



MILPITAS PLANNING COMMISSION STAFF REPORT

January 24, 2024

APPLICATION:	CALIFORNIA CIRCLE SUBDIVISION – 1301 CALIFORNIA CIRCLE – P-TP23-0001: A Minor Nonvesting Tentative Map to subdivide a 6.34 acre site into two new parcels. The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Minor Land Division) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning)
RECOMMENDATION:	Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution No. 24-006, approving Minor Nonvesting Tentative Map No. TP23-0001 subject to the findings and attached Conditions of Approval.
LOCATION:	
Address/APN:	1301 California Circle (APN 022-38-002)
Area of City:	North of California State Route 237 and east of Interstate 880.
PEOPLE:	
Project Applicant:	Amrat Patel, RSVP Investments LLC
Property Owner:	Amrat Patel, RSVP Investments LLC
Project Planner:	Michael Fossati, AICP, Senior Planner
LAND USE:	
General Plan Designation:	Neighborhood Commercial Mixed Use (NCMU)
Zoning District:	Industrial Park (MP)
ENVIRONMENTAL:	The Project is categorically exempt from further environmental review pursuant to Section 15315 (Minor Land Divisions) in that the project divides real property within an urbanized area into two parcels. The Project is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

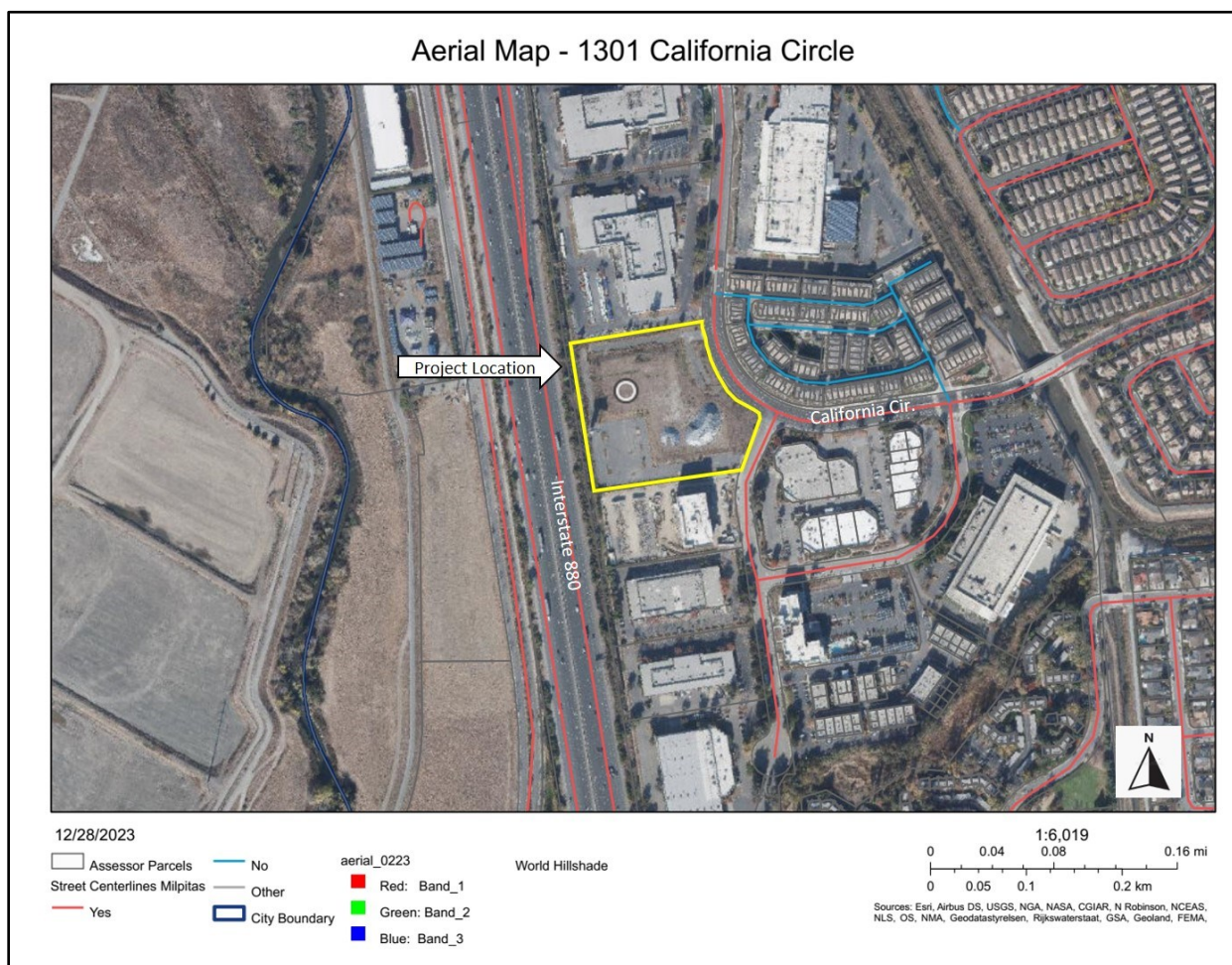
EXECUTIVE SUMMARY

Amrat Patel of RSVP Investments LLC has applied for a minor nonvesting tentative map subdivision of a 6.34-acre vacant parcel, as described below:

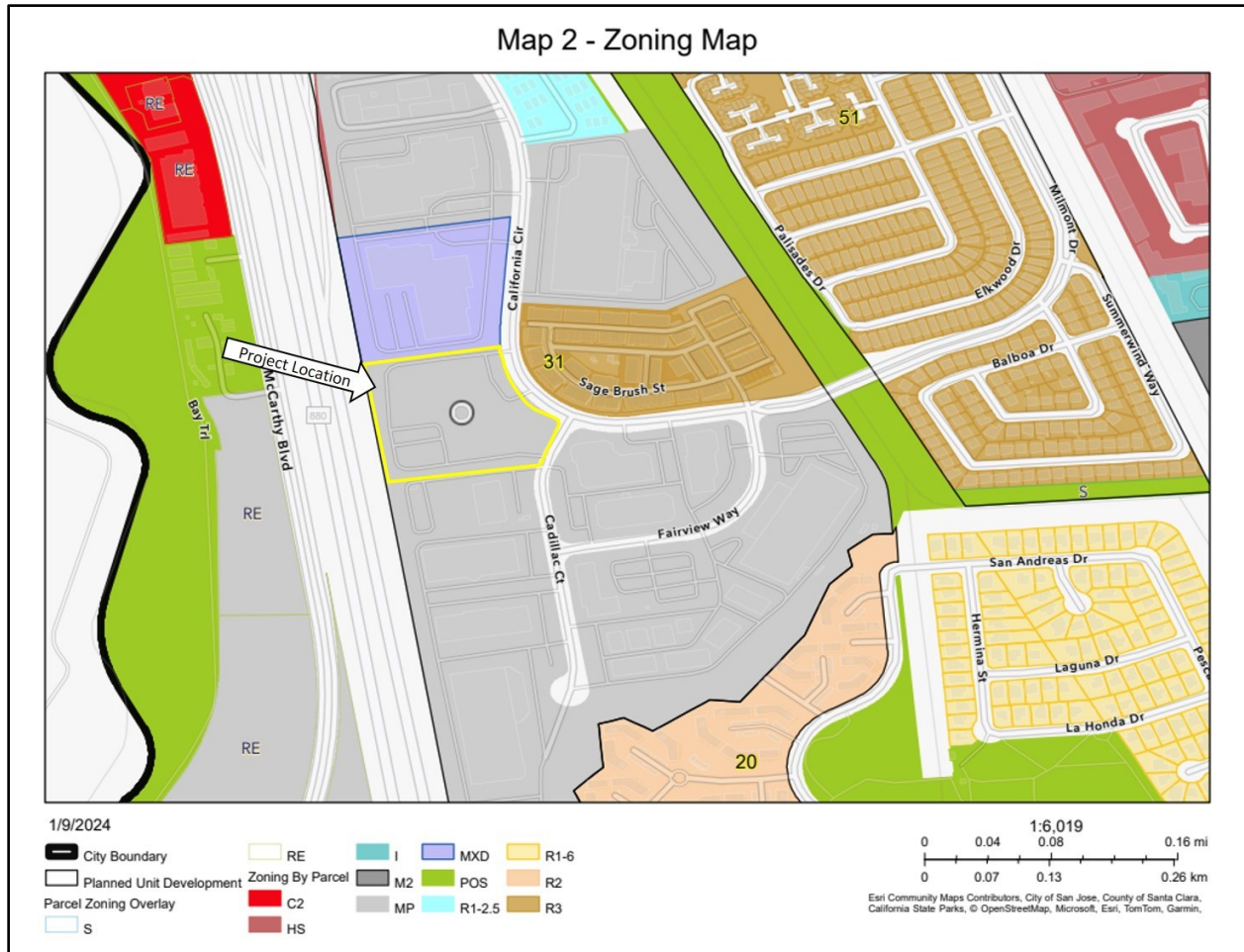
- Minor Nonvesting Tentative Map: To allow for the minor subdivision from one parcel into two parcels.

Staff reviewed the application and found it consistent with the policies, standards, and processes outlined in the Milpitas General Plan 2040 and Zoning Ordinance. This report provides specific details and analysis regarding their request.

Map 1: Project Location



Map 2: Zoning Map



PROJECT DESCRIPTION

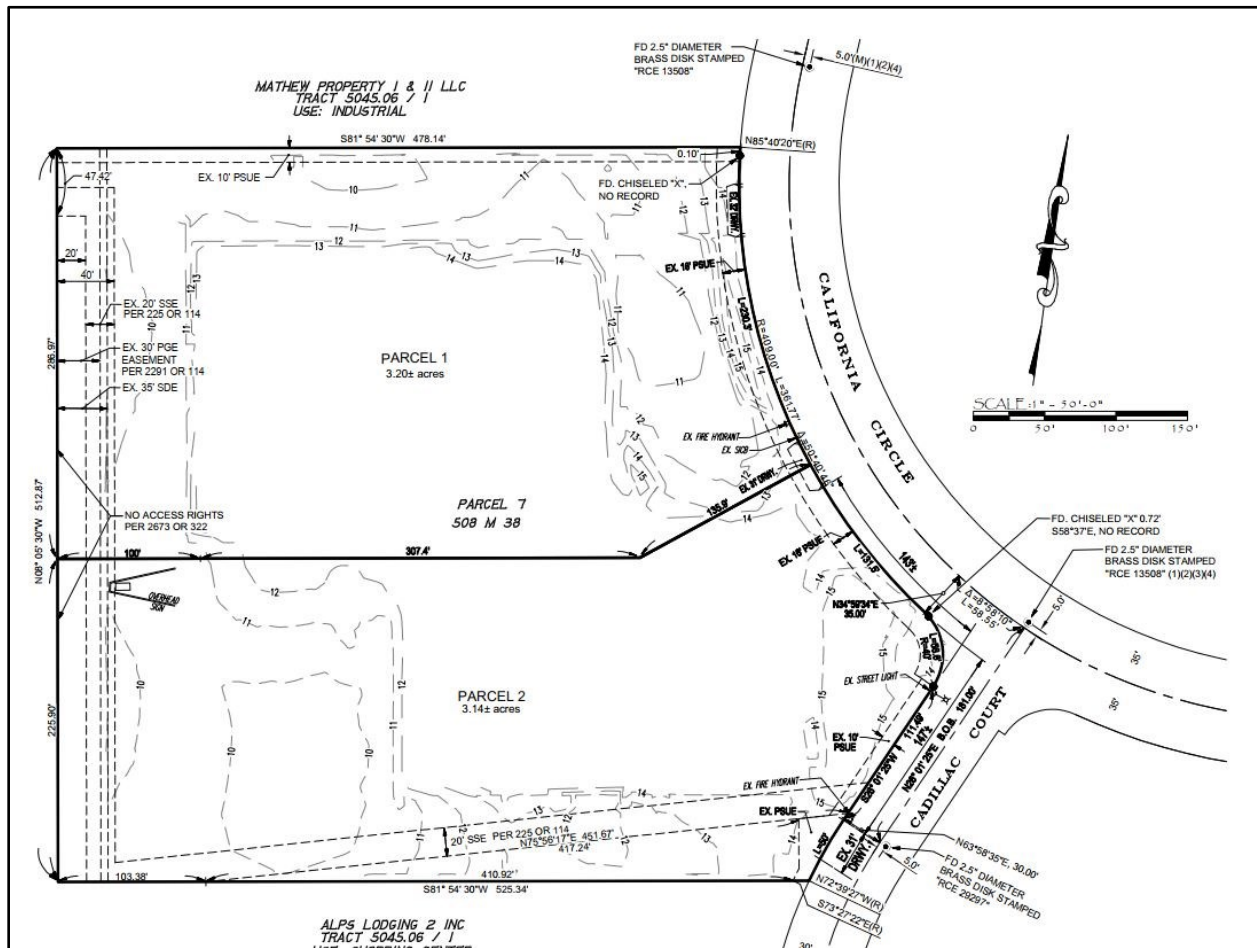
Overview

On August 29, 2023, Amrat Patel of RSVP Investments LLC applied for a Minor Nonvesting Tentative Map to subdivide a 6.34-acre vacant parcel at 1301 California Circle. If approved, the parcel would be subdivided into two new parcels. Parcel 1 would be approximately 3.20 acres in size, and Parcel 2 would be approximately 3.14 acres. Approval of the Minor Nonvesting Tentative Map Subdivision may be granted if the following findings are made:

- Pursuant to Section 66473.5 of the Government Code, the approving authority must find that the provided subdivision, together with the provisions for its design and improvement, are consistent with the City's general plan and any applicable specific plan, including compatibility with the objectives, policies, general land uses, and programs specified in those plans.
- Pursuant to Section 66474 of the Government Code, the approving authority shall deny approval of a tentative map if any of the seven criteria specified in that section are met.

Those findings are presented within this staff report. Figure 1 demonstrates the proposed California Circle Subdivision.

Figure 1: California Circle Subdivision



Location and Context

The existing parcel has a General Plan designation as "Neighborhood Commercial Mixed Use – NCMU" and a zoning designation as Industrial Park (MP) with a Planned Unit Designation (PUD) as PUD 31. Table 1 demonstrates the surrounding zoning designation and uses.

Table 1: Project Site Context

General Plan Designation:	Neighborhood Commercial Mixed-Use (NCMU)
Zoning:	Industrial Park (MP)
Surrounding Zoning and Uses North:	Neighborhood Commercial Mixed-Use (NCMU) / Future Multi-Family Residential Development

South:	Neighborhood Commercial Mixed-Use (NCMU) / SpringHill Suites - Hotel
East:	Interstate 880 Freeway
West:	High-Density Residential (HDR) / Multi-Family Residential Development - Townhomes

PROJECT ANALYSIS

A finding is a statement of fact relating to the information the Planning Commission has considered. This section will evaluate elements of the proposed Project for conformance with the Milpitas 2040 General Plan and Zoning Ordinance.

General Plan Conformance

The General Plan designation for the project site is Neighborhood Commercial Mixed-Use, which is a *designation 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* (pg. LU-6, General Plan 2040, City of Milpitas). Furthermore, *this designation also provides opportunities for vertical or horizontal mixed-use residential development to provide for area vibrancy and to encourage redevelopment.*

The proposed subdivision will create two new parcels, both over three acres in size. A three-acre parcel can generate up to 90 residential units or a 98,000 square foot commercial development, considered a substantially large residential or commercial development, and therefore consistent with the NCMU designation.

Zoning Conformance

The project site is currently zoned Industrial Park (MP) and within Planned Unit Development No. 31 (PUD 31). Since there are no subdivision requirements within PUD 31, the new parcel must only meet (or exceed) the lot area size and width required by the MP zoning district. Those standards are demonstrated within Milpitas Municipal Code (MMC) Table XI-10-7.03-1.

As demonstrated in Table 2, the proposed minor nonvesting tentative map subdivision is consistent with the applicable development standards of the MP zoning district.

Table 2: Summary of MP Development Standards

Development Standard (MP)	Required	Proposed	Conformance
Lot Area, minimum	Individual sites shall be of such size that all space requirements in this table are satisfied	Parcel 1 – 3.20 acres Parcel 2 – 3.14 acres	Yes, because no physical development is proposed at this time

Development Standard (MP)	Required	Proposed	Conformance
Lot Width, minimum	100 feet	Parcel 1 – 286.97 feet Parcel 2 – 225.90 feet	Yes

FINDINGS

A finding is a statement of fact relating to the information the Planning Commission has considered in making a decision. Findings explain the rationale behind the decision being made.

Minor Tentative Map

To approve the Minor Tentative Map, the Planning Commission must make the following findings pursuant to Milpitas Municipal Code Section XI-1-20.01:

1. *The tentative subdivision map is consistent with the General Plan and any applicable Specific Plan.*

The tentative subdivision map application is consistent with the Milpitas General Plan because the new parcels will be a size and width that can sustain substantial residential or commercial development, as intended for parcels in the NCMU designated areas. There is no applicable Specific Plan for this property and there are no development standards within Planned Unit Development (PUD) 31 that are inconsistent with the proposed tentative subdivision map.

2. *Furthermore, 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.*

The Minor Tentative Map is consistent with the Milpitas General Plan in that it will create two new parcels, both over three acres in size. A three-acre parcel can generate up to 90 residential units or a 98,000 square foot commercial development, considered a substantially large residential or commercial development, and therefore consistent with the NCMU designation. The project site is not located within a Specific Plan area.

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

The design of the proposed subdivision is consistent with the Milpitas General Plan. The design of the subdivision includes two parcels with approximately 286 and 225 linear feet of width, respectively, to provide ample land area for new development.

No physical improvements are proposed for this subdivision. The project site is not located within a Specific Plan area.

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

There is no proposal to develop at this time. Still, due to the area size, depth, and width of the new parcels, a developer could construct a large residential or commercial project onsite. The subdivision is within city limits, as no value as habitat for endangered, rare or threatened species, and can be adequately served by all required utilities and public services. Therefore, the site is physically suitable for the type of development the Milpitas General Plan and PUD 31 allows.

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

There is no proposal to develop currently. Still, each new parcel will be over three acres, which can sustain up to 90 residential units or a 98,000 square foot commercial development. Therefore, the site is physically suitable for the density of one unit per 1,500 square feet of nonresidential development that the Milpitas General Plan allows.

E. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The site is in an industrial area that does not contain existing fish or wildlife habitat. The parcel is not located in wetlands or waterways where substantial environmental damage or injury to fish, wildlife, or their habitat can occur.

F. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the subdivision will not impact the development in any manner because easements placed on the subdivision will allow both parcels to obtain and maintain adequate access and utility services to serve all existing and future developments onsite without harming public health.

G. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The property is located completely out of the public right-of-way, and any proposed private easements will allow adequate access and utility services to serve all existing and future structures onsite, which include a Public Services & Utility Easement (PSUE) along the northern lot line, a Sanitary Sewer Easement, Storm Drain Easement, and Pacific, Gas & Electric Easements along the western lot line.

ENVIRONMENTAL REVIEW

This Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Minor Land Division). No physical improvements are proposed for this subdivision. The Project is also exempt pursuant to CEQA Guidelines Section 15183 in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and no circumstances would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

PUBLIC COMMENT

Staff provided public notice for the application per City and State public noticing requirements. The City published a public hearing notice in the Milpitas Post on January 12, 2024, and sent notices via mail to residents and owners within 300 feet of the project site. A public notice was posted on the project site, to the City's Website, www.milpitas.gov, and outside of City Hall. When this report was published, City staff received no public comments.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and close the public hearing;
2. Consider the exemptions in accordance with CEQA;
3. Adopt Resolution No. 24-006 approving Minor Nonvesting Tentative Map No. TP23-0001, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

A: Resolution No. 24-006

B: Tentative Nonvesting Parcel Map

RESOLUTION NO. 24-006

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
APPROVING MINOR NONVESTING TENTATIVE MAP NO. TP23-0001 TO
SUBDIVIDE AN EXISTING 6.34-ACRE PARCEL INTO TWO PARCELS, LOCATED
AT 1301 CALIFORNIA CIRCLE
(APN 022-38-002)**

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 August 29, 2023, Amrat Patel of RSVP Investments, LLC (the “Applicant”) applied to the City of Milpitas for a Minor Nonvesting Tentative Map No. TP23-0001. The proposed subdivision (the “Project” or “project”) includes the following:

- *Minor Nonvesting Tentative Map*: To subdivide the existing 6.34-acre parcel into two parcels (approximately 3.20 acres and 3.14 acres, respectively) located at 1301 California Circle.

WHEREAS, the Project site is currently located within the Milpitas General Plan Designation as Neighborhood Commercial Mixed-Use (“NCMU”) and in the Industrial Park (“MP”) Zoning District with a Site and Architectural (“-S”) Overlay, and as a portion of Planned Unit Development 31 (“PUD 31”); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), which assessment determined that the proposed project is exempt from further CEQA review, each as a separate and independent basis, pursuant to Section 15315 (Minor Land Divisions) and Section 15183 (Projects consistent with a Community Plan, General Plan and Zoning) of the CEQA Guidelines); and

WHEREAS, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City’s General Plan, zoning standards, PUD standards, engineering design requirements and other applicable state and local regulations, as detailed in the staff report prepared for the Planning Commission; and

WHEREAS, on January 24, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on Project; and

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

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

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include, but is not limited to, 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. Record

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

SECTION 3. California Environmental Quality Act (CEQA)

The Planning Commission finds that the Project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions) and Section 15183 (Projects consistent with a Community Plan, General Plan and Zoning), in that the Project is a minor subdivision of one parcel into two parcels with no physical changes to the land associated with the project. The proposed subdivision is also consistent with the Milpitas General Plan as further discussed below.

SECTION 4. Minor Nonvesting Tentative Map Subdivision (Section XI-1-20.01)

The Planning Commission makes the following findings based on the evidence in the public record in support of Minor Nonvesting Tentative Map No. TP23-0001:

1. *The tentative subdivision map is consistent with the General Plan and any applicable Specific Plan.*

The tentative subdivision map application is consistent with the Milpitas General Plan because the new parcels will be a size and width that can sustain substantial residential or commercial development, as intended for parcels in the NCMU designated areas. There is no applicable Specific Plan for this property and there are no development standards within Planned Unit Development (PUD) 31 that are inconsistent with the proposed tentative subdivision map.

2. *Furthermore, 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.*

The Minor Tentative Map is consistent with the Milpitas General Plan in that it will create two new parcels, both over three acres in size. A three-acre parcel can generate up to 90 residential units or a 98,000 square foot commercial development, considered a substantially large residential or commercial development, and therefore consistent with the NCMU designation. The project site is not located within a Specific Plan area.

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

The design of the proposed subdivision is consistent with the Milpitas General Plan. The design of the subdivision includes two parcels with approximately 286 and 225 linear feet of width, respectively, to provide ample land area for new development. The project site is not located within a Specific Plan area.

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

There is no proposal to develop at this time. Still, due to the area size, depth, and width of the new parcels, a developer could construct a large residential or commercial project onsite. The subdivision is within city limits, as no value as habitat for endangered, rare or threatened species, and can be adequately served by all required utilities and public services. Therefore, the site is physically suitable for the type of development the Milpitas General Plan and PUD 31 permits.

- D. That the site is not physical suitable for the proposed density of development.*

There is no proposal to develop currently. Still, each new parcel will be over three acres, which can sustain up to 90 residential units or a 98,000 square foot commercial development. Therefore, the site is physically suitable for the density of one unit per 1,500 square feet of nonresidential development that the Milpitas General Plan allows.

- E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.*

The site is in an industrial area that does not contain existing fish or wildlife habitat. The parcel is not located in wetlands or waterways where substantial environmental damage or injury to fish, wildlife, or their habitat can occur.

- F. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the subdivision will not impact the development in any manner because easements placed on the subdivision will allow both parcels to obtain and maintain adequate access and utility services to serve all existing and future developments onsite without harming public health.

- G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The property is located completely out of the public right-of-way, and any proposed

private easements will allow adequate access and utility services to serve all existing and future structures onsite, which include a Public Services & Utility Easement (PSUE) along the northern lot line, a Sanitary Sewer Easement, Storm Drain Easement, and Pacific, Gas & Electric Easements along the western lot line.

SECTION 5. Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-006 approving Minor Nonvesting Tentative Map Subdivision No. TP23-0001, based on the above findings and subject to the Conditions of Approval, attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 24, 2024.

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 January 24, 2024 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana				
Dipak Awasthi				
Bill Chuan				
Michael Caulkins				
Alexander Galang				
Parveen Gupta				
Sonia Medina-Ashby				

EXHIBIT 1

TENTATIVE MINOR SUBDIVISION NO. TP23-0001

**TENTATIVE NONVESTING MINOR SUBDIVISION MAP TO
SUBDIVIDE ONE PARCEL INTO TWO PARCELS**

**RSVP INVESTMENTS, LLC
1301 CALIFORNIA CIRCLE
(APN 022-38-002)**

On January 24, 2024, the City of Milpitas Planning Commission approved Tentative Nonvesting Minor Subdivision Map No. TP23-0001 in accordance with Section XI-1-6.01 of the Milpitas Municipal Code, subject to all applicable State and local regulations and the conditions of use outlined below.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This **Minor Nonvesting Tentative Map Subdivision No. TP23-0001** ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. The Permittee shall develop the approved project in conformance with the map approved by the Planning Commission on January 24, 2024, in accordance with these Conditions of Approval. **(P)**
3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
4. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
5. Written Response to Conditions. As part of the issuance of additional City of Milpitas permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
6. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body

approved this Permit. **(P)**

7. 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. **(P)**
8. Permit Expiration. Pursuant to Section 66452.6 of the Government Code, the approved tentative map shall expire 24 months after its approval.
9. Time Extension. Pursuant to Section XI-10-6.02-2 of the Milpitas Zoning Code, the time for filing a parcel map may be extended by written consent of the City Planning Commission for a period or periods not exceeding two (2) years. **(P)**
10. Parcel Map Filing. Prior to expiration of approval or conditional approval of a tentative map or prior to the expiration of any extension of said approval or conditional approval the Subdivider shall cause the filing of a parcel map in accordance with the provision of Section 66463 and 66464 et. seq. of the Government Code and this chapter. **(P)**
11. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**
12. 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 applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(CA)**
13. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the adoption of this Resolution. **(ALL)**
14. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

15. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality (ALL)

ENGINEERING CONDITIONS OF APPROVAL

16. Private Street Improvements

- a. Improvements are to be constructed per City Standard Drawings, and all streets shall be paved and improved, after utilities are installed, in accordance with City of Milpitas Standard Drawings and Specifications in effect at the time of construction. (E)
- b. Pavement design and construction control shall be based on State of California "R" value method, using a minimum traffic index (TI) of 5.

<u>Type</u>	<u>Street Width Curb to Curb</u>
With Parking on both sides	36 feet
With Parking on one side	28 feet – 32 feet
With no Parking	26 feet

The back of curb is designated where rolled curbs are used. A minimum of a four foot wide sidewalk shall be constructed on one side of each street. (E)

- c. The minimum grade on any street shall not be less than 0.6% and cross slope shall not be less than 2%. The maximum grade shall be in accordance with City Standards Drawing No. 403. (E)
 - d. Cul-de-sac ends shall have a minimum radius of forty feet to face of curb. Nonstandard dead-ends shall be approved by the Fire Department. Maximum length of cul-de-sacs shall be 500 feet. (E)
 - e. Valley gutters shall not be used to provide drainage across any public street or intersection. (E)
17. Storm Drainage.
- a. Plans for complete underground storm drainage system in accordance with requirements

of City Engineer shall be approved prior to recordation of map. The drainage area is defined as the entire area that currently drains into the proposed subdivision. The system shall be designed to incorporate hydraulic grade lines no higher than two feet below the top of curb for the 10-year storm and the top of curb for the 100-year storm. Storm drains within the subdivision shall be private to the point of connection with the public storm drain system. Also, storm drains crossing private property boundary shall be located in a private mutual storm drain easement. (E)

- b. Plans for discharge of storm waters in Santa Clara Valley Water District (SCVWD) channels shall be approved by the SCVWD. (E)
- c. All storm runoff from roof drains on any residential structure shall be collected by a system to prevent runoff crossing into any adjacent properties. (E)

18. Domestic Water, Sanitary Sewer and Recycle Water Systems (Public Systems): Plans for water, sanitary sewer and irrigation facilities in accordance with requirements of the City Engineer shall be approved prior to recordation of Final Map. Also, fire hydrant location(s)/spacing shall be per Fire Department requirements. (E)

19. Improvements Plans, Agreements and Bonds:

- a. Complete improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer for all public improvements, private streets and storm drainage systems within the proposed subdivision prior to recordation of the Final Map. (E)
- b. All improvement agreements required in connection with said plans shall be submitted to and approved by City Council prior to recordation of Final Map. (E)
- c. Security for faithful performance and labor material each equal to 100% of the approved estimates of construction costs of public improvements shall be approved by City Engineer prior to recordation of the Final Map. Security for private street and private storm drainage construction is not required. (E)

20. Fees and Deposits: All fees and deposits required by the City shall be paid prior to recordation of the Final Map. (E)

21. Miscellaneous:

- a. If development is to be constructed in phases, master plans for the water mains, sanitary sewers, storm sewers, streetlights and signing and striping must be approved prior to the submittal of an improvement plan. The master plans are subject to review with any requested time extension of the approved Tentative Map. (E)
- b. Any existing utilities in conflict with the proposed lot design shall be relocated or replaced as determined by the City Engineer and at subdivider's cost. (E)
- c. Public Service Utility Easements (PSUE) are required to include the entire width of the

private street, water meter boxes and utility vaults and an additional minimum width of five feet on each side behind back of curb or back of sidewalk. **(E)**

- d. Any existing water wells on the property shall be reviewed by the City Engineer to determine if the well can be utilized by the city for its domestic water system. If use by City is determined, well site shall be dedicated to City. If not, well shall be abandoned in accordance with County Health Department standards/Santa Clara Valley Water District standards. **(E)**
- e. Grading may take place prior to recordation of the Final Map upon issuance of a grading permit by the Building Division. **(E)**
- f. Any necessary off-tract easements to serve the project shall be dedicated concurrently with the Final Map recordation. **(E)**
- g. A grading plan for the entire project shall be submitted and approved by the Building Division and Engineering Division prior to any consideration of improvement plans or master utility plans. **(E)**
- h. Where a masonry wall is required for sound mitigation or access limiting purposes, it shall be located in common areas or on private property, maintenance shall be the responsibility of the homeowners association. Certification of an acoustical engineer is required. Sight distance shall be accommodated as required by the Traffic Engineer. **(E)**
- i. Mailboxes shall be provided as required by US Postal Service but will not be inspected by the City. Contact the local Postmaster for further information. Structures to protect mailboxes may require Building, Engineering and Planning Division review. **(E)**
- j. Street lighting shall be designed by the subdivider's engineer and inspected by the Building Division. Signed lighting plans shall be submitted to the Building Division and designed to a minimum light intensity of safety lighting and street intersection (0.2 average foot candle). **(E)**
- k. On-site landscaping shall be completed prior to occupancy as required by the Planning Division and inspected by the Building Division. **(E)**
- l. Private street monuments shall be protected by boxes and covers. **(E)**
- m. Certification of all private streets/utilities/facilities by the developer's engineer is required prior to acceptance of the improvement for the tract (occupancy). **(E)**
- n. Prior to occupancy of any dwelling in the subdivision, all public and private improvements, including street lighting and signing (street names, etc.) and striping, shall be constructed and completed. **(E)**

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

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: _____

TENTATIVE PARCEL MAP

1301 CALIFORNIA CIRCLE PARCEL MAP

A Resubdivision of Parcel 7 of Parcel Map recorded
in Book 508, Page 38, Santa Clara County Records
City of Milpitas, Santa Clara County, California

October, 2023 Scale: 1"=50'

Sheet 1 of 1

OWNER: RSVIP INVESTMENTS, LLC
AMEET PATEL
3303 DEER HOLLOW DRIVE
DANVILLE, CALIFORNIA 94506
(510) 828-2085

MAP PREPARED BY: BAUMBACH AND PIAZZA, INC.
323 WEST ELM STREET
LODI, CALIFORNIA
(209) 368-6618, EXT. 12

PROJECT DESCRIPTION:
CREATE TWO PARCELS FROM ONE EXISTING PARCEL, AS
SHOWN.

PROJECT USES:
EXISTING: VACANT
PROPOSED: NEIGHBORHOOD COMMERCIAL MIXED-USE

UTILITIES AND FACILITIES:

WATER:	CITY OF MILPITAS
SEWER:	CITY OF MILPITAS
GAS & ELECTRIC:	PG&E
TELEPHONE:	AT & T
CABLE TV:	AT & T BROADBAND
STREET TREES:	CITY OF MILPITAS

FLOOD INFORMATION:
THE PROJECT SITE IS LOCATED WITHIN FLOOD ZONE AH,
WITH A BASE FLOOD ELEVATION DETERMINED TO BE
ELEVATION 15.0 BASED ON FIRM MAP NUMBER 06085C00581,
DATED FEBRUARY 19, 2014.

ASSESSOR PARCEL NUMBER:
022-38-002

SITUS ADDRESS:
1301 CALIFORNIA CIRCLE
MILPITAS, CALIFORNIA 95035

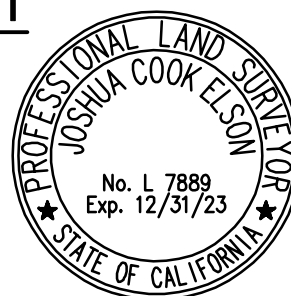
ZONING:
PLANNED UNIT DEVELOPMENT PUD 31
WITH UNDERLYING ZONING DISTRICT OF INDUSTRIAL PARK (MP)

GENERAL PLAN DESIGNATION:
NEIGHBORHOOD COMMERCIAL MIXED-USE (NCMU)

ENGINEER'S/SURVEYOR'S STATEMENT

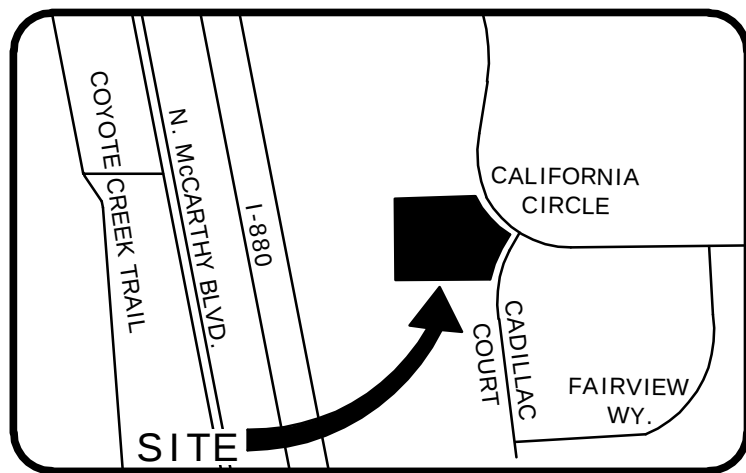
THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

JOSHUA COOK ELSON, PLS 7889
DATE 10-11-23



NOTES:

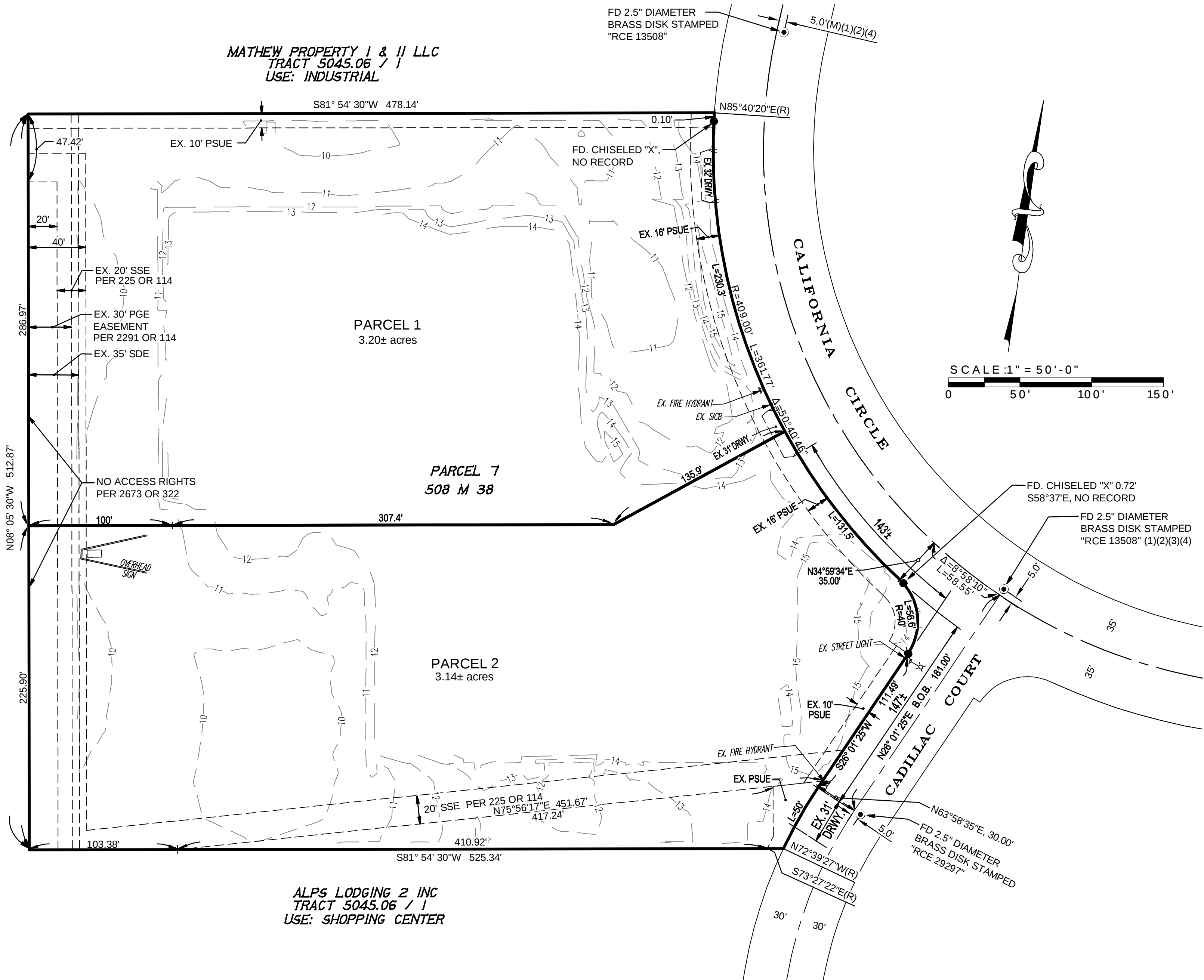
- ALL RECORDS ARE SANTA CLARA COUNTY RECORDS, VOLUME NUMBER PRECEDES PAGE NUMBER.
- ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- MONUMENT COORDINATES ON CADILLAC COURT ARE BASED ON CALIFORNIA STATE PLANE COORDINATE SYSTEM, NAD83, ZONE 3, TIED TO CITY OF MILPITAS BENCHMARK SYSTEM DATED FEBRUARY 21, 2002 BY STATIONS "CON-DIX" AND "MIL-TUR".
- DIMENSIONS ARE IN GROUND. MULTIPLY BY 0.9999461 TO OBTAIN GRID.
- GROSS AREA = 6.339 ACRES
- THIS PARCEL MAP WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF MILPITAS.
- ALL SOUND WALLS AND MASONRY WALLS, IF ANY SHALL BE PRIVATE FACILITIES AND MAINTAINED BY PROPERTY OWNERS.
- NO WELLS ARE KNOWN TO EXIT ON THIS SITE. ANY WELLS FOUND SHALL BE ABANDONED IN ACCORDANCE WITH VALLEY WATER DISTRICT STANDARDS.



VICINITY MAP
NO SCALE

CAUTION!!

DO NOT SCALE THIS
DRAWING IF BAR DOES
NOT MEASURE 1 INCH.



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF CADILLAC COURT, AS SHOWN ON THAT PARCEL MAP RECORDED OCTOBER 28, 1983 IN BOOK 520 OF MAPS PAGES 37-38 AS N 26°01'25" E.

LEGEND:

- | | |
|--------|---|
| B.O.B. | BASIS OF BEARINGS |
| FD | FOUND |
| PM | PARCEL MAP |
| EX. | EXISTING |
| SSE | SANITARY SEWER EASEMENT |
| SDE | STORM DRAIN EASEMENT |
| PSUE | PUBLIC SERVICES & UTILITY EASEMENT |
| PGE | PACIFIC, GAS & ELECTRIC |
| BK. | BOOK |
| O.R. | OFFICIAL RECORDS |
| PG. | PAGE |
| SICB | SIDE INLET CATCH BASIN |
| -0/- | ELEVATION CONTOUR |
| ● | FOUND MONUMENT AS NOTED |
| ● | FD 3/4" IRON ROD CAPPED AND STAMPED "BT TRONOFF LS 6415", NO RECORD |
| ● | FD STANDARD STREET MONUMENT, 2.5" BRASS DISK SET IN CONCRETE IN MONUMENT BOX, STAMPED "RCE 29297", UNLESS OTHERWISE NOTED |

REFERENCES

- 508 MAPS 38-40
- 520 MAPS 37-38
- 851 MAPS 35
- 900 MAPS 20-27
- BK. 2291 O.R. PG. 114
- 412 MAPS 12-13
- BK. C225 O.R. PG. 14
- BK. H986 O.R. PG. 41

