MEMORANDUM

Planning Department

Date: November 13, 2024
To: Planning Commission Sub-Committee
From: Michael Fossati, Senior Planner

Subject: **MIXED-USE BUILDING MODIFICATIONS – 1500 Centre Pointe Drive - P-SA24-0001** – A Site Development Permit Adjustment/Modification to allow an additional 38 residential apartment units, increase shared parking and residential floor area to a previously entitled mixed-use apartment building located at 1500 Centre Pointe Drive. The development will consist of one mixed-use building up to 65 feet in height (five stories), 399 residential apartment units and up to 24,121 square feet of retail space with associated site improvements (Project) on a 5.28-acre site. The Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15168(c)(2) (Program EIR). As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15182 (Projects pursuant to a Specific Plan).

Location: 1500 Centre Pointe Drive (APN: 086-33-102)

Zoning/GP: Metro Very High-Density Mixed Use (MXD3-Metro), Milpitas Metro Specific Plan (MMSP)

EXECUTIVE SUMMARY

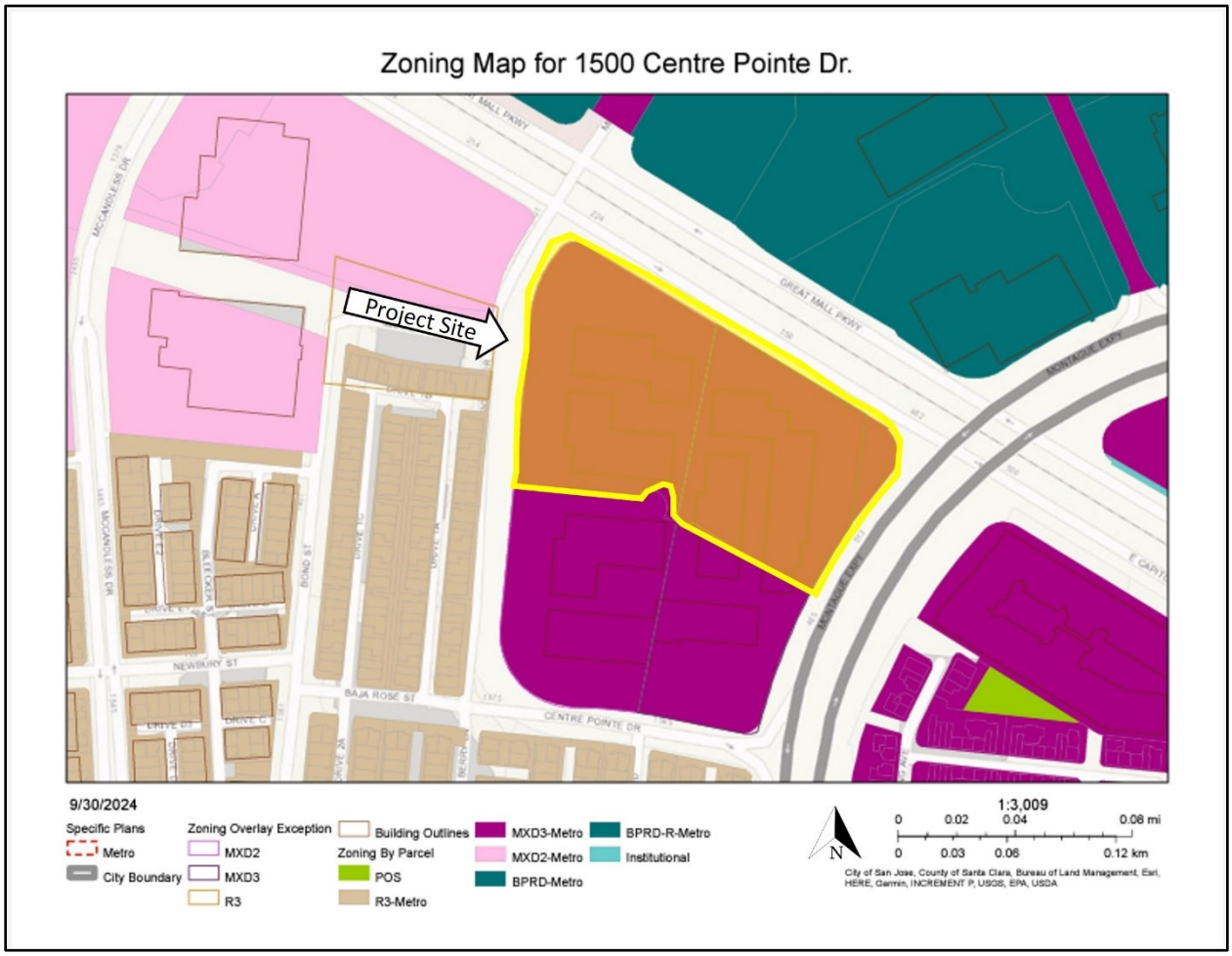
On February 7, 2024, Elaine Breeze of Summerhill Apartment Communities (SHAC) submitted a Site Development Amendment application to modify Phase 2 of a previously approved entitlement located at 1500 Centre Pointe Drive. The previously approved entitlement was for a mixed-use project consisting of 694 residential units and 36,500 square feet of ground floor commercial space in two, five-story buildings, developed in two phases.

Phase 1 consisted of the development of 333 apartment units and approximately 13,630 sq. ft. of commercial and office space in one mixed-use building (Building B). Phase 2 included the development of 361 residential units and approximately 24,121 sq. ft. of commercial and office space in another mixed-use building (Building A). Since that time, Building B has been fully developed and occupied, while no construction has occurred for Building A. The applicant has requested to increase the residential unit count within Building A by 38 apartment units, increasing the total amount of apartment units to 399. The increase of units will be done by reconfiguring the internal walls. Building A will remain five stories but will increase its overall floor area by 7,150 sq. ft.

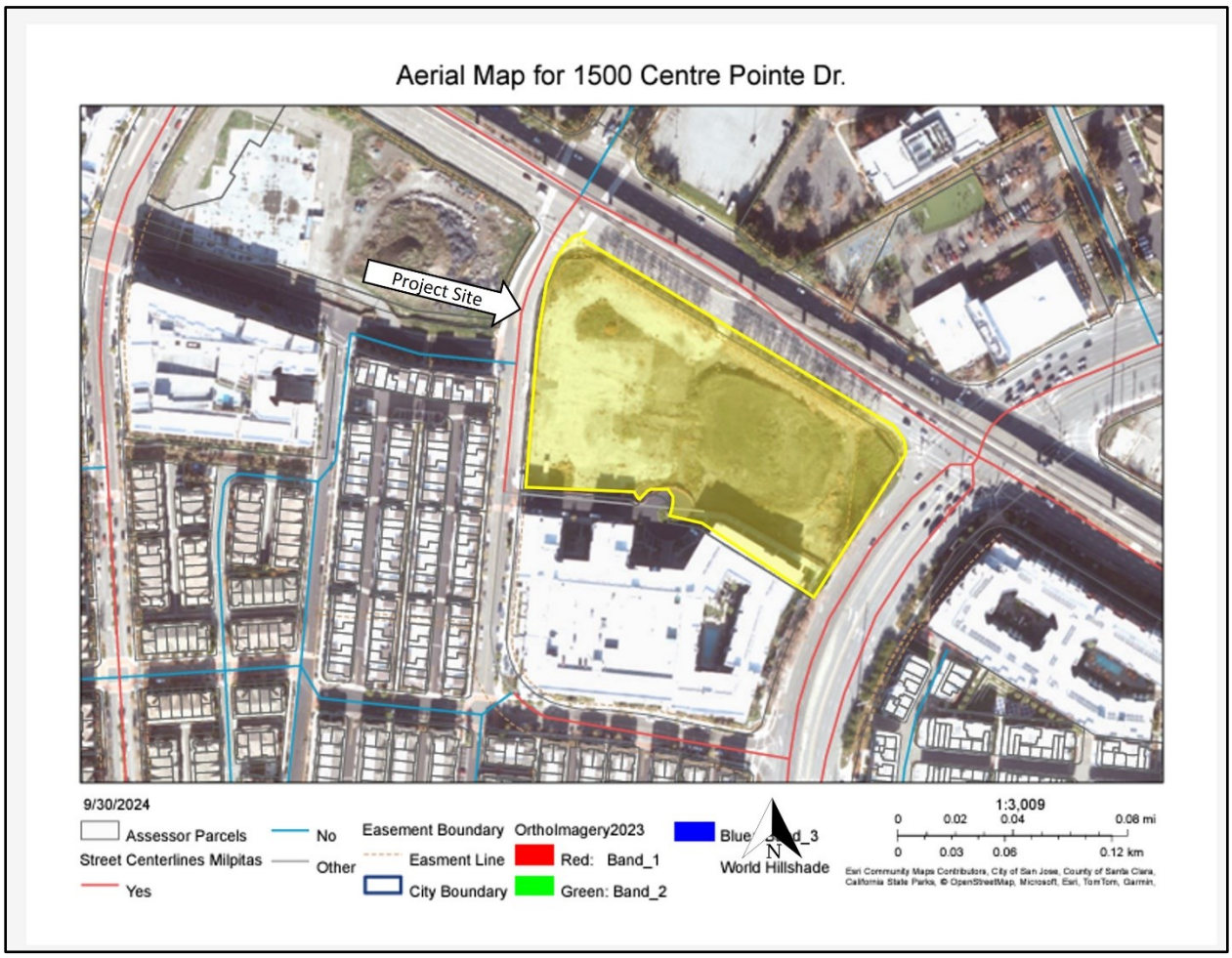
Additional modifications proposed include allowing for greater shared parking amenities, as discussed within this report. Per Milpitas Municipal Code (MMC) Section XI-10-57.03 (J), an applicant who wishes to modify a project, as approved, shall submit a revised plan to the city for review by the Planning Division. For applications that may be considered as a "significant modification without public impact or concern", the City has the right to have the project reviewed by the Planning Commission Subcommittee.

The Planning Division has determined that this Project qualifies as a "significant modification without public impact of concern," and shall be reviewed by the Planning Commission Subcommittee for approval. Maps 1 and 2 demonstrate the Project site's zoning designation and aerial location.

Map 1 – Zoning Map of 1500 Centre Pointe Dr.



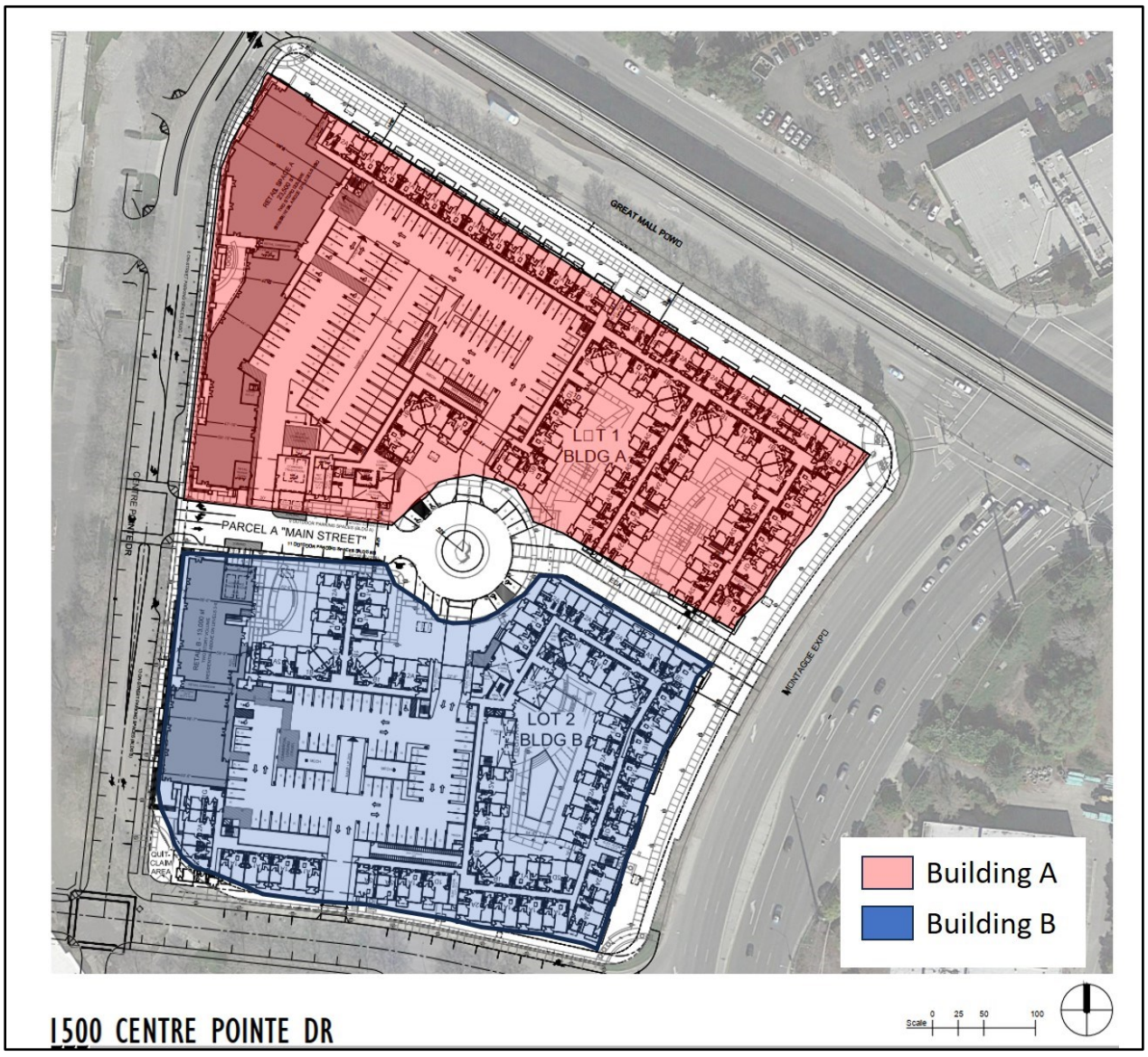
Map 2 – Aerial Map of 1500-1646 Centre Pointe Dr.



BACKGROUND

On May 3, 2016, the City Council approved the development of a new mixed-use project. The project consisted of 694 residential units and 36,500 square feet of ground floor commercial space in two, five-story buildings at 1500-1646 Centre Pointe Drive. Building A would consist of 361 residential units and approximately 24,100 sq. ft. of retail space. Building B would consist of 333 residential units and approximately 13,630 sq. ft. of retail space. The development can be viewed as Figure 1 below, with Building A represented in light red and Building B represented in light blue.

Figure 1 – Summerhill Development – 1500-1646 Centre Pointe Dr.



Due to unforeseen market conditions, the applicant has requested a modification to the previous entitlement. The application is as follows:

The Application

- Site Development (SD) Adjustment Permit: To increase the amount of residential apartment units within Building A by 38 units, increasing the total from 361 to 399. Additional modifications include increasing the residential floor area by 7,150 square feet (1.7 percent of the total square footage for the project) to convert 40 previously approved two-bedroom units into 80 junior, one-bedroom units and allowing for greater shared parking amenities (Project) without increasing the height of the structure.

PROJECT DESCRIPTION

Overview

The applicant would like to move forward with their second phase by developing Building A with minor modifications. If approved, the modifications would include:

- **Increase in residential units** - Adding 38 residential units to a project already approved for 361 units, increasing the total number of units with Building A to 399. The previously approved Project received a 25 percent increase in allowable density via a Conditional Use Permit (CUP), which allowed the applicant to develop up to an average maximum density of 86 du/acre. Since the amended Project's proposed 399 residential units on 5.28-acre lot, the new density would be equal 75.6 du/acre, which is less than the allowable 86 du/acre average density previously allowed.

  Increase in residential floor area – The applicant has proposed adding 7,150 square feet of residential space to facilitate the additional residential units. The square footage addition will be accommodated internally by incorporating creative design and minor increase/decrease of total square footages of unit types. The addition will not require the building to increase in overall size. Floor Area Ratio (FAR) is not affected, because the additional floor area is being used specifically for residential purposes and not increasing the size of the building. Furthermore, Building A would still be within the maximum allowable FAR for this site.

- **Vehicle Parking** – The applicant has requested approval to repurpose the guest parking by sharing the stalls with retail customers. Guest/retail shared parking will be provided outside the resident gated parking area. "Two-Hour Parking Limit" signs will be posted as stated in the previous conditions of approval. Shared Parking was previously approved via Conditional Use Permit No. UP15-0016. 56 tandem parking spaces will remain available only to residents, since the tandem parking is located on floors 2 – 5, behind the resident gated parking area. 29 parking spaces will be reserved for guests only, 39 parking spaces will be reserved for customers, and 49 parking spaces will be shared between guests and customers.

- **Additional Affordable Units** – The applicant will be proposing up to 38 more residential units that were originally proposed, from 361 residential units to 399 residential units. The applicant has agreed to provide nine residential units as affordable for both low- and moderate-income households, exceeding any applicable requirement of the Affordable Housing Ordinance for these new units.

Location and Context

The site was previously 9.84 acres in area and is bound by Great Mall Parkway, Montague Expressway, Centre Pointe Drive, west of the BART station and south of the Great Mall. Phase I of the Project developed "Building B" of the site on approximately 4.12 acres of the site. The remaining 5.68 acres are now the lot for "Building A" (5.28 acres) and the internal street known as "Parcel A" (0.40 acres) that separates "Building A" from "Building B", as shown within Figure 1.

Table 1: Surrounding Zoning and Land Uses

	General Plan	Specific Plan	Zoning	Existing Uses
Subject Site	Milpitas Metro Specific Plan (MMSP)	Boulevard Very High-Density Mixed Use (BVMU)	Metro Very High Density Mixed Use (MXD3-Metro)	Vacant Lot
North	Milpitas Metro Specific Plan (MMSP)	Business Park Research & Development, Limited Residential (BPRD-R)	Metro Business Park Research and Development, Limited Residential (BPRD-R-Metro)	Multi-Tenant Office
South	Milpitas Metro Specific Plan (MMSP)	Boulevard Very High-Density Mixed Use (BVMU)	Metro Very High-Density Mixed Use (MXD3-Metro)	High-Density Residential Mixed Use
West	Milpitas Metro Specific Plan (MMSP)	Residential Retail High-Density Mixed Use (RRMU)	Metro High-Density Mixed Use (MXD2-Metro)	Vacant Lot (future High-Density Residential Mixed Use)
East	Milpitas Metro Specific Plan (MMSP)	Boulevard Very High-Density Mixed Use (BVMU)	Metro Very High-Density Mixed Use (MXD3-Metro)	Multi-Family Residential

PROJECT ANALYSIS

General Plan Conformance

The Project site has a General Plan designation of being within the Milpitas Metro Specific Plan (MMSP). The purpose and intent of the MMSP area is "*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".* The proposed SD adjustment meets the General Plan's intent as follows in Table 2 below.

Table 2: General Plan Consistency

Policy	Conformance
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.*	**Consistent.** The Project includes a mixture of junior one bedroom, one-bedroom, two-bedroom, and three-bedroom residential units. Certain units will be priced as market rate, moderate-income, and low-income households to support the goal of increasing a variety of affordable housing options and opportunities within the Milpitas community.
Policy CD 1-2: Encourage infill development projects to accommodate contemporary uses and design and planning approaches and requirements in a manner that minimizes conflicts with the surrounding existing development.	**Consistent.** The contemporary design of the proposed infill, mixed-use development reflects the character of the Milpitas Metro area, positively contributing to the urban landscape and ensuring that the development is in harmony with existing and future neighborhoods.
Policy ED 2-4: Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.	**Consistent.** The mixed-use project will increase both property tax revenues by improving 5.28 acres of currently vacant land into a high quality, multi-family residential development and sales tax revenues by developing over 24,000 square feet of commercial and office space for future business owners to provide goods and services to the Milpitas community.

Specific Plan Conformance

The Project site is located within the Milpitas Metro Specific Plan (MMSP), and formerly the former Transit Area Specific Plan (TASP) Specific Plan. The Milpitas Metro Specific Plan *envisions vibrant, connected districts with active public spaces, employment centers, and affordable housing surrounding the Milpitas Transit Center* and *intentionally planned for more intense development that takes advantage of transit opportunities and the proximity of housing, jobs, services, and amenities close to each other*. The proposed density, design, and overall aesthetic reflect the type of projects consistent with the MMSP values. In an effort to confirm consistency with existing and future developments, the Project was reviewed against both the Milpitas Metro Specific Plan and the Transit Area Specific Plan policies.

Table 3 demonstrates the Project's consistency with the MMSP and Table 4 demonstrates the Project's consistency with TASP standards.

Table 3: MMSP Consistency

Policy	Conformance
Goal LU 1*:* Mix of Uses. *Provide a mix of land uses, including residential; neighborhood-serving, local, and regional retail and entertainment destinations; commercial; office; research and development facilities; parks; and public facilities, to create a complete neighborhood*.	**Consistent**. The Project supports a mix of uses that include affordable residential units, market-rate units, and commercial spaces that can be made available to host neighborhood-serving local uses.
Goal LU 6: Retail and Active Ground Floors*:* *Support a mix of neighborhood and regional serving retail and active ground floors that are compatible with surrounding land uses and are economically viable.*	**Consistent**. The Project includes over 24,000 square feet of commercial and office space in Building A to compliment the over 13,000 square feet of commercial and office space in Building B, both to support the leasing area for the apartment component and the future mix of a retail, active ground floor.

Policy	Conformance
Policy LU 3.2*:* *Accommodate housing for a range of housing types, income levels, and rental and ownership models, including the following:* • ***Live/work units*** • ***Group housing*** • ***Co-living*** • ***Senior housing*** • ***Student housing***	**Consistent.** The Project is providing a range of housing types, such as junior one-bedrooms, one-bedroom, two-bedrooms, and three-bedroom units, as well as more than 2,000 square feet of "work from home" amenity space, to allow individuals working from home the ability to work productively within their building.

Table 4: TASP Consistency

Policy	Conformance
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent**. The Project proposes to add an additional nine affordable units, dedicated to either moderate or low-income individuals or households.
Policy 3.4: *Provide a variety of housing types for different types of households, different income levels, different age groups, and different lifestyles.*	**Consistent**. The Project is providing a range of housing types, such as junior one-bedrooms, one-bedroom, two- bedrooms, and three-bedroom units, as well as more than 2,000 square feet of "work from home" amenity space, to allow individuals working from home the ability to work productively within their building.
Policy 3.8: *Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*	**Consistent.** The Project includes two buildings on 9.84 acres that span across MXD2 & MXD3 zoning districts. By incorporating both districts, the allowable density (with the approved CUP) is between 45 to 86 units/acre. The Project (developed as a contiguous development) has a density of 75.56 units per acre.

Zoning Conformance

The Project site is zoned Very High-Density Mixed-Use District (MXD3-Metro) within the Metro Specific Plan and Zoning Ordinance, but since the application was submitted before the MXD3-Metro zoning standards were approved, the zoning conformance analysis was completed using the former Transit Area Specific Plan (TASP) standards. Also, since the buildings span two separate zoning districts (MXD3-TOD and MXD2-TOD), the calculations for the development standards will reflect each zoning designation. As demonstrated in Tables 4 and 5, the Project is consistent with both zoning designations.

Table 4: Summary of MXD3-TOD Development Standards

Development Standard	Required	Proposed	Conformance
Density	Site Average Up to 86 du/acre due to 25% CUP	75.56 du/acre (399 du / 5.28 acres)	Yes (with approved CUP)
Front Setback	45 ft. from Montague Expressway	45 ft. from Montague Expressway	Yes
Side Setback (Street Side)	8-20 ft. from back of sidewalk	10 ft. from back of sidewalk	Yes
Building Height	12 stories / 150 ft.	5 stories / ~60 ft.	Yes

Table 5: Summary of MXD2-TOD Development Standards

Development Standard	Required	Proposed	Conformance
Density	Site Average Up to 86 du/acre due to 25% CUP	75.56 du/acre (399 du / 5.28 acres)	Yes (with approved CUP)
Front Setback	15 ft. from sidewalk on retail	15 ft. from retail	Yes
Side Setback (Street Side)	MXD2 – 8-20 ft. from sidewalk	MXD3 – 45 ft.	Yes
Building Height	12 stories / 150 ft.	5 stories / ~60 ft.	Yes

Parking

On May 3, 2015, the City Council approved a CUP to allow shared parking for the previous Project, which included parking for both Building A and B. Table 6 demonstrates how parking for both buildings were calculated at that time.

Table 6: Parking Summary for Building A (Initial Project)

	# of Residential Units / Retail Floor Area	Minimum Parking Required	Total Spaces
Residential			
Studio	20	0.8 per unit	16
1-Bedroom	193	1.2 per unit	232
2-Bedroom	148	1.6 per unit	237
Guest		15% of Required Spaces	73
Retail	23,500 sq. ft.	0.8 per 250 sq. ft. of retail space	75
Total Required			633
Total Provided Previously (with shared and street parking)			635

The applicant has proposed an additional 38 residential units (increasing the total units from 661 to 699), but no additional physical parking spaces. MMC Section XI-10-53.11 (C) allows shared parking via a CUP, which was approved for the initial project. The applicant provided a memorandum (Attachment C) from Hexagon Transportation Consultants (Hexagon) which studied the parking impacts by adding 38 additional residential units to the Project. Table 7 demonstrates how the proposed parking spaces will still be sufficient to meet the City's requirements on overall parking spaces and the intent of the CUP to continue allowing the shared parking concept.

Table 7: Parking Summary for Building A (Proposed Project)

	# of Residential Units	Minimum Parking Required	Total Spaces
Residential			
Jr. 1-Bedroom	92	0.8 per unit	74
1-Bedroom	204	1.2 per unit	245
2-Bedroom	93	1.6 per unit	149
3-Bedroom	10	1.6 per unit	16
Guest		15% of Required Spaces	78
Retail	23,500 sq. ft.	0.8 per 250 sq. ft. of retail space	75
Total Required			621
Total Provided (with shared and street parking)			648

In total, there would be 230 vehicle spaces specifically for non-residents, guests and retail customers, located outside the gate and on the street.

According to the Hexagon memo, "*this number of shared parking spaces would meet the required 190 shared parking spaces in the conditions of approval for the Centre Point project and would also be enough the serve the maximum parking demand of 217 spaces as shown in the shared parking analysis conducted by Fehr & Peers*." The shared parking is under the assumption no more than 10,000 square feet of restaurant. Staff has added a condition that no more than 10,000 square feet of floor area is permitted for restaurant use within Building A, unless approved by the Planning Director or their designee through the modification or amendment process specified in Section XI-10-57.03(J) of the Municipal Code.

Affordable Housing

On February 2, 2022, the City Council approved the Affordable Housing Ordinance (AHO). Per the AHO "*all new residential development projects of ten units or more designated and intended for permanent occupancy shall construct 15 percent of the total number of dwelling units within the development as affordable units.*" The Project was entitled to develop 361 units prior to the AHO being approved.

The applicant has agreed to develop nine (24%) of the 38 units into either low- or moderate-income units, and therefore exceeding any necessary compliance with the Affordable Housing Ordinance for the new units. Six (15%) of the units will be designated for low-income households, while three (9%) will be designated for moderate-income households, demonstrating compliance with MMC Section XII-1-3.01 (Allocation of Units to Income Levels). Furthermore, the units will meet distributed proportionally, developed with the same quality of materials as the market-rate units, and will have the same access to the amenities of the building, as conditioned (see Condition 25 and 26 of Reso 24-029).

Findings for Approval:

Findings shall identify the rationale behind the decision to take a certain action. Each required finding within the Milpitas Municipal Code Section XI-10-57.03 (G) to approve the Site Development Adjustment have been analyzed below:

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 includes a building that will incorporate a high quality contemporary architectural design, a comparable height with nearby structures, and a mix of architectural finish materials that are consistent with the other mixed-use developments already developed. The addition of 38 residential units will not have a negative impact on the design, which is compatible and harmonious with the mixed-use and multi-family neighborhoods and communities in the immediate area since the addition will not add any floor area or height to the previously approved design.

2. The project is consistent with the Milpitas Zoning Ordinance.

The Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4 and 5 above. The Project was compared against both the previous zoning standards (High Density Mixed-Use within a Transit Oriented Development Overlay "MXD2-TOD" and Very High Density Mixed-Use "MXD3-TOD") and the policies for the current zoning (Metro Very High Density Mixed-Use "MXD-3 Metro) and found to be in compliance with the objective standards within the previous Milpitas Zoning Ordinance. Moreover, the Project is also consistent with the intent of the MXD-3 Metro policy which states "*the purpose of the MXD-3 Metro zoning district is to create and enhance urban areas characterized by a mix of very-high density housing, retail and employment uses.*" The Project incorporates both high density housing options with supporting retail space to serve both apartment residents and the nearby neighborhoods.

3. The project is consistent with the Milpitas General Plan.

The Project is consistent with the Milpitas General Plan, as demonstrated in Table 2 above. Even with the increase of units, the Project will support General Plan policies that include continuing to provide a variety of housing types through infill development methods and increase revenues through property sales tax adjustments once constructed and occupied.

4. The project is consistent with the Milpitas Metro Specific Plan

The Project is consistent with both the Transit Area Specific Plan (TASP) standards and Milpitas Metro Specific Plan (MMSP) policies, as demonstrated in Table 3 and 4 above. The Project will provide opportunities for business owners to operate within the City as well as create residential units to support the City's housing obligations to the State of California. Lastly, the Project will approve the redevelopment of a vacant site, which provides little value to the City and Milpitas community.

5. The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building;

The Project is thoughtfully designed to harmonize with the neighborhood's character while introducing contemporary architectural elements. The choice of materials, such as stucco, tile veneer, wood accents, fiber cement siding, and masonry, provides a textured and varied facade that complements nearby structures. Individual balconies give residents private outdoor space, creating a sense of personal connection to the surroundings. Tall storefront windows and metal canopies enhance the retail areas, inviting community interaction and adding visual interest at the pedestrian level. By screening roof equipment and ensuring the parking structure remains unseen, the design prioritizes a clean, cohesive appearance that respects the expectations of both neighbors and future occupants.

6. *The development assures that modifications satisfy functional requirements, and are screened with appropriate compatible materials; and;*

Allowing the Project modifications meet functional needs of creating residential space while maintaining visual cohesion with the neighborhood. The design carefully incorporates compatible materials, such as stucco, wood accents, and masonry, to blend with the existing character and surroundings. Thoughtful screening of functional elements, like rooftop equipment and parking structures, further ensures that all aspects are seamlessly integrated and visually appealing from the public right of way.

7. *The development assures that the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.*

The Project is strategically positioned to minimize direct lines of sight into neighboring residences by facing the majority of windows towards the east and south, ensuring privacy is maintained. Noise mitigation measures, such as sound-insulating materials and dual-pane windows, are incorporated to reduce any impact on nearby properties, preserving a peaceful environment. Additionally, the building height and orientation has been carefully considered to prevent obstruction of significant views, allowing residents of neighboring properties to continue enjoying their scenic surroundings.

California Environmental Quality Act (CEQA):

The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15168(c)(2) (Program EIR) since the Project scope is consistent with the Milpitas Metro Specific Plan Supplemental EIR (SCH Number 2006032091) in that the proposed density and type of development was contemplated at that specific location and CEQA Guidelines Section 15182 (Projects Consistent with a Specific Plan) in that the minor modification of additional units is within the density limits assumed within the supplemental EIR and specific plan.

Recommendation:

Staff recommends that the Planning Commission Subcommittee approve Resolution No. 24-029 and P-SA24-0001 to add 38 additional apartment units (totaling 399 apartment units) and other minor modifications to a previously approved five-story, 361 residential unit, mixed-use building on a 5.28-acre lot within the Milpitas Metro Specific Plan (MMSP) Area and

Boulevard Very High-Density Mixed Use (BVMU) Specific Plan Area located at 1500 Centre Pointe Drive, subject to the findings outlined in this report and the attached Conditions of Approval.

Attachments:

A. Conditions of Approval
B. Project Plans
C. Shared Parking Confirmation for Centre Pointe Building A in Milpitas, California Memorandum, dated April 5, 2024.

RESOLUTION NO. 24-029

A RESOLUTION OF THE PLANNING COMMISSION SUBCOMMITTEE OF THE CITY OF MILPITAS, APPROVING SITE DEVELOPMENT AMENDMENT NO. SA24-0001 TO ALLOW AN ADDITIONAL 38 RESIDENTIAL APARTMENT UNITS (TOTALLING 399 APARTMENT UNITS) TO A PREVIOUSLY APPROVED FIVE-STORY, 361 RESIDENTIAL UNIT, MIXED-USE BUILDING ON A 5.28-ACRE SITE IN THE METRO VERY HIGH DENSITY MIXED-USE (MXD3-METRO) ZONING DISTRICT AND MILPITAS METRO SPECIFIC PLAN AREA (MMSP) LOCATED AT 1500 CENTRE POINE DR. (APN 086-32-102) AND MAKING THE FINDING OF CEQA EXEMPTION

WHEREAS, on May 3, 2016, the City Council approved a Site Development Permit, Conditional Use Permit, and Vesting Tentative Map for Summerhill Apartment Communities to allow the construction of two mixed-use buildings with 694 residential units, 36,500 square feet of ground floor commercial space, and other associated site improvements on a 9.84 acre site located at 1500-1646 Centre Pointe Drive, located within the Transit Area Specific Plan ("TASP") and Milpitas Metro Specific Plan ("MMSP") area; and

WHEREAS, on April 12, 2017, the Planning Commission approved Summerhill Apartment Communities to subdivide the 9.84-acre parcel into two separate parcels ("Parcel Map"). The Applicant had proposed to develop the two mixed-use buildings in two phases and two separate parcels. 361 residential units and up to 23,500 square feet of ground floor commercial space ("Building A") would be developed on the newly created 5.28-acre parcel, while 333 residential units and approximately 12,000 square feet of ground floor commercial space ("Building B") would be developed on the newly created 4.56-acre parcel; and

WHEREAS, on December 12, 2018, the City of Milpitas issued a Building Permit ("B-BP17-0156) to commence construction of Building B, which was completed and received a certificate of occupancy on July 23, 2021, while the 5.28-acre parcel designated for Building A remained undeveloped; and

WHEREAS, on February 7, 2024, Elaine Breeze of Summerhill Apartment Communities (Applicant) applied to the City of Milpitas for Site Development Adjustment Permit No. SA24-0001 to modify Building A. The proposed modification (the "Project") includes the following:

> *Site Development Adjustment Permit:* To increase the amount of residential apartment units within Building A by 38 units, increasing the total from 361 to 399. Additional modifications include increasing the floor area by 7,150 square feet (1.7% if the total square footage for the project) to convert 40 previously approved two-bedroom units into 80 junior, one-bedroom units and include allowing for greater shared parking amenities.

WHEREAS, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City's General Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail within City memorandum to the Planning Commission ("PC") Subcommittee; and

WHEREAS, on November 13, 2024, held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

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

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

SECTION 1. Recitals

The PC Subcommittee has duly considered the full record before it, which may include but is not limited to such things as the City memorandum, testimony by staff and the public, and other materials and evidence submitted or provided to the PC Subcommittee. 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)

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15168(c)(2) (Program EIR); and as a separate and independent basis, CEQA Guidelines Section 15182 (Projects Consistent with a Specific Plan). The Project scope is consistent with the Milpitas Metro Specific Plan Supplemental EIR (SCH Number 2006032091) in that the proposed density and type of development was contemplated at the specific location and the minor modifications of additional units is within the density limits assumed within the supplemental EIR and specific plan.

SECTION 4. Development Fees

The project is subject to the Transit Area Specific Plan Development Impact Fee (TADIF), Parkland Impact Fee, Public Art Fee, and a fee in-lieu of creating affordable housing. The City Council finds and determines, based upon the full record before it, including studies, analysis, and approvals supporting the adoption of these fees that there is an essential nexus between these fees and the Project and these fees are roughly proportional to the Project's impact on the City's land use and other interests.

The purpose of the TADIF fees, as adopted on March 4, 2014, by Resolution No. 8344 of the Milpitas City Council, is to finance basic public infrastructure facilities, as identified in the Basic Infrastructure Program, as amended, that are needed to provide essential public services and assure public safety for new development within the Transit Area Specific Plan (TASP) area. The

Project will be supported by the basic infrastructure facilities financed by the TADIF. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the TADIF and the Project, which those facilities will support.

In adopting the TADIF, the City relied on a nexus study to ensure that each project within the TASP area would pay only its fair share of the basic public infrastructure facilities. The nexus study relied on the uses and densities of the parcels within the plan area in calculating the TADIF fee to be applied. The Project has the same use as contemplated in the nexus study. As such, the TADIF fees owed by the project will be roughly proportional to the basic public infrastructure facilities that the project will require. The Council finds that TADIF fee is roughly proportional to the Project's impact on the City's land use interest.

The purposed of the Parkland Impact Fee, as adopted on June 15, 1976, by Ordinance No. 18.17 and amended thereafter, is to finance open space for park or recreational purposes as a condition of approval of a subdivision map as contemplated by the Subdivision Map Act. The city has adopted a General Plan containing a Recreation Element with definite principles and standards for the park and recreational facilities to serve the residents of the city and through this obligation requires dedication of land, payment of a fee, or both to proportionately contribute to this plan and provide park and recreational facilities to serve future residents of such subdivision. The Project will be supported by the infrastructure financed by the Parkland Impact Fee. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the fee and the Project, which those facilities will support.

In adopting and updating over time the Parkland Impact Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities. The City found and determined through this study that the public interest, convenience, health, welfare, and safety require that eighteen and one-half (18-½) acres of property, for each one thousand (1,000) persons residing within this City, be devoted to park and recreational purposes. This fee is made proportionate to the population of each project and the consequent increase in infrastructure for this additional residential need. The land and fees received are used only for the purpose of providing park and recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. The Council finds that Parkland Impact Fee is roughly proportional to the Project's impact on the City's land use interest.

The purpose of the Public Art Fee, as adopted on May 19, 2015, by Ordinance No. 38.821, promote the aesthetics and arts in the City of Milpitas by requiring the inclusion of a public artwork component in new private development projects in Milpitas. Developers may either include publicly accessible works of art of placement in the development itself or contribute a Public Art Program In-Lieu Contribution as a condition of project approval. This obligation therefore should foremost provide a direct public infrastructure improvement in the Project itself and only require contribution at the applicant's decision not to install improvements within the Project. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the fee and the Project, which those facilities will support.

In adopting the Public Art Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities. The City found and determined through this study that the public interest, convenience, health, welfare and safety require that private residential building developments of 20 or more new dwelling units shall devote an amount not less than one-half of one percent of Building Development Costs for acquisition and installation of Publicly Accessible Art on the development site. This obligation therefore proportionally requires the developer to contribute proportionately in the first instance to the aesthetics and arts for the Project itself. The Council finds that the Public Art Fee is roughly proportional to the Project's impact on the City's land use interest.

The purpose of fees paid in lieu of the creation of affordable units that the applicant would otherwise be required to construct pursuant to Chapter 1 – Affordable Housing Ordinance of Title XII – Housing within the Milpitas Municipal Code are for requirements to construct fractional units of less than 0.5 units as set forth in Milpitas Municipal Code Section XII-1-3.00 – 15 Percent Affordability Requirement.

In adopting an in-lieu fee for affordable housing, the City found and determined affordable housing investment enhances the public welfare and assures that further housing development contributes to the attainment of the City's housing goals by increasing the production of residential units affordable by households of very low, low and moderate income. Furthermore, the affordable housing fee will assure that the limited remaining developable land in the City's planning area is utilized in a manner consistent with the City's housing policies and needs. This obligation is determined and calculated based on the gross square footage constructed for each new residential use, taking into account any fee credits that would be applicable based on existing building area. While accessory dwelling units are not counted towards either calculating or meeting the 15% on-site affordable housing requirement pursuant to Milpitas Municipal Code Section XII-1-3.00, any payment of in-lieu fees must be based on the total gross square footage of all dwelling units developed as part of the project, including any accessory dwelling units. The Council finds that the Public Art Fee is roughly proportional to the Project's impact on the City's land use interest.

SECTION 5: Site Development Amendment Permit (Section XI-10-57.03(G)

The PC Subcommittee makes the following findings based on the evidence in the public record in support of Site Development Amendment Permit No. SA24-0001:

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 includes a building that will incorporate a high quality contemporary architectural design, a comparable height with nearby structures, and a mix of architectural finish materials that are consistent with the other mixed-use developments already developed. The addition of 38 residential units will not have a negative impact on the design, which is compatible and harmonious with the mixed-use and multi-family neighborhoods and communities in the immediate area since the addition will not add any floor area or height to the previously approved design.

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

The Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 1 and 2 below.

Table 1: Summary of MXD3-TOD Development Standards

Development Standard (MXD3-TOD)	Required	Proposed	Conformance
Density	Site Average Up to 86 du/acre due to 25% CUP	75.56 du/acre (399 du / 5.28 acres)	Yes (with approved CUP)
Front Setback	45 ft. from Montague Expressway	45 ft. from Montague Expressway	Yes
Side Setback (Street Side)	8-20 ft. from back of sidewalk	10 ft. from back of sidewalk	Yes
Building Height	12 stories / 150 ft.	5 stories / ~60 ft.	Yes

Table 2: Summary of MXD2-TOD Development Standards

Development Standard (MXD3-TOD)[CC1][MF2]	Required	Proposed	Conformance
Density	Site Average Up to 86 du/acre due to 25% CUP	75.56 du/acre (399 du / 5.28 acres)	Yes (with approved CUP)
Front Setback	15 ft. from sidewalk on retail	15 ft. from retail	Yes
Side Setback (Street Side)	MXD2 – 8-20 ft. from sidewalk	MXD3 – 45 ft.	Yes
Building Height	12 stories / 150 ft.	5 stories / ~60 ft.	Yes

The Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4 and 5 above. The Project was compared against both the previous zoning standards (High Density Mixed-Use within a Transit Oriented Development Overlay "MXD2-TOD" and Very High Density Mixed-Use "MXD3-TOD") and the policies for the current zoning (Metro Very High Density Mixed-Use "MXD-3 Metro) and found to be in compliance with the objective standards within the previous Milpitas Zoning Ordinance. Moreover, the

Project is also consistent with the intent of the MXD-3 Metro policy which states "the purpose of the MXD-3 Metro zoning district is to create and enhance urban areas characterized by a mix of very-high density housing, retail and employment uses." The Project incorporates both high density housing options with supporting retail space to serve both apartment residents and the nearby neighborhoods.

3. *The proposed use must be consistent with the General Plan.*

The Project is consistent with the Milpitas General Plan, as demonstrated in Table 3 below. Even with the increase of units, the Project will support General Plan policies that include continuing to provide a variety of housing types through infill development methods and increase revenues through property sales tax adjustments once constructed and occupied.

Table 3: General Plan Consistency

Policy	Conformance
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.*	**Consistent.** The Project includes a mixture of junior one bedroom, one-bedroom, two-bedroom, and three-bedroom residential units. Certain units will be priced as market rate, moderate-income, and low-income households to support the goal of increasing a variety of affordable housing options and opportunities within the Milpitas community.
Policy CD 1-2: *Encourage infill development projects to accommodate contemporary uses and design and planning approaches and requirements in a manner that minimizes conflicts with the surrounding existing development.*	**Consistent.** The contemporary design of the proposed infill, mixed-use development reflects the character of the Milpitas Metro area, positively contributing to the urban landscape and ensuring that the development is in harmony with existing and future neighborhoods.
Policy ED 2-4*: Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.*	**Consistent.** The mixed-use project will increase both property tax revenues by improving 5.28 acres of currently vacant land into a high quality, multi-family residential development and sales tax revenues by developing over 22,000 square feet of retail, commercial space for future business owners to provide goods and services to the Milpitas community.

4. *The proposed use must be consistent with the Milpitas Metro Specific Plan.*

The Project is consistent with both the Transit Area Specific Plan (TASP) standards and Milpitas Metro Specific Plan (MMSP) policies, as demonstrated in Table 4 and 5 below. The Project will provide opportunities for business owners to operate within the City as

well as create residential units to support the City's housing obligations to the State of California. Lastly, the Project will approve the redevelopment of a vacant site, which provides little value to the City and Milpitas community.

Table 4: MMSP Consistency

Policy	Conformance
Goal LU 1*:* Mix of Uses. *Provide a mix of land uses, including residential; neighborhood-serving, local, and regional retail and entertainment destinations; commercial; office; research and development facilities; parks; and public facilities, to create a complete neighborhood*.	**Consistent**. The Project supports a mix of uses that include affordable residential units, market-rate units, and commercial spaces that can be made available to host neighborhood-serving local uses.
Goal LU 6: Retail and Active Ground Floors*:* *Support a mix of neighborhood and regional serving retail and active ground floors that are compatible with surrounding land uses and are economically viable.*	**Consistent**. The Project includes over 24,000 square feet of commercial and office space in Building A to compliment the over 13,000 square feet of commercial and office space in Building B, both to support the leasing area for the apartment component and the future mix of a retail, active ground floor.
Policy LU 3.2*:* *Accommodate housing for a range of housing types, income levels, and rental and ownership models, including the following:* • ***Live/work units*** • ***Group housing*** • ***Co-living*** • ***Senior housing*** • ***Student housing***	**Consistent.** The Project is providing a range of housing types, such as junior one-bedrooms, one-bedroom, two- bedrooms, and three-bedroom units, as well as more than 2,000 square feet of "work from home" amenity space, to allow individuals working from home the ability to work productively within their building.

Table 5: TASP Consistency

Policy	Conformance
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent**. The Project proposes to add an additional nine affordable units, dedicated to either moderate or low-income individuals or households.

Policy	Conformance
Policy 3.4: *Provide a variety of housing types for different types of households, different income levels, different age groups, and different lifestyles.*	**Consistent**. The Project is providing a range of housing types, such as junior one-bedrooms, one-bedroom, two- bedrooms, and three-bedroom units, as well as more than 2,000 square feet of "work from home" amenity space, to allow individuals working from home the ability to work productively within their building.
Policy 3.8: *Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*	**Consistent.** The Project includes two buildings on 9.84 acres that span across MXD2 & MXD3 zoning districts. By incorporating both districts, the allowable density (with the approved CUP) is between 45 to 86 units/acre. The Project (developed as a contiguous development) has a density of 75.56 units per acre.

5. *The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building;*

   The Project is thoughtfully designed to harmonize with the neighborhood's character while introducing contemporary architectural elements. The choice of materials, such as stucco, tile veneer, wood accents, fiber cement siding, and masonry, provides a textured and varied facade that complements nearby structures. Individual balconies give residents private outdoor space, creating a sense of personal connection to the surroundings. Tall storefront windows and metal canopies enhance the retail areas, inviting community interaction and adding visual interest at the pedestrian level. By screening roof equipment and ensuring the parking structure remains unseen, the design prioritizes a clean, cohesive appearance that respects the expectations of both neighbors and future occupants.

6. *The development assures that modifications satisfy functional requirements, and are screened with appropriate compatible materials; and;*

   Allowing the Project modifications meet functional needs of creating residential space while maintaining visual cohesion with the neighborhood. The design carefully incorporates compatible materials, such as stucco, wood accents, and masonry, to blend with the existing character and surroundings. Thoughtful screening of functional elements, like rooftop equipment and parking structures, further ensures that all aspects are seamlessly integrated and visually appealing from the public right of way.

7. *The development assures that the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.*

The Project is strategically positioned to minimize direct lines of sight into neighboring residences by facing the majority of windows towards the east and south, ensuring privacy is maintained. Noise mitigation measures, such as sound-insulating materials and dual-pane windows, are incorporated to reduce any impact on nearby properties, preserving a peaceful environment. Additionally, the building height and orientation has been carefully considered to prevent obstruction of significant views, allowing residents of neighboring properties to continue enjoying their scenic surroundings.

SECTION 6: PC Subcommittee Approval

The PC Subcommittee of the City of Milpitas hereby adopts Resolution No. 24-029, approving Site Development Permit Amendment No. SA24-0001, subject to the Findings and Conditions of Approval attached hereto as Exhibit 1 and 2.

PASSED AND ADOPTED at a regular meeting of the PC Subcommittee of the City of Milpitas on November 13, 2024.

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 November 13, 2024, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Michael Caulkins				
Chia Ling Kong				
Parveen Gupta				

EXHIBIT 1

SITE DEVELOPMENT AMENDMENT PERMIT NO. SA24-0001

SITE DEVELOPMENT AMENDMENT PERMIT TO ADD 38 RESIDENTIAL APARTMENT UNITS TO A PREVIOUSLY ENTITLED MIXED-USE APARTMENT BUILDING LOCATED AT 1500 CENTRE POINTE DRIVE. THE DEVELOPMENT WILL CONSIST OF ONE MIXED-USE BUILDING UP TO 65 FEET IN HEIGHT (FIVE-STORIES), 399 RESIDENTIAL APARTMENT UNITS AND UP TO 23,500 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE

MIXED-USE BUILDING MODIFICATIONS
1500 CENTRE POINTE DRIVE
(APN 086-33-102)

On November 13, 2024, the City of Milpitas PC Subcommittee approved Site Development Amendment Permit No. UA24-0001 in accordance with Section XI-10-57.03 of the Milpitas Municipal Code. Subject to all applicable State and local regulations and the conditions outlined below, this Permit will allow an increase in residential floor area, shared parking, and an additional 38 residential apartment units to be developed to a previously entitled (Resolution #8537) mixed use apartment building located at 1500 Centre Pointe Drive. The development will consist of one mixed-use building up to 65 feet in height (five-stories), 399 residential apartment units and up to 23,500 square feet of retail space with associated site improvements on a 5.28-acre site.

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 and **Resolution #8537 (Exhibit 2),** except as expressly modified by this amendment**.** This **Site Development Amendment Permit No. SA24-0001 (**"Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County Clerk-Recorder's Office with a copy provided to the Planning Department.

2. The Permittee shall develop the approved project in conformance with the plans revised on September 23, 2024, and approved by the PC Subcommittee on November 13, 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. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

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.

8. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning 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 Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

    This permit shall become null and void if the permitted use ceases operation and/or the business closes at such location for a period of one (1) calendar year. **(P)**

9. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning 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)**

10. 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)**

11. 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).

12. 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)**

13. Conditions. Each and every condition set forth in Exhibit A and Exhibit B shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in 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. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.

16. 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 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 applicant, 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.

17. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.

18. 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.

19. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Prevention Department and the California Fire Code as adopted by the City. Changes to the floor plan and/or building(s) requires review and approval by the Fire Department. **(F)**

20. Compliance with Building Department. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department. **(B)**

PROJECT SPECIFIC CONDITIONS

Planning Department and Office of Housing Conditions

21. Transit Area Specific Plan Development Impact Fee (TADIF) Requirement: Permittee shall comply with the City's TADIF for the proposed 38 residential units proposed within Site Development Permit No. SA24-0001. The fee will be calculated at the time of building permit issuance. **(P)**

22. Affordable Housing Requirement: Permittee shall not pay any in-lieu fee for affordable housing, but rather develop nine affordable units, including six units designated for low-income and three units designated for moderate-income individuals and/or households as determined based on the income limits set by the U.S. Department of Housing and Urban Development (HUD) and the County of Santa Clara. **(P)**

23. 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. This agreement shall be approved by the Milpitas City Attorney prior to recordation. **(H)**

24. 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)**

25. Affordable Housing Distribution: The bedroom mix of the affordable units should be proportionate to the bedroom mix of market rate units, provided that the City may allow a different unit mix to meet other City goals. The square footage of the affordable housing units must be reasonably consistent with the market rate units in the development. All affordable units shall be reasonably comparable in terms of floor plan and base finish amenities to market rate units in the proposed development and he quality of the exterior design, landscaping, and construction of the affordable units shall be consistent with the other units in the proposed development. **(H)**

26. Affordable Housing Access to Amenities: Affordable units shall have the same access to all project amenities and recreational facilities available to market rate units. Off-site projects shall have convenient access to equivalent project amenities and recreational facilities compared to the market rate units. **(H)**

27. Ground Floor Restaurant Use: The applicant shall develop no more than 10,000 square feet of restaurant uses within Building A, unless expressly permitted by the Planning Director or their designee through the modification or amendment process specified in Section XI-10-57.03(J) of the Milpitas Municipal Code. **(P)**

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

ACCEPTANCE

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.

Signature: _____

Printed Name: _____

Title: _____

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.

RESOLUTION NO. 8537

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT SD15-0012, CONDITIONAL USE PERMIT UP15-0016, VESTING TENTATIVE MAP MT15-0011, AND EXCEPTIONS TO THE MILPITAS MUNICIPAL CODE VII-6-5.00 REGARDING SUPPLEMENTAL WATER USE RESTRICTIONS FOR THE PROJECT LOCATED AT 1646 CENTRE POINTE DRIVE, PURSUANT TO CEQA GUIDELINE 15168(C)(2)

WHEREAS, on October 29, 2015, an application was submitted by SummerHill Apartment Communities for a Site Development Permit, Conditional Use Permit and Vesting Tentative Map for the development of two mixed use buildings consisting of 694 dwelling units, 36,500 square feet of commercial space and other associated site improvements on the 9.84 acre parcel located at 1646 Centre Pointe Drive (APNs: 086-33-102 and 086-33-102) located within the Transit Area Specific Plan area – Montague Corridor sub-district (the "Project" or "project"); and

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas (the "City") approved the Transit Area Specific Plan to guide development in the Transit Area of the City near the future Milpitas BART Station; and

WHEREAS, an initial environmental assessment of the project was completed in accordance with the California Environmental Quality Act (CEQA) and determined that the project is exempt from further environmental review pursuant to Section 15168(c)(2) of the CEQA Guidelines because of its consistency with the certified EIR for the Transit Area Specific Plan; and

WHEREAS, on April 13, 2016, the Planning Commission held a duly-noticed public hearing on the project, and considered evidence presented by City staff, the Permittee, and other interested parties and unanimously recommended approval to the City Council of the project; and

WHEREAS, on May 3, 2016, the City Council held a duly-noticed public hearing on the project, and considered evidence presented by City staff, the Permittee, and other interested parties.

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

SECTION 1. Recitals.

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

SECTION 2. CEQA Finding Pursuant to CEQA Guideline 15168(c)(2).

The proposed Project is covered under the scope of activities approved under the Transit Area Specific Plan Environmental Impact Report ("EIR"), SCH#2006032091, which was certified by the Milpitas City Council on June 3, 2008. The EIR included a program of activities including construction of up to 7,109 residential units within the Transit Area Specific Plan ("TASP") area. The proposed 694 dwelling units, 36,500 square feet of commercial space and other associated site improvements, fall within this scope of development activity contemplated in the TASP EIR. LSA Associates completed an environmental assessment of the proposed project with the density increase and exception request to confirm the proposed project is within the scope of the TASP EIR. The analysis found that the project is consistent with the TASP EIR and confirmed that the project is within the scope of development density considered under the TASP EIR. No new impacts were identified and no new mitigation measures are required. Policies and/or mitigation measures required of projects covered under the TASP EIR are included as Conditions of Approval. Pursuant to Public Resources Code section 21166 and CEQA Guideline 15168(c)(2), the project is exempt from further review under CEQA.

SECTION 3. Site Development Permit Findings.

In support of the Site Development Permit for a mixed-use development at 1646 Centre Pointe Drive, and as required by Milpitas Municipal Code Section XI-10-57.03(F)(1), the City Council hereby finds that:

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 proposed project's site and design are consistent with the intent of the TASP policies and the TASP development standards thereby ensuring that the project is compatible and aesthetically harmonious with adjacent and surrounding existing or future development that is or will also be compatible with TASP policies and development standards. More specifically, the proposed project is within the height limit identified in the TASP for this site with two, five-story buildings (with rooftop parking within each of the projects) where twelve stories is permitted by right. The proposed development also provides for retail space with an outdoor plaza, serving the residents and visitors, near the BART station and adjacent to the Great Mall, further activating Centre Pointe Drive and ensuring compatibility and harmony between the various uses. The streetscape improvements are consistent with the TASP with sidewalks and landscape improvements that provide continuity between developments within the TASP. The building design is also consistent with TASP policies with the design of the ground floor providing an attractive and safe environment for pedestrians by placing windows and balconies on the ground level and the primary building entrances are oriented toward the street. The project is consistent with TASP policies regarding parking, which is not be visible from the street, given the use of interior parking structures, and the minimization of curb cuts. Overall, the project is designed consistent with the TASP thereby ensuring harmony and compatibility with surrounding development.

2. The project is consistent with the Milpitas Zoning Ordinance.

The project is zoned Mixed Use High Density (MXD-2) and Mixed Use Very High-Density Mixed Use (MXD-3), with Transit Oriented Development Overlay District. The project density of development is within the range of development contemplated under these zoning districts with a Use Permit for the 25% Transit-Oriented density increase. The project complies with the development standards of the TASP, with the issuance of a Conditional Use Permit for tandem parking and development on lots greater than 4 acres. Such exceptions are permitted by Milpitas Municipal Code VIII-6-5.08, which vests this authority in the City Council.

The project is also consistent with the Zoning Code even though it will meet the commercial and retail parking requirements with on-street parking. This is allowed pursuant to Milpitas Municipal Code XI-10-53.13(A)(1)(b) so long as certain findings are met as follows: (i) the project site is located within the Transit or Midtown Specific Plan Areas; (ii) the on-street parking space is located along the project site frontage directly serving and adjacent to the use; (iii) no more than 50 percent of the required parking spaces shall be allocated on-street unless the commercial or retail use requires ten or less parking spaces; (iv) the on-street parking space is located less than 300 feet away from the use it serves; and (v) the on-street parking space shall be designated as limited time parking in accordance with the California Vehicle Code. Consistent with these findings, the project is located within the Transit Area Specific Plan, the on-street parking will be along the property frontages of Centre Point Drive which will serve the proposed retail and commercial uses. Further, the on-street parking accounts for no more than 50 percent of the required spaces as it would account for only 1.7 percent of the required spaces. Finally, the parking is within 300' of the retail spaces and as outlined in the conditions of approval and the parking will be subject to a two-hour time limit consistent with the California Vehicle Code.

3. The project is consistent with the Milpitas General Plan.

The TASP land use designation is Boulevard Very High Density Mixed Use (BVMU) and Residential-Retail High Density Mixed Use (RRMU) with a Density Increase Overlay. The project's land uses will be developed consistent with the residential and commercial uses contemplated by the General Plan land use designations for the project area. The project's overall density and intensity of development is consistent with the goals and objectives for development of this area. The project area is designated for Transit Oriented Development, which the General Plan notes is for areas located near transit stations, and provides for special requirements regarding development density, parking, mix of uses and transit supportive design features. The project provides for high density multi-family development, ground floor retail areas and commercial uses all within close proximity to transit stations.

The project is consistent with the following General Plan Land Use Guiding Principles:

2.a-G-2: Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

The project is an urban infill redevelopment project that redevelops an underutilized industrial building site with residential and commercial uses envisioned by the TASP. It is designed as a high density residential development with commercial and retail uses that serve both visitors as well as residents.

2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families.

The project provides a mix of residential unit types. The project includes 36 studio units, 383 one bedroom units and 275 two bedroom units. The units range in size from 648 square feet to 1,176 square feet. The project provides a variety of housing choices for individuals and families in Milpitas.

2.a.l-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

The project is an urban infill redevelopment site within incorporated City limits that enables the use of existing and planned infrastructure improvements.

2.a.1-31: Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike and take transit. Design streets and public spaces to create lively and attractive street character, and a distinctive identify for each subdistrict.

The project provides a mix of residential, commercial and retail uses for residents and visitors in proximity to transit opportunities. The project provides landscaped walkways to promote walkability and the use of bikes that will connect the various uses thereby ensuring pedestrian connections and a lively and attractive character.
2.a.1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.

The project implements the development standards and design guidelines in the TASP. Although the project is seeking certain deviations from some of the requirements through the issuance of a conditional use permit, such deviations, such as increased density and development, have been specifically contemplated in the TASP. Other deviations such as tandem and shared parking are minor in nature. Thus, overall, the project conforms to the adopted design guidelines and requirements of the TASP.

4. In the case of a project located within a Specific Plan, the following additional finding shall be made: The project is consistent with the Specific Plan.

The project implements the range of uses, the density of development and the development standards as set forth in the TASP. The Permittee has requested exceptions to the lot size requirements of TASP, as well as density increases allowed by the TASP, but will be compliant with TASP upon approval of a Conditional Use Permit.

SECTION 4. Major Vesting Tentative Map Findings.

In support of the Major Vesting Tentative Map that applies to the project, and as required by Milpitas Municipal Code Section XI-1-20.01, the City Council hereby finds that:

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

The subdivision maps provide the residential and commercial uses contemplated by the General Plan land use designations for the area. The City finds that the average density of the Site Development Permit is within the General Plan's designated minimum and maximum density with the issuance of a CUP for the TOD density increase. See Section 3 above for further detailed analysis as to how the project, including the vesting tentative map, is consistent with the General Plan.

SECTION 5. Conditional Use Permit Findings

A Conditional Use Permit ("CUP") may be used to permit exceptions or deviations to the development standards in the TASP and to permit a density increase for the project. The Project requires a CUP to address deviations in the following TASP development standards:

- Pursuant to Table 5-1 in the TASP, tandem parking is allowed consistent with the Milpitas Zoning Ordinance. Milpitas Zoning Ordinance XI-10-53.07 allows for tandem parking with the issuance of a CUP.
- Pursuant to Table 5-1 in the TASP, a CUP is required for increased density.
- Permit development on lots greater than 4 acres pursuant to Milpitas Municipal Code section XI-10-6.07.
- Allow shared parking pursuant to Milpitas Municipal Code section XI-10-53.11.

Per Milpitas Municipal Code Section IX-10.57.04(G), the following findings are required to be made in order to approve a Conditional Use Permit:

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.

A Conditional Use Permit is requested for the TOD density increase, tandem parking, development on lots greater than four acres, and shared parking.

The mix of uses proposed by the project are consistent with the range of uses contemplated by the TASP, including the development of high density residences in close proximity to the BART station. The proposed density of development falls within the designated minimum and maximum residential densities for this area of the TASP with the density increase. The number of residential units and commercial square footage are all within the ranges that were anticipated upon buildout of the TASP, and the environmental impacts of the development of the proposed project do not exceed the projections or analysis in the environmental impact report prepared for the TASP.

The City finds that the proposed density is consistent with the intent of the Specific Plan to achieve a high density residential neighborhood in close proximity to BART and shopping.

As outlined in the shared parking analysis report, the restaurant and retail will primarily serve the on-site residential community and the commercial uses and residential uses do not have the same peak parking demand. As such, the shared parking will serve the community and will not impact adjacent properties.

2. The proposed use is consistent with the Milpitas General Plan.

Policy	**Consistency Finding**
2.a.1.25: Require development in the Transit Area to conform to the adopted design guidelines and requirements contained in the Transit Area Plan.	**Consistent.** The project as proposed and conditioned conforms to the street layout, street sections, density and land use.
2.a-I-3 Encourage economic pursuits, which will strengthen and promote development through stability and balance.	**Consistent**: the project will strengthen and promote many businesses in the City of Milpitas by the redevelopment of a property with a long-standing vacant building, encouraging improvements by owners of other nearby properties
2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.	**Consistent**: the project will provide opportunities to expand employment by constructing 36,500 square feet of new retail and office uses.

2.a-I-12 Use zoning for new residential developments to encourage a variety and mix in housing types and costs	**Consistent**: the project provides for-sale, high-density residential projects that the City needs to meet its housing obligations.

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

See above re: Zoning Ordinance consistency findings.

The project is also consistent with the Zoning Code even though it will meet the commercial and retail parking requirements with on-street parking. This is allowed pursuant to Milpitas Municipal Code XI-10-53.13(A)(1)(b) so long as certain findings are met as follows: (i) the project site is located within the Transit or Midtown Specific Plan Areas; (ii) the on-street parking space is located along the project site frontage directly serving and adjacent to the use; (iii) no more than 50 percent of the required parking spaces shall be allocated on-street unless the commercial or retail use requires ten or less parking spaces; (iv) the on-street parking space is located less than 300 feet away from the use it serves; and (v) the on-street parking space shall be designated as limited time parking in accordance with the California Vehicle Code. Consistent with these findings, the project is located within the Transit Area Specific Plan, the on-street parking will be along the property frontages of Centre Point Drive which will serve the proposed retail and commercial uses. Further, the on-street parking accounts for no more than 50 percent of the required spaces as it would account for only 1.7 percent of the required spaces. Finally, the parking is within 300' of the retail spaces and as outlined in the conditions of approval and the parking will be subject to a two-hour time limit consistent with the California Vehicle Code.

4. In the case of a project located within a Specific Plan, the following additional finding shall be made: The proposed use is consistent with the Specific Plan.

The project implements the range of uses, the density of development and the development standards as set forth in the TASP. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP. The shared parking plan provides a mix of land uses consistent with the TASP land use development standards and provides commercial uses to activate the area.

5. The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.

The project is consistent with the TASP development standards with the requested deviations to allow for tandem parking and reduced balcony size. The project provides sufficient on-site parking for the proposed uses as well as sufficient open space. The project reflects high quality architectural design and is well integrated into the site adjacent to the new BART station. The project includes significant landscape improvements

6. The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.

The project provides a public benefit with the provision of much needed housing and jobs within close proximity to the BART station. The project complies with all other development standards.

SECTION 6. City Council Approval.

Based on the foregoing, the City Council hereby approves Site Development Permit SD15-0012, Use Permit UP15-0016, Major Tentative Map MT15-0011, and hereby grants an exception to Milpitas Municipal Code VII-6-5.00 "Supplemental Water Use Restriction" contained at VIII-6.5.00, including Section 5.03 to allow for swimming pools that will provide an attractive amenity to proposed residents subject to the above findings, and the Conditions of Approval attached hereto as Exhibit 1.

SECTION 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).

PASSED AND ADOPTED this 3rd day of May 2016, by the following vote:

AYES:	(4) Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli
NOES:	(0)
ABSENT:	(0)
ABSTAIN:	(1) Councilmember Barbadillo

ATTEST:

Mary Lavelle, City Clerk

APPROVED:

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
1646 CENTRE POINTE DRIVE
SD15-0012; MT15-0011, UP15-0016

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. This SITE DEVELOPMENT PERMIT NO. SD15-0012, CONDITIONAL USE PERMIT UP15-0016, TENTATIVE MAP NO. MT15-0011 (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 and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Department. (P)

2. The Permittee shall develop the approved project in conformance with the approved plans, sample color and materials board approved by the City Council, 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. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

6. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the development is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, the term of which may be extended upon approval by the City or the filing of a final map, then the term of the permits shall coincide with the life of the map. Pursuant to Section XI-10-64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement is defined 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.

7. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning 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. Such a request has been made and is extended by one year from the date defined in condition 6, above.**(P)**

8. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, and staff and consultant time, the review of permits will not be initiated until the balance is paid in full. **(E)**.

9. Indemnification. The project Permittee shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of Site Development Permit No.

SD15-0012, Conditional Use Permit No. UP15-0016, and Vesting Tentative Map No. 15-0011, including any CEQA or other land use challenge. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the project Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the project Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the project Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The project Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the project Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code section 66474.9, any limitations shall only apply to Vesting Tentative Map No. 15-0011, and the balance of the Permit shall be unaffected by Government Code section 66474.9. **(CA)**

10. 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. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**

11. Compliance with Building Department. Permittee shall comply with the California Building Code, California Mechanical Code, California Electrical Code, California Plumbing Code, Green Building Standards Code, California Energy Code and Milpitas Municipal Code in effect at the time of building permit submittal.

12. Prior to any first Engineering and/or Building permit issuance, Permittee shall obtain approval from the City for the following items, including but not limited to:

    a) Stormwater Control Plan demonstrating how the project site would comply with the latest Municipal Regional N.P.D.E.S. Permit.

    b) Utility engineering and design to ensure that any proposed public utility relocations on the project site as well as within the public rights-of-way are acceptable to the City for perpetual operation / repair / replacement / maintenance of city utilities and to optimize utility right-of-way management

    c) A Solid Waste Handling Plan that meets City guidelines and is approved by the City.

13. The City currently has adequate water supply and sewerage treatment plant capacity allocation for this land development project. The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply assurance for a major catastrophic event that restricts City's assurance to provide water supply. In the event the issuance of building permits are suspended due to lack of available water supplies, the period of time set forth as the term for the vesting tentative map in Government Code Section 66452.6(a)(1) shall be tolled for up to five years until said suspension is terminated.

14. Prior to issuance of any first permit by any department, Permittee shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for this development. These studies shall provide detailed calculations to confirm adequate design of the service laterals from the project site connecting to the main. Hydraulic modeling may be required as needed

15. Prior to final map approval by City Council, Permittee shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and Permittee shall satisfy the conclusions and recommendations of the approved drainage study.

16. Prior to final map approval by City Council, Permittee shall submit an executed petition to annex the subject property into the CFD2008-1, and agree to pay the special taxes levied by Community Facility District (CFD 2008-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with

the final map recordation or prior to any building permit issuance, whichever occurs first. 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 any invalidation or limitation of this condition invalidates the Permit.

17. Permittee intends to file multiple maps for the project. Each final map shall be recorded prior to issuance of any building permit for that corresponding final map, unless otherwise approved by the City. As part of the first final map, Permittee shall execute a Subdivision Improvement Agreement with improvement securities for the entire project. The final map submittal shall meet the following requirements:
    a) Provide a current title report with the final map submittal, not more than 90 days old.
    b) The final maps shall designate all common lots and easements as lettered lots or lettered easements.

18. Prior to final map approval by City Council, Permittee shall submit the Conditions, Covenants, and Restrictions (CC&R) for review and approval by the City. There shall be provisions in the CC&Rs for formation of Homeowners Association (HOA) including all owners of the residential, commercial and office spaces. The HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and private streets and shall have assessment power. The HOA shall manage the onsite water, recycled water, sanitary sewer system, storm drain system, storm water control system, and implement the Solid Waste handling plan.

19. Drainage facilities out-letting sump conditions shall be designed to convey the flows and protect all buildings.

20. Prior to final map approval by City Council, Permittee shall submit to the City a digital format of the final map (AutoCAD format). All final maps and improvement plans shall be tied to the California Coordinate of 1983, zone 3 and the vertical datum shall be NGVD 1988.

21. Permittee shall dedicate on the final map necessary public service utility easements, street easements and easements for domestic water, recycled water, storm sewer, sanitary sewer, dry utilities.

22. Prior to final map approval by City Council, Permittee shall obtain design approval and bond for all necessary public improvements along Centre Pointe Drive, including but not limited to, all mitigation measures, curb, gutter, new sidewalk installation, surface the entire street width along project frontage, signage and striping, street lights and fire hydrants. Plans for all public improvements shall be prepared, sealed and signed by a California registered Civil Engineer. Plans shall be prepared and submitted both on 24" x 36" Mylar sheets and digitally per City submittal requirements with City Standard Title Block and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. Permittee shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The public facilities, including, but not limited to water meters, RP backflow preventers (privately owned and maintained), and sewer clean outs, shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Milpitas standard details and specifications. All public improvements shall be constructed to the city Engineer's satisfaction and accepted by the City prior to first building occupancy of the first final map, unless otherwise an off-site improvement phasing plan is approved by the City Engineer.

23. Permittee shall submit the following items with building permit application and pay the related fees at the time of building permit issuance. The following fees are estimates only. Applicable fees will be calculated at time of building permit submittal.
    a) Storm water connection fee: $16,771/acre for multi-family and $21,562/acre for commercial/retail.
    b) Water Service Agreement(s) for water meter(s) and detector check(s).
    c) Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.
    d) Water connection fee: $1,164/unit for multi-family and $5.97/gpd for commercial/retail, based upon increased water usage.
    e) Sewer connection fee: $1,406/unit for multi-family and $8.52/gpd for commercial/retail, based upon increased wastewater flow.

f) TASP fee of $32,781 per residential unit and $22.80 per square foot of retail (see protest notice below).

Contact the Land Development Section of the Engineering Department at (408) 586-3327 to obtain the form(s).

24. Permittee shall perform asphalt concrete pavement base repair and slurry seal on project street frontages along Centre Pointe Drive for the entire street width based upon ultimate design, including final traffic striping, with cost-share agreement(s) with other development projects. Permittee may be required to implement the interim design as needed and as directed by the City Engineer prior to completion of the ultimate design.

25. Permittee shall provide an ADA accessible path and bus stop to the existing VTA bus stop along the project frontage on Montague Expressway.

26. Permittee shall provide street lights and street furniture on project frontage per TASP guidelines and standards.

27. Prior to issuance of the first building permit, Permittee shall pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), Transit Area impact fee,, plan check and inspection deposit, and 2.5% building permit automation fee. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount equal to 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials.

28. Permittee shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.

29. Utilities near Buildings. Building foundations, and underground roofs, 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.

30. Prior to any work within public right of way or City easement, Permittee shall obtain an encroachment permit from City of Milpitas Engineering Department.

31. If necessary for dewatering activities during construction, Permittee shall obtain required Short Term Industrial Wastewater Discharge permit from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 793-5300.

32. Additional evaluations by the Permittee are required to assure proper water supply (potable or fire services). Permittee shall submit an engineering report detailing how adequate water supply pressures will be maintained. Contact the Utility Engineer at 586-3350 for further information.

33. Prior to any building permit issuance, Permittee shall obtain approval from the City the Solid Waste Handling Plan (Report) that incorporates the following requirements to the satisfaction of the City Engineer, including revisions to project plans:
    a) This development is limited to the use of self-contained roll off compactors for trash and recycling services. All roll off compactors equipment shall be enclosed and accessed on grade by City franchise hauler, in accordance with City's solid waste guidelines.
    b) Commercial and residential trash is allowed to share a roll off compactor service. Provide one 30 yard self-contained compactor to be serviced twice a week for trash.
    c) Commercial and residential recycling is allowed to share a roll off compactor service. Provide one 30 yard self-contained compactor to be serviced once a week for recycling.
    d) The proposed solid waste enclosure shall be designed per the Development Guidelines for Solid Waste Services to house self-contained compactor equipment and tallow bin service. The project plans must demonstrate that the location of the enclosure will not interfere with any public or private services including, but not limited to, utilities, and vehicular and pedestrian access. In accordance with State law, the enclosure shall be adequately sized to allow storage and direct access to all trash, recycling, tallow, and any other solid waste containers needed for this development. The location shall also provide the waste hauler adequate

access to the containers and shall take into consideration the needed space and layout for collection vehicles to enter the enclosure, turn around, and operate collection lift machinery. The enclosure drains must discharge to the sanitary sewer line. Storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.

e) Provide two sets of chutes (recycling and trash) to the residential area at opposite end of the residential floors. Provide sufficient space for the necessary conveyance equipment to move residential trash and recycling from the chutes to the compactors. Provide access to remove blockages throughout all building levels.

f) Provide sufficient space for the necessary conveyance equipment to collect non-residential trash and recycling from the point of generation to the compactors.

g) The Property Management shall be responsible for solid waste management, including transfer of material to the compactors. Permittee shall submit to the City (for review and approval) a written Solid Waste Handling Plan including detailed step-by-step instructions to manage solid waste from generation to disposal. The Plan shall state how the residential waste will be conveyed to the collection areas in the garage level and how the waste will be transported to the compactor area for disposal. Show the path of travel for refuse from commercial spaces. Demonstrate how recycling shall have a separately maintained process from garbage handling. State how the food establishments will handle tallow (food grease); access design for food establishments shall show adequate accommodation for tallow handling and collection. Include housekeeping requirements, such as managing trash chute blockages and odors, and cleaning up spilled waste and tallow anywhere on the property.

h) Prior to occupancy permit issuance, the Property Management shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Republic Services. After Permittee has started its business, Permittee shall contact Republic Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, Permittee shall increase the service to the level determined by the evaluation. For general information, contact Republic Services at (408) 432-1234. In addition, the Property Management shall provide evidence that a tallow account will be maintained and the tallow bins will be kept clean.

34. Permittee shall submit a Storm Water Control Plan in accordance with the following timeline:

a) At the time of building permit plan check submittal, Permittee shall submit a "final" Stormwater Control Plan and Report, if applicable. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certify that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.

b) Prior to building permit issuance, Permittee shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C.3 treatment facilities, if applicable.

c) Prior to Final occupancy, Permittee shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities, if applicable.

35. Construction Storm Water Quality. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Milpitas Municipal Code (MMC), and the City's Clean Water Program. (E)

Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with Permittee's approved Stormwater Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan, if applicable. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and

methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants. Any changes to the approved Stormwater Control Plan shall require Site & Architectural ("S" Zone) Amendment application review.

36. Construction General Permit Compliance. Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:

    a) a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,
    b) a copy of the approved Notice of Intent (NOI) from the State Board, and
    c) an erosion control plan and a site monitoring plan meeting the satisfaction of the City Engineer.

    Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the City's Clean Water Program.

    Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project. For general information, contact the City of Milpitas Engineering Division at (408) 586-3325. (E)

37. Landscaping Ordinance 238: In accordance with the provisions of Chapter 5, Title VIII (Most current update of Ordinance 238 – Currently 238.4) of the MMC for new construction projects with an aggregate landscaping areas equaling 500 square feet or greater, Permittee shall provide separate water meters for domestic water service and irrigation service, and submit two sets of landscape and irrigation improvement plans to the Building Division with the building permit plan check package.

    Landscape shall comply with the most current Ordinance 238 requirements in effect at the time of building permit issuance. Approval from the Land Development Section of the Engineering Department is required prior to any building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

    Contact the Land Development Section of the Engineering Department at (408) 586-3329 for information on the submittal requirements and approval process. (E).

38. Recycled Water for Irrigation: In accordance with MMC Chapter 6, Title VIII (Ord. No. 240), the landscape irrigation system shall be designed to comply with the City's recycled water guidelines, and connect to recycled water system. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for design standards to be employed. To meet the recycle water guideline Permittee shall:
    a) Hire an AWWA cross-connection specialist (subject to approval by City and paid by Permittee) prior to any first plan check submittal The specialist shall also complete the required construction inspection checklist, cross connection test result and any special inspection checklist and forward to the City. http://www.sanjoseca.gov/index.aspx?NID=1595
    b) Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape adjacent to existing or future recycled water distribution lines (except for rehabilitated landscape less than 500 square feet along the future alignment). All landscape plants that are required to use recycled water shall be compatible with recycled water.
    c) Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance, Permittee shall obtain approval from the State Water Resources control Board, Division of Drinking Water, SWRCB DDW. This approval requires additional processing time. Permittee shall be responsible for all costs of design and installation of site improvements,

connection to the recycled water main, and processing City and Department of Drinking Water approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.

d) The cross-connection specialist shall be responsible to design the recycled water phasing plan. It shall include phases showing the active construction areas, temporary staging areas and occupied buildings. Demarcation lines between areas served by potable water and recycled water must be approved in advance and complied with. All potable domestic and irrigation water services serving a site with recycled water must have at least a reduced pressure backflow preventer on each services-- it must be tested, passed and certification must be provided on annual basis.

e) Prior to recycled water meter installation, Permittee and/or HOA shall designate a Recycled Water Site Supervisor that has been trained by SBWR. For more information on Site Supervisor Trainings, go to https://www.sanjoseca.gov/index.aspx?nid=1594

f) Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas.

g) Due of the drought, plantings shall be deferred until the recycled water meter is installed and the irrigation system is charged. No potable irrigation is allowed in the interim.

39. It is the responsibility of Permittee to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, CALTRAN, Santa Clara Valley Transportation Agency, and City of Milpitas Engineering Department. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.

40. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), Permittee is required to obtain a permit for removal of any existing trees on the project site. Contact the Public Works Department at (408) 586-2601 to obtain the requirements and forms.

41. Undergrounding Utilities. In accordance with Milpitas Municipal Code XI-1-7.02-2, the Permittee shall underground all existing wires and remove the related poles within the proposed development and along the street frontages, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing Pacific Gas & Electric (PG&E) wire towers and state line voltage. Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities.

42. Prior to start of any construction, Permittee shall submit a construction schedule and monitoring plan for City Engineer's approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establishment of a neighborhood hotline to record and respond to neighborhood construction related concerns. Permittee should coordinate construction schedule with other construction schedule in the vicinity of this project to minimize traffic impact for the commuters and to enhance the safety for the pedestrians.. Permittee's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress.

43. Permittee shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review.

44. All utilities shall be properly disconnected before the building can be demolished. Permittee shall demonstrate to City staff how the water service(s), sewer service(s) and storm service(s) will be disconnected prior to doing so. The water service shall be locked off in the meter box and disconnected or capped immediately behind the water meter if it is not to be used. The sanitary sewer shall be capped off at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used. Unless otherwise noted, all utility stubs not utilized shall be capped at the main.

45. Prior to demolition permit issuance, Permittee, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be

approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these 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 and its contractors shall make every effort to salvage materials for reuse and recycling and shall comply with all applicable City ordinances on construction and demolition debris.

46. Prior to building permit issuance, Permittee shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. 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 Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division.

47. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Permittee and its contractors, all to the satisfaction of the City Engineer or designee. Permittee and its contractors shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. Permittee and its contractors shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. Permittee and its contractors shall perform all recycling and/or disposal by removal from the job site.

48. Permittee shall design, submit for review, and construct public water and sewer lines in accordance with state and local requirements.

49. Prior to issuance of a Grading Permit, Permittee shall submit a design-level geotechnical investigation prepared by a qualified geologist and approved by a third party reviewer selected by the City Engineer. All recommendations in the approved geotechnical investigation shall be incorporated into the project design. The geotechnical investigation shall address, at a minimum, the following issues:
    a) compressible soils,
    b) liquefaction,
    c) expansive soils,
    d) loose surficial soils,
    e) shallow groundwater, and
    f) sulfates in soil.

50. Provide a separate water meter for each of the following services: residential, non-residential, irrigation, and fire. Permittee is strongly encouraged to provide a separate water meter for food service. All landscape located inside any building footprint shall be served by a separate potable irrigation meter. Permittee is alerted that on-site pumping to upper floors may be required. Permittee shall provide backflow protection on all water connections, including fire services, in accordance with City guidelines and USC Manual of Cross Connection Control. Permittee is encouraged to install two meters for each service, for redundancy.

51. Permittee shall own, operate and maintain all on-site (private) utilities. The separation between public and private shall be indicated by master meters & backflows (potable water), cleanouts (sewer), and manholes.

52. City Ordinance prohibits the use of potable water for construction use. Recycled water must be used for construction purposes, including dust control and compaction.

53. This project shall use recycled water for irrigation of street frontage landscaping and landscaping located around the building perimeter. Interior courtyards within the building footprint shall be irrigated with potable water.

54. The development shall include a phasing plan for the occupancy of the buildings considering the improvements such as streets, utilities, garbage enclosure, mail box, including the shutdown testing of each water fixture.

55. City has confirmed adequate contractual sewer treatment capacity is available.

56. Contact SJ/SC WPCP Senior Source Control Inspector, at (408) 277-3897 for sizing and location requirements for grease interceptor(s).

57. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. If building is 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. Dedicate new public easements and abandon existing public easements once public utilities are relocated, abandoned or removed. Abandonment and/or removal of existing City utilities shall be in accordance with City requirements to the satisfaction of the Director of Engineering and Director of Public Works. (E)

58. Submit plan/profile views and calculations for all relocated utilities.

59. Permittee shall install a radio antenna, any repeaters or transmitters as needed and 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.

60. The Property Management Association (PMA) shall be responsible for solid waste management and provide sufficient facilities for on-site storage and collection of solid waste and recyclables. Permittee shall provide a Solid Waste Handling Plan showing calculating 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 shall have a separately maintained process from garbage handling. The Solid Waste Handling Plan shall also address other requirements, such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control. Permittee shall procure sufficient service frequency. All solid waste collection facilities shall comply with City guidelines. Comply with access dimensions such as turning radius. The collection vehicle is not allowed to block sidewalks, parking garages, and driveway access. The collection vehicle is not allowed to back up on streets, drive aisles, or alleys. If the hauler will be entering the parking garage, provide sufficient vertical clearance and comply with maximum ramp slope requirements. The trash enclosure area shall be designed to parking garage standards if any vehicles will be entering it. Permittee shall show the presence of a sanitary sewer connection within the trash enclosure. Residential and commercial trash may be commingled. Residential and commercial recycling may be commingled. On-site equipment shall be compatible with the hauler's equipment. Permittee shall adhere to City's development standards regarding chutes. Permittee must meet City's minimum collection frequency requirements. No on-call only option is allowed. The compactors shall be installed and functional prior to issuance of occupancy of the 80th dwelling unit.

61. Roadway improvements. Prior to approval of the final map, Permittee shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing the Project's share of roadway improvements for Centre Pointe Drive and Montague Expressway.

62. Density averaging. To ensure compliance with TASP Policy 3.8, Permittee shall cause a deed restriction to be recorded against each parcel within the project memorializing the density averaging principle under which this project has been approved and restricting future development of each parcel in conformance therewith, such that the average density across the site shall not exceed 86 dwelling units/gross acre. Such deed restriction shall be in a form acceptable to the City Attorney.

63. Flood Management. The project is located within the Special Flood Hazard Zone AO (depth 1), and therefore shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code Federal Regulations and City's Flood Plain Management Regulations, City of Milpitas Code Title XI Chapter 15. Prior to issuance of a building permit, Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain. The Permittee shall also obtain a Letter of Map Revision (LOMR) prior to issuance of the first certificate of occupancy, and provide all elevation certificates prior to final building inspection or certificate of occupancy for any portion of the development. The proposed grading plan shown in the tentative map shall comply with the established BFE as determined in the final flood study report. **(E)**

64. Per VIII-6-5.08, the City Council authorizes the construction of a swimming pool and spa at the project.

65. Unless exceptions thereto are specifically authorized herein, Permittee shall comply with all applicable provisions of the Milpitas General Plan, Transit Area Specific Plan, Municipal Code, and other City standards and regulations.

66. Unless otherwise noted and except as set forth in Government Code section 66474.2, City ordinances and other applicable law shall mean the requirements in effect at the time of building permit issuance.

67. Per City Policy No. BDP-BLG17 and CalGreen Sec. 4.106.4.2.2, one in every 25 electric vehicle charging stations (EVCS), but no less than one, shall be provided with aisle access and on accessible routes.

68. The Permittee shall appropriately sign and mark 190 parking spaces for two hour parking time limit during the hours of 9:00am until 9:00 pm. The parking time limit shall be enforced by the property management company. The property management company shall further monitor the parking and adjust as needed for employee parking during the hours of 9:00am until 9:00pm.

69. The shared parking spaces shall be located within 300' of the restaurant and retail space. Provide clear, safe pedestrian connections from the shared spaces to the restaurant and retail space.

70. At the time of building permit submittal for the restaurant tenant spaces, the Permittee shall submit a shared parking plan to the Planning Division with the following information:
    a. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.
    b. A signage plan that directs drivers to the most convenient parking area for each commercial use.
    c. A pedestrian circulation plan that shows connections and walkways between parking area and land uses. These paths should be as direct and short as possible.
    d. The total square footage of all restaurant uses shall not exceed 9,500 square feet.
    e. Per MMC XI-10-53.13(A)(1)(b)(v), the on-street parking spaces on Centre Pointe Drive shall be subject to a two-hour parking limit.

71. Permittee shall include at least one *jacaranda mimosifolia* in the Landscaping Plan for the Project.

72. Permittee shall not fill any swimming pool at the Project until such time as authorized by the City of Milpitas.

73. CEQA Review (2008 TASP FEIR) The project shall be subject to all applicable policies and/or mitigation measures required in the TASP EIR. At the time of building permit submittal, the Permittee shall submit a written report demonstrating how the project complies with the TASP policies and/or mitigation measures to the satisfaction of the Planning Director.

74. Pursuant to the legal requirement to provide a public benefit for the City's granting of deviations to the Transit Area Specific Plan development standards, Permittee hereby obligates itself, regardless of legal nexus requirements and obligations, to pay $100,000 to the City prior to the certificate of occupancy being issued for the public benefit as the City sees fit.

Key:

(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.

Pursuant to Condition No. 23 contained herein, prior to any building permit issuance, Permittee shall pay the applicable Transit Area Specific Plan Development Impact Fee of $23,582,214 comprised of $22,750,014 for 694 residential units ($32,781 per unit) and $832,200 for 365,500 square feet of retail ($22.80 per square foot of retail). This Fee shall be subject to annual adjustments as provided for in Section 9 of City Council Resolution No. 8344.

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

_____
Printed Name of Permittee

PROJECT SUMMARY

Parcel A - Building A:	230,073 sf = 5.28 acres
Parcel B - Building B:	196,492 sf = 4.51 acres
Quitclaim Area:	2,007 sf = 0.05 acres
Total Site Area:	428,572 sf = 9.84 acres
Total Units:	732 units
Overall Site Density:	74.4 du/ac
Total Residential Floor Area:	797,647 sf
Residential F.A.R.	1.86
Total Commercial Floor Area	37,751 sf
Montague Expy Setback	45' to curb
Great Mall Parkway Setback	45' ro curb
Centre Pointe Dr Setback	0' to dedication

BUILDING A - MIXED-USE WRAP BUILDING

Unit Mix	
Jr 1 Bedroom, 1 Bath	92 units (23%)
1 Bedroom, 1 Bath	204 units (51%)
2 Bedroom, 2 Bath	93 units (23%)
3 Bedroom, 2 bath	10 units (3%)
Total Dwelling Units	***399 units***

Density	75.5 du/ac
Building Heights	5 Stories, ± 65'
Residential Floor Area	406,337 sf
Floor Area Ratio (Excl. Retail)	1.77 FAR
Ground Level Retail	24,121 sf
Parking Structure Floor Area	241,958 sf

Vehicle Parking Required	
Jr 1 Bedroom units: 92 x 1.2	110 spaces
1 Bedroom units: 204 x 1.2	245 spaces
2 Bedroom units: 93 x 1.6	149 spaces
3 Bedroom units: 10 x 1.6	16 spaces
Minimum Resident Parking	520 spaces
Guest: 520 resident spaces x 15%	78 spaces
Commercial Retail: 0.8 / 250 sf	77 spaces
Total Vehicle Parking Required	***675 spaces***

Vehicle Parking Provided	
Resident	531 secure spaces
Guest	29 dedicated spaces
	(78 spaces incl. shared)
Commercial Retail	39 dedicated spaces
	(88 spaces incl. shared)
Shared Comm/Guest	49 spaces
Total Vehicle Parking Provided:	***648 spaces***
	(697 spaces incl. shared)

Bike Parking Required	
Residential (25% of units)	100 spaces
Commercial (5% of vehicle req't)	4 spaces
Total Bike Parking Required	***104 spaces***

Bike Parking Provided	
Residential	100 spaces
Commercial	4 spaces
Total Bike Parking Provided	***104 spaces***

BUILDING B - MIXED-USE WRAP BUILDING (COMPLETED)

Total Dwelling Units	***333 units***

Density	73.8 du/ac
Residential Floor Area	391,310 sf
Floor Area Ratio (Excl. Retail)	1.99 FAR
Ground Level Retail	13,630 sf

MAXIMUM DENSITY ANALYSIS

BY TASP ZONE	BLDG A (MXD2 (WEST))	BLDG B (MXD3 (EAST))	TOTAL
Gross Site Area (sf)	152,846	102,459	255,305
Gross Site Area (ac)	3.51	2.35	5.86
Max Density (du/ac)	62.5	62.5	
Max Units (du)	219	147	366
Gross Site Area (sf)	77,227	94,034	171,260
Gross Site Area (ac)	1.77	2.16	3.93
Max Density (du/ac)	93.75	93.75	
Max Units (du)	166	202	369
Site Area Total (sf)	230,073	196,492	426,565
Site Area Total (ac)	5.28	4.51	9.79
Total Max Units (du)	386	349	735
Units Provided (du)	399	333	732
Floor Area Ratio (FAR)	2.50	2.50	
Max Floor Area (sf)	575,181	491,230	1,066,412
Floor Area Provided (sf)	406,337	391,310	797,647

RETAIL REQUIREMENTS

Min Retail Required in MXD2	200 sf/du
@ 31 du/ac min x 5.86 ac in MXD2	**36,343 sf**
Building B Retail Provided	13,630 sf
Building A Retail to be Provided	24,121 sf
Total Retail Provided	**37,751 sf**

PARKLAND REQUIREMENTS	BLDG A	BLDG B	TOTAL
Population (2.49 pp/du)	994	829	1823
Parkland Required (3.5ac/1000pp)	3.48	2.90	***6.38***
Min Public Parkland (2ac/1000pp)	1.99	1.66	3.65
Public Parkland Provided (ac)	0.96	0.61	1.57
@ 20% for Landscaped Buffers	0.19	0.12	***0.31***
Max Private Parkland (1.5ac/1000pp)	1.49	1.24	2.73
Private Parkland Provided (ac)	1.23	0.79	***2.01***
Total Parkland Provided (ac)	1.42	0.91	***2.33***
TASP Fee Contribution To-Date (ac)*			3.74
Remainder of Parkland Obligation (ac)*			***0.31***

*Paid based on 361 entitled units and converted to acres based on FMV.

**Remaining obligation to be satisfied by TASP Fee for additional 38 units.

1500 CENTRE POINTE PERMIT ADJUSTMENT

CONCEPTUAL SITE PLAN

SP-01

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

SummerHill Apartment Communities
777 California Avenue
Palo Alto, CA 94304
650.857.0122
shapartments.com

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

GIACALONE DESIGN SERVICES, INC.
5820 STONERIDGE MALL RD., #345 | PLEASANTON, CA 94588
925.467.1740 | WWW.GIACALONEDESIGN.COM

McNellis Partners

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MILPITAS, CA

KTGY # 20140796

01.30.2024

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KTGY Architecture + Planning
433 S. Spring St., Suite 750
Los Angeles, CA 90013
310.394.2625
ktgy.com

NEW UNIT TYPE

NEW UNIT TYPE

+38 UNITS

BUILDING A INFORMATION

UNIT TYPES		Jr 1 Bedrooms		1 Bedroom Units					2 Bedroom Units						3 Bedrooms		
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
Level	Level 1	16	2	23	3	10				8			1		1	1	65
	Level 2	16	1	24		10			1	11			1		1	1	66
	Level 3	16	3	33		10	1	1	1	17	1	1	2	2	1	1	90
	Level 4	16	3	33		10	1	1	1	17	1	1	2	2	1	1	90
	Level 5	16	3	32		10	1	1	1	16	1	1	2	2	1	1	88
Total No.of Units		80	12	145	3	50	3	3	4	69	3	3	8	6	5	5	
		92				**204**					**93**				**10**		**399**
Percentage		23.1%				51.1%					23.3%				2.5%		
Unit Net Rentable Area		556	646	731	734	775	748	790	1,065	1,012	1,033	1,048	1,185	1,186	1,391	1,393	
Total Net Rentable Area		44,480	7,752	105,995	2,202	38,750	2,244	2,370	4,260	69,828	3,099	3,144	9,480	7,116	6,955	6,965	
		52,232				**151,561**					**96,927**				**13,920**		**314,640**
Average SF per Unit Type		568				743					1,042				1,392		
Overall Average Unit SF								**789**									

Open Space Provided																
Private Open Space	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**Total**
Typical/Min. Balcony Area per Unit	40	52	53	94	88	58	52	56	69	56	49	183	56	59	90	
Subtotal Balcony Area	3200	624	7685	282	4400	174	156	224	4761	168	147	1464	336	295	450	24,366
Expanded Patios and Balconies																2,270
															Subtotal Private Open Space	**26,636**
Common Open Space																
Indoor Amenities																7,224
East Courtyard																6,336
West Courtyard																5,416
Deck over Retail - Level 3																2,627
Roof Decks - Level 5																13,423
Linear Park (EVA)																5,934
Elevated Retail Plazas																5,740
Gates Courtyard																6,708
															Subtotal Common Open Space	**53,408**
Public Open Space - Landscaped Buffers																
Montague Expy Landscaped Buffer																10,935
Great Mall Pkwy Landscaped Buffer																25,354
Centre Pointe Landscaped Buffer (includes portion to be dedicated)																5,691
															Subtotal Landscape Buffers	**41,980**
Total Provided Open Space																**122,024**

Minimum Parking Required	
Jr 1 Bedrooms 92 du x 1.2 per unit	110
1 Bedrooms 204 du x 1.2 per Unit	245
2-3 Bedrooms 103 du x 1.6 per Unit	165
Minimum Resident Stalls	**520**
Minimum Guest Stalls (15% of resid. stalls)	**78**
Minimum Commercial Stalls (0.8/250 sf)	**77**
Commercial/Guest Stalls to be Shared	
Total Minimum Parking Stalls	**675**
Required Bike Parking (25% of units)	100
Required Accessible Stalls (2% of resid.)	11

NEW SHARED PARKING TO SATISFY REQUIREMENTS FOR BOTH COMMERCIAL AND GUEST PARKING

Parking Provided	Secure Resident Parking					Guest Parking				Commercial Parking				Shared Comm/Guest Parking*				Totals	
Location	Standard	Tandem	Compact	Access.	Subtotal	Standard	Compact	Access.	Subtotal	Standard	Compact	Access.	Subtotal	Standard	Compact	Access.	Subtotal	Vehicle	Bicycle
On-street - Center Pointe (w/in 300' of Retail)					0				0	10			10				0	10	
On-street - Gates Drive (w/in 300' of Retail)					0				0				0	7		1	8	8	
Level P1 Parking	8				8	19	8	2	29	25	2	2	29	39		2	41	107	100
Level P2 Parking	114	4	16	4	138				0				0				0	138	
Level P3 Parking	112	18	15	3	148				0				0				0	148	
Level P4 Parking	111	18	16	3	148				0				0				0	148	
Level P5 Parking	64	16	6	3	89				0				0				0	89	
Total Provided Parking Stalls	409	56	53	13	**531**	19	8	2	**29**	35	2	2	**39**	46	0	3	**49**	**648**	**100**

* Shared Parking to be provided consistent with MMC Sec.XI.10-53.11. Shared Stalls to be Commercial Parking during commercial business hours and Guest Parking outside of commercial business hours.

Indoor Common Areas (Bldg. A)		
Lobby/Lounge -Level 1	1,362	
Mail Room - Level 1	761	
Leasing / Management - Level 1	862	
Amenities	Pet Amenity - Level 1	369
Amenities	Work From Home Amenity - Level 2	2,139
Amenities	Fitness - Level 5	1,823
Amenities	Clubroom - Level 5	2,893
Subtotal Indoor Amenities		7,224
Total Provided Common Areas		**10,209**

NEW AMENITIES

Gross Floor Areas (to ext. perimeter per CBC)	
Gross Commercial Floor Area	***24,121***
Gross Residential Floor Area	
Level 1	67,888
Level 2	66,628
Level 3	89,079
Level 4	89,079
Level 5	86,858
Type I Amenity Over Garage	6,805
Total Residential Floor Area	***406,337***
Gross Garage Floor Area	
Level 1	53,649
Level 2	53,649
Level 3	54,310
Level 4	54,310
Level 5	26,040
Total Garage Floor Area	***241,958***
Gross Building Area	***672,416***

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - PROJECT DATA

A1.0

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

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shapartments.com

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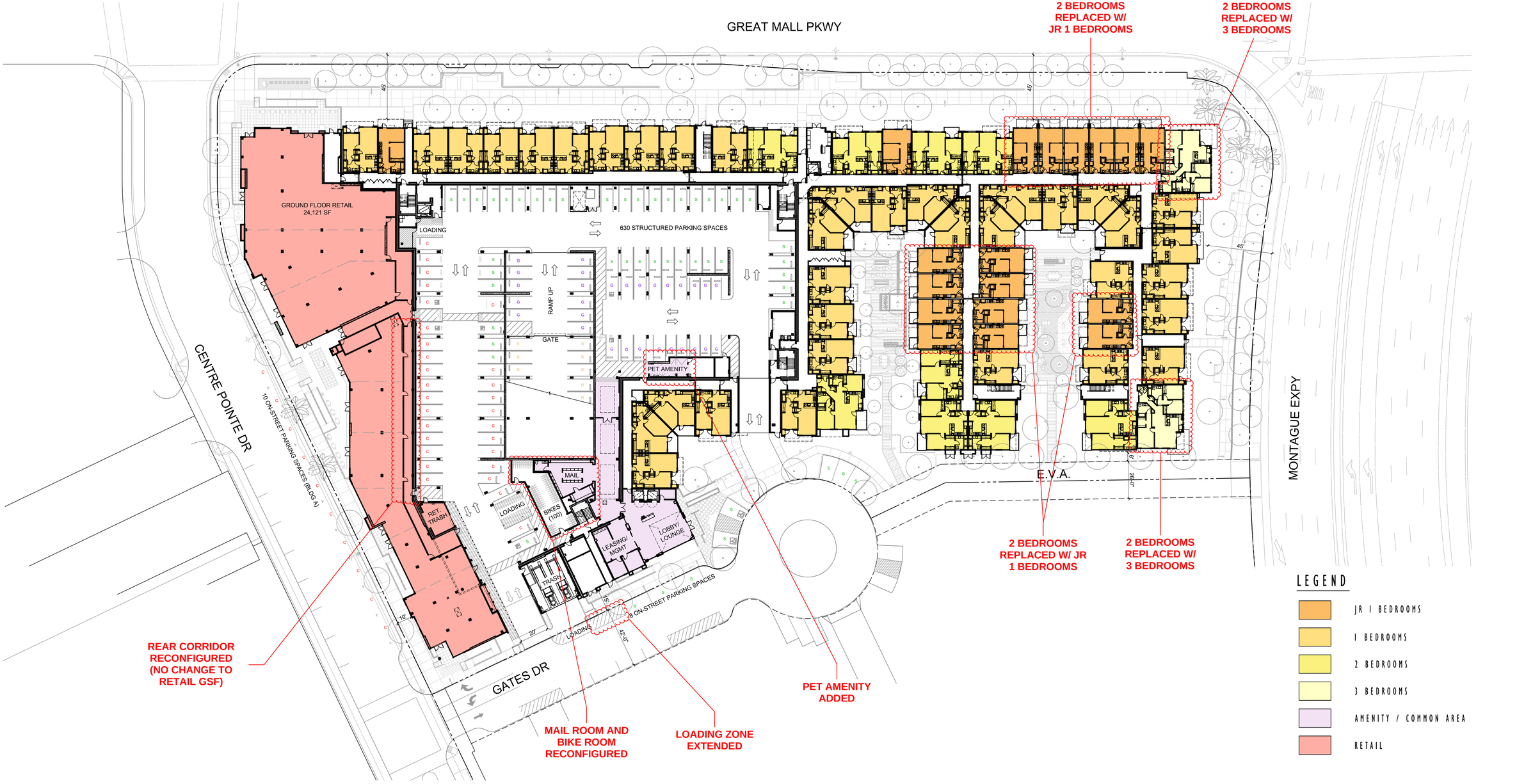

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BUILDING A - LEVEL 1 - FLOOR PLAN A2.1

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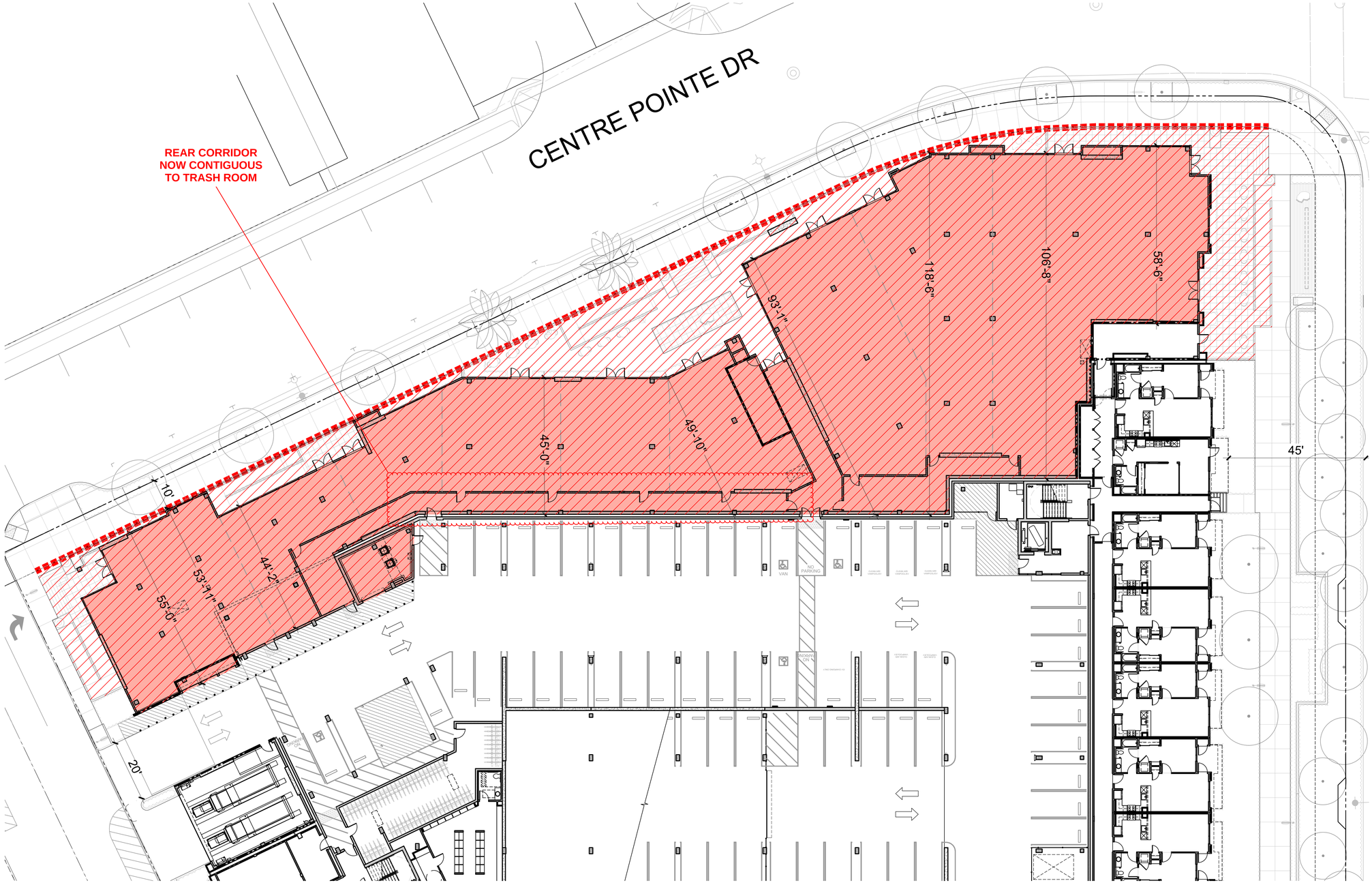

RETAIL LEGEND

A- 24,121 SF INDOOR RETAIL AREA (used for parking calculation)

B- 30,476 SF GROSS RETAIL AREA

C- 436' FRONTAGE LENGTH

AVERAGE DEPTH CALCULATION:
B ÷ C = 69.9'

0 8 16 32

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - RETAIL AREA DETAIL A2.1.1

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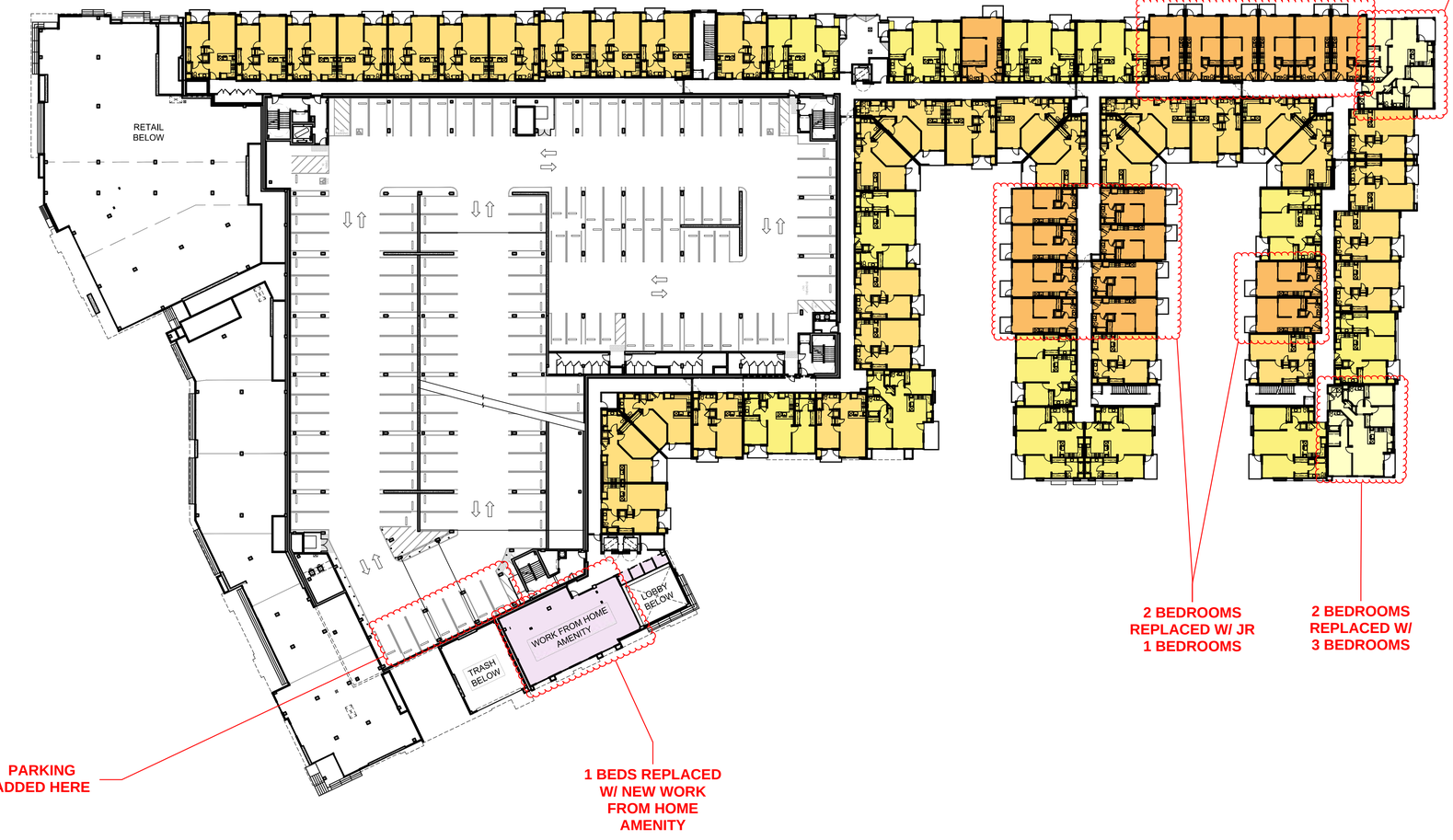

LEGEND

- JR 1 BEDROOMS
- 1 BEDROOMS
- 2 BEDROOMS
- 3 BEDROOMS
- AMENITY / COMMON AREA

0 16 32 64

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - LEVEL 2 - FLOOR PLAN A2.2

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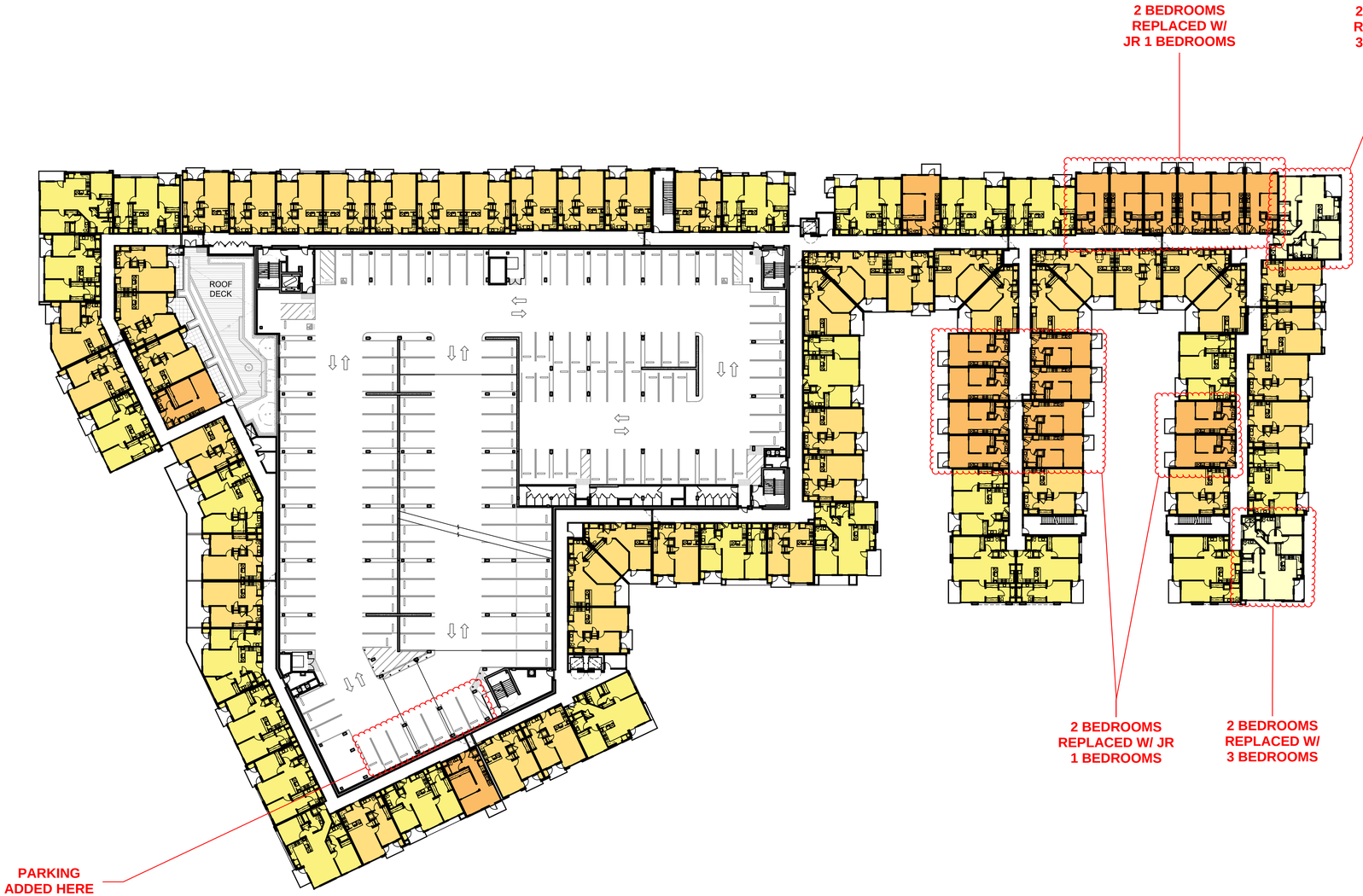

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - LEVEL 3 - FLOOR PLAN A2.3

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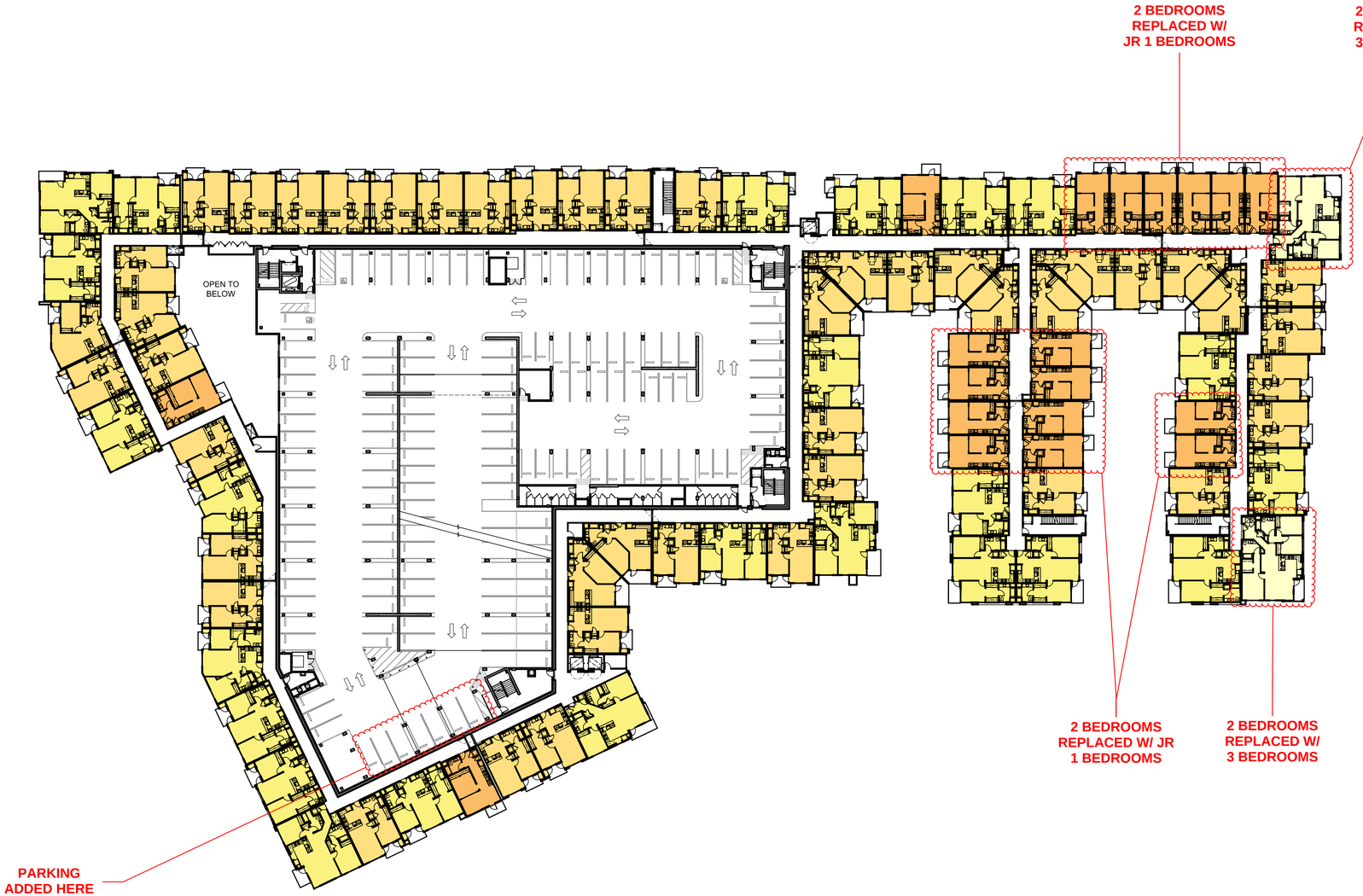

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - LEVEL 4 - FLOOR PLAN A2.4

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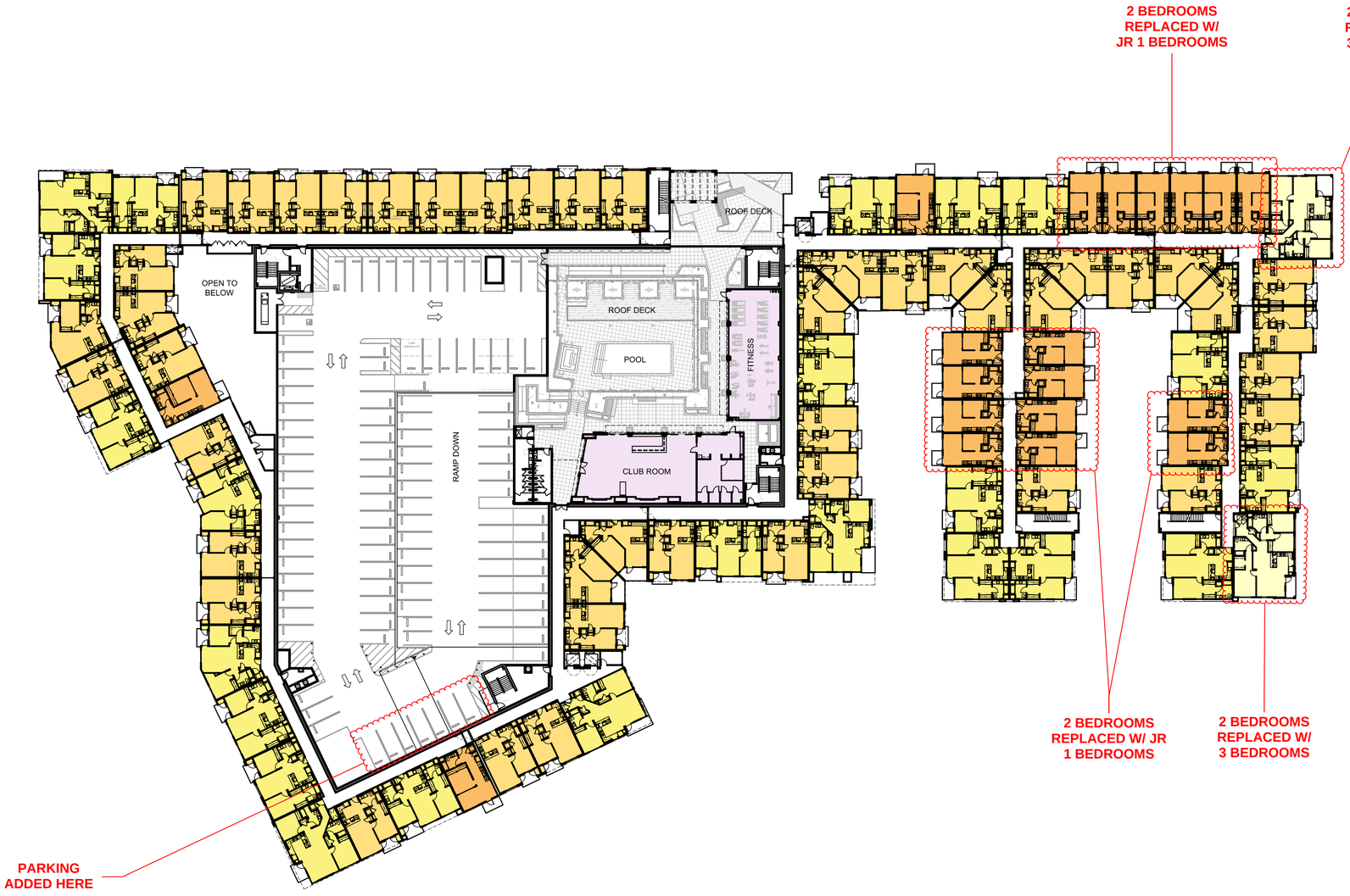

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - LEVEL 5 - FLOOR PLAN A2.5

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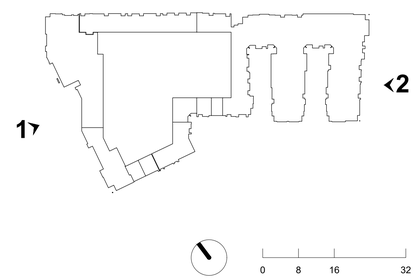
1 WEST ELEVATION

2 EAST ELEVATION

COLOR & MATERIAL LEGEND

1	PAINT COLOR 1: SHERWIN WILLIAMS PURE WHITE - SW 7005	S1	20/30 SAND FINISH STUCCO	WCP	WOOD COMPOSITE PANEL
2	PAINT COLOR 2: SHERWIN WILLIAMS SILVERPLATE - SW 7649	S2	SMOOTH TROWEL STUCCO	FCP	FIBER CEMENT PANEL
3	PAINT COLOR 3: SHERWIN WILLIAMS CLASSIC FRENCH GREY - SW 0077			LS	FIBER CEMENT LAP SIDING
4	PAINT COLOR 4: SHERWIN WILLIAMS URBANE BRONZE - SW 7048			B	6" x 24" PORCELAIN TILE
5	PAINT COLOR 5: SHERWIN WILLIAMS STURDY BROWN - SW 6097				

KEY PLAN N.T.S.



1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - EAST & WEST ELEVATIONS A3.1

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COMMUNITIES OF DISTINCTION

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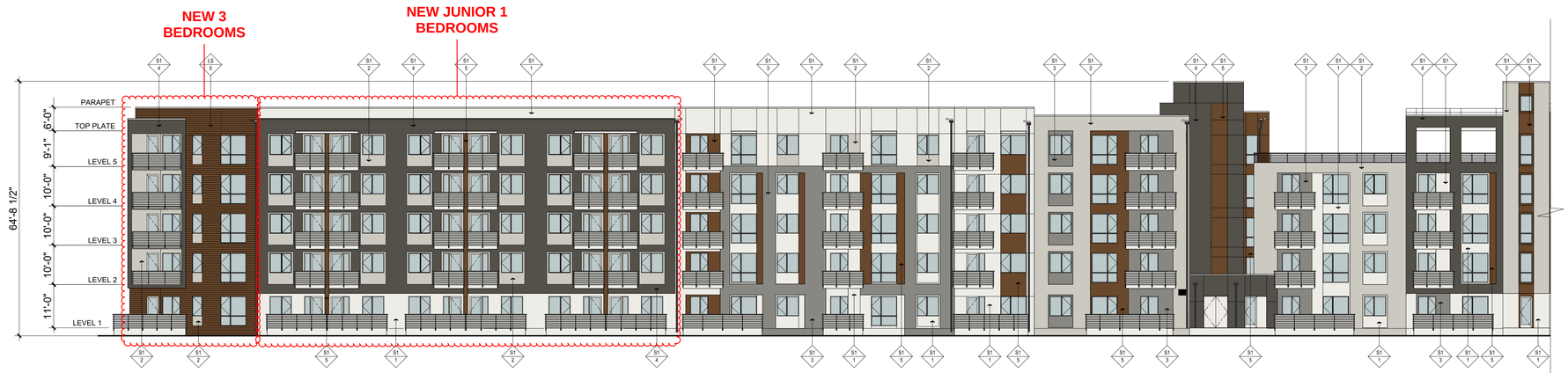


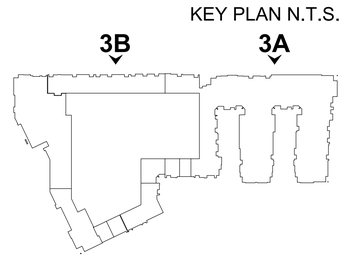
3A NORTH ELEVATION

3B NORTH ELEVATION

COLOR & MATERIAL LEGEND

- 1 — PAINT COLOR 1: SHERWIN WILLIAMS PURE WHITE - SW 7005
- 2 — PAINT COLOR 2: SHERWIN WILLIAMS SILVERPLATE - SW 7649
- 3 — PAINT COLOR 3: SHERWIN WILLIAMS CLASSIC FRENCH GREY - SW 0077
- 4 — PAINT COLOR 4: SHERWIN WILLIAMS URBANE BRONZE - SW 7048
- 5 — PAINT COLOR 5: SHERWIN WILLIAMS STURDY BROWN - SW 6097
- S1 — 20/30 SAND FINISH STUCCO
- S2 — SMOOTH TROWEL STUCCO
- WCP — WOOD COMPOSITE PANEL
- FCP — FIBER CEMENT PANEL
- LS — FIBER CEMENT LAP SIDING
- B — 6" x 24" PORCELAIN TILE

KEY PLAN N.T.S.



0 8 16 32

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - NORTH ELEVATIONS A3.2

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

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4A SOUTH ELEVATION

5 LOBBY COURTYARD ELEVATION

4B SOUTH ELEVATION

NEW WORK FROM HOME AMENITY

COLOR & MATERIAL LEGEND

- 1 — PAINT COLOR 1: SHERWIN WILLIAMS PURE WHITE - SW 7005
- 2 — PAINT COLOR 2: SHERWIN WILLIAMS SILVERPLATE - SW 7649
- 3 — PAINT COLOR 3: SHERWIN WILLIAMS CLASSIC FRENCH GREY - SW 0077
- 4 — PAINT COLOR 4: SHERWIN WILLIAMS URBANE BRONZE - SW 7048
- 5 — PAINT COLOR 5: SHERWIN WILLIAMS STURDY BROWN - SW 6097
- S1 — 20/30 SAND FINISH STUCCO
- S2 — SMOOTH TROWEL STUCCO
- WCP — WOOD COMPOSITE PANEL
- FCP — FIBER CEMENT PANEL
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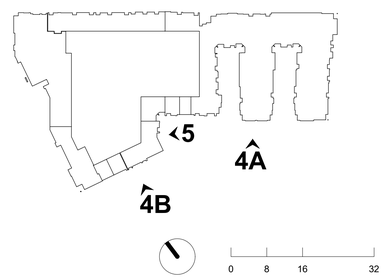

1500 CENTRE POINTE PERMIT ADJUSTMENT

BUILDING A - SOUTH ELEVATIONS A3.3

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LANDSCAPE PLAN-OVERALL

L1.0

SUMMERHILL APARTMENT COMMUNITIES
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01.30.2024 Submittal

KTGY Group, Inc.
Architecture+Planning
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DESIGN NARRATIVE

1. Great Mall Pkwy: landscape buffer zone w/ existing and new trees, 10' wide sidewalk, bldg access paths, pedestrian scale pole lights.

2. Montague Expy: landscape buffer zone w/ existing and new street trees, 8' wide sidewalk, pedestrian scale pole lights, bench seating.

3. Centre Pointe Drive: urban-scape w/ +/-13' wide sidewalk, trees in tree grates, street/pedestrian scale pole lights.

4. Intersection plazas: accent paving, seat walls, special planting
Great Mall / Montague: Project Signage; accent Fan Palm and Jacaranda tree planting.
Great Mall / Centre Pointe Dr: ART and Project Signage.

5. Retail plaza: enhanced small plaza w/ ART, accent paving, seating, planter pots.
Grand stair and ramp access from sidewalk.

6. Retail frontage: enhanced stair / ramps access w/ accent paving and street furniture.

7. Arrival court: colored concrete paving w/ accent bands, planting island w/ ART element and entry drive accent trees.

8. Lobby / Leasing Entry plaza: plaza accent paving; park seating; bike parking. Stair and Ramp entry.

9. EVA: open park-like zone w/ turf block and accent concrete pedestrian paths (fire access vehicular paving) flanked by accent trees and bench seating; fence enclosure (east side) w/ fire access and pedestrian gates. Dog area with signage; receptacles and drinking fountain.

10. Garden courtyards: private patios w/ access paths to 6' wide central walkway;
fireplace lounge w/ trellis ; kitchen area w/ BBQ counter, herb garden; communal dining w/ twinkle lights overhead; small play area w/ grass and bench seating.

11. Roof Deck @ Level5: outdoor kitchen area w/ BBQ and communal dining w/ views; pool and SPA w/ western deck seating for sunbathing and fence enclosure; lounge area w/ light overhead lighting; cafe seating and deck area for outdoor fitness.

LEGEND:

PAVING MATERIALS:
- natural color concrete
- integral color concrete
- accent pavers
- turf block (vehicular) w/ drought resistant sod grass mix
- plaza permeable paving
- artificial turf (play areas)

PLANTING MATERIALS:
- ground cover - assume 5gal plants @ 36" O.C.
- accent planting - assume 5gal plants @ 24" O.C.
- exisiting tree to remain
- new Fan Palm trees (per city)
- new Jacaranda trees (per city)
- new accent trees - assume 48" box
- new trees - assume 24" box

HARDSCAPE ELEMENTS:
- accent walls / seat walls
- outdoor kitchen w/ BBQ units
- planter pots
- outdoor furniture
- tree wells (Centre Pointe Drive)
- fences w/ gates (pool fence 5'min.)
- removable bollard
- Monument Signage

LIGHTING ELEMENTS:
- pedestrian scale pole light
- bollard light
- string light
- accent up light
- art element

Scale: 1" =30'
0 15 30 60
North

LANDSCAPE PLAN-BUILDING A

LI.1

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TREE DISPOSITION LEGEND:

#00 — Existing tree to be PRESERVED

#00 — Existing tree to be REMOVED

PROTECTED TREE

TREE TABULATION:

TOTAL EXISTING ON SITE:	227
Existing trees to be REMOVED	168
Existing trees to be PRESERVED	59

SummerHill Apartment Communities

Preliminary Tree Report
Centre Pointe Project

Prepared for:
SummerHill Apartment Communities
3000 Executive Parkway, Suite 450
San Ramon CA 94583

Prepared by:
HortScience, Inc.
325 Ray Street
Pleasanton, CA 94566

March 2015

HORT SCIENCE

Tree Preservation Guidelines
The following are recommendations for design and construction phases that will assist in successful tree preservation.

Design recommendations

1. Verify the location and tag numbers of all trees. Include trunk locations and tag numbers on all plans.
2. Allow the Consulting Arborist the opportunity to review project plans, including but not limited to, site, grading, drainage and landscape plans
3. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
4. Design irrigation systems so that no trenching will occur within the **TREE PROTECTION ZONE**.

Pre-construction and demolition treatments and recommendations

1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
2. Establish a **TREE PROTECTION ZONE** around each tree to be preserved. For design purposes, the **TREE PROTECTION ZONE** shall be 20' from the trunk in all directions. No grading, excavation, construction or storage of materials shall occur within that zone.
3. Install protection around all trees to be preserved. Stack and secure hay bales 6' high around tree trunks. As an alternative, employ 6' chain link with posts sunk into the ground. No entry is permitted into a tree protection zone without permission of the project manager.
4. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.
5. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61 license specification.

Tree protection during construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.
3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

4. Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project manager.
5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
6. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".

HortScience, Inc.

James R. Clark, Ph.D.
Certified Arborist WE-0846
Registered Consulting Arborist #357

Scale: 1" = 60'
0 30 60 120

North

1500 CENTRE POINTE DR

TREE DISPOSITION PLAN L2.0

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

SummerHill Apartment Communities
777 S. California Avenue
Palo Alto, CA 94304
925.244.7500
shapartments.com

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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5820 STONERIDGE MALL RD., #345 | PLEASANTON, CA 94588
925.467.1740 | WWW.GIACALONEDESIGN.COM

THE Guzzardo Partnership, INC.
Landscape Architects | Land Planners
Pier 9, The Embarcadero, Suite 115
San Francisco, CA 94111 | www.tgp-inc.com

MILPITAS, CA
KTGY # 20140796

01.30.2024 Submittal

KTGY Group, Inc.
Architecture+Planning
433 S. Spring St
Suite 750
Los Angeles, CA 90013
310.394.2625
ktgy.com

PLANNING APPLICATION
(FOR CONDOMINIUM PURPOSES)
CENTRE POINTE

CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA
FOR: SUMMERHILL HOMES

LEGEND

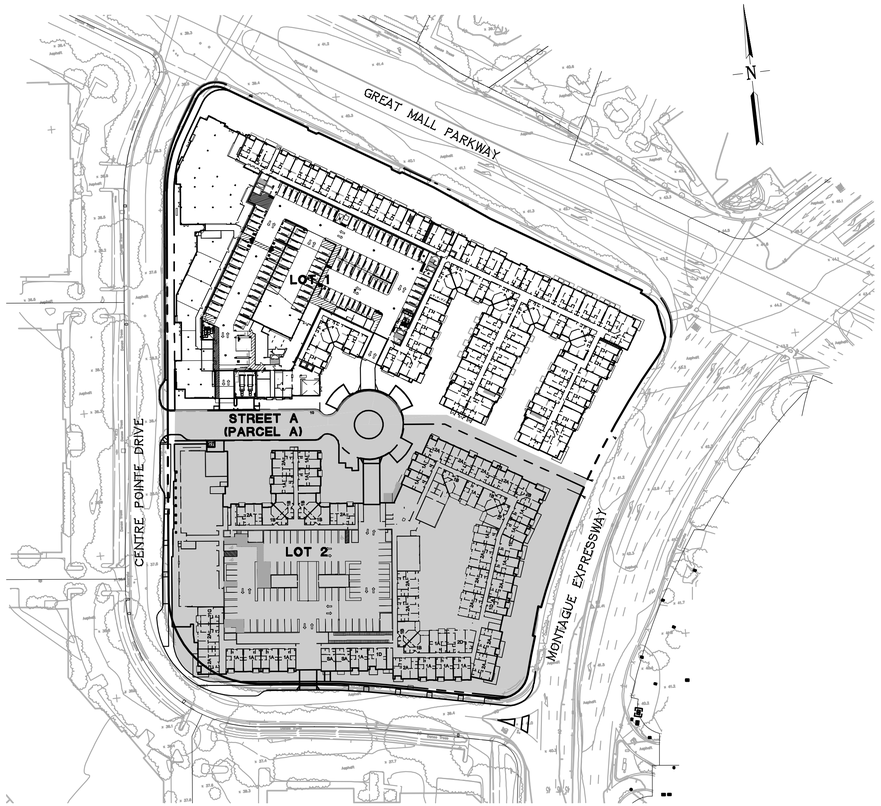
PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	RETAINING WALL	
	EASEMENT LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 8"SS
8"W	WATER	EX 8"W
	CURB & GUTTER	EX FC
	SIDEWALK	
	STORM WATER INLET	
	FIELD INLET	
	DIRECTION OF FLOW	
	MANHOLE	
	FIRE HYDRANT	
	SAVE TREE	
	REMOVE TREE	
	CONTOUR ELEVATIONS	130
x 525.2	SPOT ELEVATION	×525.2
0.5%	SLOPE	
	VALVE	

ABBREVIATIONS

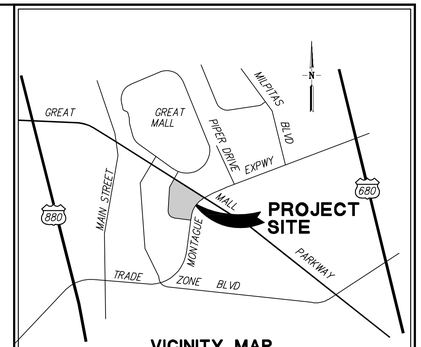
AB	AGGREGATE BASE	MH	MANHOLE
AC	ASPHALT CONCRETE	PAE	PUBLIC ACCESS EASEMENT
BFE	BASE FLOOD ELEVATION	PL	PROPERTY LINE
BW	BOTTOM OF WALL	PSDE	PRIVATE STORM DRAIN EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	PSSE	PRIVATE SANITARY SEWER EASEMENT
EX	EXISTING	PSUE	PUBLIC SERVICE UTILITY EASEMENT
FC	FACE OF CURB	PWLE	PRIVATE WATER LINE EASEMENT
FF	FINISH FLOOR	RET	CURB RETURN
FG	FINISHED GRADE	RW	RIGHT OF WAY
FI	FIELD INLET	SD	STORM DRAIN
FL	FLOW LINE	SS	SANITARY SEWER
GB	GRADE BREAK	SWI	STORM WATER INLET
GE	GARAGE ELEVATION	SWK	SIDEWALK
GR	GRATE	TC	TOP OF CURB
HP	HIGH POINT	TG	TOP OF GRATE
HOA	HOMEOWNER'S ASSOCIATION	TW	TOP OF WALL
INV	INVERT ELEVATION	W	WATER
LP	LOW POINT	WLE	WATER LINE EASEMENT
MH	MANHOLE	W(R)	RECYCLED WATER

SHEET INDEX

SHEET NO.	DESCRIPTION
C–1	TITLE AND GENERAL NOTES
C–2	PRELIMINARY SITE PLAN
C–3	PRELIMINARY STORMWATER CONTROL PLAN



LOCATION MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

1. OWNER: SHAC CENTRE POINTE APARTMENTS
C/O SUMMERHILL APARTMENT COMMUNITIES
777 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304
(650) 842–2404
CONTACT: ELAINE BREEZE

2. DEVELOPER: SUMMERHILL APARTMENT COMMUNITIES
777 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304
(650) 842–2404
CONTACT: ELAINE BREEZE

3. CIVIL ENGINEER: RUGGERI–JENSEN–AZAR
4690 CHABOT DRIVE, SUITE 200
PLEASANTON, CA 94588
(925) 227–9100
CONTACT: DOMINIC CARUCCI

4. GEOTECHNICAL ENGINEER: ENGEO
2010 CROW CANYON PLACE, SUITE 250
SAN RAMON, CA 94583
(925) 866–9000
CONTACT: JULIA MORIARTY

5. ASSESSOR'S PARCEL NUMBERS: 086–33–110

6. LEGAL DESCRIPTION: PARCEL A AS SHOWN ON THAT PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 1, 2017, IN BOOK 906 OF MAPS, PAGES 18–20.

7. CURRENT USE: COMMERCIAL

8. PROPOSED USE: MIXED–USE & RESIDENTIAL

9. EXISTING ZONING: MIXED–USE HIGH DENSITY

10. PROPOSED ZONING: MIXED–USE HIGH DENSITY

11. SITE AREA: 5.3± ACRES

12. TOTAL NUMBER OF PROPOSED LOTS: 1 LOT

13. TOTAL NUMBER OF PROPOSED UNITS: 399 UNITS

14. UTILITIES:
    a. WATER: CITY OF MILPITAS
    b. SANITARY SEWER: CITY OF MILPITAS
    c. STORM DRAIN CITY OF MILPITAS
    d. FIRE MILPITAS FIRE DEPARTMENT
    e. GAS AND ELECTRIC PACIFIC GAS & ELECTRIC
    f. TELEPHONE AT&T
    g. CABLE TV AT&T BROADBAND

16. THIS PROPERTY LIES WITHIN FLOOD ZONE AO (DEPTH 1'), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 06085C0067J, MAP REVISED FEBRUARY 19, 2014.

17. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AERIAL TOPOGRAPHIC SURVEY PROVIDED BY TETRATECH, MARCH 2015.

18. BENCHMARK: BRASK DISK IN MONUMENT WELL AT INTERSECTION, SOUTH ABEL STREET AND CORNING AVENUE EASTBOUND (SOUTHERLY OF TWO MONUMENTS) NAVD88 19.864.

19. IT IS INTENT OF THE DEVELOPER TO FILE MULTIPLE FINAL MAPS AFTER VESTING TENTATIVE MAP APPROVAL.

20. IT IS INTENT OF THE DEVELOPER TO FILE CONDOMINIUM PLANS FOR RESIDENTIAL AND COMMERCIAL UNITS AFTER FINAL MAP APPROVAL.

1500 CENTRE POINTE PERMIT ADJUSTMENT

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

SummerHill Apartment Communities
777 California Avenue
Palo Alto, CA 94304
650.857.0122
shapartments.com

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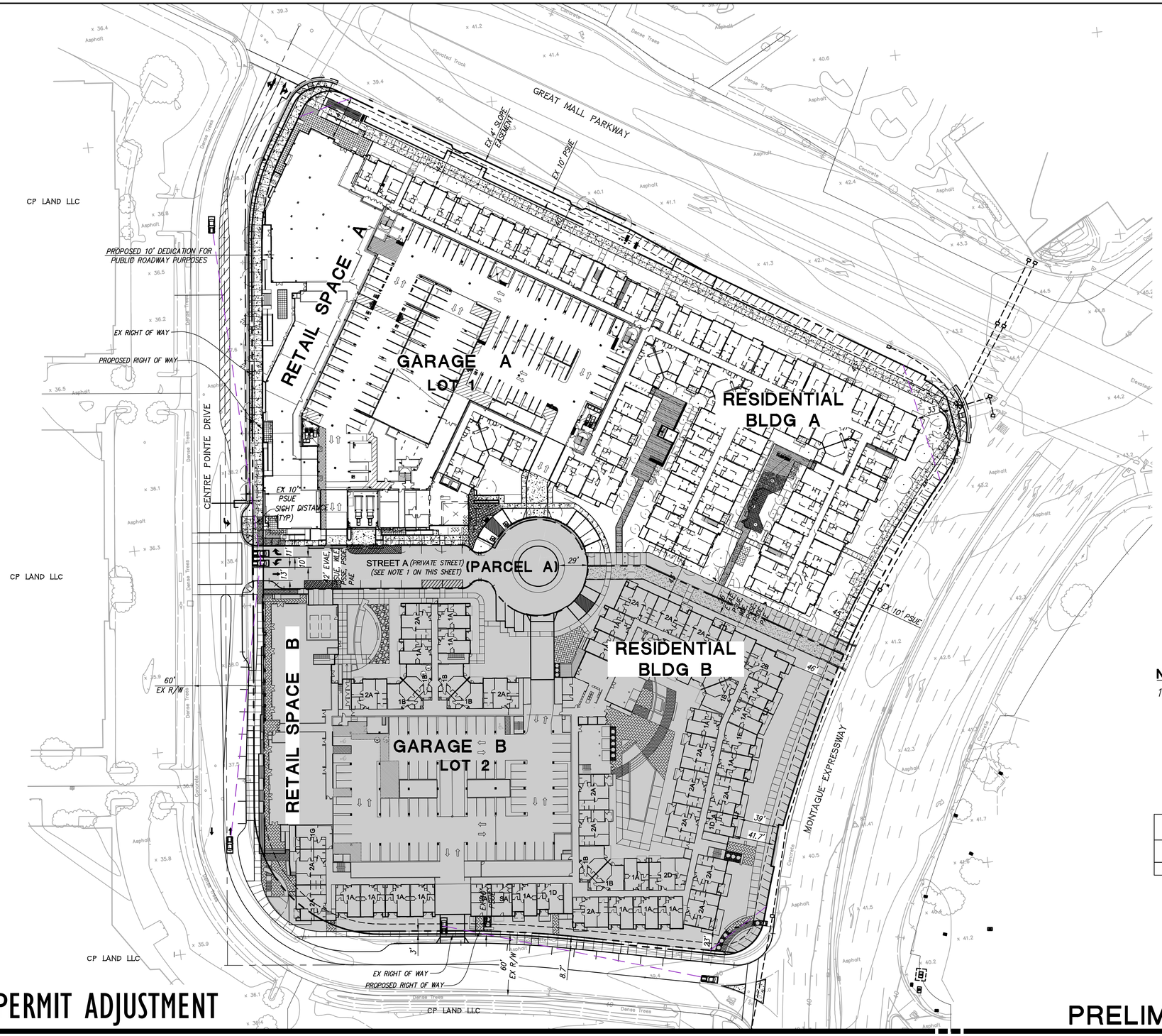
310.394.2625
ktgy.com

MILPITAS, CA
KTGY # 20140796

01.30.2024
SHEET C–1

G:\KB2014\141107\CAD FILES\02-PLANNING\TENT-MAP\PD-BLDG A\141107-PD1-TITLE.DWG 1/29/2024 7:08:24 PM DOMINIC CARUCCI



N

0 50 100 150

(IN FEET)
1 inch = 50 ft.

NOTE:

1. *THE PROPOSED STREET NAMES ARE AS FOLLOWS:*
   a. *CROSSROAD.*
   b. *CITADEL.*
   c. *ALVISO.*

LOT AREA TABLE	
LOT #	(SF)
1	225,366

1500 CENTRE POINTE PERMIT ADJUSTMENT

PRELIMINARY SITE PLAN

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

SummerHill Apartment Communities
777 California Avenue
Palo Alto, CA 94304
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KTGY Architecture + Planning
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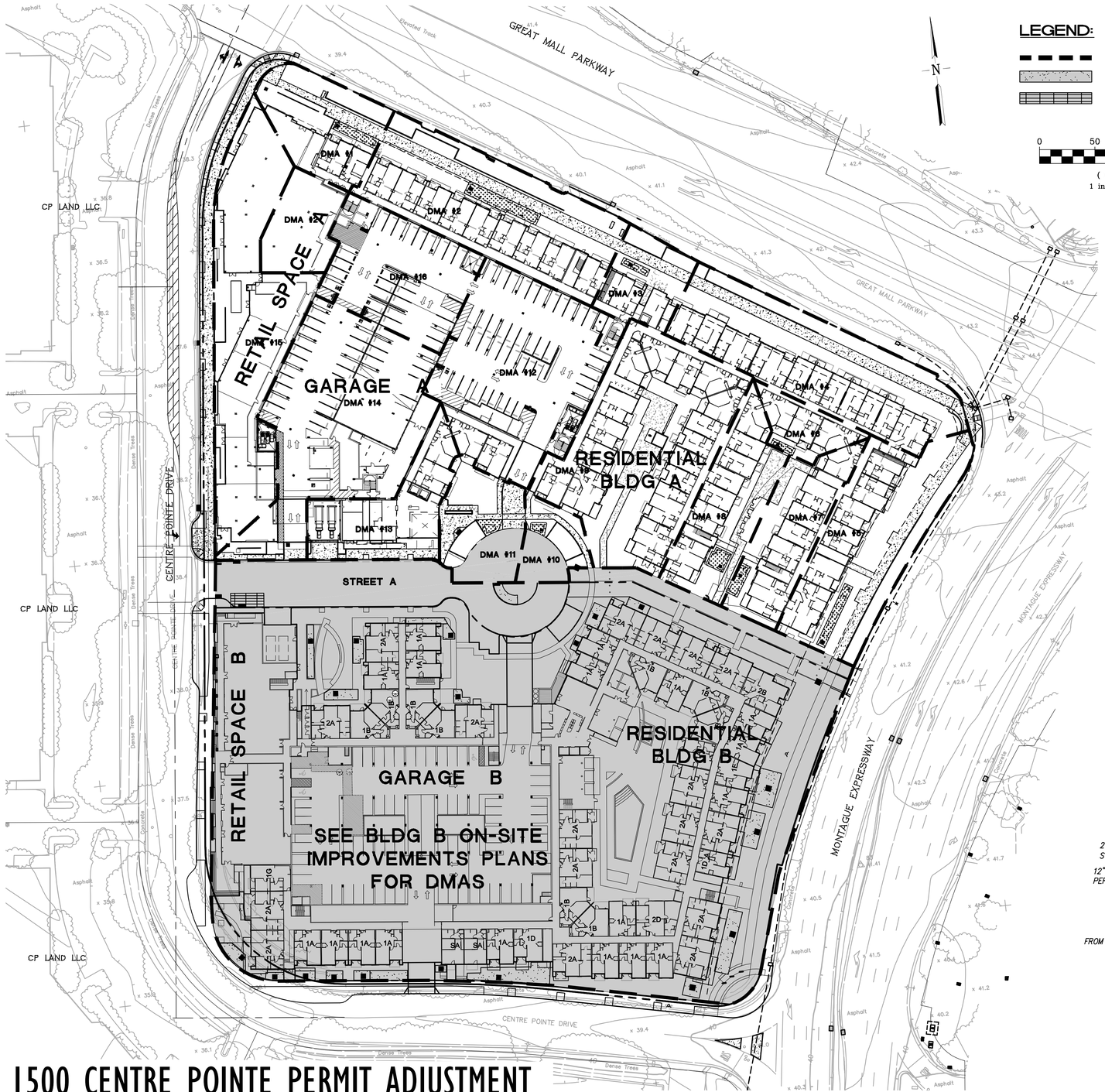
Los Angeles, CA 90013
310.394.2625
ktgy.com

MILPITAS, CA
KTGY # 20140796

01.30.2024
SHEET C-2

G:\2020\141071\CAD FILES\02-PLANNING\TENT-MAP\PD-BLDG A\141107-PD2-SITE PLAN.DWG 1/29/2024 7:07:43 PM DOMINIC CARUCCI



LEGEND:

- DRAINAGE MANAGEMENT AREA (DMA) BOUNDARY
- BIO-RETENTION AREA
- BIO-RETENTION AREA IN SILVA CELL

0 50 100 150

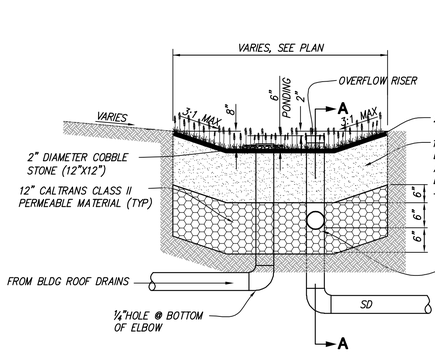
(IN FEET)
1 inch = 50 ft.

STORMWATER TREATMENT CALCULATION

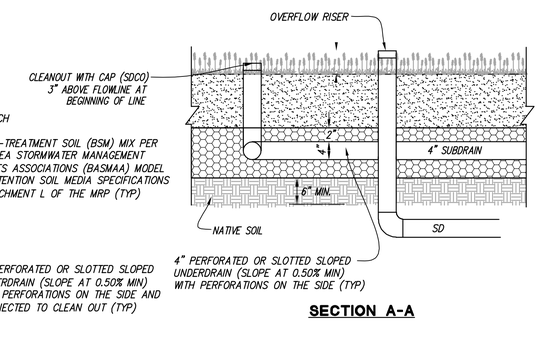
AREA ID	SURFACE	IMPERVIOUS AREA (SF)	EFECTIVE PERVIOUS AREA (SF)	BMP USED	SIZING FACTOR	REQUIRED SURFACE AREA (SF)	SURFACE AREA AS PROVIDED (SF)
DMA 1	ROOF/PAV	6,666	252	BIORETENTION	0.04	277	335
DMA 2	ROOF/PAV	17,438	700	BIORETENTION	0.04	726	813
DMA 3	ROOF/PAV	3,375	209	BIORETENTION	0.04	143	143
DMA 4	ROOF/PAV	11,603	807	OLDCASTLE MFS UNIT	0.04	496	2-12"&12" CARTRIDGES
DMA 5	ROOF/PAV	8,980	851	BIORETENTION	0.04	393	416
DMA 6	ROOF/PAV	3,118	76	BIORETENTION	0.04	128	128
DMA 7	ROOF/PAV	6,799	309	BIORETENTION	0.04	284	293
DMA 8	ROOF/PAV	6,594	362	BIORETENTION	0.04	278	278
DMA 9	ROOF/PAV	19,417	564	OLDCASTLE MFS UNIT	0.04	799	3-12"&12" CARTRIDGES
DMA 10	PAV	2,533	163	BIORETENTION	0.04	108	112
DMA 11	PAV	4,526	297	BIORETENTION	0.04	193	193
DMA 12	ROOF	18,312	0	OLDCASTLE MFS UNIT	0.04	732	3-12"&12" CARTRIDGES
DMA 13	ROOF	7,835	0	OLDCASTLE MFS UNIT	0.04	313	2-18" CARTRIDGES
DMA 14	ROOF	21,487	0	OLDCASTLE MFS UNIT	0.04	859	3-12"&12" CARTRIDGES
DMA 15	ROOF/PAV	19,538	0	OLDCASTLE MFS UNIT	0.04	782	3-12"&12" CARTRIDGES
DMA 16	ROOF	16,029	0	OLDCASTLE MFS UNIT	0.04	641	3-18" CARTRIDGES

NOTES:

1. THE CALCULATIONS ARE BASED ON THE LATEST SCVURPP C.3 STORMWATER HANDBOOK, JUNE 2016.
   a. 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% IMPERVIOUS AREA.
   b. SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
   c. A TREATMENT MEDIUM OF 0.04 SIZING FACTOR FOR BIORETENTION AREAS.
2. SIZING FACTOR OF 0.04 NOTED ABOVE IS CALCULATED BASED ON THE FOLLOWING CRITERIA:
   a. SIZING FACTOR=(0.2 IN/HR)/(5 IN/HR)=0.04
3. THIS PROJECT IS A SPECIAL PROJECT CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) AND MAY HAVE UP TO 70% OR 5,088 SQFT IN STORMWATER REDUCTION CREDIT BASED ON THE FOLLOW:
   a. 50% REDUCTION SINCE 50% OR MORE OF THE SITE IS LOCATED WITHIN A 1/4 MILE RADIUS OF AN EXISTING OR PLANNED TRANSIT HUB
   b. 20% REDUCTION SINCE DENSITY IS GREATER THAN 60 DWELLING UNITS/ACRE
4. DUE TO THE ROOF ROUTING OF STORMWATER PER THE PLUMBING CONSULTANT, DMA #2 HAS 2 SEPARATE DRAINAGE AREAS THAT TREAT STORMWATER.



TYPICAL BIO-RETENTION AREA



SECTION A-A

1500 CENTRE POINTE PERMIT ADJUSTMENT

PRELIMINARY STORM WATER CONTROL PLAN

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION

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777 California Avenue
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MILPITAS, CA

KTGY # 20140796

01.30.2024

SHEET C-3

G:\JOB2014\14107\CAD FILES\02-PLANNING\TENT-MAP\PD-BLDG A\14107-PD3-STORM WATER CONTROL PLAN.DWG 1/29/2024 7:08:21 PM DOMINIC CARUCCI

OWNER'S/SUBDIVIDER'S STATEMENT

THE UNDERSIGNED HEREBY STATE THAT IT IS THE OWNER OF OR HAVE SOME RIGHT, TITLE, OR INTEREST IN AND TO THE REAL PROPERTY WITHIN THE SUBDIVISION SHOWN HEREON; THAT IT IS THE ONLY ENTITY WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT IT CONSENTS TO THE MAKING AND FILING OF THIS SUBDIVISION MAP AS SHOWN WITHIN THE DISTINCTIVE BOUNDARY LINE.

THE UNDERSIGNED HEREBY OFFER THE REAL PROPERTY DESCRIBED BELOW FOR DEDICATION AS AN EASEMENT FOR PUBLIC PURPOSES: TO THE CITY OF MILPITAS FOR PUBLIC USE FOR OPERATION, ALTERATION, RELOCATION, MAINTENANCE, REPAIR AND REPLACEMENT OF ALL PUBLIC SERVICE FACILITIES AND THEIR APPURTENANCES, OVER, UNDER, ALONG AND ACROSS THE FOLLOWING:

1. PARCEL A (SHOWN AS CENTRE POINTE DRIVE) FOR PUBLIC STREET PURPOSES AND PUBLIC UTILITY PURPOSES.

2. AN EASEMENT FOR PUBLIC ACCESS PURPOSES, PAE (PUBLIC ACCESS EASEMENT). SAID PAE SHALL REMAIN OPEN AND CLEAR OF ANY BUILDINGS AND STRUCTURES. UNOBSTRUCTED CONTINUOUS ACCESS SHALL BE MAINTAINED AT ALL TIMES.

3. EASEMENTS FOR PUBLIC SERVICE UTILITY EASEMENT PURPOSES (PSUE). SAID PSUE SHALL REMAIN OPEN AND CLEAR OF ANY BUILDINGS AND STRUCTURES. UNOBSTRUCTED CONTINUOUS ACCESS SHALL BE MAINTAINED AT ALL TIMES.

AND THE UNDERSIGNED HEREBY RETAIN FOR THE PRIVATE USE OF THE LOT OWNERS WITHIN THE SUBDIVISION, THEIR LICENSEES, VISITORS AND TENANTS, WITH MAINTENANCE THEREOF BY THEIR LOT OWNERS THE FOLLOWING:

1. EASEMENTS FOR PRIVATE STORM DRAIN PURPOSES (PSDE). SAID PSDE SHALL REMAIN OPEN AND CLEAR OF ANY BUILDINGS AND STRUCTURES. UNOBSTRUCTED CONTINUOUS ACCESS SHALL BE MAINTAINED AT ALL TIMES.

OWNER:
SHAC CENTRE POINTE APARTMENTS II LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: _____

NAME: _____

TITLE: _____

BY: _____

NAME: _____

TITLE: _____

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____)

ON _____, 202_, BEFORE ME,_____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

PRINT: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

PRINCIPAL PLACE OF BUSINESS: _____

TRUSTEE'S STATEMENT

THE UNDERSIGNED, UNIONBANCAL MORTGAGE CORPORATION, A CALIFORNIA CORPORATION, AS TRUSTEE UNDER THOSE CERTAIN DEEDS OF TRUST RECORDED MAY 14, 2019 AS INSTRUMENT NO. 24178545 AND RECORDED DECEMBER 31, 2019 AS INSTRUMENT NO. 24370470, OFFICIAL RECORDS OF SANTA CLARA COUNTY DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

UNION BANCAL MORTGAGE CORPORATION, A CALIFORNIA CORPORATION

BY: _____ _____
NAME TITLE

TRUSTEE'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____, 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE SAME IN HIS/ HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS /HER /THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY ON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: _____ MY COMMISSION NUMBER: _____

PRINT NAME: _____ MY COMMISSION EXPIRES: _____

PRINCIPAL COUNTY OF BUSINESS: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, AT THE REQUEST OF SUMMERHILL APARTMENT COMMUNITIES, IN MARCH 2016. IT IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN MARCH 2016, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS TRACT MAP COMPLIES WITH TRACT MAP PROCEDURES OF THE CITY OF MILPITAS AND THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY); THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET BY DECEMBER 2024 AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

LICENSED LAND SURVEYOR
SCOTT A. SHORTLIDGE
No. 6441
STATE OF CALIFORNIA

_____
SCOTT A. SHORTLIDGE, L.S. 6441 DATE

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP; THAT THE SUBDIVISION AS SHOWN THEREIN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT THIS SUBDIVISION COMPLIES WITH PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

_____ DATE: _____
MATTHEW ALAN CANO, P.E.
RCE NO. 65479
DEPUTY CITY MANAGER/ACTING CITY ENGINEER
CITY OF MILPITAS,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

CITY SURVEYOR'S STATEMENT

I, HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

_____ DATE: _____
DEAN A JURADO PLS 9032
ACTING CITY SURVEYOR, CITY OF MILPITAS,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
DEAN A JURADO

LICENSED LAND SURVEYOR
DEAN A. JURADO
No. 9032
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, SUZANNE GUZZETTA, CITY CLERK OF THE CITY OF MILPITAS, CALIFORNIA, HEREBY CERTIFY THAT SAID CITY COUNCIL (OR THE PLANNING COMMISSION OF THE CITY OF MILPITAS, ON BEHALF OF SAID CITY COUNCIL), AS GOVERNING BODY OF SAID CITY, AT A REGULAR MEETING HELD ON _____, 20__, HAS TAKEN THE FOLLOWING ACTION:

1. APPROVED THIS TRACT MAP NO. 10549

2. ACCEPTED, SUBJECT TO IMPROVEMENTS, ON BEHALF OF THE PUBLIC, THOSE PARCELS OF LAND OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION:

   A. PARCEL A FOR PUBLIC STREET PURPOSES AND PUBLIC UTILITY PURPOSES
   B. EASEMENT FOR PUBLIC ACCESS PURPOSES, PAE (PUBLIC ACCESS EASEMENT)
   C. EASEMENT FOR PUBLIC SERVICE UTILITY PURPOSES, PSUE (PUBLIC SERVICE UTILITY EASEMENT).

DATED: _____ _____
SUZANNE GUZZETTA
CITY CLERK, CITY OF MILPITAS, CALIFORNIA

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 202_, AT _____M.,
IN BOOK _____ OF MAPS AT PAGES _____, SERIES NUMBER _____
AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: $_____

REGINA ALCOMENDRAS
COUNTY CLERK RECORDER,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

BY: _____
COUNTY CLERK RECORDER

TRACT 10549
CENTRE POINTE – PHASE 2

FOR CONDOMINIUM PURPOSES

CITY OF MILPITAS
SANTA CLARA COUNTY, CALIFORNIA

BEING ALL OF "PARCEL A" AS SHOWN ON
THE PARCEL MAP FILED SEPTEMBER 1, 2017
IN BOOK 906 OF MAPS AT PAGES 18–20,
SANTA CLARA COUNTY RECORDS

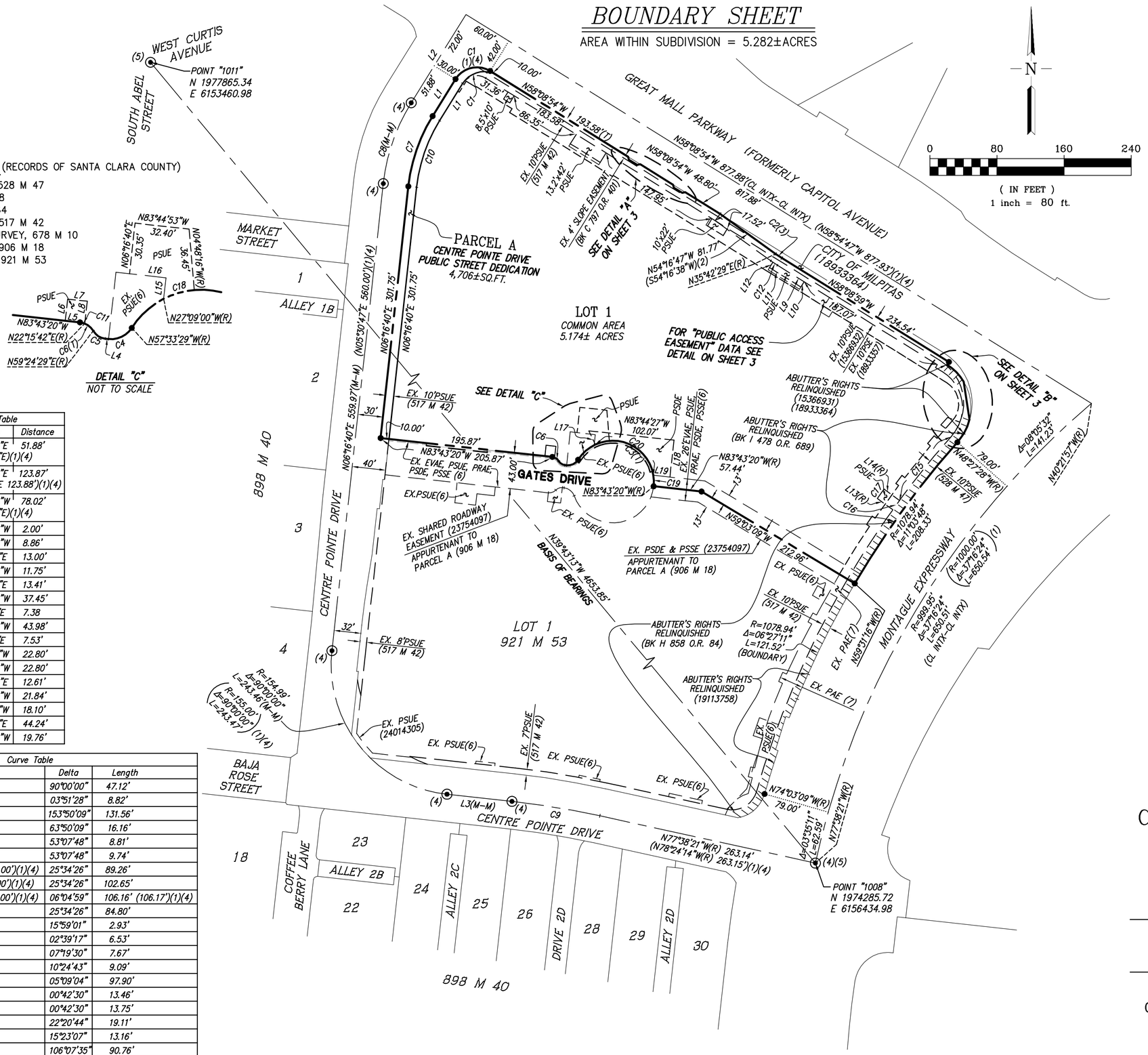
RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
(925) 227–9100
JANUARY 2024

JOB NO. 141107PH2 SHEET 1 OF 3 SHEETS

G:\JOBS\141107\MAPPING\FINAL MAP PH2\FMS-PH2-01.DWG 1/25/2024 10:23:53 AM ALAN MULLEN

BOUNDARY SHEET

AREA WITHIN SUBDIVISION = 5.282±ACRES



REFERENCES (RECORDS OF SANTA CLARA COUNTY)

(1) PARCEL MAP, 528 M 47
(2) DEED, 19113758
(3) DEED, 18933364
(4) PARCEL MAP, 517 M 42
(5) RECORD OF SURVEY, 678 M 10
(6) PARCEL MAP, 906 M 18
(7) TRACT 10408, 921 M 53

Line Table		
Line	Bearing	Distance
L1	N31°51'06"E (N31°05'13"E)(1)(4)	51.88'
L2	N31°51'06"E (N31°05'13"E 123.88')(1)(4)	123.87'
L3	N83°43'20"W (S84°29'13"E)(1)(4)	78.02'
L4	N83°43'20"W	2.00'
L5	N83°43'20"W	8.86'
L6	N06°16'40"E	13.00'
L7	N83°43'20"W	11.75'
L8	N06°16'40"E	13.41'
L9	N58°08'59"W	37.45'
L10	N31°51'01"E	7.38'
L11	N58°08'59"W	43.98'
L12	N31°51'01"E	7.53'
L13	N54°19'03"W	22.80'
L14	N53°36'32"W	22.80'
L15	N06°06'40"E	12.61'
L16	N83°43'20"W	21.84'
L17	N25°14'02"W	18.10'
L18	N06°16'40"E	44.24'
L19	N83°43'20"W	19.76'

Curve Table			
Curve	Radius	Delta	Length
C1	30.00'	90°00'00"	47.12'
C2	131.00'	03°51'28"	8.82'
C3	49.00'	153°50'09"	131.56'
C4	14.50'	63°50'09"	16.16'
C5	9.50'	53°07'48"	8.81'
C6	10.50'	53°07'48"	9.74'
C7	199.99' (200.00')(1)(4)	25°34'26"	89.26'
C8	229.99' (230.00')(1)(4)	25°34'26"	102.65'
C9	999.94' (1000.00')(1)(4)	06°04'59"	106.16' (106.17')(1)(4)
C10	189.99'	25°34'26"	84.80'
C11	10.50'	15°59'01"	2.93'
C12	141.00'	02°39'17"	6.53'
C13	60.00'	07°19'30"	7.67'
C14	50.00'	10°24'43"	9.09'
C15	1088.94'	05°09'04"	97.90'
C16	1088.94'	00°42'30"	13.46'
C17	1111.74'	00°42'30"	13.75'
C18	49.00'	22°20'44"	19.11'
C19	49.00'	15°23'07"	13.16'
C20	49.00'	106°07'35"	90.76'

NOTES:

1. ALL MONUMENT TIES SHOWN ARE AT RIGHT ANGLES TO THE MONUMENT LINE UNLESS OTHERWISE NOTED.
2. COORDINATES, BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 ZONE 3. MULTIPLY DISTANCES SHOWN BY 1.00005500 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE CALCULATED GRID BEARING OF N39°43'13"W OF THE LINE BETWEEN THE FOUND MONUMENT (POINT 1008) AT THE INTERSECTION OF MONTAGUE EXPRESSWAY WITH CENTRE POINTE DRIVE AND THE FOUND MONUMENT (POINT 1011) AT THE INTERSECTION OF SOUTH ABEL STREET WITH WEST CURTIS AVENUE WAS USED FOR THE BASIS OF BEARINGS. THESE MONUMENTS ARE SHOWN AS POINT NUMBERS "1008" AND "1011" ON THAT RECORD OF SURVEY FILED JUNE 26, 1996 IN BOOK 678 OF MAPS, AT PAGES 10 THROUGH 13, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA. THE BEARING WAS CALCULATED FROM THE COORDINATE VALUES FROM EPOCH 1986 SHOWN ON SHEET 4 OF 4 OF THAT SURVEY.

THE VALUES OF POINTS "1008" AND "1011" ARE AS FOLLOWS:

	NORTHING	EASTING
"1008"	1974285.72	6156434.98
"1011"	1977865.34	6153460.98

LEGEND

- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- CENTERLINE/MONUMENT LINE
- TIE LINE
- EXISTING PROPERTY LINE
- EXISTING RELINQUISHMENT OF ABUTTER'S RIGHTS
- ◉ FOUND MONUMENT, AS NOTED
- • FOUND 3/4" IRON PIPE WITH PLASTIC PLUG SET PER REFERENCE (6), STAMPED LS 6441

EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PUBLIC ACCESS EASEMENT
PSE	PUBLIC SERVICE EASEMENT
PSUE	PUBLIC SERVICE UTILITY EASEMENT
PRAE	PRIVATE RECIPROCAL ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
CL	CENTERLINE
INTX	INTERSECTION
(M-M)	MONUMENT TO MONUMENT
(R)	RADIAL BEARING
(DATA)(#)	RECORD DATA & REFERENCE
O.R.	OFFICIAL RECORDS

TRACT 10549
CENTRE POINTE – PHASE 2

FOR CONDOMINIUM PURPOSES

CITY OF MILPITAS
SANTA CLARA COUNTY, CALIFORNIA

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RUGGERI-JENSEN-AZAR
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JANUARY 2024

JOB NO. 141107PH2

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SIGNATURES OMITTED (EASEMENTS OF RECORD)

IN ACCORDANCE WITH SECTION 66436(a), 3(A)(i) OF THE SUBDIVISION MAP ACT, SIGNATURES OF PARTIES OWNING THE FOLLOWING INTERESTS, WHICH CANNOT RIPEN INTO A FEE, HAVE BEEN OMITTED:

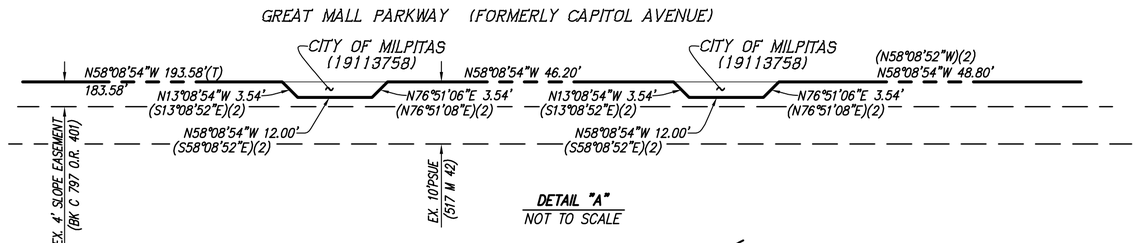
1) PACIFIC BELL EASEMENT, BOOK K443 O.R. PAGE 334 (NON-LOCATABLE)
2) PACIFIC GAS & ELECTRIC EASEMENT, BOOK K606 O.R. PAGE 152 (NON-LOCATABLE)
3) COMMUNICATIONS EASEMENT, DOC NO. 24389714 O.R.

AGREEMENTS OF RECORD

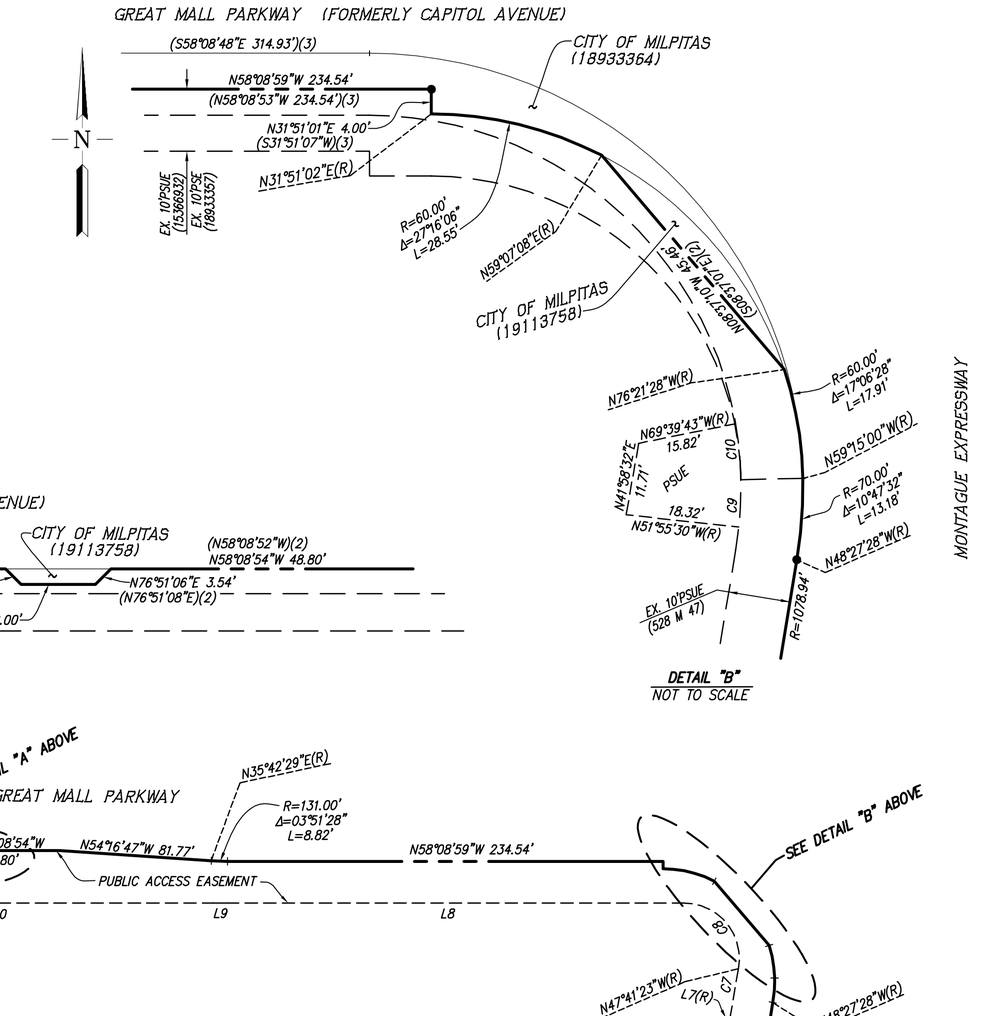
1) LANDSCAPE AND MAINTENANCE AGREEMENT, BOOK K452 O.R. PAGE 725
2) FUTURE ONSITE/OFFSITE IMPROVEMENTS, DOCUMENT NO. 23744308 O.R.

GEOTECHNICAL/SOILS NOTE:

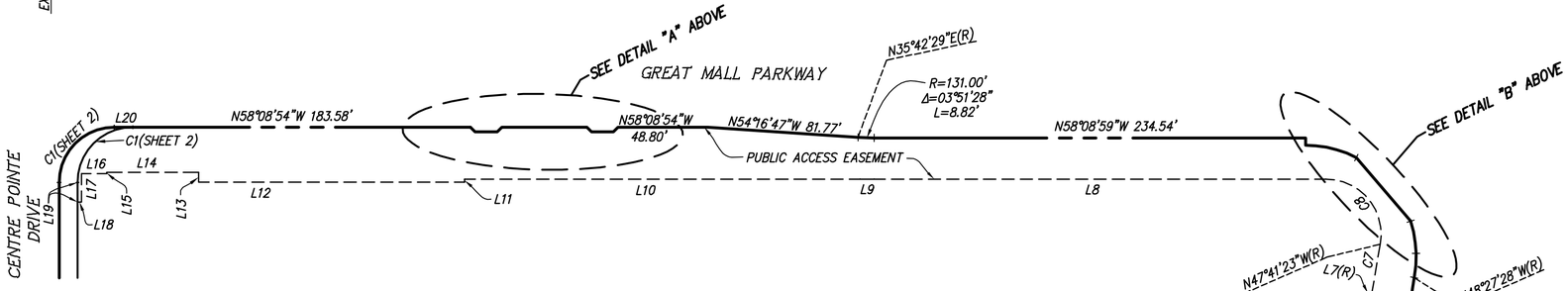
A REPORT ENTITLED "GEOTECHNICAL REPORT UPDATE" WAS PREPARED BY ENGEO INCORPORATED, DATED JANUARY 21, 2019, REVISED OCTOBER 21, 2019, PROJECT NO. 11845.000.001, SIGNED BY THEODORE P. BAYHAM, GE NO.2480. A COPY OF WHICH IS ON FILE WITH THE CITY OF MILPITAS.



DETAIL "A"
NOT TO SCALE



DETAIL "B"
NOT TO SCALE



PUBLIC ACCESS EASEMENT DETAIL
NOT TO SCALE

Line Table		
Line	Bearing	Distance
L1	N59°03'09"W	21.40'
L2	N56°00'39"W	4.20'
L3	N55°23'10"W	4.20'
L4	N52°53'25"W	4.20'
L5	N52°15'55"W	4.20'
L6	N49°44'10"W	4.40'
L7	N49°06'40"W	4.40'
L8	N58°08'59"W	245.52'
L9	N58°02'53"W	7.66'
L10	N58°08'54"W	215.00'
L11	N31°51'06"E	1.60'
L12	N58°08'54"W	144.45'
L13	N31°51'06"E	5.30'
L14	N58°08'54"W	50.00'
L15	N31°51'06"E	0.80'
L16	N58°08'54"W	13.76'
L17	N31°51'06"E	15.50'
L18	N58°08'54"W	2.10'
L19	N31°51'06"E	10.80'
L20	N58°08'54"W	10.00'

Curve Table			
Curve	Radius	Delta	Length
C1	1100.34'	03°30'04"	67.24'
C2	1104.54'	00°37'29"	12.05'
C3	1100.34'	02°29'45"	47.93'
C4	1104.54'	00°37'29"	12.05'
C5	1100.34'	02°31'46"	48.58'
C6	1104.74'	00°37'29"	12.05'
C7	1100.36'	1°25'17"	27.30'
C8	30.00'	100°27'36"	52.60'
C9	60.00'	7°19'30"	7.67'
C10	50.00'	10°24'43"	9.09'

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EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
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JANUARY 2024

JOB NO. 141107PH2

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Hexagon Transportation Consultants, Inc.

Memorandum

Date: April 5, 2024

To: Ms. Elaine Breeze, Summerhill Apartment Communities

From: Gary Black
Ling Jin

Subject: Shared Parking Confirmation for Centre Pointe Building A in Milpitas, California

Hexagon Transportation Consultants, Inc. has completed a parking study to confirm that the shared parking arrangement for the Centre Point Housing Project will work for the revised Centre Pointe Building A project in Milpitas. The proposed Building A project is Phase II of the Centre Point Housing Redevelopment project, which proposed 687 to 694 apartments in two buildings (Building A and Building B) and 36,500 square feet (s.f.) of commercial space. The currently proposed Phase II - Building A project seeks to increase the approved number of apartment units from 361 to 399. The proposed Building A project also includes 24,121 square feet of commercial space. Phase I of the Centre Point project – Building B, which has been built, contains 333 apartment units and 13,125 s.f of commercial space. As of the date of this report, none of the commercial space is occupied.

The conditions of approval for the Centre Point project require 190 parking spaces, total for Building A and B, to be shared between the commercial space and apartment guests. Fehr & Peers prepared a shared parking analysis for the combined project (Buildings A and B) in 2016. The study showed that the project would require 217 shared parking spaces for both the residential guests and commercial space, assuming up to 10,000 square feet of restaurants.

Therefore, the purpose of this parking study is to confirm that the shared parking concept still will work with the proposed increase in apartments in Building A.

Parking Demand and Supply for Phase I – Building B

The completed Building B development includes 333 apartment units and 13,125 s.f of commercial space. Based on the vehicle parking codes (see Table 1), it is required to provide 444 spaces for the apartment residents, 67 spaces for apartment guests, and 42 spaces for the commercial space. Building B includes 450 parking spaces for residents and 113 shared parking spaces for residential guests and commercial space. This includes 28 on-street parking spaces for apartment guests and commercial space users.

Parking Demand and Supply for Phase II – Building A

Based on the vehicle parking code shown in Table 2, the proposed Building A project is required to provide 520 spaces for the apartment residents, 78 spaces for apartment guests, and 77 spaces for the proposed commercial space. The Project proposes to provide 531 vehicle parking spaces for residents and 117 shared parking spaces for residential guests and commercial space. This includes 8 on-street parking spaces available for guests and commercial uses.

Conclusions

In total, there would be 230 spaces, including 194 spaces outside the gate and 36 spaces on the street, that could be used by residential guests and the commercial space. This number of shared parking spaces would meet the required 190 shared parking spaces in the conditions of approval for the Centre Point project and would also be enough the serve the maximum parking demand of 217 spaces as shown in the shared parking analysis conducted by Fehr & Peers. Therefore, the shared parking concept still will work with the proposed increase of residential units with Building A development, assuming the commercial space comprises no more than 10,000 square feet of restaurants.

Table 1
Vehicle Parking Requirements and Parking Supply for Building B

BUILDING B PARKING REQUIREMENTS AND PARKING SUPPLY - AS-BUILT				
LAND USE		**TASP MIN. PARKING RATIO**	**MIN. PARKING SPACES REQ.**	**BUILDING B PARKING - AS-BUILT**
Apartment				
16	Studio	0.8/unit	13	
190	1-Bedroom	1.2/unit	228	
127	2-Bedroom	1.6/unit	203	
333	**Total Units**		**444**	**450**
Residential Guest		15% of Residential Parking	67	**70**
13,125	Commercial	0.8/250 SF	42	**43**
	Restaurant	1/31 SF of "dining area (Sit Down Restaurant) OR 0.8/2.5 seats + 0.8/60 sf of take-out area (Take Out Restaurant)	n/a	n/a
	Shared Commercial Guest			0
		TOTAL UNSECURED (OUTSIDE PARKING GARAGE GATE)		**113**

Table 2
Vehicle Parking Requirements vs Supply for Building A

BUILDING A PARKING REQUIREMENTS AND PARKING SUPPLY - PROPOSED				
LAND USE		**TASP MIN. PARKING RATIO**	**MIN. PARKING SPACES REQ.**	**BUILDING A PROPOSED PARKING SUPPLY**
Apartment				
92	Jr 1-Bedroom	1.2/unit	110	
204	1-Bedroom	1.2/unit	245	
93	2-Bedroom	1.6/unit	149	
10	3- Bedroom	1.6./unit	16	
399	**Total Units**		**520**	**531**
Residential Guest		15% of Residential Parking	78	**29**
24,121	Commercial	0.8/250 SF	77	**39**
	Restaurant	1/31 SF of "dining area (Sit Down Restaurant) OR 0.8/2.5 seats + 0.8/60 sf of take-out area (Take Out Restaurant)	n/a	n/a
	Shared Commerical /Guest Parking			**49**
		TOTAL UNSECURED (OUTSIDE PARKING GARAGE GATE)		**117**