, P-SD22-0003, P-UP22-0001, P-MT22-0001, P-DB23-0003, P-TR23-0021, P-EA22-0002: A General Plan Text Amendment, Zoning Map Amendment, Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow demolition of one industrial building, removal and replacement of 27 ordinance-sized trees, and the development of a multi-family residential project consisting of 13 residential buildings, up to 51-feet in height, and one residential apartment building, up to 78-feet in height, for a total of 206 residential units. The project will also include 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements on a 6.7-acre site at 1355 California Circle.

RECOMMENDATION:

Staff recommends that the Planning Commission open and close the public hearing; consider the Environmental Impact Report (EIR) prepared for the proposed project pursuant to Public Resources Code Sections 21080(d) and 2108.2(d) and CEQA Guidelines Section 15064, adopt Resolution No. 23-017, recommending that the City Council approve General Plan Text Amendment No. GP22-0001, Zoning Map Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting Tentative Map MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021, and Environmental Assessment No. EA22-0002, subject to the findings and Conditions of Approval, and adopt Resolution No. 23-018 certifying the Environmental Impact Report pursuant to Public Resources Code Section 21080(d) and 21082.2(d) and CEQA Guidelines Section 15064.

PROJECT LOCATION:

Addresses and Assessor's

Parcel Number (APN):

Area of City:

1355 California Circle (022-38-007)

Northwestern portion of the City of Milpitas, east of Interstate 880, south of Dixon Road, west of Milmont Drive, north of Cadillac Court

PEOPLE:

Project Applicant:

Jennifer Vo, Pulte Homes Company LLC, Pleasanton, CA

Consultant(s): Land Use Consultant: *Sullivan Land Development*, Campbell, CA
Architects: *AO Architects*, Orange, CA
WHA Architects, Newport Beach, CA
Civil Engineer: *Civil Engineering Assoc., Inc.*, San Jose, CA
Landscape Architect: *Vandertoolen Assoc.*, Napa, CA

Property Owner: *Mathew Property I LLC*, San Jose, CA

Project Planner: Lillian VanHua, AICP, Senior Planner

LAND USE:

General Plan Designation: Neighborhood Commercial Mixed Use (NCMU)
Existing Zoning District: Industrial Park (MP)
Proposed Zoning District: Mixed-Use (MXD)

ENVIRONMENTAL: An Environmental Impact Report (SCH #2022110251) was prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Sections 21080(d) and 21082.2(d) and CEQA Guidelines Section 15064.

EXECUTIVE SUMMARY

The City of Milpitas received an application from Pulte Homes (applicant) requesting a General Plan Text Amendment, Zoning Map Amendment, Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow the development of a multi-family residential project consisting of 13 residential buildings, up to 51 feet in height, and one residential apartment building, up to 78 feet in height, for a total of 206 residential units. The project will also include 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements on a 6.7-acre site at 1355 California Circle.

The Project consists of 35 townhome units, 96 stacked townhome units, and 75 apartment units. All 131 townhome units will have an attached two-car garage. 21 of the units will have side-by-side two-car garage configuration, with the rest of the units featuring tandem two-car garage configuration. 31 of the apartment units will be reserved for lower-income (31-60 percent Area Medium Income) households, and the remaining 44 apartment units will be reserved for moderate-income households (81-120 percent Area Median Income) to satisfy the City's Affordable Housing Ordinance.

Since the applicant is offering 15 percent of its housing units to lower-income residents, the Project qualifies for concessions, waivers, and parking reductions under the State Density Bonus Law.

The proposed Project requires approval of seven entitlements, as follows:

1. General Plan Text Amendment No. GP22-0001: To remove language associated with the California Circle Specific Plan within the General Plan 2040. This includes amending the Neighborhood Commercial Mixed-Use (NCMU) designation (pg. LU-6), the “California Circle Specific Plan Overlay” statement (pg. LU-8) and removing Action LU-2b (pg. LU-17).

2. Zoning Map Amendment No. ZA22-0001: To amend the Zoning Map to change the property zoning designation from Industrial Park (MP) to Mixed-Use District (MXD); and
3. Site Development Permit No. SD22-0003: To allow the development of a multi-family residential project consisting of 13 residential buildings, up to 51 feet in height, and one residential apartment building, up to 78 feet in height, for a total of 206 residential units on a 6.7-acre site; and
4. Conditional Use Permit No. UP22-0001: To allow residential units as condominiums and associated subdivision, and tandem parking configuration; and
5. Vesting Tentative Map No. MT22-0001: To establish 14 lots, 131 residential condominium spaces, and related common areas; and
6. Density Bonus Permit No. DB22-0003: To ensure compliance with State Density Bonus law and regulations and grant a modification of the distribution requirement so affordable units can be constructed in the apartment building only; and
7. Tree Removal Permit No. TR23-0021: To remove 27 ordinance-sized trees and replace them with 269 new trees.

Although not an entitlement, Environmental Assessment No. EA22-0002 was prepared to establish CEQA compliance. Additionally, the Project is also requesting an alternate method of compliance with the City's Affordable Housing Ordinance (AHO).

Staff has found the required entitlements comply with the policies, standards, and processes outlined in the State Density Bonus Law, the City of Milpitas 2040 General Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code (MMC), and recommends that the Planning Commission open and close the public hearing, consider the Environmental Impact Report pursuant to Public Resources Code Sections 21080(d) and 2108.2(d) and CEQA Guidelines Section 15064, adopt Resolution No. 23-017, recommending that the City Council approve the above applications, subject to the findings and Conditions of Approval, and Resolution No. 23-018, recommending that the City Council certify an Environmental Impact Report pursuant to Public Resources Code Section 21080(d) and 21082.2(d) and CEQA Guidelines Section 15064. The balance of this report provides specific details regarding the Project.

BACKGROUND

History

On March 9, 2021, the City of Milpitas adopted "General Plan 2040," a long-range planning document that *"identifies the community's vision for the future and provides a framework that guides decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residences and businesses."* General Plan 2040 is comprised of land use goals, policies and actions in an effort to provide information to make informed decisions on the City's future development. One of the actions within General Plan 2040 is LU-2B, which states *"seek to prepare and adopt a specific plan for the California Circle area."* The General Plan continues to provide several priorities and objectives to consider when the specific plan is created, which include the following:

- The Specific Plan Land Use Map should include a mix of commercial, office, and industrial park uses, with opportunities for additional residential development in a primarily mixed-use format.
- Establish incentives and provisions for residential density increases for projects with significant affordable housing components.
- Identify improvements to the circulation network, including improved ingress and egress, improved bicycle and pedestrian connectivity, and improved access to trails and linear parkways.
- The provision of new parks and community amenities, including additional open spaces and trails.
- Design standards for improved landscaping, lighting and streetscapes.
- Funding mechanisms to ensure implementation of roadway, infrastructure, and other public improvements shall be established.
- Potential risks to infrastructure and public safety due to flooding or other natural disasters.

On September 21, 2021, the City Council received a presentation from Jim Sullivan, on behalf of Pulte Homes (applicant), to develop a property within the future California Circle Specific Plan area. The proposed project included between 203 – 206 residential units, with 75 units designated for below market rate (BMR) individuals and households. Furthermore, the applicant proposed to proactively market the BMR units to teachers and employees of the Milpitas United School District. City staff had concerns with the proposed residential project because the subject site is located adjacent to the I-880 freeway and is a prime economic development opportunity for the City. The site is also within proximity to the Newby Island regional landfill, and nearby neighborhoods often experience odors from the landfill and a nearby regional wastewater treatment facility. In addition, the existing Industrial Park zoning of the proposed location is not compatible with residential projects. The City Council directed staff to allow the applicant to pursue the necessary entitlements to develop their project without the preparation of a specific plan to address land use and transportation issues in the larger area.

PROJECT DESCRIPTION

Overview

The Project consists of 131 townhome condominium units, 75 apartment units, and associated site improvements, including private alleyways, a 0.32-acre park, and outdoor amenity spaces. The townhomes range from 1,518 to 2,175-square feet in size. The apartment building is comprised of studios, one-bedroom, and two-bedroom units ranging from 411 to 840-square feet in size. The Project also provides 393 vehicle parking spaces (192 spaces within a garage, 46 uncovered guest parking spaces, 56 spaces within the podium parking structure, and 29 spaces adjacent to the podium). The applicant will also dedicate 31 of the apartment units for lower income (31-60 percent Area Medium Income) households and the remaining 44 apartment units for moderate-income households (81-120 percent Area Median Income) to satisfy the City's Affordable Housing Ordinance.

The Project is eligible for certain concessions, waivers, and parking incentives under State Density Bonus Law (Gov. Code § 65915 et seq.) because more than ten percent (10%) of the total units will be reserved for lower-income households, making the units affordable. The “Project Analysis”

section of this staff report includes a full discussion of the State Density Bonus provisions related to this Project.

Location and Context

The Project is located on a 6.7-acre site on the west side of California Circle between Cadillac Court and Dixon Landing Road. Figure 1 shows the location of the proposed Project:

Figure 1 – 1355 California Circle



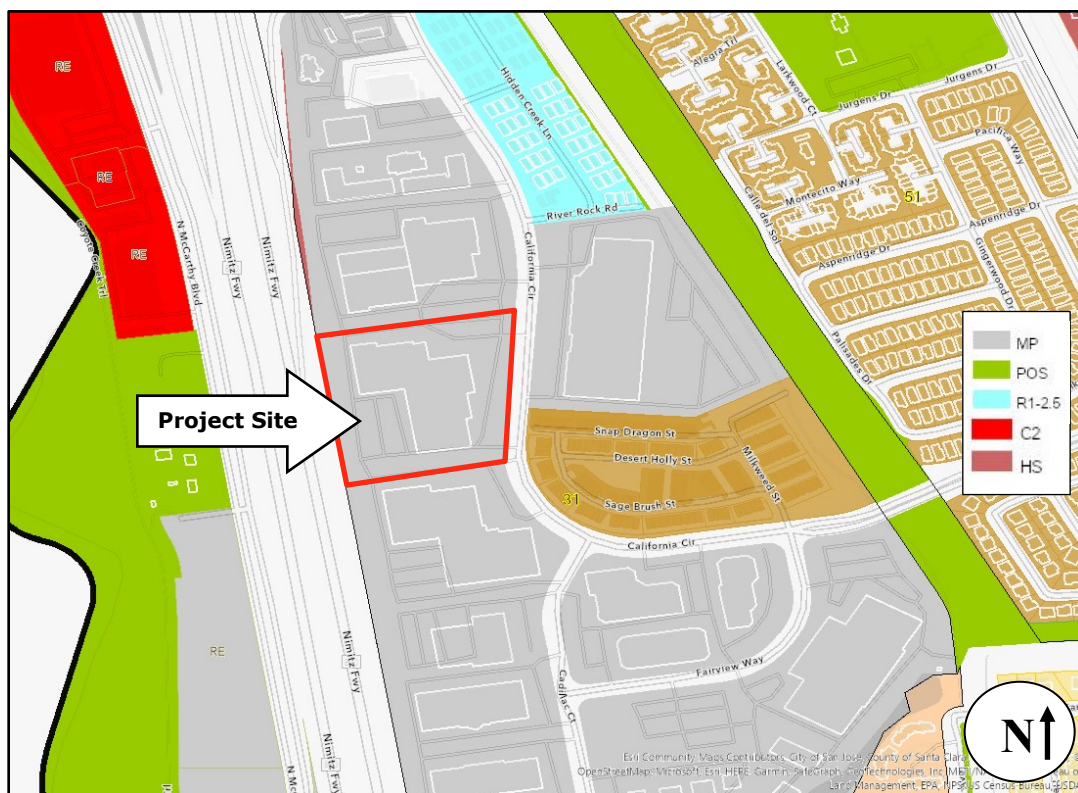
The property is zoned Industrial Park (MP) and within Planned Unit Development (PUD) 31. PUD 31 was established for the Cadillac-Fairview Business Park and Villages, a 131-acre mixed-use industrial and residential project. Table 1 and Figure 2 below summarize the land use designation and surrounding uses of nearby properties:

Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	Neighborhood Commercial Mixed Use (NCMU)	Industrial Park (MP) <i>With amendment: Mixed Use (MXD)</i>	Vacant (Existing Light Industrial Building)
North	Neighborhood Commercial Mixed Use (NCMU)	Industrial Park (MP)	Wholesale Furniture Showroom (KZ Kitchen Cabinet and Stone)

	General Plan	Zoning	Existing Uses
South	Neighborhood Commercial Mixed Use (NCMU)	Industrial Park (MP)	Vacant
East	Neighborhood Commercial Mixed Use (NCMU)	Industrial Park (MP)	Place of Assembly (BAPS Shri Swaminarayan Mandir)
West	N/A	N/A	Interstate 880

Figure 2 – 1355 California Circle (Zoning Map)



PROJECT ANALYSIS

This section will evaluate elements of the proposed Project for conformance with the Milpitas 2040 General Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code, and State Density Bonus Law.

General Plan Text Amendment

The applicant proposes to remove any language from the Milpitas General Plan that requires the preparation or adoption of a specific plan for the California Circle area (General Plan Policy LU-2B); and reclassify the zoning designation from Industrial Park (MP) to Mixed-Use (MXD).

Therefore, the following language will be deleted (as shown as red and ~~stricken through~~ below) from the General Plan.

NEIGHBORHOOD COMMERCIAL MIXED-USE (NCMU) (FAR UP TO 0.75, AND UP TO 1 UNIT PER 1,500 SQUARE FEET OF NONRESIDENTIAL DEVELOPMENT). The Neighborhood Commercial Mixed-Use (NCMU) designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential uses, hotel, and office development allowed on a limited basis. The NCMU designation encourages active neighborhood serving uses at the ground level, including grocery stores, specialty retail, restaurants, plazas, or walk-in personal services such as banks and salons at FARs up to 0.75.

This designation also provides opportunities for vertical or horizontal mixed-use residential development to provide for area vibrancy and to encourage the redevelopment of aging commercial centers by allowing Multifamily dwelling units at a rate of 1 unit per 1,500 square feet of new or rehabilitated neighborhood-serving retail and commercial services. The City Council may consider the approval of residential-only projects in the NCMU land use designation, ~~provided the project is 100% affordable to the “low” and “very low” income categories, in order to increase the stock of affordable housing in Milpitas.~~

Projects with a residential component are subject to additional policy direction (Policy LU 6-1) to ensure that NCMU areas continue to primarily serve surrounding neighborhoods with commercial services. (see Milpitas General Plan, pg. LU-6)

Furthermore, language stating CALIFORNIA CIRCLE SPECIFIC PLAN OVERLAY under SPECIFIC PLAN DESIGNATIONS (see Milpitas General Plan, pg. LU-8) will be removed, as shown below:

~~CALIFORNIA CIRCLE SPECIFIC PLAN OVERLAY. This future specific plan area is located along California Circle, east of the I-880 corridor, and west of the Penitencia Creek corridor, as shown on the Land Use Map (Figure LU-1). The policy guidance and framework for this area is included in Action LU-2b~~

Lastly, Action LU-2b (see Milpitas General Plan, pg. LU-17 and LU-18) will be modified, as shown below:

Develop and adopt new specific plans in areas where special development standards or guidelines, beyond those identified in the underlying land use designations and zoning standards, are needed or desired in order to carry out a specific vision or goal for the area. ~~Specifically, the City should:~~

- ~~Seek to prepare and adopt a specific plan for the California Circle area, as shown on the Land Use Map. Development of the California Circle Specific Plan should address the following priorities and objectives:~~
- ~~The Specific Plan Land Use Map should include a mix of commercial, office, and industrial park uses, with opportunities for additional residential development in a primarily mixed-use format.~~
- ~~Establish incentives and provisions for residential density increases for projects with significant affordable housing components.~~
- ~~Identify improvements to the circulation network, including improved ingress and egress, improved bicycle and pedestrian connectivity, and improved access to trails and linear parkways.~~
- ~~The provision of new parks and community amenities, including additional open spaces and trails.~~
- ~~Design standards for improved landscaping, lighting and streetscapes.~~
- ~~Funding mechanisms to ensure implementation of roadway, infrastructure, and other public improvements shall be established.~~
- ~~Potential risks to infrastructure and public safety due to flooding or other natural disasters.~~

By approving the General Plan Text Amendment and associated project, the City Council will be given the flexibility to consider a multi-family residential development project at the subject site that provides public benefit exceeding the inclusionary affordable housing requirements in the current Milpitas Municipal Code.

Zoning Map Amendment

The Project Site is zoned Industrial Park, which is intended to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities and uses which may have unusual requirements for space, light, and air. The Project site will be rezoned to Mixed Use (MXD) to allow a 100 percent multifamily residential development with a density of 21 to 30 units per acre. Furthermore, the MXD district is an implementing zoning district of the General Plan NCMU land use designation. As such, the proposed zoning map amendment will provide consistency with the General Plan designation.

General Plan Conformance

The Project (excluding the General Plan Text Amendment and Zoning Amendment) is consistent with General Plan policies, as demonstrated within Table 2.

Table 2: General Plan Consistency

Policy	Conformance
<i>Policy LU 1-4: Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.</i>	Consistent. The Project would develop a total of 206 new housing units within the 6.7-acre Project Site, which would result in a housing density of 30.8 dwelling units per-acre. Approximately 75 units would be rental units offered at a below-market rate. Additionally, the Project would qualify for a State Density Bonus, which would allow for an increase in density.
<i>Policy LU 4-4: Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.</i>	Consistent. The Project would maintain the existing sidewalks at the Project Site and would also provide bike racks on-site to accommodate pedestrians and bicyclists. The Project Site has also been designed to retain an existing pedestrian crosswalk on California Circle, which will provide pedestrian access to nearby walking trails and a future public park.
<i>Policy CD 2-7: Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearance around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular, bicycle, and pedestrian facilities and other standards set forth in local, state, and federal regulations.</i>	Consistent. The development includes internal private streets within the proposed townhome community for vehicular circulation and to provide access to each townhome. These private streets would be able to accommodate emergency service vehicles, such as fire trucks owned by the City. The proposed apartment parking structure would also provide adequate and safe circulation for vehicles. On-site parking spaces would be provided per residential unit in accordance with the City's parking requirements. Additionally, patterned walkways would also be provided within the townhome community to provide clear and easy access among the different components of the site. The proposed townhomes would install external lighting structures that would be mounted to each building to provide lighting and security to the proposed paseos, outdoor recreation area and outdoor parking spaces. The proposed apartment complex would also install mounted lighting structures. Furthermore, site plans for the Project would

Policy	Conformance
	be reviewed by the City and the Milpitas Fire Department (MFD) to ensure that fire protection measures and building safety measures would be implemented.
Policy LU 2-3: <i>Allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions (included within the Milpitas Affordable Housing Ordinance Title XII - HOUSING Chapter 1 - AFFORDABLE HOUSING ORDINANCE) including bonuses for senior housing, affordable housing, and for projects within designated overlay districts included in Milpitas Municipal Code Section 12 - Overlay Districts and Standards</i>	Consistent. The Project includes an apartment complex with over 15 percent of the proposed units being made available at a low-income rental rate. Furthermore, the Project would adhere to all applicable requirements with Title XII of the Milpitas Affordable Housing Ordinance. No proposed Overlay District is included as part of the Project.
Policy LU-1-7: <i>Recognize that the Land Use Map may be amended in accordance with State law in order to ensure that there is an adequate supply of commercial, business park, industrial, public facility, parks, residential, and other desired land uses to serve the City's needs.</i>	Consistent. The applicant proposes to amend the Land Use Zoning Map to replace industrial/employment uses with multi-family residential uses that include affordable housing above the inclusionary standards. The increase of market rate and affordable housing will serve the City's needs in creating housing stock to meet the Regional Housing Needs Allocation (RHNA) required by the State Department of Housing and Community Development.
Policy CD-10: <i>Design multi-family residential, mixed use, commercial, and employment-generating development in neighborhoods, districts, and centers to:</i> <i>a.) Include open space and/or recreational amenities to provide visual relief from development, form pedestrian and bicyclist linkages to adjacent uses and other portions of the neighborhood, district, or center, and serve as buffers between uses, where necessary;</i> <i>b.) Locate building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity;</i>	Consistent. The Project would provide open space and recreational amenities on-site with an outdoor recreational area that consists of an outdoor playground, two turf areas, picnic tables with a sail structure providing shade, a bench, and bike racks for bicyclists. The proposed outdoor recreational area would be visible for pedestrians, bicyclists, and motorists travelling along California Circle. The Project would also include several walkways and two walking paseos that provide pedestrian amenities (i.e., benches). Pedestrian and bicycle access to the Project Site would be provided along California Circle. Pedestrian access on-site would be provided to each townhome building and the proposed apartment complex. Additionally, pedestrian

Policy	Conformance
<i>c.) Create a human-scale ground-floor environment that includes public open areas that separate pedestrian space from auto traffic or where they intersect, give special regard to pedestrian safety; and</i> <i>d.) Provide comfortable pedestrian amenities, such as quality seating areas, lighting, and wide, shaded paths, along with specialized and engaging design features, such as interesting fountains or public art to draw and maintain people's attention</i>	and bicycle routes would be provided via walkways and sidewalks. Refer to response to Policy CD 2-7 regarding the proposed lighting fixtures for the Project. The Project will include a direct connection to an existing pedestrian crosswalk on California Circle, and the primary driveway will be located away from the crosswalk to enhance pedestrian safety. The existing pedestrian sidewalk connects through an existing residential neighborhood to the City's trail system along nearby waterways.

Zoning Conformance

The project site is currently zoned MP Industrial Park and within Planned Unit Development no. 31 (PUD 31). The proposed zoning map amendment will change the existing zoning from MP Industrial Park to MXD Mixed Use and remove the site from PUD 31. The zone change is necessary in order to facilitate the Project's proposed residential density under the Project site's current General Plan designation of Neighborhood Commercial Mixed Use (NCMU). The MXD zoning district allows a 100 percent residential project. This would bring the Project site into conformance with the General Plan, as the MXD zoning district is an implementing zoning district under the General Plan land use designation of NCMU. Moreover, PUD 31 was created to facilitate industrial development. Since the proposed Project consists of a residential development, PUD 31 conditions are no longer applicable.

As demonstrated in Table 4, the project is consistent with most of the applicable development standards for the MXD Mixed Use Zoning District. Where the project is not in compliance with objective standards, the State Density Bonus Law requires the City to grant appropriate concessions, waivers, and parking reductions for qualifying projects.

Table 4: Summary of MXD Development Standards

Development Standard (MXD)	Required	Proposed	Conformance
Density	21-30 du/ac	30.8 du/acre	Yes, with <i>Density Bonus</i>
Front Yard Setback	Minimum of 8 feet and a maximum of 15 feet from back of sidewalk. The sidewalk is based on either the existing sidewalk or assumed 10-foot-wide sidewalk, whichever is wider	Townhomes and stacked flats: 12.5 feet from back of sidewalk Apartment building: 18-foot-10-inches	Yes Yes, with <i>Density Bonus</i>
Side Yard Setback (Minimum)	10 feet	15 feet	Yes
Rear Yard Setback (Minimum)	10 feet	40 feet	Yes
Height	Principal building: 3 stories and 45 feet	12-plex: 4 stories and 51 feet 7-plex: 3 stories and 39-feet-6-inches Podium: 6 stories and 77-feet-4-inches	Yes, with <i>Density Bonus</i>
Landscaping	All required front and street setback areas shall be landscaped or paved to allow for outdoor seating, display or goods, or street furniture	All required front and street setback areas are landscaped or paved	Yes
Parking	Studio: 1 covered per unit 1 bedroom: 1.5 covered per unit 2-3 bedrooms: 2 covered per unit Guest: Projects with parking structures: 15 percent of the total required, may be uncovered	393	Yes, with <i>Density Bonus</i>

Development Standard (MXD)	Required	Proposed	Conformance
	Projects with private garages: 20 percent of the total required, may be uncovered Total: 445		
Bicycle Parking	5 percent of the total required Total: 22	22	Yes

State Density Bonus Law

To encourage affordable housing production, the State Density Bonus Law (Gov. Code § 65915 et seq.) allows developers to receive a density bonus and other incentives, such as concessions, waivers, and parking reductions, when affordable housing is incorporated within a project. The Density Bonus is a state mandate, and any Project that meets the requirements of the state law is entitled to receive the incentives associated with it.

The City Council, after recommendation by the Planning Commission, may authorize an increase in allowable dwelling unit density for those residential projects that assist in meeting the lower income or senior housing needs of the community. When the Planning Commission and Council make a finding that a developer has complied with the requirements of MMC Sections XI-10-54.15(D)(4), Standards, and XI-10-54.15(E), Density Bonus Conditions, the City Council may award a density increase, with the approval of the project. Moreover, MMC Section XI-10-54.15(D)(2) states that all affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.

Since the Project reserves 10 percent or more of the total housing units for lower income households, the density bonus shall be an increase of 20 percent over the maximum allowable residential density under the General Plan and Zoning Ordinance. The applicant may also request waivers and concessions under the State Density Bonus Law. The Project proposes to satisfy its affordability requirement by reserving all of the apartment units as affordable, with 31 apartment units at the lower-income rental level and 44 apartment units at the moderate-income, rather than disperse the affordable units across the Project site. If granted the modification, the overall total number of affordable units at the lower-income level satisfies both the 15 percent total units required under the City's Affordable Housing Ordinance and the State Density Bonus. Furthermore, the City must grant any waivers and concessions requested by the applicant for a qualifying project under the State Density Bonus Law.

Table 5 outlines the density bonus, waivers, and parking reductions requested for the proposed Project.

Table 5: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
<i>Density Bonus</i>	21-30 du/ac	30.8 du/ac	By allowing additional density, more affordable units will be provided to meet the City's Regional Housing Needs Allocation (RHNA) obligation.	The density bonus is allowed under State Density Bonus Law and must be granted by the City.
<i>Waiver(s)</i>	Front Setback: Minimum 8 feet, Maximum 15 feet	Apartment Building: 18-foot-10-inches	A greater front yard setback is needed to create a better streetscape along the project frontage and incorporate ADA accessible ramps leading to the leasing office.	This waiver is allowed under State Density Bonus Law and must be granted by the City.
<i>Waiver(s)</i>	Building Height: 3 stories and 45 feet	12-plex: 4 stories and 51 feet 7-plex: 3 stories and 39-feet-6-inches Podium: 6 stories and 77-feet-4-inches	The proposed building heights are necessary to achieve the proposed density and the open space areas. The podium apartment building would not be financially feasible to build with less units or at a lower height.	This waiver is allowed under State Density Bonus Law and must be granted by the City.
<i>Parking Reduction</i>	Studio: 1 covered per unit	Studio: 1 covered per unit	The Project is providing the maximum number	This waiver is allowed under State Density

Type of Modification	Standard	Applicant Request	Justification	Discretion
	1 bedroom: 1.5 covered per unit 2-3 bedrooms: 2 covered per unit (Pursuant to MMC Section XI-10-53.09)	1 bedroom: 1 per unit 2 bedrooms: 1.5 per unit (Maximum, pursuant to State Density Bonus law) Total: Podium - 85 spaces	of required parking spaces under State Density Bonus Law.	Bonus Law and must be granted by the City.
<i>Parking Waiver</i>	Guest Vehicle Parking requirement: Projects with parking structures: 15 percent of the total required, may be uncovered; Projects with private garages: 20 percent of the total required, may be uncovered. Townhomes: 52.4 guest spaces	To provide 46 guest vehicle parking spaces when 52.4 vehicle parking spaces are required per MMC.	By relocating the main entrance to the condo/townhome and creating a more optimal trash pickup area for the apartment building, the Project was unable to provide 6 additional guest spaces. The State Density Bonus Law provides a reduction in the minimum parking requirements for qualifying projects.	A waiver of minimum parking standards is allowed under State Density Bonus Law and must be granted by the City.
<i>Parking Waiver</i>	Compact stalls shall be used only in Projects within R3, R4, and R5 zones.	Compacts stalls dispersed throughout the proposed MXD zoned site.	The dispersal and design of compact stalls are necessary to provide adequate parking for the Project.	A waiver of parking standards is allowed under State Density Bonus Law and must be granted by the City

Off-Street Parking Standard Waivers

MMC Section XI-10-53.07(B) allows parking areas and garages containing ten (10) or more stalls serving multi-family residential uses within the R3 zones up to 40 percent of the required and non-

required stalls to be designated as compact stalls. Since the Project site will be rezoned to MXD Mixed Use, the Project is not permitted to have compact parking stalls. However, compact stalls are necessary in order to provide as much of the required number of guest spaces as possible and facilitate the physical construction of the proposed development.

Parking Incentives

Under the State Density Bonus Law, an applicant who qualifies for a density bonus may propose reduced parking standards. The project must also provide 15 percent of the total required parking as guest parking within the parking structure and an additional 20 percent of the total required vehicle parking as guest parking for the portion of the project with private garages. However, under State Density Bonus Law and upon a developer's request, the City must allow a reduction in vehicle parking, as shown in Table 6.

Table 6: Maximum Parking Requirements (under State Density Bonus Law)

Type of Unit (or Guest Parking)	Number of Vehicle Parking Spaces
Studio and One Bedroom	One space
Two-Bedroom and Three-Bedroom	1.5 spaces
Guest Parking	Zero spaces

The applicant has requested reduced parking standards and has proposed to provide the following, as demonstrated in Table 7.

Table 7: Parking Analysis (under State Density Bonus Law)

Land Use	Unit Count	Rate	Maximum Spaces Required	Spaces Provided	Notes
Podium					
Studio and 1 bedroom	56	1 / unit	56	56	
Two bedrooms	19	1.5 / unit	29	29	
Townhomes					
Three bedrooms	131	1.5 / unit	196.5	262	
Guest Parking	N/A		0	46	Included as part of the total number of parking spaces required under the State Density Bonus Law
Total			282	393	

As noted in the Project Description, each three-bedroom townhome unit will include a two-car garage; 21 will be side-by-side garages and the remaining will be tandem garages. There will be 56 parking spaces within the parking structure of the podium building and 29 uncovered spaces.

In addition, 46 additional surface parking spaces will be provided for guests along the internal private streets, making a total of 393 vehicle spaces and consistent with the reduced parking standard under the State Density Bonus Law.

Subdivision Ordinance

The Project's form, content, and dedications of the proposed tract map have been reviewed by the City of Milpitas Engineering Department and deemed consistent with the provisions of MMC Section XI-1-4 (Tentative Maps), as outlined in Resolution No. 23-017. Tentative Maps require approval of a Resolution by the Planning Commission recommending final approval by the City Council.

Architectural Design

The Project's design concept includes six three-story seven-plex residential buildings and eight four-story 12-plex residential buildings, and a six-story apartment building consistent with existing residential development along California Circle. The contemporary design includes the following design accents and materials:

Townhomes

- | | |
|---------------------|-------------------------------------|
| • Roof: | Composition Shingle |
| • Exterior: | Stucco Finish and Panel Siding |
| • Accents: | El Dorado Stone, and Metal Railings |
| • Window/Door Trim: | Vinyl frame |
| • Entry Door: | Contemporary Front Entry Door |
| • Garage Door: | Sectional Garage Door |

The renderings of the two townhome products are shown in Figures 3 and 4. The colors and materials board are shown on Figures 5 and 6.

Figure 3 – 7-plex Townhomes



Figure 4 – 12-plex Townhomes



Figure 5 – 7-plex Colors and Materials Board

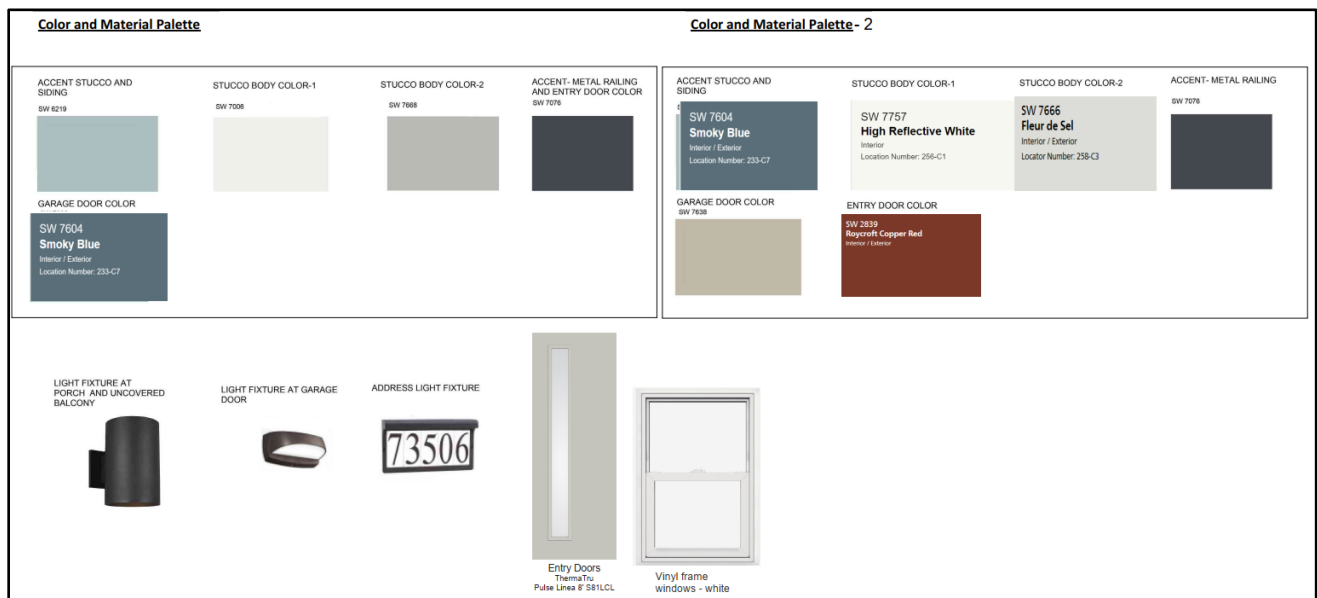
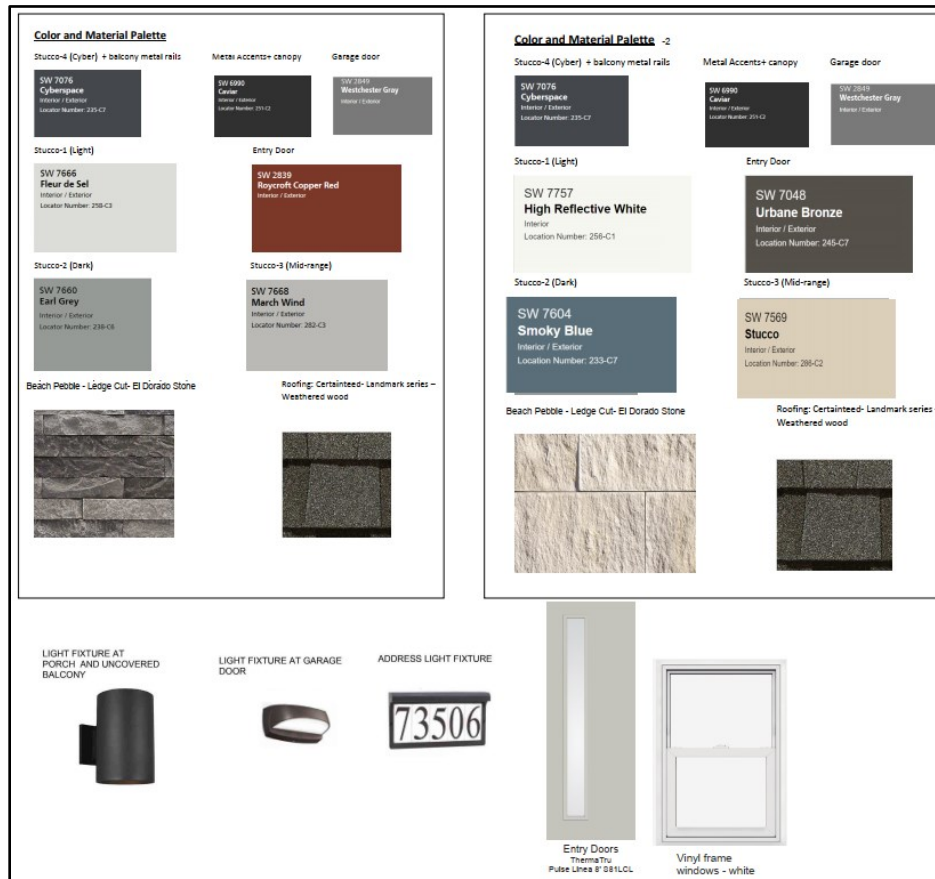


Figure 6 – 12-plex Colors and Materials Board



Apartment Building

The proposed six-story multi-family residential building maintains a strong relationship to the street in that its primary entrance is oriented toward the street. The east exterior walls and roof top include architectural relief in the form of fenestration along the front and massing differentiation along the roof segments. The building's design features exterior plaster walls, vinyl windows, accented with stone veneer and wood frame canopies along the ground floor, along with an aluminum storefront system. The color for the materials proposed are neutral grays and earth tones with white and darker colors used to break up the massing of the building. The building has a well-defined base consisting of storefront windows with aluminum horizontal and vertical dividers, a canopy and a change in color and material. There is also a change in roof heights that highlight various portions of the building.

The rendering of the apartment building is shown on Figure 7 and the colors and materials board is on Figure 8.

Figure 7 – Apartment Building Facing East towards California Circle



Figure 8 – Apartment Colors and Materials Board



Tree Removal and Landscaping Requirements

The Project includes removal of 49 existing trees, including 27 protected trees, from the project site. Pursuant to MMC Title X, Chapter 2 (Tree Maintenance and Protection), the project will plant two replacement trees for every one protected tree that is removed, or 54 new trees planted on the site. The Project will be planting 269 new trees on site, as demonstrated in Figure 9. Other new landscaping will include various shrubs, grasses, and perennials.

Figure 9 – Landscape Plan



Parkland and Open Space Requirements

The City's Subdivision Ordinance requires new subdivisions to dedicate five acres of parkland for every 1,000 persons or payment of park in-lieu fees, as allowed by MMC Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes*). Additionally, at least 60 percent of the parkland requirement must be provided as public park lands. The Parkland Fee is based upon the estimated number of persons expected to reside in the development (per U.S. Census definitions) and the estimated value of parkland in the City of Milpitas (currently \$2,787,840 per acre).

The City estimates 2.49 people will occupy each unit. The Project proposes 206 units, resulting in an estimated population of 513 persons. Based on this population estimate, the applicant must provide 1.8 acres of parkland, equivalent to approximately \$5,004,981.27.

To satisfy the parkland requirement, the Project includes 80,506 square feet of open space and private recreation on site. Each townhome has private balconies, totaling 11,166 square feet. The apartment building has two decks, totaling 4,720 square feet. There is also an internal 0.32-acre park with facilities for both passive and active recreation. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes. Since MMC Section XI-1-9.06

requires that 60 percent of the parkland requirement must be provided as public parklands, and no public parkland is proposed, the Project must pay the required 60 percent, as the Project will receive credit for the remaining 40 percent for its private open space. Table 8 demonstrates how the Project will meet its parkland requirement.

Table 8: Parkland Requirements Analysis

Pulte Townhomes and Apartments Proposed	206
Pulte Townhomes and Apartments Population Estimate (2.49 persons/unit per Census)	513 persons
Citywide Parkland Requirement	5 acres/1,000 people or equivalent fees-in-lieu
Total Parkland Acreage or In-Lieu Fee Required	1.8 acres / \$5,004,981.27
Private Recreation / Open Space provided	1.8 acres (only 0.72 acres can be counted for Park- In Lieu fee purposes)
Public Recreation / Public Park Land provided	0.0 acres
Balance of Parkland Acreage or In-Lieu Fee Due	\$3,002,988.76

Affordable Housing Ordinance

According to MMC Section XII-1-3.00 (Affordable Housing), the applicant must reserve fifteen percent (15 percent) of the total number of dwelling units within the development as affordable units. As part of the development application, the applicant may request and the City Council, at its discretion, may waive, wholly or partially, the requirements of this Chapter and approve alternate methods of compliance if the applicant demonstrates, and the City Council finds, that such alternate methods meet the purposes of the AHO and the Council can make the findings for such alternative methods as set forth in Section MMC XII-1-4.A.

The City's Affordable Housing Ordinance (AHO) requires the following of affordable units:

- The bedroom mix of the affordable units should be proportionate to the bedroom mix of the market rate units, provided that the City may allow a different unit mix to meet other City goals as determined by the City Council.
- The square footage of the affordable housing units must be reasonably consistent with the market rate units in the development although smaller unit sizes may be allowed by the Director or Building Safety and Housing if the developer provides adequate justification and reasons why the provision of small unit sizes would further the City's housing goals and the AHO.
- All affordable units shall be reasonably comparable in terms of floor plan and base finish amenities to market rate units in the proposed development.
- The quality of the exterior design, landscaping, and construction of the affordable units shall be consistent with the other units in the proposed development.
- Affordable units shall have the same access to common entrances from the exterior as market rate units.

- Affordable units shall have the same access to all project amenities and recreational facilities available to market rate units.
- All affordable units shall be reasonably dispersed throughout the project and for residential structures higher than eight stories, the affordable units shall be evenly distributed throughout the bottom 60 percent of the floors or higher.

The breakdown of unit types required to satisfy the ordinance is provided in the Table 9 below.

Table 9: AHO Requirements

Unit Type	Units Developed	AHO Requirement	Units Required
Townhome	131	15 percent	19.65
Apartment	75	15 percent	11.25

In order to comply with this section, the ordinance requires the applicant to provide 20 townhomes and 11 apartment units for affordable housing, for a total of 31 affordable housing units.

The applicant proposes to meet the City's affordable housing requirement by reserving 31 of the apartment units on-site for lower-income households, meeting the 15 percent requirement of the total number of dwelling units. The applicant will also reserve the remaining 44 apartment units for moderate-income households.

By granting this exception to the City's AHO, the Project would add 75 deed restricted units, or 44 additional units, to its affordable housing stock and help the City meet its RHNA obligation. It is important to note that the apartment units are designed for rental occupancy. As such, the moderate-income units would not qualify towards the 15 percent affordability requirement, as rental units that qualify for the 15 percent must be at or below low-income or 80 percent AMI. Additionally, the total number of bedrooms under the applicant's deviation would be 94, whereas the standard ordinance would only require 74 bedrooms. Moreover, the total square footage of living space under the standard ordinance is approximately 41,548 square feet, whereas the Project would be providing 45,661 square feet (or ten percent more).

Implementation

Prior to the City allowing occupancy for an affordable unit, resale restrictions or rental controls, or both, as the case may be, shall be set forth in an agreement between the City and the applicant, which agreement shall be recorded against the property containing the affordable units. The agreement shall be executed by the City Manager or designee, and its requirements shall run with the land and bind the applicant's successors. Covenants on the affordable units shall not be less than 55 years.

Pursuant to MMC Section XII-1-6.03, eligible potential occupants of affordable units will be qualified on the basis of household income, the median combined household income statistics for Santa Clara County published periodically by the California Department of Housing and Community Development (HCD), all sources of household income and assets, the relationship between household size and the size of available units, and any further criteria required by law. The applicant shall use an equitable selection method established in conformance with the terms of the AHO and subject to approval by the City. The selection criteria may not distinguish

between adults and children. Subject to the requirements of state and federal fair housing laws and regulations, the City shall endeavor to make housing available for Milpitas residents, former Milpitas residents who have been displaced, households with children enrolled in the Milpitas Unified School District that have inadequate housing as defined in the federal McKinney-Vento Homeless Assistance Act, and employees employed within the boundaries of the City of Milpitas, and may develop selection criteria to implement these goals. The applicant will pursue active marketing, conduct affordable housing workshops, extensive advertising and other measures to ensure that residents and employees are informed and educated about the availability of affordable units.

Traffic and Access

Vehicular access to the proposed townhomes will be provided via two driveways; the existing driveway on the southeastern end of the Project site, along California Circle, will be maintained and the existing northeastern driveway will be moved south towards the middle of the Project site. Internal private streets will be constructed on-site to provide access to each townhome garage and associated 46 surface guest parking spaces. The proposed private streets will also serve as vehicular circulation on-site. For pedestrian access and circulation, the Project will include internal sidewalks and curbs along each private street.

Vehicular access to the proposed apartment complex will be provided via one new driveway located on the northeastern corner of the Project site, along California Circle. A 150-foot long drive aisle will be provided at the ground level of the apartment complex for vehicular circulation through the apartment's proposed surface parking lot and access to the parking structure. The apartment parking structure will provide a separate, internal circulation for vehicles to enter, park, and/or exit. The parking structure will provide a total of 56 residential parking spaces, and the on-site surface parking lot would provide an additional 29 spaces, for a total of 85 spaces. Ten spaces will be utilized as electric vehicle (EV) charging stations. No additional guest parking will be provided onsite.

Grading

The proposed Project would result in the demolition of all existing structures, paving, and landscaping on the subject site. In addition, the applicant proposes to fill the site to raise the finish grade heights to meet flood zone requirements.

Utilities

The project site is located in an urban area and is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. All public utilities will be provided to the Project site.

Climate Action Plan

The City of Milpitas Climate Action Plan (CAP) was adopted in 2013 and included Greenhouse Gas (GHG) reduction goals, policies, and actions for new and existing development projects. The Project would follow these goals and policies by locating future residents near public transportation, jobs, restaurants, and services. The City recently adopted the Climate Action Plan Update on August 9, 2022. In addition, the Project would incorporate green building measures in

compliance with CAL Green standard building measures for residential buildings and Title 24 requirements to reduce energy usage.

Development Fees

The Project is subject to the following impact fees:

Parkland Impact Fee

As shown on Table 8, the Project will comply with the City's Parkland requirement by paying the Park-In-Lieu fee in the amount of \$3,002,988.76.

Public Art Fee

The Project will comply with the City's Public Art Requirements for Private Development, as set forth in MMC Section XI-10-14. This fee/obligation is currently set at one-half of one percent of building development costs. The proposed Project will either install Publicly Accessible Art on the development site or pay the fee based on the construction valuation at the building permit issuance. The Public Art to be installed will be reviewed and approved by the Art Commission.

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.

General Plan Text Amendment

To approve the General Plan Text Amendment, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.02:

1. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The proposed General Plan Text Amendment is remaining consistent with those portions of the General Plan not being amended because the existing general plan designation (which contemplates the future development) will remain intact, and therefore will not affect other elements of the general plan. The General Plan Text amendment is removing language about the creation of the California Circle Specific Plan. By removing this language, the City Council will have the flexibility to consider development projects within the California Circle area that provide public benefit above and beyond what the zoning ordinance requires, without compromising the integrity of the remaining elements of the general plan.

2. *The proposed amendment will not adversely affect the public health, safety, and welfare.*

The proposed General Plan Text Amendment will not adversely affect the public health, safety and welfare because the proposed language has no direct effect on public health, welfare and safety. The amendment is to enable the City Council to modify their current decision making framework for land use decisions for projects that support citywide community goals, such as increasing affordable housing stock and partnering with community groups such as Milpitas Unified School District, in order to enhance the Milpitas community character.

Zoning Map Amendment

To approve the Zoning Map Amendment, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.02 (G)(3):

1. *The proposed amendment is consistent with the General Plan.*

The proposed map amendment is consistent with the General Plan because the proposed zoning (MXD) is an implementing zoning district of the existing Neighborhood Commercial Mixed Use (NCMU) general plan designation.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed map amendment will not adversely affect the public health, safety and welfare because the zoning map amendment will implement a land use designation that is consistent with the permitted general plan land use designation. An environmental consultant has reviewed the project and that traffic, environmental impacts, access to essential services, and community well-being will not be impacted in a manner that would significantly affect public health, safety and welfare. If the project is developed, it has been conditioned to comply with federal, state, and local laws and regulations related to public health, safety, and welfare. This includes zoning ordinances, building codes, environmental regulations, and safety standards.

Vesting Tentative Map

To approve the Major Vesting Tentative Subdivision Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

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

The Project is requesting a General Plan Text Amendment to remove language associated with the California Circle Specific Plan within the General Plan 2040. With the approval of a General Plan Text Amendment, the proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

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

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

As outlined above, the Project includes the development of 131 residential condominium units and 75 apartment units at a density of 30.8 dwelling units/acre. The General Plan land use designation applicable to the site (Neighborhood Commercial Mixed Use (NCMU), and with the zoning map amendment to Mixed Use (MXD)) permits residential development at densities of 21 to 30 dwelling units/acre. Given that the Project also qualifies for a Density Bonus, the map is therefore consistent with the General Plan.

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

The Project proposes 30.8 dwelling units per acre, consistent with the 21-30 dwelling units per acre allowed by the General Plan, the proposed rezoning, and the State Density Bonus Law.

C. The site is not physically suitable for the type of development.

The site is adjacent to other residential properties that have been recently rezoned to high density multi-family (R3) and single-family residential (R1-2.5). In addition, this site is suitable for the higher density development based on the location, physical attributes, and proposed infrastructure improvements.

D. That the site is not physically suitable for the proposed density of development.

The project site is within the Neighborhood Commercial Mixed Use NCMU General Plan designation, and is being rezoned to Mixed Use MXD, which permits residential development at 21 to 30 dwelling units per acre. The design will physically suit the site by providing required utilities, sufficient open space, and adequate residential living facilities.

E. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project, including the subdivision and its associated improvements, is located in an urbanized area and was previously developed as an industrial building. Therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. The design of the subdivision or type of improvements is likely to cause serious public health problems.

The Project, including the subdivision and its associated improvements, has been designed in a manner that will not cause serious public health problems. The Project has been reviewed by Building, Fire, Land Development, Traffic, Water, and Solid Waste Departments. As a result, it has been determined that it can be adequately serviced to preserve public health and wellness.

G. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Site Development Permit

To approve the Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F):

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

The Project consists of 131 townhome condominium units and 75 apartment units and associated site amenities on a 6.7-acre site. Overall, the Project's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along California Circle. Colors are earth tone shades of browns, blues, and reds. In addition, future residents of the townhomes will access garages via private alleyways, similar to nearby residential developments. The proposed buildings' heights ranges from 39.5 feet to 77-feet-4-inches. The proposed six-story multi-family residential building maintains a strong relationship to the street in that its primary entrance is oriented toward the street. The east exterior walls and roof top include architectural relief in the form of fenestration along the front and massing differentiation along the roof segments. The building's design features exterior plaster walls, vinyl windows, accented with stone veneer and wood frame canopies along the ground floor, along with an aluminum storefront system. The Project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the surrounding development.

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

The proposed Project is generally consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4 and will be fully consistent if granted approval of the Zoning Map Amendment to adjust the property from MP to MXD. The proposed multi-family residential buildings are permitted in the MXD zoning district. The project design conforms to the site and development standards of the MXD zone.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the MXD standards are needed, the applicant has requested waivers and parking exceptions pursuant to the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

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

The proposed Project is consistent with the Milpitas General Plan, with the proposed General Plan Text Amendment, as demonstrated and outlined in Table 2.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F):

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

The Project will not be detrimental or injurious to property or improvements in the vicinity or public health, safety, or general welfare. The Project is consistent with other multi-family residential projects within the California Circle vicinity and conditioned to preserve the health and wellness of future residents. By allowing tandem parking in private garages throughout the development, the Project will be able to offer more parking spaces for its residents. In addition, the condominium project creates housing opportunities and increases the diversity of housing types in the California Circle area by offering both apartments and for-sale townhomes.

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

The proposed Project is generally consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4 and will be fully consistent if granted approval of the Zoning Map Amendment to adjust the property from MP to MXD. The proposed multi-family residential buildings are permitted in the MXD zoning district. The project design conforms to the site and development standards of the MXD zone. Therefore, a conditional use permit is required to allow the subdivision of the proposed townhome units.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the MXD standards are needed, the applicant has requested waivers and parking exceptions pursuant to the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

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

The proposed Project is consistent with the Milpitas General Plan, as amended by the General Plan Text Amendment, as demonstrated and outlined in Table 2.

Density Bonus Permit

To qualify for a Density Bonus Permit, the following standards must be met pursuant to Milpitas Municipal Code Section XI-10-54.15(D):

1. *The maximum allowable base density specified in the General Plan, including any other permitted increases to density.*

The proposed Project includes 131 townhome condominiums and 75 apartment units, equaling to 30.8 dwelling units per acre. Since the Project site will be rezoned to Mixed Use (MXD) to allow a 100 percent multifamily residential development, and the MXD district is an implementing zoning district of the General Plan NCMU land use designation, the Project is in conformance with the allowable base density specified in the General Plan.

2. *All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Redevelopment Agency modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

The applicant has proposed seven studios, 16 one-bedroom, and eight two-bedroom units as affordable units reserved for lower-income households. The remaining 44 apartment units would be reserved for moderate-income households.

By granting this modification to the City's AHO, the Project would add 44 additional deed restricted units to its affordable housing stock and help the City meet its RHNA obligation. Additionally, the total number of bedrooms under the applicant's deviation would be 94, whereas the standard ordinance would only require 74 bedrooms. Moreover, the total square footage of living space under the standard ordinance is approximately 41,548 square feet, whereas the Project would be providing 45,661 square feet (or ten percent more).

While the affordable units are not reasonably dispersed throughout the project, pursuant to Milpitas Municipal Code section XI-10-54.15(D)(2), modification of this requirement only for this project only is justified to allow the placement of the affordable units in the proposed apartment units only because under the unique circumstances of this case for this project only, this modification would better serve the affordable housing needs of Milpitas. The project shall otherwise comply with the standards for density bonuses specific in the Milpitas Municipal Code, including the requirement in Milpitas Municipal Code section IX-10-54.15(D)(2) that the affordable units contain, on average, the same number of bedrooms as the non-affordable units and be comparable with the non-affordable units in terms of appearance, materials, and finished quality.

3. *Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

The Project has been conditioned to provide an agreement to the City of Milpitas explaining the affordability requirements, processes and procedures, to the satisfaction of the Milpitas City Attorney prior to the release of any Certificate of Occupancy.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.*

Prior to final building inspection and occupancy for the Project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements, including continued affordability for low and/or moderate-

income households. The agreement shall be approved by the Milpitas City Attorney prior to recordation.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

The Project's 31 apartment rental units will be targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code, which states that lower-income households shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income.

6. *Relation to Statute. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code section 65915, et seq.*

The developer has identified and requested bonus incentives held within the State Density Bonus Law, and the Planning Department supports this request.

Affordable Housing Ordinance Exception

The City may allow an exception to the requirement to construct on-site affordable units for a residential ownership project when the applicant contributes to the City's affordable housing needs through one of the alternatives set forth in MMC Sections XII-1-4.00-XII-1-4.02, provided that prior to City Council approval to the requested exception, the City Council must make the following findings:

1. *The development as proposed with the exception as provided pursuant to this Section would further the City's low and/or moderate income housing goals as contained in the Housing Element; and*

In order to comply with this section, the ordinance requires the Project to provide 20 townhomes, as moderate-income, and 11 apartment units, as low-income, for affordable housing, for a total of 31 affordable housing units. The applicant proposes to deviate from the ordinance and meet the City's affordable housing requirement by reserving 31 of the apartment units on-site for lower-income households, meeting the 15 percent requirement of the total number of dwelling units. The Project will also reserve the remaining 44 apartment units for moderate-income households,. By granting an exception to the design and distribution requirements of the City's AHO, the Project would add 75 deed restricted units, or 44 additional units, to its affordable housing stock and help the City meet its RHNA obligation.

2. *The development with the exception either (i) will result in at least two of the following:*
 - a. *The development of a larger number of deed-restricted affordable units than would be created under the on-site requirement;*
 - b. *The development of a larger number of deed-restricted affordable bedrooms than would be created under the on-site requirement;*

- c. The development of a larger amount of deed restricted affordable living area than would be created under the on-site requirement;*
- d. The development of deed-restricted affordable units at a lower average income target as compared to the affordable units that would be created under the on-site requirement;*
or (ii) will provide other community benefits that exceed the benefit of constructing on-site affordable units.

The Project, with the exception to the design and distribution requirements of the City's AHO, will result in a larger number of deed-restricted affordable units than would be created under the standard ordinance. Additionally, the total number of bedrooms under the applicant's deviation would be 94, whereas the standard ordinance would only require 74 bedrooms. Moreover, the total square footage of living space under the standard ordinance is approximately 41,548 square feet, whereas the Project would be providing 45,661 square feet (or ten percent more). Lastly, the developer has committed to working with Milpitas Unified School District to provide housing opportunities for their employees.

ENVIRONMENTAL REVIEW

An environmental assessment (EA22-0002) was conducted according to the California Environmental Quality Act of 1970 (CEQA), as amended, and state guidelines implementing CEQA. A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines Section 15378.) Given that the demolition and construction of a multifamily residential development at the Project site would require a General Plan Text Amendment, Zoning Map Amendment, Site Development Permit, Vesting Tentative Map, Conditional Use Permit, and these are all discretionary entitlements, and that the Project would result in the alteration of existing buildings and landscaping, it is a "project" under CEQA.

Notice of Preparation

Upon review of the application for the proposed Project, the City determined that the project has the potential to result in potentially significant environmental impacts and, therefore, an EIR should be prepared. In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (NOP) for the Draft EIR (DEIR) to determine which environmental topics should be analyzed under an Environmental Impact Report. The NOP was circulated on November 14, 2022 to local, state, and federal agencies, and nearby property owners within 1,000 feet of the Project for a 30-day review period that ended on December 14, 2022. A scoping session was held on November 30, 2022 to solicit comment on potential topics to be analyzed under the DEIR.

Draft Environmental Impact Report

The City prepared the DEIR and circulated this document for the required 45-day public review on July 7, 2023. The public review period ended on August 21, 2023. A public comment meeting on the DEIR was held on August 3, 2023.

Other than the impacts discussed below, all the environmental impacts can be reduced to less than significant levels through implementation of standard conditions of approval or recommended mitigation measures or no impact and requiring no mitigation.

The DEIR identifies the following significant and unavoidable environmental impacts related to aesthetics:

- **Impact AES-1:** The Project would develop multiple structures at a maximum building height that is greater than the existing building structures on-site. Accordingly, this increase in height would result in significant view blockages of public scenic resources (i.e., the eastern open hillsides) from public viewpoints, specifically for bicyclists travelling northbound along Coyote Creek Trail, and motorists travelling southbound along McCarthy Boulevard. As such, the Project would result in substantial adverse effects to scenic vistas, and the impact would be significant and unavoidable.

Project Alternatives

Section 15123 of the CEQA Guidelines requires an EIR to identify each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect. The CEQA Guidelines further require EIRs to include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of the Project while still meeting the general project objectives.

The two alternatives considered were the “No Project” alternative and “Specific Plan Project” alternative. The “No Project” alternative assumes the continuation of existing physical conditions on the site, as well as development of the related projects. While the “No Project” alternative would have less-than-significant environmental impacts in most topic areas, the alternative would not meet any of the key project objectives and is environmentally and socially undesirable.

The “Specific Plan Project” alternative would include the adoption and implementation of a California Circle Specific Plan bound by the I-880/California Circle on-and-off ramp, Dixon Landing Road, Lower Penitencia Creek, Fairview Avenue, and Cadillac Court (Plan Area), which includes the Project Site. The Specific Plan would serve both planning and regulatory functions, including land use regulations, circulation patterns, building and streetscape design standards, and development standards. This alternative assumes that the Project could be implemented as a development project under the Specific Plan.

This “Specific Plan Project” would achieve all three of the Project objectives. Furthermore, most of the objectives would be met to a greater degree than the Project because the Specific Plan Area would be able to accommodate a greater amount of mixed-use development, thus providing greater opportunities for housing development and increased development intensity. The Specific Plan Alternative would eliminate the significant impact of the Project (aesthetics-visual impacts to scenic resources). Additionally, the Specific Plan Alternative would achieve all Project objectives to a greater degree. However, this Alternative could increase the amount of residential development compared to the Project. Thus, the Specific Plan Alternative would potentially increase the City's population and the demand for public services, recreational spaces, and utility services (i.e., water, wastewater, and solid waste). Future development and redevelopment projects resulting from the Specific Plan Alternative would introduce additional commercial, industrial, and mixed-use development that would increase the development of the Project Site and uses surrounding the Project Site. Implementation of the Specific Plan Alternative could potentially result in similar environmental impacts to the Project but to a greater degree. Therefore, the alternative would result in greater impacts than the Project and would ultimately be the inferior alternative.

Final EIR

The contents of the Final EIR include the Draft EIR, comments received during the public comment period on the Draft EIR, and responses to comments. The Final EIR includes Findings of Fact along with a Statement of Overriding Considerations and the Mitigation Monitoring Program (MMP) for the Project. In accordance with CEQA, if specific economic, legal, social, technical, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” and the decision-making agency may adopt a Statement of Overriding Considerations to address these impacts. Should the City Council consider approval of the Project, the Council must also take action to certify the Final EIR and adopt the Findings of Fact, Statement of Overriding Considerations, and MMP. Should the City Council deny the Project, staff would recommend that no action be taken on the Final EIR as a CEQA determination does not need to be made for a project that has been denied.

Given that significant and unavoidable impacts would remain with respect to aesthetics, a Statement of Overriding Considerations has been prepared. The CEQA findings and Statement of Overriding Considerations are included in Attachment B, which recommends that the City Council certify the EIR, approve a Mitigation Monitoring Program, and make findings that while there are significant unavoidable impacts, there are other economic, legal, social, technological, environmental, and other considerations that outweigh these impacts and warrant approving the Project.

PUBLIC COMMENT/OUTREACH

The applicant held a joint virtual community meeting in conjunction with the Draft EIR Public Meeting on August 3, 2023. The meeting was designed to discuss the CEQA process and answer any questions regarding the Draft EIR, as well as informally present the project, answer any questions regarding impacts, and provide answers to any concerns. The meeting was noticed to individuals within 1,000 feet of the project site and was attended by several members of the community and local developers. The meeting was also attended by City staff.

Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of publishing this report, no public comments have been received. A notice was published in the Milpitas Post on September 29, 2023. In addition, notices were sent to all owners and occupants within 1000 feet of the project site. A public notice was also posted at the project site, on the City's Website, www.milpitas.gov, and at City Hall.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing;
3. Adopted Resolution No. 23-018 recommending that the City Council certify an Environmental Impact Report pursuant to Public Resources Code Sections 21080(d) and 21082.2(d) and CEQA Guidelines Section 15064; and
4. Adopt Resolution No. 23-017, recommending that the City Council approve General Plan Text Amendment No. GP22-0001, Zoning Map Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting

Tentative Map MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021, and Environmental Assessment No. EA22-0002, subject to the findings and Conditions of Approval.

ATTACHMENTS

- A: Resolution No. 23-017 with Conditions of Approval, draft General Plan Text Amendment, and draft Ordinance
- B: Resolution No. 28-018 with CEQA Findings and Final Environmental Impact Report (FEIR)
- C: Project Narratives
- D: Project Plans
- E: Vesting Tentative Map

RESOLUTION NO. 23-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN TEXT AMENDMENT NO. GP22-0001, ZONING MAP AMENDMENT NO. ZA22-0001, SITE DEVELOPMENT PERMIT NO. SD22-0003, CONDITIONAL USE PERMIT NO. UP22-0001, VESTING TENTATIVE MAP NO. MT22-0001 DENSITY BONUS PERMIT NO. DB23-0003, TREE REMOVAL PERMIT NO. TR23-0021, AND ENVIRONMENTAL ASSESSMENT NO. EA22-0002 TO ALLOW DEMOLITION OF ONE INDUSTRIAL BUILDING, REMOVAL AND REPLACEMENT OF 27 ORDINANCE-SIZE TREES, AND DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL PROJECT CONSISTING OF 13 RESIDENTIAL BUILDINGS, UP TO 51-FEET IN HEIGHT, AND ONE RESIDENTIAL APARTMENT BUILDING, UP TO 78-FEET IN HEIGHT, FOR A TOTAL OF 206 RESIDENTIAL UNITS, WITH 393 VEHICLE PARKING SPACES, A 0.32-ACRE INTERNAL PARK, AND ASSOCIATED SITE IMPROVEMENTS ON A 6.7-ACRE SITE AT 1355 CALIFORNIA CIRCLE

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, Section 3.03 of Chapter 10 Zoning of Title XI of the Milpitas Municipal Code, divides the City into zoning districts; and

WHEREAS, on April 12, 2022, Pulte Homes Company LLC submitted an application to the City of Milpitas for the entitlements necessary to allow development of a multi-family residential project consisting of 13 residential buildings, up to 51-feet in height, and one residential apartment building, up to 78-feet in height, for a total of 206 residential units, with 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements located at 1355 California Circle (“the Project”). The Project requires approvals of the following entitlements:

- a. General Plan Text Amendment (GP22-0001): To remove language associated with the California Circle Specific Plan within the General Plan 2040 by amending the Neighborhood Commercial Mixed-Use (NCMU) designation (pg. LU-6), removing the “California Circle Specific Plan Overlay” statement (pg. LU-8) and amending Action LU-2b (pgs. LU-17 and LU-18).
- b. Zoning Map Amendment (ZA22-0001): To amend the zoning map to change the property zoning designation from Industrial Park (MP) to Mixed-Use District (MXD).
- c. Site Development Permit (SD22-0003) to allow the development of a multi-family residential project consisting of 13 residential buildings, up to 51 feet in height, and one residential apartment building, up to 78 feet in height, for a total of 206 residential units on a 6.7-acre site.
- d. Conditional Use Permit (UP22-0001) to allow for condominium use, associated subdivision, and tandem parking.
- e. Vesting Tentative Map (MT22-0001) to establish 14 lots, 131 residential condominium spaces, and related common areas.

- f. Density Bonus Permit (DB23-0003) to ensure compliance with State Density Bonus law and regulations and grant a modification of the distribution requirement so affordable units can be constructed in the apartment building only.
- g. Tree Removal Permit (TR23-0021) to remove 27 ordinance-sized trees and replace them with 269 new trees.
- h. Environmental Assessment (EA22-0002: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

WHEREAS, in order to evaluate the Project under the California Environmental Quality Act (“CEQA,” codified at Public Resources Code § 21000, et seq., as further governed by the CEQA Guidelines, found at 14 C.C.R. § 15000, et seq.), an environmental impact report was prepared (the Draft EIR, as revised by the Final EIR’s errata section, together with the other sections of the Final EIR, are collectively referred to herein as the “EIR,” State Clearinghouse No. 2022110251); and

WHEREAS, the Planning Department recommends the Planning Commission determine this Project is found to be consistent with the goals, policies, and regulations of the California Density Bonus Law (Government Code Section 65915 et seq.), Milpitas General Plan 2040, and Milpitas Zoning Ordinance, specifically Milpitas Municipal Code Section XI-10-54.15 (Density Bonus for Affordable Housing Developments), which allows a modification of the distribution requirement of affordable units for a project that better serves the affordable housing need in the City and permits waivers and concessions to development standards, as analyzed and documented in the staff report; and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the application for a General Plan Text Amendment pursuant to Milpitas Municipal Code Section XI-10-57.02, Zoning Map Amendment pursuant to Milpitas Municipal Code Section XI-10-57.02, Tentative Map pursuant to Milpitas Municipal Code Section XI-1-4.03 and a density bonus pursuant to Milpitas Municipal Code Section XI-10-54.15, the City Council is the highest review authority for the Project and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, the Planning Commission received in evidence a plan for the subject property entitled “1355 California Circle Planned Development”, dated August 2, 2023 and “Vesting Tentative Map 1355 California Circle”, dated October 5, 2023, and said plans are on file in the Planning Department and are available for inspection by anyone interested herein, and said plans are incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, the Planning Commission received the draft General Plan text amendment to remove language associated with the California Circle Specific Plan within the General Plan 2040, specifically pages LU-6, LU-8, and LU-17 – 18 attached hereto and incorporated herein as **Exhibit “2” to Exhibit “A”**; and

WHEREAS, the Planning Commission has reviewed the draft “Resolution of the City Council of the City of Milpitas Approving General Plan Text Amendment No. GP22-0001, Zoning Map Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting Tentative Map No. MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021 and Environmental Assessment No. EA22-0002 for 1355 California Circle,” attached hereto and incorporated herein as **Exhibit “A”**; and

WHEREAS, the Planning Commission has reviewed the draft ordinance amending the Zoning Code contained in Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code to allow a zoning designation change of certain parcel within the zoning map, attached hereto and incorporated herein as **Exhibit “3” to Exhibit “A”**; and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in **Exhibit “A”** attached hereto; and

WHEREAS, on October 11, 2023, the Planning Commission held a noticed public hearing on the Project, at which time the Commission considered a written staff report, the Final EIR, and all other oral and written comments presented to them; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the Planning Commission bases the recommendation and 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, the findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon the oral and written evidence before it as a whole.

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

1. The recitals set forth above are adopted as further findings of the Planning Commission.
2. The Planning Commission through separate resolution has recommended that the City Council certify the EIR, approve a Mitigation Monitoring Program, and finds that while there are significant unavoidable impacts, there are other economic, legal, social, technological, environmental, and other considerations that outweigh these impacts and warrant approving the Project. Subject to the City Council’s ultimate adoption and approvals, the Planning Commission finds that its action is consistent with CEQA and State CEQA Guidelines.
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 that 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 October 11, 2023:

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 October 11, 2023 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana				
Dipak Awasthi				
Bill Chuan				
Larry Ciardella				
Alexander Galang				
Sonia Medina-Ashby				

EXHIBIT ‘A’

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN TEXT AMENDMENT NO. GP22-0001, ZONING MAP AMENDMENT NO. ZA22-0001, SITE DEVELOPMENT PERMIT NO. SD22-0003, CONDITIONAL USE PERMIT NO. UP22-0001, VESTING TENTATIVE MAP NO. MT22-0001 DENSITY BONUS PERMIT NO. DB23-0003, TREE REMOVAL PERMIT NO. TR23-0021, AND ENVIRONMENTAL ASSESSMENT NO. EA22-0002 TO ALLOW DEMOLITION OF ONE INDUSTRIAL BUILDING, REMOVAL AND REPLACEMENT OF 27 ORDINANCE-SIZE TREES, AND DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL PROJECT CONSISTING OF 13 RESIDENTIAL BUILDINGS, UP TO 51-FEET IN HEIGHT, AND ONE RESIDENTIAL APARTMENT BUILDING, UP TO 78-FEET IN HEIGHT, FOR A TOTAL OF 206 RESIDENTIAL UNITS, WITH 393 VEHICLE PARKING SPACES, A 0.32-ACRE INTERNAL PARK, AND ASSOCIATED SITE IMPROVEMENTS ON A 6.7-ACRE SITE AT 1355 CALIFORNIA CIRCLE

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, Section 3.03 of Chapter 10 Zoning of Title XI of the Milpitas Municipal Code, divides the City into zoning districts; and

WHEREAS, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Zoning Map; and

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 April 12, 2022, Pulte Homes Company LLC submitted an application to the City of Milpitas for the entitlements necessary to allow development of a multi-family residential project consisting of 13 residential buildings, up to 51-feet in height, and one residential apartment building, up to 78-feet in height, for a total of 206 residential units, with 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements located at 1355 California Circle (“the Project”). The Project requires approvals of the following entitlements:

- a. General Plan Text Amendment (GP22-0001): To remove language associated with the California Circle Specific Plan within the General Plan 2040 by amending the Neighborhood Commercial Mixed-Use (NCMU) designation (pg. LU-6), removing the “California Circle Specific Plan Overlay” statement (pg. LU-8) and amending Action LU-2b (pgs. LU-17 and LU-18).
- b. Zoning Map Amendment (ZA22-0001): To amend the zoning map to change the property zoning designation from Industrial Park (MP) to Mixed-Use District (MXD).

- c. Site Development Permit (SD22-0003) to allow the development of a multi-family residential project consisting of 13 residential buildings, up to 51 feet in height, and one residential apartment building, up to 78 feet in height, for a total of 206 residential units on a 6.7-acre site.
- d. Conditional Use Permit (UP22-0001) to allow for condominium use, associated subdivision, and tandem parking.
- e. Vesting Tentative Map (MT22-0001) to establish 131 residential condominium spaces and related common areas.
- f. Density Bonus Permit (DB23-0003) to ensure compliance with State Density Bonus law and regulations and grant modification of the distribution requirements so affordable units can be constructed in the apartment building only.
- g. Tree Removal Permit (TR23-0021) to remove 27 ordinance-sized trees and replace them with 269 new trees.
- h. Environmental Assessment (EA22-0002: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

WHEREAS, the Project is also requesting an alternate method of compliance with the City's Affordable Housing Ordinance (AHO) pursuant to Milpitas Municipal Code Section XII-1-4; and

WHEREAS, in order to evaluate the Project under the California Environmental Quality Act ("CEQA," codified at Public Resources Code § 21000, et seq., as further governed by the CEQA Guidelines, found at 14 C.C.R. § 15000, et seq.), an environmental impact report was prepared (the Draft EIR, as revised by the Final EIR's errata section, together with the other sections of the Final EIR, are collectively referred to herein as the "EIR," State Clearinghouse No. 2022110251); and

WHEREAS, the proposed Project is found to be consistent with the goals, policies, and regulations of the California Density Bonus Law (Government Code Section 65915 et seq.), Milpitas General Plan 2040, and Milpitas Zoning Ordinance, specifically Milpitas Municipal Code Section XI-10-54.15 (Density Bonus for Affordable Housing Developments), which allows a modification of the distribution requirement of affordable units for a project that better serves the affordable housing need in the City and permits concessions and waivers and modifications of development standards, as analyzed and documented in the staff report; and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the application for a General Plan Text Amendment pursuant to Milpitas Municipal Code Section XI-10-57.02, Zoning Map Amendment pursuant to Milpitas Municipal Code Section XI-10-57.02, Tentative Map pursuant to Milpitas Municipal Code Section XI-1-4.03 and a density bonus pursuant to Milpitas Municipal Code Section XI-10-54.15, the City Council is the highest review authority for the Project and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, on October 11, 2023, the Planning Commission held a duly noticed public hearing, during which meeting the Planning Commission considered the EIR as well as General Plan Text Amendment No. GP22-0001, Zoning Text Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting Tentative Map No. MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021 and Environmental Assessment No. EA22-0002 for 1355 California Circle, heard a presentation from staff, and had the opportunity to hear from members of the public and closed the public hearing on the item; and

WHEREAS, by adoption of Resolution No. 23-017, the Planning Commission recommended that the City Council approve General Plan Text Amendment GP22-0001, Zoning Text Amendment ZA22-0001, Site Development Permit SD22-0003, Conditional Use Permit UP22-0001, Vesting Tentative Map MT22-0001, Density Bonus Permit DB23-0003, Tree Removal Permit TR23-0021 and Environmental Assessment No. EA22-0002 for 1355 California Circle; and

WHEREAS, the City Council received in evidence a plan for the subject property entitled “1355 California Circle Planned Development”, dated August 2, 2023 and, “Vesting Tentative Map 1355 California Circle”, dated October 5, 2023, and said plans are on file in the Planning Department and are available for inspection by anyone interested herein, and said plans are incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, the City Council received the draft General Plan text amendment to remove language associated with the California Circle Specific Plan within the General Plan 2040, specifically pages LU-6, LU-8, and LU-17 – 18 attached hereto and incorporated herein as **Exhibit “2”**; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the City Council bases the recommendation and 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 _____, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the EIR as well as General Plan Text Amendment No. GP22-0001, Zoning Text Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting Tentative Map No. MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021 and Environmental Assessment No. EA22-0002 for 1355 California Circle, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, the City Council has reviewed the draft ordinance amending the Zoning Code contained in Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code to allow a zoning designation change of certain parcel within the zoning map, attached hereto and incorporated herein as **Exhibit “3”**; 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 includes, but is not limited to, such things as all published staff reports, oral and written testimony by staff, the Planning Commission, City Council and the public, and all other relevant 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. General Plan Text Amendment Findings (Section XI-10-57.02)

The City Council makes the following findings based on the evidence in the administrative record in support of General Plan Text Amendment No. GP22-0001, attached hereto and incorporated herein as **Exhibit “2”**:

- a. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The proposed General Plan Text Amendment is remaining consistent with those portions of the General Plan not being amended because the existing general plan designation (which contemplates the future development) will remain intact, and therefore will not affect other elements of the general plan. The General Plan Text amendment is removing language about the creation of the California Circle Specific Plan. By removing this language, the City Council will have the flexibility to consider development projects within the California Circle area that provide public benefit above and beyond what the zoning ordinance requires, without compromising the integrity of the remaining elements of the general plan.

- b. *The proposed amendment will not adversely affect the public health, safety, and welfare.*

The proposed General Plan Text Amendment will not adversely affect the public health, safety and welfare because the proposed language has no direct effect on public health, welfare and safety. The amendment is to enable the City Council to modify their current decision making framework for land use decisions for projects that support citywide community goals, such as increasing affordable housing stock and partnering with community groups such as Milpitas Unified School District, in order to enhance the Milpitas community character.

SECTION 3. Zoning Map Amendment Findings (Section XI-10-57.02)

The City Council makes the following findings based on the evidence in the administrative record in support of Zoning Map Amendment No. ZA22-0001 and the draft ordinance amending the Zoning Code contained in Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code to allow a zoning designation change of certain parcel within the zoning map, attached hereto and incorporated herein as **Exhibit “3”**:

- a. *The proposed amendment is consistent with the General Plan.*

The proposed map amendment is consistent with the General Plan because the proposed zoning (MXD) is an implementing zoning district of the existing Neighborhood Commercial Mixed Use (NCMU) general plan designation.

- b. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed map amendment will not adversely affect the public health, safety and welfare because the zoning map amendment will implement a land use designation that is consistent with the permitted general plan land use designation. An environmental consultant has reviewed the project and that traffic, environmental impacts, access to essential services, and community well-being will not be impacted in a manner that would significantly affect public health, safety and welfare. If the project is developed, it has been conditioned to comply with federal, state, and local laws and regulations related to public health, safety, and welfare. This includes zoning ordinances, building codes, environmental regulations, and safety standards.

SECTION 4. 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. MT22-0001 as referenced as “Vesting Tentative Map 1355 California Circle”, dated October 5, 2023, on file with the Planning Department:

- a. *The tentative subdivision map is consistent with the General Plan.*

The Project is requesting a General Plan Text Amendment to remove language associated with the California Circle Specific Plan within the General Plan 2040. With the approval of a General Plan Text Amendment, the proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1 below:

Table 1: General Plan Consistency

Policy	Conformance
<i>Policy LU 1-4:</i> Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.	Consistent. The Project would develop a total of 206 new housing units within the 6.7-acre Project Site, which would result in a housing density of 30.8 dwelling units per-acre. Approximately 75 units would be rental units offered at a below-market rate. Additionally, the Project would qualify for a State Density Bonus, which would allow for an increase in density.
<i>Policy LU 4-4:</i> Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.	Consistent. The Project would maintain the existing sidewalks at the Project Site and would also provide bike racks on-site to accommodate pedestrians and bicyclists. The Project Site has also been designed to retain an existing pedestrian crosswalk on California Circle, which will provide pedestrian access to nearby walking trails and a future public park.
<i>Policy CD 2-7:</i> Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearance around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular, bicycle, and pedestrian facilities and other standards set forth in local, state, and federal regulations.	Consistent. The development includes internal private streets within the proposed townhome community for vehicular circulation and to provide access to each townhome. These private streets would be able to accommodate emergency service vehicles, such as fire trucks owned by the City. The proposed apartment parking structure would also provide adequate and safe circulation for vehicles. On-site parking spaces would be provided per residential unit in accordance with the City’s parking requirements. Additionally, patterned walkways would also be provided within the townhome community to ensure there is adequate pedestrian circulation on-site for residents.

Policy	Conformance
	The proposed townhomes would install external lighting structures that would be mounted to each building to provide lighting and security to the proposed paseos, outdoor recreation area and outdoor parking spaces. The proposed apartment complex would also install mounted lighting structures. Furthermore, site plans for the Project would be reviewed by the City and the Milpitas Fire Department (MFD) to ensure that fire protection measures and building safety measures would be implemented.
Policy LU 2-3: <i>Allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions (included within the Milpitas Affordable Housing Ordinance Title XII - HOUSING Chapter 1 - AFFORDABLE HOUSING ORDINANCE) including bonuses for senior housing, affordable housing, and for projects within designated overlay districts included in Milpitas Municipal Code Section 12 - Overlay Districts and Standards</i>	Consistent. The Project includes an apartment complex with over 15 percent of the proposed units being made available at a low-income rental rate. Furthermore, the Project would adhere to all applicable requirements with Title XII of the Milpitas Affordable Housing Ordinance. No proposed Overlay District is included as part of the Project.
Policy LU-1-7: <i>Recognize that the Land Use Map may be amended in accordance with State law in order to ensure that there is an adequate supply of commercial, business park, industrial, public facility, parks, residential, and other desired land uses to serve the City's needs.</i>	Consistent. The applicant proposes to amend the Land Use Zoning Map to replace industrial/employment uses with multi-family residential uses that include affordable housing above the inclusionary standards. The increase of market rate and affordable housing will serve the City's needs in creating housing stock to meet the Regional Housing Needs Allocation (RHNA) required by the State Department of Housing and Community Development.
Policy CD-10: <i>Design multi-family residential, mixed use, commercial, and employment-generating development in neighborhoods, districts, and centers to:</i> <i>a.) Include open space and/or recreational amenities to provide visual relief from development, form pedestrian and bicyclist linkages to adjacent uses and other portions of the neighborhood, district, or center, and serve as buffers between uses, where necessary;</i>	Consistent. The Project would provide open space and recreational amenities on-site with an outdoor recreational area that consists of an outdoor playground, two turf areas, picnic tables with a sail structure providing shade, a bench, and bike racks for bicyclists. The proposed outdoor recreational area would be visible for pedestrians, bicyclists, and motorists travelling along California Circle. The Project would also include several walkways and two walking paseos that provide pedestrian amenities (i.e., benches). Pedestrian and

Policy	Conformance
<i>b.) Locate building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity;</i> <i>c.) Create a human-scale ground-floor environment that includes public open areas that separate pedestrian space from auto traffic or where these intersect, give special regard to pedestrian safety; and</i> <i>d.) Provide comfortable pedestrian amenities, such as quality seating areas, lighting, and wide, shaded paths, along with specialized and engaging design features, such as interesting fountains or public art to draw and maintain people's attention</i>	bicycle access to the Project Site would be provided along California Circle. Pedestrian access on-site would be provided to each townhome building and the proposed apartment complex. Additionally, pedestrian and bicycle routes would be provided via walkways and sidewalks. Refer to response to Policy CD 2-7 regarding the proposed lighting fixtures for the Project. The Project will include a direct connection to an existing pedestrian crosswalk on California Circle, and the primary driveway will be located away from the crosswalk to enhance pedestrian safety. The existing pedestrian sidewalk connects through an existing residential neighborhood to the City's trail system along nearby waterways.

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

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

As outlined above, the Project includes the development of 131 residential condominium units and 75 apartment units at a density of 30.8 dwelling units/acre. The General Plan land use designation applicable to the site (Neighborhood Commercial Mixed Use (NCMU), and with the zoning map amendment to Mixed Use (MXD)) permits residential development at densities of 21 to 30 dwelling units/acre. Given that the Project also qualifies for a Density Bonus, the map is therefore consistent with the General Plan.

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

The Project proposes 30.8 dwelling units per acre, consistent with the 21-30 dwelling units per acre allowed by the General Plan, the proposed rezoning, and the State Density Bonus Law.

C. That the site is not physically suitable for the type of development.

The site is adjacent to other residential properties that have been recently rezoned to high density multi-family (R3) and single-family residential (R1-2.5). In addition, this site is suitable for the higher density development based on the location, physical attributes, and proposed infrastructure improvements.

D. That the site is not physically suitable for the proposed density of development.

The Project site is within the Neighborhood Commercial Mixed Use NCMU General Plan designation, and is being rezoned to Mixed Use MXD, which permits residential

development at 21 to 30 dwelling units per acre. The design will physically suit the site by providing required utilities, sufficient open space, and adequate residential living facilities.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Project, including the subdivision and its associated improvements, is located in an urbanized area and was previously developed as two industrial buildings. Therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The Project, including the subdivision and its associated improvements, has been designed in a manner that will not cause serious public health problems. The Project has been reviewed by Building, Fire, Land Development, Traffic, Water, and Solid Waste Departments. As a result, it has been determined that it can be adequately serviced to preserve public health and wellness.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

SECTION 5. Site Development Permit Findings (Milpitas Municipal Code Section XI-10-57.03(F))

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD22-0003, as referenced as “1355 California Circle Planned Development”, dated August 2, 2023, on file with the Planning Department:

- 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.*

The Project consists of 131 townhome condominium units and 75 apartment units and associated site amenities on a 6.7-acre site. Overall, the Project’s contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along California Circle. Colors are earth tone shades of browns, blues, and reds. In addition, future residents of the townhomes will access garages via private alleyways, similar to nearby residential developments. The proposed buildings’ heights ranges from 39.5 feet to 77-feet-4-inches. The proposed six-story multi-family residential building maintains a strong relationship to the street in that its primary entrance is oriented toward the street. The east exterior walls and roof top include architectural relief in the form of fenestration along the front and massing differentiation along the roof segments. The building’s design features exterior plaster walls, vinyl windows, accented with stone veneer and wood frame canopies along the ground floor, along with an aluminum storefront system. The

Project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the surrounding development.

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

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2. and will be fully consistent if granted approval of the Zoning Map Amendment to adjust the property from MP to MXD. The proposed multi-family residential buildings are permitted in the MXD zoning district. The project design conforms to the site and development standards of the MXD zone.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the MXD standards are needed, the applicant has requested waivers and parking exceptions pursuant to the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

Table 2: Summary of MXD Zoning District

Development Standard (MXD)	Required	Proposed	Conformance
Density	21-30 du/ac	30.8 du/acre	Yes, <i>with Density Bonus</i>
Front Yard Setback	Minimum of 8 feet and a maximum of 15 feet from back of sidewalk. The sidewalk is based on either the existing sidewalk or assumed 10-foot-wide sidewalk, whichever is wider	Townhomes and stacked flats: 12.5 feet from back of sidewalk Apartment building: 18-foot-10-inches	Yes Yes, <i>with Density Bonus</i>
Side Yard Setback (Minimum)	10 feet	15 feet	Yes
Rear Yard Setback (Minimum)	10 feet	40 feet	Yes
Height	Principal building: 3 stories and 45 feet	12-plex: 4 stories and 51 feet 7-plex: 3 stories and 39-foot-6-inches Podium: 6 stories and 77-foot-4-inches	Yes, <i>with Density Bonus</i>

Development Standard (MXD)	Required	Proposed	Conformance
Landscaping	All required front and street setback areas shall be landscaped or paved to allow for outdoor seating, display or goods, or street furniture	All required front and street setback areas are landscaped or paved	Yes
Parking	Studio: 1 covered per unit 1 bedroom: 1.5 covered per unit 2-3 bedrooms: 2 covered per unit Guest: Projects with parking structures: 15 percent of the total required, may be uncovered Projects with private garages: 20 percent of the total required, may be uncovered Total: 445	393	Yes, with <i>Density Bonus</i>

c. The Project is consistent with the General Plan.

The proposed Project is consistent with the Milpitas General Plan, with the proposed General Plan Text Amendment as demonstrated and outlined in Table 1, above.

Furthermore, as the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to waivers and reduced parking requirements. The requested waivers and parking exception will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

SECTION 6. Conditional Use Permit Findings (Milpitas Municipal Code Section XI-10-57.04(F))

The City Council makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP22-0002, as referenced as “1355 California Circle Planned Development”, dated August 2, 2023, on file with the Planning Department:

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

The Project will not be detrimental or injurious to property or improvements in the vicinity or public health, safety, or general welfare. The Project is consistent with other multi-family residential

projects within the California Circle vicinity and conditioned to preserve the health and wellness of future residents. By allowing tandem parking in private garages throughout the development, the Project will be able to offer more parking spaces for its residents. In addition, the condominium project creates housing opportunities and increases the diversity of housing types in the California Circle area by offering both apartments and for-sale townhomes.

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

The proposed Project is generally consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2, and will be fully consistent if granted approval of the Zoning Map Amendment to adjust the property from MP to MXD. The proposed multi-family residential buildings are permitted in the MXD zoning district. The project design conforms to the site and development standards of the MXD zone. Therefore, a conditional use permit is required to allow the subdivision of the proposed townhome units.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the MXD standards are needed, the applicant has requested waivers and parking exceptions pursuant to the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

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

The proposed Project is consistent with the Milpitas General Plan, as amended by the proposed General Plan Text Amendment, as demonstrated and outlined in Table 1, above.

SECTION 7. Density Bonus Permit (Milpitas Municipal Code Section XI-10-54.15(D))

The City Council makes the following findings based on the evidence in the public record in support of Density Bonus Permit No. DB23-0003, as referenced as “1355 California Circle Planned Development”, dated August 2, 2023, on file with the Planning Department:

1. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.

The proposed Project includes 131 townhome condominiums and 75 apartment units, equaling to 30.8 dwelling units per acre. Since the Project site will be rezoned to Mixed Use (MXD) to allow a 100 percent multifamily residential development, and the MXD district is an implementing zoning district of the General Plan NCMU land use designation, the Project is in conformance with the allowable base density specified in the General Plan.

2. All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Redevelopment Agency modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.

The applicant has proposed seven studios, 16 one-bedroom, and eight two-bedroom units as affordable units reserved for lower-income households. The remaining 44 apartment units would be reserved for moderate-income households.

By granting this modification to the City's AHO, the Project would add 44 additional deed restricted units to its affordable housing stock and help the City meet its RHNA obligation. Additionally, the total number of bedrooms under the applicant's deviation would be 94, whereas the standard ordinance would only require 74 bedrooms. Moreover, the total square footage of living space under the standard ordinance is approximately 41,548 square feet, whereas the Project would be providing 45,661 square feet (or ten percent more).

While the affordable units are not reasonably dispersed throughout the project, pursuant to Milpitas Municipal Code section XI-10-54.15(D)(2), modification of this requirement only for this project only is justified to allow the placement of the affordable units in the proposed apartment units only because under the unique circumstances of this case for this project only, this modification would better serve the affordable housing needs of Milpitas. The project shall otherwise comply with the standards for density bonuses specific in the Milpitas Municipal Code, including the requirement in Milpitas Municipal Code section IX-10-54.15(D)(2) that the affordable units contain, on average, the same number of bedrooms as the non-affordable units and be comparable with the non-affordable units in terms of appearance, materials, and finished quality.

3. *Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

The Project has been conditioned to provide an agreement to the City of Milpitas explaining the affordability requirements, processes and procedures, to the satisfaction of the Milpitas City Attorney prior to the release of any Certificate of Occupancy.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.*

Prior to final building inspection and occupancy for the Project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements, including continued affordability for low and/or moderate-income households. The agreement shall be approved by the Milpitas City Attorney prior to recordation.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

The Project's 31 apartment rental units will be targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code, which states that lower-income households shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income.

6. *Relation to Statute. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code section 65915, et seq.*

Any density bonus requirements not specified in the City's Municipal Code shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.

Density Bonus Concessions, Incentives and Waivers

In accordance with California Government Code Section 65915 and MMC Section X-10-54.15, the City must grant the requested incentives/concessions unless the City can make either of the following findings in writing and based on substantial evidence:

- a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*
- b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

If findings cannot be made, then the proposed concessions/incentives and waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915 – 65918.

The City does not have substantial evidence to demonstrate that the concessions/incentives and waivers described in Table 3 would fail to result in actual and identifiable cost savings, and/or that these savings are unnecessary to provide the level of affordability proposed. Moreover, the City has no substantial evidence that any of the requested concessions, incentives or waivers would result in any specific, adverse impacts to public health, safety, the physical environment, or historical resources. Accordingly, the City Council hereby approves such requested concessions/incentives and waivers.

Table 3: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
<i>Density Bonus</i>	21-30 du/ac	30.8 du/ac	By allowing additional density, more affordable units will be provided to meet the City's Regional Housing Needs Allocation (RHNA) obligation.	The density bonus is allowed under State Density Bonus Law and must be granted by the City.
<i>Waiver(s)</i>	Front Setback: Minimum 8 feet, Maximum 15 feet	Apartment Building: 18-foot-10-inches	A greater front yard setback is needed to create a better streetscape along the project frontage and incorporate ADA accessible ramps leading to the leasing office.	This waiver is allowed under State Density Bonus Law and must be granted by the City.
<i>Waiver(s)</i>	Building Height: 3 stories and 45 feet	12-plex: 4 stories and 51 feet 7-plex: 3 stories and 39-foot-6-inches Podium: 6 stories and 77-foot-4-inches	The proposed building heights are necessary to achieve the proposed density and the open space areas. The podium apartment building would not be financially feasible to build with less units or at a lower height.	This waiver is allowed under State Density Bonus Law and must be granted by the City.
<i>Parking Reduction</i>	Studio: 1 covered per unit 1 bedroom: 1.5 covered per unit	Studio: 1 covered per unit 1 bedroom: 1 per unit 2 bedrooms: 1.5 per unit	The Project is providing the maximum number of required parking spaces under State Density Bonus Law.	This waiver is allowed under State Density Bonus Law and must be granted by the City.

Type of Modification	Standard	Applicant Request	Justification	Discretion
	2-3 bedrooms: 2 covered per unit (Pursuant to MMC Section XI-10-53.09)	(Maximum, pursuant to State Density Bonus law) Total: Podium - 85 spaces		
<i>Parking Waiver</i>	Guest Vehicle Parking requirement: Projects with parking structures: 15 percent of the total required, may be uncovered; Projects with private garages: 20 percent of the total required, may be uncovered. Townhomes: 52.4 guest spaces	To provide 46 guest vehicle parking spaces when 52.4 vehicle parking spaces are required per MMC.	By relocating the main entrance to the condo/townhome and creating a more optimal trash pickup area for the apartment building, the Project was unable to provide 6 additional guest spaces. The State Density Bonus Law provides a reduction in the minimum parking requirements for qualifying projects.	A waiver of minimum parking standards is allowed under State Density Bonus Law and must be granted by the City.
<i>Parking Waiver</i>	Compact stalls shall be used only in Projects within R3, R4, and R5 zones.	Compacts stalls dispersed throughout the proposed MXD zoned site.	The dispersal and design of compact stalls are necessary to provide adequate parking for the Project.	A waiver of parking standards is allowed under State Density Bonus Law and must be granted by the City.

SECTION 8. Affordable Housing Ordinance Exception

The City Council makes the following findings based on the evidence in the public record in support of an exception to the City's Affordable Housing Ordinance, as referenced as "1355 California Circle Planned Development", dated August 2, 2023, on file with the Planning Department:

- a. *The development as proposed with the exception as provided pursuant to this Section would further the City's low and/or moderate income housing goals as contained in the Housing Element; and*

In order to comply with this section, the ordinance requires the Project to provide 20 townhomes, as moderate-income, and 11 apartment units, as low-income, for affordable housing, for a total of 31 affordable housing units. The applicant proposes to deviate from the ordinance and meet the City's affordable housing requirement by reserving 31 of the apartment units on-site for lower-income households, meeting the 15 percent requirement of the total number of dwelling units. The Project will also reserve the remaining 44 apartment units for moderate-income households, bringing the total of the Project's Below Market Rate (BMR) contribution to 36.4 percent of the total number of dwelling units. By granting an exception to the design and distribution requirements of the City's AHO, the Project would add 75 deed restricted units, or 44 additional units, to its affordable housing stock and help the City meet its RHNA obligation.

- b. *The development with the exception either (i) will result in at least two of the following:*
- a. *The development of a larger number of deed-restricted affordable units than would be created under the on-site requirement;*
 - b. *The development of a larger number of deed-restricted affordable bedrooms than would be created under the on-site requirement;*
 - c. *The development of a larger amount of deed restricted affordable living area than would be created under the on-site requirement;*
 - d. *The development of deed-restricted affordable units at a lower average income target as compared to the affordable units that would be created under the on-site requirement;*
- or (ii) will provide other community benefits that exceed the benefit of constructing on-site affordable units.*

The Project, with the exception to the design and distribution requirements of the City's AHO, will result in a larger number of deed-restricted affordable units than would be created under the standard ordinance. Additionally, the total number of bedrooms under the applicant's deviation would be 94, whereas the standard ordinance would only require 74 bedrooms. Moreover, the total square footage of living space under the standard ordinance is approximately 41,548 square feet, whereas the Project would be providing 45,661 square feet (or ten percent more).

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 Text Amendment No. GP22-0001, Zoning Map Amendment No. ZA22-0001, Site Development Permit No. SD22-0003, Conditional Use Permit No. UP22-0001, Vesting Tentative Map No. MT22-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0021, and Environmental Assessment No. EA22-0002 (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 _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

**CONDITIONS OF APPROVAL
PULTE HOMES RESIDENTIAL DEVELOPMENT**

**GENERAL PLAN TEXT AMENDMENT NO. GP22-0001
ZONING MAP AMENDMENT NO. ZA22-0001
SITE DEVELOPMENT PERMIT NO. SD22-0003
CONDITIONAL USE PERMIT NO. UP22-0001
VESTING TENTATIVE MAP NO. MT22-0001
DENSITY BONUS PERMIT NO. DB23-0001
TREE REMOVAL PERMIT NO. TR23-0021
ENVIRONMENTAL ASSESSMENT NO. EA22-0002**

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, known as "1355 California Circle Planned Development", dated August 2, 2023 and, "Vesting Tentative Map 1355 California Circle", dated October 5, 2023, on file with the Planning Department. **GENERAL PLAN TEXT AMENDMENT GP22-0001, ZONING MAP AMENDMENT ZA22-0001, SITE DEVELOPMENT PERMIT SD22-0003, CONDITIONAL USE PERMIT UP22-0001 VESTING TENTATIVE MAP MT22-0001, DENSITY BONUS PERMIT NO. DB23-0001, TREE REMOVAL PERMIT NO. TR23-0021 and ENVIRONMENTAL ASSESSMENT EA22-0002** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. 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)**
6. Project Job Account: If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**
7. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
8. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**
9. Conditions: Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Project is operating under the permits and approvals in this Resolution. **(ALL)**
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. **(CAO/P/E/B)**
11. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including, but not limited to, the approval of the discretionary permits, the approval of any waivers, exemptions, alternatives, modifications, or amendments to the City's General Plan or Municipal Code, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. 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 Vesting Tentative Map No. MT22-0002, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.

12. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.
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 re-approval by the Fire Department. **(F)**
17. Compliance with Building Department and California Building Code: The project shall comply with the requirements of the Milpitas Building Department and the California Building Code, as adopted by the City. Changes to the site plan and/or buildings requires review and re-approval by the Building Department. **(B)**
18. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the plans dated August 2, 2023 and approved by the City Council on _____, 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

19. 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.
20. 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 total of 318 vehicle spaces within unit parking garages in both the townhome buildings and the podium building and 29 surface vehicles spaces on the podium site.
 - b. GUEST: A total of 46 vehicle spaces are to be provided on site.
21. Bicycle Racks: A total of 22 short-term bicycle parking spaces shall be installed on the site.

22. Trees: The project will remove 27 ordinance-sized trees and replace with approximately 269 trees, in conformance with the plans approved by City Council on _____, 2023.
23. 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-half of one percent of building development costs and shall be payable at time of building permit issuance.
24. Density Bonus: Permittee shall provide up to 206 residential units, 31 of which will be offered at low-income levels. The Project may have the following concessions and waivers:
- a. Waiver #1: Allow an 18-foot-10-inch front setback for the podium apartment building.
 - b. Waiver #2: Allow building height up to 78 feet.
 - c. Parking reduction: Studio & 1 bedroom – 1 per unit, 2 bedroom – 1.5 per unit. Project will provide a total of 85 parking spaces in the podium.
 - d. Parking waiver #1: Provide 46 guest spaces across the site.
 - e. Parking waiver #2: Use of compact stalls across the site. **(P)**

HOUSING CONDITIONS

25. Affordable Housing Requirement: Permittee shall comply with the City's Affordable Housing Ordinance, as set forth in Milpitas Municipal Code Section XI-1-3.00. The City Council has granted the following deviation from the City's AHO **(H)**:
- a. Permittee shall reserve 31 apartment units for low income households consisting of:
 - i. 7 studio units
 - ii. 16 one-bedroom units
 - iii. 8 two-bedroom units
 - b. Permittee shall reserve 44 apartment units for moderate income households consisting of:
 - i. 9 studio units
 - ii. 24 one-bedroom units
 - iii. 11 two-bedroom units
26. Affordable Housing Agreement: Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation. **(H)**
27. Retaining Affordability. Developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for fifty (50) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. **(H)**

ENGINEERING CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of*

Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. (E)

28. Modifications: The Site Development Plan dated August 2, 2023 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
29. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department Solid Waste Program. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling, food waste, and yard trimmings shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; outreach and education to tenants/occupants, and procure sufficient service frequency based upon waste generation calculation volumes.
30. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
31. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along California Circle that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.
32. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
33. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the public improvement cost estimates as prepared by the Permittee's engineer.
34. Fair Share Payment Structure: Permittee shall negotiate a fair share payment structure with the City regarding the cost associated with the installation of sectional liners on the existing City sanitary sewer main along the California Circle project frontage.

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)*

35. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, public access easement and other public easements deemed necessary for the project.
36. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.

37. 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.
38. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
39. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the City Council Ad Hoc Naming Subcommittee and City guidelines.
40. 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.
41. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.
42. Covenant, Conditions & Restrictions (CC&Rs): Permittee shall provide CC&Rs for City's review and approval for perpetual maintenance of private roadways, private utilities, stormwater management facilities in accordance with a separately recorded Stormwater Management Facilities Operation and Maintenance Agreement, etc.
43. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).
44. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2005-1, and agree to pay the special taxes levied by the CFD 2005-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 42 notwithstanding.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

45. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
 - a. Milpitas Design Guidelines:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);
 - b. Standard details and specifications:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>);
 - c. Americans with Disabilities Act (ADA) requirements, where applicable.
46. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the

lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

47. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
48. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
49. 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 public (City-maintained) water and sewer mains within on-site private streets and public easements. Please ensure all horizontal and vertical separations meet the CCR title 22 requirements.
 - b) Installation of separate utility service laterals (domestic water, fire service, sanitary sewer) for each residential building at minimum.
 - c) Installation of irrigation water and storm drain utility service laterals for the common-green condominium community.
 - d) Installation of domestic water, irrigation water, fire service, sanitary sewer, and storm drainage utility service laterals for the apartment building parcel.
 - e) Installation of sectional liners on the existing City sanitary sewer main along the California Circle project frontage, development in accordance with the City of Milpitas Sewer Master Plan's recommended capital improvements for California Circle. The fair share payment structure for the sectional liner installation work will be determined prior to the issuance of the building permit.
 - f) 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.
 - g) Installation of sidewalk improvements along the project street frontage on California Circle. All sidewalk design shall comply with applicable City standards and details.
 - h) Installation of new public streetlights along the project frontage. The locations and spacing of streetlights shall comply with applicable City standards and details. The developer shall procure an extra street light pole and deliver to the Public Works Corporation Yard for storage.
 - i) Installation of new public streetlights along the project frontage. The locations and spacing of streetlights shall comply with applicable City standards and details. The

developer shall procure an extra street light pole and deliver to the Public Works Corporation Yard for storage.

- j) AC Pavement base repair, microsurfacing and pavement restriping the full width of California Circle frontage to the satisfaction of the City Engineer.

- 50. 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.
- 51. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.
- 52. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
- 53. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.
- 54. Pothole Encroachment Permit: Due to multiple new utility service connections along the project frontage, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

PRIOR TO BUILDING PERMIT ISSUANCE

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

- 55. Final Map Recordation: Permittee shall record the final map.
- 56. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.
- 57. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).
- 58. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.
- 59. NPDES Compliance: The project shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board. The project is required to meet the performance standards within the permit. Specifically the project shall

incorporate, at a minimum, stormwater treatment measures that meet the numeric sizing requirements for pollutant removal.

60. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
61. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 (Water Efficient Landscapes) for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
62. 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. As Milpitas residents of residential units with individual cart services can request 96-gallon carts, the staging and storage areas of all units of the common-green condominium community shall be designed to accommodate 96-gallon carts.
63. 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:
 - a. What materials will be salvaged.
 - b. How materials will be processed during demolition.
 - c. Intended locations or businesses for reuse or recycling.
 - d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.
64. 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.
65. Flood Plain Management: This project is in the Flood Zone "AH" with base flood elevation 15ft above mean sea level, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15. Permittee shall obtain a CLOMR-F from FEMA for the development. Lack of documentation will not preclude occupancy release.
66. Mailboxes: The Permittee shall obtain information from the US Postal Services regarding placement of required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Department review.
67. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "i" 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.

a. Parkland Impact Fee

1. The project is required to dedicate 1.8 acres of parkland, equivalent to \$5,004,981.27 fees-in-lieu.
2. The applicant will receive credit for 0.72 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, \$3,002,988.76 in parkland fees will be due, per table below.

Pulte Townhomes and Apartments Proposed	206
Pulte Townhomes and Apartments Population Estimate (2.49 persons/unit per Census)	513 persons
Citywide Parkland Requirement	5 acres/1,000 people or equivalent fees-in-lieu
Total Parkland Acreage or In-Lieu Fee Required	1.8 acres / \$5,004,981.27
Private Recreation/Open Space provided in the Project	1.8 acres (only 0.72 acres can be counted for Park-In-Lieu fee purposes)
Public Recreation / Public Park Land provided	0.0 acres
Balance of Parkland Acreage or In-Lieu Fee Due	\$3,002,988.76

- b. Storm water connection fee at \$16,771/acre for residential and \$21,562/acre for commercial.
- c. Water connection fee at \$1,164/unit for residential, residential and \$5.97/gpd for commercial, based upon increased water usage.
- d. Sewer connection fee at \$1,406/unit for residential and \$8.52/gpd for commercial, based upon increased average wastewater flow.
- e. Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
- f. Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
- g. 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
- h. FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.
- i. Public Art Fee or Public Art on site, as set forth in Milpitas Municipal Code Section XI-10-14.

68. Foundation Design: Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities. If any project building is located next to a City easement, the City is not responsible for any foundation damage that would occur due to excavating in the event of servicing or repairs in that easement.

69. Fill and Retaining Wall Design in Sanitary Sewer Easement: The existing 10ft-wide sanitary sewer easement (SSE) located along the project property's southern side property line shall be kept clear of all unauthorized structures, including any retaining walls. For the design of any fill and retaining walls in the area within and immediately adjacent to this SSE, Permittee shall select one of the following design options that are either called out on the approved civil plan sheets or discussed with City staff in a meeting that took place on September 19, 2023:
- Permittee is to construct a retaining wall immediately north of the SSE to structurally support fill placed in the property's southern area north of the SSE. No structural fill is to be placed within the SSE under this design option.
 - Neighboring property to the south at 1301 California Circle (APN 022-38-002) to dedicate a slope easement along the north edge of the property line for the benefit of the project property. Permittee is to place sloped fill in said easement to structurally support fill placed in the project property's southern area, including within the SSE.
 - Permittee is to propose a realignment of the existing SSE away from the southern side property line that would allow them to construct a retaining wall along said property line to structurally support fill placed in the project property's southern area, including within the SSE. Any proposed SSE realignment is subject to the approval of the City and must provide adequate space for the City to properly access, maintain, repair, and replace the existing 18" City sanitary sewer main located within the SSE.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

70. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
71. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
72. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.
73. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

74. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to frontage improvements along California Circle, onsite City water and sewer mains and

their appurtenances, and sectional liners for the sanitary sewer mains along the project frontage, as shown on City approved plans.

75. LOMR-F: Permittee shall submit the FEMA approved LOMR-F for each unit/building associated with the requested occupancy, if project is located in the SFHA. Lack of documentation will not preclude occupancy release.
76. Elevation and/or Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and/or Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.
77. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
78. Record Drawings: Permittee shall submit record drawings in AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.
79. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

LEGEND

P = Planning Department

B = Building Department

E = Engineering Department

F = Fire Department

H = Housing Division

CAO = City Attorney's Office

ALL = All Reviewing Departments

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 Permittee



TOWN CENTER (TWC) (UP TO 40 UNITS PER ACRE AND FAR UP TO 0.85).

This designation provides for a variety of commercial, professional, civic, restaurants, hotels, residential, and entertainment uses. Projects may consist of a wholly non-residential development, or a mixed use residential project that integrates residential and non-residential uses vertically or horizontally. Residential-only projects are not permitted. Residential developments up to 40 units per acres may be permitted within the Town Center as part of a mixed use development project to increase economic support to the commercial uses. Developers wanting to maximize the residential component of the parcel are required to provide a minimum FAR of 0.35 for the non-residential component. Sites developed with a mix of uses, or non-residential uses, must adhere to a FAR maximum of up to 0.85.

NEIGHBORHOOD COMMERCIAL MIXED-USE (NCMU) (FAR UP TO 0.75, AND UP TO 1 UNIT PER 1,500 SQUARE FEET OF NONRESIDENTIAL DEVELOPMENT).

The Neighborhood Commercial Mixed-Use (NCMU) designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use, and residential uses, hotel, and office development allowed on a limited basis. The NCMU designation encourages active neighborhood serving uses at the ground level, including grocery stores, specialty retail, restaurants, plazas, or walk-in personal services such as banks and salons at FARs up to 0.75.

This designation also provides opportunities for vertical or horizontal mixed-use residential development to provide for area vibrancy and to encourage the redevelopment of aging commercial centers by allowing Multifamily dwelling units at a rate of 1 unit per 1,500 square feet of new or rehabilitated neighborhood-serving retail and commercial services. The City Council may consider the approval of residential-only projects in the NCMU land use designation, ~~provided the project is 100% affordable to the "low" and "very low" income categories, in order to increase the stock of affordable housing in Milpitas.~~

Projects with a residential component are subject to additional policy direction (Policy LU 6-1) to ensure that NCMU areas continue to primarily serve surrounding neighborhoods with commercial services.

COMMERCIAL DESIGNATIONS

GENERAL COMMERCIAL (GNC) (UP TO 0.5 FAR). This classification provides for a wide range of retail sales, and personal and business services accessed primarily by the automobile at a FAR up to 0.5.



SPECIFIC PLAN DESIGNATIONS

MILPITAS GATEWAY-MAIN STREET SPECIFIC PLAN - MGSP (FORMERLY THE MIDTOWN SPECIFIC PLAN -MSP).

The Milpitas Gateway-Main Street Specific Plan designation provides for the current and future uses of the Gateway area of Milpitas, in accordance with the Specific Plan. The Specific Plan sets forth the types, locations and intensities of land uses to be accommodated within the Gateway Area. Its purpose is to create an economically-viable main street type development that serves as a cultural hub of the city. A variety of uses are allowed in this designation, including entertainment, retail, commercial, residential, civic, cultural, office, and high-density mixed use residential in a compact, walkable, and unique centralized setting. All new development occurring within the MGSP designation is required to adhere to the development standards and guidelines established in the Specific Plan.

MILPITAS METRO SPECIFIC PLAN – MMSP (FORMERLY THE TRANSIT AREA SPECIFIC PLAN - TASP).

The Milpitas Metro Specific Plan designation creates a structure for a walkable, transit-oriented area with a mix of land uses, which encourages walking, biking, and transit trips and minimizes vehicle trips and reduces vehicle miles traveled (VMT). Development allowed within the Specific Plan area accommodates substantial growth, while minimizing impacts on local roadways, and reduces urban sprawl at the periphery of the region. All new development occurring within the Milpitas Metro Specific Plan designation adheres to the development standards and guidelines established in the Specific Plan.

~~**CALIFORNIA CIRCLE SPECIFIC PLAN OVERLAY.** This future specific plan area is located along California Circle, east of the I-880 corridor, and west of the Penitencia Creek corridor, as shown on the Land Use Map (Figure LU-1). The policy guidance and framework for this area is included in Action LU 2b.~~



- XI-10-12.03 - High Rise (-HR) Overlay District
- XI-10-12.04 - Mobile Home Park (-MHP) Overlay District
- XI-10-12.05 - Site and Architectural (-S) Overlay District
- XI-10-12.08 - Freeway Corridor (-FC) Overlay District

ACTIONS IN SUPPORT OF GOAL LU-2:

Action LU-2a *Periodically review and maintain the goals, and development standards and guidelines included within Milpitas's Specific Plan Areas to affirm the unique character and development vision for Special Planning Areas within Milpitas. Specifically, the city should:*

- *Maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses.*
- *Maintain and implement the Milpitas Metro Specific Plan (formerly the Transit Area Specific Plan, or "TASP") area, as an attractive, high density, TOD urban neighborhood with a mix of land uses around the light rail stations and the BART station. Create safe and attractive pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

Action LU-2b *Develop and adopt new specific plans in areas where special development standards or guidelines, beyond those identified in the underlying land use designations and zoning standards, are needed or desired in order to carry out a specific vision or goal for the area. Specifically, the City should:*



- ~~Seek to prepare and adopt a specific plan for the California Circle area, as shown on the Land Use Map. Development of the California Circle Specific Plan should address the following priorities and objectives:~~
 - ~~The Specific Plan Land Use Map should include a mix of commercial, office, and industrial park uses, with opportunities for additional residential development in a primarily mixed-use format.~~
 - ~~Establish incentives and provisions for residential density increases for projects with significant affordable housing components.~~
 - ~~Identify improvements to the circulation network, including improved ingress and egress, improved bicycle and pedestrian connectivity, and improved access to trails and linear parkways.~~
 - ~~The provision of new parks and community amenities, including additional open spaces and trails.~~
 - ~~Design standards for improved landscaping, lighting and streetscapes.~~
 - ~~Funding mechanisms to ensure implementation of roadway, infrastructure, and other public improvements shall be established.~~
 - ~~Potential risks to infrastructure and public safety due to flooding or other natural disasters.~~

REGULAR

NUMBER: **XX.XXX**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
AMENDING THE ZONING CODE CONTAINED IN TITLE XI, CHAPTER 10,
SECTION 3.03 OF THE MILPITAS MUNICIPAL CODE TO ALLOW A ZONING
DESIGNATION CHANGE OF CERTAIN PARCEL WITHIN THE ZONING MAP**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on April 12, 2022, Pulte Homes Company LLC (Applicant) submitted an application to the City of Milpitas requesting a General Plan Text Amendment, Zoning Map Amendment, Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow the development of a multi-family residential project consisting of 13 residential buildings, up to 51 feet in height, and one residential apartment building, up to 78 feet in height, for a total of 206 residential units. The project will also include 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements on a 6.7-acre site at 1355 California Circle (Project). The project thus consists of and requires:

- a. General Plan Text Amendment No. GP22-0001: To remove language associated with the California Circle Specific Plan within the General Plan 2040 by amending the Neighborhood Commercial Mixed-Use (NCMU) designation (pg. LU-6), removing the “California Circle Specific Plan Overlay” statement (pg. LU-8) and amending Action LU-2b (pgs. LU-17 and LU-18); and
- b. Zoning Map Amendment No. ZA22-0001: To amend the zoning map to change the property zoning designation from Industrial Park (MP) to Mixed-Use District (MXD); and for the property identified as 1355 California Circle (APN 022-38-007); and
- c. Site Development Permit No. SD22-0003: To allow the development of a multi-family residential project consisting of 13 residential buildings, up to 51 feet in height, and one residential apartment building, up to 78 feet in height, for a total of 206 residential units on a 6.7-acre site; and
- d. Conditional Use Permit No. UP22-0001: To allow residential units as condominiums and associated subdivision, and tandem parking configuration; and
- e. Vesting Tentative Map No. MT22-0011: To establish 14 lots, 131 residential condominium spaces and related common areas; and
- f. Density Bonus Permit No. DB22-0003: To ensure compliance with State Density Bonus law and regulations and grant modification of the distribution requirements so affordable units can be constructed in the apartment building only; and
- g. Tree Removal Permit No. TR23-0021: To remove 27 ordinance-sized trees and replace them with 269 new trees.

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 above; and

WHEREAS, General Plan (GP) Amendment No. GP22-0001 proposes an amendment within the City of Milpitas General Plan Text to allow for changes associated with policy direction for the Neighborhood Commercial Mixed-Use (NCMU) general plan land use designation the reference of a future California Circle Specific Plan. Such proposed Amendment has been initiated by resolution for approval by the City Council, separate from this Ordinance; and

WHEREAS, Zoning Map Amendment No. ZA22-0001 proposes an amendment within the City of Milpitas Zoning map to change of zoning designation from Industrial Park (MP) to Mixed Use District (MXD) for APN 022-38-007, which has been initiated by this Ordinance; and

WHEREAS, on October 11, 2023, the Planning Commission held a duly-noticed public hearing on the subject application and associated project, and considered evidence presented by City staff, the

applicant, and other interested parties and recommended the City Council approve the proposed amendments; and

WHEREAS, per Milpitas Municipal Code § XI-10-57.02(G)(3), the City Council finds the Zoning Map Amendment set forth herein to be consistent with the General Plan because the proposed zoning (MXD) is an implementing zoning district of the existing Neighborhood Commercial Mixed Use (NCMU) general plan designation; and

WHEREAS, per Milpitas Municipal Code § XI-10-57.02(G)(3), the City Council likewise finds that the Zoning Code Amendment set forth herein will not adversely affect the public health, safety and welfare because the zoning map amendment will implement a land use designation that is consistent with the permitted general plan land use designation. An environmental consultant has reviewed the project and that traffic, environmental impacts, access to essential services, and community well-being will not be impacted in a manner that would significantly affect public health, safety and welfare. If the project is developed, it has been conditioned to comply with federal, state, and local laws and regulations related to public health, safety, and welfare. This includes zoning ordinances, building codes, environmental regulations, and safety standards; and

WHEREAS, on November 7, 2022 the City Council held a duly-noticed public hearing on the proposed action, and considered evidence presented by City staff and other interested parties; and

WHEREAS, the City Council finds that with approval (by separate resolution) of the General Plan Text Amendment No. GP22-0001, and the adoption (by this ordinance) of Zoning Map Amendment No. ZA22-0001, the General Plan Map and Zoning Map will be internally consistent; and

WHEREAS, prior to taking action on this Ordinance, the City Council has taken separate action by resolution to certify the 1355 California Circle Project EIR (State Clearinghouse No. 2022110251) associated with the Project.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

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

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 3.03

Title XI, Chapter 10, Section 3.03 ("Zoning Map"), Table XI-10-6.04-1 is hereby amended, as attached hereto in **Exhibit 1**.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The adoption of this Ordinance is under the authority of the 1355 California Circle Project EIR (EIR)(State Clearinghouse No. 2022110251); that was 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 policies of the City of Milpitas. The purpose of this EIR 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.

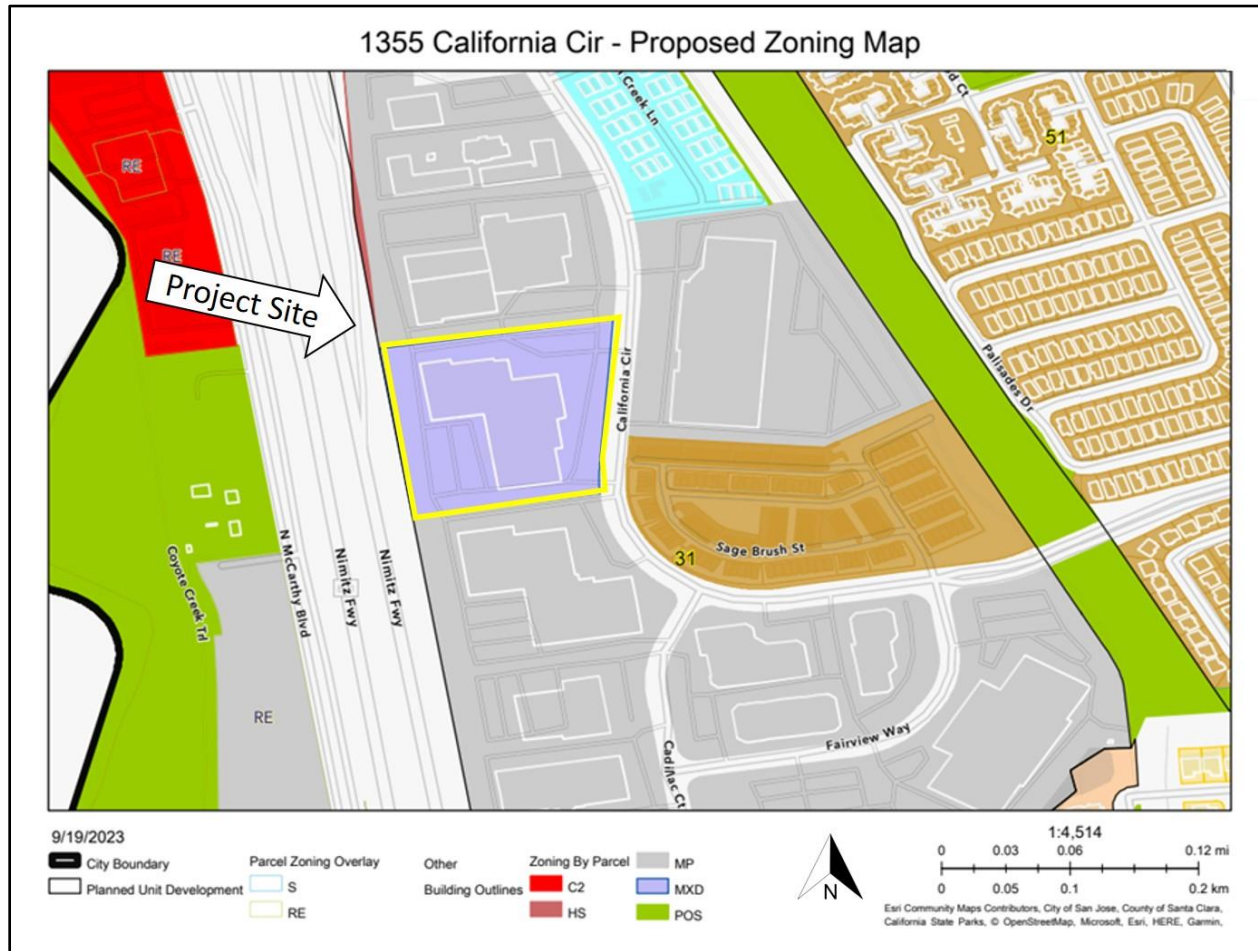
SECTION 4. SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 5. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

Exhibit 1: Zoning Map



RESOLUTION NO. 23-018

A RESOLUTION OF THE PLANNING COMMISSION FOR THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH # 2022110251) FOR THE 1355 CALIFORNIA CIRCLE PROJECT; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM

WHEREAS, the 1355 California Circle project (“Project”) proposes to redevelop an approximately 6.7-acre property within the City of Milpitas (“City”) as a multi-family residential development; and

WHEREAS, the Project site is located within the north-western portion of the City, east of Interstate 880, south of Dixon Road, west of Milmont Drive, and north of Cadillac Court (Assessor Parcel Number: 022-38-007); and

WHEREAS, the Project requires approval of a General Plan Text Amendment (GP22-0001), Zoning Text Amendment (ZA22-0001), Site Development Permit (SD22-0003), Conditional Use Permit (UP22-0001), Vesting Tentative Map (MT22-0001), Density Bonus (DB23-0003), and Tree Removal Permit (P-TR23-0021); and

WHEREAS, the Project proposes a multi-family residential project consisting of 13 residential buildings, up to 51-feet in height, and one residential apartment building, up to 78-feet in height, for a total of 206 residential units, with 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements; and

WHEREAS, pursuant to Public Resources Code section 21067 of the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) (“CEQA”) and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the City is the lead agency for the proposed Project; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines, the City determined that an Environmental Impact Report (“EIR”) should be prepared in order to analyze all potential adverse environmental impacts of the proposed Project; and

WHEREAS, the City issued a Notice of Preparation (“NOP”) for the Draft EIR on November 14, 2022, which was sent to each responsible and trustee agency and the Office of Planning and Research (OPR); and

WHEREAS, in the NOP, the City solicited comments from individuals, organizations and agencies regarding the environmental analysis, mitigation measures and alternatives to be included in the Draft EIR; and

WHEREAS, the City held a public scoping meeting on November 30, 2022 to further solicit comments on the scope of the Draft EIR; and

WHEREAS, on July 7, 2023, the City initiated a 45-day public review and comment period of the Draft EIR for the proposed Project and released the Draft EIR for public review and comment; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, the City received three comment letters from agencies and individuals during the 45-day public review and comment period; and

WHEREAS, the City has prepared a Final EIR, consisting of the comments received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions to the Draft EIR. For the purposes of this Resolution, the “EIR” shall refer to the Draft EIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, the City held a virtual public meeting on August 3, 2023 to allow interested parties an opportunity to comment on the adequacy of the Draft EIR.

WHEREAS, the EIR analyzed two alternatives to the Project, examining the environmental impacts of each alternative as well as the ability of the alternatives to meet Project objectives; and

WHEREAS, on October 11, 2023, the Planning Commission held a public hearing on the Project, at which all persons wishing to testify were heard; 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 duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Resolution Regarding Custodian of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.

SECTION 3. Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 23-018 recommending that the City Council approve and adopt **Exhibit A** to certify the Environmental Impact Report (SCH # 2022110251) for the 1355 California Circle Project, approve the incorporated Mitigation Monitoring Program, and find that while there are significant unavoidable impacts, there are other economic, legal, social, technological, environmental, and other considerations that outweigh these impacts and warrant approving the Project.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on October 11, 2023:

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 October 11, 2023 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana				
Dipak Awasthi				
Bill Chuan				
Larry Ciardella				
Alexander Galang				
Sonia Medina-Ashby				

EXHIBIT ‘A’

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) (SCH#: 2022110251) FOR THE 1355 CALIFORNIA CIRCLE PROJECT, ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM

WHEREAS, the 1355 California Circle project (“Project”) proposes to redevelop an approximately 6.7-acre property within the City of Milpitas (“City”) as a multi-family residential development; and

WHEREAS, the Project site is located within the north-western portion of the City, east of Interstate 880, south of Dixon Road, west of Milmont Drive, and north of Cadillac Court (Assessor Parcel Number: 022-38-007); and

WHEREAS, the Project requires approval of a General Plan Text Amendment (GP22-0001), Zoning Text Amendment (ZA22-0001), Site Development Permit (SD22-0003), Conditional Use Permit (UP22-0001), Vesting Tentative Map (MT22-0001), Density Bonus (DB23-0003), and Tree Removal Permit (P-TR23-0021); and

WHEREAS, the Project proposes a multi-family residential project consisting of 13 residential buildings, up to 51-feet in height, and one residential apartment building, up to 78-feet in height, for a total of 206 residential units, with 393 vehicle parking spaces, a 0.32-acre internal park, and associated site improvements; and

WHEREAS, pursuant to Public Resources Code section 21067 of the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) (“CEQA”) and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the City is the lead agency for the proposed Project; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines, the City determined that an Environmental Impact Report (“EIR”) should be prepared in order to analyze all potential adverse environmental impacts of the proposed Project; and

WHEREAS, the City issued a Notice of Preparation (“NOP”) for the Draft EIR on November 14, 2022, which was sent to each responsible and trustee agency and the Office of Planning and Research (OPR); and

WHEREAS, in the NOP, the City solicited comments from individuals, organizations and agencies regarding the environmental analysis, mitigation measures and alternatives to be included in the Draft EIR; and

WHEREAS, the City held a public scoping meeting on November 30, 2022 to further solicit comments on the scope of the Draft EIR; and

WHEREAS, on July 7, 2023, the City initiated a 45-day public review and comment period of the Draft EIR for the proposed Project and released the Draft EIR for public review and comment; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, the City received three comment letters from agencies and individuals during the 45-day public review and comment period; and

WHEREAS, the City has prepared a Final EIR, consisting of the comments received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions to the Draft EIR. For the purposes of this Resolution, the “EIR” shall refer to the Draft EIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, the City held a virtual public meeting on August 3, 2023 to allow interested parties an opportunity to comment on the adequacy of the Draft EIR.

WHEREAS, the EIR analyzed two alternatives to the Project, examining the environmental impacts of each alternative as well as the ability of the alternatives to meet Project objectives; and

WHEREAS, on October 11, 2023, the Planning Commission held a public hearing on the Project, at which all persons wishing to testify were heard; and

WHEREAS, on _____, 2023, the City of Milpitas City Council held a duly noticed public hearing on the EIR, the Findings of Fact and a Statement of Overriding Consideration, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, the environmental impacts identified in the EIR that the City finds are of no impact or constitute a less than significant impact and do not require mitigation are described in the Findings of Fact attached hereto as **Exhibit “1”**; and

WHEREAS, the environmental impacts identified in the EIR as potentially significant but which the City finds cannot be mitigated to a level of less than significant, despite the imposition of feasible mitigation measures identified in the EIR and set forth herein are described in the Findings of Fact attached hereto as **Exhibit “1”**; and

WHEREAS, alternatives to the proposed Project that might eliminate or reduce significant environmental impacts are described in the Findings of Fact attached hereto as **Exhibit “1”**; and

WHEREAS, the City Council has determined that the benefits of the Project outweigh its potential significant environmental impact, and the basis for that determination is set forth in the Statement of Overriding Considerations attached hereto as **Exhibit “1”**; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated; and

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

SECTION 1. Recitals

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

SECTION 2. Resolution Regarding Custodian of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.

SECTION 3. City Council Action - Certifying the EIR

The City Council finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the City Council.

The City Council declares that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 have been received by the City Council after circulation of the Draft EIR which would require recirculation.

Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 4. City Council Action - Adopting the Findings of Fact and a Statement of Overriding Consideration

The City Council finds that it has been presented with the Findings of Fact and a Statement of Overriding Consideration attached as **Exhibit “1”** hereto, which it has reviewed and considered, and hereby adopts based on the entirety of the record of proceedings.

SECTION 5. City Council Action – Adoption of the Mitigation Monitoring Program

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) attached to this Resolution as **Exhibit “2”**. Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the proposed Project. In the event of any inconsistencies between the mitigation measures set for herein and the MMRP, the MMRP shall control.

SECTION 6. Notice of Determination

A Notice of Determination shall be filed with the County of Santa Clara and the State Clearinghouse within 5 (five) working days of final Project approval.

PASSED AND ADOPTED this _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

**Certification of the 1355 California Circle
Final Program Environmental Impact Report**

**Adoption of
California Environmental Quality Act Findings,
Mitigation Measures, Mitigation Monitoring
Program, and Statement of Overriding
Considerations**

September 2023

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A. INTRODUCTION

The Draft Environmental Impact Report (DEIR) (State Clearinghouse No. 2022110251) has been prepared by the City of Milpitas (City) to evaluate the environmental effects of the residential development at 1355 California Circle (Project). The Project is described in **Section B**, below.

The City is the lead agency as defined in Section 15051(b) of the guidelines for implementing the California Environmental Quality Act (CEQA).

B. PROJECT SUMMARY

The Project is comprised of five (5) seven-plex townhomes, eight (8) twelve-plex townhomes, and an apartment building. The Project would provide a total of 206 multi-family housing units:

- Seven-Plex Townhomes: 35 dwelling units.
- Twelve-Plex Townhomes: 96 dwelling units.
- Apartment Building: 75 dwelling units

B.1 Proposed Townhomes

The proposed seven-plex and twelve-plex townhomes would be located next to each other and would encompass the majority of the Project Site.

Seven-Plex Townhomes

The Project would construct five three-storied townhome buildings containing seven units per building for a total of 35 dwelling units. All 35 dwelling units would be offered as “market rate” for sale units, ranging in size between 1,534 and 1,850 square feet. The seven-plex townhomes would encompass building numbers 1 through 5. Buildings 1 and 2 would have frontage onto California Circle. The seven-plex townhomes would have a total gross floor area of 16,954 square feet. These townhomes would utilize four different floor plans that consist of three and four-bedroom units, each varying in size and garage type.

Twelve-Plex Townhomes

The Project would also construct eight four-storied townhome buildings containing twelve units per building for a total of 96 dwelling units. All 96 dwelling units would be offered as “market rate” for sale units, ranging in size from 1,518 to 2,175 square feet. The twelve-plex townhomes would encompass building numbers 6 through 13. The townhomes would have a total gross floor area of 28,677 square feet. Additionally, the twelve-plex townhomes would utilize seven different plans that consist of predominantly

three-bedroom units with either two or three bathrooms. A portion of these units have an option to create a fourth bedroom loft.

The twelve-plex townhomes would range in size between 1,518 and 2,175 square feet. Approximately 14 units of the twelve-plex townhomes are adaptable multi-story dwelling units on an accessible route that complies with the California Building Code (CBC).

B.2 Proposed Apartment Complex

The Project would develop a six-story apartment complex and associated parking facilities at the northeastern corner of the Project Site; refer to **Figure 2.0-5, Apartment Site Plan** of the DEIR. The proposed apartment building would be located within the northeastern corner of the Project Site. Plans for the apartment building would range between studios to two-bedroom units. The proposed apartment complex would provide 75 units that would be offered at “below market rate” (BMR) rental prices. It is anticipated that, of the 75 BMR units, a minimum of 20 units would be offered at the City’s established “low-income rental rate”, while the remaining 55 units would be offered at a “moderate rental rate” (MRR) rental prices. The proposed apartment complex would have a gross floor area of approximately 66,844 square feet, and a floor area ratio of 1.63. The ground floor, level R0, would be reserved for 60 covered parking spaces, an apartment leasing office, and maintenance rooms. Starting at the second floor of the building, levels R1 through R5 would consist of several studios, one bedroom, and two-bedroom units that range in size between 411 to 840 square feet.

B.3 Project Objectives

In accordance with *State CEQA Guidelines* Section 15124, the specific project objectives identified below support the underlying purpose of the Project, assist the City as Lead Agency in developing a reasonable range of alternatives to evaluate in this EIR, and will ultimately aid the decision maker in preparing findings and overriding considerations, if necessary.

The objectives of the Project are as follows:

- Increase affordable housing opportunities, including housing designated for all Milpitas Unified School District (MUSD) staff, and help meet the City’s Regional Housing Needs Allocation (RHNA);
- Redevelop underutilized and vacated land; and
- Implement sustainable building practices to showcase energy efficiency and low water use.

C. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS

At the outset of the environmental review process, the City prepared a Notice of Preparation (NOP) for the Project (State Clearinghouse No. 2022110251). The NOP was published and distributed to the State Clearinghouse, trustee agencies, responsible agencies, and other interested parties for a 30-day public review period from November 14, 2023, to December 14, 2022. A public scoping meeting was held on November 30, 2022. The Draft EIR was circulated for a 45-day public review period July 7, 2023, to August 21, 2023.

The Final EIR was distributed on September 29, 2023, more than 10 days prior to the October 11, 2023 Planning Commission hearing.

C.1 Incorporation of Final EIR by Reference

The EIR evaluated a Proposed Action, as well as alternatives to the Proposed Action. For purposes of these findings, the Project is defined to mean the project studied in the EIR.

The Final EIR consists of: (1) the Draft EIR, (2) all appendices to the Draft EIR (Appendices 1.0-1 through 3.14); (3) Chapter 1, "Introduction"; (4) Chapter 2, "Corrections and Additions"; (5) Chapter 3, "Mitigation Monitoring Program." The Final EIR Chapter 2 specifically includes the City's written responses to comments; a list of persons, organizations, and public agencies commenting on the DEIR; The City's written responses to specific comments on significant environmental points raised in the review and consultation process; and copies of comments, as required by *State CEQA Guidelines* Section 15132. The Final EIR consisting of the aforementioned components is hereby incorporated by reference into these findings.

D. FINDINGS REGARDING THE ENVIRONMENTAL REVIEW PROCESS AND THE CONTENT OF THE FINAL EIR

The City Council certifies that it has been presented with the Final EIR and that it has independently reviewed and considered the information contained in the Final EIR prior to making the following certifications and these findings.

Pursuant to *State CEQA Guidelines* Section 15090 (Title 14 of the California Code of Regulations, Section 15090) the Council certifies that the Final EIR has been completed in compliance with CEQA and the *State CEQA Guidelines*. The Council certifies the Final EIR for the actions described in these findings and in the Final EIR, for the Project as described above. The Council further certifies that the Final EIR reflects its independent judgment and analysis.

Pursuant to Public Resources Code Section 21081 and *State CEQA Guidelines* Section §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impacts as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The City has made one or more of these specific written findings regarding each significant impact associated with the Project. Those findings are presented below, along with a presentation of facts in support of the findings. The City certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed.

The DEIR has been prepared as a “EIR” as defined by Section 15362 of the *State CEQA Guidelines*. This type of EIR examines the environmental impacts of a specific development project and should focus primarily on the changes in the environment that would result from development of the Project. The EIR examines all stages of the Project, including planning, construction, and operation. The EIR included an appropriate analysis of impacts in fifteen (15) environmental topics, analyzing the Project and alternatives, including a No Project Alternative. The EIR disclosed the environmental impacts expected to result from the implementation and development of the Project. Feasible mitigation measures were identified to avoid or minimize significant environmental effects.

The mitigation measures adopted as part of the Project are feasible and the DEIR mitigates the environmental impacts to the maximum extent feasible as discussed in the findings made below. The Findings in **Section E**, below, indicate where mitigation measures are not capable of reducing impacts to levels of less than significant.

It is the finding of the City Council that the proposed Final EIR fulfills environmental review requirements for the Project and that the document constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and reflects the independent judgment of the City Council.

In response to comments received, the Final EIR includes corrections and additions that correct minor errors and amplify and/or clarify information in the Draft EIR. All such changes made to the Draft EIR are shown in the Final EIR (Chapter 2.0, Corrections and Additions) in strikethrough and underline text.

It is the finding of the City Council that such clarifying changes and the corrections and additions as described in the Final EIR, have not presented any new, significant information requiring recirculation or additional environmental review under *CEQA Guidelines* Section 15088.5.

A Mitigation Monitoring Plan (MMP) for the Project has been adopted pursuant to the requirements of Public Resources Code Section 21081.6 to ensure implementation of the adopted mitigation measures to reduce significant effects on the environment and is included in the Final EIR document dated September 2023. The City is the custodian of the documents and other materials that constitute the record of the proceedings upon which certification of the EIR for the Project, is based, as described below in **Section D.1, Finding Regarding Location and Custodian of the Record.**

D.1 Finding Regarding Location and Custodian of the Record

The documents and other materials that constitute the record of proceedings on which the City's Findings of Fact are based, are located at 455 East Calaveras Boulevard, Milpitas, CA 95035.

The custodian of these documents is Lillian VanHua, Senior Planner. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code Regs. Section 15091(e).

For purposes of CEQA, the Record of Proceedings for the 1355 California Circle EIR consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the 1355 California Circle EIR.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments submitted by agencies or members of the public during the 30-day public comment period on the Draft EIR.
- The Mitigation Monitoring Program for the Project.
- All Findings and resolutions adopted by the City Council in connection with the Project, and all documents cited or referred to therein.

- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the 1355 California Circle EIR prepared by Impact Sciences, Inc., consultant to the City.
- All documents and information submitted to the City by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the reuse of the 1355 California Circle EIR, up through the date the City Council approved the Project.
- Minutes and/or summary transcripts of all public meetings and public hearings held by the City, in connection with the 1355 California Circle EIR.
- Any documentary or other evidence submitted to the City at such public meetings and public hearings.
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

D.2 Absence of Significant New Information

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard, as follows:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.

- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Council recognizes that the Final EIR incorporates information obtained by the City since the DEIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the Council finds as follows:

Various minor changes and edits have been made to the text the DEIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability and enhance clarity. The City Council finds that these changes are of a minor, non-substantive nature and do not require recirculation of the DEIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from the public. The City Council finds that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the City Council finds that the additional information including the changes described above, does not show that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

E. ENVIRONMENTAL IMPACTS

The City staff report, the EIR, written comments, written and oral testimony at public hearings, and these Findings and Statement of Overriding Considerations and other information in the administrative record serve as the basis for the City's environmental determination. The Final EIR includes revisions to the DEIR,

public comments, and City responses. Detailed analyses of potential environmental impacts and proposed mitigation measures for the Project are presented in the DEIR. Written comments and City responses, as well as some minor revisions to the impact and mitigation discussions, are provided in the Final EIR.

Presented below are the environmental findings made by this City Council after its review of the documents referenced above. Factual discussion in this document summarizes the information contained in the EIR and the administrative record upon which this Council bases its decision to certify the EIR and approve the Project.

The EIR prepared for the Project identifies one significant environmental impact within 15 issue areas, which cannot be fully mitigated and are therefore considered significant and unavoidable impacts. To the extent this impact remains significant and unavoidable, such impact is acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations. The significant and unavoidable impact identified in the DEIR is discussed below, along with the appropriate findings per *State CEQA Guidelines* Section 15091. The City Council concurs with the conclusions in the DEIR that the issues and sub-issues discussed below can be mitigated below a significant impact threshold. For those issues that cannot be mitigated below a level that is less than significant, overriding considerations exist which make those impacts acceptable.

E.1 Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, the City Council recognizes that the Project involves some controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City Council has acquired an understanding of the range of this technical and scientific opinion by its review of the DEIR, the comments received on the DEIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in assessing environmental impacts. The City Council has reviewed and considered, as a whole, the evidence and analysis presented in the DEIR, the evidence and analysis presented in the comments of the DEIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, consultants, and by staff, addressing those comments. The City Council has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. The City Council accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

In making these findings, the City Council has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and significance thresholds used in the EIR. City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

E.2 Findings Regarding Impacts Identified in the EIR to be Less Than Significant or No Impact and Requiring no Mitigation

The following issues were identified during the scoping process as having the potential to cause significant impact. These issues were found in the EIR as having no potential to cause significant impact and therefore require no project-specific mitigation.

Aesthetics

- | | |
|------------------------|---|
| Threshold AES-2 | The Project Site would result in redevelopment and infill development within the existing developed urban environment. The views along road corridors would continue to be of a developed and urban landscape. Due to the distance, topography, and intervening landscape, trees, and structures, between the highway and the Project Site, and as described above, no identified or designated scenic views or vistas exist. As a result, implementation of the Project would have no impacts in relation to a scenic vista. (Final EIR 3.1-18) |
| Threshold AES-3 | Implementation of the Project includes the development of five buildings containing seven-plex townhomes, eight buildings containing 12-plex townhomes, and a 75-unit apartment complex. Implementation of the Project would be consistent with the City's development standards and Zoning Ordinance. Therefore, potential impacts associated with scenic quality would be less than significant. No mitigation is required (Final EIR 3.1-18-3.1 to 26) |
| Threshold AES-4 | The Project would generally be similar to the existing surrounding multifamily residential uses east of the Project Site. Pursuant to Section XI-10-57.17 (Lighting) of the Milpitas Municipal Code, exterior on-site lighting fixtures must use minimum wattage and would be shielded as not to be directly visible from off-site. Furthermore, the proposed new streetlights would adhere to the |

City's Design Guidelines for streetlights. Therefore, impacts associated with light and glare would be less than significant. (Final EIR 3.1-26 to 3.1-27)

Air Quality

- Threshold AQ-1** Area air quality planning, including the Bay Area 2017 Clean Air Plan, assumes that there will be emissions from new growth, but that such emissions may not impede attainment and may contribute to the attainment of applicable air quality standards within the Bay Area Air Quality Management District (BAAQMD). The Project would not result in construction air quality emissions that exceed the BAAQMD thresholds of significance. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan and impacts would be less than significant. (Final EIR 3.2-17 to 3.2-18)
- Threshold AQ-3** Toxic Air Contaminants. As shown in Table 3.2-10, Construction Health Risk Summary, the maximum health risks at the nearest sensitive receptor (i.e., residences to the east of the Project Site) would be less than the BAAQMD thresholds of significance for incremental cancer risk, non-cancer risk, and annual PM_{2.5} concentrations. Health risks at locations farther than this maximum impact receptor would be further reduced, and thus impacts to sensitive receptors would be less than significant.
- Carbon Monoxide HotSpots. The Project would not have the potential to increase traffic volumes at affected intersections to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited. Therefore, the Project would not have the potential to cause or contribute to an exceedance of the California one-hour or eight-hour CO standards. Impacts with respect to localized CO concentrations would be less than significant. (Final EIR 3.2-23 to 3.2-25)
- Threshold AQ-4** Construction activities associated with the Project may generate detectable odors from heavy-duty equipment exhaust and architectural coatings. However, construction-related odors would be short-term in nature and cease upon buildout. In addition, the Project would be required to comply with the California Code of Regulations, Title 13, sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes.

This would reduce the detectable odors from heavy-duty equipment exhaust. Any odor impacts to existing adjacent land uses would be short-term and not substantial. As such, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and this impact would be less than significant. (Final EIR 3.2-26 to 3.2-27)

Biological Resources

- Threshold BIO-2** As shown in Table 3-2, Summary of the Potentially Occurring Special-Status Plant and Animal Species, one natural community has historically been observed within the same USGS Quadrangle as the Project Site: the Northern Coastal Salt Marsh. However, the Project Site is a developed property with minimal nonnative vegetation and is not adjacent to a bay, harbor, or inlet. Thus, the Project Site would not provide a suitable habitat for the natural community. Therefore, the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community, and no impacts would occur. (Final EIR 3.3-23 to 3.3-24)
- Threshold BIO-3** The Project Site does not contain any natural hydrologic or drainage features. Further, there are no State or Federally protected wetlands on-site. Therefore, Project implementation would not have a substantial adverse effect on state or federally protected wetlands. No impacts to protected wetlands would occur. (Final EIR 3.3-24)
- Threshold BIO-5** The Project would adhere to the recommendations outlined in Appendix 3.3-1, Arborist Report, and remove all 49 trees on-site, including the nine street trees and 27 City Ordinance-sized protected trees. The Project Applicant would adhere to the requirements outlined in Title X, Chapter 2.0 of the Municipal Code and obtain all applicable permits from the City of Milpitas prior to the removal of any trees. In the event that the City seeks further cost recovery requirements for the removal of the existing protected tree, the Project Applicant will adhere to these requirements prior to the removal and any existing trees onsite. Adherence to the applicable regulatory requirements

outlined in the City's Municipal Code would ensure that impacts would be less than significant. (Final EIR 3.3-25 to 3.3-26)

Threshold BIO-6 The Project Site is not considered to be a Covered Activity under the Santa Clara Valley Habitat Plan. No other Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the Project Site. Therefore, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and no mitigation is required. (Final EIR 3.3-26 to 3.3-27)

Cultural Resources

Threshold CUL-1 The Project Site is not listed as a property with historic buildings in the City of Milpitas General Plan Environment Impact Report (November 2020). Further, historical maps and aerial photography analyzed in the Cultural Resources Report indicate that the Project Site remained as a vacant, undeveloped area until after 1980. Thus, the Cultural Resources Report determined that the Project Site has a low potential for encountering historic resources. As such, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the CEQA Guidelines, and no impacts would occur. (Final EIR 3.4-18)

Threshold CUL-3 In the unlikely event that human remains are uncovered during ground-disturbing activities, there are regulatory provisions to address the handling of human remains in California Health and Safety Code § 7050.5, PRC § 5097.98, and *CEQA Guidelines* § 15064.5(e). Pursuant to these codes, in the event that human remains are discovered, it requires that disturbance on the site shall be suspended, and the City of Milpitas and the Santa Clara County Coroner would be immediately notified. Compliance with these protocols would reduce impacts to a less than significant level. No mitigation is required. (Final EIR 3.3-21)

Energy

Threshold EN-1 Construction equipment would be maintained to applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical of construction sites. It is also reasonable to assume

contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Therefore, the Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

During operation, Project-related traffic would result in the consumption of petroleum-based fuels related to vehicular travel to and from the Project Site. The majority of the vehicle fleet that would be used by occupants and residents of the Project would consist of light-duty automobiles and light-duty trucks, which are subject to fuel efficiency standards, such as the Low Carbon Fuel Standard (LCFS) and Low-Emission Vehicle Program Standards. The Low Carbon Fuel Standard, in part, aims to reduce fuel consumption and providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets the LCFS carbon intensity standards for each annual compliance period. For these reasons, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation and impacts would be less than significant. (Final EIR 3.5-9 to 3.5-11)

Threshold EN-2

As part of the City's Green Building Regulations, the Project would be Build it Green or Leadership in Energy and Environmental Design (LEED) for Homes certified, which aims to increase energy efficiency. Additionally, per the RPS, the Project would utilize electricity provided by PG&E that would achieve 60 percent renewable energy by 2030 and 100 percent renewable energy by 2045. Therefore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and impacts would be less than significant. (Final EIR 3.5-11 to 3.5-12)

Geology and Soils

Threshold GEO-1

Project impacts concerning strong seismic ground shaking would be addressed through compliance with State and local seismic and geologic safety laws, standards, and guidelines, including the Seismic Hazard Mapping Act and the 2022 CBC, among others. In general, the City regulates development (and reduces potential seismic and geologic impacts) through compliance with the 2022 CBC as adopted by the City pursuant to Milpitas Municipal Code Title II,

Chapter 3 (Adoption of the California Building Code) and project-specific design and construction recommendations. The CBC includes earthquake safety standards based on a variety of factors, including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the Project Site. Compliance with the CBC regulations would ensure that the Project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking. Impacts would be less than significant, and no mitigation measures are required. (Final EIR 3.6-17 to 3.6-18)

Threshold GEO-2 As discussed above, the Project Site is located less than two miles from the southeast extension of the Hayward Fault, an earthquake fault line with an estimated M_W of 6.9. On a movement magnitude scale (M_W), seismic events with a magnitude between 6.1 to 6.9 are classified as events that “may cause a lot of damage in very populated areas.” The Project would also be required to comply with the seismic design requirements for building, as detailed in the 2022 CBC. Therefore, compliance with the Geotechnical Report and the 2012 CBC, impacts related to strong seismic ground shaking would be less than significant and no mitigation measures are required. (Final EIR 3.6-18 to 3.6-19)

Threshold GEO-3 The Project would be constructed in accordance with the design recommendations as outlined in Section 7.0 of the Geotechnical Report. The Project would also be required to demonstrate compliance with the design requirements detailed under the CBC. Adherence to the foundation requirements outlined in the Geotechnical Report, as well as the seismic design parameters required by the CBC would be confirmed at a plan check and design review with the City of Milpitas. As such, compliance with applicable laws, standards, and guidelines, including the CBC, as adopted by reference in Title II, Chapter 3 Municipal Code, would ensure that Project implementation would not expose people or structures to potentially significant impacts involving liquefaction. Therefore, impacts regarding seismic related ground failure would be less than significant. (Final EIR 3.6-19 to 3.6-20)

Threshold GEO-4 The Project is not located within an area identified as having a potential for earthquake-induced landslides. No known landslides were observed at or near the site, nor is the site in the path of any known or potential landslides.

Therefore, the Project would not result in seismic-related ground failure related to landslides, and no impacts would occur in this regard. (Final EIR 3.6-20)

Threshold GEO-5

The required site grading and construction activities associated with the Project would disturb and expose soil and could, thus, accelerate erosion if effective soil erosion measures are not used. Per the National Pollutant Discharge Elimination System (NPDES), construction Projects of one acre or more, including the proposed Project, are regulated under the Statewide Construction General Permit. Projects obtain coverage under the Construction General Permit by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) estimating sediment risk from construction activities to receiving waters and specifying Best Management Practices (BMPs) that would be used by the Project to minimize the pollution of stormwater. Adherence to the NPDES and the implementation of a Construction General Permit would reduce construction-related impacts concerning soil erosion and loss of topsoil to less than significant. The Project would implement the appropriate LID-based measures that are approved by the City during the site plan review of the Project. Nevertheless, adherence to the San Francisco Bay Regional Water Quality Control Board and the preparation of a Stormwater Management Plan would reduce potential operational-related impacts concerning soil erosion and loss of topsoil to less than significant levels. (Final EIR 3.6-21 to 3.6-22)

Threshold GEO-6

Slope Stability and Landslides. The topography at the site is relatively flat, and the site is not located within an area identified as having a potential for slope instability. Thus, landslide and slope instability are not anticipated, and no impact would result.

Subsidence. The Project would adhere to the requirements outlined in the 2022 CBC related to soil treatment and excavation during construction. Therefore, adherence to the 2022 CBC and implementing the recommendations outlined in the Geotechnical Report would reduce impacts related to subsidence hazards to less than significant levels.

Lateral Spreading and Liquefaction. The grading and foundation recommendations presented in the Geotechnical Report would minimize the effects of liquefaction settlement. The Project would also be designed and constructed to comply with the 2022 CBC. These design requirements would

minimize the impacts from lateral spreading and liquefaction to less than significant. Adherence to the seismic design parameters of the 2022 CBC would be confirmed at plan check and building design review with the City of Milpitas. Nevertheless, Project impacts concerning lateral spreading and liquefaction would be less than significant and no mitigation measures are required.

Settlement and Soil Collapse. The grading and foundation recommendations presented in the Geotechnical Report would minimize the impacts of settlement and/or collapse to less than significant levels. Furthermore, the seismically induced settlement would be reduced by adhering to the seismic design parameters of the 2022 CBC. Therefore, impacts related to soil settlement and/or collapse would be less than significant and no mitigation measures are required. (Final EIR 3.6-22 to 3.6-23)

Threshold GEO-7 Based on the Geotechnical Report, the near surface soils underlying the Project Site are moderately expansive. To reduce the risks of potential differential movement of structures and associated utilities, the Project would implement the recommendations outlined in Section 8.0 of the Geotechnical Report, which provides recommendations to the structure of the proposed development's exterior concrete flatwork. Additionally, the Project would be required to be constructed in compliance with the CBC and the City's Municipal Code, that requires appropriate back fill, compaction of soils, and foundation design to ensure stable soils, which would be verified through the City's building permit plan check and permitting process. Adherence to the CBC and the City's Municipal Code and the implementation of the recommendations outlined in the Geotechnical Report would reduce impacts to less than significant levels. (Final EIR 3.6-23 to 3.6-24)

Threshold GEO-8 The Project would not include the use of septic tanks or alternative wastewater disposal systems, and no impacts would occur. (Final EIR 3.6-24)

Hazards and Hazardous Materials

Threshold HAZ-1 During construction the Project Applicant would comply with the recommendations outlined in the Phase I ESA and remove any observed flaking, peeling, or blistering Lead Based Paints (LBPs) prior to the demolition

of the existing on-site building. Additionally, the Project Applicant would comply with the BAAQMD rules and regulations pertaining to the handling of LBP materials. Further, the Project would comply with all applicable Occupational Safety and Health Administration (OSHA) regulatory requirements, including requirements for worker training, air monitoring and dust control. Coordination with the City and Milpitas Fire Department (MFD) and adherence to Cal/OSHA regulatory requirements would reduce potential construction-related questions to less than significant levels.

Adherence to these applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, substantial hazards to the public or the environment arising from the routine use, storage, transport, and disposal of hazardous materials during long-term operation of the Project would not occur. (Final EIR 3.8-19 to 3.8-22)

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| Threshold HAZ-3 | The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. Therefore, the Project would not impact surrounding schools in this regard. (Final EIR 3.8-25) |
| Threshold HAZ-4 | Based on the California Environmental Protection Agency's (CalEPA) Cortese List Data Resources, the Project Site is not reported on a list maintained pursuant to Government Code Section 65962.5. No impacts would occur in this regard. (Final EIR 3.8-25 to 3.8-26) |
| Threshold HAZ-5 | The Project Site is located outside of the Airport Influence Area of the Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan. Therefore, the Project would not expose residents in the Project Site to excessive airport-related noise levels. No impacts would occur in this regard. (Final EIR 3.8-26 to 3.8-27) |
| Threshold HAZ-6 | While temporary lane closures may be required, travel along surrounding roadways would remain open and would not interfere with emergency access in the vicinity of the Project Site. As discussed, the City maintains an EOP, which addresses the City's planned responses to natural and human-caused |

disasters. The City of Milpitas Fire Department Office of Emergency Management trains City employees on disaster planning, updates the City's emergency plans, provides disaster preparedness information to residents and local businesses, and manages the CERT Program. The Project would not affect existing emergency operations and disaster planning. Therefore, impacts would be less than significant. (Final EIR3.8-27)

Threshold HAZ-7 The Project Site does not interface with any wildlands, or an area classified as a Fire Hazard zone as identified by the California Department of Forestry and Fire Protection. Therefore, impacts related to exposure of people to wildland fires would not occur. As such, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur. (Final EIR 3.8-28)

Hydrology

Threshold HYD-1 Each phase of development of the Project would require compliance with applicable regulations to obtain demolition, excavation, grading, or construction permits from the City. The permitting process would ensure each phase of development would be implemented in compliance with the MRP process. In addition, the SWRCB Construction General Permit (that would be implemented through the City's permitting process), requires the implementation of BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, and prohibits the discharge of non-storm water from construction sites as these non-storm water discharges are likely to carry pollutants to receiving waters. Activities subject to the NPDES General Permit for construction must develop and implement a SWPPP that will identify BMPs that will be employed to prevent soil erosion and discharge of other construction—related pollutants, such as petroleum products, solvents, paints, and cement, that could contaminate nearby water resources. A monitoring program is generally required to ensure that BMPs are implemented according to the SWPPP and are effective at controlling discharges of pollutants that are related to storm water. Implementation of site-specific source control and treatment control BMPs in accordance with the City and County construction and stormwater management codes, and the SWMP would reduce these potential impacts related to stormwater quality. Applicable BMPs would be implemented in accordance with regional and local regulatory requirements,

including the MRP. Because the Project would not violate any water quality or waste discharge requirements, impacts would be less than significant. (Final EIR 3.9-18 to 3.9-21)

Threshold HYD-2 The Project would not result in the need for new or additional groundwater supplies. Therefore, the Project would not result in any groundwater extraction or depletion of groundwater supplies and is not anticipated to interfere with SCVWD's Groundwater Management Plan. Therefore, impacts related to groundwater recharge would be less than significant. (Final EIR 3.9-21 to 3.7-22)

Threshold HYD-3 Erosion and Flooding. Grading, excavation, and other construction activities associated with the Project could adversely affect water quality due to erosion resulting from exposed soils and the generation of water pollutants, including trash, construction materials, and equipment fluids. Associated construction activities would be subject to the NPDES Statewide General Construction Activity Stormwater Permit. Compliance with NPDES permit requirements and implementation of BMPs would ensure erosion and siltation and flooding would be less than significant.

Stormwater Drainage Systems. The Project would result in comparable amounts of impervious surfaces as existing conditions. Therefore, the Project is not anticipated to increase demand on the existing stormwater drainage systems. Impacts would be less than significant.

Surface Flows. Ground-disturbing activities during construction of the Project, including but not limited to grading and excavation, could have potential to result in temporarily altered drainage patterns that could redirect surface flows. However, BMPs employed as part of an SWPPP for the Project would include measures to secure disturbed soils and require proper drainage of the Project Site. Potential impacts to drainage pattern alterations, including how drainage pattern alterations could affect surface water runoff, erosion/siltation, flooding, and stormwater conveyance facilities would be less than significant. (Final EIR 3.9-22 to 3.9-25)

Threshold HYD-4 The City of Milpitas is not within a tsunami or seiche hazard area. Therefore, there would be no impacts related to the risk of release of pollutants due to inundation from a tsunami or seiche. However, the Project Site is located within

a 100-year FEMA Flood Hazard Zone. The Project would be required to comply with applicable regulations relating to the floodplain management regulations which would reduce potential impacts to a less than significant level. In addition, the Project Site not within the Coyote Dam and Reservoir identified dam inundation area and therefore is not at significant risk from a dam failure, and the Project would not exacerbate or increase any such risk. Impacts would be less than significant. (Final EIR 3.9-25 to 3.9-26)

Land Use and Planning

- Threshold LAN-1** The Project Site is currently developed with an existing vacant industrial office building and paved surface parking lot. The proposed change in land use designation, to MXD Mixed Use, is intended to allow for the development of high-density residential uses such as townhomes and multi-family apartments on-site. The Project would not construct new storm channels or major roadways, nor would the Project close entire roadways or bridges that would physically divide the established community. Therefore, implementation of the Project would not be substantial to the point where an established community would be divided, and no impacts would occur. (Final EIR 3.10-9 to 3.10-10)
- Threshold LAN-2** Implementation of the Project would require a General Plan Text Amendment to remove specific language that requires the “preparation or adoption of a Specific Plan for the California Circle area”. In addition, the Project would include a Zoning Map Amendment to change the Project Site’s current Industrial Park Zoning District to Mixed-Use (MXD), consistent with the NCMU land use designation. Although the proposed developments would be inconsistent with multiple development design standards that are specified for MXD zoning (see Table 3.10-2), implementation of the Planned Unit Development would void the Project’s inconsistencies with the City’s development standards for MXD zoning. Therefore, implementation of the Project would not conflict with the local policies and regulations adopted for

the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant. (Final EIR 3.10-10 to 3.10-26)

Noise

Threshold NOI-1 **Construction Noise.** As the existing exterior on-site noise level for the Project Site is 69.3 dBA Ldn, exterior-to-interior noise reductions from current construction standards would reduce interior noise levels to approximately 39.3 to 44.3 dBA Ldn, ensuring the Project is consistent with interior noise level standards. As shown in Table 3.11-6, construction activity would generate noise levels of up to 77.1 dBA Leq at the nearest sensitive receptor (Sensitive Receptor No. 1). As such, temporary construction noise would not exceed the FTA's 80 dBA Leq daytime construction threshold for residential uses, impacts would be less than significant.

Operation Noise. As shown in Table 3.11-7, Project Traffic Noise, the Project would increase local traffic noise levels by a maximum of 0.3 dBA Ldn along California Circle, south of the northbound I-880 on- and off-ramps. Where existing traffic noise levels are greater than 60 dBA Ldn and up to 65 dBA Ldn at the outdoor activity areas of noise-sensitive uses, a +3 dBA Ldn increase in roadway noise levels would be considered significant. Where existing traffic noise levels are greater than 65 dBA Ldn at the outdoor activity areas of noise-sensitive uses, a +1.5 dBA Ldn increase in roadway noise levels would be considered significant. Because the Project would increase local traffic noise levels by a maximum of 0.3 dBA Ldn along any segment, these thresholds would not be exceeded and impacts with respect to operational traffic noise would be less than significant. (Final EIR 3.11-20 to 3.11-25)

Threshold NOI-2 Construction activities associated with the Project would intermittently generate vibration in the Project Site vicinity when it reaches building walls and floors of sensitive receptors. Based on Table 3.11-8, construction equipment could reach vibration levels of 69 VdB at 100 feet, which is the distance to the nearest sensitive receptor (residential uses to the east). As such, the 80 VdB residential annoyance threshold would not be exceeded. Therefore, temporary construction vibration would not exceed human annoyance thresholds, and this impact would be less than significant. Based on Table 3.11-8, construction equipment would reach a maximum of 0.017 PPV (in/sec) at 75 feet, which is the

distance to the nearest off-site building to the north of the Project Site. These vibration levels would not exceed the most conservative 0.12 inch/sec PPV threshold for buildings extremely susceptible to vibration damage. As such, construction-related vibration impacts with respect to building damage would be less than significant (Final EIR 3.11-25 to 3.11-26)

Threshold NOI-3 The Project Site is not located in the vicinity of a private airstrip or airport land use plan. Additionally, the Project Site is located outside of the Airport Influence Area of the Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan. Therefore, the Project would not expose residents at the Project Site to excessive airport-related noise levels. No impact would occur in this regard. (Final EIR 3.11-27)

Population and Housing

Threshold POP-1 The Project would not induce substantial unplanned population growth exceeding existing local conditions (0.8 percent increase over the City's estimated 2022 population) or regional projections (0.03 percent of the City's projected 2040 population). Rather, the Project would assist the City in meeting its targeted number of required residential units allocated for low-income households per state housing law (RHNA). Further, the Project would help improve the City's job-housing balance by providing additional housing to the jobs-rich and high-resource City. Therefore, the Project would result in less than significant impacts. (Final EIR 3.12-16 to 3.12-19)

Threshold POP-2 The Project would demolish a currently unoccupied industrial office building and construct multi-family housing units in the form of seven-plex and twelve-plex townhomes, and an apartment building. Thus, the Project would not displace substantial numbers of existing people or housing, and no impacts would occur. (Final EIR 3.12-20)

Public Services and Recreation

Threshold PS-1 Construction activities would be subject to compliance with the latest adopted applicable State and local regulations in place to reduce risk of fire, such as installation of a temporary construction fencing to restrict site access and maintenance of a clean construction site. Project compliance with applicable State and local regulations related to fire protection would result in less than

significant construction related impacts and no mitigation measures are required. The Project would adhere to the latest adopted State and local design standards to ensure fire protection safety. Therefore, the increase in demand for MFD services would not result in delays to the either fire department's target response times, nor would the Project require the construction of new fire protection facilities or expansion of existing fire protection facilities, impacts would be less than significant. (Final EIR 3.13-8 to 3.13-10)

Threshold PS-2

Construction activities associated with the Project may create a temporary increase in demand for Milpitas Police Department (MPD) services at the construction site. Project compliance with the CBC requirements would not result in the need for additional police protection facilities and would not adversely impact service ratios, response times, or other performance standards, impacts would be less than significant. The Project Applicant would submit a Fire Department access plan to the City and the MFD for review and approval to ensure that emergency access and on-site vehicle circulation are feasible for MFD-operated fire trucks. The Project is not expected to result in any provisions of new or physically altered MPD facilities. Compliance with local regulations, as well as coordination with the City and MPD would ensure that impacts in this regard would be less than significant. (Final EIR 3.13-16 to 3.13-17)

Threshold PS-3

The increase in student enrollment from the Project is not projected to substantially increase beyond existing enrollment. The Project Applicant would be subject to California Government Code Section 65995 and AB 2926, which would require the Project Applicant to contribute its fair share of the cost of increasing demand for school facilities through payment of development impact fees to MUSD. The Project's conformance to California Government Code Section 65995 and the proposed mutual agreement with MUSD would ensure potential impacts to MUSD school facilities would be less than significant. Therefore, Project implementation would result in a less than significant impact on public schools and no mitigation measures are required. (Final EIR 3.13-25 to 3.13-26)

Threshold PS-4

The Project does not propose the construction of any new or physically altered library facilities. The Project would introduce up to 655 new residents to the City, thereby increasing demand for MPL facilities and resources. However, the Project is not expected to result in any negative the library's current services or

its ability to provide these services. Such, the Project would result in significant less than significant impacts to other public facilities. (Final EIR 3.13-30 to 3.13-31)

Threshold REC-1 Although outdoor recreational spaces are provided under the Project (i.e., paseos and outdoor recreation areas), these spaces are not open to the public and are intended for Project residents. To offset this increased need for parkland in the City, the Project Applicant would be required to pay a park developer fee in lieu of the Project parkland dedication per the Quimby Act and Section 9 (Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes) of the City's Municipal Code. The City would determine the "fair market value" for an acre of land in the City to determine said park fee. Payment of this fee would ensure that the Project's potential impacts on parkland capacities and existing parkland facilities would be reduced to less than significant levels. As such, impacts would be less than significant. (Final EIR 3.13-39 to 3.13-40)

Threshold REC-2 The Project Applicant would adhere to state and local law and regulations and pay the appropriate fees-in-lieu of parkland dedication. The Project includes open space and outdoor recreational areas. The outdoor recreational area would include a playground area, benches, turf areas, and picnic tables. The outdoor recreational area would serve as a recreational facility for residents on-site. Further, the Coyote Creek Trail located 0.12 miles west of the Project Site would serve as an existing recreational facility to Project residents and residents within a 0.25-mile distance to the Project. Therefore, less than significant impacts to recreational facilities would occur. (Final EIR 3.13-40)

Transportation

Threshold TRA-2 As shown in Table 3.14-2, for both years 2022 and 2040, the Project would yield a Vehicle Miles Traveled (VMT) lower than the VMT of the existing use. Therefore, the Project would result in a less-than-significant impact. (Final EIR 3.14-24 to 3.14-25)

Threshold TRA-3 Circulation. Project site plans and fire truck access plans would be subject to review and approval from the City and the Milpitas Fire Department. Upon approval of these plans, the proposed townhome community and apartment

complex would provide adequate vehicle circulation that would not increase safety hazards. Impacts would be less than significant.

Vehicle Queue Analysis and Site Distance. As shown in Table 3.14-3, there currently is and would be adequate vehicle storage to accommodate the expected maximum vehicle queues at both intersections at California Circle, impacts would be less than significant.

Site Access. The City would review both proposed access points as part of the site plan review process to confirm compliance with all applicable safety standards and considerations concerning the proposed access configurations. Additionally, the Project would comply with all site access requirements imposed by the City and the MFD to ensure that inadequate design features or incompatible uses, for the purpose of emergency access, do not occur. As such, the Project would not introduce incompatible uses to the area roadways and intersections, and impacts would be less than significant. (Final EIR 3.14-26 to 3.14-30)

Utilities and Service Systems

Threshold USS-1 The Project Site receives water supplies from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (formerly Santa Clara Valley Water District). The Project's incremental increase in water demand would not exacerbate drought conditions and would not require or result in the construction of new water treatment facilities or expansion of existing facilities. Impacts would be less than significant. The Project Site is served by the San José-Santa Clara Regional Wastewater Facility (RWF), which has a wastewater treatment capacity of 167 million gallons per day (mgd). With adherence to applicable regulations, the Project would have adequate wastewater conveyance systems and impacts related to wastewater conveyance would be less than significant. Electricity services for the Project Site is provided by Pacific Gas and Electric Company (PG&E). It is not anticipated that existing transmission lines would need to be modified as a result of the Project. Potential impacts would be less than significant. Natural gas service for the Project Site is provided by PG&E which is regulated by the CPUC. The Project is not anticipated to require the relocation or construction of new or expanded natural gas facilities and impacts would be less than significant. The Project would only

install necessary telecommunications infrastructure to be used by residents, employees, and visitors of the Project. It is not anticipated that new infrastructure off-site will be required. Given the urbanized nature of the Project Site, construction of any telecommunications infrastructure needed for the Project would result in less than significant environmental impacts. (Final EIR 3.15-13 to 3.15-16)

Threshold USS-2 The Project would be required to comply with the Water Shortage Contingency Plan during drought conditions. Therefore, the Project would adhere to State and local regulations to reduce water consumption during drought conditions and the Project's incremental increase in water demand would have sufficient water supplies during normal years. Impacts would be less than significant. (Final EIR 3.15-16 to 3.15-17)

Threshold USS-3 The Project would install 10-inch underground sewer lateral connections along the proposed internal private streets near the center of the Project Site. The sewer laterals would connect to each townhome and the apartment complex. The proposed wastewater lateral connector would connect to existing offsite 24-inch sewer lateral located along California Circle. As such, the Project would have adequate wastewater conveyance systems and impacts would be less than significant. (Final EIR 3.15-17 to 3.15-18)

Threshold USS-4 According to the CalEEMod air quality and greenhouse gas emissions modeling for the Project, the Project would generate approximately 50.96 tons per year, or 0.14 tons per day. This would account for less than 0.01 percent of the Newby Island Landfill's permitted daily capacity of 4,000 tons per day. As a result, the generation of solid waste would not exceed available capacity. The Project would adhere to all State and local standards and impacts would be less than significant. (Final EIR 3.15-18 to 3.15-19)

Threshold USS-5 The City is required by Assembly Bill 939 to divert 75 percent of solid waste from landfills. The Project would be required to demonstrate compliance with all applicable regulations including Assembly Bill 939. The Project would not interfere with any federal, state, or local management and reduction statutes and

regulations related to solid waste. Impacts would be less than significant. (Final EIR 3.15-19)

E.3 Findings Regarding Impacts Analyzed in the EIR and Determined to be Significant but Mitigated to Less than Significant

This section includes findings for project impacts which are potentially significant, but which are mitigated to a less than significant level with the imposition of mitigation measures. The City Council finds that all potentially significant impacts of this project listed below can and will be substantially lessened or avoided by imposition of mitigation measures. Specific findings of the City Council for each impact are set forth below in this section.

The City hereby finds that the following potential environmental impacts can and will be mitigated to below a level of significance, with implementation of the mitigation measures recommended in the EIR.

Air Quality

Threshold AQ-2 Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Significance Before Mitigation: Less than significant.

Mitigation Measure

MM AQ-1 The following BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions shall be implemented:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: While impacts would be less than significant without mitigation, the BAAQMD requires the implementation of the BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions. (Final EIR 3.2-18 to 3.2-23)

Biological Resources

Threshold BIO-1 **Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or**

special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM BIO-1 In the event that ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat that are associated with the Project are scheduled to occur within the avian nesting season (from January 1 through August 31), a qualified biologist retained by the City shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 100-foot buffer around the active nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity seasons, which would be determined by the qualified biologist.

The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Milpitas, California Department of Fish and Wildlife, and other appropriate agencies. This requirement shall be indicated on the site improvement plan and specifications for verification by the City of Milpitas prior to the initiation of construction activities.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: The Project would operate as multi-family residential uses. These uses are highly unlikely to disturb any potential nesting habitat on-site. However, given the health condition of the majority of existing trees on-site, construction activities associated with the Project would comply with the

recommendations outlined in the Arborist Report, and remove all 49 trees, including 27 protected trees. The Project will plant 269 new trees of various species, resulting in a replacement ratio of 10:1. Notwithstanding, the Project could potentially disturb and modify any critical habitats that may be present on-site for special-status bird species.

To reduce such impacts to the special-status migratory birds **Mitigation Measure MM BIO-1** would require a pre-construction clearance survey to be conducted on-site with a qualified biologist prior to the initiation of construction activities associated with the Project. In the event that an active nest is discovered during the pre-construction clearance survey, **Mitigation Measure MM BIO-1** would require all constructions activities associated with the Project to stay outside of a 100 feet buffer around the discovered nest. Implementation of **Mitigation Measure MM BIO-1** would reduce such impacts to the special-status migratory birds to less than significant levels. (Final EIR 3.3-20 to 3.3-23)

Threshold BIO-4 **Would the Project interfere substantially with the movement of any native resident or migratory fish or animal species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

Refer to **Mitigation Measure MM BIO-1** above.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Existing ornamental vegetation on-site has the potential to provide suitable nesting habitat for birds. The Migratory Bird Treaty Act (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, or nests. There are several mature trees present within the Project Site that may provide suitable habitat for nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code §§ 3500-5500. Birds may also nest on or within the vacant building on site.

To reduce such impacts the Project would implement **Mitigation Measure MM BIO-1**, which would halt the removal of any trees with active bird nests until said nesting becomes inactive. With the implementation

of **Mitigation Measure MM BIO-1**, direct and indirect impacts to protected nesting birds would be reduced to less than significant levels. (Final EIR 3.3-24 to 3.3-25)

Cultural, Tribal Cultural and Paleontological Resources

Threshold CUL-2 **Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM CUL-1 The Project Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct Worker's Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and the archaeologist shall evaluate the find. If the resources are Native American human remains, the County Coroner and the Native American Heritage Commission shall be contacted as mandated by law. If necessary, the evaluation may require preparation of archaeological testing for California Register of Historical Resources (CRHR) eligibility. Results of the archaeological testing shall be reviewed and approved by the qualified archaeologist. If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work may be warranted, such as data recovery excavation, and, if so, shall be identified by the archaeologist to mitigate any such significant impacts to cultural resources, if identified.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: In the event that archaeological resources are encountered during Project construction, **Mitigation Measure CUL-1** would require all construction efforts associated with the Project to halt immediately until a qualified archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. If the archaeologist determines the resource constitutes a "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation would be made available to the

Applicant. With implementation of **Mitigation Measure CUL-1**, the Project would not cause a substantial adverse change in the significance of an archaeological resource or site pursuant to Section 15064.5 of the *CEQA Guidelines*, and impacts would be reduced to less than significant levels. (Final EIR 3.4-18 to 3.4-20)

Threshold TRC-1 **Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Significance Before Mitigation: Potentially significant

Mitigation Measure

Refer to **Mitigation Measure MM CUL-1** above.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Project excavation could encounter native soils which has the potential to support undiscovered tribal cultural resources. If tribal cultural resources are encountered during Project construction, **Mitigation Measure CUL-1** would require all construction efforts associated with the Project to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action which must be implemented. Implementation of **Mitigation Measure CUL-1** would ensure that appropriate protocols are in place in the event unknown cultural resources, including archaeological and tribal cultural resources, are discovered during ground-disturbing activities. As such,

impacts to tribal cultural resources would be reduced to less than significant levels. (Final EIR, pp. 3.4-21 to 3.4-22)

Geology and Soils

Threshold GEO-9 **Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM GEO-1 In the event a potentially significant paleontological resource is encountered during ground-disturbing activities, work within 100 feet of the discovery shall halt and a professional paleontologist who meets the qualification standards of the Society of Vertebrate Paleontology shall be retained by the Project Applicant immediately to evaluate the significance of the discovery. The City of Milpitas Planning Department shall be notified immediately. If the resource is found to be significant, the professional paleontologist shall systematically remove it from the site for laboratory preparation. Following laboratory preparation, the resource would be identified, cataloged, and inventoried in anticipation of curation. All collected and prepared resources would be curated and stored in an accredited repository.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Due to the present surface soils on-site and the historically developed nature of the Project Site and its immediate surrounding areas, the surface of the Project Site has a low potential for paleontological sensitivity. However, the soil conditions at the subsurface and bgs of the Project Site have an undetermined potential for paleontological sensitivity. In the event that a potentially significant paleontological resource is encountered during ground-disturbing activities, **Mitigation Measure MM GEO-1** would require all work within 100 feet of the discovery to halt and a qualified professional paleontologist to be retained to evaluate the find in consultation with the City. With implementation of **Mitigation Measure MM GEO-1**, impacts pertaining to paleontological resources would be reduced to a less than significant level. (Final EIR 3.6-25 to 3.6-26)

Greenhouse Gas

Threshold GHG-1 Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Threshold GHG-2 Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas emissions?

Significance Before Mitigation: Less than significant

Mitigation Measure

MM GHG-1 Prior to the issuance of a building permit, the Project Applicant shall demonstrate compliance with relevant and applicable measures of the Climate Action Plan (CAP) Update by preparing and implementing a project-specific consistency review checklist. The City shall review this consistency review checklist as part of the Project plan review.

The consistency review checklist shall outline feasible, effective and applicable measures that will be required for the Project. Applicable and effective measures in reducing Project GHG emissions include, but are not limited to, the following:

- Utilize the latest energy-efficient construction equipment, when feasible;
- Install Energy Star appliances;
- Install on-site renewable energy, such as solar panels;
- Provide on-site electric vehicle charging stations and associated infrastructure; and
- Install water-efficient irrigation systems capable of using reclaimed water, when available.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: While impacts would be less than significant without mitigation, **Mitigation Measure GHG-1** would demonstrate the Project's compliance with applicable goals and measures set forth

in the Milpitas 2022 CAP Update. As such, the Project would comply with BAAQMD threshold “B” which states that projects must be consistent with a local GHG reduction strategy. (Final EIR 3.7-27 to 3.7-30)

Hazards and Hazardous Materials

Threshold HAZ-2 **Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM HAZ-1 Prior to issuance of a grading permit, a Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience to establish appropriate management practices for handling impacted soil, soil vapor and ground water if encountered during construction activities. These documents shall include the following:

- Site control procedures to control the flow of personnel, vehicles and materials in and out of the Site.
- Measures to minimize dust generation, storm water runoff and tracking of soil off-Site.
- If excavation de-watering is required, protocols to evaluate water quality and discharge/disposal alternatives shall be described.
- Protocols for soil removal and subsequent subsurface soil sampling and evaluation.
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handling procedures should be described.
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during construction activities.
- Protocols to evaluate the quality of soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be determined.
- Procedures to evaluate and document the quality of any soil imported to the Site.

- Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
- Methods to monitor excavations for the potential presence of volatile chemical vapors.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Adherence to applicable federal and state regulations related to hazards and hazardous materials would ensure safety impacts pertaining to the potential for accidental conditions during Project operations would be less than significant. Subsequent to this removal, groundwater and soil vapor samples should be collected from this area to determine if elevated petroleum hydrocarbons or Volatile Organic Compounds remain. Additional vapor mitigation controls may be required based on the post-removal soil vapor concentrations. This area would be required to be backfilled with compacted clean fill material. Further, the Project would be subject to **Mitigation Measure MM HAZ-1** which would require a Soil Management Plan (SMP) to be prepared and implemented during grading and excavation activities. The SMP would detail the best management practices to properly manage impacted soil in a manner protective of human health and consistent with applicable Federal, State, and local laws. Subsequent to the subsurface evaluation previously discuss, the SMP would implement protocols for the removal of impacted soil. Further, the SMP would require all excavated soil generated from the Project Site that requires off-site disposal to be required to be characterized prior to disposal at a licensed disposal facility or other commercial property, as appropriate in consultation with a Phase II/Site Characterization specialist. Nevertheless, adherence to applicable federal and state laws and regulations and the implementation of **Mitigation Measure MM HAZ-1** would reduce impacts resulting from the construction-related accident conditions involving the release of hazardous materials to less than significant levels. (Final EIR 3.8-22 to 3.8-24)

Transportation

Threshold TRA-1 **Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM TRA-1 Prior to project construction initiation, the respective Applicants shall prepare a Traffic Management Plan (TMP) for approval by the City Traffic Engineer. The TMP shall specify that one direction of travel in each direction on adjacent roadways must always be maintained during project construction activities. If full lane closures are required and one direction of travel in each direction cannot be maintained, the TMP shall identify planned detours. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and use of construction flag person(s) to direct traffic during heavy equipment use. The TMP shall include signage, lane closures, flag persons, etc., and shall specify that one lane of travel in each direction shall be maintained along City rights-of-way. Bicycle lanes and pedestrian sidewalks shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity. Lastly the TMP shall detail plans that the Applicant would take to ensure that the Project Site would provide adequate emergency access. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Construction activities associated with the Project would require the demolition and reconstruction of the existing driveways within the eastern perimeter of the Project Site. These activities, such as demolition, minor excavation, and grading, may require temporary partial lane closure within the California Circle right-of-way, resulting in partial lane closures for bicyclists and pedestrians. Accordingly, **Mitigation Measure MM TRA-1** would require the Project Applicant to implement a Traffic Management Plan (TMP) to maintain vehicular and bicycle traffic circulation along California Circle and to the Project Site emergency access during construction activities. The TMP would include information detailing proposed signage, lane closures, flag persons, etc., and require that bicycle lanes, pedestrian sidewalks, and bus stops remain open and accessible, to the great extent feasible, during construction or be re-routed to ensure continued connectivity. With the implementation of **Mitigation Measure MM TRA-1**, the Project would not conflict with existing bicycle facilities, and impacts would be less than significant. (Final EIR 3.14-22 to 3.14-24)

Threshold TRA-4 Would the Project result in inadequate emergency access?

Significance Before Mitigation: Potentially significant

Mitigation Measure

Refer to **Mitigation Measure MM TRA-1** above.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Project construction activities would not result in inadequate emergency access during construction. However, short term construction activities may result in temporary lane closures along California Circle. As discussed above, implementation of **Mitigation Measure MM-TRA-1** would require the Project Applicant to implement a TMP to maintain emergency access during the construction process and minimize congestion. Additionally, The Project would not implement any offsite roadway network changes and therefore would not adversely affect emergency vehicle circulation on surrounding roadways. Thus, impacts concerning emergency access would be reduced to less than significant levels with mitigation incorporated. (Final EIR 3.14-30 to 3.14-31)

E.4 Findings Regarding Impacts Analyzed in the EIR and Determined to be Significant and Unavoidable

This section includes findings for project impacts which are determined to be significant even with the imposition of mitigation measures. These impacts cannot be mitigated to a less than significant level and therefore remain unavoidable. Although the City Council finds that all significant impacts of this project listed below cannot be substantially lessened or avoided by the imposition of mitigation measures or alternatives, the mitigation measures found in the EIR and listed below will be implemented to lessen the Project's impact. Specific findings of this City Council for each impact are set forth below in this section.

Aesthetics

Threshold AQ-2 Would the Project have a substantial adverse effect on a scenic vista?

Significance Before Mitigation: Potentially Significant

Mitigation Measure

No feasible mitigation measures are available.

Findings

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or Project alternatives identified in the Final EIR.

Supporting Explanation: The Project would develop multiple structures at a maximum building height that is greater than the existing building structures on-site. Accordingly, this increase in height would result in significant view blockages of public scenic resources (i.e., the eastern open hillsides) from public viewpoints, specifically for bicyclists travelling northbound along Coyote Creek Trail, and motorists travelling southbound along McCarthy Boulevard. As such, the Project would result in substantial adverse effects to scenic vistas, and the impact would be significant and unavoidable.

E.5 Other CEQA Required Analysis in the EIR***Cumulative Impact Analysis***

Cumulative impacts are defined in *State CEQA Guidelines* §15355(b) as:

"The change in the environment which results from the incremental impact of the project when added to other closely related past, present, and probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

Aesthetics

Threshold AES-1 **Would the Project have a substantial adverse effect on a scenic vista?**

Significance Before Mitigation: Potentially Significant

Mitigation Measure

No feasible mitigation measures are available.

Findings

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or Project alternatives identified in the Final EIR.

Supporting Explanation: Public views of both the Project Site and the open hillsides located east of the City are provided from McCarthy Boulevard (Key View 1), I-880 (Key View 2), and the Coyote Creek Trail (Key View 3). Due to the proposed height of the development, the Project would significantly obstruct public views of the hillsides from Key Views 2 and 3 and would completely block any view of the hillsides from Key View 1. Therefore, Project implementation would result in significant and unavoidable cumulative impacts to scenic vistas. (Final EIR 3.1-27 to 3.1-28)

Biological Resources

Threshold BIO-1 **Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM BIO-1 In the event that ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat that are associated with the Project are scheduled to occur within the avian nesting season (from January 1 through August 31), a qualified biologist retained by the City shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 100-foot buffer around the active nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity seasons, which would be determined by the qualified biologist.

The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Milpitas, California Department of Fish and Wildlife, and other appropriate agencies. This requirement shall be indicated on the site improvement plan and specifications for verification by the City of Milpitas prior to the initiation of construction activities.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Existing policies and regulations, in combination with **Mitigation Measure MM BIO-1**, will reduce impacts to sensitive habitats and biological resources to a less than significant level. As such, the Project would not substantially contribute to cumulative impacts on sensitive habitats and biological resources. (Final EIR 3.3-27 to 3.3-28)

Geology and Soils

Threshold GEO-9 **Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM GEO-1 In the event a potentially significant paleontological resource is encountered during ground-disturbing activities, work within 100 feet of the discovery shall halt and a professional paleontologist who meets the qualification standards of the Society of Vertebrate Paleontology shall be retained by the Project Applicant immediately to evaluate the significance of the discovery. The City of Milpitas Planning Department shall be notified immediately. If the resource is found to be significant, the professional paleontologist shall systematically remove it from the site for laboratory preparation. Following laboratory preparation, the resource would be identified, cataloged, and inventoried in anticipation of curation. All collected and prepared resources would be curated and stored in an accredited repository.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Cumulative development throughout the City of Milpitas could potentially disturb unknown paleontological resources that could be present in the City. It is anticipated that Citywide development would have the potential to disturb paleontological resources. Potentially significant cumulative paleontological resource impacts could, however, be mitigated to below a level of significance through resource avoidance or recovery on a case by-case basis. As discussed under **Impact GEO-9**, the Project is not anticipated to disturb paleontological resources and **Mitigation Measure GEO-1** has been included to ensure that the impacts would not be cumulatively considerable as they would ensure on-site resources are protected or recovered. (Final EIR 3.6-26)

Hazards and Hazardous Materials

Threshold HAZ-2 **Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM HAZ-1 Prior to issuance of a grading permit, a Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience to establish appropriate management practices for handling impacted soil, soil vapor and ground water if encountered during construction activities. These documents shall include the following:

- Site control procedures to control the flow of personnel, vehicles and materials in and out of the Site.
- Measures to minimize dust generation, storm water runoff and tracking of soil off-Site.
- If excavation de-watering is required, protocols to evaluate water quality and discharge/disposal alternatives shall be described.
- Protocols for soil removal and subsequent subsurface soil sampling and evaluation.

- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handling procedures should be described.
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during construction activities.
- Protocols to evaluate the quality of soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be determined.
- Procedures to evaluate and document the quality of any soil imported to the Site.
- Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
- Methods to monitor excavations for the potential presence of volatile chemical vapors.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: Cumulative projects would be required to evaluate their project's likelihood and severity of accidental releases of hazardous materials on a project-by-project basis. Cumulative projects would also be required to comply with all applicable laws and regulations as appropriate; including Comprehensive Environmental Response Compensation and Liability Act (CERCLA), California Accidental Release Prevention (CalARP), California Human Health Screening Levels (CHHLs) and requirements outlined by the Department of Toxic Substances Control (DTSC) and the California Fire Code(CFC). The Project would result in a potentially significant impact reasonably foreseeable upset and accident conditions involving the release of hazardous materials. However, the Project Applicant would adhere to all applicable regulations and regulatory requirements. Further, implementation of **Mitigation Measure MM HAZ-1** would require the preparation of a Soil Management Plan (SMP) prior to the initiation of excavating activities. Therefore, adherence to regulatory requirements and **Mitigation Measure MM HAZ-1** would minimize impacts to be less than cumulatively considerable. (Final EIR 3.8-28 to 3.8-31)

Transportation

Threshold TRA-1 **Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

Significance Before Mitigation: Potentially significant

Mitigation Measure

MM TRA-1 Prior to project construction initiation, the respective Applicants shall prepare a Traffic Management Plan (TMP) for approval by the City Traffic Engineer. The TMP shall specify that one direction of travel in each direction on adjacent roadways must always be maintained during project construction activities. If full lane closures are required and one direction of travel in each direction cannot be maintained, the TMP shall identify planned detours. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and use of construction flag person(s) to direct traffic during heavy equipment use. The TMP shall include signage, lane closures, flag persons, etc., and shall specify that one lane of travel in each direction shall be maintained along City rights-of-way. Bicycle lanes and pedestrian sidewalks shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity. Lastly the TMP shall detail plans that the Applicant would take to ensure that the Project Site would provide adequate emergency access. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

Finding

The City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Supporting Explanation: The Project would result in less than significant impacts upon implementation of **Mitigation Measure MM TRA-1**, which would require the Project Applicant to implement a TMP to ensure continued bicycle and pedestrian circulation during the construction activities. Planned development projects that are adjacent to Class II Bicycle Lanes would also be required to implement this mitigation measure to reduce potential impacts to existing bicycle circulation. With the implementation of **Mitigation Measure MM TRA-1**, cumulative impacts would be less than significant (Final EIR 3.14-22 to 3.14-24)

F. ALTERNATIVES TO THE PROJECT

State CEQA Guidelines §15126.6(a) requires an evaluation of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The objectives of the Project are identified in Section 2.0, Project Description, of the DEIR, and in Section B of these Findings. Alternatives are used to determine whether or not a variation of the Project would reduce or eliminate significant project impacts within the basic framework of the objectives.

State CEQA Guidelines §15126.6(e) requires that, among other alternatives, a “no project” alternative be evaluated in comparison to the Project. *State CEQA Guidelines* §15126.6(e)(2) requires that the “no project” analysis “discuss the existing conditions ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

The project alternatives evaluated in detail in the EIR were the following:

- No Project Alternative
- Specific Plan Alternative

F.1 Project Objectives and Legal Requirements

At the time of project approval, the lead agency’s decision-making body must determine whether the alternatives are feasible or not. The lead agency must consider whether specific “economic, legal, social, technological, and other considerations ...make infeasible mitigation measures or alternatives identified in the environmental impact report.” (Pub. Res. Code, § 21081(a)(3); *State CEQA Guidelines* § 15091(a)(3)).

Importantly, CEQA gives lead agencies the authority to approve a project notwithstanding its significant environmental impacts, if the agency determines it is not “feasible” to lessen or avoid the significant effects. (Pub. Res. Code, § 21002). If specifically identified benefits of the project outweigh the significant unavoidable environmental impacts, the adverse impacts may be considered “acceptable,” thereby allowing for lead agency approval of the project, notwithstanding such adverse impacts, provided the agency adopts a statement of overriding considerations. (Pub. Res. Code, § 21081.1(b); *State CEQA Guidelines* § 15093).

As called for by the *State CEQA Guidelines*, the achievement of project objectives must be balanced by the ability of an alternative to reduce the significant impacts of the project. The objectives of the 1355 California Circle project are as follows:

- Increase affordable housing opportunities, including housing designated for all MUSD staff, and help meet the City's Regional Housing Needs Allocation (RHNA);
- Redevelop underutilized and vacated land; and
- Implement sustainable building practices to showcase energy efficiency and low water use.

CEQA does not require adoption of an alternative that does not adequately meet most of the basic project objectives as determined by the lead agency decision makers.

F.2 Findings Regarding Alternatives Considered in the EIR

Alternative 1 - No Project Alternative

The No Project Alternative is required by Section 15126.6(e)(2) of the *State CEQA Guidelines* and assumes that the Project would not be implemented. The No Project Alternative allows decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project. However, "no project" does not necessarily mean that development will be prohibited. The No Project Alternative includes "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services."¹ For purposes of this EIR, the No Project Alternative (Alternative 1) assumes the development of the proposed seven plex and twelve plex townhomes and apartment complex would not occur. The existing 90,000 square foot industrial office building, surface parking lot, and landscaping would remain, and no physical changes would be implemented.

Consideration of the No Project Alternative

As demonstrated in **Table 5.0-1, Alternative 1 Relationship to the Project Objectives**, Alternative 1 would not achieve any of the Project objectives. Alternative 1 would not redevelop the existing parcel or provide new housing in the City. No changes to the Project Site would occur under Alternative 1. Accordingly, impact areas driven by population would be determined to be less than significant, including energy, public services and utilities, including fire, police, school and library services, electricity, and natural gas consumption, as well as solid waste and wastewater generation, and water consumption, would be less

¹ CEQA § 15126.6[e][2]

than the Project. Furthermore, impact areas determined to be less than significant with mitigation or result in unavoidable and significant impacts such as aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and traffic/circulation would be reduced.

Findings

The Council finds that while the No Project Alternative results in less significant impacts to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and traffic/circulation impacts compared to the Project, the alternative would not meet many of the key project objectives, and is environmentally and socially undesirable, and is therefore rejected.

Alternative 2 – Specific Plan Alternative

The Specific Plan Alternative (Alternative 2) would include the adoption and implementation of a California Circle Specific Plan bound by the I-880/California Circle on-and-off ramp, Dixon Landing Road, Lower Penitencia Creek, Fairview Avenue, and Cadillac Court (Plan Area),⁴ which includes the Project Site. The Specific Plan would serve both planning and regulatory functions, including land use regulations, circulation patterns, building and streetscape design standards, and development standards. Alternative 2 assumes that the Project could be implemented as a development project under the Specific Plan.

Alternative 2 would accommodate mixed use developments with opportunities for residential development. Individual development projects under the Specific Plan would also be subject to recent local and State affordable housing requirements. Existing and new commercial and industrial uses along the I-880 frontage would be supported, and ensure land use compatibility between the residential, commercial and industrial buildout within the Specific Plan Area. Additionally, the Specific Plan would identify and implement circulation and street improvements as needed within the Plan Area and the vicinity of the Project Site.

Consideration of the Specific Plan Alternative

As shown in Table 5.0-2, Alternative 2 would achieve all three of the Project objectives. Furthermore, most of the objectives would be met to a greater degree than the Project because the Specific Plan Area would be able to accommodate a greater amount of mixed-use development, thus providing greater opportunities for housing development and increased development intensity. The Specific Plan Alternative would eliminate the significant impact of the Project (aesthetics-visual impacts to scenic resources). Additionally, the Specific Plan Alternative would achieve all Project objectives to a greater degree. However, Alternative 2 could increase the amount of residential development compared to the Project. Thus, the Alternative would potentially increase the City's population and the demand for public services, recreational spaces,

and utility services (i.e., water, wastewater, and solid waste). Future development and redevelopment projects resulting from the Specific Plan Alternative would introduce additional commercial, industrial, and mixed-use development that would increase the development of the Project Site and uses surrounding the Project Site (Specific Plan Area).

Findings

The City Council finds that implementation of Alternative 2 could potentially result in similar environmental impacts to the Project but to a greater degree. Therefore, the Specific Plan Alternative would result in greater impacts than the Project and would ultimately be the inferior alternative. Thus, the alternative is environmentally and socially undesirable, and is therefore rejected.

G STATEMENT OF OVERRIDING CONSIDERATIONS

The Milpitas City Council hereby adopts this Statement of Overriding Considerations concerning the unavoidable significant impacts of the 1355 California Circle Project to explain why the benefits of the Project outweigh and override its unavoidable impacts.

The Final Environmental Impact Report (Final EIR) for the 1355 California Circle Project identifies and discusses significant environmental impacts that could occur as a result of implementation of the Project. The City Council made specific Findings pursuant to CEQA, on each of the significant environmental impacts of the Project and on mitigation measures and alternatives. Nevertheless, even with implementation of feasible mitigation measures, certain significant and unavoidable impacts related to aesthetics still remain.

In accordance with Section 15093 of the *State CEQA Guidelines*, the City Council hereby finds that following economic, legal, social, environmental, and other benefits of the 1355 California Circle Project outweigh its unavoidable, adverse environmental impacts discussed in the Findings, based on the considerations set forth herein:

G.1 Benefits of the 1355 California Circle Project

1. The Project will provide affordable housing opportunities, which will assist the City in meeting its share of the Regional Housing Needs Allocation for new and affordable residential units.
2. The Project's 206 multi-family housing units will help address the statewide housing crises
3. The Project will redevelop an underutilized and vacated parcel.

For the above-mentioned reasons, the City Council hereby finds that the benefits of the Project outweigh and override any adverse environmental impacts associated with the 1355 California Circle Project.

H. ADOPTION OF A MITIGATION MONITORING PROGRAM FOR THE CEQA MITIGATION MEASURES

Section 21081.6 of the Public Resources Code requires this City Council to adopt a monitoring or reporting program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation Monitoring Plan (MMP), included as Chapter 3.0 in the Final EIR, is hereby adopted.

4.0 MITIGATION MONITORING PROGRAM

4.1 INTRODUCTION

The Mitigation Monitoring Program (MMP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA). It is the intent of this program to: (1) verify satisfaction of the required mitigation measures of the EIR (EIR); (2) provide a methodology to document implementation of the required mitigation measures; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) use existing review processes wherever feasible.

This MMP describes the procedures for the implementation of the mitigation measures adopted for the Project. The City of Milpitas Planning Department and staff of other City Departments shall be responsible for administering the MMP activities or delegating them to consultants, or contractors. The Monitoring or Enforcing Agencies identified herein, at their discretion, may require a project applicant or operator to pay for one or more independent environmental monitor(s) to be responsible for monitoring implementation of mitigation measures (e.g., City building inspector, project contractor, certified professionals, etc., depending on the requirements of the mitigation measures) required of project applicants or operators. Monitors would be hired by the City or by the applicant or operator at the City's discretion.

Each mitigation measure is identified in **Table 4.0-1, Mitigation Monitoring Program Matrix**, and is categorized by environmental topic and corresponding number with identification of:

- The Implementing Party or Agency – this is in most cases, the applicant for individual projects who will be required to implement most of the measures.
- The Enforcement and Monitoring Entity – this is the entity or entities that will monitor each measure and ensure that it is implemented in accordance with this MMP.
- Monitoring Phase and Monitoring Actions – this is the timeframe that monitoring would occur and the criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.

**Table 4.0-1
Mitigation Monitoring Program Matrix**

Mitigation Measure	Monitoring Phase and Monitoring Actions	Implementing Party	Enforcement and Monitoring Entity
Impact – Air Quality			
MM AQ-1: The following BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions shall be implemented: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. • Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.	Prior to issuance of grading permits	Project Applicant	City of Milpitas Building Safety and Housing Department.
Impact - Biological Resources			
MM BIO-1: In the event that ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat that are associated with the Project are scheduled to occur within the avian nesting season (from January 1 through August 31), a qualified biologist retained by the Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities. The biologist conducting the clearance survey shall document the negative results if no	Prior to issuance of grading or building permits	Project Applicant	City of Milpitas Planning Department.

Mitigation Measure	Monitoring Phase and Monitoring Actions	Implementing Party	Enforcement and Monitoring Entity
active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 100-foot buffer around the active nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity seasons, which would be determined by the qualified biologist. The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Milpitas, California Department of Fish and Wildlife, and other appropriate agencies. This requirement shall be indicated on the site improvement plan and specifications for verification by the City of Milpitas prior to the initiation of construction activities			
Impact – Cultural Resources			
MM CR-1: The Project Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology to conduct Worker’s Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and the archaeologist shall evaluate the find. If the resources are Native American human remains, the County Coroner and the Native American Heritage Commission shall be contacted as mandated by law. If necessary, the evaluation may require preparation of archaeological testing for California Register of Historical Resources (CRHR) eligibility. Results of the archaeological testing shall be reviewed and approved by the qualified archaeologist. If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work may be warranted, such as data recovery excavation, and, if so, shall be identified by the archaeologist to mitigate any such significant impacts to cultural resources, if identified.	Prior to project approval.	Project Applicant	City of Milpitas Planning Department.
Impact – Geology and Soils			
MM GEO-1: In the event a potentially significant paleontological resource is encountered during ground-disturbing activities, work within 100 feet of the discovery shall halt and a professional paleontologist who meets the qualification standards of the Society of Vertebrate Paleontology shall be retained by the Project Applicant immediately to evaluate the significance of the discovery. The City of Milpitas Planning Department shall be notified immediately. If the resource is found to be significant, the professional paleontologist shall systematically remove it from the site for laboratory preparation. Following laboratory preparation, the resource would be identified, cataloged, and inventoried in anticipation of curation. All collected and prepared resources would be curated and stored in an accredited repository.	Prior to project approval.	Project Applicant	City of Milpitas Planning Department.

Mitigation Measure	Monitoring Phase and Monitoring Actions	Implementing Party	Enforcement and Monitoring Entity
Impact – Greenhouse Gases			
MM GHG-1: Prior to the issuance of a building permit, the Project Applicant shall demonstrate compliance with relevant and applicable measures of the CAP Update by preparing and implementing a project-specific consistency review checklist. The City shall review this consistency review checklist as part of the Project plan review. The consistency review checklist shall outline feasible, effective and applicable measures that will be required for the Project. Applicable and effective measures in reducing Project GHG emissions include, but are not limited to, the following: • Utilize the latest energy-efficient construction equipment, when feasible; • Install Energy Star appliances; • Install on-site renewable energy, such as solar panels; • Provide on-site electric vehicle charging stations and associated infrastructure; and • Install water-efficient irrigation systems capable of using reclaimed water, when available.	Prior to issuance of grading and building permits	City of Milpitas	City of Milpitas Planning Department
Impact - Hazards and Hazardous Material			
MM HAZ-1: Prior to issuance of a grading permit, a Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience to establish appropriate management practices for handling impacted soil, soil vapor and ground water if encountered during construction activities. These documents shall include the following: • Site control procedures to control the flow of personnel, vehicles and materials in and out of the Site. • Measures to minimize dust generation, storm water runoff and tracking of soil off-Site. • If excavation de-watering is required, protocols to evaluate water quality and discharge/disposal alternatives shall be described. • Protocols for soil removal and subsequent subsurface soil sampling and evaluation. • Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handling procedures should be described. • Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during construction activities. • Protocols to evaluate the quality of soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be determined. • Procedures to evaluate and document the quality of any soil imported to the Site.	Prior to issuance of grading and building permits.	Project Applicant	City of Milpitas Building Safety Department

Mitigation Measure	Monitoring Phase and Monitoring Actions	Implementing Party	Enforcement and Monitoring Entity
- Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted. - Methods to monitor excavations for the potential presence of volatile chemical vapors.			
Impact - Transportation			
MM TRA-1: Prior to project construction initiation, the respective Applicants shall prepare a Traffic Management Plan (TMP) for approval by the City Traffic Engineer. The TMP shall specify that one direction of travel in each direction on adjacent roadways must always be maintained during project construction activities. If full lane closures are required and one direction of travel in each direction cannot be maintained, the TMP shall identify planned detours. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and use of construction flag person(s) to direct traffic during heavy equipment use. The TMP shall include signage, lane closures, flag persons, etc., and shall specify that one lane of travel in each direction shall be maintained along City rights-of-way. Bicycle lanes and pedestrian sidewalks shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity. Lastly the TMP shall detail plans that the Applicant would take to ensure that the Project Site would provide adequate emergency access. The TMP shall be incorporated into project specifications for verification prior to final plan approval.	Prior to grading and building permit issuance.	Project Applicant	City of Milpitas Building Safety Department City of Milpitas Engineering Department

General Plan Narrative

The General Plan is not static, but rather a dynamic and multifaceted document that defines and addresses the changing needs of the City. It is based on an on-going review and understanding of existing and projected community needs. Those needs often change after adoption of the General Plan. City Council has discretion in amending the General Plan. The Council has the task of interpreting the plan and consider the balancing the needs of the community with the various goals and land use policies included in the General Plan.

The current General Plan land use designation for the project site is Neighborhood Commercial Mixed Use (NCMU), which allows 1 unit per 1,500 square feet of new or rehabilitated neighborhood serving retail or commercial services. Pulte is requesting an amendment to the NCMU definition which would remove the commercial square footage to housing unit ratio. This requirement is challenging to meet and inconsistent with surrounding developments.

The Zoning code is the primary means of implementing the General Plan through detailed regulations, such as specific types of uses. Zoning implements the General Plan with greater specificity as to what the details of development. The current zoning for the site is Industrial Park (MP). We are requesting a zone change to MXD which would allow for a fully residential project. The project is consistent with the Zoning Ordinance. The proposed is on a 6.69 acre site with 206 units for a project density of 30.75 units to the acre which would be permitted.

The General Plan designations of the adjacent properties are NCMU and across the street are HDR and NCMU. The proposed General Plan text amendment for NCMU, in application, would then be a matter of extending a similar density westward and would result in project consistent with those across from two existing developments.

Developments may be approved if proposals are found to be consistent with policies and programs of the General Plan and compatible with the surrounding neighborhood. With the proposed General Plan amendment, the project is in conformance with the following applicable policies and standards in the City's General Plan, as outlined below on the following page.

Table 1: General Plan Consistency

Guiding Principal/Policy	Conformance
LU 1-4 <i>Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas.</i>	The project includes both single family for sale homes and rental units to meet the needs of families and individuals. The project also provides neighborhood diversity in housing type and cost.
LU 4-4 <i>Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.</i>	The project contains numerous paseos which pedestrian only paths. These paseos provide unique opportunities to create unique accessible public spaces.
LU 5-1 Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new large-scale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.	The proposed project is redevelopment project located on a site with a vacant industrial building and directly across from existing residential. The proposed project also provides a pedestrian connectivity to the existing KB/Istar development and to the trail along Lower Penitencia Creek.
CD 3-6 Encourage the rehabilitation of older residential neighborhoods, districts and centers to prevent blight and maintain the City's character.	The proposed project proposes to beautify a blighted industrial building by building a new development of homes of high quality design and craftsmanship.

AFFORDABLE HOUSING NARRATIVE

1355 California Circle

The proposed development is comprised of 35 townhouse units, 96 stacked condo units (for a total of 131 units planned to be offered for sale) and 75 apartment units (planned to be offered as rental units). The total number of units is 206 at the project site.

The applicant is proposing to satisfy the City's affordable housing ordinance by providing 31 of the apartment units at the low income rental level, and additionally providing the remaining 44 apartment units at the moderate income level. By providing 75 units rental units at below market rate levels, the applicant is establishing a 36.4% "BMR" contribution for this site.

The low income/moderate income units will be provided on a pro rata basis as they exist on the site (ie. 16 Studio units would be 7 at low income and 9 at moderate.... 40 (1) bdrm units would be 16 at low income and 24 at moderate.... 19 (2) bdrm units would be 8 at low income and 11 at moderate).

Under the Affordable Housing Ordinance, the developer would typically be required to provide 15% of each unit type as affordable. This would result in 5 townhomes, 15 condominiums and 11 apartment units (for a total of 31 units) as deed restricted affordable. We propose that our request to deviate from this standard is warranted and of great benefit to the City of Milpitas for the following reasons:

1. The City gets 75 deed restricted units vs. only 31 that would be typically required. This should help alleviate the requirement the City faces in meeting its RHNA obligation.
2. The total number of bedrooms under our proposal, that would be available for low or moderate rental rates, would total 94 bedrooms. Under the standard ordinance there would only total 74 bedrooms.
3. The total square footage of living space under the standard ordinance that would be required would be approximately 41,548 square feet. We are providing approximately 45,661 square feet (roughly 10% more).
4. Pulte Group's commitment in working with MUSD to provide housing opportunities for their employees.

PULTE HOMES - 1355 California Circle

Density Bonus Waiver and Concessions (Narrative and Justification)

Our development proposal includes 35 townhomes (3 story), 96 condos (4 story) and 75 apartments (6 story) for a total of 206 residential units. The townhomes and condos will be for sale while the apartments will be rental. The apartments will be deed restricted at both low income level and moderate income level. The City will be able to claim all 75 units (36.4% of the total number of units against their RHNA obligation.

The developer is entitled to both a waiver and concessions under Density Bonus Law, and hereby requests the following:

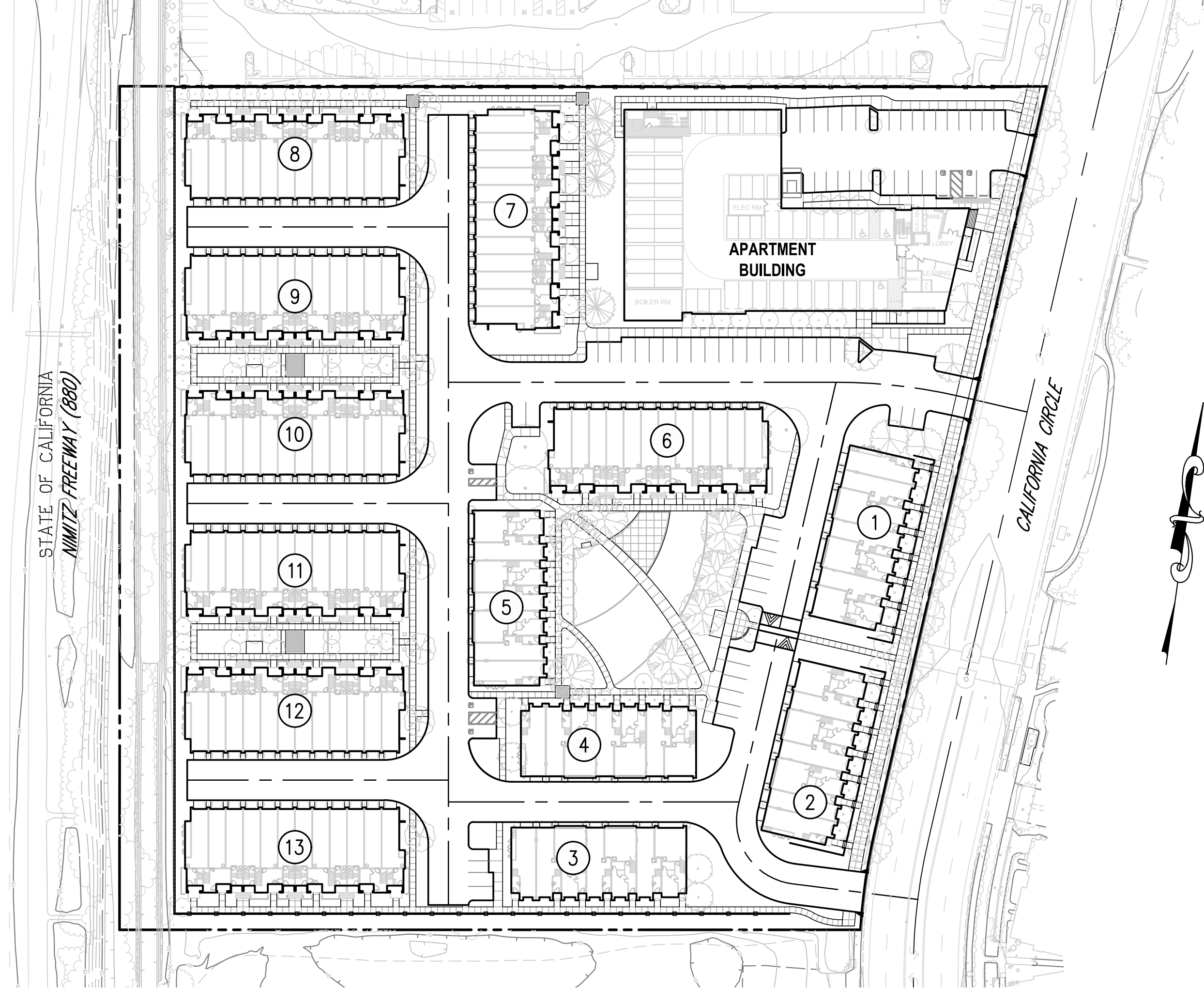
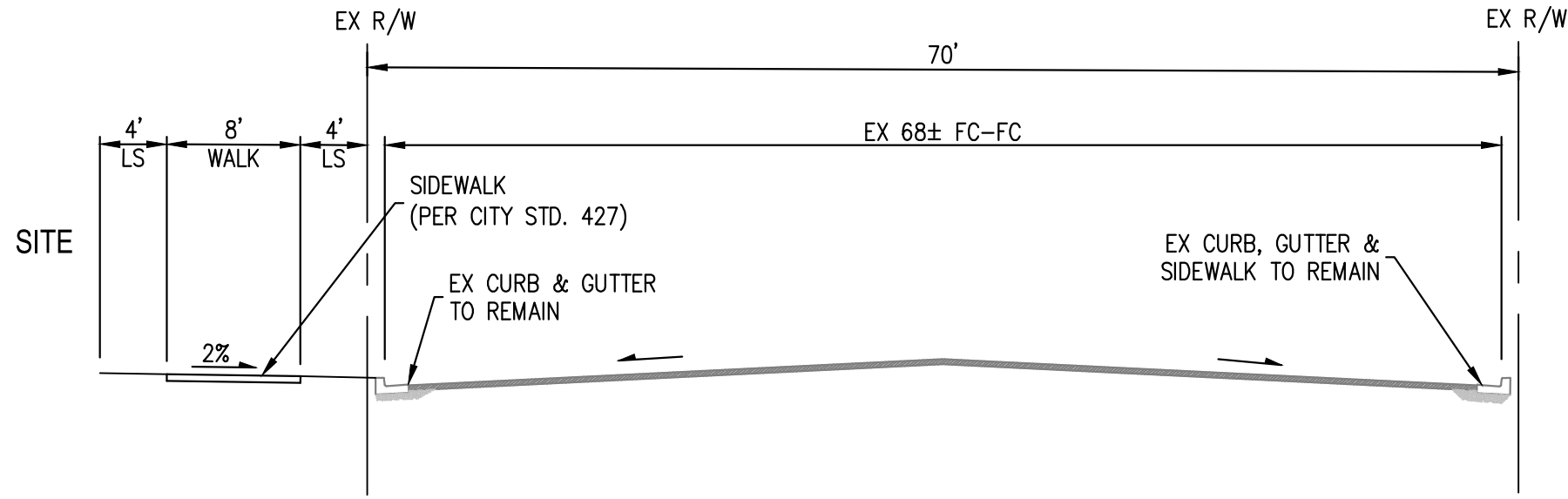
1. Density. Under the NCMU General Plan, density is set at 21 - 30 DU's per acre. We are currently proposing 30.7 DU's per acre and we request the ability to do so. If we were forced to comply staying at 30 units per acre, we would be forced to remove 5 or 6 apartment units which would remove BMR units from our mix
2. Apartment Bldg. Front Setback. The required setback from California Circle, back of sidewalk, is between 8' at a minimum to 15' at a maximum. We are currently showing a 18.8' setback to the main body of the building. Our justification for doing so is to create a better streetscape along our project frontage as well as to incorporate ADA accessible ramps leading to our leasing office.
3. Parking. We believe that we comply under the State Density Bonus guidelines. 52.4 guest parking spaces are required and we are providing 46 guest spaces. Our justification is that in moving the main entrance to the condo/townhome portion, and creating a more optimal trash pick up area for the apartment building, we were forced to drop the additional 6 spaces of parking.
4. The dispersal of compact spaces throughout the project we believe should satisfy City staff, but we remain available to take their suggestions into account during the improvement plan stage.
5. We are seeking a waiver with regard to building height. It is our understanding that under the General Plan and Zoning assumed for our project, 45' in height and 3 stories are allowed by right. As mentioned earlier we have 3 story, 4 story and 6 story product with corresponding heights of 51', 59'6" and 79'. It is essential in achieving the density we seek, and the large open space element that we have included in being able to build to these levels. The highest structure (apartment building) is not financially feasible to build with less units or at a lower height, nor would it be as great a benefit to the City with drastically fewer units at a low or moderate income rental rate.

PLANNED DEVELOPMENT

1355 CALIFORNIA CIRCLE

MILPITAS CALIFORNIA

TO BE CONSTRUCTED	EXISTING	DESCRIPTION
		BOUNDARY
		PROPERTY LINE
		RIGHT OF WAY
		CENTER LINE
		EASEMENT LINE
		CURB, GUTTER, SIDEWALK & DRIVEWAY
		EDGE OF PAVEMENT
		SANITARY SEWER PIPE & MANHOLE (SDR26 PVC)
		STORM DRAIN PIPE & MANHOLE (CORRUGATED HDPE)
		WATER MAIN & VALVE (C900 DR14 PVC)
		RECYCLED WATER MAIN & VALVE
		OVERHEAD LINE
		GAS LINE
		PETROLEUM PIPE
		CURB INLET
		FIELD INLET
		AREA DRAIN PIPE & AREA DRAIN
		FIRE HYDRANT
		WATER METER & AIR RELEASE VALVE
		POWER POLE
		ELECTROLIER
		SURVEY MONUMENT
		SIGN
		DIRECTION OF FLOW & GRADIENT
		DIRECTION OF FLOW
		DIRECTION OF OVERLAND RELEASE PATH
		CURB RAMP
		STORMWATER TREATMENT PLANTER
		CURB TRANSITION
		RETAINING WALL



KEY MAP
SCALE: 1"=60'

SHEET INDEX

CIVIL

- C1 COVER SHEET
- C2 EXISTING TOPOGRAPHIC, TREE SURVEY
- C3 PRELIMINARY SITE PLAN
- C4 PRELIMINARY GRADING & DRAINAGE PLAN
- C5 PRELIMINARY UTILITY PLAN
- C6 STORMWATER MANAGEMENT PLAN
- C7 STORMWATER MANAGEMENT DETAILS
- C8 SECTIONS & DETAILS
- C9 SOLID WASTE HANDLING PLAN
- C10 FIRE TRUCK ACCESS PLAN
- C11 BLUEPRINT FOR A CLEAN BAY

ARCHITECT

- A.01 COVER SHEET SITE PLAN
- A0.2 CODE SUMMARY
- A1.1 12 PLEX BUILDING PLANS FIRST & SECOND FLOOR
- A1.2 12 PLEX BUILDING PLANS THIRD & FOURTH FLOOR
- A1.3 12 PLEX EXTERIOR ELEVATION, ROOF PLAN & LADDER ACCESS PAD DIAGRAM
- A1.4 12 PLEX EXTERIOR ELEVATIONS
- A1.5 TRAVEL DISTANCE EXHIBIT (PLANS 1-6)
- A1.6 TRAVEL DISTANCE EXHIBIT (PLANS 7 & 8)
- A1.7 12 PLEX BUILDING SECTION
- A1.8 COLOR & MATERIAL PALETTE
- A2.1 7 PLEX BUILDING PLANS FIRST & SECOND FLOOR
- A2.2 7 PLEX BUILDING PLANS THIRD FLOOR
- A2.3 7 PLEX EXTERIOR ELEVATION & ROOF PLAN
- A2.4 7 PLEX EXTERIOR ELEVATIONS
- A2.5 7 PLEX BUILDING SECTION
- A2.6 COLOR & MATERIAL PALETTE

BENCHMARK:

SANTA CLARA VALLEY WATER DISTRICT BENCHMARK BM0621. A BRASS DISK AT THE SOUTHWESTERLY CORNER OF BRIDGE FOR CALIFORNIA CIRCLE/MILMONT DRIVE OVER PENITENCIA CREEK AT 350 FEET EASTERLY FROM FAIRVIEW WAY. NAVD88 ELEVATION: 25.35

BASIS OF BEARINGS:

THE BEARING NORTH 29°32'03" WEST AS FOUND MONUMENTED ON CALIFORNIA CIRCLE, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN BOOK 508 OF MAPS AT PAGE 38-40, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN ON THIS SURVEY.

LANDSCAPE

- L-1 OVERALL LANDSCAPE PLAN
- L-2 AMENITIES AREA ENLARGEMENT
- L-3 PASEO ENLARGEMENT
- L-4 SITE AMENITIES IMAGERY
- L-5 PLANT IMAGERY
- L-6 OVERALL PODIUM LANDSCAPE PLAN
- L-7 ENTERTAINMENT TERRACE ENLARGEMENT
- L-8 CLUB TERRACE ENLARGEMENT

PHOTOMETRICS

- PM-1 PHOTOMETRIC TITLE SHEET
- PM-2 PHOTOMETRIC PLAN

COVER SHEET

- A3.0 COVER SHEET
- A3.1 PROJECT INFORMATION
- A3.2 EXISTING SITE CONDITIONS
- A4.0 OVERALL SITE PLAN
- A5.0 CONCEPTUAL BUILDING PLAN - GROUND FLOOR LEVEL
- A5.1 CONCEPTUAL BUILDING PLAN - R1 RESIDENTIAL PODIUM LEVEL
- A5.2 CONCEPTUAL BUILDING PLAN - R2 RESIDENTIAL LEVEL
- A5.3 CONCEPTUAL BUILDING PLAN - R3 & R4 RESIDENTIAL LEVEL
- A5.4 CONCEPTUAL BUILDING PLAN - R5 RESIDENTIAL LEVEL
- A6.0 ROOF PLAN
- A7.0 UNIT PLANS
- A8.0 WASTE MANAGEMENT PLAN
- A9.0 BUILDING SECTIONS
- A10.0 CONCEPTUAL BUILDING ELEVATIONS
- A10.1 CONCEPTUAL BUILDING ELEVATIONS
- A11.0 COLOR & MATERIAL BOARD

PROJECT INFORMATION:

- ASSESSOR'S PARCEL NUMBER: 022-38-007
- SITE ADDRESS: 1355 CALIFORNIA CIRCLE, MILPITAS, CALIFORNIA
- SITE AREA: 6.693 ACRES GROSS & NET
- TOTAL PROPOSED UNITS: 206 UNITS (131 FOR SALE TOWNHOMES + 75 APARTMENTS)
- PROPOSED DENSITY: 30.8 UNITS/ACRE
- TOTAL FLOOR AREA APPROXIMATELY 280,000 SF
- MAXIMUM HEIGHT / NO. OF STORIES:
 - 12-PLEX STACKED TOWNHOMES: APPROX 51'-0" / 4 STORY
 - 7-PLEX TOWNHOMES: APPROX 39'-6" / 3 STORY
 - APARTMENT BUILDING: APPROX 77'-4" / 6 STORY
- FRONT/REAR/SIDE MIN SETBACKS (FROM R/W & PL): 24'/40'+/15'
- THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NUMBER 06085C0058J, DATED FEBRUARY 19, 2014, AS BEING LOCATED IN FLOOD ZONE "AH (EL 15 FEET)".

ZONE AH FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

PROJECT PROPOSES TO FILL THE SITE TO RAISE THE BUILDINGS ABOVE THE FLOOD PLAIN (SEE SHEET C4 FOR ADDITIONAL INFORMATION).

- EXISTING ZONING: MP (INDUSTRIAL)
- EXISTING GENERAL PLAN DESIGNATION: NCMU (NEIGHBORHOOD COMMERCIAL MIXED USE)
- PROPOSED ZONING: MXD (MIXED USE DISTRICT)
- PROPOSED GENERAL PLAN DESIGNATION: NCMU (NEIGHBORHOOD COMMERCIAL MIXED USE)

PARKING TABULATIONS:

SEE SHEETS C3 AND A3.1 FOR PARKING TABULATIONS.

ABBREVIATIONS

AB	AGGREGATE BASE	GV	GAS VALVE
AC	ASPHALT CONCRETE	HP	HIGH POINT
AD	ANGLE POINT	IM	IMAGE
AP	ASSESSOR'S PARCEL NUMBER	INT	INTERSECTION
APN	AIR RELEASE VALVE	INV	INVERT
ARV	AGGREGATE SUBBASE	IP	IRON PIPE
ASB	BOOK	JP	JOINT POLE
BK	BOTTOM OF WALL	LAT	LATERAL
BW	BACK OF WALK	JT	JOINT TRENCH
B/W	BACK FLOW PREVENTOR	LAT	LATERAL
BFP	BOLLARD	LP	LOW POINT
BOL	BLOW-OFF-VALVE	MH	MANHOLE
BOV	BUILDING	M	MAPS
BLDG	BRICK	MEAS	MEASURED
BRK	BOTTOM OF STEP	MON	MONUMENT
BS	CURB & GUTTER	OR	OFFICIAL RECORDS
C&G	CATCH BASIN	P	PAD
CB	CENTER	PG	PAGE
CEN	CENTERLINE	PKG	PARKING
CL	CLEAN OUT	PTRO	PETROLEUM PIPE LINE
CLF	CHAIN LINK FENCE	PLNT	PLANTER
CO	CONCRETE	PT	POINT
CONC	CORNER	PIV	POST INDICATOR VALVE
CONST	CURB RAMP	PL	PROPERTY LINE
COR	DEPRESSED CURB	PP	POWER POLE
CR	DRAINAGE INLET	PS	PROTECTIVE SLOPE
DC	DIAMETER	PVC	POLYVINYL CHLORIDE PIPE
DI	DUCTILE IRON PIPE	RC	ROLLED CURB
DIA	DOUBLE	RCE	REGISTERED CIVIL ENGINEER
DIP	DOWNSPOUT	RCR	REINFORCED CONCRETE PIPE
DW	DRIVEWAY	RE	REEL
ESMT	EASEMENT	RW	RECYCLED WATER
ELEC	ELECTRICAL	R/W	RIGHT OF WAY
ELECT	ELECTROLIER	SD	STORM DRAIN
ENCL	ENCLOSURE	SER	SERVICE
ENCR	ENCROACHING	SS	SANITARY SEWER
EP	EDGE OF PAVEMENT	STB	STREET LIGHT BOX
ER	END OF RETURN	STD	STANDARD
EVA	EMERGENCY VEHICLE ACCESS	SQ	SQUARE
EX	EXISTING	S/W	SIDEWALK
FB	FLUSH BAND	TC	TOP OF CURB
FD	FOUND	TDC	TOP OF DEPRESSED CURB
FDC	FIRE DEPARTMENT CONNECTION	TEL	TELEPHONE
FC	FACE OF CURB	TG	TOP OF GUTTER
FEN	FENCE	TRC	TOP OF ROLLED CURB
FF	FINISH FLOOR	TS	TOP STEP
FG	FINISH GRADE	TSB	TRAFFIC SIGNAL BOX
FH	FIRE HYDRANT	TYP	TOP OF WALL
FI	FIELD INLET	UB	UTILITY BOX
FL	FLOODE	UTIL	UTILITY
FS	FIRE SERVICE	VCP	VITRIFIED CLAY PIPE
F/W	FRONT OF WALK	VLT	VAULT
GB	GRADE BREAK	WB	WATER BOX
GFF	GARAGE FINISH FLOOR	WM	WATER METER
GL	GARAGE LIP	WT	WATER
GRT	GRATE	WV	WATER VALVE
		WD	WOOD
		XING	CROSSING

AFFORDABLE HOUSING COMPLIANCE:

PULTE HOMES INTENDS TO COMPLY WITH THE CITY'S AFFORDABLE HOUSING ORDINANCE. WE ENVISION CREATING THE 35 TOWNHOMES AND 96 STACKED TOWNHOMES, AS MARKET RATE, FOR SALE PRODUCT. THE 75 RENTAL APARTMENTS ARE INTENDED TO BE OFFERED AT "MODERATE" AND "LOW" INCOME LEVELS, WHICH WE BELIEVE WILL BE A TREMENDOUS ASSET TO THE COMMUNITY.

IT IS INTENDED THAT 31 APARTMENT UNITS, WILL BE OFFERED AT THE "LOW" INCOME LEVEL TO SATISFY THE CITY ORDINANCE. IN ADDITION, THE REMAINING 44 APARTMENT UNITS WILL BE OFFERED AT THE "MODERATE" PRICING LEVEL. WE BELIEVE THAT THESE 75 AFFORDABLE APARTMENT UNITS, REPRESENTING A TOTAL OF ALMOST 37% OF THE TOTAL NUMBER OF UNITS, PROVIDES A SUBSTANTIAL BENEFIT TO THE CITY OF MILPITAS.

PROJECT TEAM

DEVELOPER:

PULTE HOMES
JENNIFER VO
4511 WILLOW ROAD, SUITE 8
ORANGE CA, 92666
(714) 639-9860
PHONE (925) 249-3200

CIVIL ENGINEER:

CIVIL ENGINEERING ASSOCIATES INC.
JOHN GAYLORD, P.E.
2055 GATEWAY PLACE, SUITE 550
SAN JOSE CA, 95110
408-453-1066
JGAYLORD@CEAINC.NET

PROJECT TEAM

APARTMENT ARCHITECT:

AO
MICHAEL HEINRICH
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ORANGE CA, 92666
(714) 639-9860
MICHAELH@AOARCHITECTS.COM

LANDSCAPE ARCHITECT:

CANYON PARK STUDIO
PAUL MAKSY
910 DOG WOOD STREET
COSTA MESA, CA 92627
(949) 612-5191
PAUL@CANYONPARKSTUDIO.COM

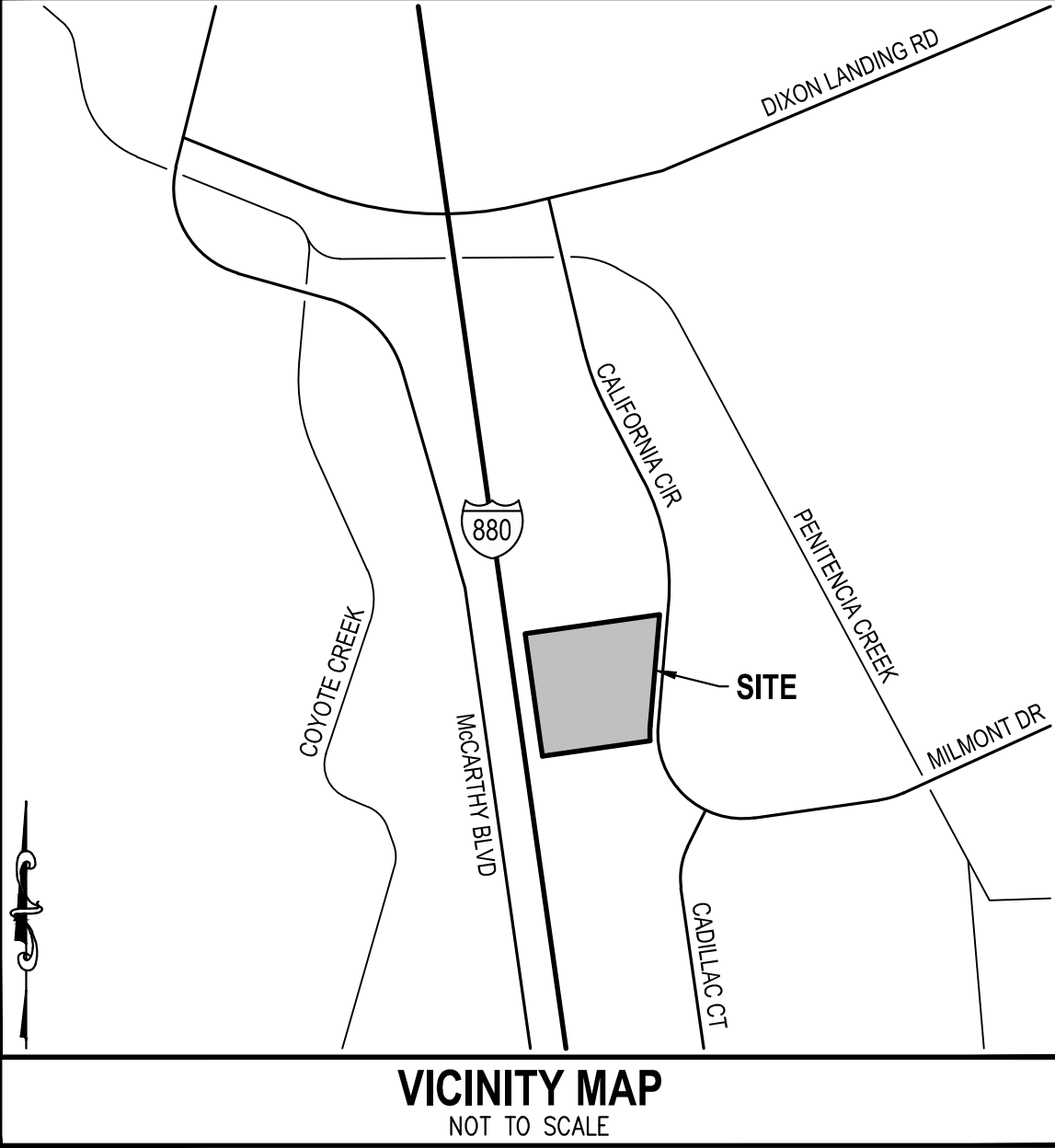
PROJECT TEAM

TOWNHOUSE ARCHITECT:

WHA
NICK MANEA
680 NEWPORT CENTER DRIVE, SUITE 300
NEWPORT BEACH CA, 92660
(949) 250-0607
NICKM@WHAINC.COM

LANDSCAPE ARCHITECT:

VANDERTOOLEN ASSOCIATES
KATY MENDENHALL
700 YONAGIO VALLEY ROAD
WALNUT CREEK, CA 94596
(925) 274-1305
KATY@VANDERTOOLEN.COM



VICINITY MAP
NOT TO SCALE

2055 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

Civil Engineering Associates

Civil Engineers • Planners • Surveyors

4511 Willow Road, Suite 8
Milpitas, CA 95110
Phone 925/249-9200 Fax 925/485-0291

PulteGroup

PREPARED FOR:

PLANNED DEVELOPMENT

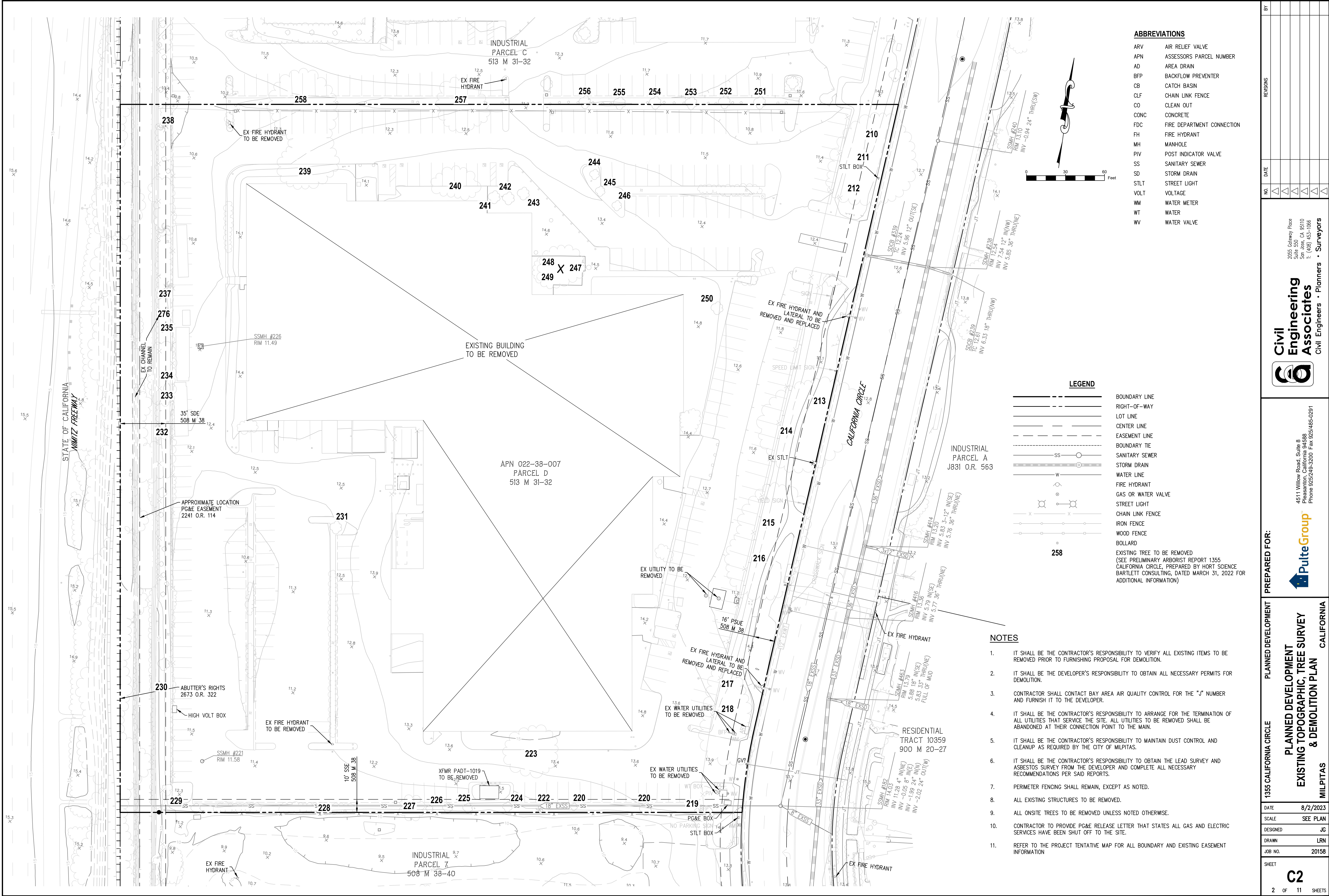
PLANNED DEVELOPMENT
COVER SHEET

1355 CALIFORNIA CIRCLE

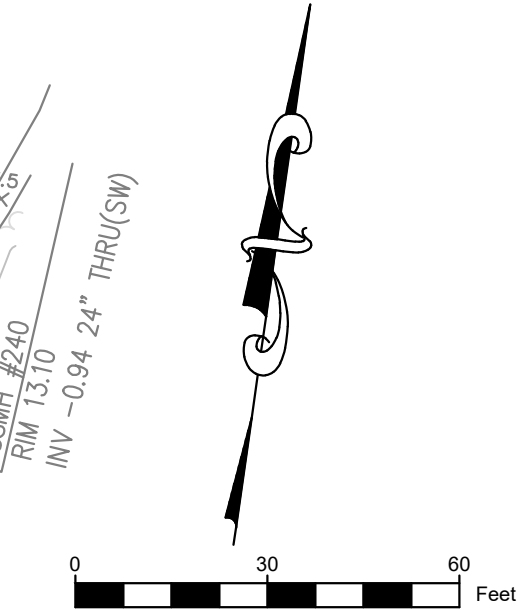
MILPITAS

CALIFORNIA

DATE	8/2/2023
SCALE	SEE PLAN
DESIGNED	JG
DRAWN	LRN
JOB NO.	20158
SHEET	C1
1 OF 11 SHEETS	



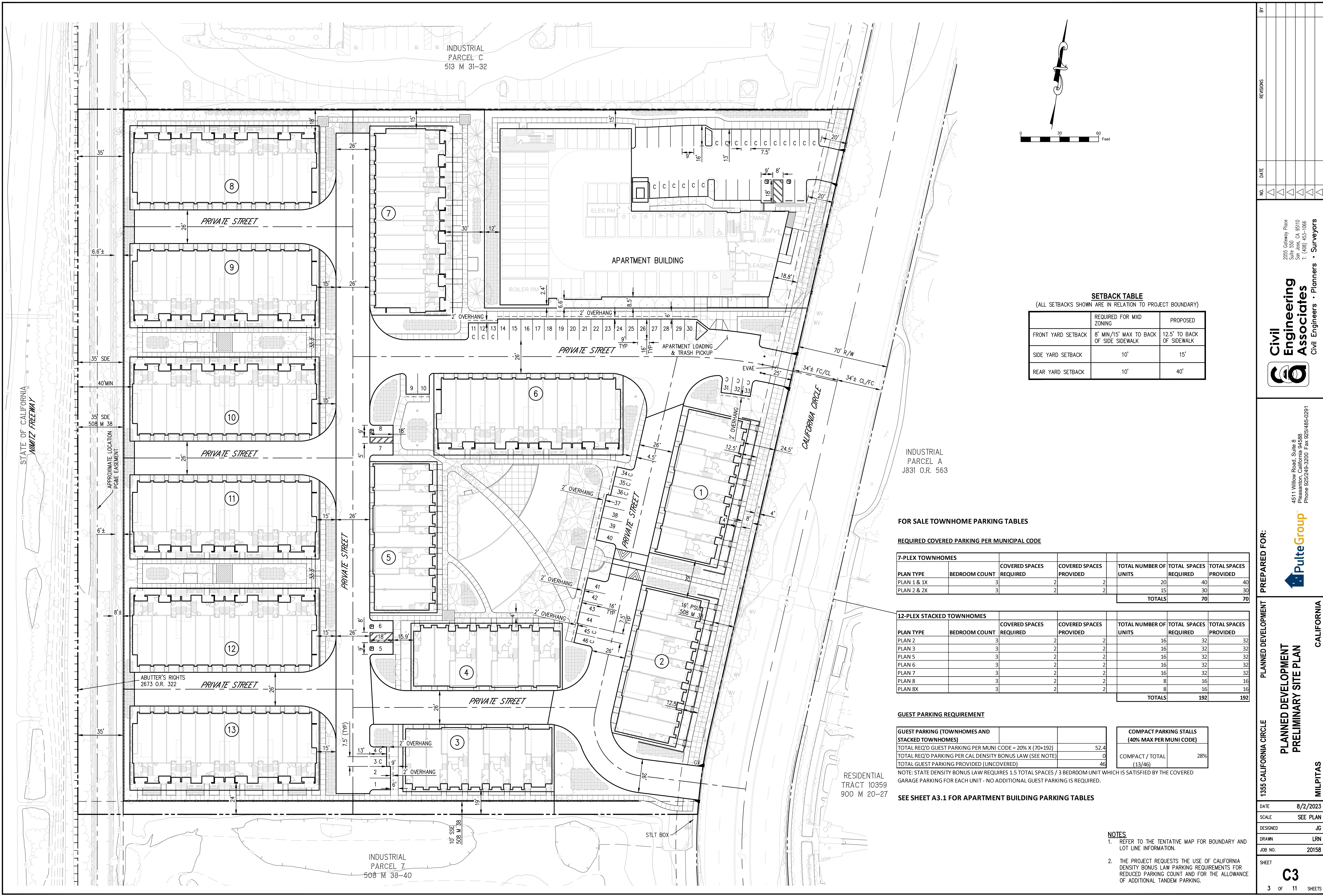
ABBREVIATIONS	
ARV	AIR RELIEF VALVE
APN	ASSESSORS PARCEL NUMBER
AD	AREA DRAIN
BFP	BACKFLOW PREVENTER
CB	CATCH BASIN
CLF	CHAIN LINK FENCE
CO	CLEAN OUT
CONC	CONCRETE
FDC	FIRE DEPARTMENT CONNECTION
FH	FIRE HYDRANT
MH	MANHOLE
PIV	POST INDICATOR VALVE
SS	SANITARY SEWER
SD	STORM DRAIN
STLT	STREET LIGHT
VOLT	VOLTAGE
WM	WATER METER
WT	WATER
WV	WATER VALVE



LEGEND	
	BOUNDARY LINE
	RIGHT-OF-WAY
	LOT LINE
	CENTER LINE
	EASEMENT LINE
	BOUNDARY TIE
	SANITARY SEWER
	STORM DRAIN
	WATER LINE
	FIRE HYDRANT
	GAS OR WATER VALVE
	STREET LIGHT
	CHAIN LINK FENCE
	IRON FENCE
	WOOD FENCE
	BOLLARD
	EXISTING TREE TO BE REMOVED (SEE PRELIMINARY ARBORIST REPORT 1355 CALIFORNIA CIRCLE, PREPARED BY HORT SCIENCE BARTLETT CONSULTING, DATED MARCH 31, 2022 FOR ADDITIONAL INFORMATION)

- NOTES**
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING ITEMS TO BE REMOVED PRIOR TO FURNISHING PROPOSAL FOR DEMOLITION.
 - IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS FOR DEMOLITION.
 - CONTRACTOR SHALL CONTACT BAY AREA AIR QUALITY CONTROL FOR THE "J" NUMBER AND FURNISH IT TO THE DEVELOPER.
 - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE FOR THE TERMINATION OF ALL UTILITIES THAT SERVICE THE SITE. ALL UTILITIES TO BE REMOVED SHALL BE ABANDONED AT THEIR CONNECTION POINT TO THE MAIN.
 - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN DUST CONTROL AND CLEANUP AS REQUIRED BY THE CITY OF MILPITAS.
 - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE LEAD SURVEY AND ASBESTOS SURVEY FROM THE DEVELOPER AND COMPLETE ALL NECESSARY RECOMMENDATIONS PER SAID REPORTS.
 - PERIMETER FENCING SHALL REMAIN, EXCEPT AS NOTED.
 - ALL EXISTING STRUCTURES TO BE REMOVED.
 - ALL ONSITE TREES TO BE REMOVED UNLESS NOTED OTHERWISE.
 - CONTRACTOR TO PROVIDE PG&E RELEASE LETTER THAT STATES ALL GAS AND ELECTRIC SERVICES HAVE BEEN SHUT OFF TO THE SITE.
 - REFER TO THE PROJECT TENTATIVE MAP FOR ALL BOUNDARY AND EXISTING EASEMENT INFORMATION

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SETBACK TABLE		
(ALL SETBACKS SHOWN ARE IN RELATION TO PROJECT BOUNDARY)		
	REQUIRED FOR MXD ZONING	PROPOSED
FRONT YARD SETBACK	8' MIN/15' MAX TO BACK OF SIDE WALK	12.5' TO BACK OF SIDEWALK
SIDE YARD SETBACK	10'	15'
REAR YARD SETBACK	10'	40'

FOR SALE TOWNHOME PARKING TABLES

REQUIRED COVERED PARKING PER MUNICIPAL CODE

7-PLEX TOWNHOMES		COVERED SPACES REQUIRED	COVERED SPACES PROVIDED	TOTAL NUMBER OF UNITS	TOTAL SPACES REQUIRED	TOTAL SPACES PROVIDED
PLAN TYPE	BEDROOM COUNT					
PLAN 1 & 1X	3	2	2	20	40	40
PLAN 2 & 2X	3	2	2	15	30	30
TOTALS					70	70

12-PLEX STACKED TOWNHOMES		COVERED SPACES REQUIRED	COVERED SPACES PROVIDED	TOTAL NUMBER OF UNITS	TOTAL SPACES REQUIRED	TOTAL SPACES PROVIDED
PLAN TYPE	BEDROOM COUNT					
PLAN 2	3	2	2	16	32	32
PLAN 3	3	2	2	16	32	32
PLAN 5	3	2	2	16	32	32
PLAN 6	3	2	2	16	32	32
PLAN 7	3	2	2	16	32	32
PLAN 8	3	2	2	8	16	16
PLAN 8X	3	2	2	8	16	16
TOTALS					192	192

GUEST PARKING REQUIREMENT

GUEST PARKING (TOWNHOMES AND STACKED TOWNHOMES)	
TOTAL REQ'D GUEST PARKING PER MUNI CODE = 20% X (70+192)	52.4
TOTAL REQ'D PARKING PER CAL DENSITY BONUS LAW (SEE NOTE)	0
TOTAL GUEST PARKING PROVIDED (UNCOVERED)	46

NOTE: STATE DENSITY BONUS LAW REQUIRES 1.5 TOTAL SPACES / 3 BEDROOM UNIT WHICH IS SATISFIED BY THE COVERED GARAGE PARKING FOR EACH UNIT - NO ADDITIONAL GUEST PARKING IS REQUIRED.

COMPACT PARKING STALLS (40% MAX PER MUNI CODE)	
COMPACT / TOTAL (13/46)	28%

SEE SHEET A3.1 FOR APARTMENT BUILDING PARKING TABLES

- NOTES
- REFER TO THE TENTATIVE MAP FOR BOUNDARY AND LOT LINE INFORMATION.
 - THE PROJECT REQUESTS THE USE OF CALIFORNIA DENSITY BONUS LAW PARKING REQUIREMENTS FOR REDUCED PARKING COUNT AND FOR THE ALLOWANCE OF ADDITIONAL TANDEM PARKING.

BY

REVISIONS

DATE

NO.

2025 California Circle
Suite 550
San Jose, CA 95110
T: (408) 453-1066

Civil Engineering Associates
Civil Engineers • Planners • Surveyors

PREPARED FOR:

1355 CALIFORNIA CIRCLE

PLANNED DEVELOPMENT

PLANNED DEVELOPMENT PRELIMINARY SITE PLAN

CALIFORNIA

DATE

8/2/2023

SCALE

SEE PLAN

DESIGNED

JG

DRAWN

LRN

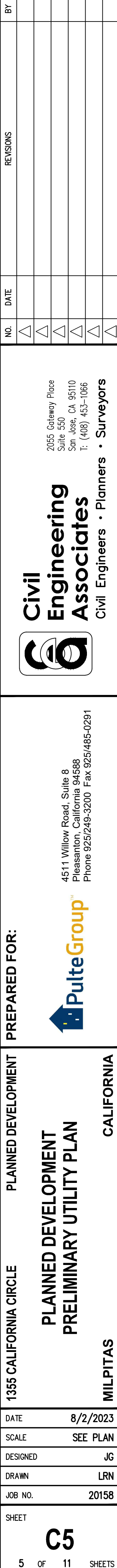
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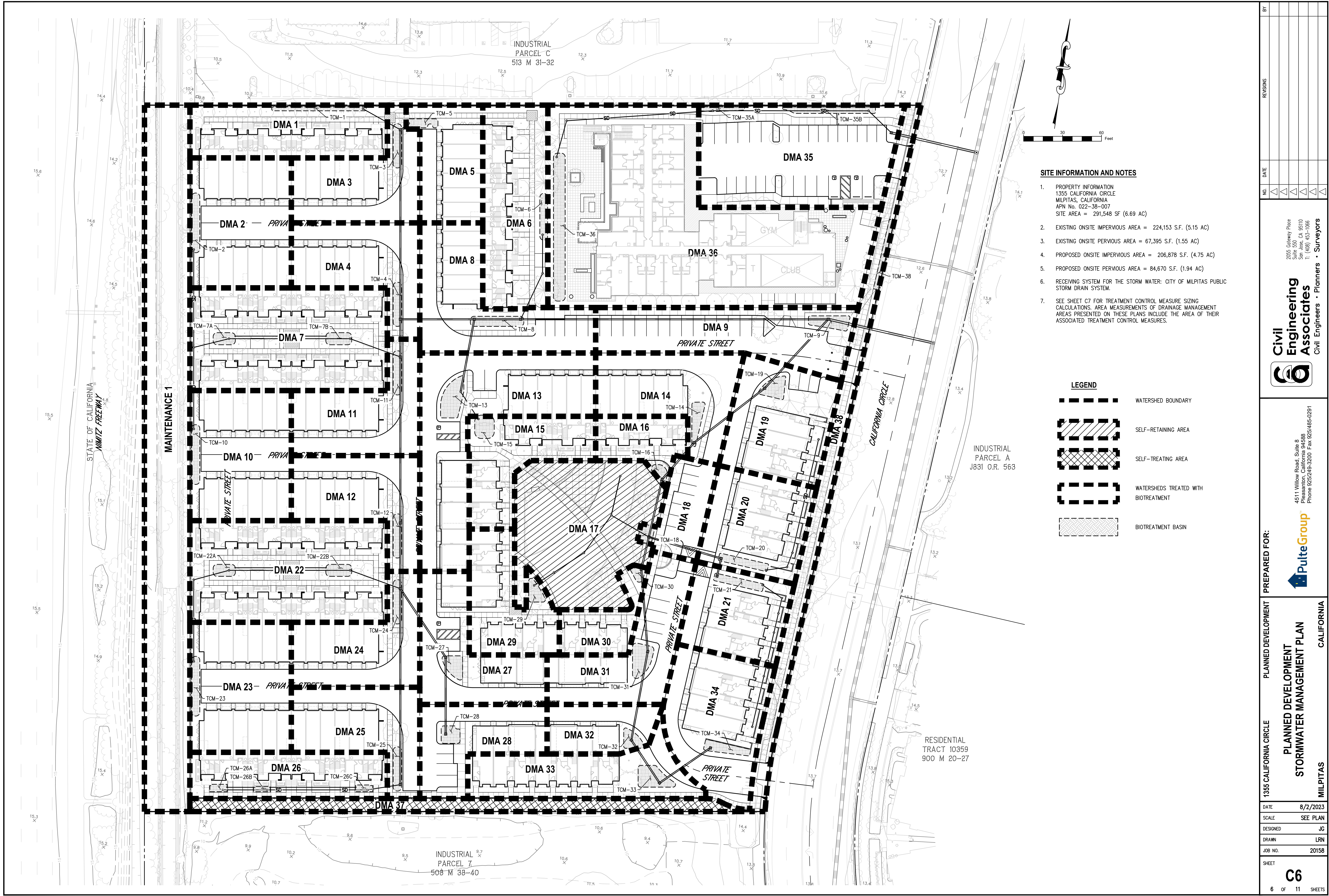
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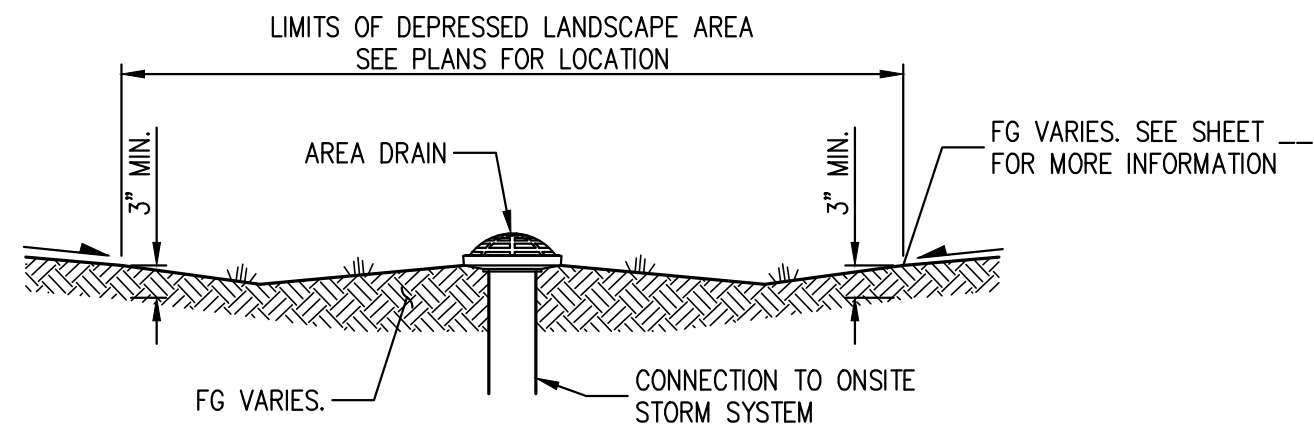
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C3

3 OF 11 SHEETS



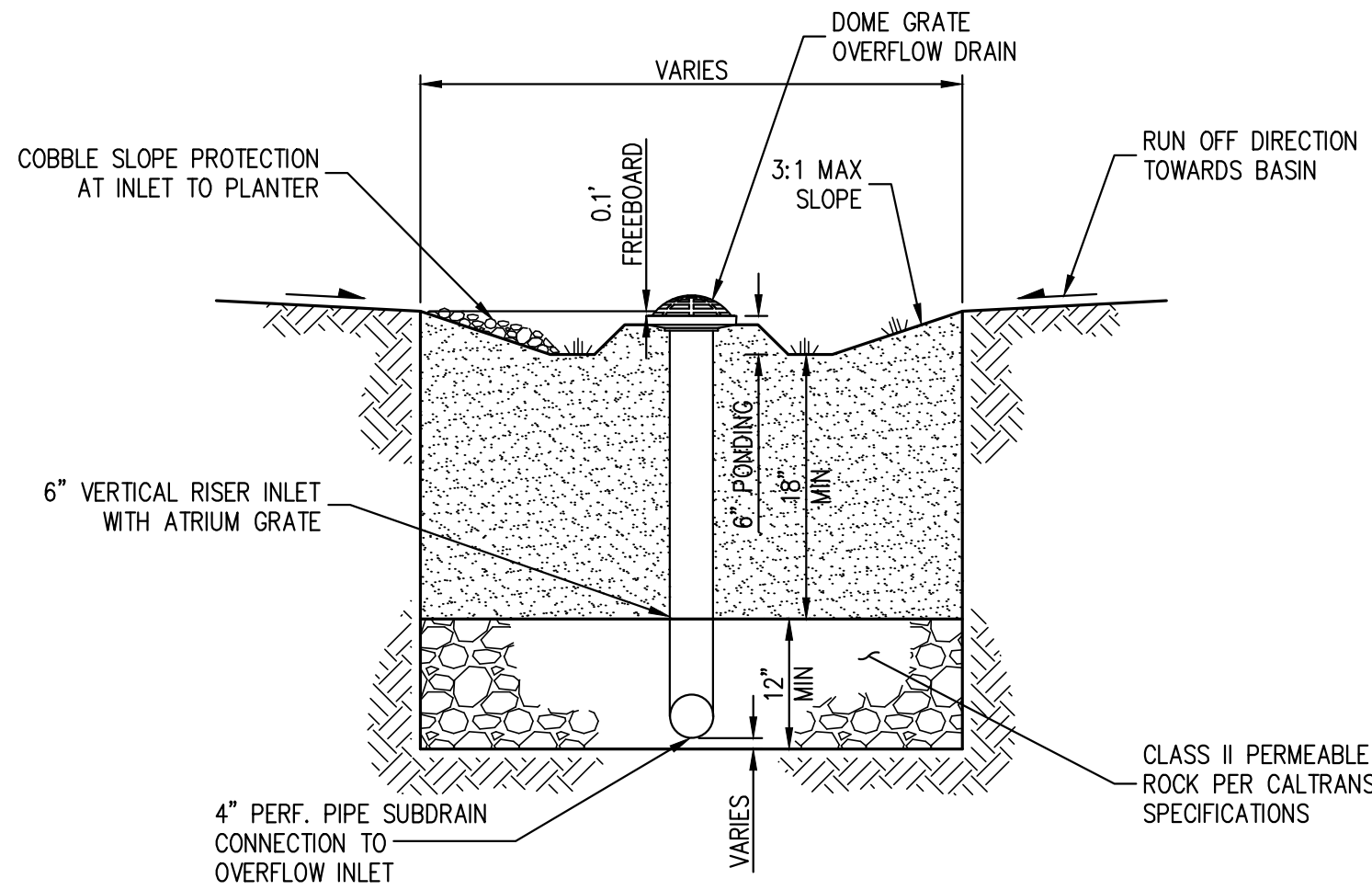




DEPRESSED LANDSCAPE AREAS DETAIL
NOT TO SCALE

NOTES

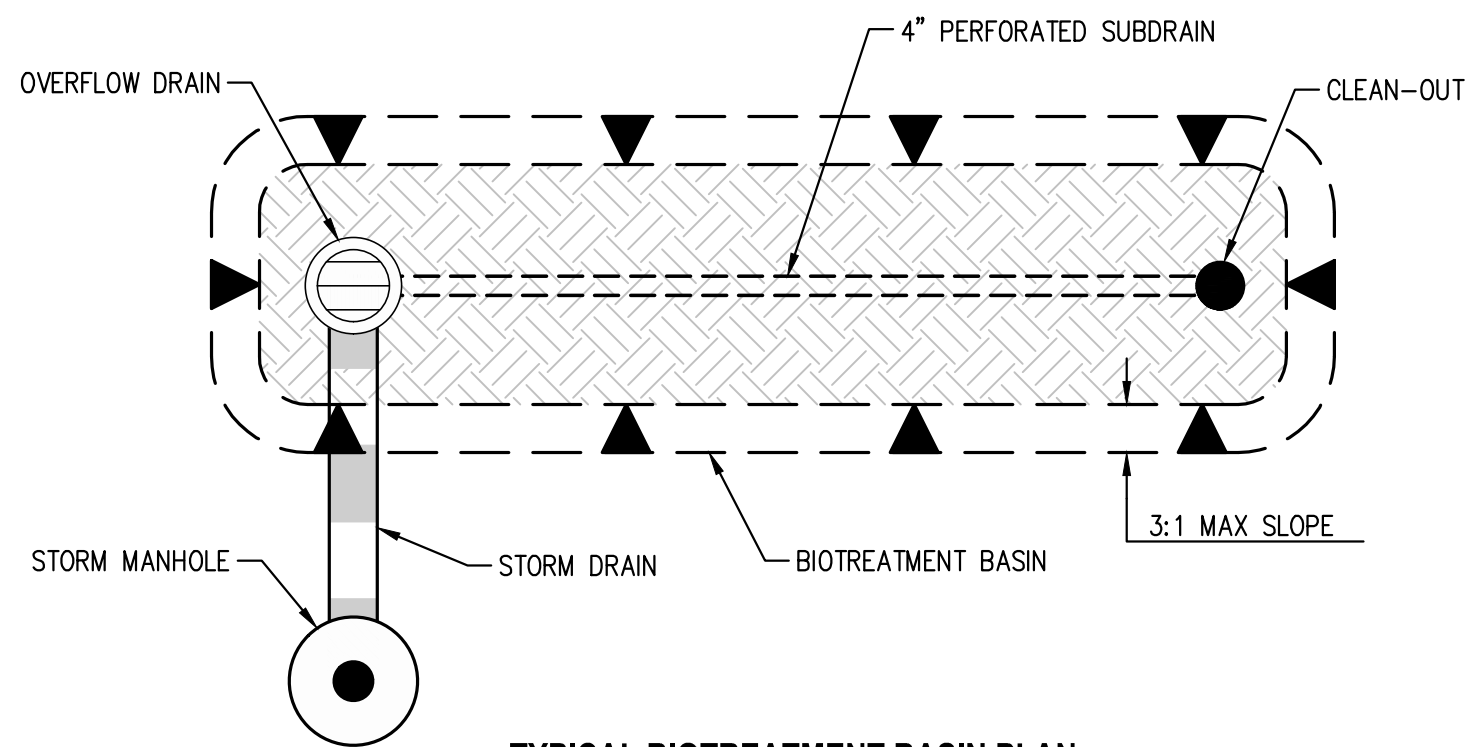
1. THE DEPRESSED LANDSCAPE AREAS ARE INCORPORATED INTO THE SITE DESIGN TO PROVIDE STORMWATER RETENTION TO MEET THE SELF-RETAINING DESIGN CRITERIA FOR SPECIFIC WATERSHEDS.
2. THE DEPRESSED LANDSCAPE AREAS AND THEIR ASSOCIATED SELF-RETAINING AREAS SHALL COMPLY WITH SECTION 4.2 OF THE LATEST SCVURPPP C3 HANDBOOK.



BIOTREATMENT BASIN DETAIL
NOT TO SCALE

NOTES

1. PERFORATION TO BE INSTALLED FACING DOWNWARD.
2. BIOTREATMENT SOIL MIX (BSM) SHALL CONFORM TO THE MUNICIPAL REGIONAL PERMIT REQUIREMENTS SET FORTH IN PROVISION C.3.C.1.(1)(B)(VI)
3. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION LAYOUT WITHIN BASIN.

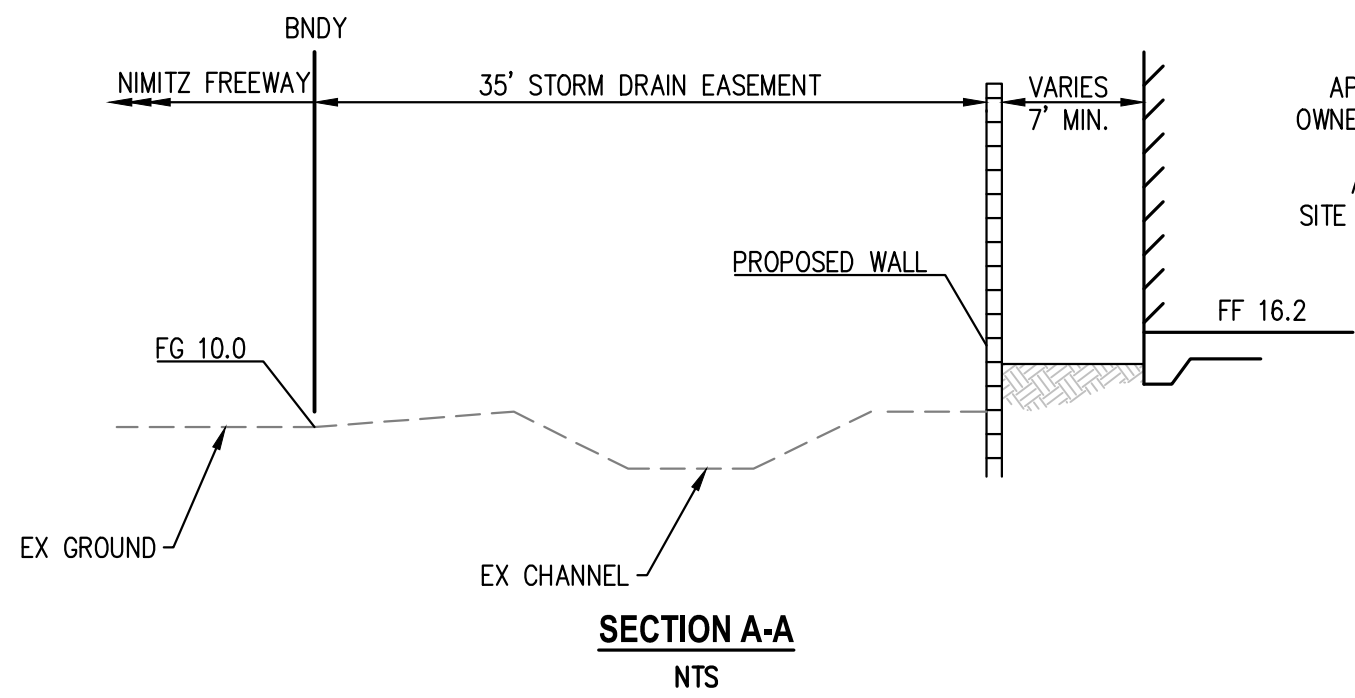


TYPICAL BIOTREATMENT BASIN PLAN

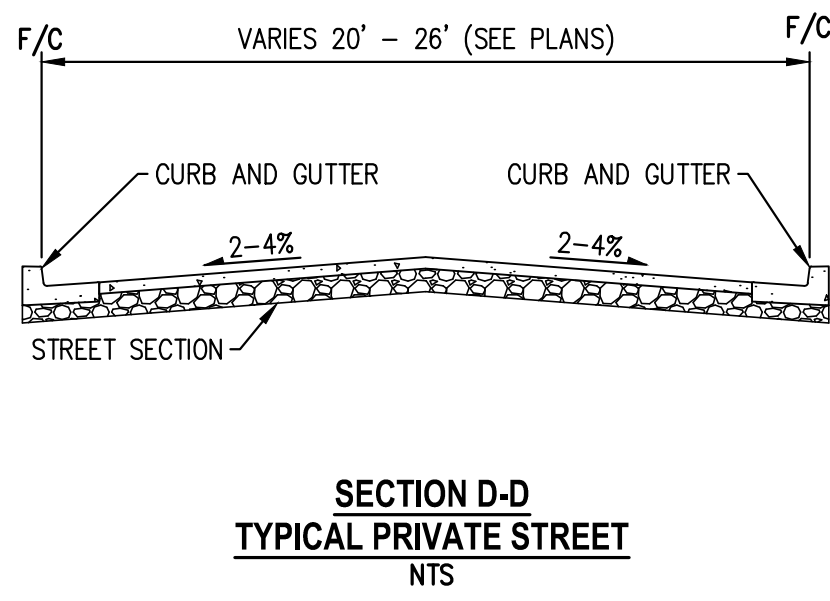
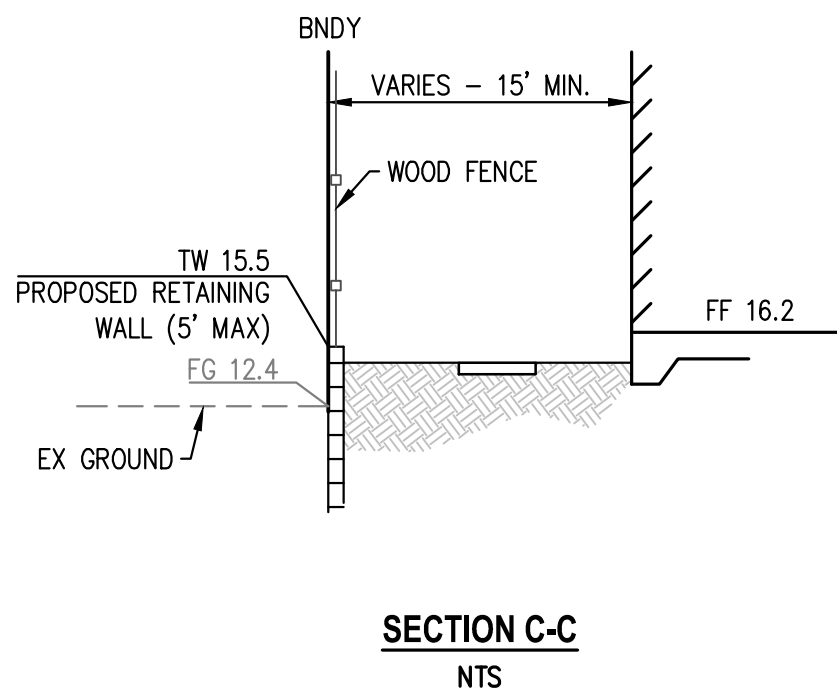
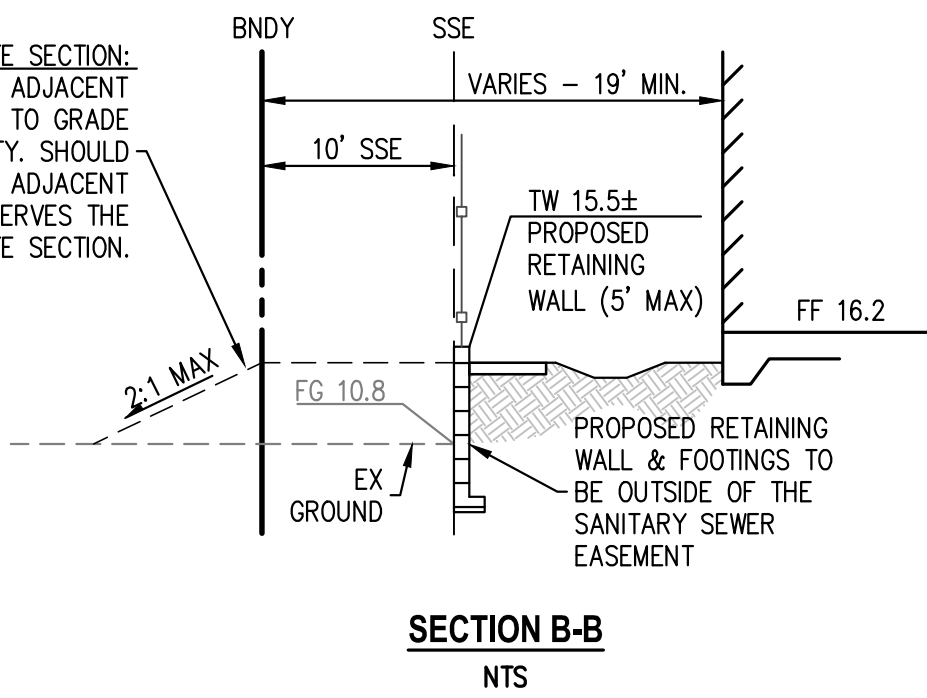
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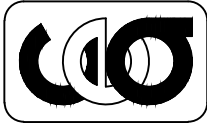
STORMWATER TREATMENT SUMMARY TABLE

WATERSHED ID	TOTAL WATERSHED AREA (SF)	IMPERVIOUS SURFACES					TOTAL (SF)	PERVIOUS SURFACES				TOTAL (SF)	TREATMENT MEASURES			
		STREETS (SF)	SIDEWALKS (SF)	PARKING LOTS (SF)	DRIVEWAYS / HARDSCAPE (SF)	BUILDINGS (SF)		STREETS (SF)	SIDEWALKS (SF)	PARKING LOTS (SF)	LANDSCAPE (SF)		PROVIDED TREATMENT	REQUIRED TREATMENT	CALCULATION METHOD	TREATMENT METHOD
1	6,182		749			3,166	3,915	-	-	-	2,267	2,267	217	157	4%	BIOTREATMENT
2	7,830	1,812	-		717	4,301	6,830	-	-	-	1,000	1,000	284	273	4%	BIOTREATMENT
3	5,973	2,231	354		354	2,205	5,144	-	-	-	829	829	213	206	4%	BIOTREATMENT
4	5,948	2,451	305		354	2,205	5,315	-	-	-	633	633	213	213	4%	BIOTREATMENT
5	4,399	940	194		316	2,318	3,768	-	-	-	631	631	158	151	4%	BIOTREATMENT
6	7,857		1,343			3,235	4,578	-	-	-	3,279	3,279	208	183	4%	BIOTREATMENT
7	12,031		1,807			6,338	8,145	-	-	-	3,886	3,886	327	326	4%	BIOTREATMENT
8	7,868	3,739	716		275	1,970	6,700	-	-	-	1,168	1,168	312	268	4%	BIOTREATMENT
9	7,807	5,650	1,377				7,027	-	-	-	780	780	288	281	4%	BIOTREATMENT
10	7,828	1,806			717	4,292	6,815	-	-	-	1,013	1,013	284	273	4%	BIOTREATMENT
11	5,949	2,521	277		354	2,204	5,356	-	-	-	593	593	215	214	4%	BIOTREATMENT
12	5,939	2,376	283		354	2,203	5,216	-	-	-	723	723	213	209	4%	BIOTREATMENT
13	11,132	4,660	458		581	4,015	9,714	-	-	-	1,418	1,418	429	389	4%	BIOTREATMENT
14	6,325	2,716	217		278	2,207	5,418	-	-	-	907	907	224	217	4%	BIOTREATMENT
15	5,260		923			2,794	3,717	-	-	-	1,543	1,543	249	149	4%	BIOTREATMENT
16	2,633		381			1,582	1,963	-	-	-	670	670	108	79	4%	BIOTREATMENT
17	11,104		1,878				1,878	-	-	-	9,226	9,226		2:1 MAX		SELF-RETAINING
18	2,840	1,859	662				2,521	-	-	-	319	319	146	101	4%	BIOTREATMENT
19	6,719	1,807	162		182	2,469	4,620	-	-	-	2,099	2,099	251	185	4%	BIOTREATMENT
20	5,884	987	337		238	2,955	4,517	-	-	-	1,367	1,367	229	181	4%	BIOTREATMENT
21	5,065	850	325		195	2,434	3,804	-	-	-	1,261	1,261	229	152	4%	BIOTREATMENT
22	11,911		1,761			6,350	8,111	-	-	-	3,800	3,800	327	324	4%	BIOTREATMENT
23	7,831	1,806	-		717	4,354	6,877	-	-	-	954	954	284	275	4%	BIOTREATMENT
24	5,940	2,518	308		354	2,201	5,381	-	-	-	559	559	216	215	4%	BIOTREATMENT
25	5,854	2,252	350		355	2,267	5,224	-	-	-	630	630	213	209	4%	BIOTREATMENT
26	5,426	929				3,045	3,974	-	-	-	1,452	1,452	192	159	4%	BIOTREATMENT
27	6,191	3,075	365		189	1,755	5,384	-	-	-	807	807	217	215	4%	BIOTREATMENT
28	5,015	2,464	491		129	1,302	4,386	-	-	-	629	629	185	175	4%	BIOTREATMENT
29	5,022		696			2,804	3,500	-	-	-	1,522	1,522	161	140	4%	BIOTREATMENT
30	2,465		595			1,220	1,815	-	-	-	650	650	103	73	4%	BIOTREATMENT
31	6,318	3,399	536		149	1,405	5,489	-	-	-	829	829	337	220	4%	BIOTREATMENT
32	3,092	1,329	-		134	1,277	2,740	-	-	-	352	352	177	110	4%	BIOTREATMENT
33	6,270	637	899			2,746	4,282	-	-	-	1,988	1,988	349	171	4%	BIOTREATMENT
34	7,647	2,473	230		224	2,990	5,917	-	-	-	1,730	1,730	246	237	4%	BIOTREATMENT
35	11,793	3,777	1,985	3,731			9,493	-	-	-	2,300	2,300	449	380	4%	BIOTREATMENT
36	28,304		1,659			20,933	22,592	-	-	-	5,712	5,712	1,018	904	4%	BIOTREATMENT
37	4,158						-				4,158	4,158			95%	SELF-TREATING
38	6,691	936	3,816				4,752	-	-	-	1,939	1,939	220	190	4%	BIOTREATMENT
MAINTENANCE 1	19,047		-				-	-	-	-	19,047	19,047	-	-		MAINTENANCE
SUBTOTAL (SF)	291,548	61,071	27,368	3,731	7,166	107,542	206,878	-	-	-	84,670	84,670	9,491	8,200		
EXISTING SITE	291,548	-	2,861	129,747		91,545	224,153	-	-	-	67,395	67,395				



ALTERNATE SECTION:
APPLICANT IS IN CONTACT WITH ADJACENT
OWNER REGARDING THE POTENTIAL TO GRADE
ONTO THEIR PROPERTY. SHOULD
AUTHORIZATION TO GRADE ON ADJACENT
SITE BE GRANTED, APPLICANT RESERVES THE
RIGHT TO USE THE ALTERNATE SECTION.





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PREPARED FOR:



PulteGroup
4511 Willow Road, Suite 8
Plymouth, MA 01969
Phone 925/249-5200 Fax 925/485-0291

1355 CALIFORNIA CIRCLE
MILPITAS
CALIFORNIA

PLANNED DEVELOPMENT
SECTIONS & DETAILS

DATE
8/2/2023

SCALE
SEE PLAN

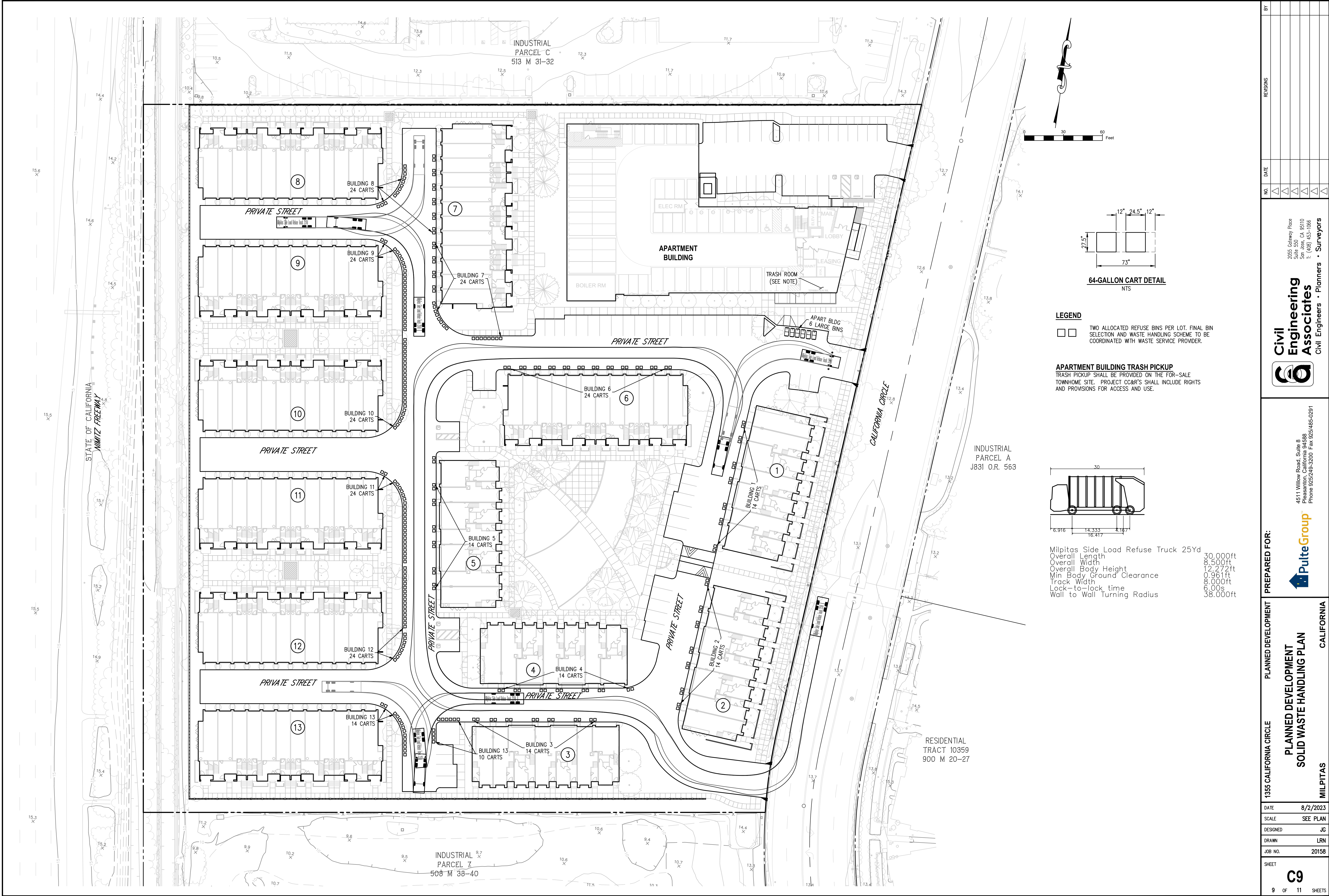
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JOB NO.
20158

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NO.	DATE	REVISIONS	BY
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9		OF	11	SHEETS
C9				
SHEET		JOB NO.		20158
DESIGNED		LIRN		JG
SCALE		SEE PLAN		
DATE		8/2/2023		
1355 CALIFORNIA CIRCLE		PLANNED DEVELOPMENT		CALIFORNIA
		PLANNED DEVELOPMENT		
		SOLID WASTE HANDLING PLAN		
		MILPITAS		
PREPARED FOR:				
 4511 Willow Road, Suite 8 Milpitas, CA 95035 Phone 650/249-3200 Fax 650/485-0281				
 Civil Engineering Associates Civil Engineers • Planners • Surveyors				
2055 Gateway Place Suite 200 San Jose, CA 95110 Tel: (408) 453-1066				
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Fresh Concrete and Mortar Application

Who should use this information?

- Masons and Bricklayers
- Sidewalk Construction Crews
- Patio Construction Workers
- Construction Inspectors
- General Contractors
- Home Builders
- Developers
- Concrete Delivery/Pumping Workers



Storm Drain Pollution from Fresh Concrete And Mortar Applications

Fresh concrete and cement-related mortars that wash into lakes, streams, or estuaries are toxic to fish and the aquatic environment. Disposing of these materials to the storm drains or creeks can block storm drains, causes serious problems, and is prohibited by law.

Doing the Job Right General Business Practices

- ❑ Wash out concrete mixers only in designated wash-out areas in your yard, away from storm drains and waterways, where the water will flow into a temporary waste pit in a dirt area. Let water percolate through soil and dispose of settled, hardened concrete as garbage. Whenever possible, recycle washout by pumping back into mixers for reuse.
- ❑ Wash out chutes onto dirt areas at site that do not flow to streets or drains.
- ❑ Always store both dry and wet materials under cover, protected from rainfall and runoff and away from storm drains or waterways. Protect dry materials from wind.
- ❑ Secure bags of cement after they are open. Be sure to keep wind-blown cement powder away from streets, gutters, storm drains, rainfall, and runoff.
- ❑ Do not use diesel fuel as a lubricant on concrete forms, tools, or trailers.

During Construction

- ❑ Don't mix up more fresh concrete or cement than you will use in a two-hour period.
- ❑ Set up and operate small mixers on tarps or heavy plastic drop cloths.
- ❑ When cleaning up after driveway or sidewalk construction, wash fines onto dirt areas, not down the driveway or into the street or storm drain.
- ❑ Protect applications of fresh concrete and mortar from rainfall and runoff until the material has dried.
- ❑ Wash down exposed aggregate concrete only when the wash water can (1) flow onto a dirt area; (2) drain onto a bermed surface from which it can be pumped and disposed of properly; or (3) be vacuumed from a catchment created by blocking a storm drain inlet. If necessary, divert runoff with temporary berms. Make sure runoff does not reach gutters or storm drains.
- ❑ When breaking up pavement, be sure to pick up all the pieces and dispose of properly. Recycle large chunks of broken concrete at a local recycling facility.
- ❑ Never bury waste material. Dispose of small amounts of excess dry concrete, grout, and mortar in the trash.
- ❑ Never dispose of washout into the street, storm drains, drainage ditches, or streams.

Heavy Equipment Operation

Who should use this information?

- Vehicle and Equipment Operators
- Site Supervisors
- General Contractors
- Home Builders
- Developers



Stormwater Pollution from Heavy Equipment on Construction Sites

Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids on the construction site are common sources of storm drain pollution. Prevent spills and leaks by isolating equipment from runoff channels, and by watching for leaks and other maintenance problems. Remove construction equipment from the site as soon as possible.

Doing the Job Right Site Planning and Preventive Vehicle Maintenance

- ❑ Designate one area of the construction site, well away from streams or storm drain inlets, for auto and equipment parking, refueling, and routine vehicle and equipment maintenance. Contain the area with berms, sand bags, or other barriers.
- ❑ Maintain all vehicles and heavy equipment. Inspect frequently for and repair leaks.
- ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site where cleanup is easier.
- ❑ If you must drain and replace motor oil, radiator coolant, or other fluids on site, use drip pans or drop cloth s to catch drips and spills. Collect all spent fluids, store in separate containers. Recycle them wherever possible, otherwise, dispose of them as hazardous wastes.
- ❑ Do not use diesel oil to lubricate equipment parts, or clean equipment. Use only water for any onsite cleaning.
- ❑ Cover exposed fifth wheel hitches and other oily or greasy equipment during rain events.
- ❑ Use as little water as possible for dust control. Ensure water used doesn't leave silt or discharge to storm drains.

Spill Cleanup

- ❑ Clean up spills immediately when they happen.
- ❑ Never hose down "dirty" pavement or impermeable surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags) whenever possible and properly dispose of absorbent materials.
- ❑ Sweep up spilled dry materials immediately. Never attempt to "wash them away" with water, or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- ❑ Report significant spills to the appropriate local spill response agencies immediately. In Milpitas, dial 9-1-1 if hazardous materials might enter the storm drain.

Earth-Moving and Dewatering Activities

Who should use this information?



- Bulldozer, Back Hoe, and Grading Machine Operators
- Dump Truck Drivers
- Site Supervisors
- General Contractors
- Home Builders
- Developers

Storm Drain Pollution from Earth-Moving Activities

Soil excavation and grading operations loosen large amounts of soil that can flow or blow into storm drains when handled improperly. Sediments in runoff can clog storm drains, smother aquatic life, and destroy habitats in creeks and the Bay. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces.

Contaminated groundwater is a common problem in the Santa Clara Valley. Depending on soil types and site history, groundwater pumped from construction sites may be contaminated with toxics (such as oil or solvents) or laden with sediments. Any of these pollutants can harm wildlife in creeks or the Bay, or interfere with wastewater treatment plant operation. Discharging sediment-laden water from a dewatering site into any water of the state without treatment is prohibited.

Doing the Job Right General Business Practices

- ❑ Schedule excavation and grading work during dry weather.
- ❑ Perform major equipment repairs away from the job site.
- ❑ When refueling or vehicle/equipment maintenance must be done on site, designate a location away from storm drains.
- ❑ Do not use diesel oil to lubricate equipment parts, or clean equipment.

Practices During Construction

- ❑ Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- ❑ Protect downslope drainage courses, streams, and storm drains with wattles, or temporary drainage swales. Use check dams or ditches to divert runoff around excavations. Refer to the Regional Water Quality Control Board's Erosion and Sediment Control

Field Manual for proper erosion and sediment control measures, and California Stormwater Quality Association Stormwater Best Management Practice Handbook (construction, 2003)

- ❑ Cover stockpiles and excavated soil with secured tarps or plastic sheeting.

Dewatering Operations Check for Toxic Pollutants

- ❑ Check for odors, discoloration, or an oily sheen on groundwater.
- ❑ Call your local wastewater treatment agency and ask whether the groundwater must be tested.
- ❑ If contamination is suspected, have the water tested by a certified laboratory.
- ❑ Depending on the test results, you may be allowed to discharge pumped groundwater to the storm drain (if no sediments present) or sanitary sewer. OR, you may be required to collect and haul pumped groundwater offsite for treatment and disposal at an appropriate treatment facility.

Detecting Contaminated Soil or Groundwater

Contaminated groundwater is a common problem in the Santa Clara Valley. It is essential that all contractors and subcontractors involved know what to look for in detecting contaminated soil or groundwater, and testing ponded groundwater before pumping. Watch for any of these conditions:

1. Unusual soil conditions, discoloration or odor.
2. Abandoned underground tanks.
3. Abandoned wells.
4. Buried barrels, debris or trash.

If any of these are found follow the procedures below.

Roadwork and Paving

Who should use this information?

- Road Crews
- Driveway/Sidewalk/Parking Lot Construction Crews
- Seal Coat Contractors
- Operators of Grading Equipment, Paving Machines, Dump Trucks, Concrete Mixers
- Construction Inspectors
- General Contractors
- Developers
- Home Builders



Storm Drain Pollution from Roadwork

Road paving, surfacing, and pavement removal happen right in the street, where there are numerous opportunities for asphalt, saw-cut slurry, or excavated material to illegally enter storm drains. Extra planning is required to store and dispose of materials properly and guard against pollution of storm drains, creeks, and the Bay.

Doing the Job Right General Business Practices

- ❑ Develop and implement erosion/sediment control plans for roadway embankments.
- ❑ Schedule excavation and grading work during dry weather.
- ❑ Check for and repair leaking equipment.
- ❑ Perform major equipment repairs at designated areas in your maintenance yard, where cleanup is easier. Avoid performing equipment repairs at construction sites.
- ❑ When refueling or when vehicle/equipment maintenance must be done on site, designate a location away from storm drains and creeks.
- ❑ Do not use diesel oil to lubricate equipment parts or clean equipment.
- ❑ Recycle used oil, concrete, broken asphalt, etc. whenever possible, or dispose of properly.

During Construction

- ❑ Avoid paving and seal coating in wet weather, or when rain is forecast, to prevent fresh materials from contacting stormwater runoff.
- ❑ Cover and seal catch basins and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
- ❑ Protect drainage ways by using earth dikes, sand bags, or other controls to divert or trap and filter runoff.
- ❑ Never wash excess material from exposed aggregate concrete or similar treatments into a street or storm drain. Collect and recycle, or dispose to dirt area.
- ❑ Cover stockpiles (asphalt, sand, etc.) and other construction materials with plastic tarps. Protect from rainfall and prevent runoff with temporary roofs or plastic sheets and berms.
- ❑ Park paving machines over drip pans or absorbent material (cloths, rags, etc.) to catch drips when not in use.
- ❑ Clean up all spills and leaks using "dry" methods (with absorbent materials and/or rags) Dig up, remove, and properly dispose of contaminated soil.

- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand.
- ❑ Avoid over-application by water trucks for dust control.

Asphalt/Concrete Removal

- ❑ Avoid creating excess dust when breaking asphalt or concrete.
- ❑ After breaking up old pavement, be sure to remove all chunks and pieces. Make sure broken pavement does not come in contact with rainfall or runoff.
- ❑ When making saw cuts, use as little water as possible. Shovel or vacuum saw-cut slurry and remove from the site. Cover or protect storm drain inlets during saw-cutting. Sweep up, and properly dispose of, all residues.
- ❑ Sweep, never hose down streets to clean up tracked dirt. Use a street sweeper or vacuum truck. Do not dump vacuumed liquor in storm drains.

sewer. Never pour paint down a storm drain. Dispose of excess liquids and residue as hazardous waste.

- ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids and residue as hazardous waste.

- ❑ When thoroughly dry, empty paint cans, used brushes, rags, and drop cloths may be disposed of as garbage in a sanitary landfill. Leave lids off paint cans so the refuse collector can see that they are empty. Empty, dry paint cans also may be recycled as metal.

- ❑ Dispose of empty aerosol paint cans as hazardous waste or at household hazardous waste collection events.

Recycle/Reuse Leftover Paints Whenever Possible

- ❑ Donate excess water-based (latex) paint for reuse.

Painting Cleanup

- ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain, French drain, or stream.
- ❑ For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary

Painting and Application of Solvents and Adhesives

Who should use this information?

- Painters
- Paperhangers
- Plasterers
- Graphic Artists
- Dry Wall Crews
- Floor Covering Installers
- General Contractors
- Home Builders
- Developers
- Homeowners



Storm Drain Pollution from Paints, Solvents, and Adhesives

All paints, solvents, and adhesives contain chemicals that are harmful to wildlife in local creeks, San Francisco Bay, and the Pacific Ocean. Toxic chemicals may come from liquid or solid products or from cleaning residues or rags. Paint material and solvents, adhesives and cleaning fluids should be recycled when possible, or disposed of properly to prevent these materials from flowing into storm drains and watercourses.

Doing the Job Right Handling Paint Products

- ❑ Keep all liquid paint products and wastes away from the gutter, street, and storm drains. Liquid residues from paints, thinners, solvents, glues, and cleaning fluids are hazardous wastes and must be disposed of as hazardous.

- ❑ Wash water from painted buildings constructed before 1978 can contain high amounts of lead, even if paint chips are not present. Before you begin stripping paint or cleaning pre-1978 building exteriors with water under high pressure, test paint for lead by taking paint scrapings to a local laboratory. See Yellow Pages for a state-certified laboratory.

- ❑ If there is loose paint on the building, or if the paint tests positive for lead, block storm drains. Check with the wastewater treatment plant to determine whether you may discharge water to the sanitary sewer, or if you must send it offsite for disposal as hazardous waste.



BLUEPRINT FOR A CLEAN BAY

Best Management Practices for the Construction Industry

Remember: The property owner and the contractor share ultimate responsibility for the activities that occur on a construction site. You may be held responsible for any environmental damage caused by your subcontractors or employees.

Preventing Pollution: It's Up to Us

In the Santa Clara Valley, storm drains transport water directly to local creeks and San Francisco Bay without treatment. Stormwater pollution is a serious problem for wildlife dependent on our creeks and bays and for the people who live near polluted streams or bays. Common sources of this pollution include spilled oil, fuel, and fluids from vehicles and heavy equipment; construction debris; sediment created by erosion; landscaping runoff containing pesticides or weed killers; and materials such as used motor oil, antifreeze, and paint products that people pour or spill into a street or storm drain.



Santa Clara Valley Urban Runoff Pollution Prevention Program

Thirteen valley municipalities have joined together with Santa Clara County and the Santa Clara Valley Water District to educate local residents and businesses and fight stormwater pollution. This "blueprint" summarizes "Best Management Practices" (BMPs) for stormwater pollution prevention.

General Construction and Site Supervision

Who should use this information?

- General Contractors
- Site Supervisors
- Inspectors
- Home Builders
- Developers
- Homeowners



Storm Drain Pollution from Construction Activities

Construction sites are common sources of storm water pollution. Materials and wastes that blow or wash into a storm drain, gutter, or street have a direct impact on local creeks and the Bay.

As a contractor, or site supervisor, owner or operator of a site, you may be responsible for any environmental damage caused by your subcontractors or employees.

Doing the Job Right General Principles

- ❑ Keep an orderly site and ensure good housekeeping practices are used.
- ❑ Maintain equipment properly.
- ❑ Cover materials when they are not in use.
- ❑ Keep materials away from streets, storm drains and drainage channels.
- ❑ Ensure dust control water doesn't leave site or discharge to storm drains.

Advance Planning To Prevent Pollution

- ❑ Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins. Use the Erosion and Sediment Control Field Manual, available from the Regional Water Quality Control Board San Francisco Bay Region, as a reference.
- ❑ Control the amount of runoff crossing your site (especially during excavations) by using berms or temporary or permanent drainage ditches to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.
- ❑ Train your employees and subcontractors. Make these brochures available to everyone who works on the construction site. Inform subcontractors about the stormwater requirements and their own responsibilities.

Landscaping, Gardening, And Pool Maintenance

Who should use this information?

- Landscapers
- Gardeners
- Swimming Pool/Spa Service and Repair Workers
- General Contractors
- Home Builders
- Developers
- Homeowners



Storm Drain Pollution from Landscaping and Swimming Pool Maintenance

Many landscaping activities expose soils and increase the likelihood that earth and garden chemicals will run off into the storm drains during irrigation or when it rains. Swimming pool water containing chlorine and copper-based algaecides should never be discharged to storm drains. These chemicals are toxic to aquatic life.

Doing the Job Right General Business Practices

- ❑ Protect stockpiles (e.g., asphalt, sand, or soil) and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
- ❑ Store pesticides, fertilizers, and other chemicals indoors or in a shed or storage cabinet.
- ❑ Schedule grading and excavation projects during dry weather.
- ❑ Use temporary check dams or ditches to divert runoff away from storm drains.
- ❑ Protect storm drains with sandbags or other sediment controls.
- ❑ Revegetation is an excellent form of erosion control for any site. Replant as soon as possible with temporary vegetation such as grass seed.
- ❑ Landscaping/Garden Maintenance
 - ❑ Consider using Integrated Pest Management Techniques. Use pesticides sparingly, according to instructions on the label. Rinse empty containers, and use rinsewater as product. Dispose of rinsed, empty containers in the trash.
 - ❑ Dispose of unused pesticides as hazardous waste.

- ❑ Collect lawn and garden clippings, pruning waste, and tree trimmings. Chip if necessary, and compost if possible.
- ❑ Do not blow or rake leaves, etc. into the street, or place yard waste in gutters or on dirt shoulders. Sweep up any leaves, litter or residue in gutters or on street.

Pool/Fountain/Spa Maintenance Draining pools or spas

- ❑ When it's time to drain a pool, spa, or fountain, please be sure to call your local wastewater treatment plant before you start for further guidance on flow rate restrictions, backflow prevention, and handling special cleaning waste (such as acid wash). Discharge flows should be kept to the low levels typically possible through a garden hose. Higher flow rates may be prohibited by local ordinance.
- ❑ Never discharge pool or spa water to a street or storm drain; discharge to a sanitary sewer cleanout.
- ❑ If possible, when emptying a pool or spa, let chlorine dissipate for a few days and then recycle/ reuse water by draining it gradually onto a landscaped area. OR

Spill Response Agencies:

1. Dial 911
2. Santa Clara County Environmental Health Services (408) 299-6930
3. Governor's Office of Emergency Services Warning Center (800) 852-7550 (24 hours).

Small Business Hazardous Waste Disposal Program

Santa Clara County businesses that generate less than 27 gallons or 220 pounds of hazardous waste per month are eligible to use Santa Clara County's Small Business Hazardous Waste Disposal Program. Call (408) 299-7300 for a quote, more information or guidance on disposal.

Local Pollution Control Agencies

Santa Clara County Office of Toxics and Solid Waste Management (408) 441-1195

Santa Clara Valley Water District (408) 265-2600

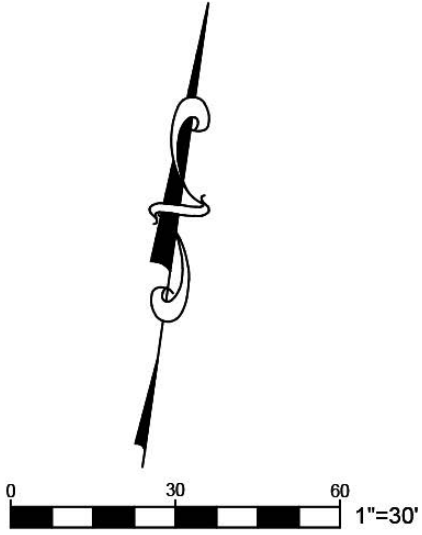
San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300
Serving Milpitas, Cupertino, Los Gatos, Milpitas, Monte Sereno, San Jose, Santa Clara and Saratoga

PROJECT ADDRESS:

PROJECT NAME:

SHEET
CB-1

13555 CALIFORNIA CIRCLE	PLANNED DEVELOPMENT	PREPARED FOR:	DATE 8/2/2023
PLANNED DEVELOPMENT BLUEPRINT FOR A CLEAN BAY	CALIFORNIA	MILPITAS	SCALE SEE PLAN
			DESIGNED JG
			DRAWN LRN
			JOB NO. 20158
			SHEET C11
			11 OF 11 SHEETS



PROJECT SUMMARY

7	TOWNHOMES	35
12	STACKED TOWNHOMES	96
TOTAL UNITS (EXCLUDING APT BLDG)		131
SITE AREA		6.69± ACRES

12-PLEX
8 4-Story Buildings
96 Dwelling units
+/-51'-0" (To top of roof)

Construction: R2, VA
Sprinkler System: NFPA 13

PRODUCT NAME	PRODUCT TYPE	DESCRIPTION	GARAGE TYPE	TOTAL AMOUNT OF UNITS	TOTAL CONDITIONED SQ. FOOTAGE	TOTAL GARAGE SQ. FOOTAGE	DECK TOTAL
PLAN 2	CONDO	3 BED + 2 BATH	COMPACT 2-CAR TANDEM	2	1518	439	201
PLAN 3	CONDO	3 BED + 2 BATH	COMPACT 2-CAR TANDEM	2	1685	439	203
PLAN 5	CONDO	3 BED + 3 BATH	COMPACT 2-CAR TANDEM	2	1595	434	115
PLAN 6	CONDO	3 BED + 3 BATH	COMPACT 2-CAR TANDEM	2	1756	435	170
PLAN 7	CONDO	3 BED + 3 BATH	COMPACT 2-CAR TANDEM	2	1949	434	116
PLAN 8	CONDO	3 BED + 3 BATH + LOFT/OPT. BED 4	COMPACT 2-CAR TANDEM	1	2175	469	148
PLAN 8X	CONDO	3 BED + 3 BATH + LOFT/OPT. BED 4	COMPACT 2-CAR TANDEM	1	2175	469	148
				12			

PLAN 1 AND PLAN 4 ARE NOT PART OF THIS BUILDING UNIT MIX

Total Gross Floor Area	
FIRST FLOOR GROSS AREA	7843
SECOND FLOOR GROSS AREA	6899
THIRD FLOOR GROSS AREA	7207
FOURTH FLOOR GROSS AREA	6728
TOTAL	28677

SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.

7-PLEX
5 3-Story Buildings
35 Dwelling units
+/-39'-6" (To top of roof)

Construction: R2, VB
Sprinkler System: NFPA 13

PRODUCT NAME	PRODUCT TYPE	DESCRIPTION	GARAGE TYPE	TOTAL AMOUNT OF UNITS	TOTAL CONDITIONED SQ. FOOTAGE	TOTAL GARAGE SQ. FOOTAGE	DECK TOTAL
PLAN 1	CONDO	3 BED + 3 BATH	COMPACT 2-CAR TANDEM	3	1534	536	73
PLAN 1X	CONDO	3 BED + 3 BATH	COMPACT 2-CAR TANDEM	1	1548	578	70
PLAN 2	CONDO	3 BED + 3.5 BATH	2-CAR S X S	2	1850	422	64
PLAN 2X	CONDO	3 BED + 3.5 BATH	2-CAR S X S	1	1785	422	151
				7			

Total Gross Floor Area	
FIRST FLOOR GROSS AREA	5680
SECOND FLOOR GROSS AREA	5706
THIRD FLOOR GROSS AREA	5568
TOTAL	16954

SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.

NOTES:

1. REFER TO CIVIL SHEETS FOR ALL PROPERTY LINES, EASEMENTS, SITE DIMENSIONS, ACCESSIBLE UNIT LOCATIONS, ETC.
2. REFER TO LANDSCAPE SHEETS FOR LANDSCAPE DESIGN, DIMENSIONS AND DETAILED INFORMATION.

♿ DENOTES ADAPTABLE MULTI-STORY DWELLING UNIT ON AN ACCESSIBLE ROUTE COMPLYING WITH C.B.C. SEC. 1102A.3.

CODE INFORMATION

THIS PROJECT SHALL COMPLY WITH ALL OTHER REGULATIONS AND ORDINANCES ADOPTED BY JURISDICTION HAVING AUTHORITY.

APPLICABLE CODES:

- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA MECHANICAL CODE (CMC)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA FIRE CODE (CFC)
- 2019 CALIFORNIA GREEN BUILDING STANDARD CODE (CAL GREEN)
- 2019 BUILDING ENERGY EFFICIENCY STANDARDS

CODE SUMMARY

USE & OCCUPANCY (CBC SECTION 310.4 & 312.1)	R-2: BUILDINGS CONTAINING MORE THAN TWO DWELLING UNITS U: PRIVATE GARAGES
SEPARATIONS: (CBC SECTION 420)	WALLS SEPARATING DWELLING UNITS (R2) SHALL BE 1-HOUR FIRE PARTITIONS COMPLYING WITH CBC SECTION 708. WALLS SEPARATING PRIVATE GARAGES (U) FROM DWELLING UNIT (R2) SHALL BE SEPARATED BY NOT LESS THAN 1/2" GYPSUM BOARD APPLIED TO THE GARAGE SIDE PER 406.3.4.1. DOORS SHALL BE 20 MIN RATED. FLOOR/CEILING ASSEMBLIES SEPARATING DWELLING UNITS (R2) AND DWELLING UNITS (R2) / GARAGES (U) SHALL BE 1-HR RATED HORIZONTAL ASSEMBLIES COMPLYING WITH CBC SECTION 711. DOOR BETWEEN PRIVATE GARAGE (U) AND ITS OWN DWELLING UNIT (R2) SHALL BE 20MIN RATED - SELF-CLOSING, SELF-LATCHING, SOLID WOOD DOOR OR SOLID OR HONEYCOMB CORE STEEL DOOR, MINIMUM 1-3/8 INCHES (34.9 MM) THICK. DOORS IN RATED CONSTRUCTION SHALL COMPLY WITH CBC SEC 716.5
TYPE OF CONSTRUCTION:	TYPE VB, 3-STORY
FIRE SPRINKLERS:	FIRE SPRINKLER: NFPA 13
ALLOWABLE HEIGHT: (CBC TABLE 504.3 & SECTION 504)	TYPE V-B: (WITH NFPA 13) 60 FEET MAXIMUM (WITHOUT AREA INCREASE) 40 FEET MAXIMUM (WITH AREA INCREASE) 65' FEET PER PROJECT DEVELOPMENT STANDARDS
ACTUAL HEIGHT:	< 40 FEET - SEE ELEVATIONS
ALLOWABLE STORIES: (CBC TABLE 504.4 & SEC 504.4)	R-2, TYPE V-B: 3 STORIES (2 STORIES BASE ALLOWABLE + 1 STORY SPRINKLER INCREASE FOR NFPA 13) U, TYPE V-B: 2 STORIES
ALLOWABLE FLOOR AREA: (CBC SEC 406 & SEC 508)	IN R OCCUPANCIES WITH NOT MORE THAN THREE STORIES ABOVE GRADE PLANE, THE AGGREGATE SUN OF THE RATIOS FOR PORTIONS OF MIXED-OCCUPANCY MULTI-STORY BUILDINGS SHALL NOT EXCEED ONE(1) IN R OCCUPANCIES WITH MORE THAT THREE STORIES ABOVE GRADE PLANE, THE AGGREGATE SUM OF THE RATIOS FOR PORTIONS OF MIXED-OCCUPANCY MULTT-STORY BUILDINGS SHALL NOT EXCEED TWO(2) GROUP U IS PERMITTED TO BE 1,000 SQ. FT. PER GARAGE WHEN PROVIDING 1-HOUR FIRE BARRIERS BETWEEN GARAGES. MULTIPLE PRIVATE GARAGES ARE PERMITTED IN A BUILDING WHERE EACH PRIVATE GARAGE IS SEPARATE BY A 1-HR FIRE BARRIER
RATED EXTERIOR WALLS (CBC TABLE 601)	TYPE VB, 3-STORY: NOT REQUIRED
FIRE RESISTIVE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE: (TABLE 602)	FIRE SEPARATION DISTANCE ≥ 10' FOR TYPE VB CONSTRUCTION AND R3 OCCUPANCY SHALL BE ZERO (0) (NON-RATED) FIRE SEPARATION DISTANCE < 10' FOR TYPE VB CONSTRUCTION AND R2 OCCUPANCY SHALL BE ONE (1) - (1 HOUR)
ALLOWABLE OPENINGS (CBC TABLE 705.8)	UNPROTECTED SPRINKLERED - PER C.B.C. TABLE 705.8 SEE SITE PLAN FOR FIRE SEPARATION DISTANCE AND SHEET A0.50 FOR ACTUAL AREA OF OPENINGS IN EXTERIOR WALLS.
ACCESSIBILITY:	SHALL COMPLY WITH CBC CHAPTER 1102A.3 MULTI-STORY DWELLINGS

CODE INFORMATION

THIS PROJECT SHALL COMPLY WITH ALL OTHER REGULATIONS AND ORDINANCES ADOPTED BY JURISDICTION HAVING AUTHORITY.

APPLICABLE CODES:

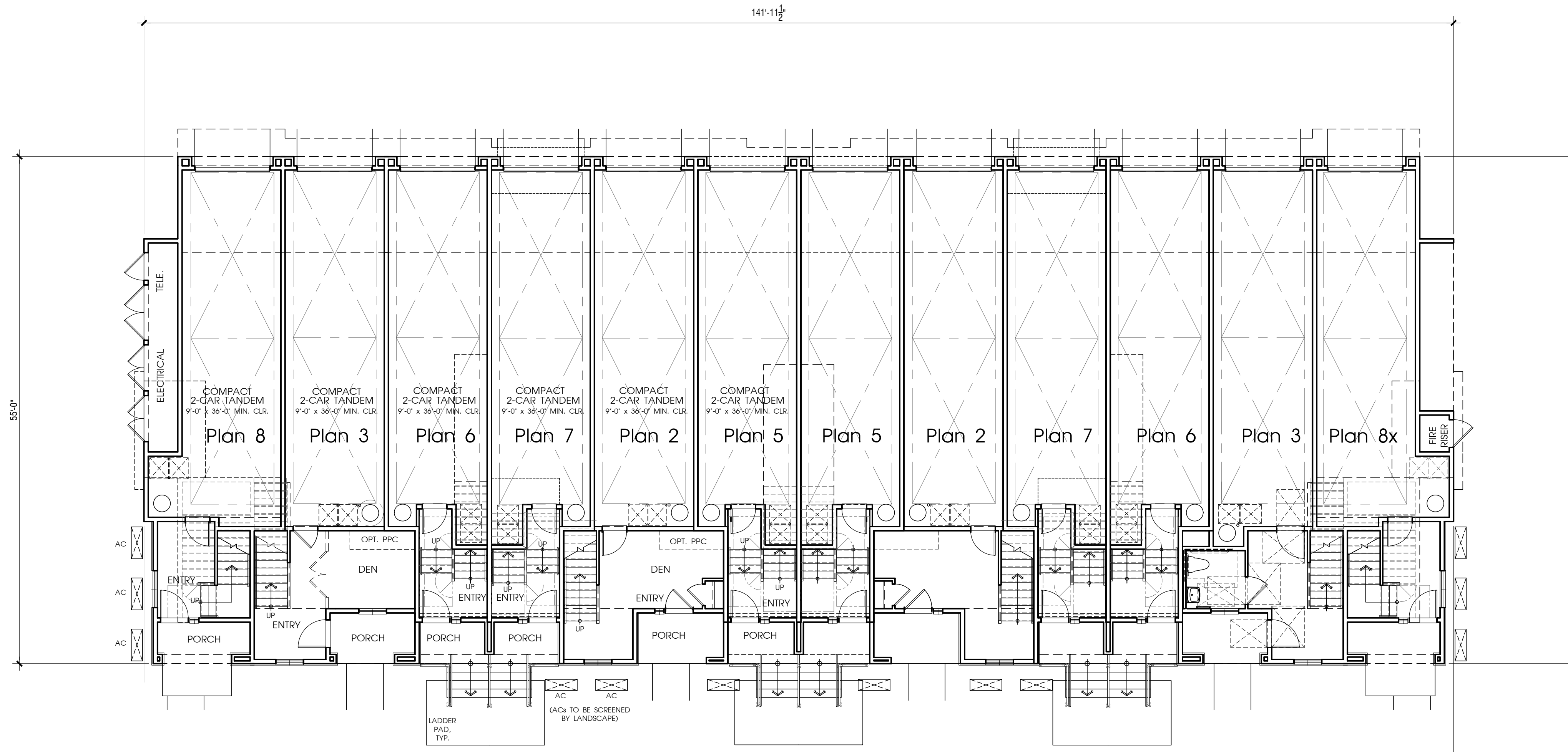
- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA MECHANICAL CODE (CMC)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA FIRE CODE (CFC)
- 2019 CALIFORNIA GREEN BUILDING STANDARD CODE (CAL GREEN)
- 2019 BUILDING ENERGY EFFICIENCY STANDARDS

CODE SUMMARY

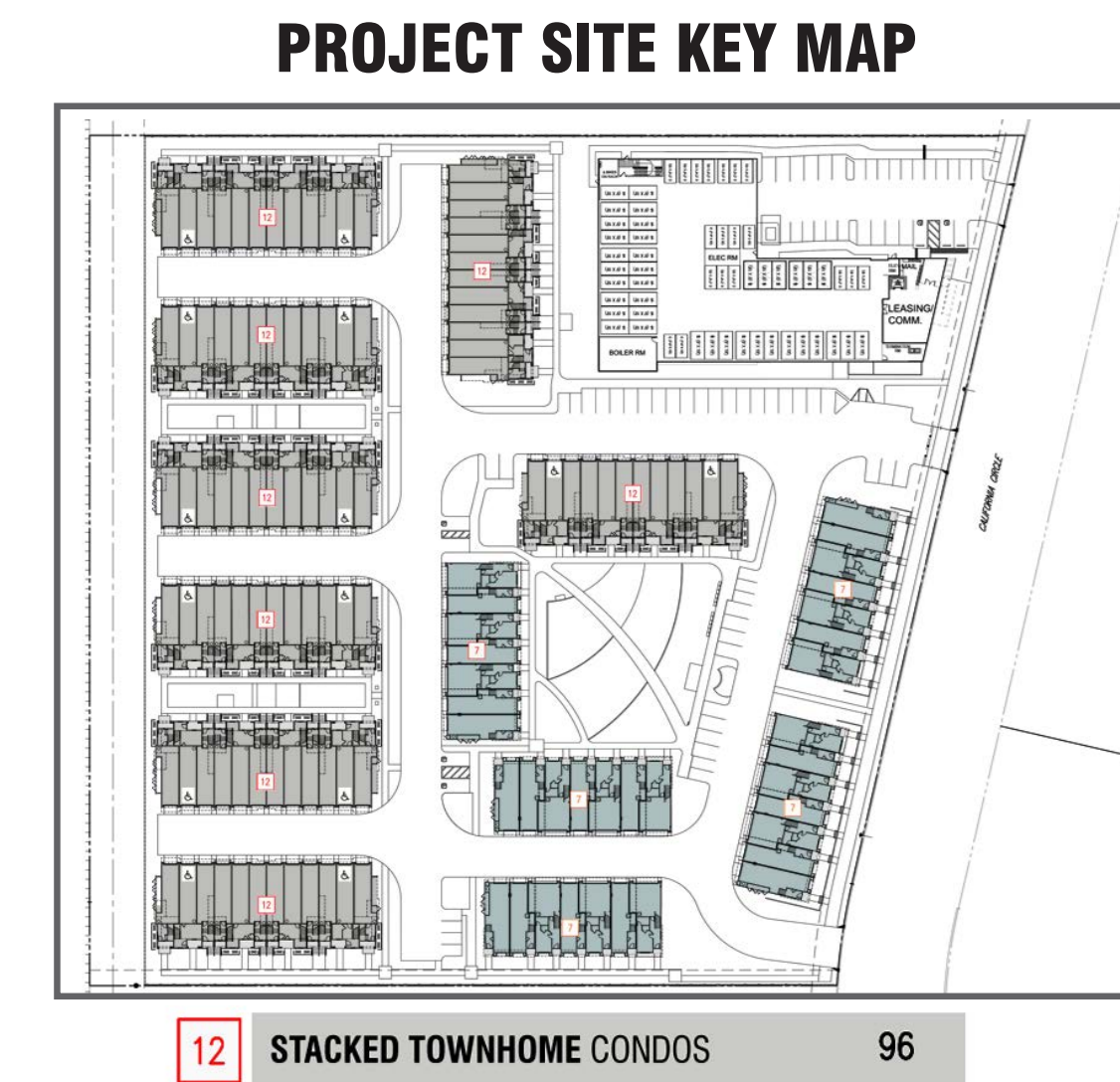
OCCUPANCY GROUP: (CBC SECTION 310)	GROUP R-2 / U (SEE AMMR FOR U OCCUPANCY UTILIZING THE 2016 CBC INTERPRETATION OF PRIVATE GARAGES PER SECTION 406.3.1)
SEPARATIONS: (CBC SECTION 420)	WALLS SEPARATING DWELLING UNITS (R2) SHALL BE 1-HOUR FIRE PARTITIONS COMPLYING WITH CBC SECTION 708. WALLS SEPARATING PRIVATE GARAGES (U) FROM DWELLING UNIT (R2) SHALL BE 1-HOUR FIRE BARRIERS COMPLYING WITH CBC SECTION 709. DOORS SHALL BE 20 MIN RATED. WALL SEPARATING PRIVATE GARAGES (U) FROM CORRIDORS AND COMMON USE SPACES SHALL BE 1HR RATED FIRE BARRIERS COMPLYING WITH CBC SECTION 708. DOORS SHALL BE 20 MIN RATED. WALLS SEPARATING ELEVATOR,STAIR AND SHAFT ENCLOSURES FROM OTHER USES SHALL BE 2-HOUR FIRE BARRIERS, COMPLYING WITH CBC SECTION 707. DOORS SHALL BE 90 MIN RATED. ALL FLOOR/CEILING ASSEMBLIES ARE REQUIRED TO BE 1-HR RATED HORIZONTAL ASSEMBLIES COMPLYING WITH CBC SECTION 711. DOOR BETWEEN PRIVATE GARAGE (U) AND ITS OWN DWELLING UNIT (R2) SHALL BE 20 MIN RATED - SELF-CLOSING, SELF-LATCHING, SOLID WOOD DOOR OR SOLID OR HONEYCOMB CORE STEEL DOOR, MINIMUM 1-3/8 INCHES (34.9 MM) THICK. DOORS IN RATED CONSTRUCTION SHALL COMPLY WITH CBC SECTION 716
TYPE OF CONSTRUCTION:	TYPE V-A
FIRE SPRINKLERS:	NFPA 13 PER CBC SECTION 903.3.1.1
ALLOWABLE HEIGHT: (CBC TABLE 504.3)	70 FEET MAXIMUM
ACTUAL HEIGHT:	<70 FEET (VARIES, SEE ELEVATIONS)
ALLOWABLE STORIES: (CBC TABLE 504.4 & SEC 504.4)	4 STORIES
ALLOWABLE FLOOR AREA: (CBC SEC 406 & SEC 508)	IN R OCCUPANCIES WITH NOT MORE THAN THREE STORIES ABOVE GRADE PLANE, THE AGGREGATE SUM OF THE RATIOS FOR PORTIONS OF MIXED-OCCUPANCY MULTI-STORY BUILDINGS SHALL NOT EXCEED ONE(1) IN R OCCUPANCIES WITH MORE THAT THREE STORIES ABOVE GRADE PLANE, THE AGGREGATE SUM OF THE RATIOS FOR PORTIONS OF MIXED-OCCUPANCY MULTT-STORY BUILDINGS SHALL NOT EXCEED TWO(2) GROUP U IS PERMITTED TO BE 1,000 SQ. FT. PER GARAGE WHEN PROVIDING 1-HOUR FIRE BARRIERS BETWEEN GARAGES. MULTIPLE PRIVATE GARAGES ARE PERMITTED IN A BUILDING WHERE EACH PRIVATE GARAGE IS SEPARATE BY A 1-HR FIRE BARRIER
FIRE RESISTANCE RATING REQUIREMENTS (CBC TABLE 601)	1-HOUR RATED CONSTRUCTION IS REQUIRED FOR PRIMARY STRUCTURAL FRAME, EXTERIOR WALLS AND INTERIOR BEARING WALLS, FLOOR ASSEMBLIES AND ASSOCIATED SECONDARY MEMBERS, AND ROOF CONSTRUCTION.
FIRE RESISTANCE RATING REQUIREMENTS FOR STRUCTURAL MEMBERS (CBC SEC 704)	COLUMNS, BEARING WALLS, AND PRIMARY STRUCTURAL ELEMENTS SHALL BE PROTECTED COMPLYING WITH CBC SECTION 704.
FIRE RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS (CBC SEC 705)	ALL EXTERIOR WALLS, BEARING AND NON-BEARING, ARE REQUIRED TO BE 1-HOUR RATED COMPLYING WITH CBC SECTION 705.
MAXIMUM AREA OF EXTERIOR WALL OPENINGS: (CBC SEC 705.8)	UNPROTECTED SPRINKLERED - PER CBC TABLE 705.8 SEE SITE PLAN FOR FIRE SEPARATION DISTANCE AND ACTUAL AREA OF OPENINGS IN EXTERIOR WALLS.
ROOF ACCESS (CBC SECTION 1011.12)	STAIRWAY TO THE ROOF NOT REQUIRED ON 4-STORY BUILDINGS WITH ROOF SLOPES > 4:12
EXITING (CBC SECTION 1006.2.1 EXCEPTION 1, CBC TABLE 1006.2.1 & 1006.3.2(1))	125 FEET MAXIMUM EXIT TRAVEL DISTANCE FOR A SINGLE EXIT IN 4-STORY R-2 DWELLING UNIT. EMERGENCY ESCAPE AND RESCUE OPENINGS (EGRESS WINDOWS) ARE REQUIRED IN ALL SLEEPING ROOMS BELOW THE FOURTH STORY. SEE EXITING DIAGRAMS.
ACCESSIBILITY:	ALL COVERED MULTIFAMILY DWELLING UNITS SHALL BE ADAPTABLE AND ACCESSIBLE INTO AND THROUGHOUT THE DWELLING UNIT PER PROVISIONS DESCRIBED IN CHAPTER 11A - DIVISION IV. IN BUILDINGS WITH ONE OR MORE ELEVATOR, ALL ROOMS OR SPACES LOCATED ON THE PRIMARY ENTRY LEVEL SHALL BE SERVED BY AN ACCESSIBLE ROUTE AND SHALL COMPLY WITH DIVISION IV. ALL BUILDINGS ARE REQUIRED TO HAVE AN ACCESSIBLE ENTRANCE PER CBC 1106A.



Second Floor



First Floor



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Note: Square Footage may vary due to method of calculation

ARCHITECTS . PLANNERS . DESIGNERS



ORANGE COUNTY . LOS ANGELES . BAY AREA



1355 CALIFORNIA CIRCLE

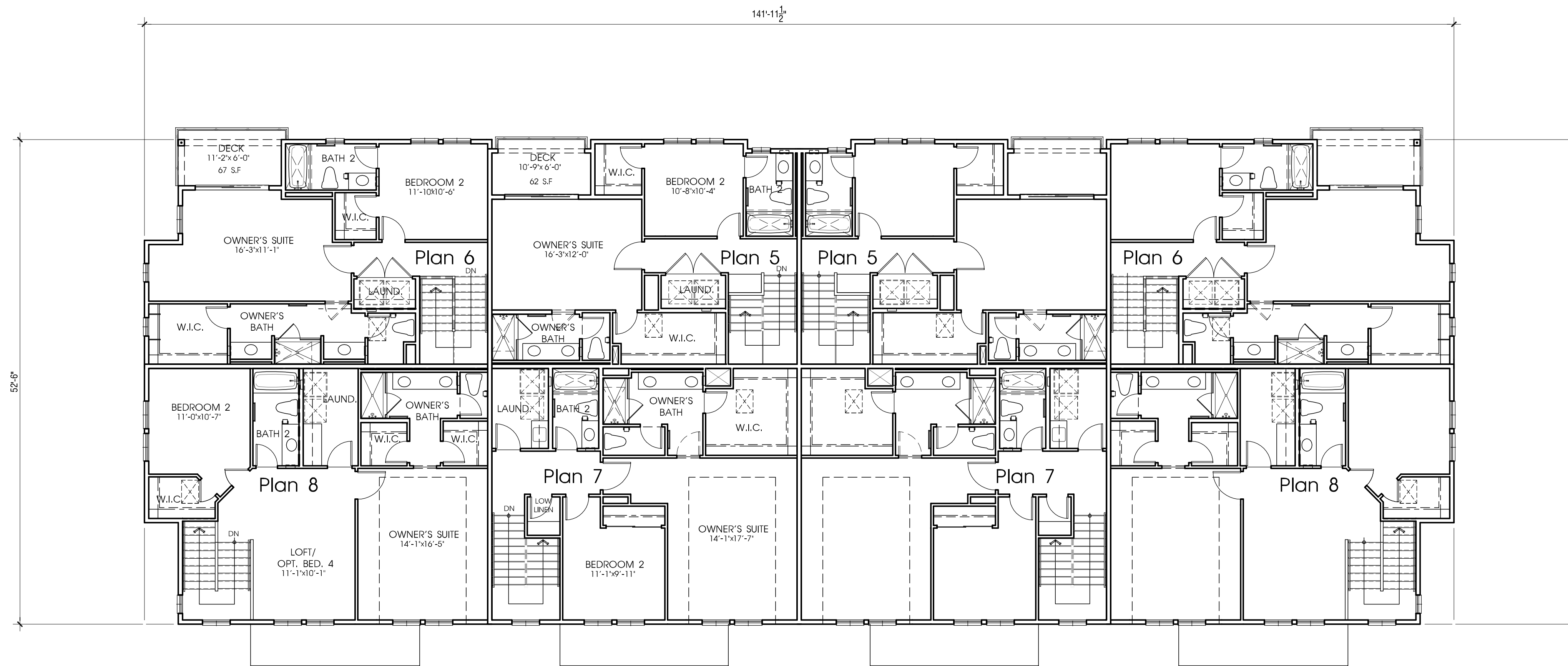
MILPITAS, CALIFORNIA WHA INC. 2022050 | 2022061

PLANNED DEVELOPMENT PERMIT

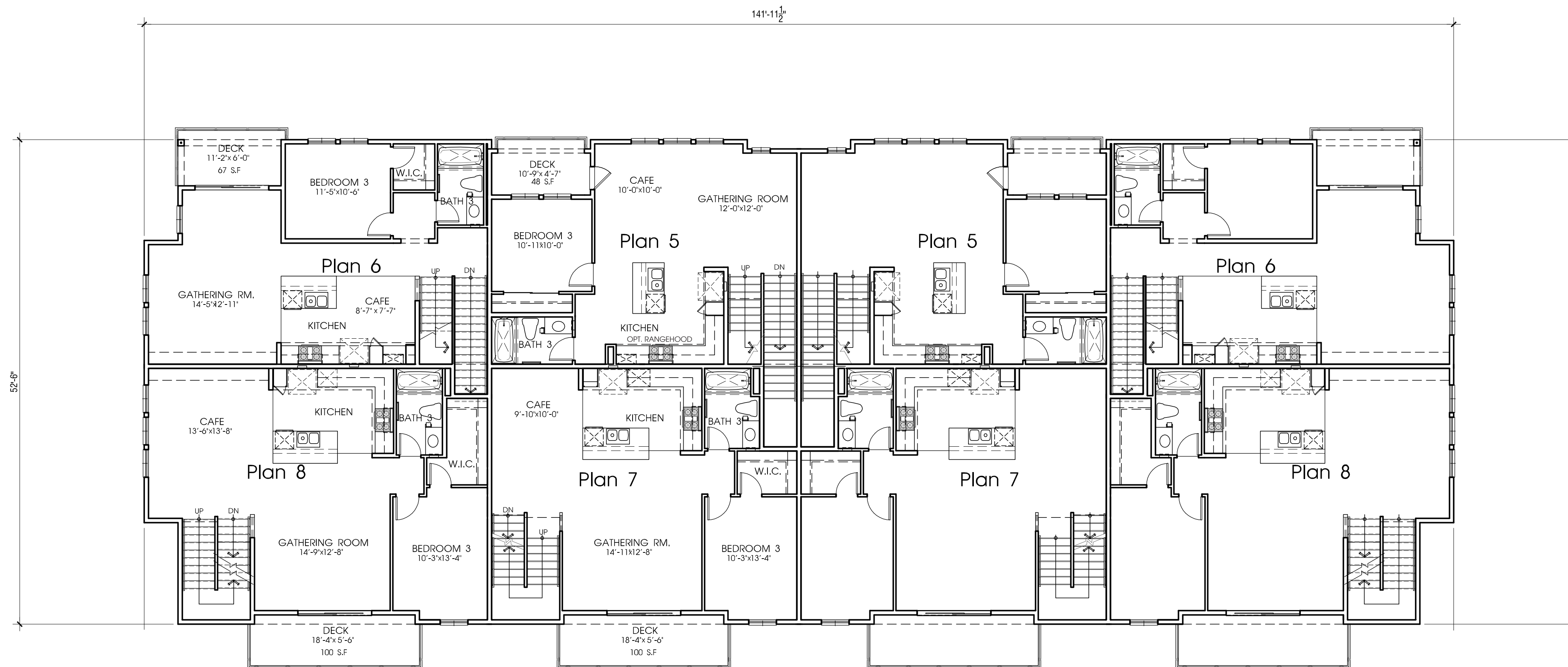


12 PLEX - STACKED TOWNHOME CONDOS
BUILDING FLOOR PLANS

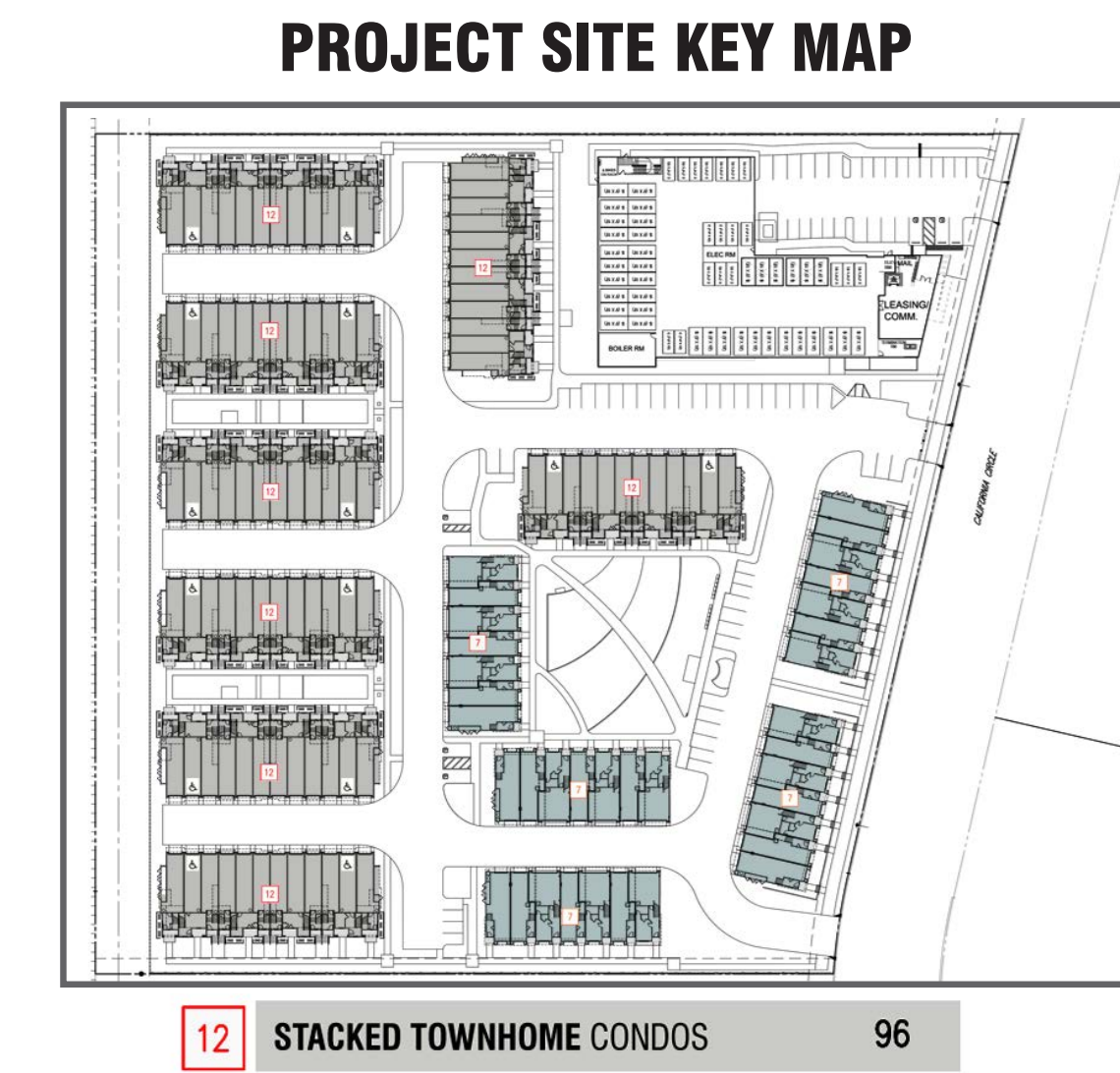
A1.1



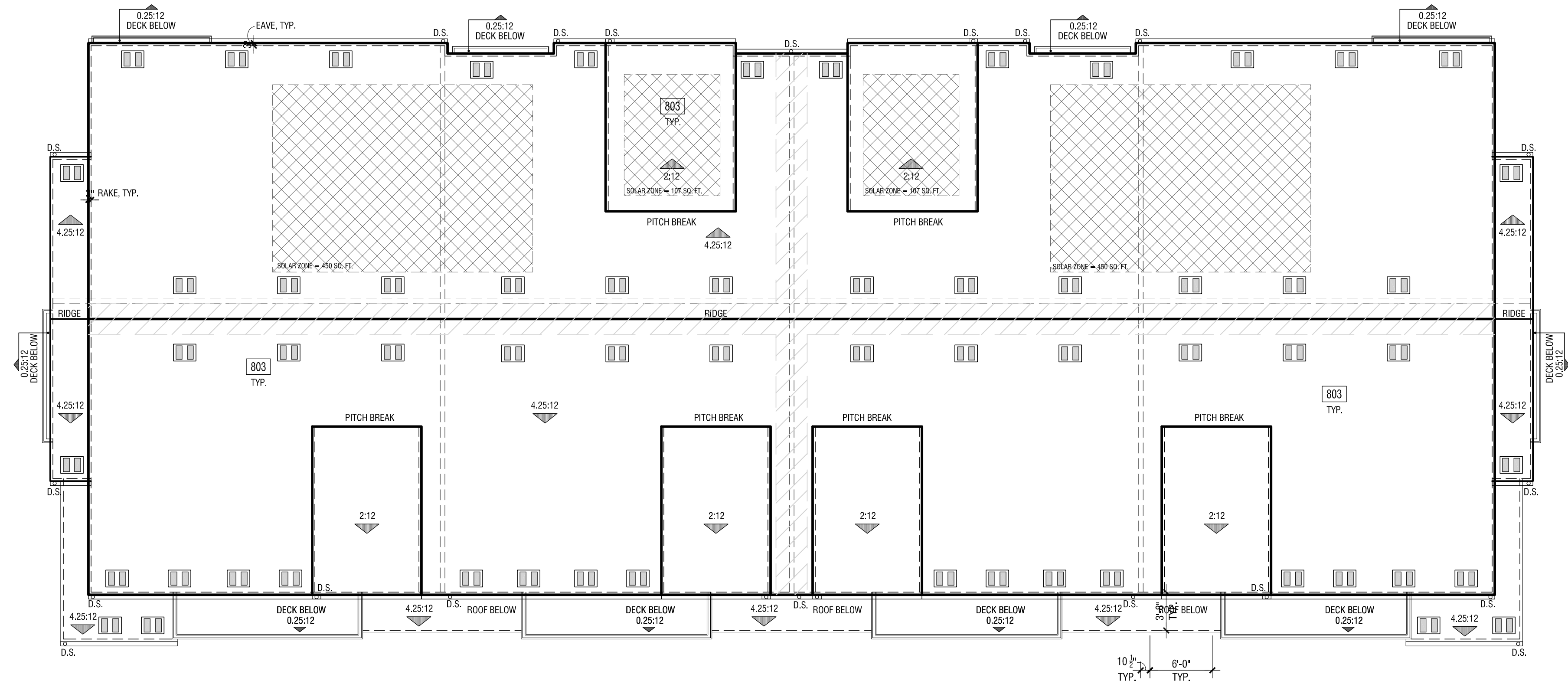
Fourth Floor



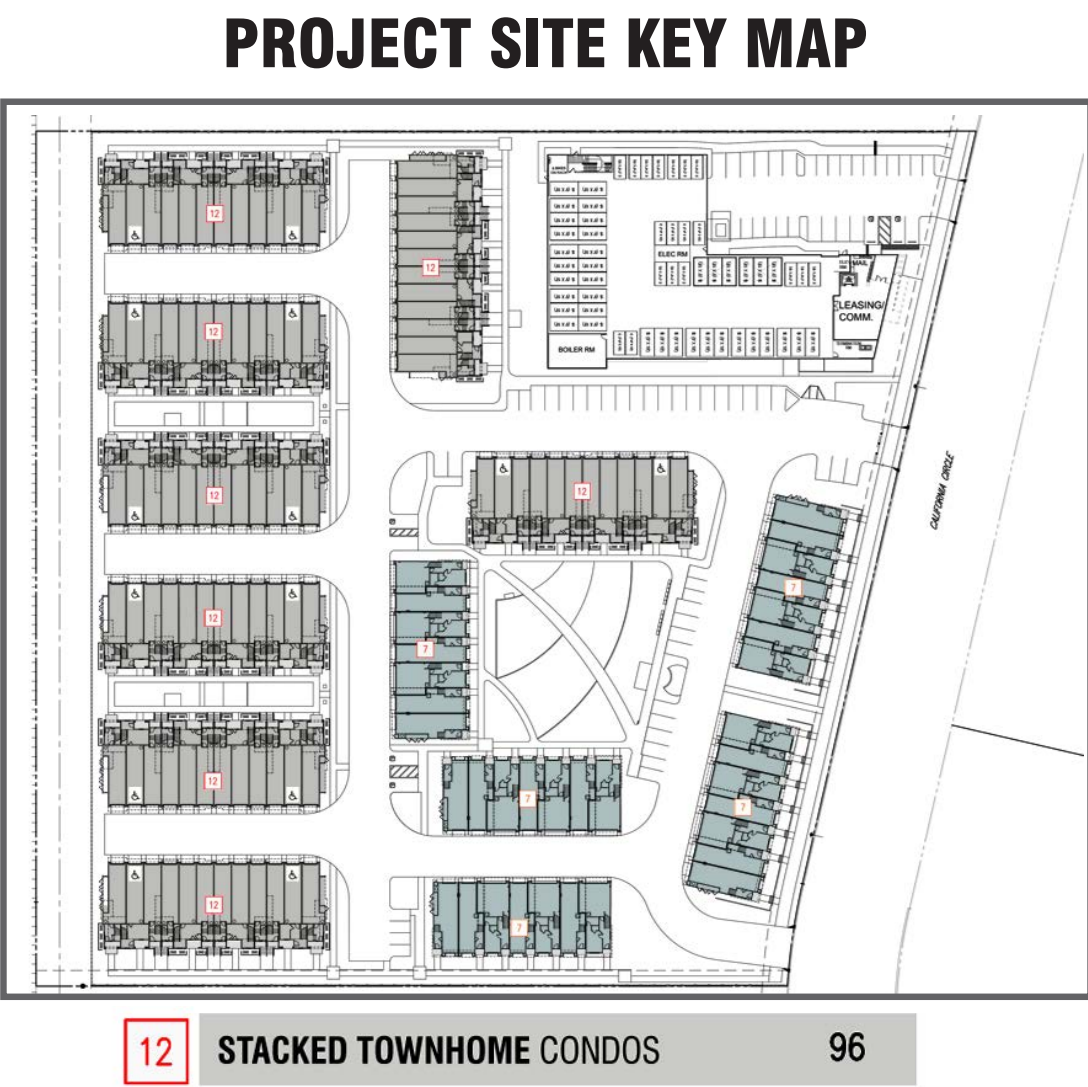
Third Floor



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Note: Square Footage may vary due to method of calculation



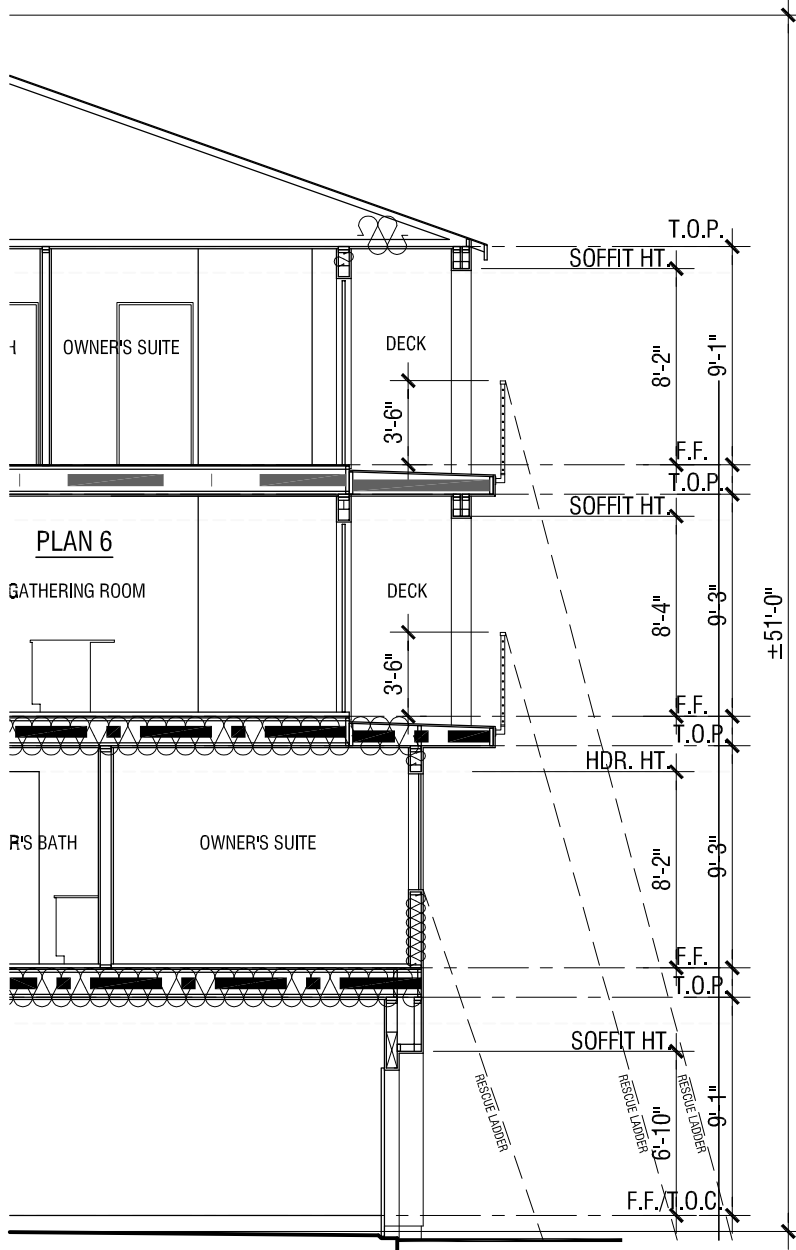
Roof Plan



- Material Legend:**
1. Roof
 2. Stucco Body 1
 3. Stucco Body 2
 4. Stucco Body 3
 5. Stucco 4 & Railing
 6. Tile Veneer
 7. Vinyl Window
 8. Unit Address & Decorative Light Fixture
 9. Entry Door
 10. Sectional Garage Door



Buildings 200 | 12 Plex - Front Elevation



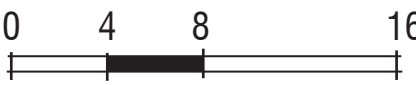
Typical Ladder Access Pad Diagram
Note: Ladder Access Pads Are Not Shown On Alley Side - Alley Will Be Paved

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Note: Artist's Conception; Colors, Materials And Application May Vary.



1355 CALIFORNIA CIRCLE
MILPITAS, CALIFORNIA WHA INC. 2022050 | 2022061

PLANNED DEVELOPMENT PERMIT



12 PLEX - STACKED TOWNHOME CONDOS
EXTERIOR ELEVATIONS & ROOF PLAN
LADDER ACCESS PAD DIAGRAM

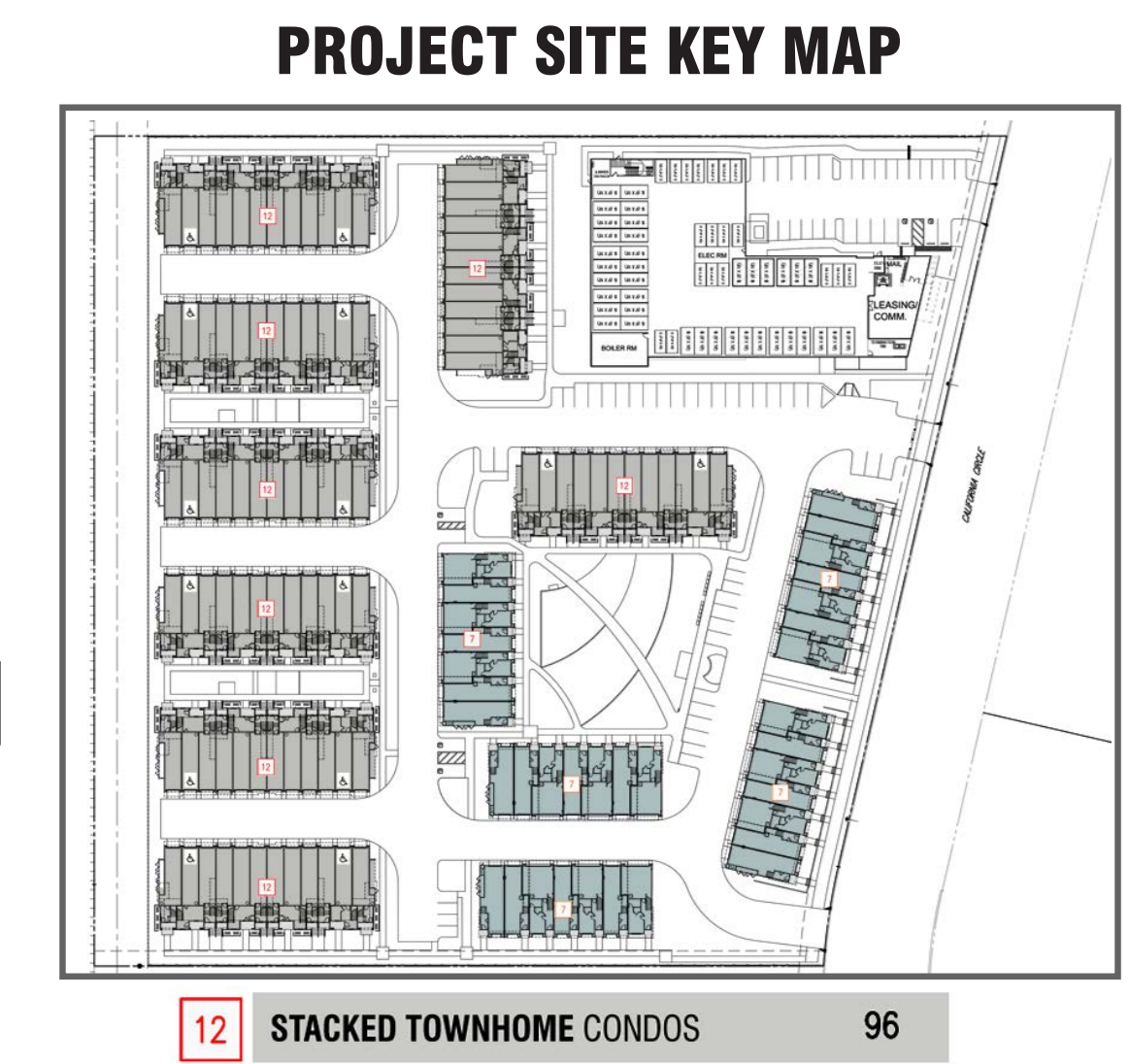
A1.3



Left



Right



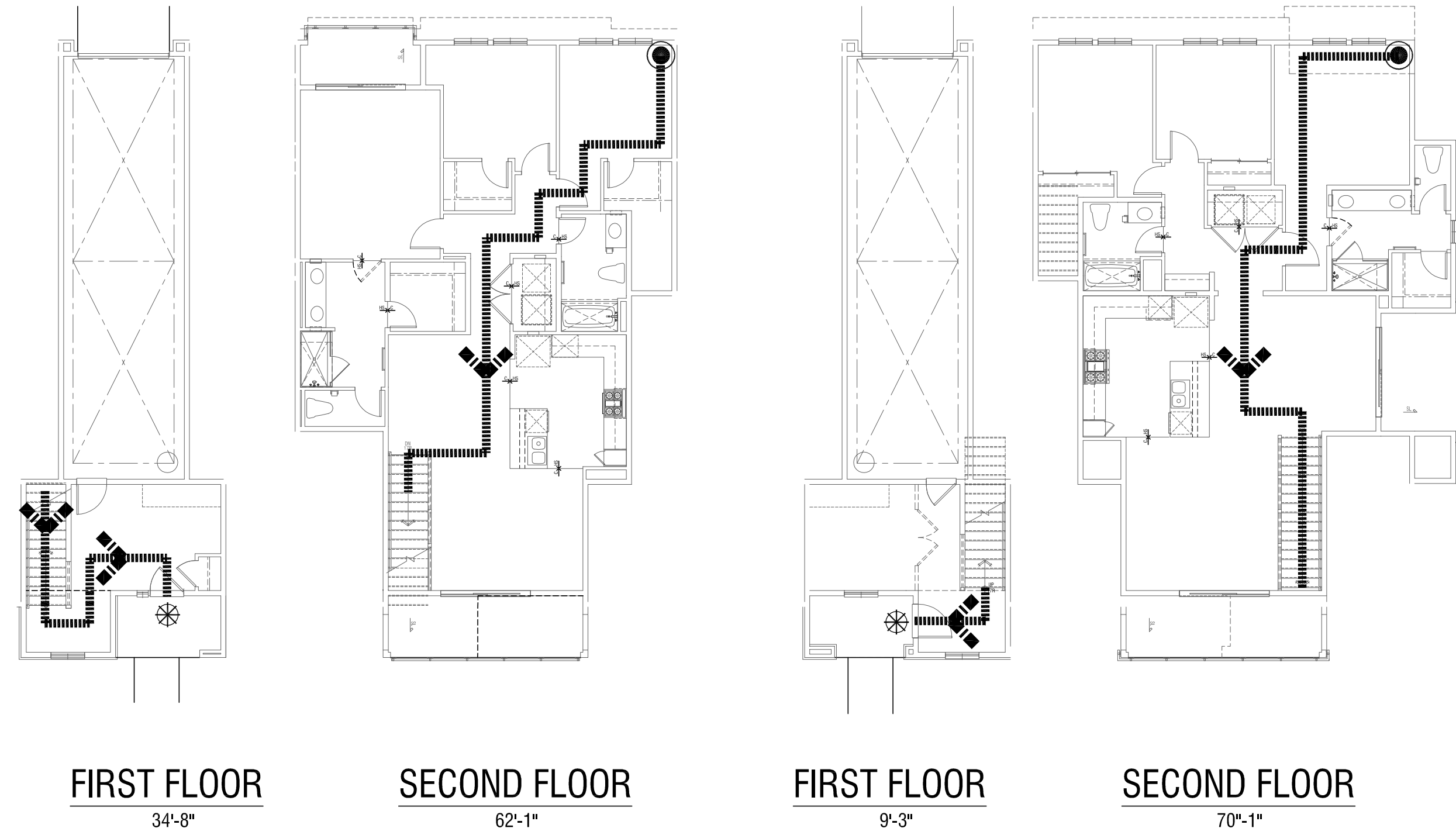
12 STACKED TOWNHOME CONDOS 96



- Material Legend:**
1. Roof
 2. Stucco Body 1
 3. Stucco Body 2
 4. Stucco Body 3
 5. Stucco 4 & Railing
 6. Tile Veneer
 7. Vinyl Window
 8. Unit Address & Decorative Light Fixture
 9. Entry Door
 10. Sectional Garage Door

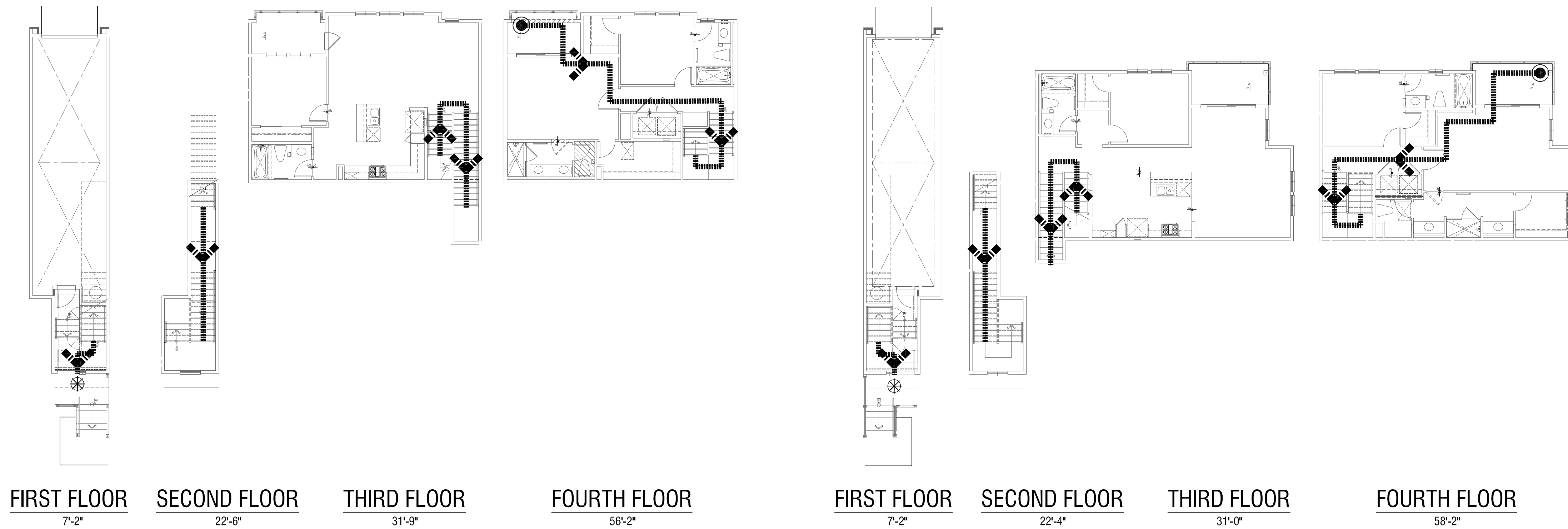
Buildings 200 | 12 Plex - Front Elevation

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Note: Artist's Conception; Colors, Materials And Application May Vary.



PLAN 2 TRAVEL DISTANCE
 PLAN 1 TOTAL TRAVEL DISTANCE = 96'-9" < 125'-0"

PLAN 3 TRAVEL DISTANCE
 PLAN 1 TOTAL TRAVEL DISTANCE = 79'-4" < 125'-0"



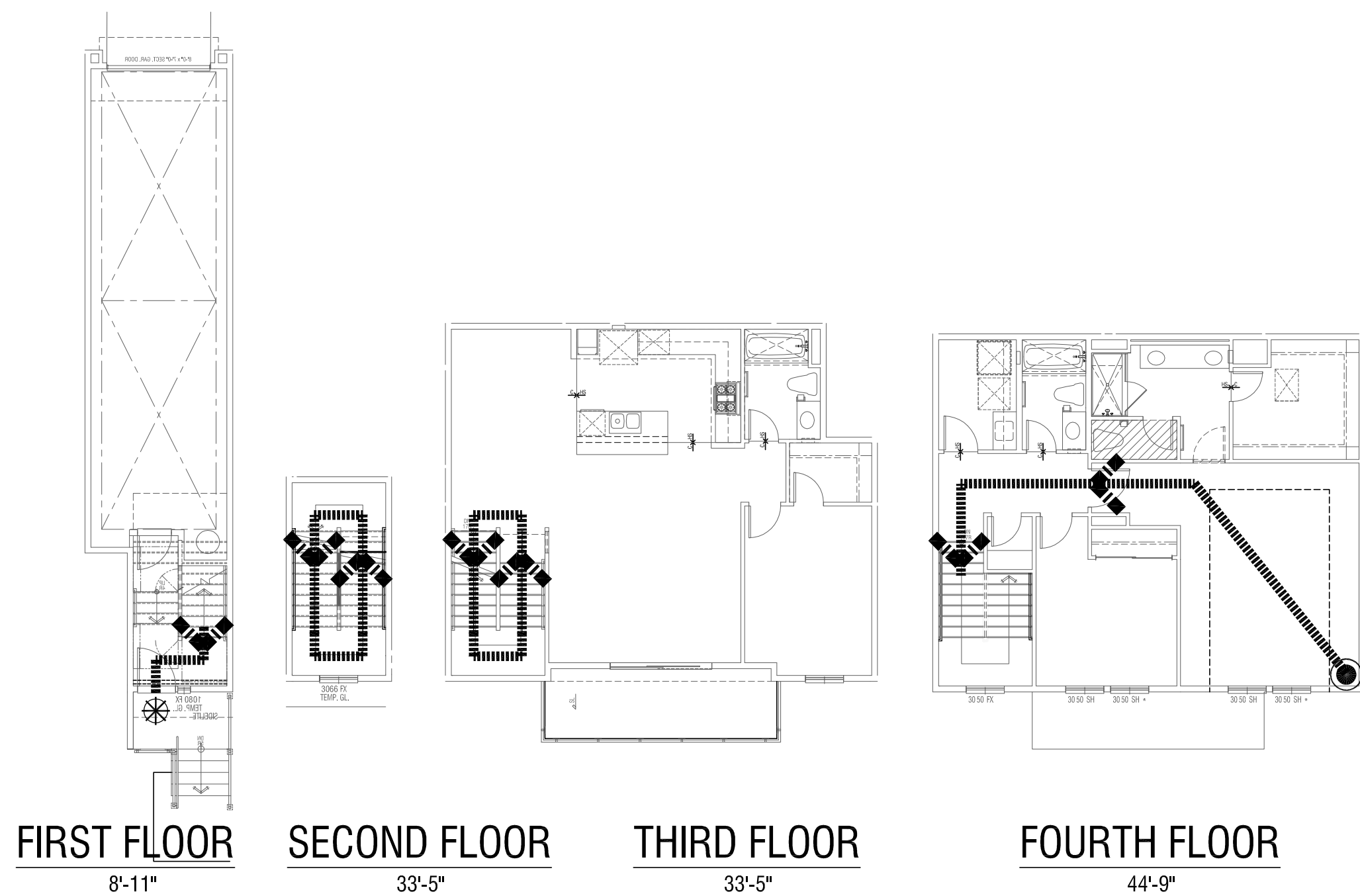
PER CBC SECTION 1006.2.2.6; THE COMMON PATH OF EGRESS TRAVEL SHALL NOT EXCEED 125 FEET WHEN PROTECTED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM.

ALL PLANS COMPLY

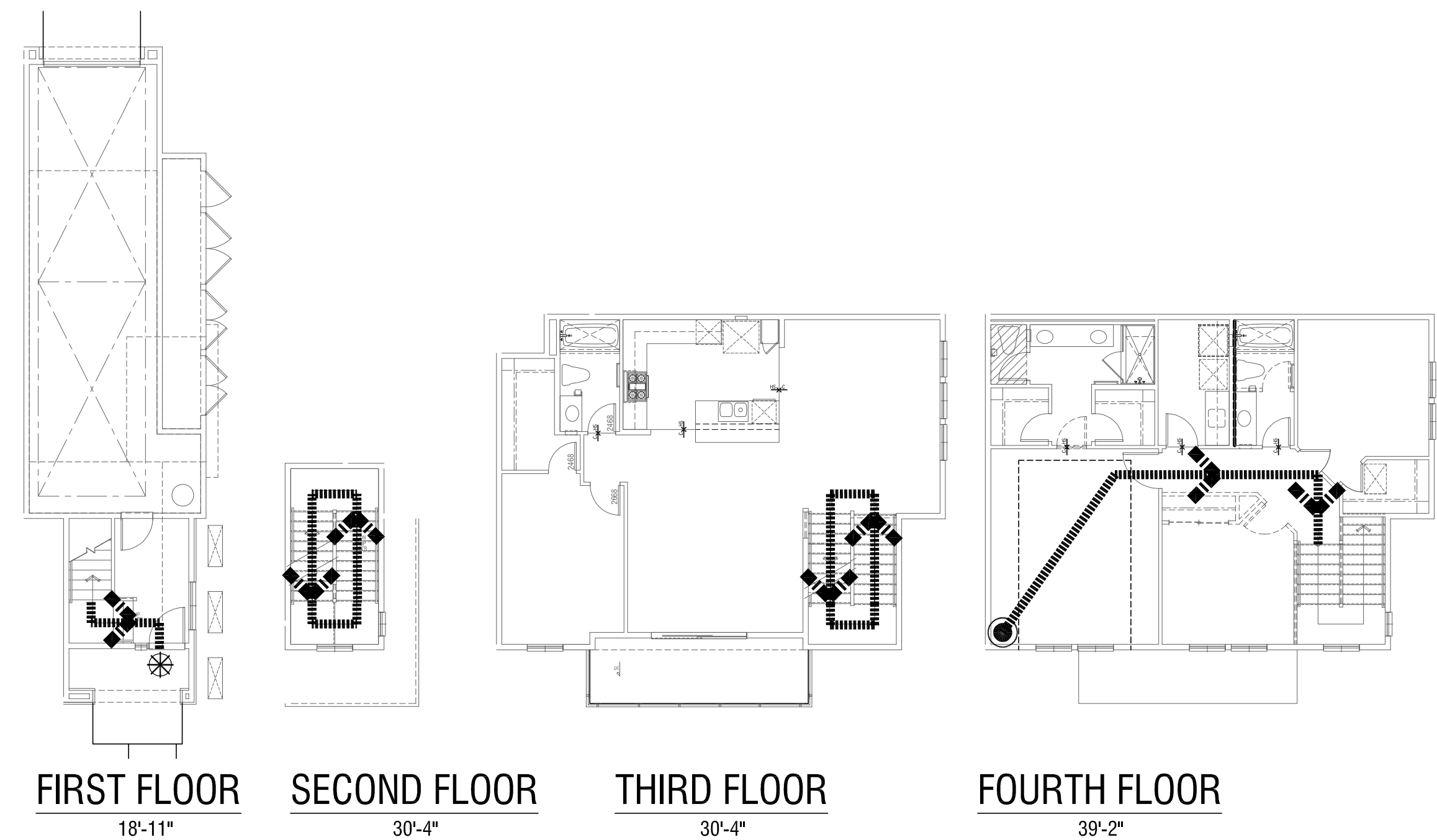
NOTE:
 PER CBC SECTION 1017.3, THE COMMON PATH OF EGRESS TRAVEL HAS BEEN MEASURED ALONG A NATURAL AND UNOBSTRUCTED PATH OF EGRESS (INTERPRETED TO BE 2 FEET FROM ALL WALL AND FURNITURE SURFACES).

WHERE STAIRWAYS CONNECTING STORIES HAVE BEEN INCLUDED, THE MEASUREMENT ALONG STAIRWAYS IS MADE ON A PLANE PARALLEL AND TANGENT TO THE STAIR TREAD NOSING IN THE CENTER OF THE STAIRWAY.

TYPICAL ON ALL PLANS.



PLAN 7 TRAVEL DISTANCE
PLAN 1 TOTAL TRAVEL DISTANCE = 120'-6" < 125'-0"



PLAN 8 TRAVEL DISTANCE
PLAN 1 TOTAL TRAVEL DISTANCE = 118'-9" < 125'-0"

PER CBC SECTION 1006.2.2.6; THE COMMON PATH OF EGRESS TRAVEL SHALL NOT EXCEED 125 FEET WHEN PROTECTED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM.

ALL PLANS COMPLY

NOTE:
PER CBC SECTION 1017.3, THE COMMON PATH OF EGRESS TRAVEL HAS BEEN MEASURED ALONG A NATURAL AND UNOBSTRUCTED PATH OF EGRESS (INTERPRETED TO BE 2 FEET FROM ALL WALL AND FURNITURE SURFACES).

WHERE STAIRWAYS CONNECTING STORIES HAVE BEEN INCLUDED, THE MEASUREMENT ALONG STAIRWAYS IS MADE ON A PLANE PARALLEL AND TANGENT TO THE STAIR TREAD NOSING IN THE CENTER OF THE STAIRWAY.

TYPICAL ON ALL PLANS.

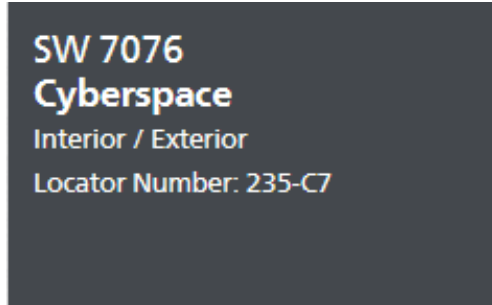
PROJECT SITE KEY MAP



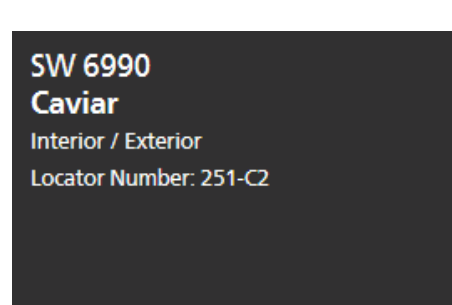
Buildings 200 | 12 Plex - Building Section

Color and Material Palette

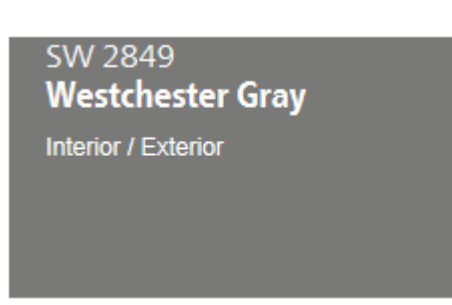
Stucco-4 (Cyber) + balcony metal rails



Metal Accents+ canopy



Garage door



Stucco-1 (Light)



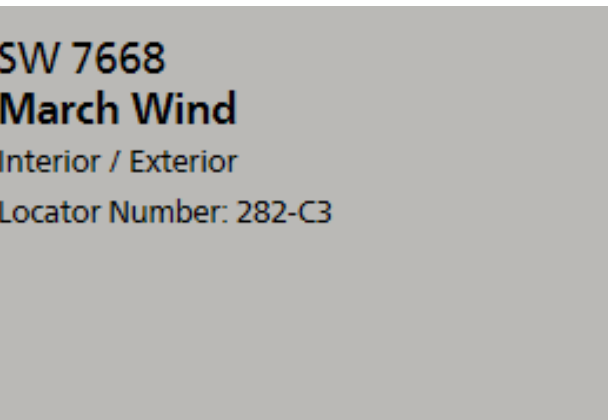
Entry Door



Stucco-2 (Dark)



Stucco-3 (Mid-range)



Beach Pebble - Ledge Cut- El Dorado Stone

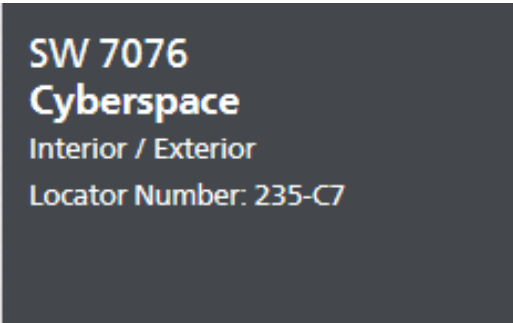


Roofing: Certainteed- Landmark series – Weathered wood

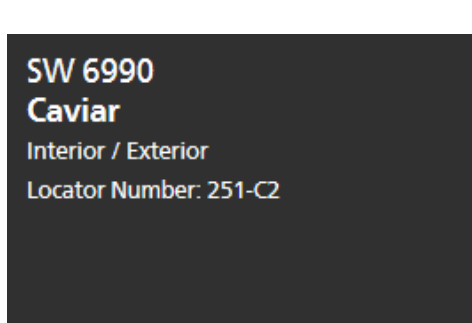


Color and Material Palette -2

Stucco-4 (Cyber) + balcony metal rails



Metal Accents+ canopy



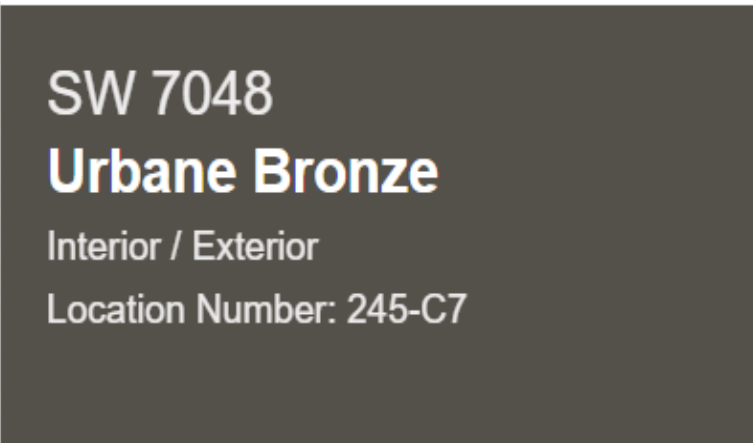
Garage door



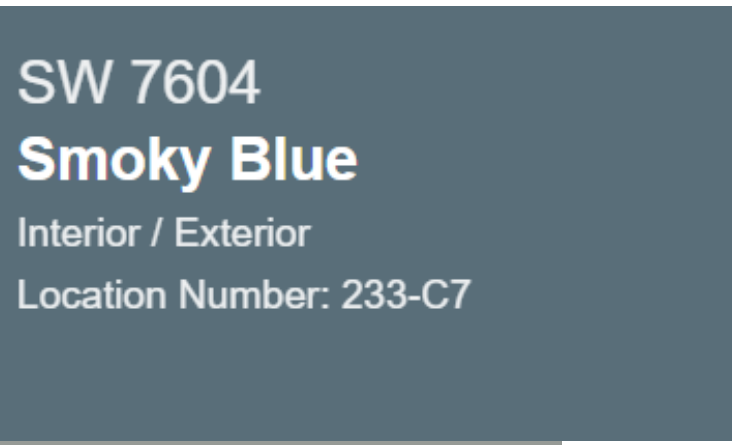
Stucco-1 (Light)



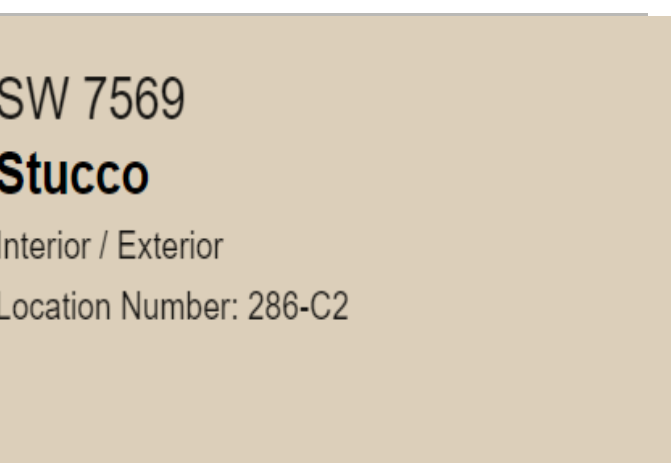
Entry Door



Stucco-2 (Dark)



Stucco-3 (Mid-range)



Beach Pebble - Ledge Cut- El Dorado Stone



Roofing: Certainteed- Landmark series – Weathered wood



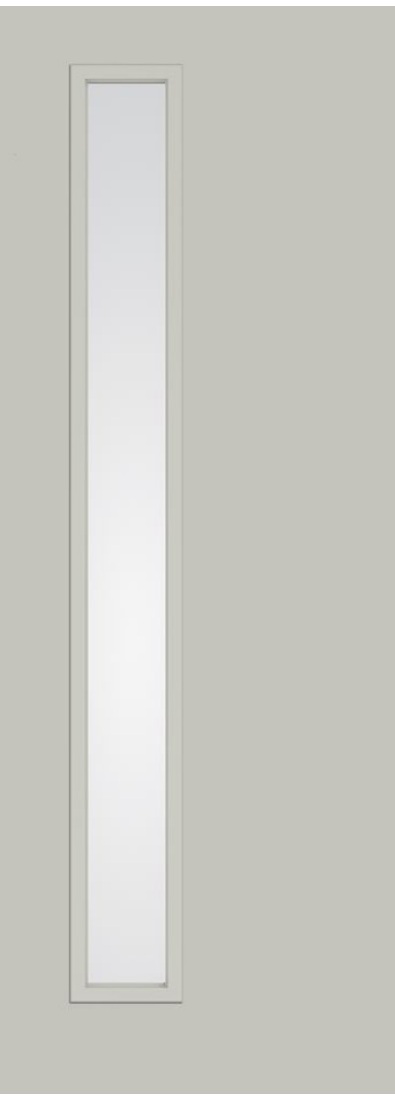
LIGHT FIXTURE AT PORCH AND UNCOVERED BALCONY



LIGHT FIXTURE AT GARAGE DOOR



ADDRESS LIGHT FIXTURE

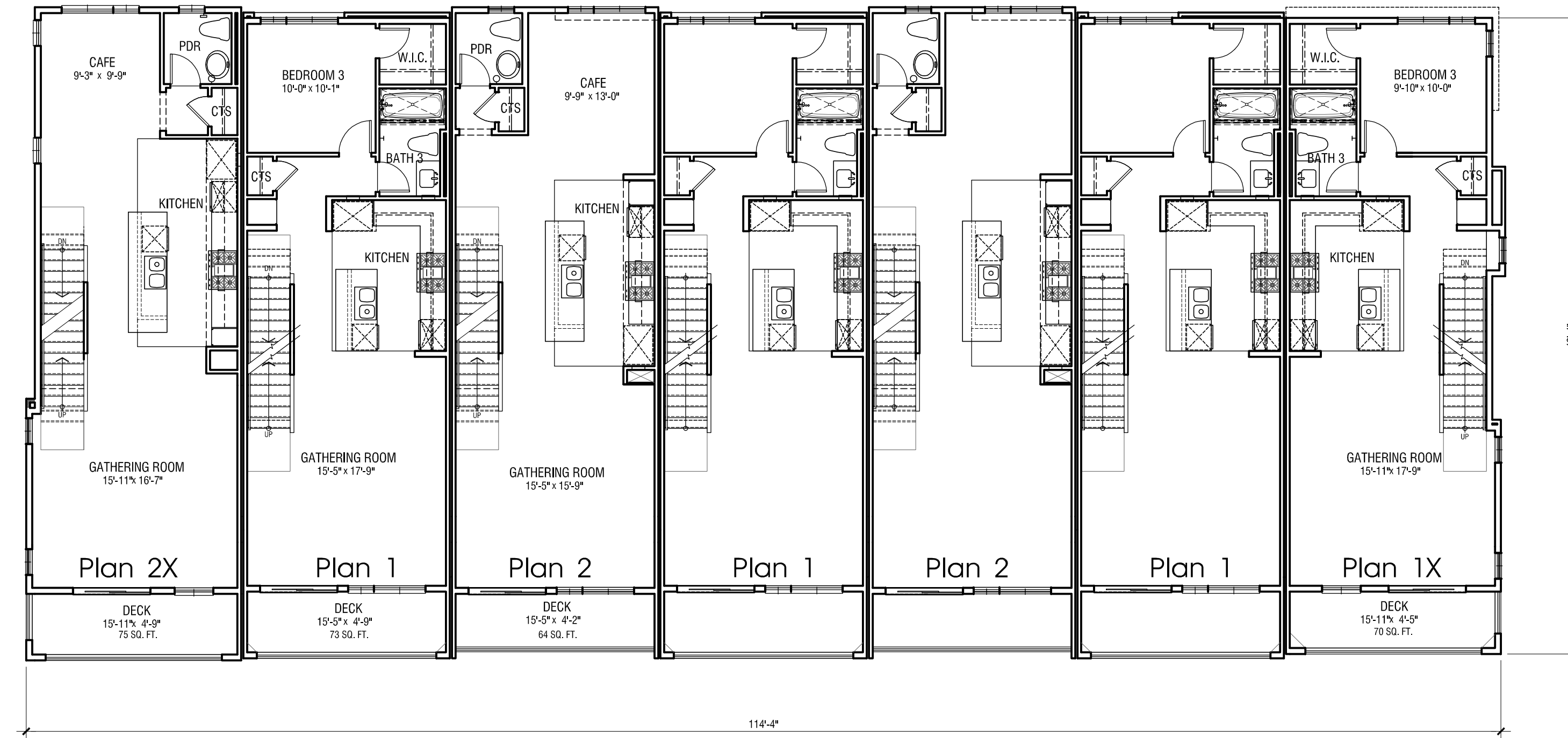


Entry Doors
ThermaTru
Pulse Linea 8' S81LCL

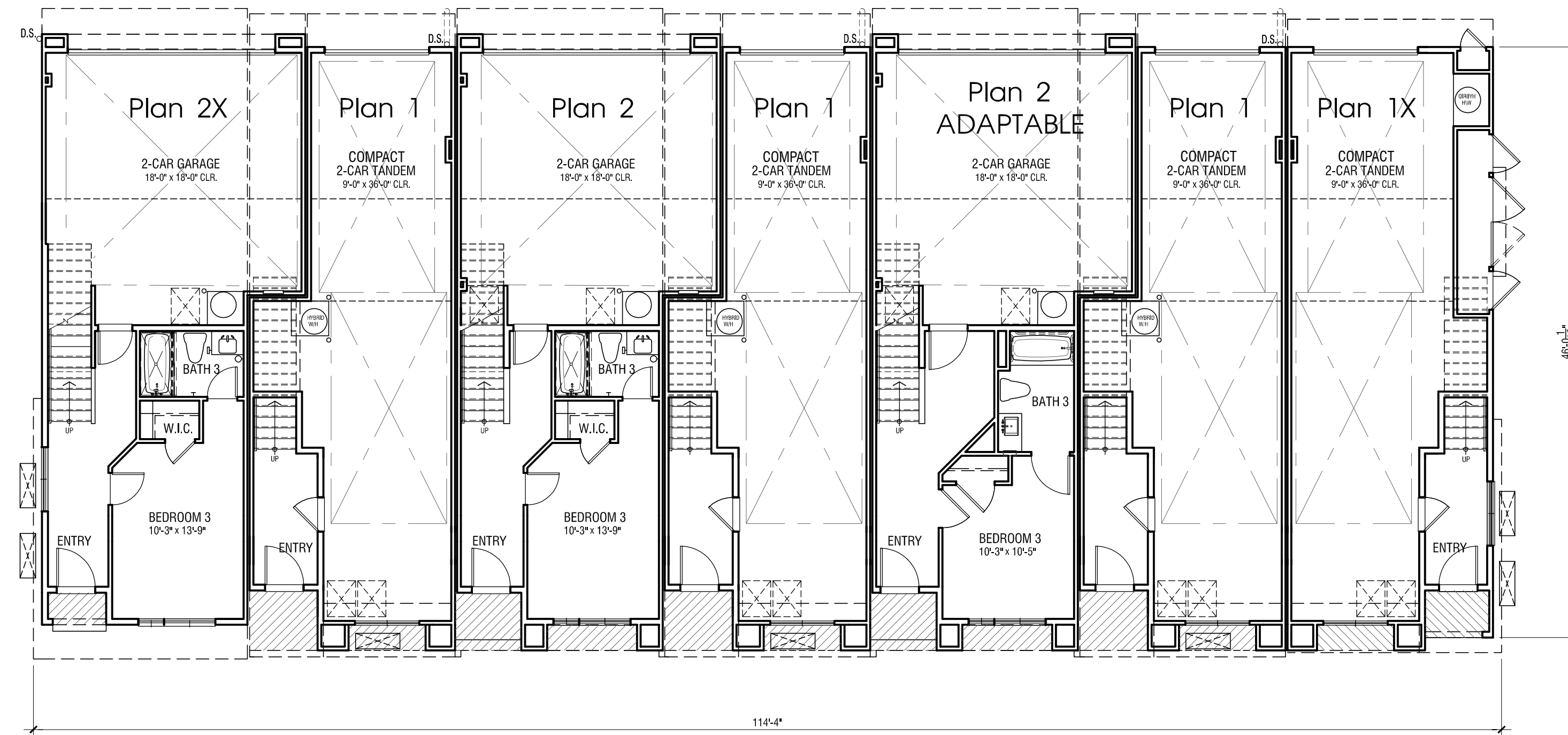


Vinyl frame
windows - white

PROJECT SITE KEY MAP



Second Floor



First Floor

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Note: Square Footage may vary due to method of calculation

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ORANGE COUNTY . LOS ANGELES . BAY AREA



1355 CALIFORNIA CIRCLE
MILPITAS, CALIFORNIA WHA INC. 2022050 | 2022061

PLANNED DEVELOPMENT PERMIT



7 PLEX - TOWNHOME CONDOS
BUILDING FLOOR PLANS

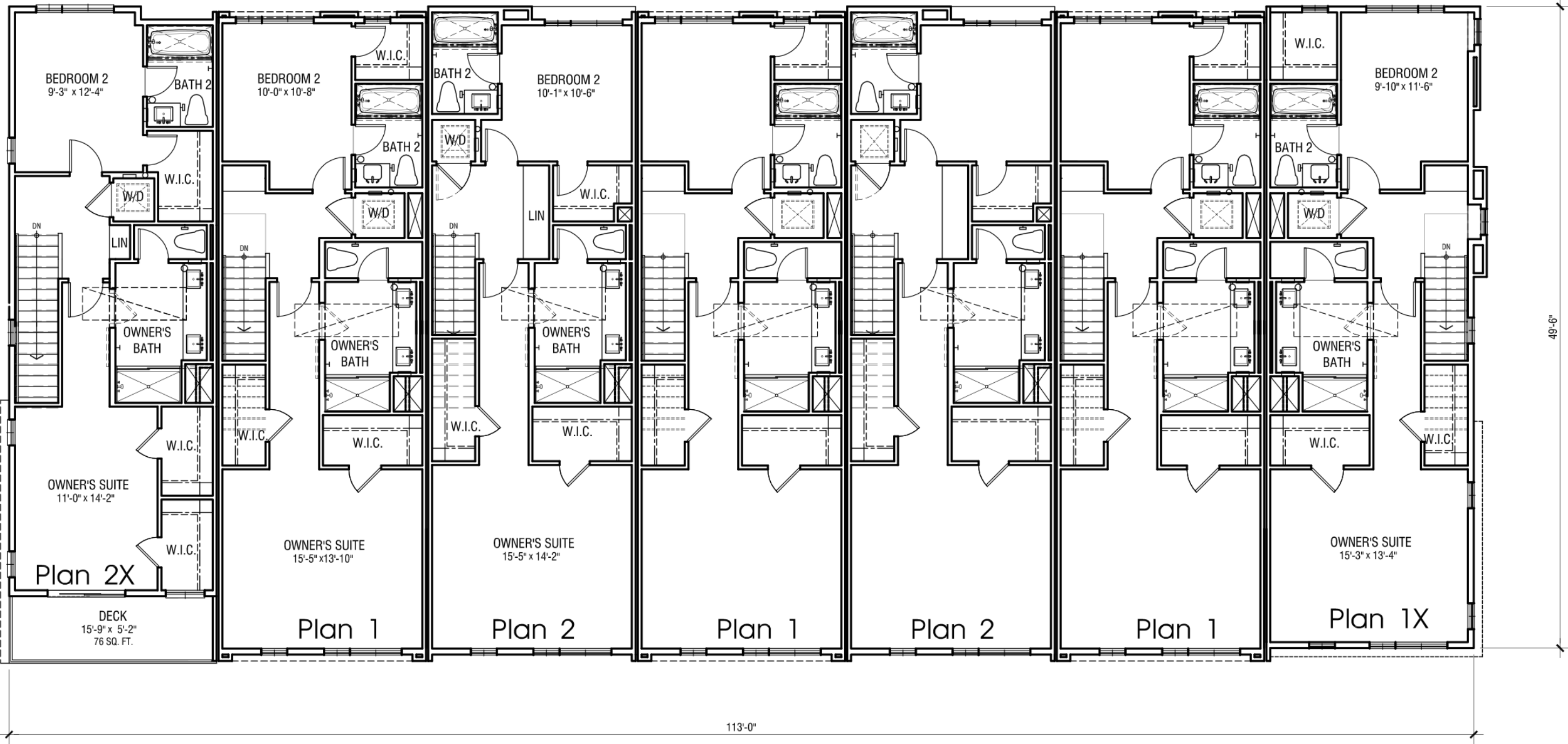
A2.1

PROJECT SITE KEY MAP



7 TOWNHOME CONDOS

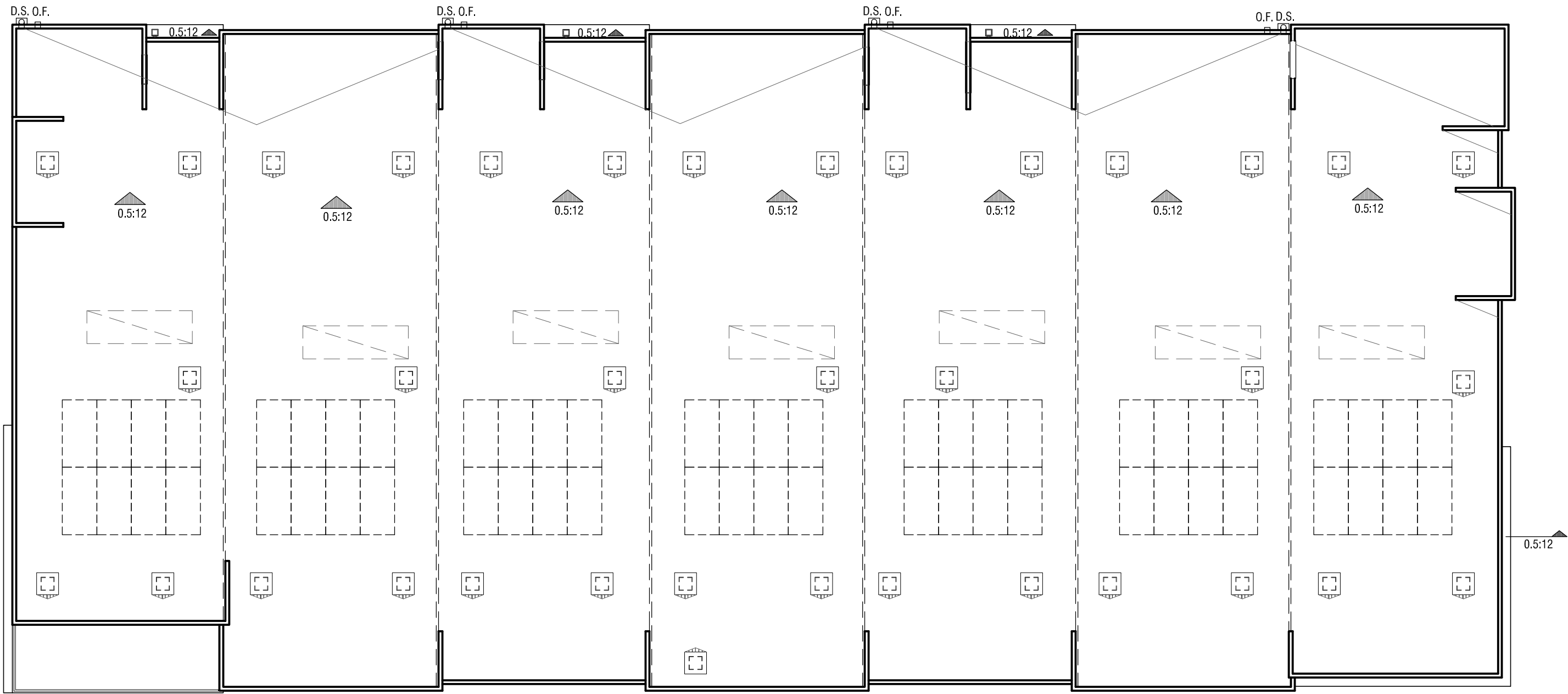
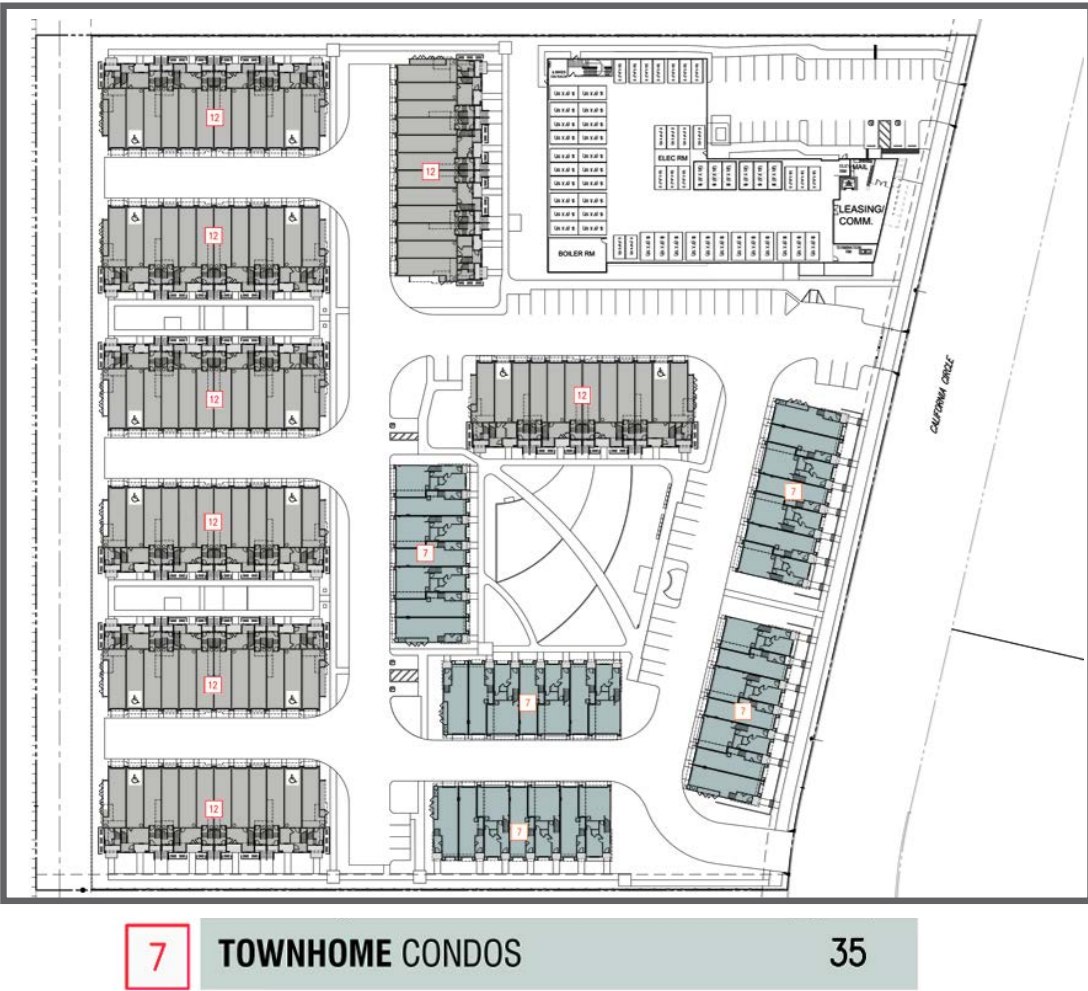
35



Third Floor

© 2022 WILLIAM HEZMALHALCH ARCHITECTS, INC. dba WHA.
Note: Square Footage may vary due to method of calculation

PROJECT SITE KEY MAP



Roof Plan



Material Legend:

- 1. Roof: Flat with Parapet
- 2. Stucco Body 1
- 3. Stucco Body 2
- 4. Stucco Accent & Siding
- 5. Accent Metal Railing
- 6. Stucco Canopy
- 7. Vinyl Window
- 8. Unit Address & Decorative Light Fixture
- 9. Entry Door
- 10. Sectional Garage Door
- 11. Utility Cabinet Doors

Building 400 | 7 Plex - Front Elevation

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Note: Artist's Conception; Colors, Materials And Application May Vary.

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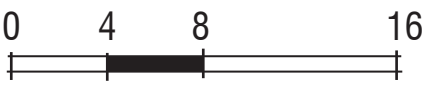


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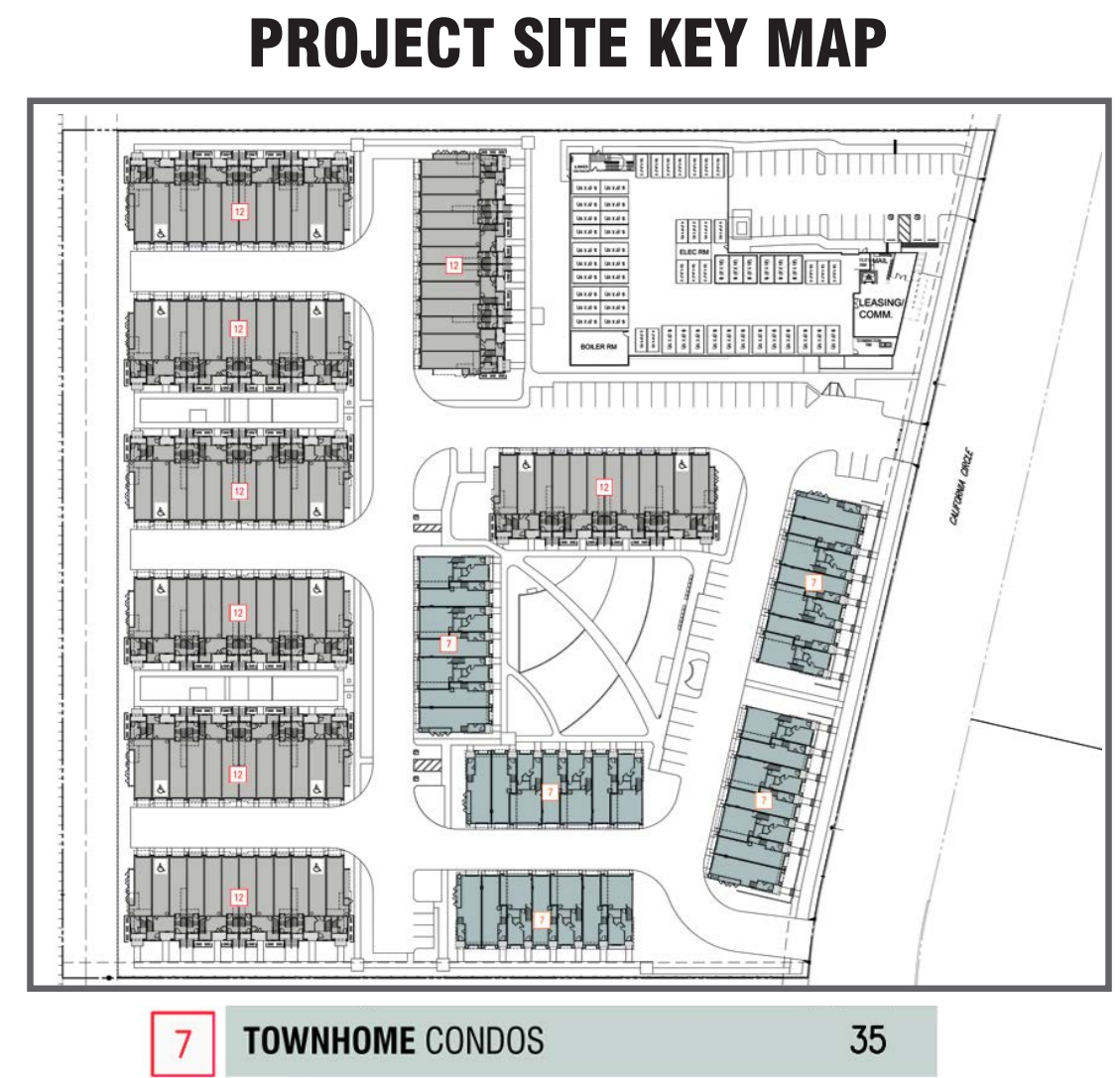
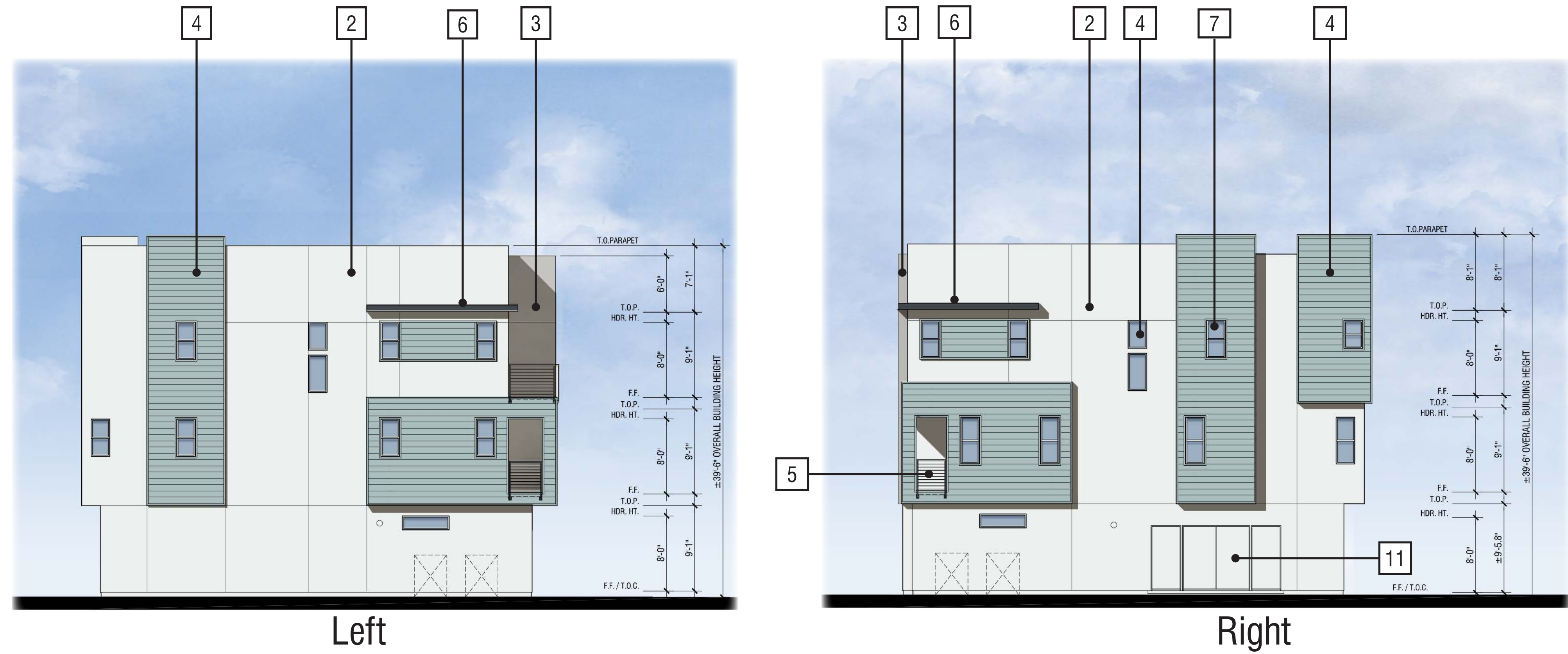
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MILPITAS, CALIFORNIA WHA INC. 2022050 | 2022061

PLANNED DEVELOPMENT PERMIT



7 PLEX - TOWNHOME CONDOS
EXTERIOR ELEVATION &
ROOF PLAN

A2.3



Material Legend:

1. Roof: Flat with Parapet
2. Stucco Body 1
3. Stucco Body 2
4. Stucco Accent & Siding
5. Accent Metal Railing
6. Stucco Canopy
7. Vinyl Window
8. Unit Address & Decorative Light Fixture
9. Entry Door
10. Sectional Garage Door
11. Utility Cabinet Doors

Building 400 | 7 Plex - Exterior Elevations

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PLANNED DEVELOPMENT PERMIT



7 PLEX - TOWNHOME CONDOS
BUILDING FLOOR PLANS

A2.4

The site plan illustrates the proposed development layout. It features several building footprints, some of which are labeled with 'LANDSCAPING' and 'LOADING DOCK'. A north arrow is positioned in the upper right corner of the plan.

TOWNHOME CONDOS

35



Color and Material Palette

ACCENT STUCCO AND SIDING

SW 6219



STUCCO BODY COLOR-1

SW 7006



STUCCO BODY COLOR-2

SW 7668



ACCENT- METAL RAILING AND ENTRY DOOR COLOR

SW 7076



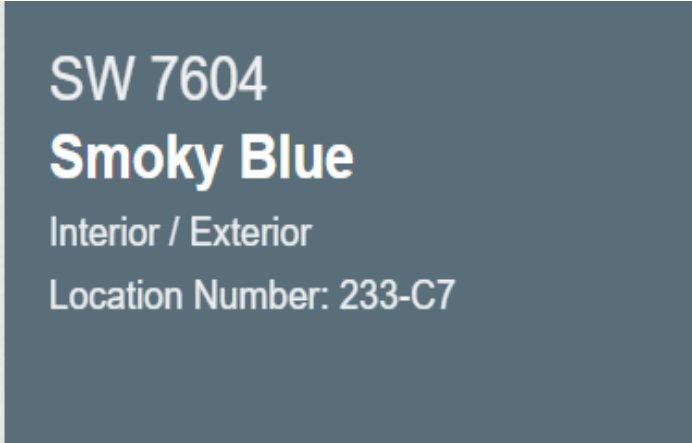
GARAGE DOOR COLOR

SW 7604

Smoky Blue

Interior / Exterior

Location Number: 233-C7



Color and Material Palette - 2

ACCENT STUCCO AND SIDING

SW 7604

Smoky Blue

Interior / Exterior

Location Number: 233-C7



STUCCO BODY COLOR-1

SW 7757

High Reflective White

Interior

Location Number: 256-C1



STUCCO BODY COLOR-2

SW 7666

Fleur de Sel

Interior / Exterior

Locator Number: 258-C3



ACCENT- METAL RAILING

SW 7076



GARAGE DOOR COLOR

SW 7638



ENTRY DOOR COLOR

SW 2839

Roycroft Copper Red

Interior / Exterior



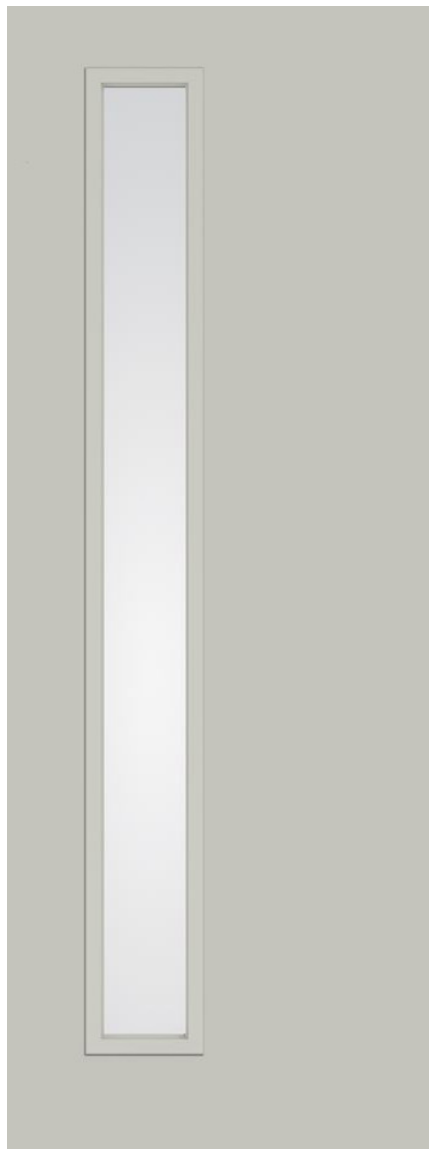
LIGHT FIXTURE AT PORCH AND UNCOVERED BALCONY



LIGHT FIXTURE AT GARAGE DOOR



ADDRESS LIGHT FIXTURE



Entry Doors
ThermaTru
Pulse Linea 8' S81LCL



Vinyl frame
windows - white

SHEET INDEX	
Sheet Number	Sheet Title
A3.0	COVER SHEET
A3.1	PROJECT INFORMATION
A3.2	EXISTING SITE CONDITIONS
A4.0	OVERALL SITE PLAN
A5.0	CONCEPTUAL BUILDING PLANS - GROUND FLOOR LEVEL
A5.1	CONCEPTUAL BUILDING PLAN - R1 RESIDENTIAL PODIUM LEVEL
A5.2	CONCEPTUAL BUILDING PLAN - R2 RESIDENTIAL LEVEL
A5.3	CONCEPTUAL BUILDING PLAN - R3 & 4 RESIDENTIAL LEVEL
A5.4	CONCEPTUAL BUILDING PLAN - R5 RESIDENTIAL LEVEL
A6.0	ROOF PLAN
A7.0	UNIT PLANS
A8.0	WASTE MANAGEMENT PLAN
A9.0	BUILDING SECTIONS
A10.0	CONCEPTUAL BUILDING ELEVATIONS
A10.1	CONCEPTUAL BUILDING ELEVATIONS
A11.0	COLOR & MATERIAL BOARD



Project Team

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San Jose, CA 95110
408.453.1066 x207
Contact: John Gaylord
jgaylord@ceainc.net



REVISION LOG		
NO.	DESCRIPTION	Date
1	ORIGINAL	04.01.22
2		
3		
4		
5		
6		

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES
520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

A3.0



Monday, July 31, 2023 11:52:25 AM
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CALIFORNIA CIRCLE/MILPITAS	
PROJECT DETAILS	
Jurisdiction	California Circle, Milpitas, CA
Existing Zoning	MP-Industrial Park
Proposed Zoning	MXD Zoning
Use Classification	R2
Construction Type	5 Levels of Type IIIA over 1 Level of concrete podium
Gross Land Area (With Easements)	0.94 ACRES
Total Units Proposed	75 UNITS

LOT COVERAGE	
BUILDING FOOTPRINT PROPOSED	
Footprint (sf)	21,350
Lot Area	41,108
Lot Coverage Proposed (With easements)	51.9%

FLOOR AREA PROPOSED (Garages excluded)	
Note (Garages Excluded)	Building
Level G1	3,202
Level R1	13,300
Level R2	13,315
Level R3	13,315
Level R4	13,315
Level R5	9,820
ROOF	500
Total Floor Area	66,767
Total Gross Floor Area Proposed	
Floor Area Ratio Proposed (With easements)	1.62

OPEN SPACE CALCULATIONS	
Podium Deck 1	820
Podium Deck 2	3,990
Total open area	4,810
Open area ratio proposed	11.7%

SETBACKS AND HEIGHTS	
	Proposed
Front set back	21'-7" Setback provided
Internal side yard set back	8'6" ft internal setback side, and 15 ft setback side provided
Internal sear yard set back	12 ft internal setback provided
Building height limit	77'-4" provided

Parking Required Per State Density Bonus			
STUDIO	16	1	16
1 BED	40	1	40
2 BED	19	1.5	29
Total stalls required per density bonus			85
Parking Provided			
Parking Provided	Residential standard size	Residential Compact Stalls [max. 40%]	Total
Parking Struct	39	17	56
On-Site Parking	13	16	29
Total Stalls Provided	52	33	85
Parking Ratio Provided		Stalls/DU	1.13

Bicycle Parking		
Total Parking require by code		131
Bicycle stalls required	5% of parking req.	7
Bicycle stalls provided	(Long term, in the garage)	8

Desnsity Bonus Concessions	
1	Parking reduction to comply with state density bonus parking requirement.
2	Setback requirement - Interior side yard setback Rear yard setback
3	Higher Unit Density
4	Building height to exceed 75 ft.
5	Private open area / balcony requirement

6-Story Building Density Study & Unit Count							
LEVEL	STUDIO	1BR			2BR		TOTAL UNITS
	S1	A1	A1-A	A2	B1	B1-A	
Ground	0	0	0	0	0	0	0
R1- Podium	4	3	0	2	0	4	13
R2	4	5	2	2	0	4	17
R3	4	5	2	2	0	4	17
R4	4	5	2	2	0	4	17
R5	0	5	2	1	0	3	11
	16	23	8	9	0	19	75
Totals	16	40			19		
	21.3%	53.3%			25.3%		100%

AFFORDABLE UNIT DISTRIBUTION					
Affordable Units					
		STUDIO	1BR	2BR	TOTAL UNITS PROVIDED
Low income units	31	7	16	8	31
Unit Distribution					
	R1 Level	2	4	2	8
	R2 Level	2	3	2	7
	R3 Level	2	3	2	7
	R4 Level	1	3	1	5
	R5 Level	0	3	1	4
Moderate income units	44	9	24	11	44
Unit Distribution					
	R1 Level	2	2	2	6
	R2 Level	2	3	2	7
	R3 Level	2	7	2	11
	R4 Level	3	7	3	13
	R5 Level	0	5	2	7
NOTE: AFFORDABLE UNITS TO BE ALLOCATED PROPORTIONALLY TO EACH UNIT TYPE. THESE UNITS WILL BE DISTRIBUTED THROUGHOUT THE PROJECT PLAN AND LEVELS TO MAINTAIN EQUAL ACCESS TO ALL PORTIONS OF THE BUILDING, AS SHOWN ON THE CONCEPTUAL AFFORDABLE UNIT DISTRIBUTION LAYOUT AS SHOWN ON THE FLOOR PLANS. THE EXACT LOCATION OF AFFORDABLE UNITS MAY VARY DEPENDENT ON LEASING SCHEDULE AND AVAILABILITY.					

1355 CALIFORNIA CIRCLE

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

MILPITAS, CALIFORNIA

PROJECT INFORMATION

DATE: 07-31-23
JOB NO.: 2022-218

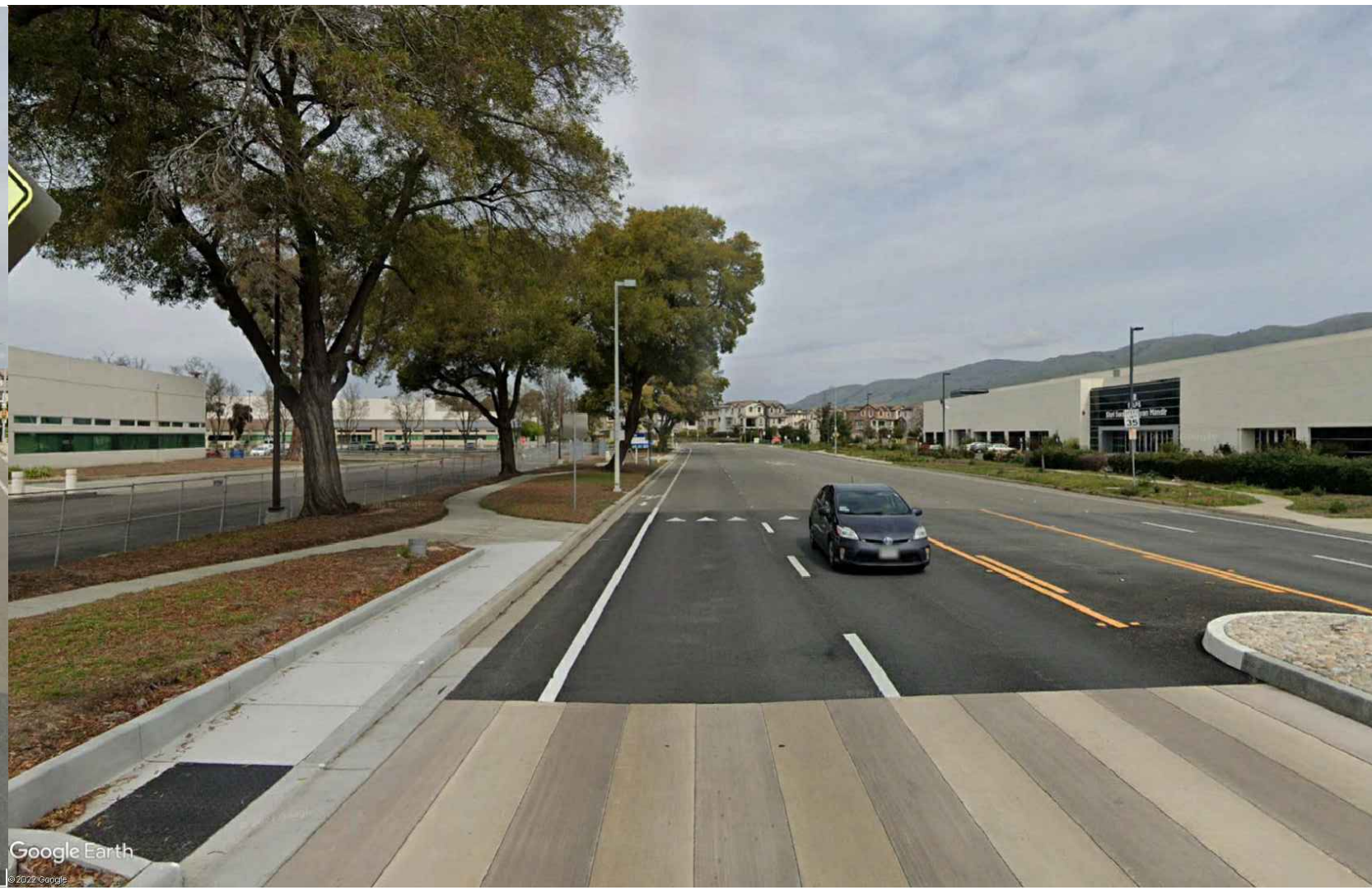
AO ARCHITECTS

144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

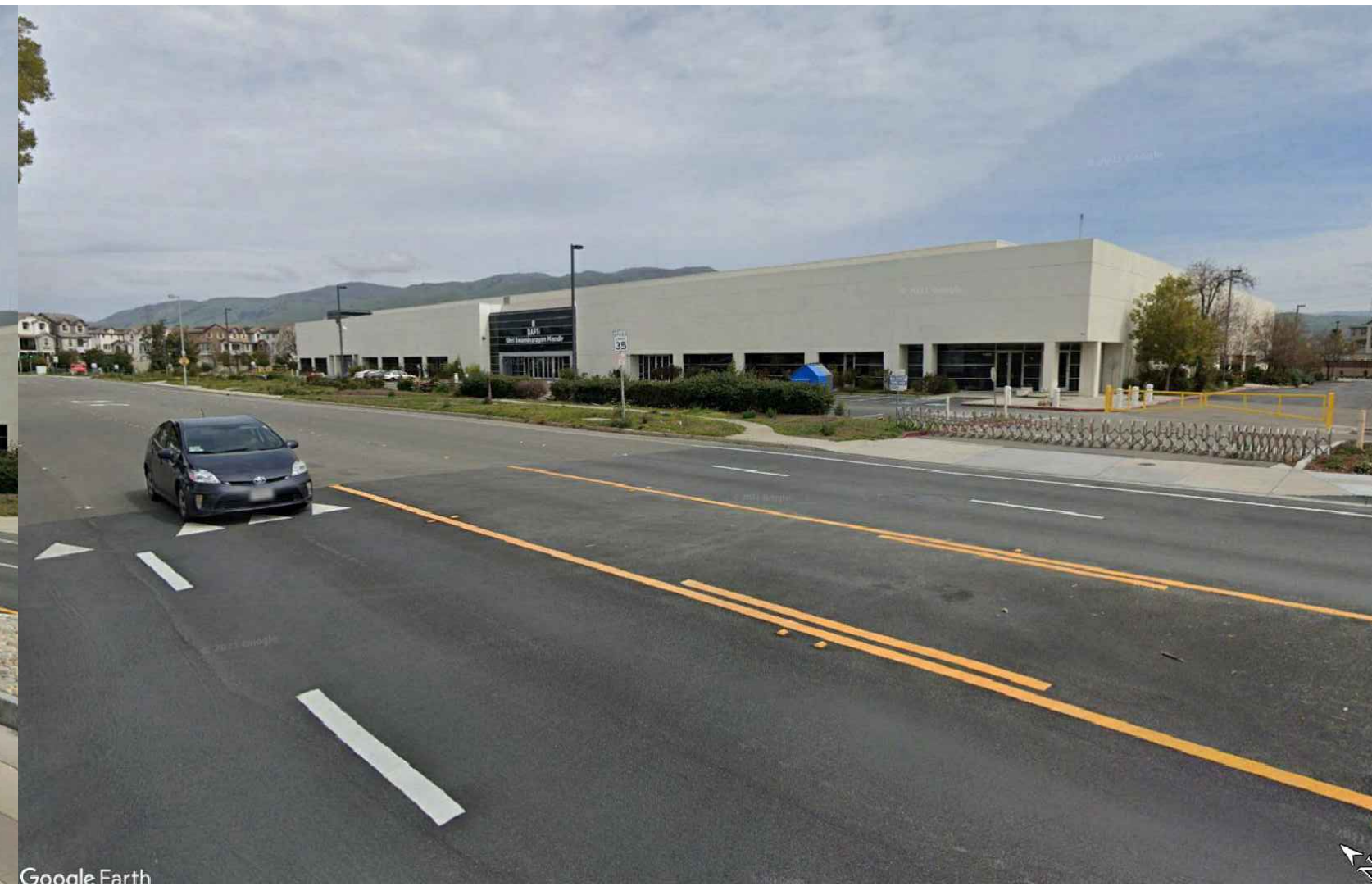




1. NORTHWEST VIEW OF PROJECT SITE ON CALIFORNIA CIRCLE.



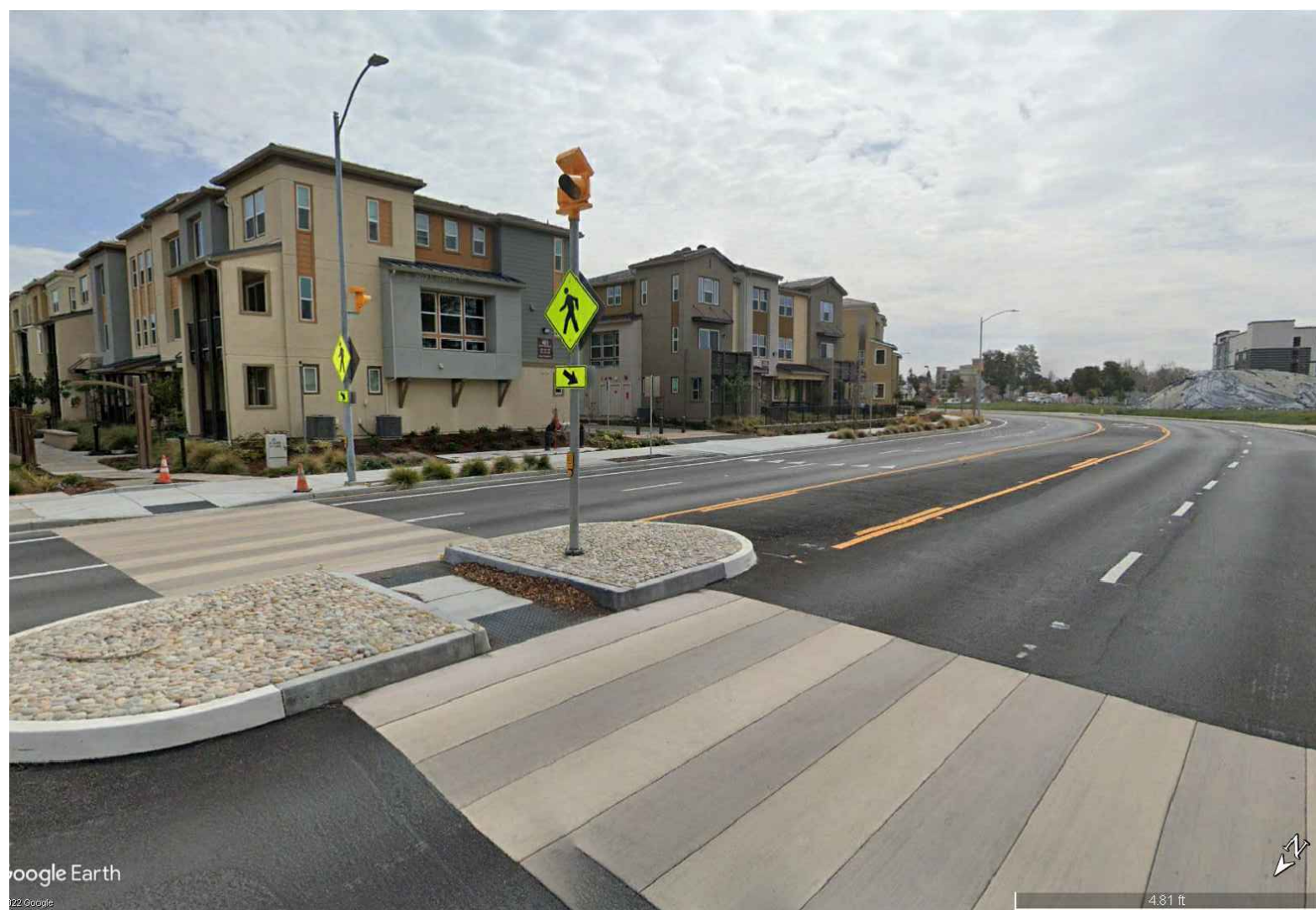
2. NORTHBOUND VIEW ON CALIFORNIA CIRCLE.



3. NORTH WEST VIEW OF ADJACENT PROPERTY OPPOSITE OF PROJECT SITE ON CALIFORNIA CIRCLE.



4. SOUTH VIEW OF PROJECT SITE FROM ADJACENT PROPERTY.



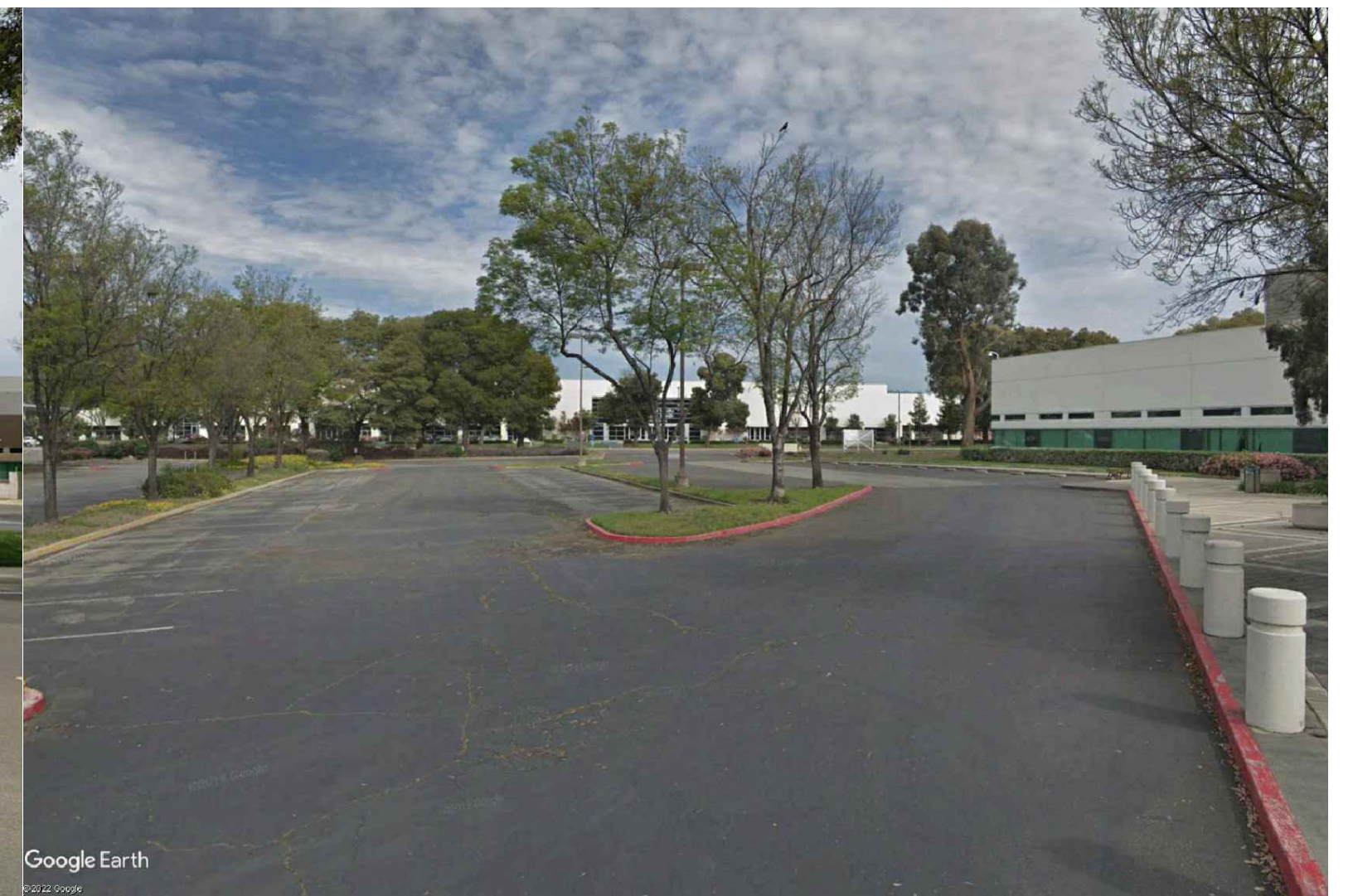
5. EAST VIEW OF ADJACENT PROPERTY, OPPOSITE FROM PROPERTY SITE ON CALIFORNIA CIRCLE.



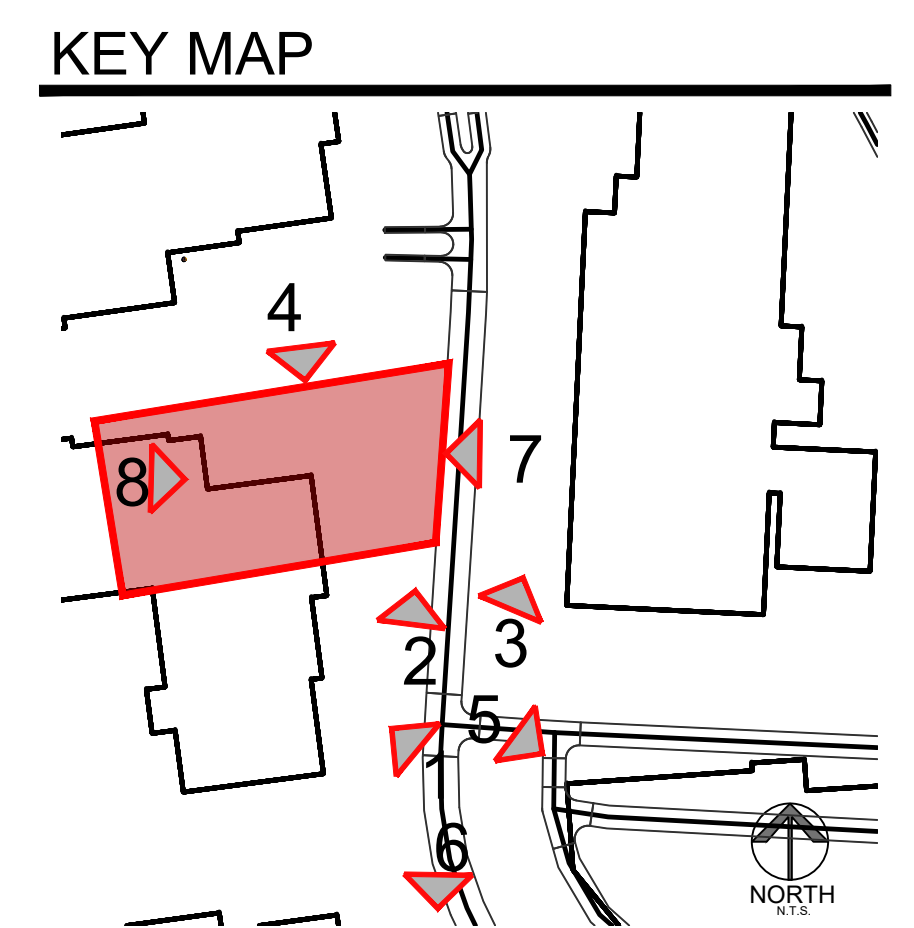
6. SOUTH VIEW OF PROPERTY FRONTAGE ON CALIFORNIA CIRCLE.



7. WEST VIEW OF PROJECT SITE FRONTAGE.



8. VIEW WITHIN PROJECT SITE PROPERTY FACING CALIFORNIA CIRCLE.



EXISTING SITE CONDITIONS

A3.2

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

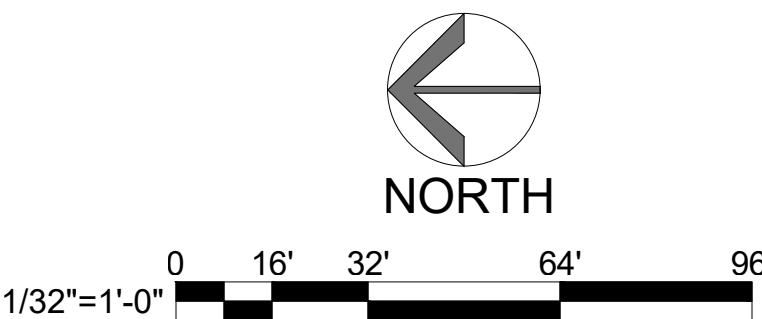
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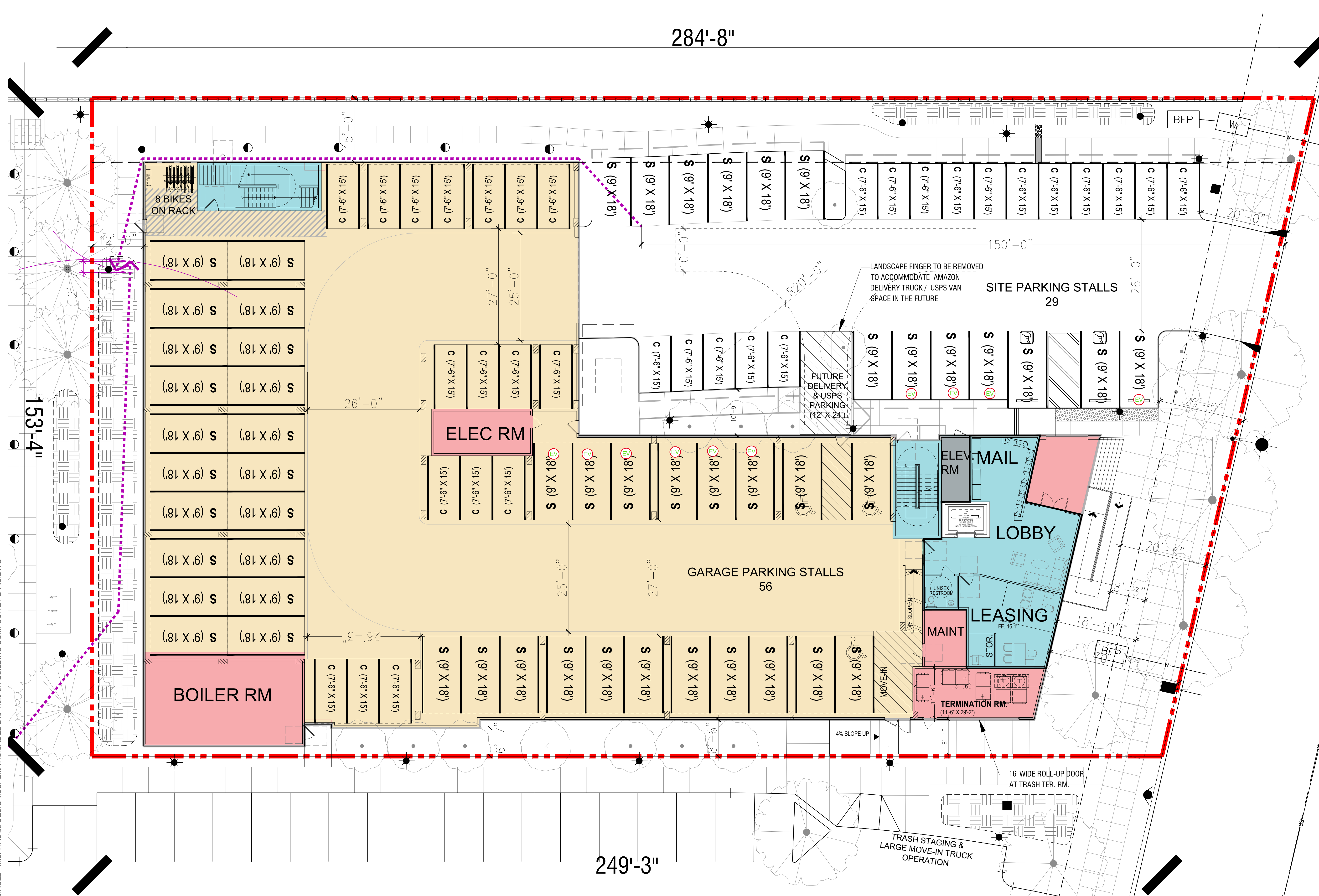
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A4.0

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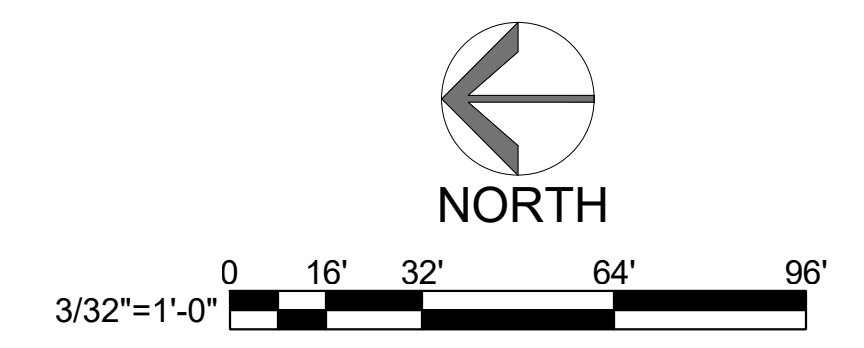
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LEGEND

- PARKING STRUCTURE
- MAUNENANCE SERVICE ROOMS
- RESIDENTIAL
- PROPERTY LINE
- SETBACK LINE
- 5-CAR PARKING LIFT FOR FUTURE USE, AS NEEDED
- STANDARD RESIDENTIAL STALLS
- COMPACT RESIDENTIAL STALLS
- ELECTRICAL VEHICLE CHARGING STATION

CONSTRUCTION TYPE IA



BUILDING COMPOSITE PLAN - GROUND FLOOR LEVEL **A5.0**

1355 CALIFORNIA CIRCLE
THE PACIFIC COMPANIES
520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

MILPITAS, CALIFORNIA

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144 NORTH ORANGE ST., ORANGE, CA 92866
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LEGEND

- AMENITY DECK
- 1 BEDROO, TYPE I
- 1 BEDROOM, TYPE II
- 2 BEDROO, TYPE I
- 2 BEDROO, TYPE II
- STUDIO
- NON- ACCESSIBLE
- PROPERTY LINE

CONSTRUCTION TYPE IIIA MODULAR

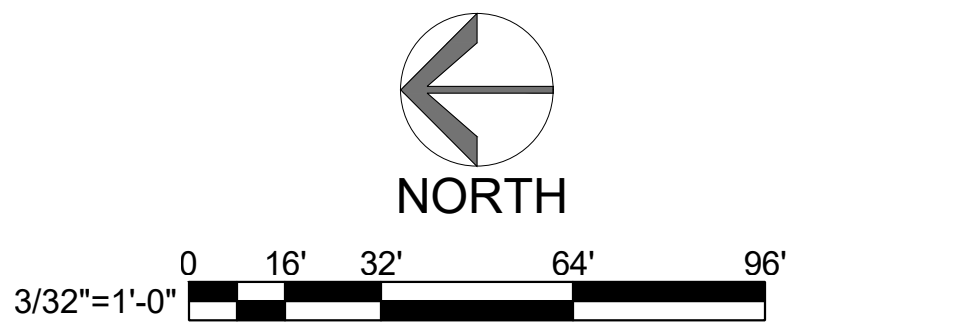
AFFORDABLE UNIT DISTRIBUTION
LOW-INCOME UNITS ALLOCATED

- LOW-INCOME STUDIO UNITS
- LOW-INCOME 1 BED UNITS
- LOW-INCOME 2 BED UNITS

NOTE:
AFFORDABLE UNITS TO BE ALLOCATED PROPORTIONALLY TO EACH UNIT TYPE.

THESE UNITS WILL BE DISTRIBUTED THROUGHOUT THE PROJECT PLAN AND LEVELS TO MAINTAIN EQUAL ACCESS TO ALL PORTIONS OF THE BUILDING, AS SHOWN ON THE CONCEPTUAL AFFORDABLE UNIT DISTRIBUTION LAYOUT AS SHOWN ON THE FLOOR PLANS.

THE EXACT LOCATION OF AFFORDABLE UNITS MAY VARY DEPENDENT ON LEASING SCHEDULE AND AVAILABILITY.



CONCEPTUAL BUILDING PLAN - R1 RESIDENTIAL PODIUM LEVEL

A5.1

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

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LEGEND	
	AMENITY DECK
	1 BEDROO, TYPE I
	1 BEDROOM, TYPE II
	2 BEDROO, TYPE I
	2 BEDROO, TYPE II
	STUDIO
	NON- ACCESSIBLE
	PROPERTY LINE

CONSTRUCTION TYPE IIIA MODULAR

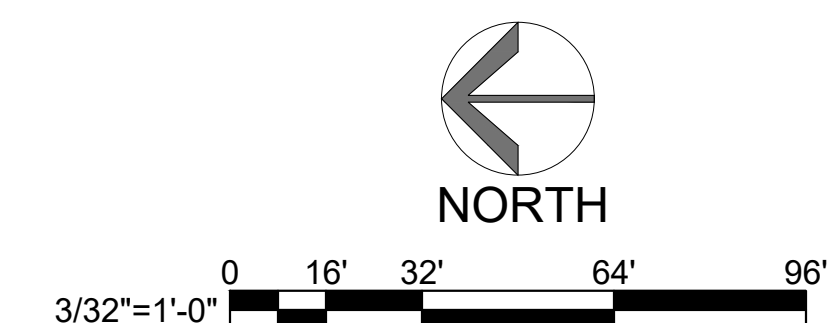
AFFORDABLE UNIT DISTRIBUTION
LOW-INCOME UNITS ALLOCATED

- LOW-INCOME STUDIO UNITS
- LOW-INCOME 1 BED UNITS
- LOW-INCOME 2 BED UNITS

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CONCEPTUAL BUILDING PLAN - R2 RESIDENTIAL LEVEL

A5.2

1355 CALIFORNIA CIRCLE
THE PACIFIC COMPANIES
520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

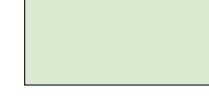
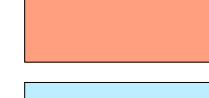
MILPITAS, CALIFORNIA

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144 NORTH ORANGE ST., ORANGE, CA 92866
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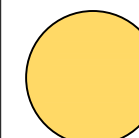
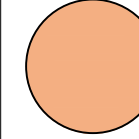
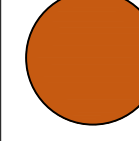
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R:\2022\2022-218 TPC - 1355 CALIFORNIA CIRCLE - MILPITAS\03 DESIGN\SCHEMATIC\CAD\22-218_A5 0-5.4 BUILDING COMPOSITE PLANS.DWG

LEGEND

	AMENITY DECK
	1 BEDROO, TYPE I
	1 BEDROOM, TYPE II
	2 BEDROO, TYPE I
	2 BEDROO, TYPE II
	STUDIO
	NON- ACCESSIBLE
	PROPERTY LINE

CONSTRUCTION TYPE IIIA MODULAR

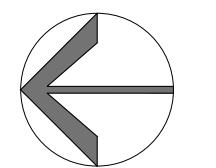
AFFORDABLE UNIT DISTRIBUTION LOW-INCOME UNITS ALLOCATED

-  LOW-INCOME STUDIO UNITS
-  LOW-INCOME 1 BED UNITS
-  LOW-INCOME 2 BED UNITS

NOTE:
AFFORDABLE UNITS TO BE ALLOCATED PROPORTIONALLY TO EACH UNIT TYPE.

THESE UNITS WILL BE DISTRIBUTED THROUGHOUT THE PROJECT PLAN AND LEVELS TO MAINTAIN EQUAL ACCESS TO ALL PORTIONS OF THE BUILDING, AS SHOWN ON THE CONCEPTUAL AFFORDABLE UNIT DISTRIBUTION LAYOUT AS SHOWN ON THE FLOOR PLANS.

THE EXACT LOCATION OF AFFORDABLE UNITS MAY VARY DEPENDENT ON LEASING SCHEDULE AND AVAILABILITY.



NORTH

3/32"=1'-0" 0 16' 32' 64' 96'

CONCEPTUAL BUILDING PLAN - R3 & 4 RESIDENTIAL LEVEL

A5.3

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

AO ARCHITECTS

144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860



Monday, July 31, 2023 12:36:21 AM
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LEGEND

	AMENITY DECK
	1 BEDROO, TYPE I
	1 BEDROOM, TYPE II
	2 BEDROO, TYPE I
	2 BEDROO, TYPE II
	STUDIO
	NON- ACCESSIBLE
	PROPERTY LINE

CONSTRUCTION TYPE IIIA MODULAR

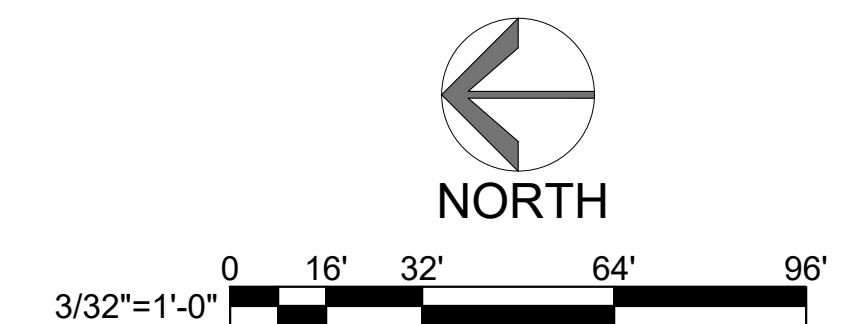
AFFORDABLE UNIT DISTRIBUTION
LOW-INCOME UNITS ALLOCATED

	LOW-INCOME STUDIO UNITS
	LOW-INCOME 1 BED UNITS
	LOW-INCOME 2 BED UNITS

NOTE:
AFFORDABLE UNITS TO BE ALLOCATED PROPORTIONALLY TO EACH UNIT TYPE.

THESE UNITS WILL BE DISTRIBUTED THROUGHOUT THE PROJECT PLAN AND LEVELS TO MAINTAIN EQUAL ACCESS TO ALL PORTIONS OF THE BUILDING, AS SHOWN ON THE CONCEPTUAL AFFORDABLE UNIT DISTRIBUTION LAYOUT AS SHOWN ON THE FLOOR PLANS.

THE EXACT LOCATION OF AFFORDABLE UNITS MAY VARY DEPENDENT ON LEASING SCHEDULE AND AVAILABILITY.



CONCEPTUAL BUILDING PLAN - R5 RESIDENTIAL LEVEL

A5.4

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

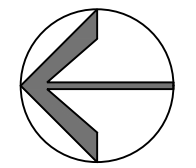
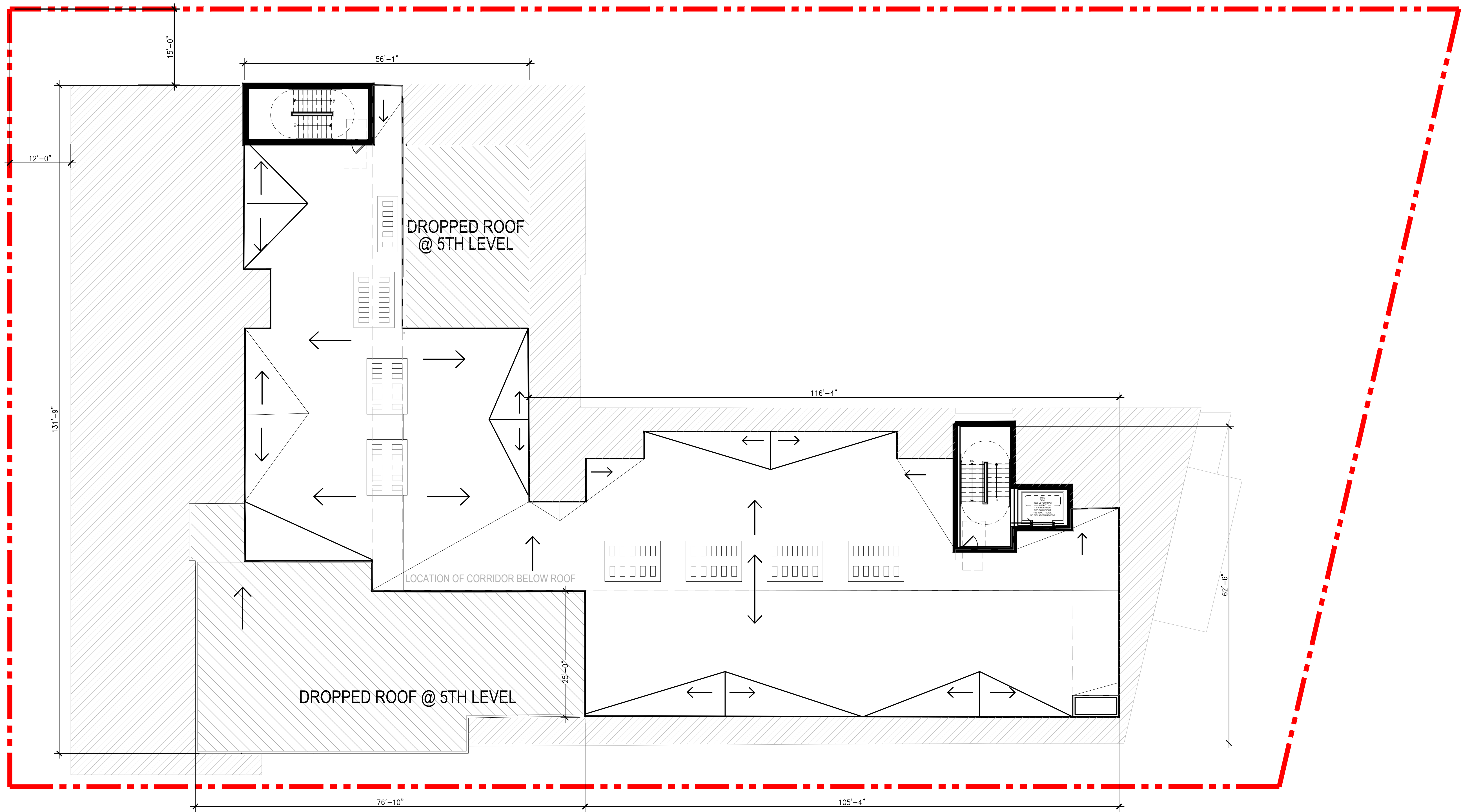
AO ARCHITECTS

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(714) 639-9860



LEGEND

- NON- ACCESSIBLE
- HVAC
- PROPERTY LINE



NORTH

0 16' 32' 64' 96'
1/32"=1'-0"

ROOF PLAN

A6.0

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

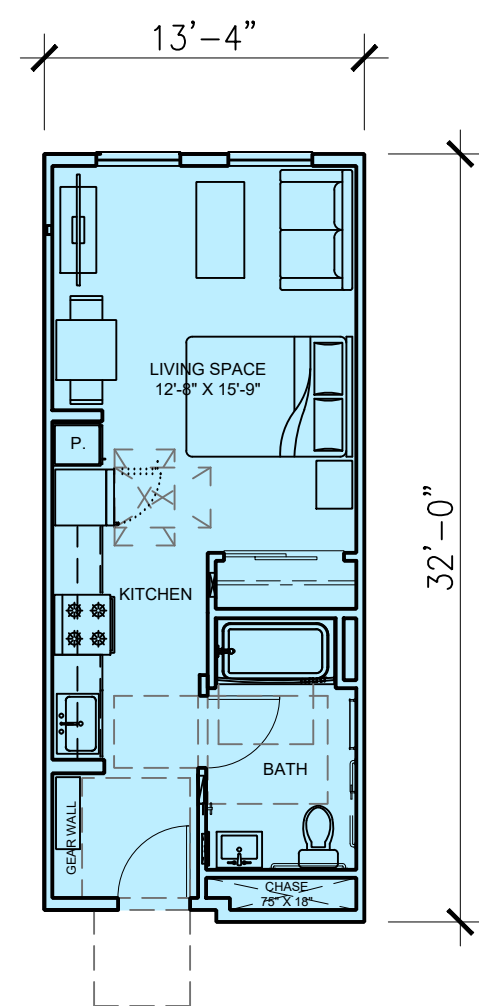
DATE: 07-31-23
JOB NO.: 2022-218

AO ARCHITECTS

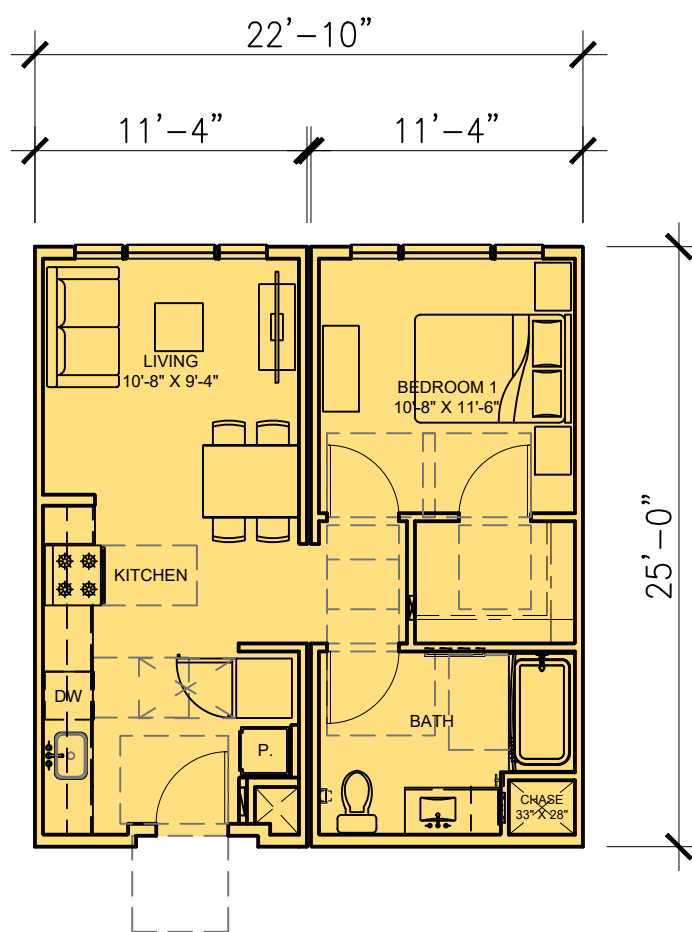
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860



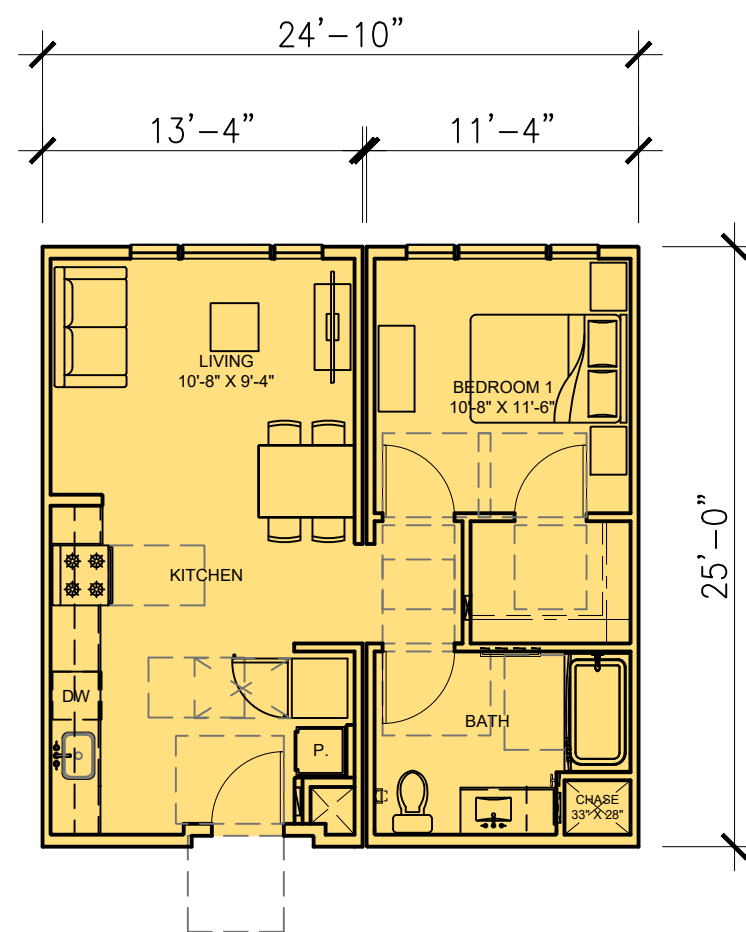
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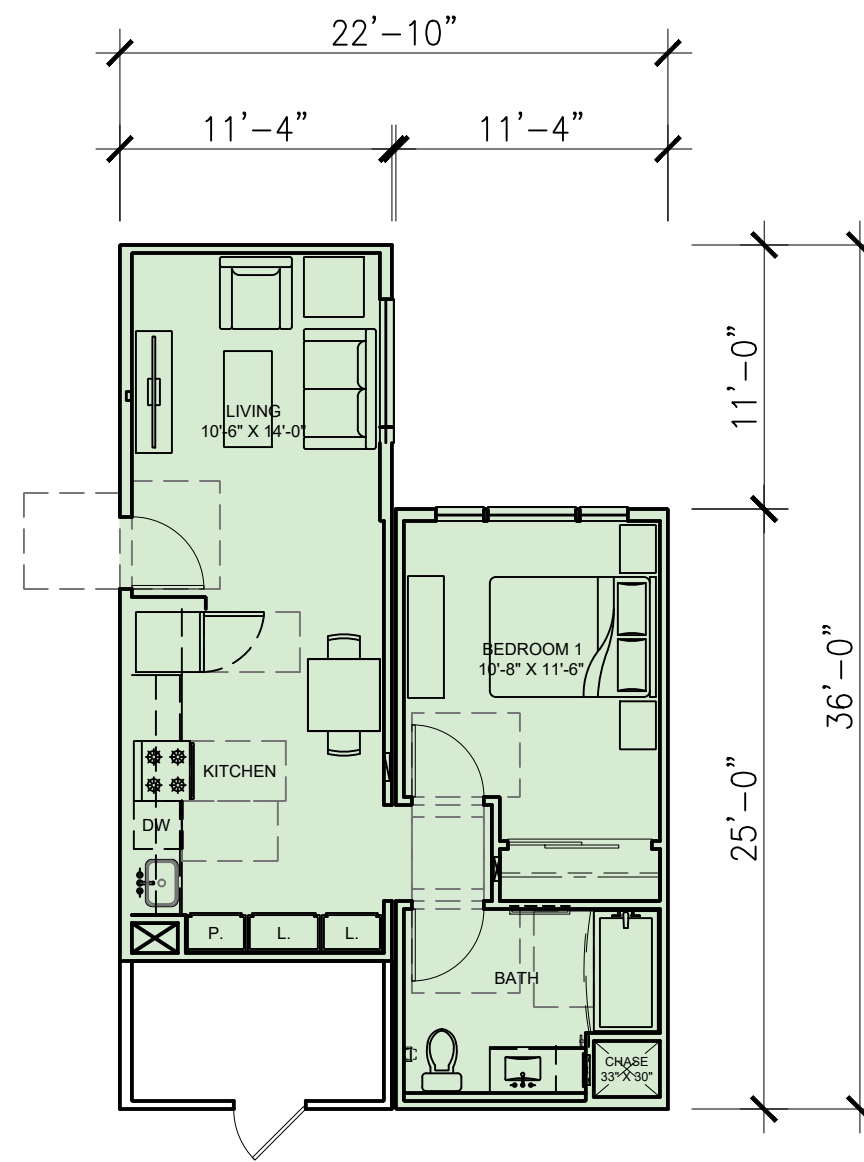
UNIT S1
AFFORDABLE STUDIO - 1 BATH
UNIT AREA: 411 SQ. FT.



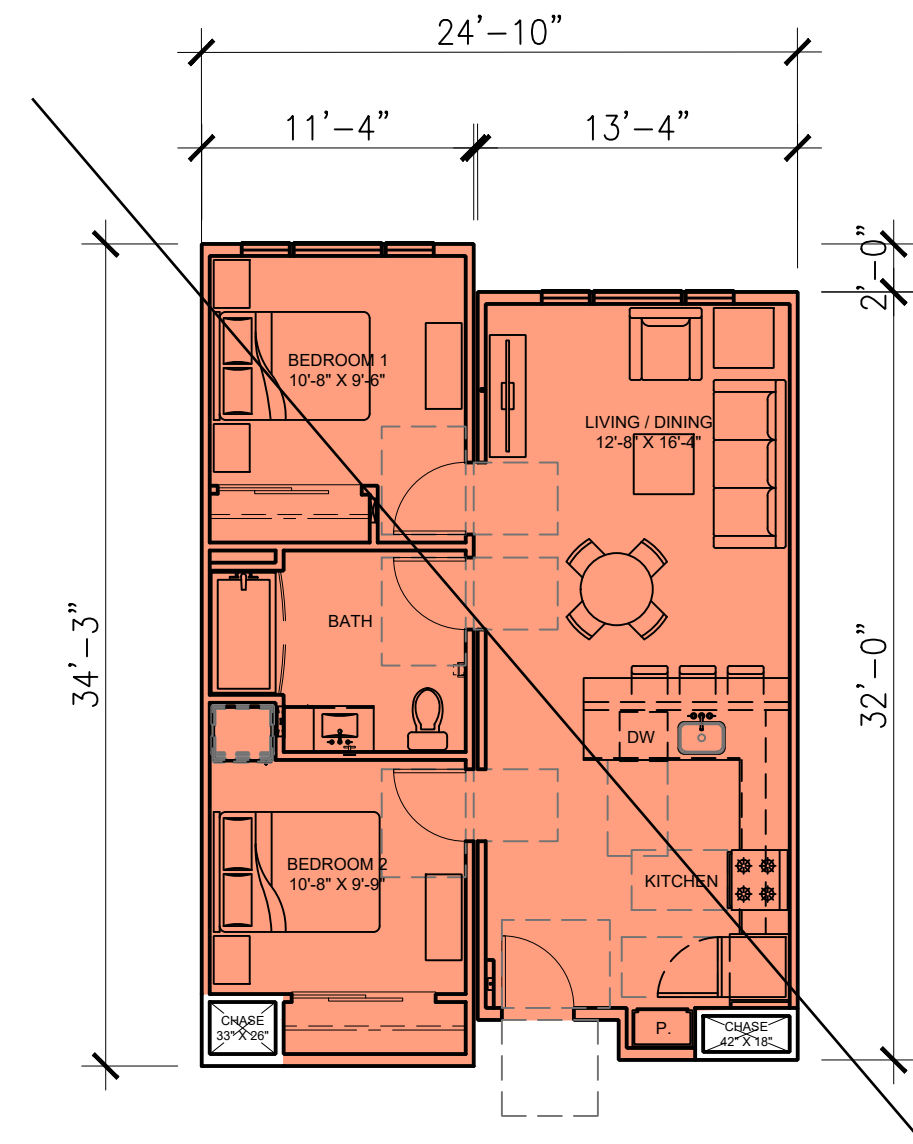
UNIT A1
AFFORDABLE 1 BED - 1 BATH
UNIT AREA: 554 SQ. FT.



UNIT A1-A
AFFORDABLE 1 BED - 1 BATH
UNIT AREA: 604 SQ. FT.

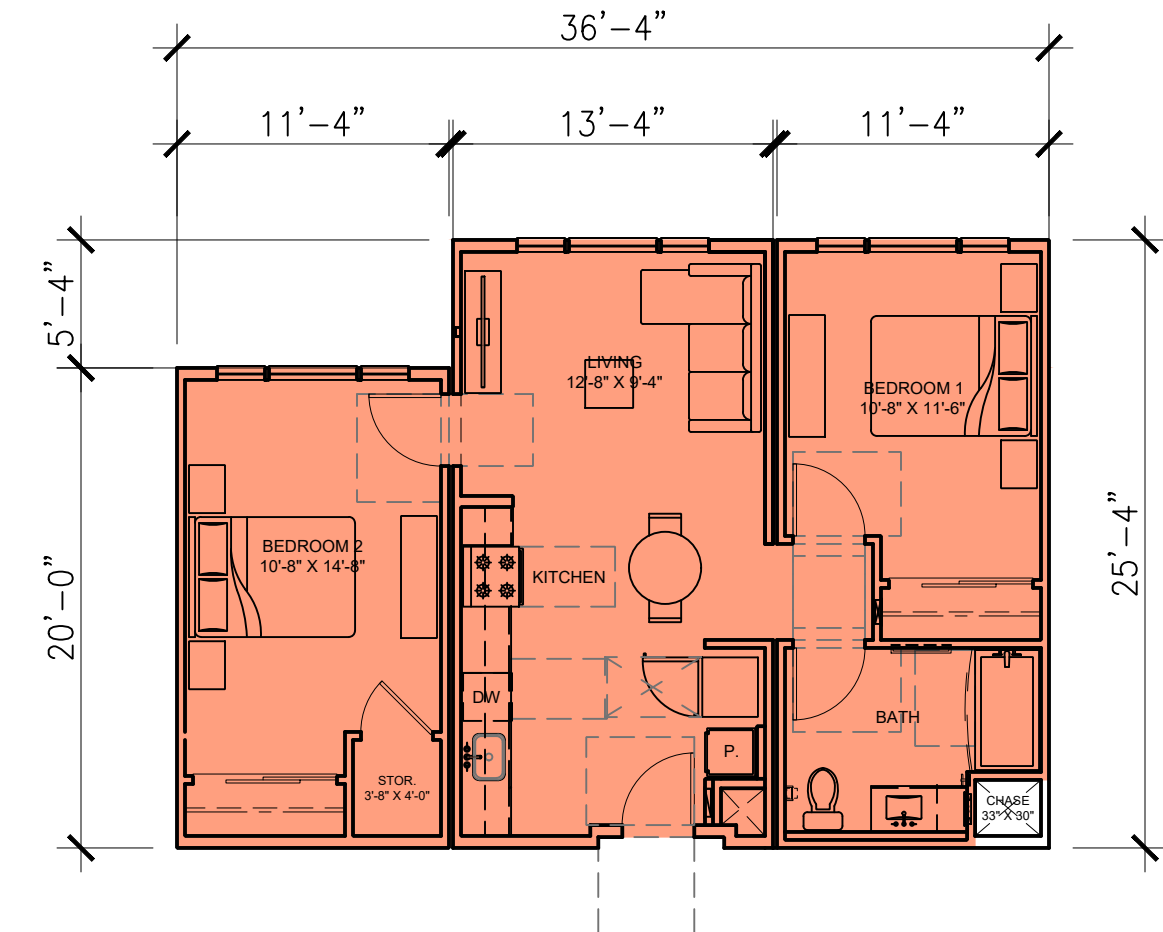


UNIT A2
AFFORDABLE 1 BED - 1 BATH
UNIT AREA: 612 SQ. FT.



UNIT B1-B (TYPE III)
AFFORDABLE 2 BED - 1 BATH
UNIT AREA: 791 SQ. FT.

Not Used



UNIT B1-A (TYPE V)
AFFORDABLE 2 BED - 1 BATH
UNIT AREA: 640 SQ. FT.



UNIT PLANS

A7.0

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

AO ARCHITECTS

144 NORTH ORANGE ST., ORANGE, CA 92866
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Monday, July 31, 2023 12:36:59 AM
R:\2022\2022-218 TPC - 1355 CALIFORNIA CIRCLE - MILPITAS\03 DESIGN\SCHEMATIC\CAD\22-218_A8.0 WASTE MANAGEMENT PLAN.DWG



Trash Truck Routing
Trash staging and truck loading area will be provided within the property. The Waste company will pull out the bins from the termination room and move them to the trash loading area to commence operations. Maximum 4% sloped ramp is added.

Trash Pickup Schedule
Trash Bins are anticipated to be on site at all times for twice a week pick-up schedule.

Tenants will not access the ground floor trash termination room directly. Individual tenants will deposit trash and recyclable materials into two separate chutes located in a trash room at each upper floor level. The trash and recyclable materials will collect in 3 CY Bins in the trash termination room located on the ground floor. Organic trash (recyclable food scraps and food soiled paper waste) will be collected in a receptacle located in the trash room on each upper-level floor. The building porter will collect these receptacles and transport them in the trash termination room located on the ground floor. 2 CY trash bin is provided at the ground floor trash collection room to collect organic trash. Organic trash will not include yard trimming.

The trash chutes will contain a mechanism that will allow complete shut-off in order to remove/replace the bins as they require emptying and limit access to all other floors when any one chute door is opened. A porter will be required to monitor the trash levels throughout the day as a part of daily duties. A vehicle appropriate for towing trash bins will be part of contracting with the service provider or separate private party.

Maintenance of Trash Rooms
The maintenance of the trash rooms will be monitored and managed by Property Management.

Roll Out Service and Pick-up
Trash collection bins will be moved from the termination room at Level 1 (parking structure) to the provided trash staging area along the path shown in the diagram. The property owner will contract for the property management company to provide on-site trash management to ensure that full bins are replaced with empty ones. A Service Provider will be contracted by the property owner to empty the bins as necessary per schedule.

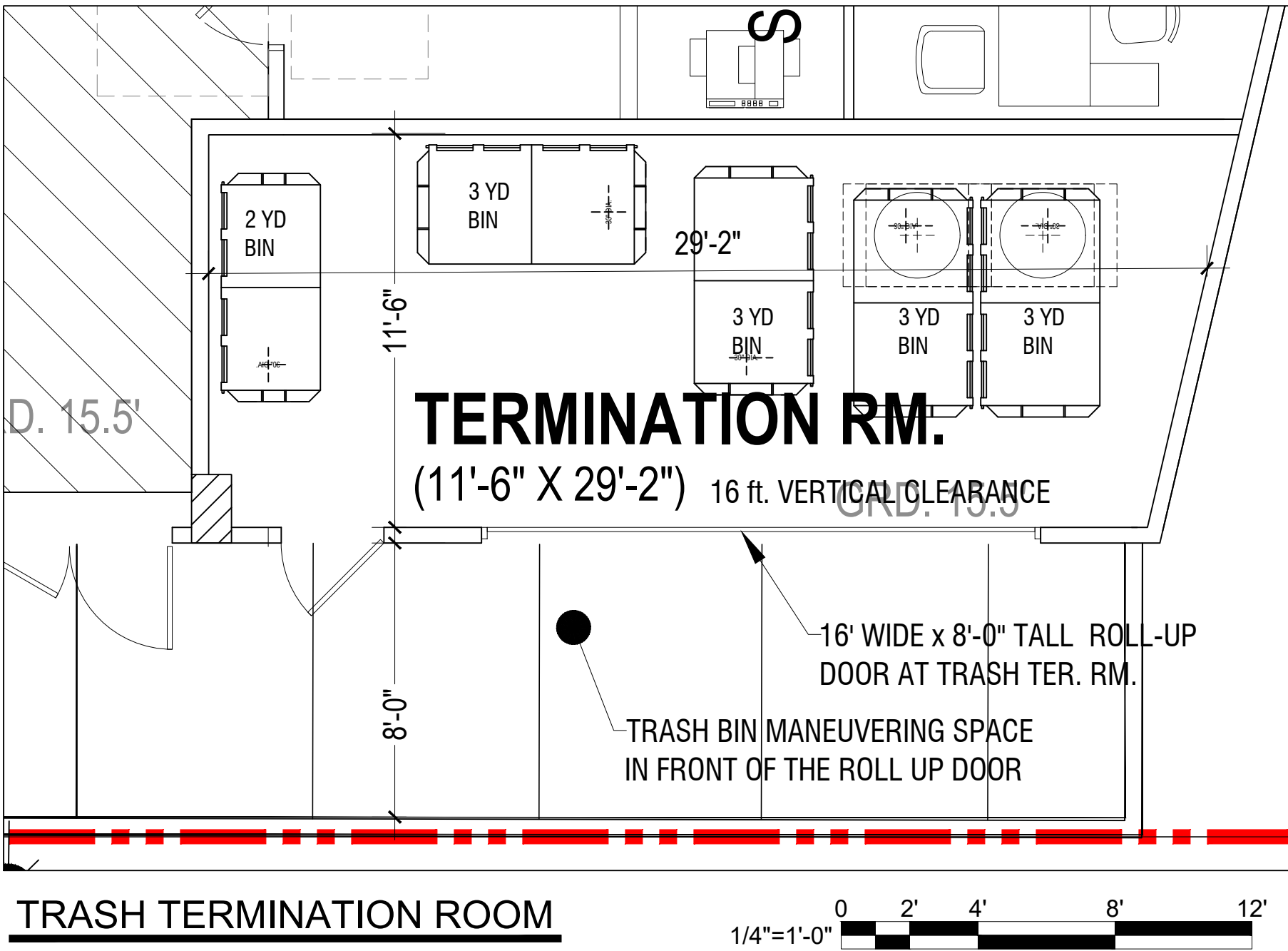
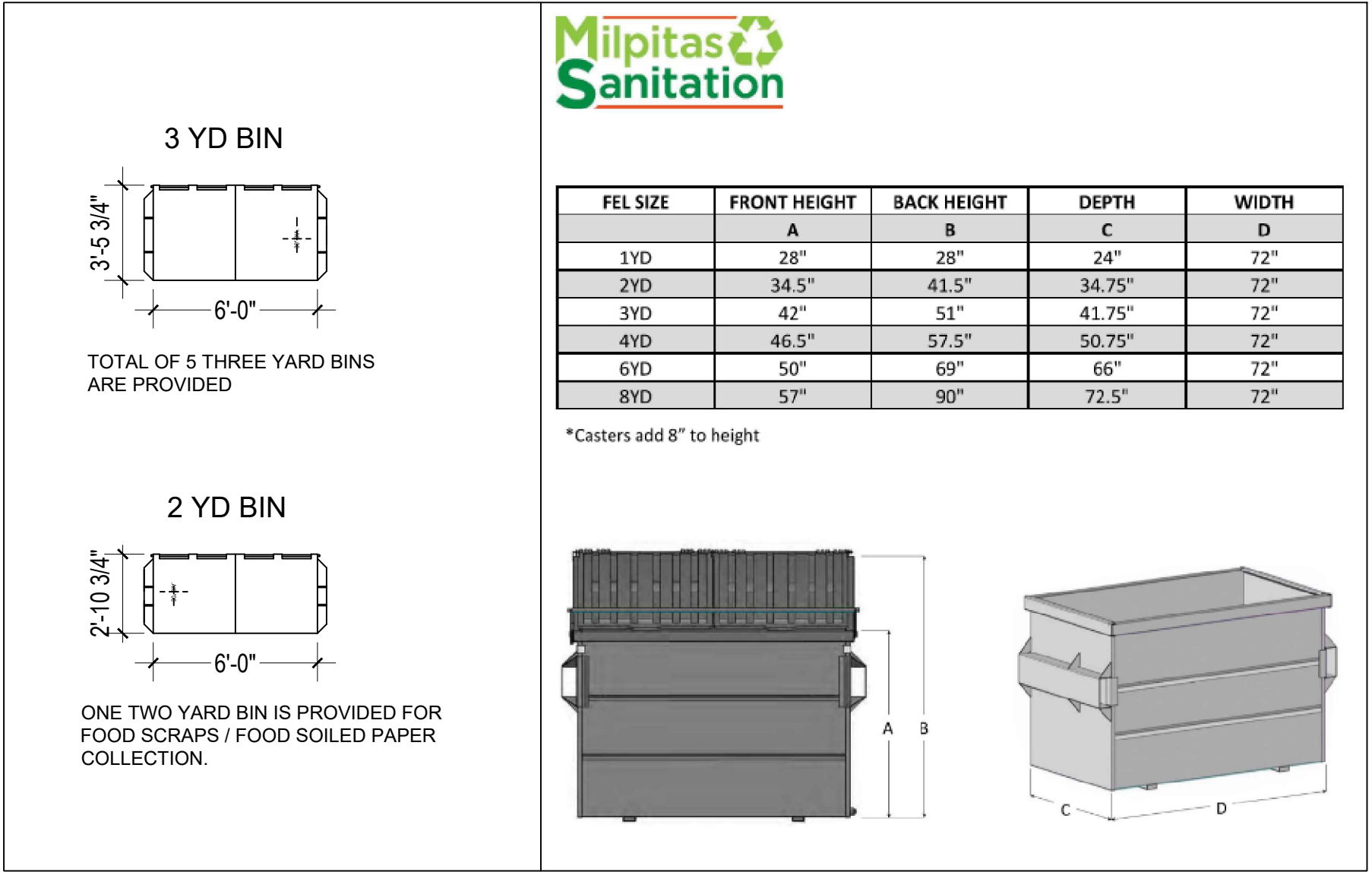
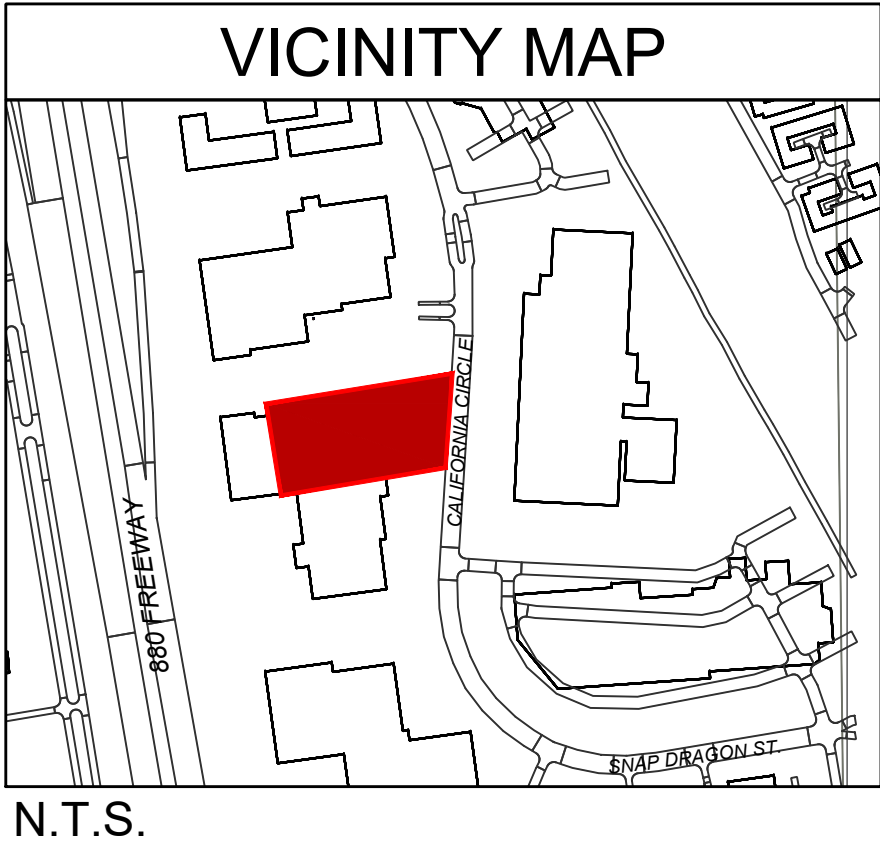
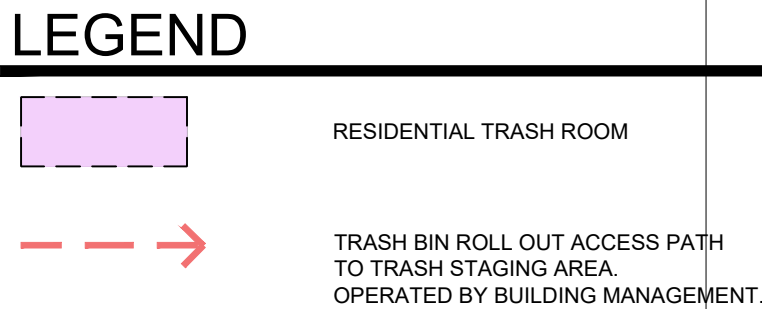
The rental/ownership of the bins and the trash service for the tenants will be paid for by the building owner.
The Service Provider will be contracted to provide stinger-truck service for conveyance of bins to the curbside and collection of bins from the staging area.

Facility Metric	Unit	Cal. Factor	Estimated Waste (lbs/day)	Estimated Total Waste lbs/ Week /Unit
75	lbs/week/unit	8.6	645	60.2
Waste Generated Weekly		4,515	lbs/week	

SOLID WASTE CALCUALTIONS						
UNITS	lbs/Wk/Unit	C.Y./WK/UNIT	TOTAL C.Y.	COMPACTION RATIO	COMPACT TRASH C.Y.	3 C.Y. BINS REQUIRED
75	16.4	0.12	9.00	2	5	2

RECYCLING CALCULATIONS						
UNITS	lbs/Wk/Unit	C.Y./WK/UNIT	TOTAL C.Y.	TOTAL UNCOMPACTED	3 C.Y. BINS REQUIRED	# OF PICK-UPS/WEEK
75	19.3	0.07	2.63	3	1	1

ORGANIC WASTE - FOOD SCRAPS / FOOD SOILED PAPER (YARD TRIMMING EXCLUDED)						
UNITS	lbs/Wk/Unit	C.Y./WK/UNIT	TOTAL C.Y.	TOTAL UNCOMPACTED	2 C.Y. BINS REQUIRED	# OF PICK-UPS/WEEK
75	14.9	0.04	1.50	2	1	1



A8.0 - WASTE MANAGEMENT PLAN

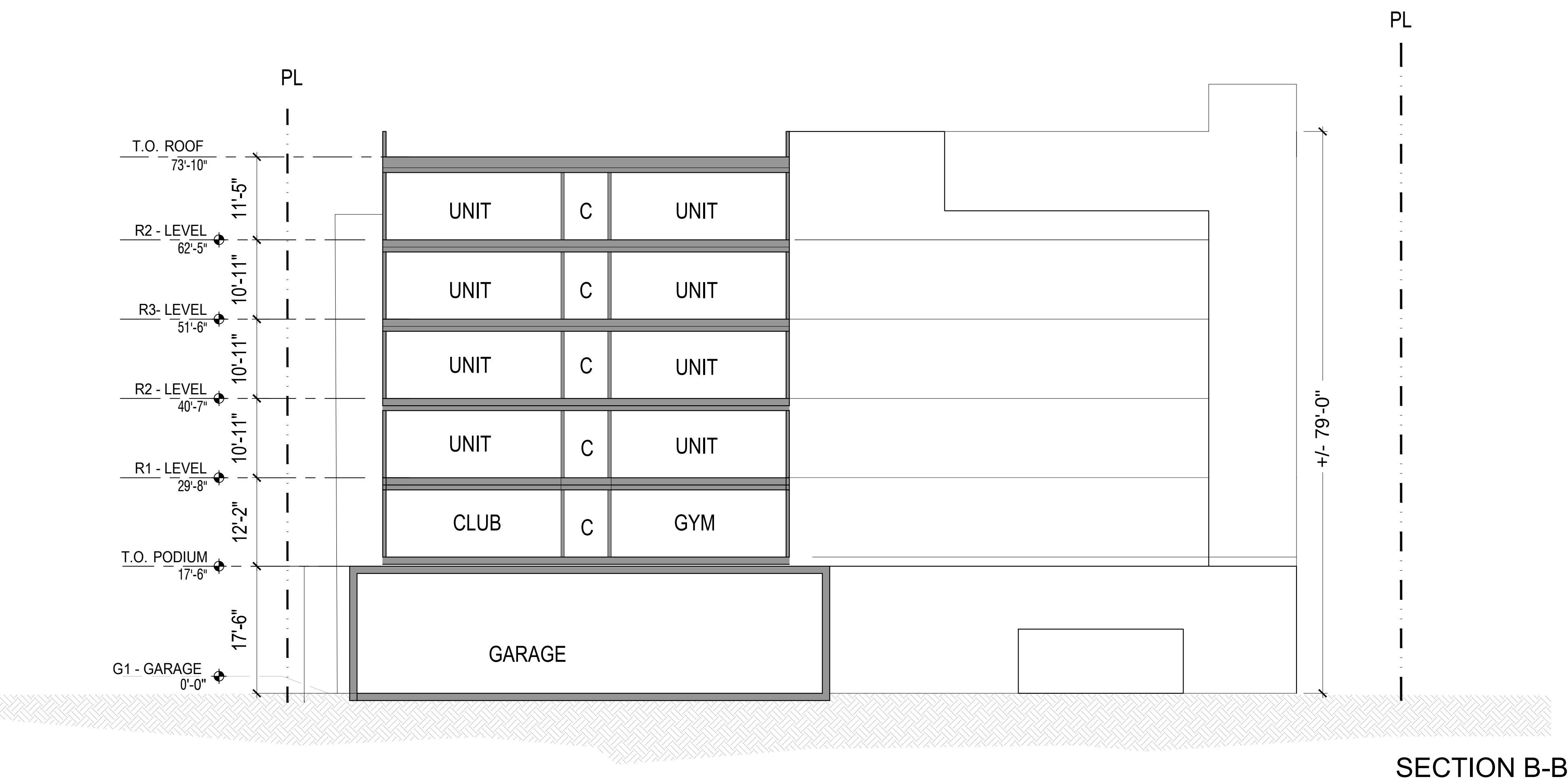
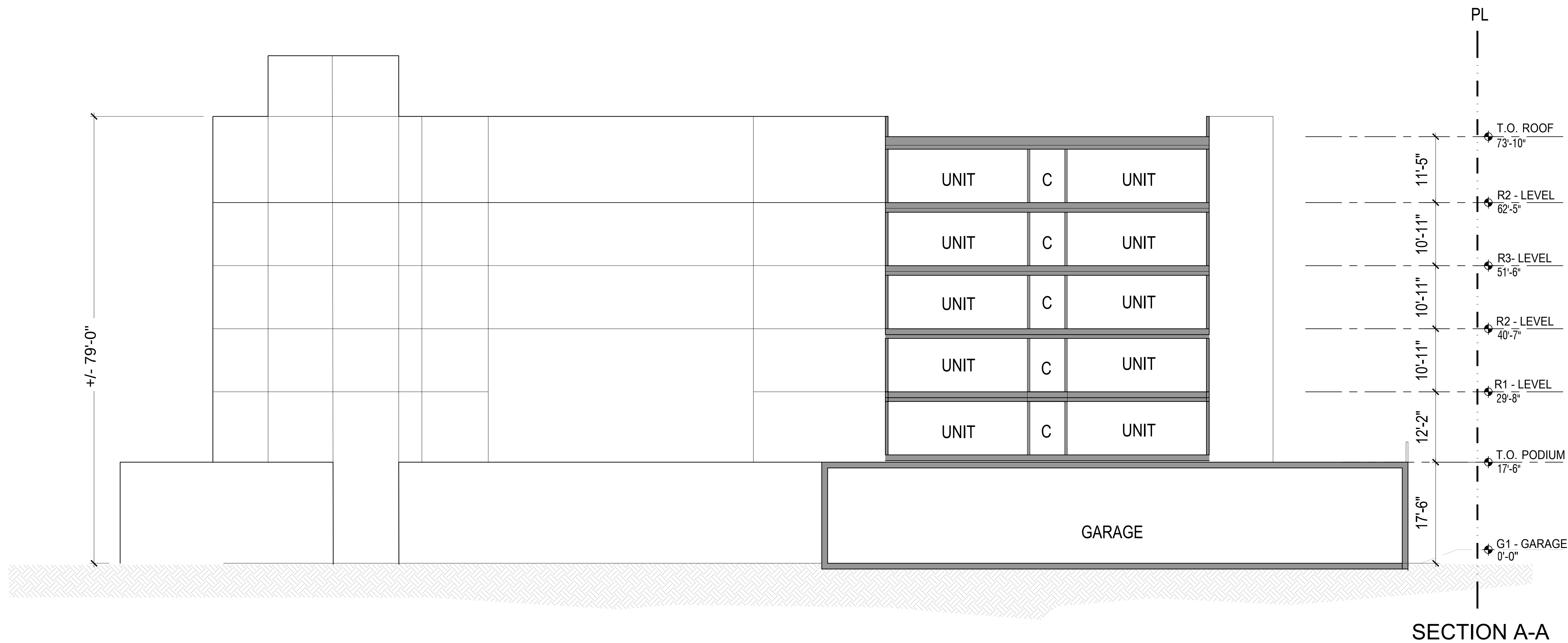
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1355 CALIFORNIA CIRCLE
THE PACIFIC COMPANIES
520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

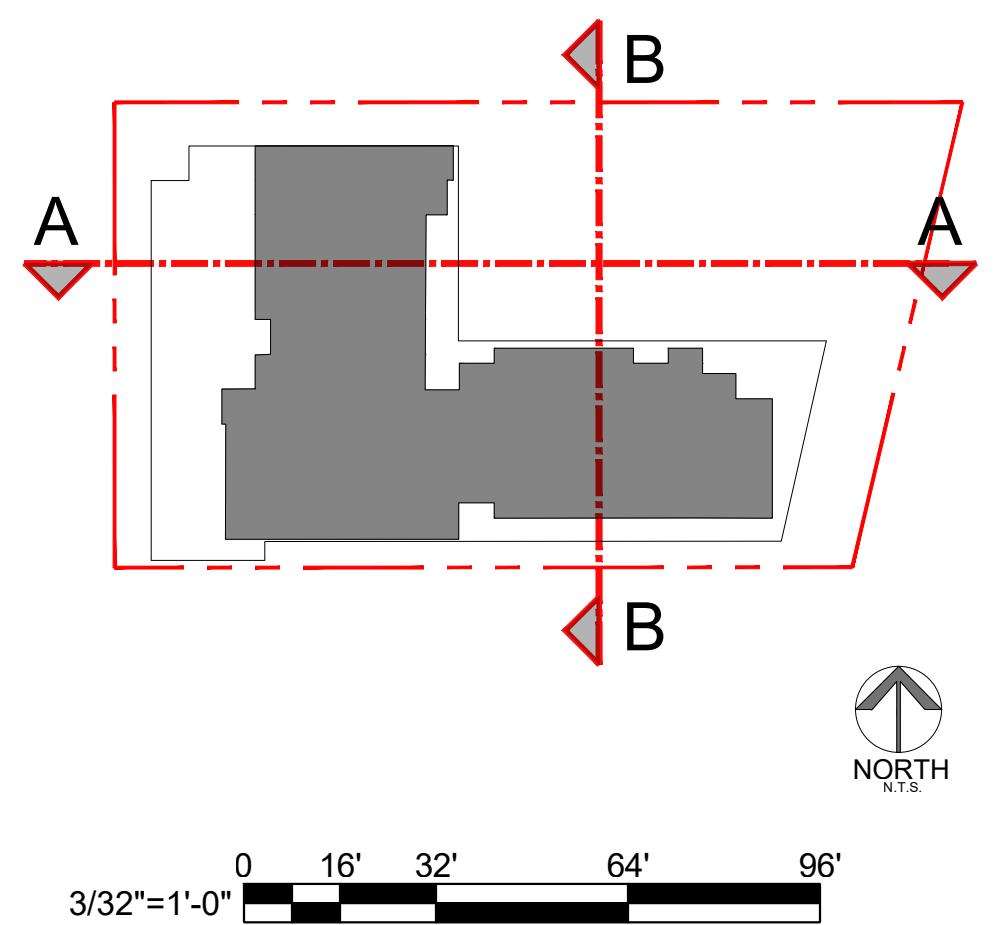
MILPITAS, CALIFORNIA

DATE: 07-31-23
JOB NO.: 2022-218
AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860





KEY MAP



BUILDING SECTIONS

A9.0

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

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MATERIAL LEGEND

- 1. Exterior Plaster 16/20
- 2. Exterior Plaster Smooth Finish
- 3. Wood Framed Canopy
- 4. Glass Panel Metal Railings
- 5. Metal Mesh Screen System
- 6. Vinyl Windows
- 7. Stone Veneer
- 8. Aluminum Storefront System
- 9. Metal Door
- 10. Metal Roll-up Door

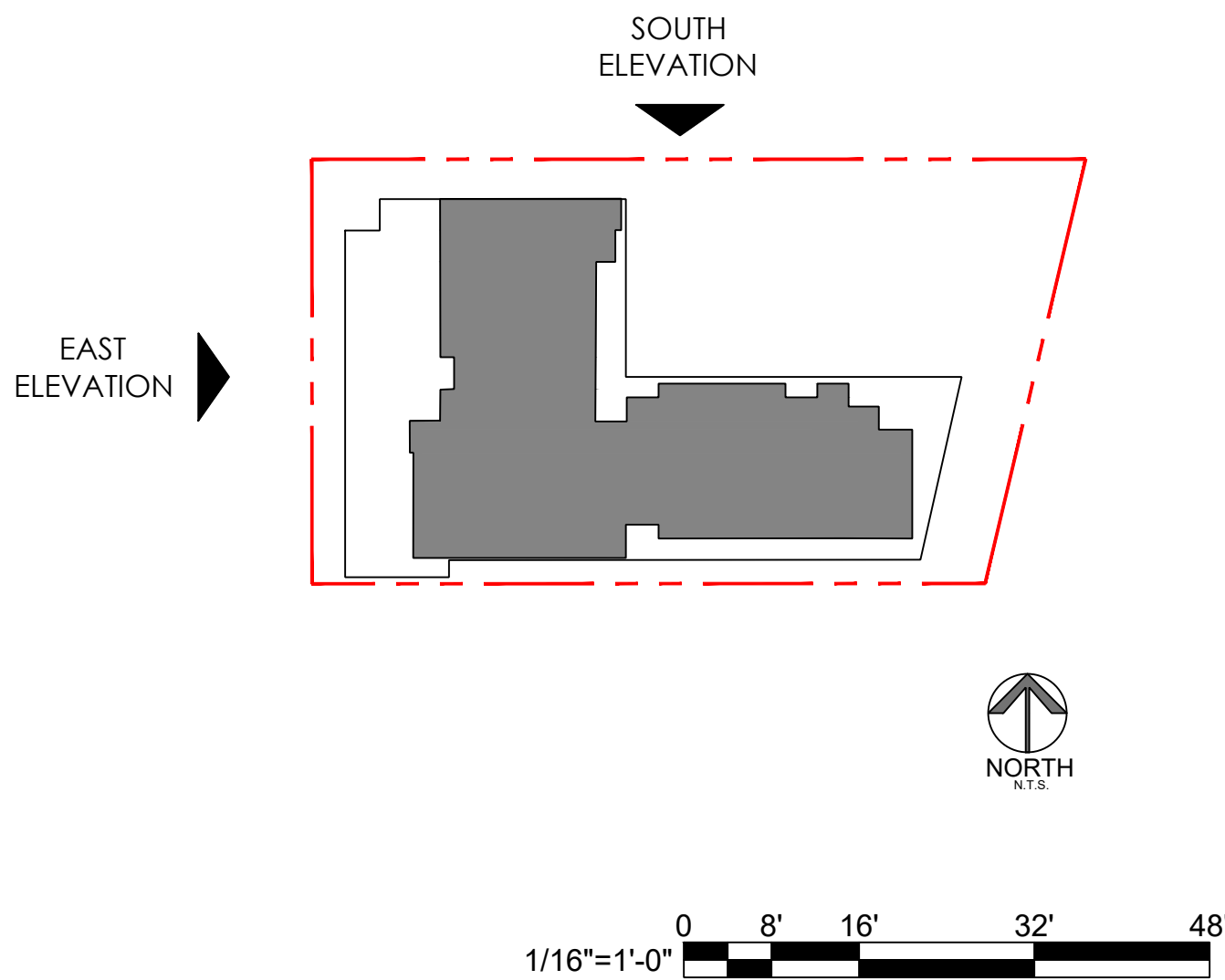


EAST ELEVATION



SOUTH ELEVATION

KEY MAP



CONCEPTUAL BUILDING ELEVATIONS

A10.0

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

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WEST ELEVATION

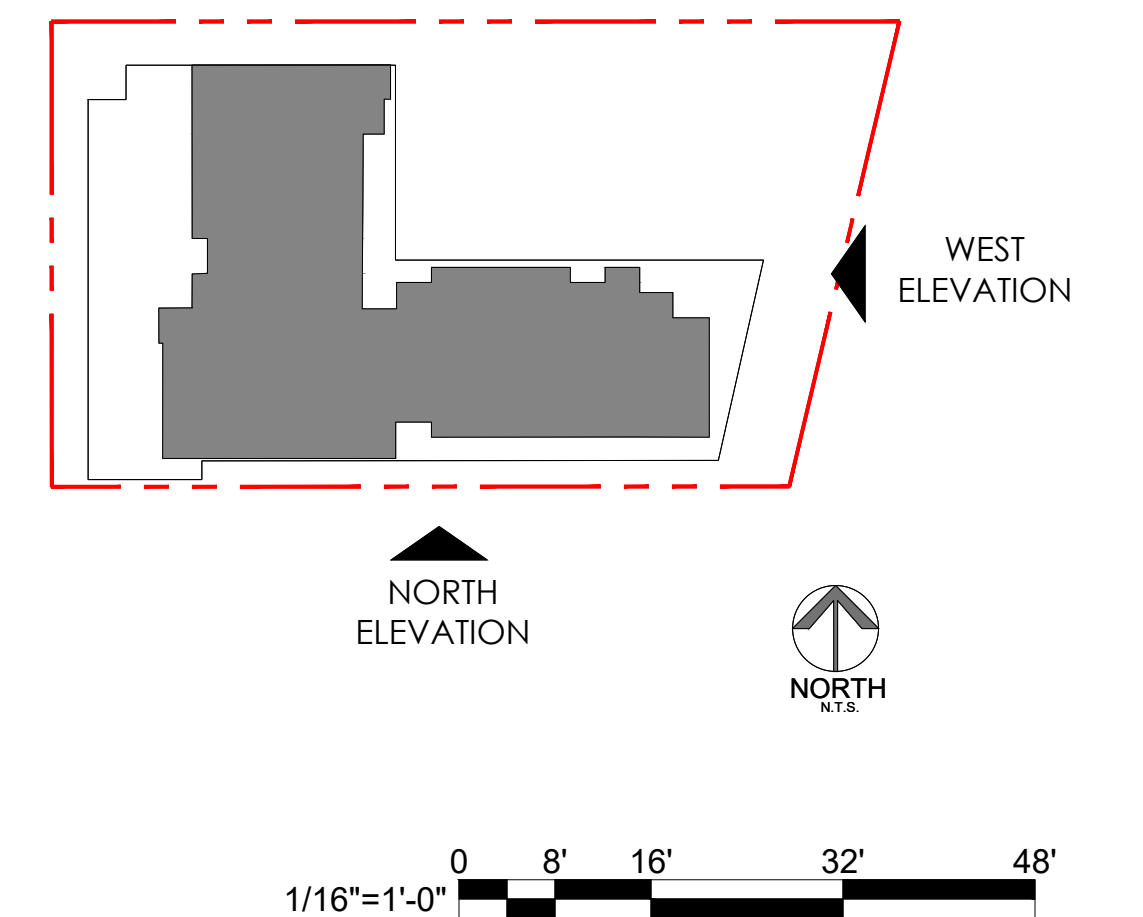


NORTH ELEVATION

MATERIAL LEGEND

1. Exterior Plaster 16/20
2. Exterior Plaster Smooth Finish
3. Wood Framed Canopy
4. Glass Panel Metal Railings
5. Metal Mesh Screen System
6. Vinyl Windows
7. Stone Veneer
8. Aluminum Storefront System
9. Metal Door
10. Metal Roll-up Door

KEY MAP



CONCEPTUAL BUILDING ELEVATIONS

A10.1

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

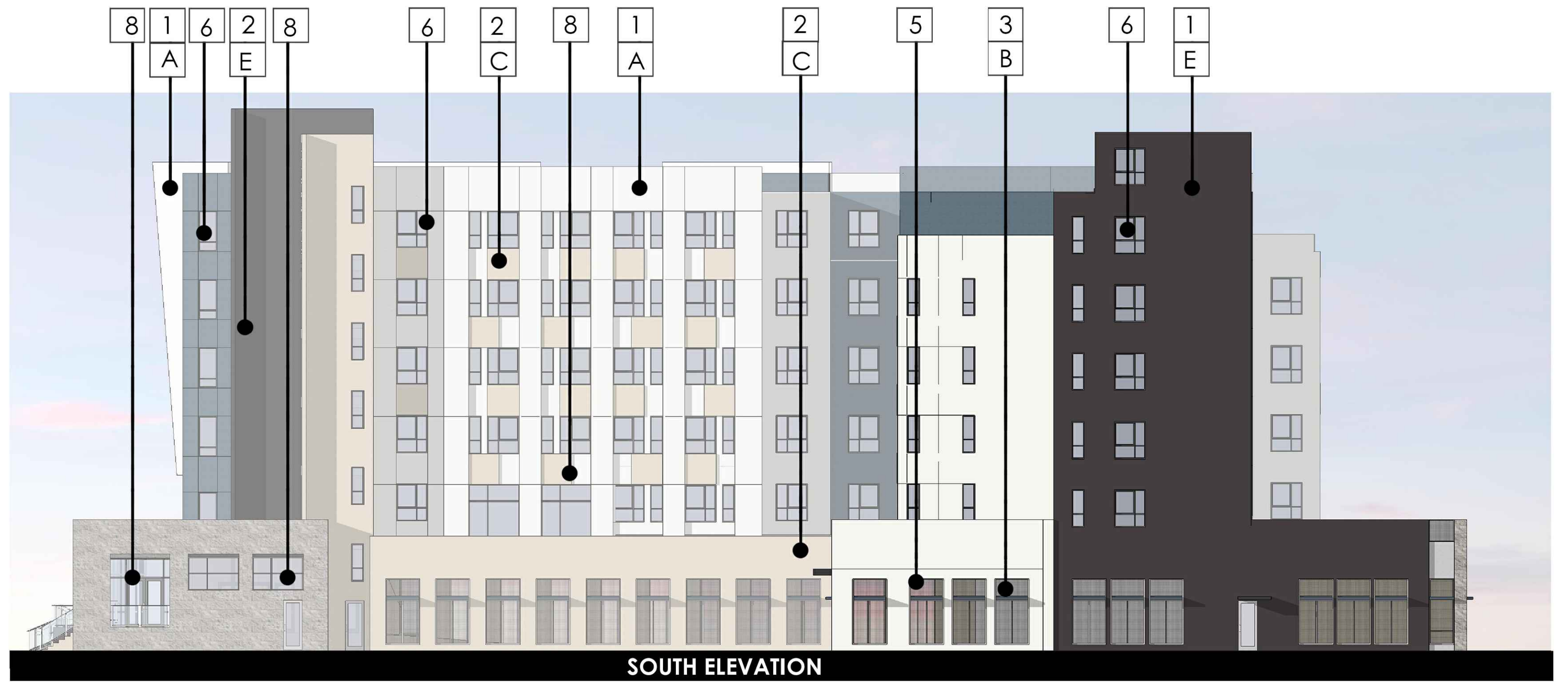
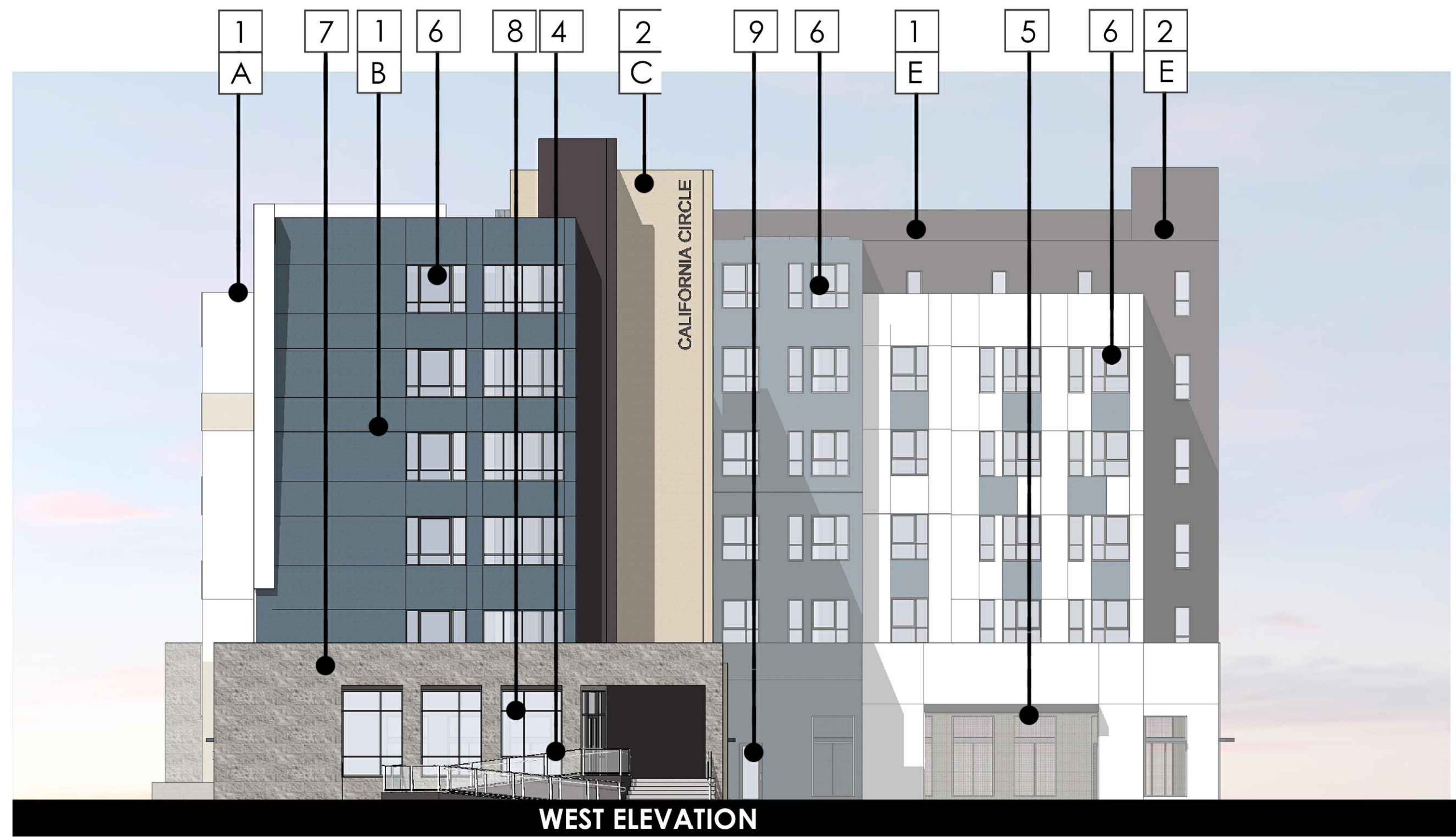
520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

AO ARCHITECTS

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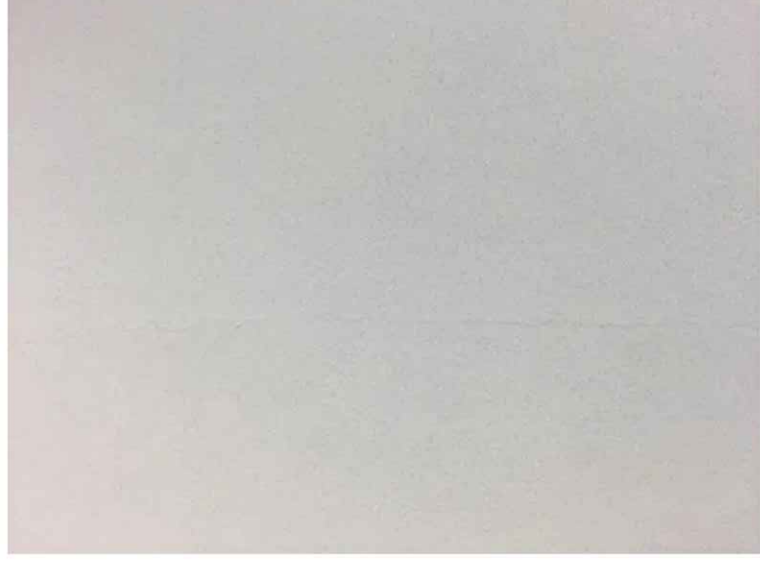


SCHEME 1

- A SHERWIN WILLIAMS (OR EQUAL)
HIGH REFLECTIVE WHITE SW 7757
- B SHERWIN WILLIAMS (OR EQUAL)
SMOKY BLUE SW7604
- C SHERWIN WILLIAMS (OR EQUAL)
STUCCO SW7569
- D SHERWIN WILLIAMS (ALTERNATIVE TO 'A')
ONLINE SW7072
- E SHERWIN WILLIAMS (OR EQUAL)
DARKROOM SW7083



1 EXTERIOR PLASTER
WALL W/ SCORED LINES
-TO MATCH PAINT SPECS



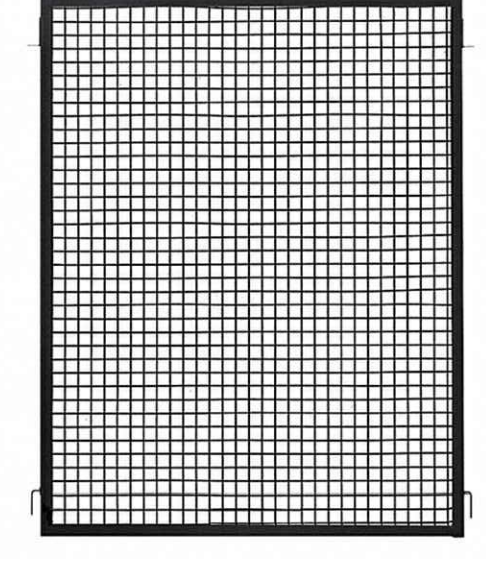
2 EXTERIOR PLASTER SMOOTH
-TO MATCH PAINT SPECS



3 WOOD CANOPY
-TO MATCH PAINT SPECS



4 METAL RAILING W/ GLASS PANEL



5 METAL MESH SCREEN SYSTEM



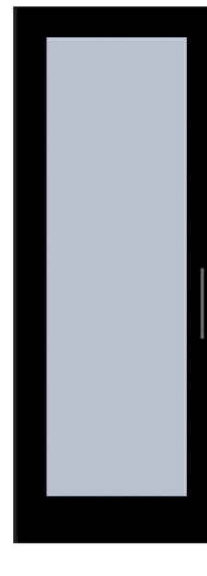
6 VINYL WINDOW
-COLOR TO MATCH PAINT
SPEC G



7 STONE VENEER
CORONADO STONE, SILVER ASH



8 ALUMINUM STOREFRONT
SYSTEM



9 METAL DOOR



10 METAL GARAGE DOOR



COLOR & MATERIAL BOARD

A11.0

1355 CALIFORNIA CIRCLE

MILPITAS, CALIFORNIA

THE PACIFIC COMPANIES

520 CAPITOL MALL, SUITE 150, SACRAMENTO, CA 95814

DATE: 07-31-23
JOB NO.: 2022-218

AO ARCHITECTS

144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860





REFER TO SHEET
L-3 FOR PASEO
ENLARGEMENTS

REFER TO SHEET L-2
FOR AMENITY AREA
ENLARGEMENT

PRELIMINARY LEGEND

- 1 CONCRETE WALK, TYP.
- 2 SCORE LINE, TYP.
- 3 ENHANCED SCORED CONCRETE PAVING
- 4 CONCRETE DRIVEWAY
- 5 SOUND WALL
- 6 RETAINING WALL WITH 6' HIGH WOOD FENCE
- 7 LOW RETAINING WALL, TYP.
- 8 CONCRETE STEPS, TYP.
- 9 WOOD A.C. UNIT SCREEN, TYP.
- 10 DIRECTORY / MAP SIGN
- 11 MAILBOX ENCLOSURE WITH TRELLIS
- 12 PASEO ENTRYWAY TRELLIS
- 13 SHADE SAIL STRUCTURE
- 14 CURVED SEAT WALL WITH STONE VENEER
- 15 PLAYGROUND WITH RUBBERIZED SURFACE
- 16 TRASH AND RECYCLING RECEPTACLES
- 17 (5) 6' LONG BENCH WITH BACK
- 18 (3) PICNIC TABLE
- 19 PLANTING AREA, TYP.
- 20 TURF AREA, TYP.
- 21 BIO-RETENTION AREA, TYP.
- 22 PAVING, LOW-GROWING GROUNDCOVER, OR TURF AT LADDER PADS, TYP.
- 23 (14) BIKE RACK
- 24 CALIFORNIA CIRCLE R.O.W. LANDSCAPE PLANTING & STREET TREES PER CITY STANDARDS
- 25 BOLLARD LIGHTS PER LIGHTING CONSULTANT
- 26 POST TOP LIGHTS PER LIGHTING CONSULTANT
- 27 METAL FENCE ON RETAINING WALL

OPEN SPACE CALCULATIONS

PARK:	13,880 SF
PASEOS:	19,265 SF
OTHER LANDSCAPE AREAS:	31,475 SF
PRIVATE OPEN SPACE: (BALCONY / PORCH) - 12-PLEX (8 BLDGS) - 7-PLEX (5 BLDGS)	9,376 SF TOTAL 1,790 SF TOTAL
APARTMENTS OPEN SPACE: - PODIUM DECK 1: - PODIUM DECK 2:	820 SF 3,900 SF
TOTAL OPEN SPACE:	80,506 (30% OF TOTAL SITE)

IRRIGATION NOTES

1. THE IRRIGATION DESIGN FOR THE SITE SHALL COMPLY WITH THE STATE MANDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO).
2. THE IRRIGATION SYSTEMS WILL BE AUTOMATICALLY CONTROLLED BY AN ET/"SMART" IRRIGATION CONTROLLER CAPABLE OF MULTIPLE PROGRAMMING AND INDEPENDENT TIMING OF INDIVIDUAL IRRIGATION SYSTEMS. THE CONTROLLER WILL HAVE A 24-HOUR CLOCK TO ALLOW MULTIPLE START TIMES AND REPEAT CYCLES TO ADJUST FOR SOIL PERCOLATION RATES.
3. THE IRRIGATION SYSTEMS WILL CONSIST PRIMARILY OF LOW VOLUME, LOW FLOW BUBBLERS FOR TREES, AND POINT SOURCE DRIP IRRIGATION FOR SHRUBS AND GROUNDCOVERS.
4. PLANTS WILL BE GROUPED ONTO SEPARATE VALVES ACCORDING TO SUN EXPOSURE AND WATER USE TO ALLOW FOR IRRIGATION APPLICATION BY HYDROZONE. THE IRRIGATION SCHEDULING WILL REFLECT THE REGIONAL EVAPO-TRANSPARATION RATES. THE ENTIRE SITE WILL BE DESIGNED TO RUN DURING NIGHTTIME HOURS WHEN IRRIGATION IS MOST EFFICIENT.
5. ALL MWELO DOCUMENTATION INCLUDING IRRIGATION PLANS, WATER USE CALCULATIONS AND CERTIFICATES SHALL BE SUBMITTED WITH THE LANDSCAPE IMPROVEMENT PLANS FOR REVIEW AND APPROVAL.

PLANTING NOTES

1. THE PLANTING DESIGN FOR THE SITE IS DROUGHT TOLERANT AND CONSISTS OF A BALANCE OF EVERGREEN AND DECIDUOUS PLANTING AS WELL AS NATIVE AND ORNAMENTAL PLANTING.
2. PROPOSED TREE LOCATIONS ARE BASED ON STANDARD JOINT TRENCH LOCATIONS. FINAL TREE LOCATIONS TO BE DETERMINED WHEN FINAL UTILITY LOCATIONS ARE PROVIDED. TREE PLACEMENT MAY BE ADJUSTED AND FINAL TREE COUNT MAY CHANGE.
3. ALL SHRUBS AND GROUNDCOVER MATERIAL SELECTED HAVE A WUCOLS WATER USE RATING OF VERY LOW TO MODERATE.
4. PROPOSED TREE CANOPIES ARE SHOWN AT 85% MATURE GROWTH DIAMETER IN ORDER TO ENSURE THERE IS SUFFICIENT ROOM FOR TREE GROWTH AND HEALTH.

TREE LEGEND

TREES	BOTANICAL NAME	COMMON NAME	CONT	WUCOLS IV	QTY
	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	24"BOX	MOD	10
	DODONAEA VISCOSA 'PURPUREA'	STANDARD HOPSEED BUSH	15 GAL	LOW	35
	LAGERSTROEMIA X 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	24"BOX	LOW	39
	LAGERSTROEMIA X 'NATCHEZ'	CRAPE MYRTLE	24"BOX	LOW	42
	LAGERSTROEMIA X 'TUSCARORA'	CRAPE MYRTLE CORAL PINK	24"BOX	LOW	30
	LAURUS NOBILIS 'SARATOGA'	SWEET BAY	36"BOX	LOW	4
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	15 GAL	MOD	5
	PINUS CANARIENSIS	CANARY ISLAND PINE	15 GAL	LOW	4
	PISTACIA CHINENSIS 'KEITH DAVEY'	KEITH DAVEY CHINESE PISTACHE	24"BOX	LOW	13*
	PRUNUS CAROLINIANA 'BRIGHT 'N TIGHT'	STANDARD CAROLINA LAUREL	15 GAL	LOW	57
	QUERCUS AGRIFOLIA	COAST LIVE OAK	24"BOX	V. LOW	7
	RHAPHIOLEPIS INDICA 'MAJESTIC BEAUTY'	STANDARD INDIAN HAWTHORNE	15 GAL	LOW	33
	ULMUS PARVIFOLIA 'DRAKE'	DRAKE ELM	24"BOX	LOW	3
*OFFSITE TREES					
TOTAL PROPOSED ONSITE TREES					269



1355 CALIFORNIA CIRCLE
Milpitas, California

OVERALL LANDSCAPE PLAN
CONCEPTUAL LANDSCAPE PLAN
JULY 28, 2023

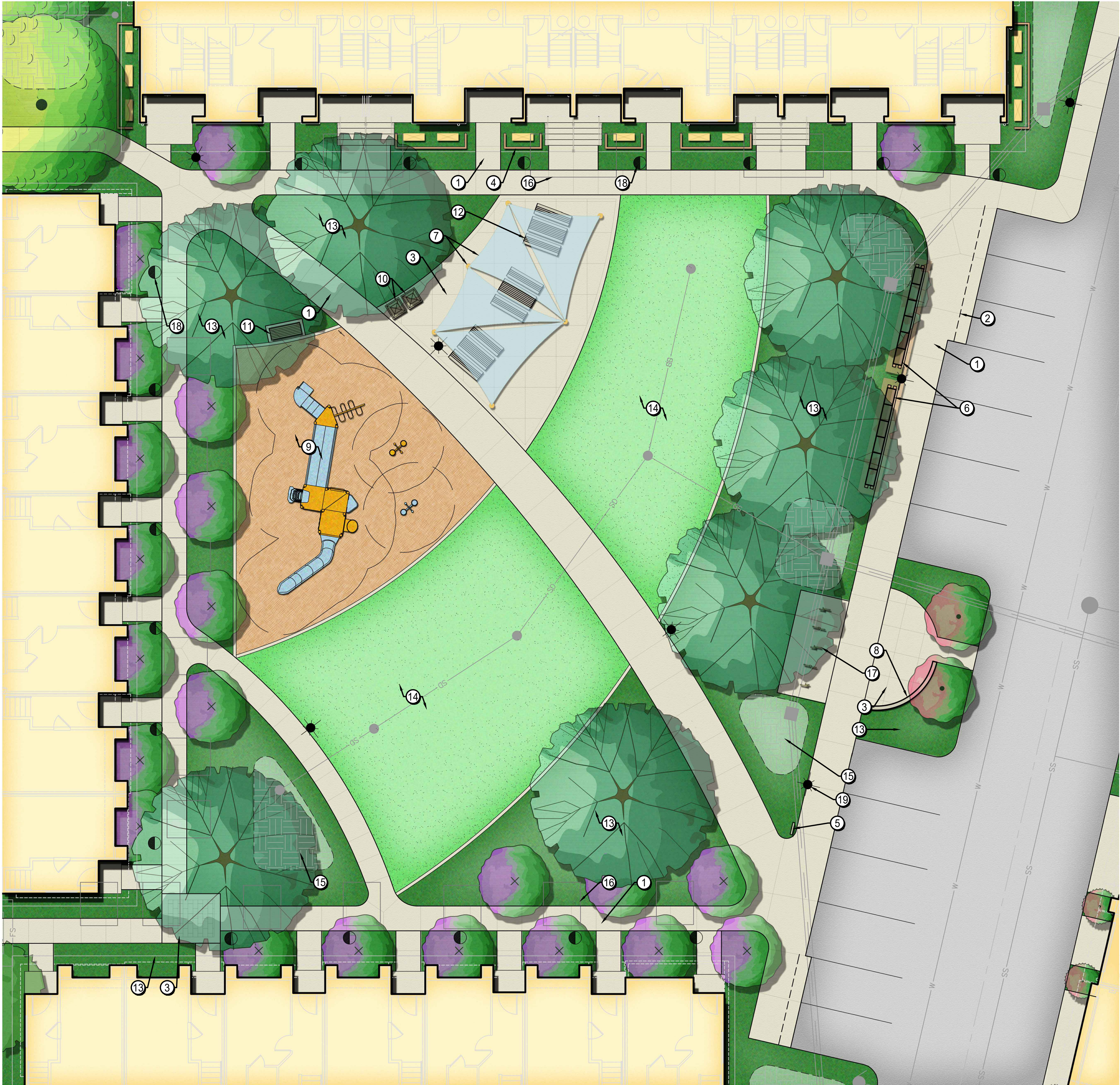
vanderToolen Associates
855 Bordeaux Way
Suite 240
Napa, CA 94558
tel: 707.224.2299
www.vandertoolen.com



0' 15' 30' 60'
SCALE: 1" = 30'-0"



L-1
Project No. 01522



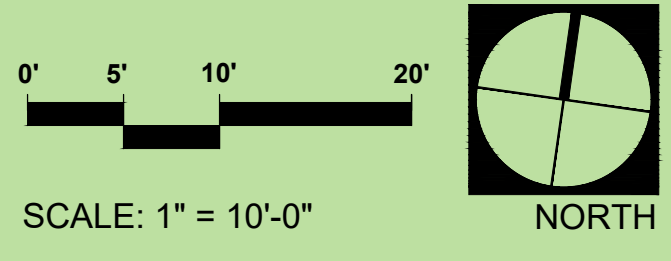
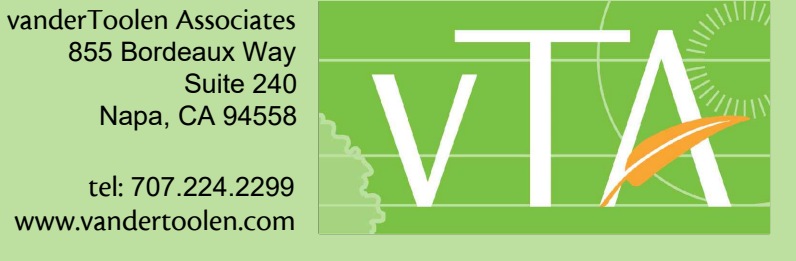
**PRELIMINARY
LEGEND**

- ① CONCRETE WALK, TYP.
- ② SCORE LINE, TYP.
- ③ ENHANCED SCORED CONCRETE PAVING
- ④ WOOD A.C. UNIT SCREEN, TYP.
- ⑤ DIRECTORY / MAP SIGN
- ⑥ MAILBOX ENCLOSURE WITH TRELLIS
- ⑦ SHADE SAIL STRUCTURE
- ⑧ CURVED SEAT WALL WITH STONE VENEER
- ⑨ PLAYGROUND WITH RUBBERIZED SURFACE
- ⑩ TRASH AND RECYCLING RECEPTACLES
- ⑪ 6' LONG BENCH WITH BACK
- ⑫ (3) PICNIC TABLE
- ⑬ PLANTING AREA, TYP.
- ⑭ TURF AREA, TYP.
- ⑮ BIO-RETENTION AREA, TYP.
- ⑯ PAVING, LOW-GROWING GROUNDCOVER, OR TURF AT LADDER PADS, TYP.
- ⑰ BIKE RACK
- ⑱ BOLLARD LIGHTS PER LIGHTING CONSULTANT
- ⑲ POST TOP LIGHTS PER LIGHTING CONSULTANT



1355 CALIFORNIA CIRCLE
Milpitas, California

AMENITIES AREA ENLARGEMENT
CONCEPTUAL LANDSCAPE PLAN
JULY 28, 2023



L-2
Project No. 01522



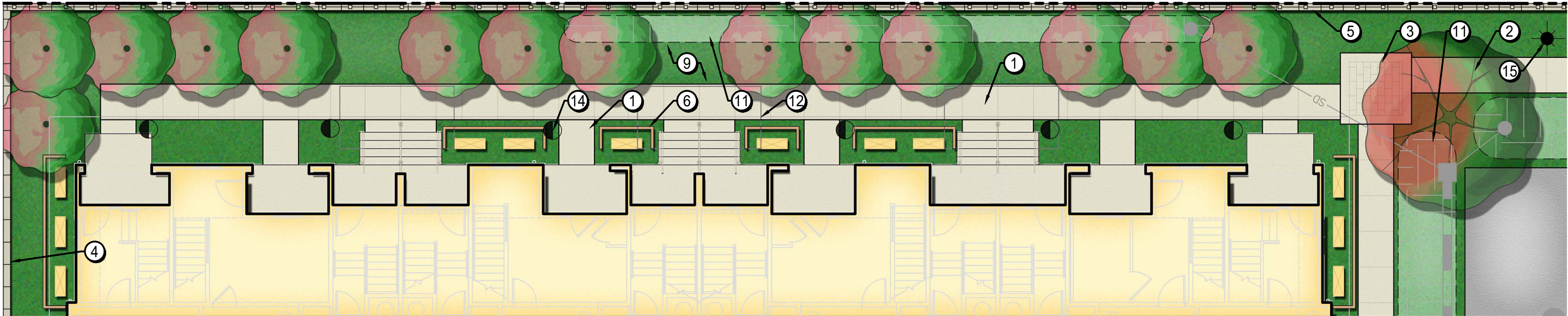
PASEO ENTRYWAY TRELLIS



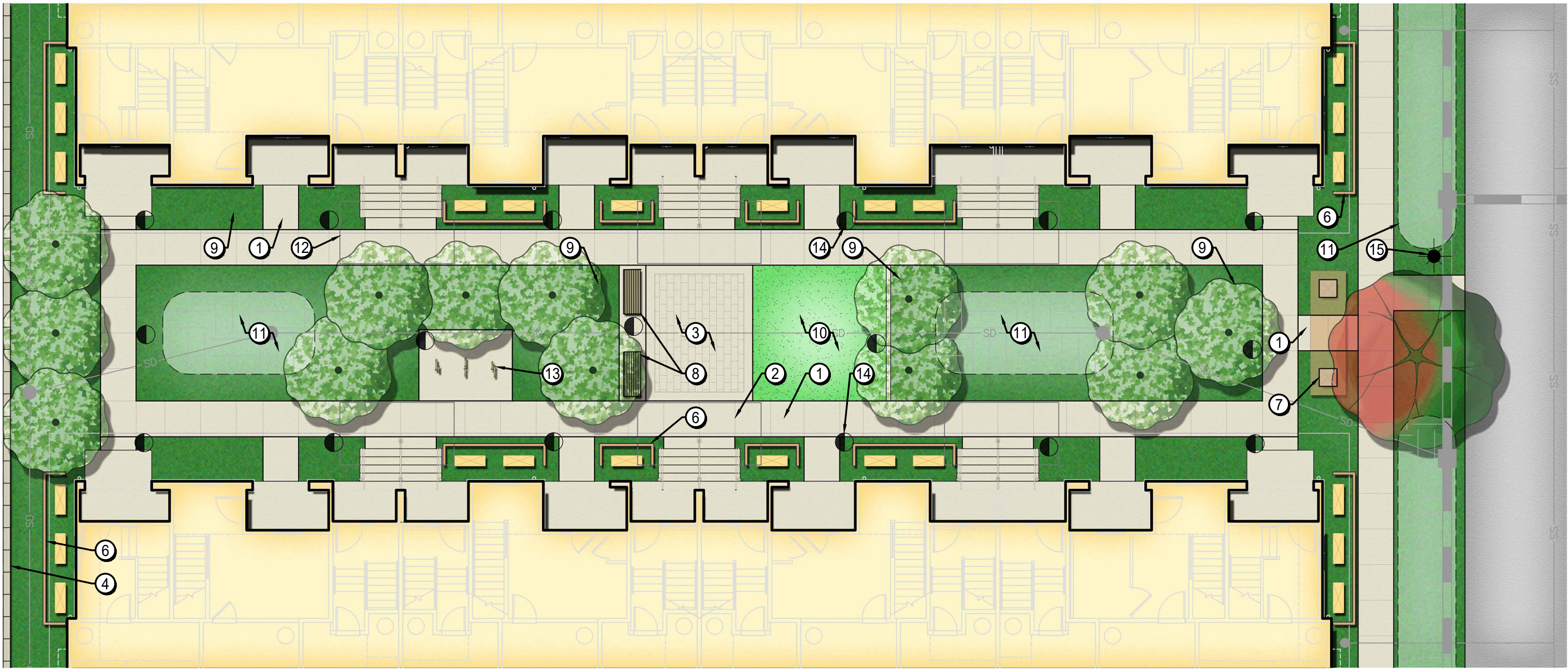
TYPICAL PASEO



BIKE RACKS



END PASEOS



CENTRAL PASEOS

**PRELIMINARY
LEGEND**

- ① CONCRETE WALK, TYP.
- ② SCORE LINE, TYP.
- ③ ENHANCED SCORED CONCRETE PAVING
- ④ SOUND WALL
- ⑤ RETAINING WALL WITH 6' HIGH WOOD FENCE
- ⑥ WOOD A.C. UNIT SCREEN, TYP.
- ⑦ PASEO ENTRYWAY TRELLIS
- ⑧ 6' LONG BENCH WITH BACK
- ⑨ PLANTING AREA, TYP.
- ⑩ TURF AREA, TYP.
- ⑪ BIO-RETENTION AREA, TYP.
- ⑫ PAVING, LOW-GROWING GROUNDCOVER, OR TURF AT LADDER PADS, TYP.
- ⑬ BIKE RACK
- ⑭ BOLLARD LIGHTS PER LIGHTING CONSULTANT
- ⑮ POST TOP LIGHTS PER LIGHTING CONSULTANT



PARK & OPEN SPACE BENCH



ENHANCED SCORING



PASEO ENTRYWAY TRELLIS



PICNIC TABLES WITH WASTE RECEPTACLES



CURVED SEATWALL WITH STONE VENEER



METAL FENCE ON RETAINING WALL



MAILBOX ENCLOSURE WITH TRELLIS



SHADE STRUCTURE OVER PICNIC AREA



SHRUB PLANTING



TURF FOR RECREATIONAL ACTIVITIES



PLAY EQUIPMENT



WOOD FENCE ON RETAINING WALL



SOUND WALL



1355 CALIFORNIA CIRCLE
Milpitas, California

SITE AMENITIES IMAGERY
CONCEPTUAL LANDSCAPE PLAN
JULY 28, 2023

vanderToolen Associates
855 Bordeaux Way
Suite 240
Napa, CA 94558
tel: 707.224.2299
www.vandertoolen.com



L-4
Project No. 01522

TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS IV	SPACING
ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	24"BOX	MOD	15' o.c.
DODONAEA V. 'PURPUREA'	STANDARD HOPSEED BUSH	15 GAL	LOW	8' o.c.
LAGERSTROEMIA X 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	24"BOX	LOW	15' o.c.
LAGERSTROEMIA X 'NATCHEZ'	CRAPE MYRTLE	24"BOX	LOW	15' o.c.
LAGERSTROEMIA X 'TUSCARORA'	CRAPE MYRTLE CORAL PINK	24"BOX	LOW	15' o.c.
LAURUS NOBILIS 'SARATOGA'	SWEET BAY	36"BOX	LOW	25' o.c.
LOPHOSTEMON CONFERTUS	BRISBANE BOX	15 GAL	MOD	25' o.c.
PINUS CANARIENSIS	CANARY ISLAND PINE	15 GAL	LOW	25' o.c.
PISTACIA CHINENSIS 'KEITH DAVEY'	KEITH DAVEY CHINESE PISTACHE	24"BOX	LOW	30' o.c.
PRUNUS CAROLINIANA 'BRIGHT 'N TIGHT'	STANDARD CAROLINA LAUREL	15 GAL	LOW	6' o.c.
QUERCUS AGRIFOLIA	COAST LIVE OAK	24"BOX	V. LOW	35' o.c.
RHAPHIOLEPIS INDICA 'MAJESTIC BEAUTY'	STANDARD INDIAN HAWTHORNE	15 GAL	LOW	6' o.c.
ULMUS PARVIFOLIA 'DRAKE'	DRAKE ELM	24"BOX	LOW	35' o.c.



ACER RUBRUM 'ARMSTRONG'



DODONAEA V. 'PURPUREA'



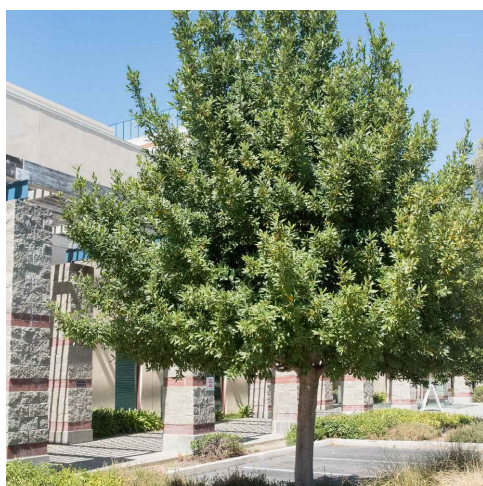
LAGERSTROEMIA X 'MUSKOGEE'



LAGERSTROEMIA X 'NATCHEZ'



LAGERSTROEMIA X 'TUSCARORA'



LAURUS NOBILIS 'SARATOGA'



LOPHOSTEMON CONFERTUS



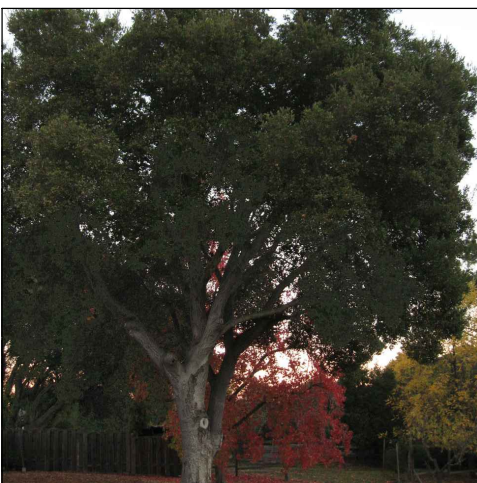
PINUS CANARIENSIS



PISTACIA CHINENSIS



PRUNUS C. 'BRIGHT 'N TIGHT'



QUERCUS AGRIFOLIA



RHAPHIOLEPIS I. 'MAJESTIC BEAUTY'



ULMUS PARVIFOLIA 'DRAKE'

SHRUB PALETTE

SHRUBS				
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS IV	SPACING
ACACIA COGNATA 'COUSIN ITT'	RIVER WATTLE	5 GAL	LOW	36" o.c.
ARCTOSTAPHYLOS D. 'HOWARD MCMINN'	HOWARD MCMINN MANZANITA	5 GAL	LOW	60" o.c.
CALLISTEMON CITRINUS 'LITTLE JOHN'	DWARF BOTTLE BRUSH	5 GAL	LOW	36" o.c.
CARPENTERIA CALIFORNICA	BUSH ANEMONE	5 GAL	LOW	48" o.c.
CEANOTHUS MARITIMUS 'VALLEY VIOLET'	MARITIME CEANOTHUS	5 GAL	LOW	36" o.c.
CEANOTHUS RIGIDUS 'SNOWBALL'	CEANOTHUS SNOWBALL	5 GAL	LOW	72" o.c.
DODONAEA VISCOSA 'PURPUREA'	PURPLE LEAFED HOPSEED BUSH	15 GAL	LOW	72" o.c.
EUONYMUS JAPONICUS 'GREENSPIRE'	GREENSPIRE UPRIGHT EUONYMUS	1 GAL	LOW	24" o.c.
GALVEZIA SPECIOSA 'BOCA ROSA'	ISLAND SNAPDRAGON	5 GAL	LOW	36" o.c.
GREVILLEA X 'NOELLI'	GREVILLEA	15 GAL	LOW	48" o.c.
HELIANTHEMUM N. 'HENFIELD BRILLIANT'	HENFIELD BRILLIANT ROCK ROSE	1 GAL	LOW	24" o.c.
JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	5 GAL	LOW	48" o.c.
LAVATERA MARITIMA	TREE MALLOW	5 GAL	LOW	48" o.c.
LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	COMPACT TEXAS RANGER	5 GAL	LOW	48" o.c.
LOROPETALUM C. 'PURPLE DIAMOND'	FRINGE FLOWER	5 GAL	LOW	48" o.c.
PHORMIUM TENAX 'FIREBIRD'	FIRE BIRD FLAX	5 GAL	LOW	48" o.c.
PHORMIUM X 'BLACK ADDER'	NEW ZEALAND FLAX	5 GAL	LOW	36" o.c.
PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED MOCK ORANGE	5 GAL	LOW	48" o.c.
RHAMNUS CALIFORNICA 'EVE CASE'	CALIFORNIA COFFEEBERRY	5 GAL	LOW	72" o.c.
ROSA CALIFORNICA	CALIFORNIA WILD ROSE	5 GAL	LOW	60" o.c.
SALVIA CLEVELANDII 'WINIFRED GILLMAN'	CLEVELAND SAGE	5 GAL	LOW	36" o.c.
SALVIA GREGGII 'PINK'	PINK AUTUMN SAGE	5 GAL	LOW	36" o.c.
SALVIA LEUCANTHA	MEXICAN BUSH SAGE	15 GAL	LOW	48" o.c.
SALVIA MICROPHYLLA 'HOT LIPS'	BABY SAGE	5 GAL	LOW	48" o.c.
TEUCRIUM FRUTICANS 'COMPACTA'	BUSH GERMANDER	5 GAL	LOW	36" o.c.
VIBURNUM DAVIDII	DAVID VIBURNUM	5 GAL	MOD	36" o.c.

GRASSES				
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS IV	SPACING
CALAMAGROSTIS X A. 'KARL FOERSTER'	FEATHER REED GRASS	5 GAL	LOW	24" o.c.
CAREX TESTACEA 'PRAIRIE FIRE'	PRAIRIE FIRE SEDGE	1 GAL	MOD	24" o.c.
HELIOTOTRICHON SEMPERVIRENS	BLUE CAT GRASS	1 GAL	LOW	36" o.c.
LEYMUS CONDENSATUS 'CANYON PRINCE'	NATIVE BLUE RYE	1 GAL	LOW	48" o.c.
LOMANDRA HYSTRIX 'TROPIC BELLE'	TROPIC BELLE MAT RUSH	1 GAL	LOW	30" o.c.
LOMANDRA LONGIFOLIA 'LIME TUFF'	LIME TUFF DWARF MAT RUSH	1 GAL	LOW	24" o.c.

PERENNIALS				
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS IV	SPACING
ACHILLEA MILLEFOLIUM 'TERRA COTTA'	TERRA COTTA YARROW	1 GAL	LOW	24" o.c.
DIETES VEGETA	AFRICAN IRIS	1 GAL	LOW	36" o.c.
ERIGERON KARVINSKIANUS	FLABIANE	1 GAL	LOW	36" o.c.
ERIOGONUM GRANDE RUBESCENS	RED BUCKWHEAT	1 GAL	LOW	24" o.c.
LIMONIUM PEREZII	STATICE	1 GAL	LOW	24" o.c.
MIMULUS X 'JELLY BEAN ORANGE'	ORANGE MONKEYFLOWER	1 GAL	LOW	12" o.c.
NANDINA DOMESTICA 'LEMON LIME'	LEMON LIME NANDINA	1 GAL	LOW	36" o.c.
NEPETA X FAASSENII 'SELECT BLUE'	CATMINT	1 GAL	LOW	24" o.c.
PENSTEMON H. 'MARGARITA BOP'	BEARD TONGUE	1 GAL	LOW	18" o.c.
SALVIA MICROPHYLLA 'BERZERKELEY'	BERZERKELEY SAGE	1 GAL	LOW	36" o.c.
SCAEVOLA AEMULA 'MAUVE CLUSTERS'	FAU FLOWER	1 GAL	LOW	36" o.c.
VERBENA LILACINA 'DE LA MINA'	LILAC VERBENA	1 GAL	LOW	30" o.c.
ZAUSCHNERIA C. 'SCHIEFFLIN'S CHOICE'	CALIFORNIA FUCHSIA	1 GAL	LOW	36" o.c.

BIORETENTION BASIN PLANTING				
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS IV	SPACING
CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL	LOW	24" o.c.
CHONDROPETALUM TECTORUM	CAPE RUSH	5 GAL	LOW	36" o.c.
JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	LOW	18" o.c.
LIPPIA NODIFLORA	KURAPIA	PLUGS	LOW	24" o.c.

BIORETENTION BANK/UPLAND PLANTING				
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS IV	SPACING
ARCTOSTAPHYLOS D. 'HOWARD MCMINN'	HOWARD MCMINN MANZANITA	5 GAL	LOW	60" o.c.
BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLUE GRAMA	1 GAL	LOW	18" o.c.
DESCHAMPSIA CESPIITOSA	TUFTED HAIR GRASS	1 GAL	LOW	24" o.c.
ERIOGONUM LATIFOLIUM	COAST BUCKWHEAT	1 GAL	LOW	36" o.c.
FESTUCA IDAHOENSIS 'STONY CREEK'	IDAHO FESCUE	1 GAL	V. LOW	24" o.c.
MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	5 GAL	V. LOW	36" o.c.
MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	LOW	36" o.c.
SALVIA SONORIENSIS	CREeping SAGE	1 GAL	LOW	36" o.c.
SEDUM X 'AUTUMN JOY'	AUTUMN JOY SEDUM	1 GAL	LOW	18" o.c.



ACACIA C. 'COUSIN ITT'



ACHILLEA M. 'TERRA COTTA'



ARCTOSTAPHYLOS 'HOWARD MCMINN'



BOUTELOUA G. 'BLONDE AMBITION'



CALLISTEMON C. 'LITTLE JOHN'



CARPENTERIA CALIFORNICA



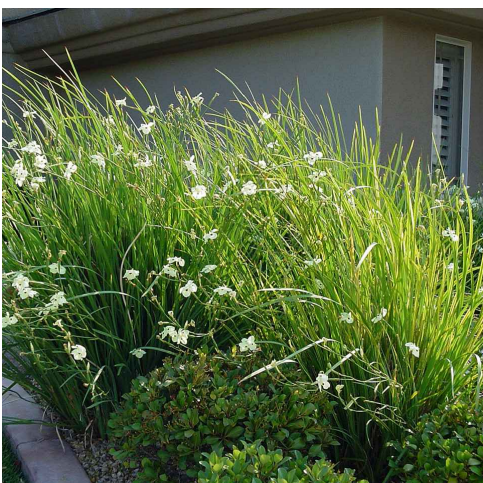
CEANOTHUS M. 'VALLEY VIOLET'



CHONDROPETALUM TECTORUM



DESCHAMPSIA CESPIITOSA



DIETES VEGETA



ERIGERON KARVINSKIANUS



ERIOGONUM GRANDE RUBESCENS



GREVILLEA X 'NOELLI'



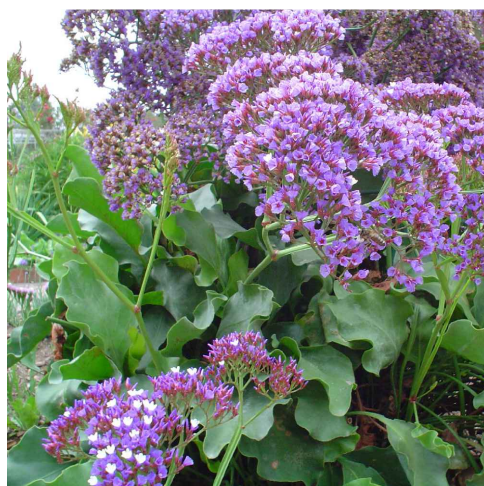
HELIOTOTRICHON SEMPERVIRENS



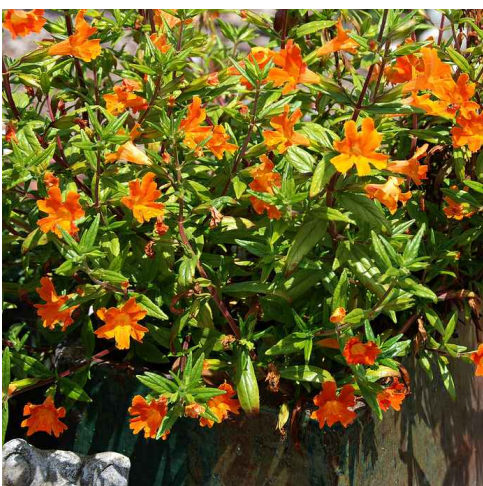
JUNIPERUS C. 'SEA GREEN'



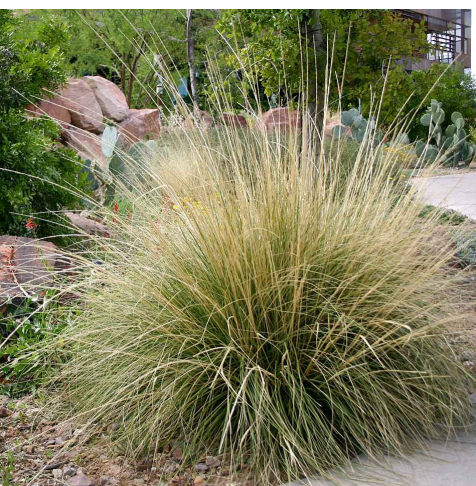
LAVATERA MARITIMA



LIMONIUM PEREZII



MIMULUS X 'JELLY BEAN ORANGE'



MUHLENBERGIA RIGENS



PENSTEMON H. 'MARGARITA BOP'



PHORMIUM TENAX 'FIREBIRD'



SALVIA LEUCANTHA



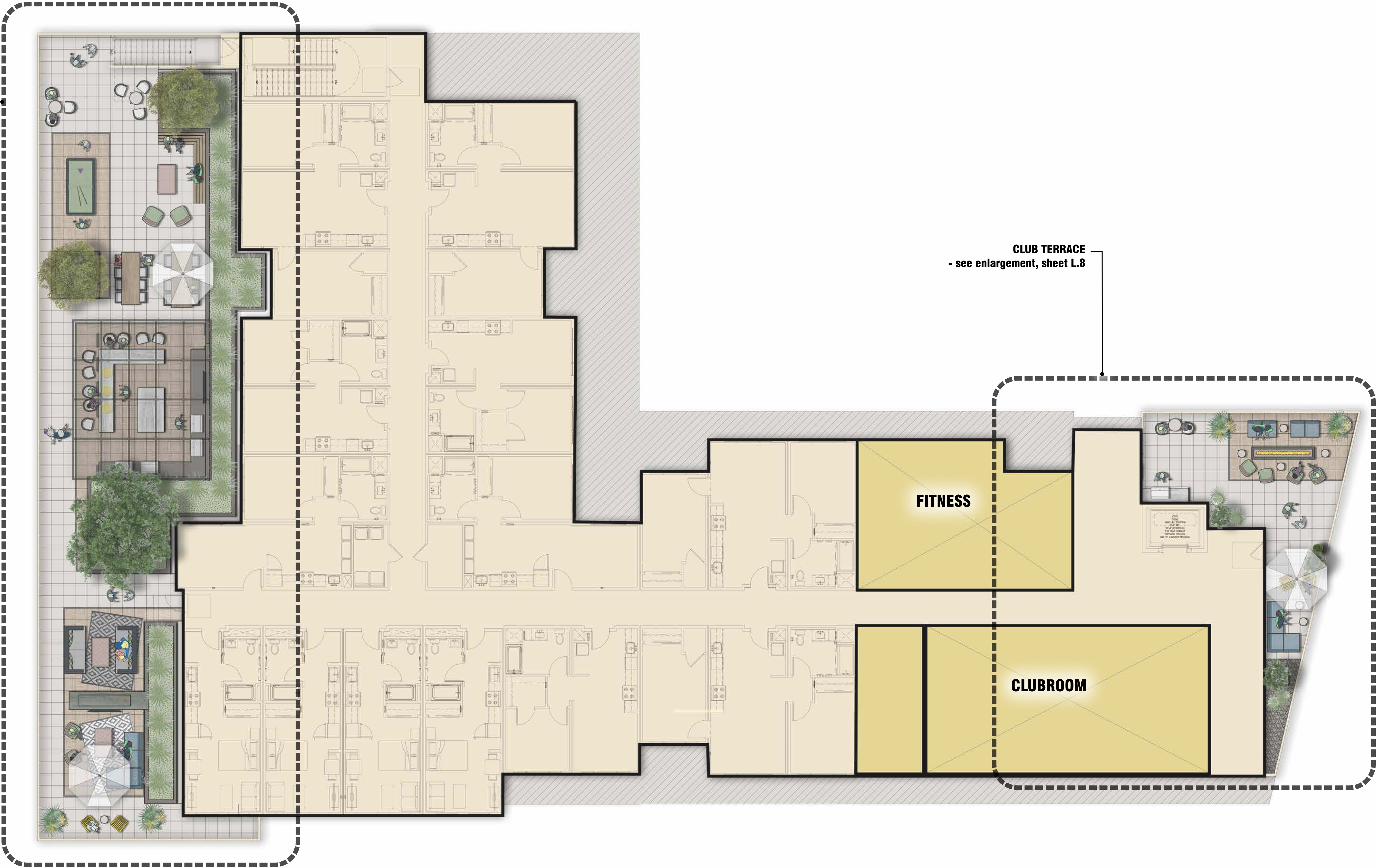
SCAEVOLA A. 'MAUVE CLUSTERS'

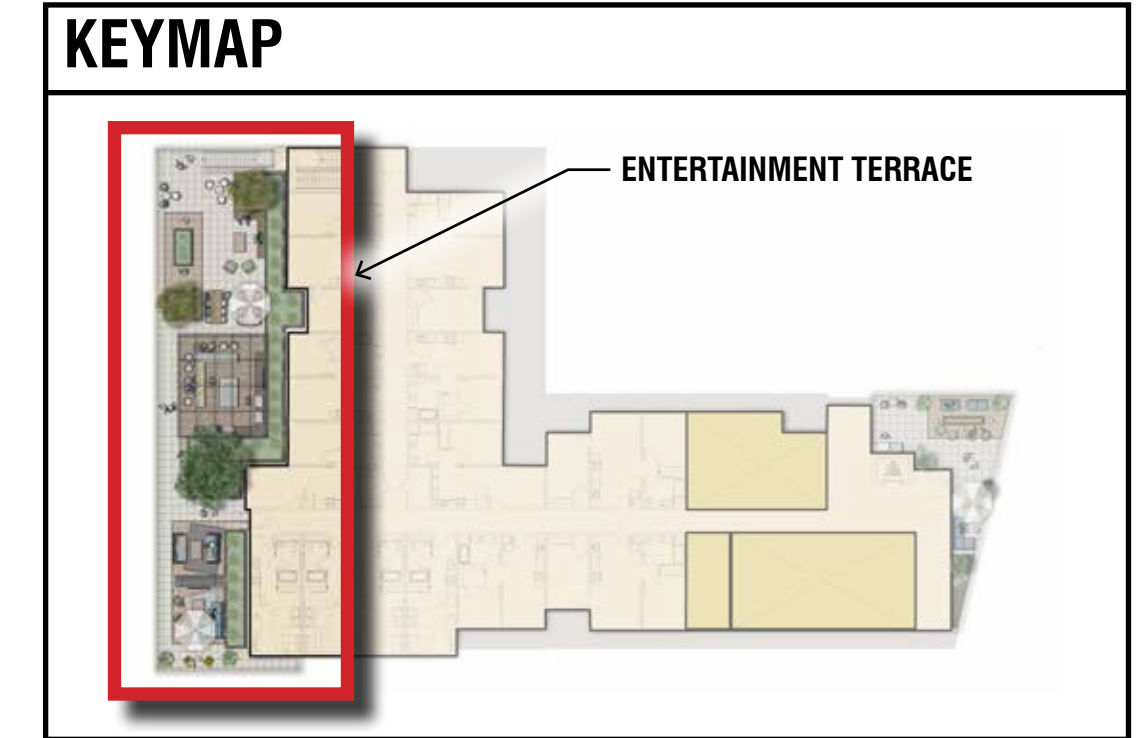
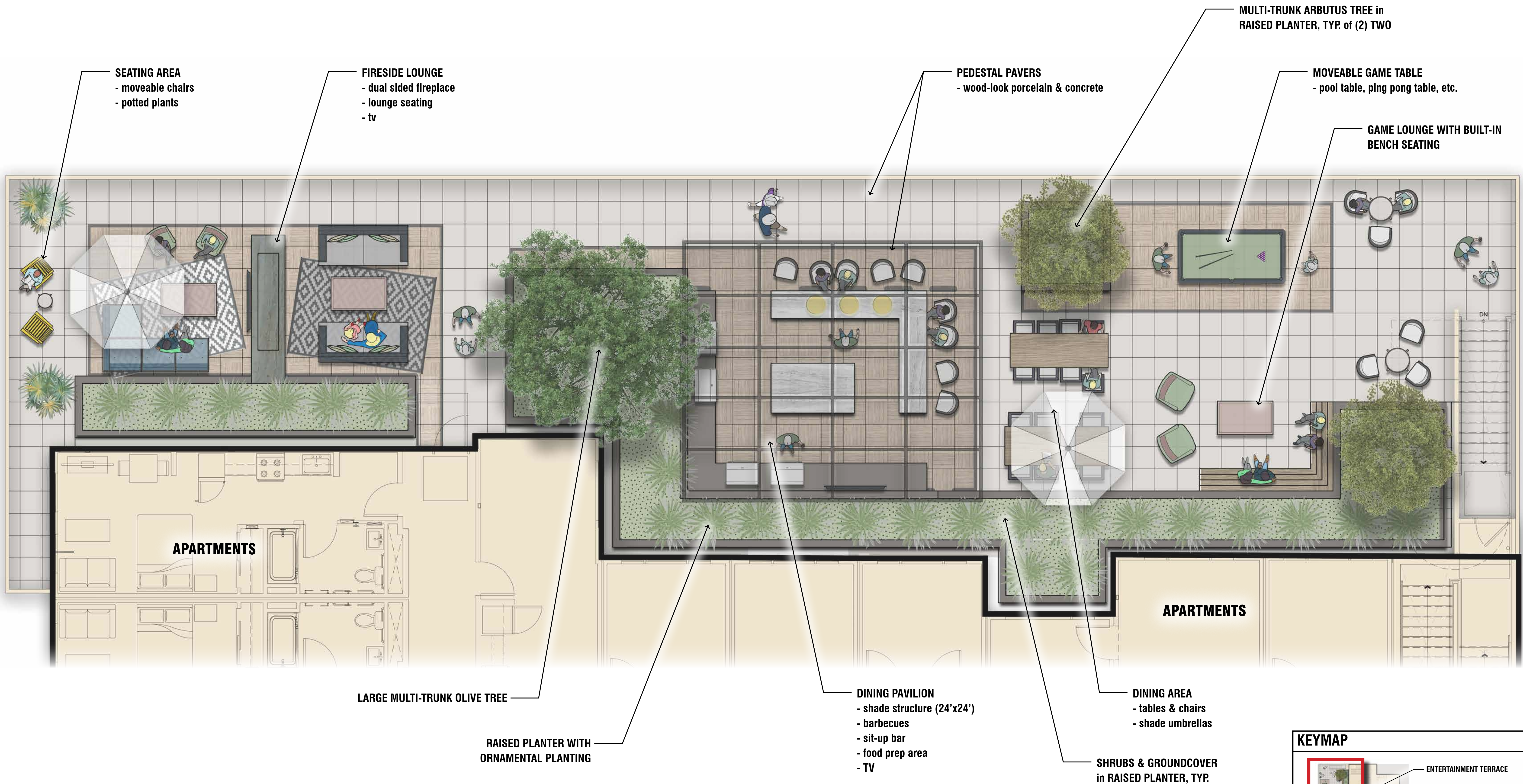


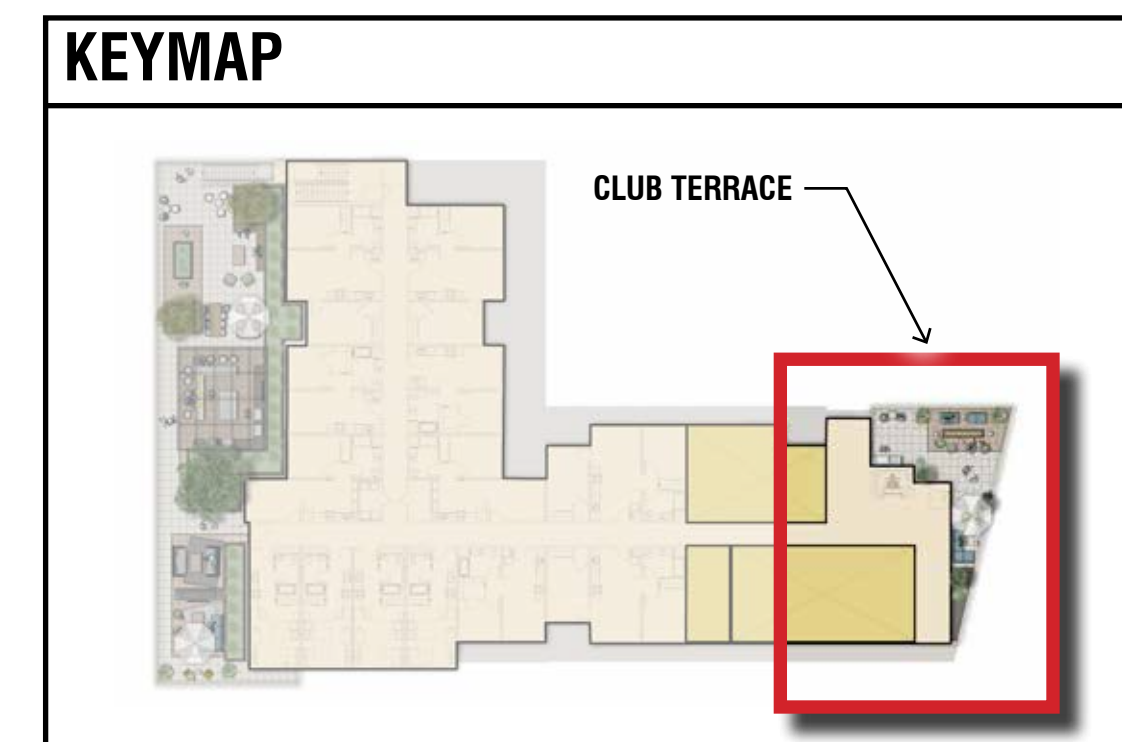
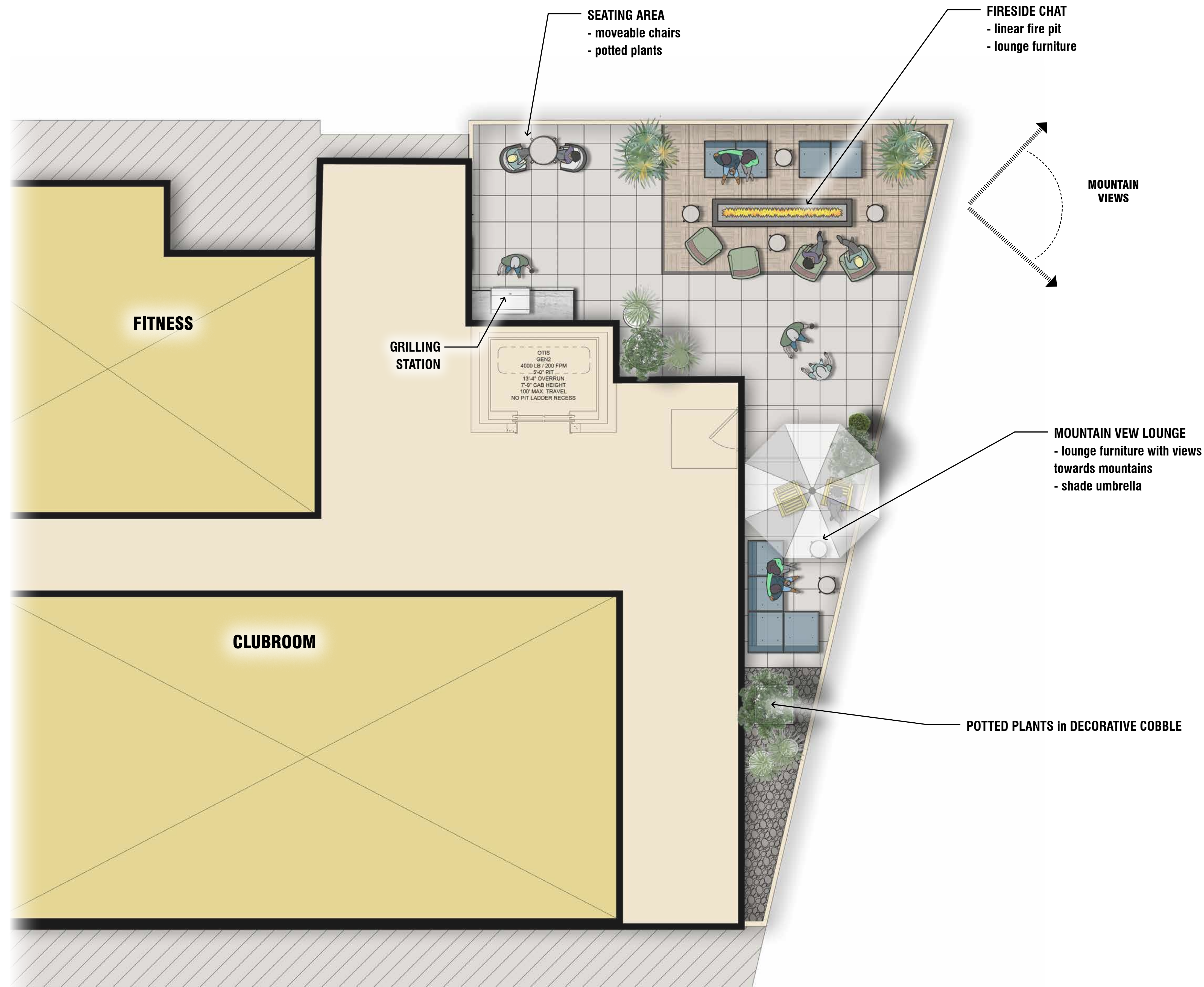
VERBENA L. 'DE LA MINA'

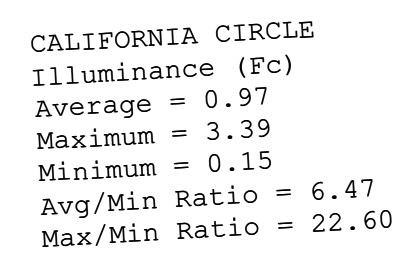
ENTERTAINMENT TERRACE
- see enlargement, sheet L.7

CLUB TERRACE
- see enlargement, sheet L.8





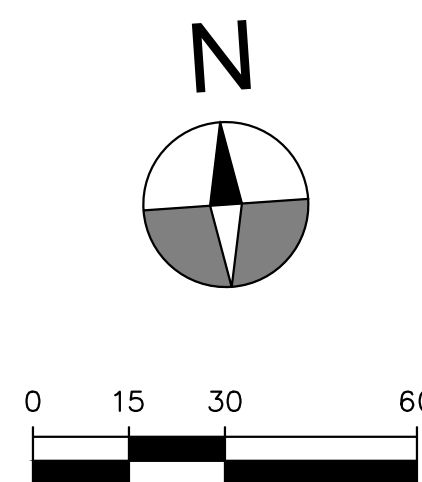




Luminaire Schedule LED		
Project: 1355 CALIFORNIA CIRCLE		
Symbol	Arrangement	Description
	NEW LIGHT-CALIFORNIA CIR	LEOTEK 72W GCM1-60J-MV-40K-3R 8FT ARM 28" MH
	NEW POST TOP LIGHT	STERNBERG LIGHTING PT FIXTURE ML660 - TYPE 2, 3, AND TYPE 4 - SEE PLANS
	NEW BOLLARD LIGHT	LUMEC VBR - 15L100NW-G1 - TYPE 3 AND TYPE 5 - SEE PLANS
	NEW WALL PACK	GARDCO - 111L-16L-350-WW-G3-4 18W WALL SCONCE

Calculation Summary					
Label	Avg	Max	Min	Avg/Min	Max/Min
ALLEY A	1.17	5.36	0.13	9.00	41.23
ALLEY B	1.22	5.01	0.16	7.63	31.31
ALLEY C	1.26	5.62	0.14	9.00	40.14
CALIFORNIA CIRCLE SIDEWALK 1	0.94	2.81	0.13	7.23	21.62
CALIFORNIA CIRCLE	0.97	3.39	0.15	6.47	22.60
PARK LIGHTING	1.40	8.24	0.19	7.37	43.37
PARKING LOT	1.12	4.41	0.06	18.67	73.50
PATHWAY A	1.88	17.51	0.10	18.80	175.10
PATHWAY B	1.37	8.57	0.10	13.70	85.70
PATHWAY C	1.24	9.02	0.04	31.00	225.50
PATHWAY D	1.32	7.65	0.06	22.00	127.50
PATHWAY E	1.31	8.64	0.02	65.50	432.00
PATHWAY F	0.81	1.17	0.67	1.21	1.75
STREET A	1.58	5.02	0.23	6.87	21.83
STREET B	0.92	3.82	0.13	7.08	29.38
STREET C	1.56	4.78	0.24	6.50	19.92
STREET D	1.27	3.99	0.44	2.89	9.07

PRELIMINARY
NOT FOR CONSTRUCTION



VESTING TENTATIVE TRACT MAP

FOR CONDOMINIUM PURPOSES

REAL PROPERTY IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

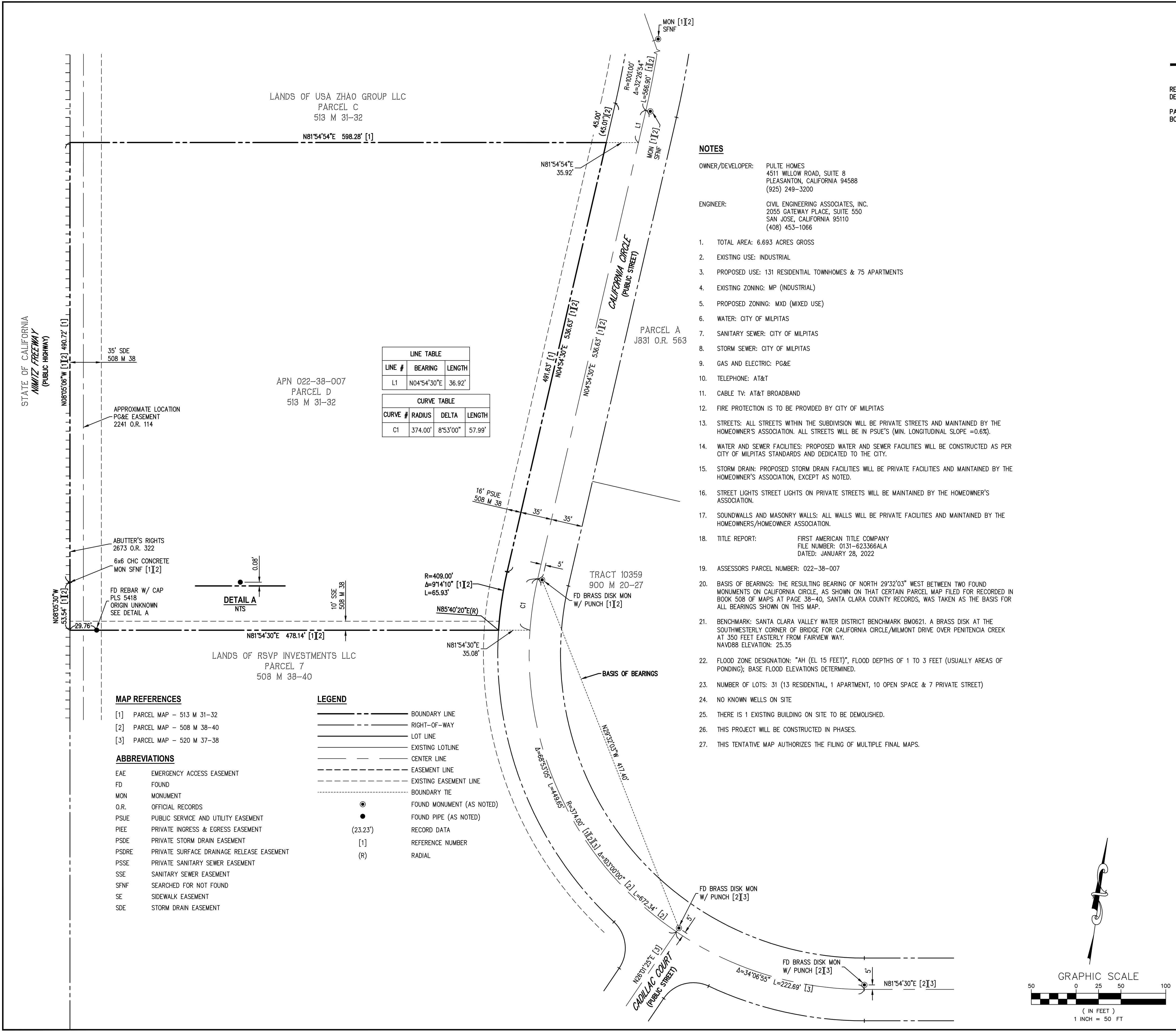
PARCEL D, SO DESIGNATED AND DELINEATED ON THE PARCEL MAP RECORDED JUNE 6, 1983 IN BOOK 513 OF MAPS, AT PAGES 31 AND 32, SANTA CLARA COUNTY RECORDS.

NOTES

OWNER/DEVELOPER: PULTE HOMES
4511 WILLOW ROAD, SUITE 8
PLEASANTON, CALIFORNIA 94588
(925) 249-3200

ENGINEER: CIVIL ENGINEERING ASSOCIATES, INC.
2055 GATEWAY PLACE, SUITE 550
SAN JOSE, CALIFORNIA 95110
(408) 453-1066

- TOTAL AREA: 6.693 ACRES GROSS
- EXISTING USE: INDUSTRIAL
- PROPOSED USE: 131 RESIDENTIAL TOWNHOMES & 75 APARTMENTS
- EXISTING ZONING: MP (INDUSTRIAL)
- PROPOSED ZONING: MXD (MIXED USE)
- WATER: CITY OF MILPITAS
- SANITARY SEWER: CITY OF MILPITAS
- STORM SEWER: CITY OF MILPITAS
- GAS AND ELECTRIC: PG&E
- TELEPHONE: AT&T
- CABLE TV: AT&T BROADBAND
- FIRE PROTECTION IS TO BE PROVIDED BY CITY OF MILPITAS
- STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PRIVATE STREETS AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL STREETS WILL BE IN PSUE'S (MIN. LONGITUDINAL SLOPE =0.6%).
- WATER AND SEWER FACILITIES: PROPOSED WATER AND SEWER FACILITIES WILL BE CONSTRUCTED AS PER CITY OF MILPITAS STANDARDS AND DEDICATED TO THE CITY.
- STORM DRAIN: PROPOSED STORM DRAIN FACILITIES WILL BE PRIVATE FACILITIES AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION, EXCEPT AS NOTED.
- STREET LIGHTS STREET LIGHTS ON PRIVATE STREETS WILL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- SOUNDWALLS AND MASONRY WALLS: ALL WALLS WILL BE PRIVATE FACILITIES AND MAINTAINED BY THE HOMEOWNERS/HOMEOWNER ASSOCIATION.
- TITLE REPORT: FIRST AMERICAN TITLE COMPANY
FILE NUMBER: 0131-623366ALA
DATED: JANUARY 28, 2022
- ASSESSORS PARCEL NUMBER: 022-38-007
- BASIS OF BEARINGS: THE RESULTING BEARING OF NORTH 29°32'03" WEST BETWEEN TWO FOUND MONUMENTS ON CALIFORNIA CIRCLE, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN BOOK 508 OF MAPS AT PAGE 38-40, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN ON THIS MAP.
- BENCHMARK: SANTA CLARA VALLEY WATER DISTRICT BENCHMARK BM0621. A BRASS DISK AT THE SOUTHWESTERLY CORNER OF BRIDGE FOR CALIFORNIA CIRCLE/MILMONT DRIVE OVER PENITENCIA CREEK AT 350 FEET EASTERLY FROM FAIRVIEW WAY. NAVD88 ELEVATION: 25.35
- FLOOD ZONE DESIGNATION: "AH (EL 15 FEET)", FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.
- NUMBER OF LOTS: 31 (13 RESIDENTIAL, 1 APARTMENT, 10 OPEN SPACE & 7 PRIVATE STREET)
- NO KNOWN WELLS ON SITE
- THERE IS 1 EXISTING BUILDING ON SITE TO BE DEMOLISHED.
- THIS PROJECT WILL BE CONSTRUCTED IN PHASES.
- THIS TENTATIVE MAP AUTHORIZES THE FILING OF MULTIPLE FINAL MAPS.



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N04°54'30"E	36.92'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	374.00'	8°53'00"	57.99'

MAP REFERENCES

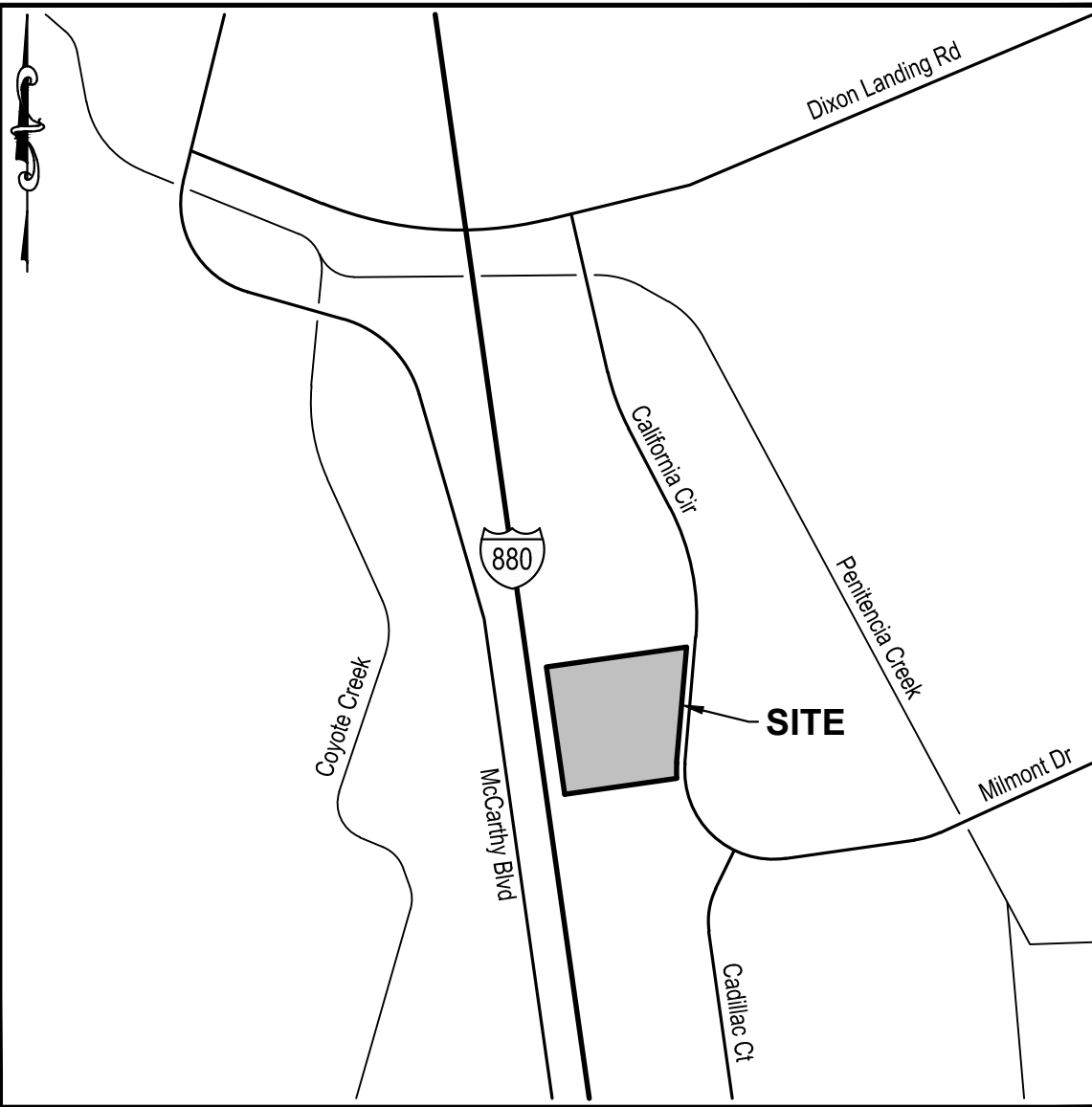
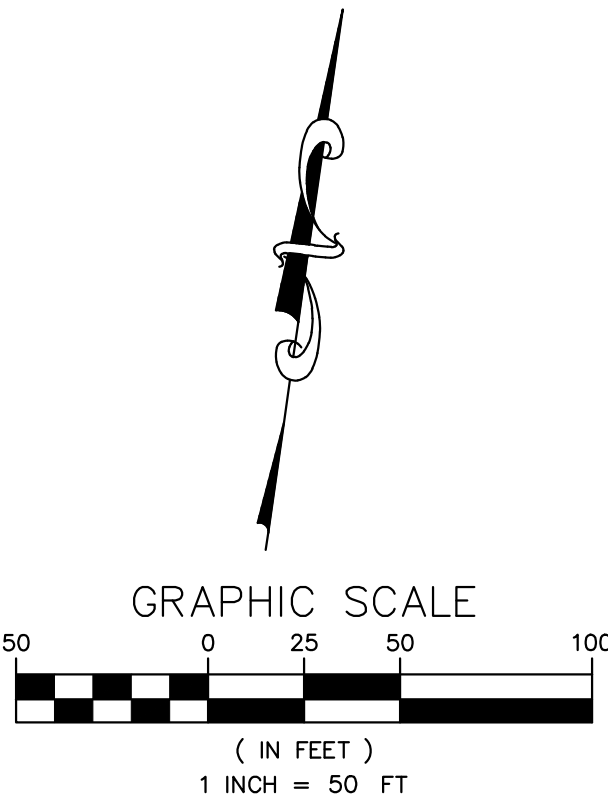
- [1] PARCEL MAP - 513 M 31-32
- [2] PARCEL MAP - 508 M 38-40
- [3] PARCEL MAP - 520 M 37-38

ABBREVIATIONS

EAE	EMERGENCY ACCESS EASEMENT
FD	FOUND
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PSUE	PUBLIC SERVICE AND UTILITY EASEMENT
PIEC	PRIVATE INGRESS & EGRESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PSDRE	PRIVATE SURFACE DRAINAGE RELEASE EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
SSE	SANITARY SEWER EASEMENT
SFNF	SEARCHED FOR NOT FOUND
SE	SIDEWALK EASEMENT
SDE	STORM DRAIN EASEMENT

LEGEND

---	BOUNDARY LINE
---	RIGHT-OF-WAY
---	LOT LINE
---	EXISTING LOTLINE
---	CENTER LINE
---	EASEMENT LINE
---	EXISTING EASEMENT LINE
---	BOUNDARY TIE
●	FOUND MONUMENT (AS NOTED)
●	FOUND PIPE (AS NOTED)
(23.23')	RECORD DATA
[1]	REFERENCE NUMBER
(R)	RADIAL



VICINITY MAP
NOT TO SCALE

BY

REVISIONS

DATE

NO.

2055 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

Civil Engineering Associates

Civil Engineers • Planners • Surveyors

PREPARED FOR:

PulteGroup

4511 Willow Road, Suite 8
Pleasanton, CA 94588
Phone 925/249-3200 Fax 925/485-0291

VESTING TENTATIVE MAP
1355 CALIFORNIA CIRCLE

CALIFORNIA

MILPITAS

DATE	10/5/2023
SCALE	1"=50'
DESIGNED	AT
DRAWN	CH
JOB NO.	20-158
SHEET	TM1
1 OF 2 SHEETS	

VESTING TENTATIVE
TRACT MAP

FOR CONDOMINIUM PURPOSES

REAL PROPERTY IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

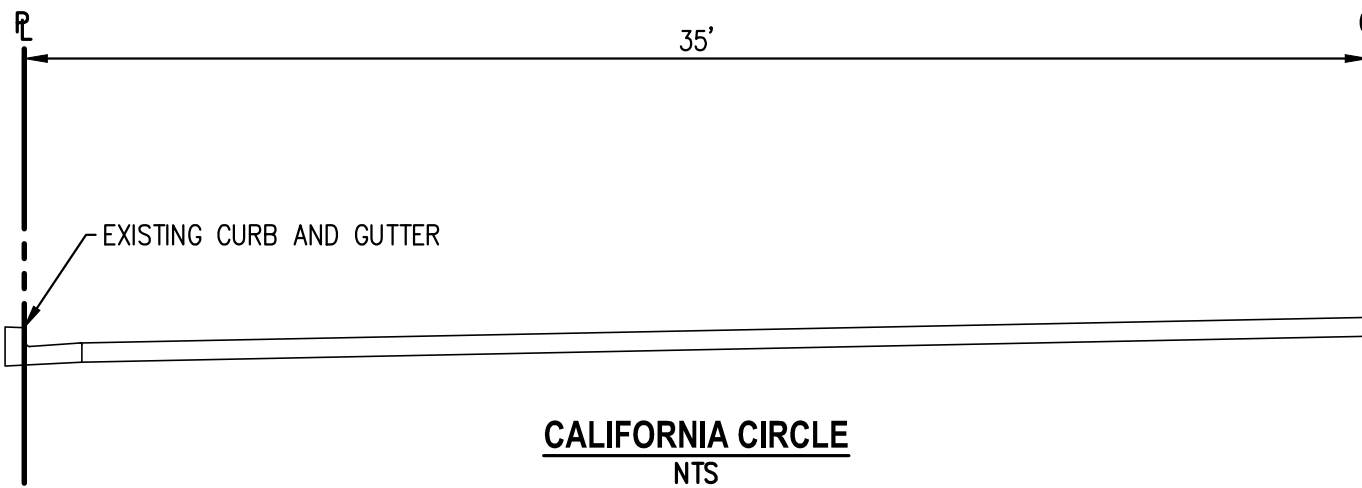
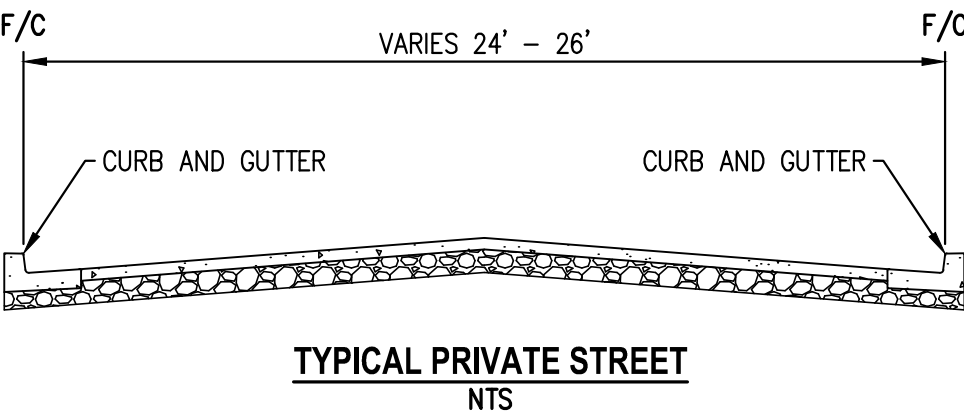
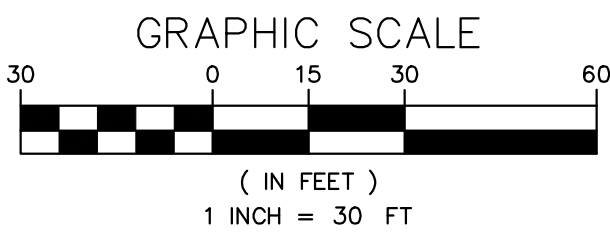
PARCEL D, SO DESIGNATED AND DELINEATED ON THE PARCEL MAP RECORDED JUNE 6, 1983 IN
BOOK 513 OF MAPS, AT PAGES 31 AND 32, SANTA CLARA COUNTY RECORDS.

ABBREVIATIONS

EAE	EMERGENCY ACCESS EASEMENT
FD	FOUND
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PSUE	PUBLIC SERVICE AND UTILITY EASEMENT
PIEE	PRIVATE INGRESS & EGRESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PSDRE	PRIVATE SURFACE DRAINAGE RELEASE EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
SSE	SANITARY SEWER EASEMENT
SNFN	SEARCHED FOR NOT FOUND
SE	SIDEWALK EASEMENT
SDE	STORM DRAIN EASEMENT

LEGEND

---	BOUNDARY LINE
- - - -	RIGHT-OF-WAY
---	LOT LINE
---	EXISTING LOTLINE
---	CENTER LINE
---	EASEMENT LINE
- - - -	EXISTING EASEMENT LINE
---	BOUNDARY TIE
●	FOUND MONUMENT (AS NOTED)
●	FOUND PIPE (AS NOTED)
(23.23')	RECORD DATA
[1]	REFERENCE NUMBER
(R)	RADIAL



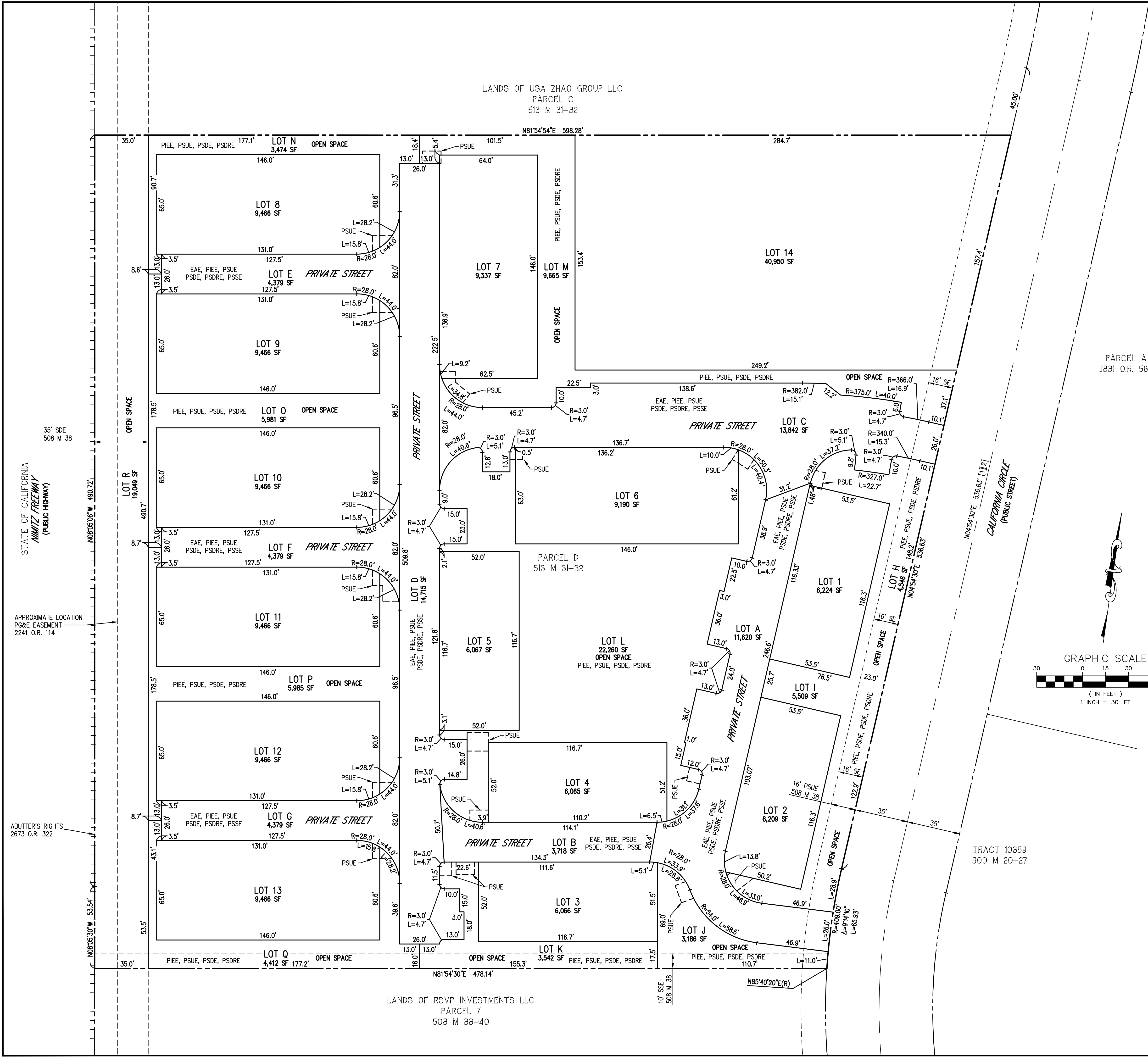
LANDS OF USA ZHAO GROUP LLC
PARCEL C
513 M 31-32

PARCEL A
J831 O.R. 563

CALIFORNIA CIRCLE
(PUBLIC STREET)

TRACT 10359
900 M 20-27

LANDS OF RSVP INVESTMENTS LLC
PARCEL 7
508 M 38-40



BY

REVISIONS

NO.

DATE

2055 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

Civil
Engineering
Associates

Civil Engineers • Planners • Surveyors

PREPARED FOR:

4511 Willow Road, Suite 8
Milpitas, CA 95035
Phone 925/249-5200 Fax 925/485-0291

PulteGroup

VESTING TENTATIVE MAP

1355 CALIFORNIA CIRCLE

CALIFORNIA

MILPITAS

DATE 10/5/2023

SCALE 1"=50'

DESIGNED AT

DRAWN CH

JOB NO. 20-158

SHEET

TM2

2 OF 2 SHEETS



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00pm

Wednesday, August 23, 2023
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Chuan called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

Commissioner Awasthi led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Chair Chuan, Vice Chair Ciardella, Commissioners Albana, Awasthi, Galang, Medina-Ashby, and Mohsin

ABSENT: None

STAFF: Jay Lee, Christopher Creech, Avery Stark, and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for August 23, 2023.

Motion/Second Albana/Galang

Motion carried by a vote of AYES: 7 NOES: 0

APPROVAL OF MEETING MINUTES

By motion, approve the meeting minutes for June 14, 2023. **With minor correction under "Call to Order", should be Vice Chair Ciardella not Chair Chuan.*

Motion/Second Mohsin/Ciardella

Motion carried by a vote of AYES: 6 NOES: 0 ABSTAIN: 1 (Chuan)

ANNOUNCEMENTS

Chair Chuan stated he will not be able to attend the August 30th Special meeting and Vice Chair Ciardella will chair that meeting. Chair Chuan also introduced and welcomed Assistant City Attorney Christopher Creech.

Interim Planning Director Lee shared that the Planning Department held a community meeting on the comprehensive zoning ordinance update on August 22nd, and it went well and received feedback from the community regarding the project. He also mentioned that there will be Zoning Advisory Group meeting on the 24th and September 13th Planning Commission meeting has been cancelled.

PUBLIC FORUM

Chair Chuan invited members of the public to address the commission and there were none.

PUBLIC HEARING

NEW IN-GROUND SWIMMING POOL AND LEGALIZING SITE IMPROVEMENTS – 640 EVANS ROAD - SD20-0015: A request for a Site Development Permit to develop a new in-ground swimming pool, legalize the unpermitted patio, deck, and porch around the main residence comprised of pervious paver materials, 42-inch tall rod iron fence, artificial grass, and 120-square foot storage shed at an existing single-family residence on a 2.90-acre site located in the R1-H Single-family Residential-Hillside Zoning District at 640 Evans Road.

Project Planner Avery Stark addressed commissioners' clarifying questions related to pervious vs. impervious surface area, the type of pavers that will be used on the pervious surface proposed, the previously approved variance, and the timeline of the process to bring the project here to the Planning Commission.

Chair Chuan invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Mohsin/Awasthi

Motion carried by a vote of AYES: 7 NOES: 0

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 23-013, recommending approval of Site Development Permit SD20-0015 to the City Council, subject to the attached Conditions of Approval.

Motion/Second Albana/Mohsin

Motion carried by a vote of AYES: 7 NOES: 0

NEW BUSINESS

NO ITEMS

ADJOURNMENT

Chair Chuan adjourned the meeting at 7:37 pm

Motion/Second Medina-Ashby/Ciardella

Motion carried by a vote of AYES: 7 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina



CITY OF MILPITAS

Planning Commission

SPECIAL MEETING MINUTES

6:00pm

Wednesday, August 30, 2023

CITY COUNCIL CHAMBERS

455 E CALAVERAS BLVD, MILPITAS, CA

and

via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Vice Chair Ciardella called the meeting to order at 6:03pm.

PLEDGE OF ALLEGIANCE

Commissioner Medina-Ashby led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Vice Chair Ciardella, Commissioners Albana, Awasthi, and Medina-Ashby

ABSENT: Chair Chuan, Galang, and Mohsin

STAFF: Jay Lee, Christopher Creech, Holly Pearson, Jen Murrillo-LWC, Monica Szydluk-LWC, Ned Thomas, Alex Andrade, and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for August 30, 2023.

Motion/Second Medina-Ashby/Albana

Motion carried by a vote of AYES: 4 NOES: 0

ANNOUNCEMENTS

Interim Planning Director Jay Lee informed the commission that the September 13th meeting is cancelled.

PUBLIC FORUM

Vice Chair Ciardella invited members of the public to address the commission and there were none.

PROJECT

Progress Report and Study Session on Phase 1 of the Comprehensive Zoning Update Project. Project Manager: Holly Pearson, AICP, hpearson@milpitas.gov and Lisa Wise Consulting team, Jen Murrillo and Monica Szydluk.

The Planning Commission received a progress report on the work completed to date on Phase 1 of the Comprehensive Zoning Update and review and provide direction on the draft deliverables prepared to date, including the Background Review and Recommendations Report, New Zones (Business Park Research

and Development Zone [BPRD] and Metro Area Zones), and updated citywide zoning map.

Vice Chair Ciardella invited members of the public to address the commission and there were two community members who spoke: Ward Mace and Matt Taylor.

NEW BUSINESS

NO ITEMS

ADJOURNMENT

Vice Chair Ciardella adjourned the meeting at 7:00 pm

Motion/Second Awasthi/Medina-Ashby

Motion carried by a vote of AYES: 4 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00pm

Wednesday, September 27, 2023
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Chuan called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

Commissioner Mohsin led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Chair Chuan, Vice Chair Ciardella, Commissioners Albana, Awasthi, Galang, and Mohsin

ABSENT: Medina-Ashby

STAFF: Jay Lee, Christopher Creech, Michael Fossati, Ned Thomas, and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for September 27, 2023.

Motion/Second Galang/Ciardella

Motion carried by a vote of AYES: 6 NOES: 0

ANNOUNCEMENTS

On behalf of Mayor Carmen Montana, Acting City Manager Ned Thomas shared a few kind words about Commissioner Zeya Mohsin's years of distinguished service and how the City of Milpitas will always appreciate all she has contributed to the community.

Commissioner Awasthi presented Commissioner Mohsin with a plaque and also shared words of appreciation.

Commissioner Mohsin expressed her gratitude for the community and City staff over the many years she has been a resident of Milpitas.

Interim Planning Director Jay Lee shared that Planning staff will present the Comprehensive Zoning Ordinance Update Phase 1 to the City Council at the October 2nd meeting.

PUBLIC FORUM

Chair Chuan invited members of the public to address the commission and there were none.

PUBLIC HEARING

TIME EXTENSION FOR TRIBUTE HOTEL – 1851 MCCARTHY BLVD. – P-TE23-0001: A 24-month Time Extension for Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, and Tree Removal Permit No. TR19-0030 to demolish an existing two-story, 48,500-square foot office building, remove 36 protected trees, and develop a 130,665-square foot, podium-style hotel building, up to 75 feet (six stories) in height, with associated site improvements, on a 2.71-acre site located at 1851 McCarthy Boulevard (APN 083-31-049). The Milpitas Planning Commission adopted a Mitigated Negative Declaration supported by an Initial Study for this project on September 8, 2021, in accordance with the California Environmental Quality Act (CEQA).

Project Planner Michael Fossati and the applicant team, Trang TuNguyen and Ricky Albaza addressed commissioners' clarifying questions related to applying for another extension in September 2025, the reason for the extension request, and if the 24-month extension is enough time to complete project.

Chair Chuan invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Mohsin/Ciardella

Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends that the Planning Commission receive the project presentation, open and close the public hearing, and adopt Resolution 23-015 extending Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, and Tree Removal Permit No. TR19-0030, subject to the findings and Conditions of Approval.

Motion/Second Albana/Ciardella

Motion carried by a vote of AYES: 6 NOES: 0

NEW BUSINESS

NO ITEMS

ADJOURNMENT

Chair Chuan adjourned the meeting at 7:36 pm

Motion/Second Mohsin/Awasthi

Motion carried by a vote of AYES: 6 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina