



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: October 12, 2011

APPLICATION: MAJOR TENTATIVE MAP NO. MT11-0003, SITE DEVELOPMENT PERMIT NO. SD11-0012 AND CONDITIONAL USE PERMIT NO. UP11-0033, CONTOUR PROJECT

APPLICATION SUMMARY: A proposal to redevelop an 8.3 acre site with 134 residential units (91 Town Homes and 43 Detached Single Family Homes), installation of associated site improvements, and a conditional use permit for exceptions on various development standards.

LOCATION: 300, 324-368 Montague Expressway (APN 86-36-043)

APPLICANT: Chris Davenport, Trumark Companies, 4185 Blackhawk Plaza Circle, Suite 200, Danville, CA 94506

OWNER: Mission West Properties LP II, 10050 Bandley, Cupertino, CA 95014

RECOMMENDATION: Adopt Resolution No. 11-050 recommending approval to the City Council.

PROJECT DATA:
General Plan/
Zoning Designation: Boulevard High Density Mixed Use (BVMU) / Mixed Use, Very High Density (MXD3)

Specific Plans: Transit Area Specific Plan

CEQA Determination: Exempt pursuant to Sections 15168(c) (2) of the California Environmental Quality Act (CEQA) Guidelines.

PJ: 2762

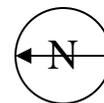
PLANNER: Cindy Hom, Assistant Planner

ATTACHMENTS:

- A. Resolution No. 11-050
- B. Project Plans
- C. Project Description Letter
- D. Stormwater Control Plan prepared by HMH Engineers

- E. Traffic Operational Analysis prepared by Hexagon Traffic Consultants
- F. Noise Study prepared by Charles M. Salter Associates
- G. Arborist Report prepared by HortScience, Inc.

LOCATION MAP



No scale

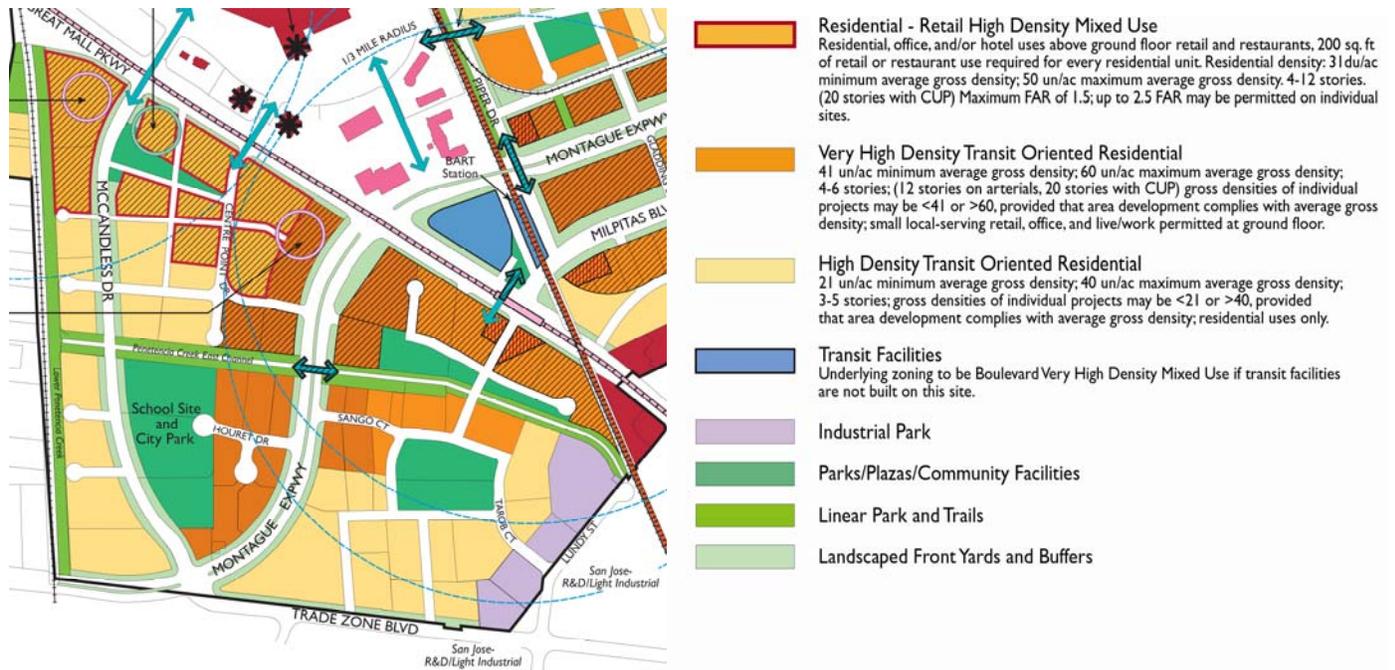
BACKGROUND

In 2008, the City of Milpitas adopted the Transit Area Specific Plan (TASP) and a Program Environmental Impact Report which encompasses 437 acres of land located south and southeast of the Great Mall to the Milpitas border near San Jose. The Plan promotes the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office space and industrial. The plan also established sub-districts within the specific plan area that have specific development strategies to address varying physical environments and constraints while creating discrete yet cohesive character between each sub-district.

The project area is currently located within the Montague Corridor Sub-District with a land use designation of Boulevard High Density Mixed Use (BVMU) and zoned Mixed Use, Very High Density (MXD3). On February 15, 2011 the Milpitas Redevelopment Agency approved an agreement with Mission West Properties to purchase three parcels totaling 10.89 acres of developed land located along the east side of McCandless Drive. The intended use of these parcels is for the future development of a joint community park and school pursuant to Transit Area Specific Plan Policy 3.49. A condition of this sale is the City completing amendments to the General Plan, Transit Area Specific Plan (TASP), and Zoning Map to change the land use designation of two properties owned by Mission West Properties located along Montague Expressway from Boulevard Very High Density Mixed Use (MXD3) to High Density Transit Orientated Residential (R3). One of those properties is the subject of this application.

The amendments to the General Plan, Transit Area Specific Plan, and zoning are coinciding with the Harmony residential project proposed by D.R. Horton which was continued from the Planning Commission meeting of September 28th to October 26th. The proposed land use designation changes are depicted in Map 1 Below. The proposed land use plan would provide for a residential scale gateway and allows a gradual transition and intensification that are anticipated in the Residential-Retail High Density Mixed Use areas near the future BART station. The project approval would be contingent upon the approval of the General Plan, Specific Plan, and Zoning amendments.

**Map 1:
Transit Area Sectional Land Use Plan (Pending)**



On August 17, 2011, Chris Davenport with Trumark Companies submitted an application for the following request:

- Vesting Major Tentative Map for the creation of residential and common lots and assignment of responsibilities for maintaining infrastructure.
- Site Development Permit for a new residential subdivision consisting of 134 residential units (91 town homes and 43 detached single family homes), private open space areas and amenities, and installation of related site improvements on an 8.3 acre site.
- Conditional Use Permit for exceptions to street setbacks on Montague and Trade Zone, side yard setback, and the lot area requirements for the detached single family homes.

The above applications are submitted pursuant to Milpitas Municipal Codes: XI-1-4.00 (Tentative Maps), XI-10-57.03 (Site Development Permit), and XI-10.57.04 (Conditional Use Permits) for Planning Commission and City Council review and approval.

PROJECT DESCRIPTION

The project site is located on a triangle shaped lot approximately 8.3-acre in size located at the southeast corner of the intersection at Montague Expressway and Trade Zone Boulevard. The site is bounded by Montague Expressway to the north, Trade Zone Boulevard to the west, and industrial uses to the east and south. Surrounding land uses include other industrial building to the south, west, and north and an auto wrecking yard located to the east of the project site. The

project site is developed with three industrial buildings that provide a combined square footage of 138,500 of industrial and office space, 193 non-native trees, and various site improvements. Adjacent zoning districts include Very High Density Mixed Use to the west and Multi-Family Residential, High Density to the east and north. A vicinity map of the subject site location is shown on page 3 of this staff report.

The project proposal consists of demolition of an 8.3 acre site that includes the removal of three industrial building, 163 on-site trees, and installation of various site improvements to allow for the construction of 91 town houses and 43 detached single family homes (134 units total), approximately 0.60 acres of private opens space, and construction of a new public street.

Vesting Tentative Map

The Vesting Tentative Map allows for the creation of fifty-eight (58) lots. Fifteen of the fifty-eight lots will provide a total 91 attached air space condominium units, a common lot area for the private street network, and 43 single family lots as shown in Figure 1 below. The project also includes the dedication of right-of-way for a future new public road and for the widening of Montague Expressway. The plans also include rough grading and utility installations. Table 1 provides a summary of the parcel size and number of dwelling units that could be developed on each parcel.

Figure 1.
Tentative Map Proposal

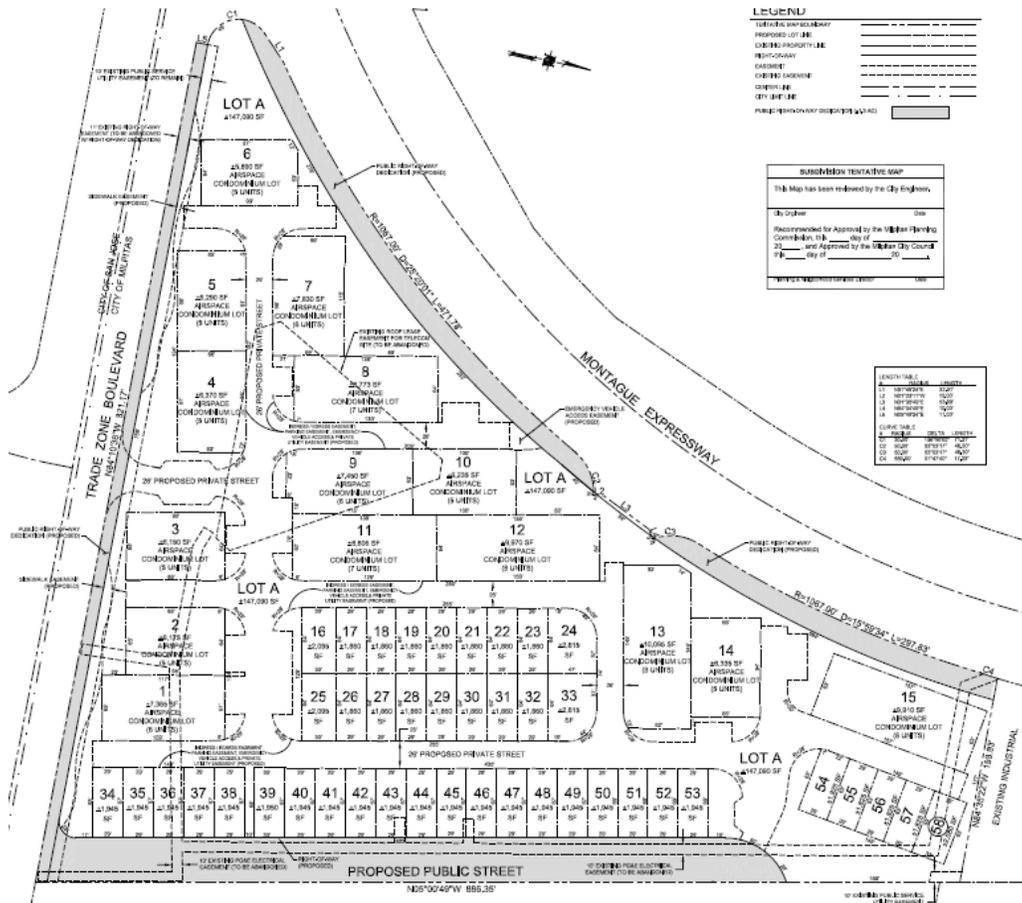


Table 1:
Parcel Statistics

| Lot | Type | Size | Units |
|-----------------------|---------------|--------------------------------------|--------------|
| 1 | Condominium | 7,365 | 6 |
| 2 | Condominium | 6,175 | 5 |
| 3 | Condominium | 6,150 | 5 |
| 4 | Condominium | 6,370 | 5 |
| 5 | Condominium | 6,290 | 5 |
| 6 | Condominium | 5,890 | 5 |
| 7 | Condominium | 7,830 | 6 |
| 8 | Condominium | 8,773 | 7 |
| 9 | Condominium | 7,450 | 6 |
| 10 | Condominium | 6,235 | 5 |
| 11 | Condominium | 8,806 | 7 |
| 12 | Condominium | 9,970 | 8 |
| 13 | Condominium | 10,095 | 8 |
| 14 | Condominium | 6,335 | 5 |
| 15 | Condominium | 9,910 | 8 |
| 16-58 | Single Family | Between 1,825 to 2,815 s. f. lots | 43 |
| Total Number of Units | | | 134 |

Off site improvements

The project includes off-site improvements that include construction of a new public street that would be offered as a future dedication. The applicant is proposing an interim condition on the new street that includes a 5-foot side walk, 7-foot landscaping strip, 8-foot parallel parking spaces, and a 10 ½ -foot travel lanes. The applicant will also be extending the recycle water line from the Montague/Trade Zone intersection to the project site and along the proposed new public street.

The applicant is proposing land dedication for the widening of Montague. Based on the Traffic Operations Analysis and the project's proximity to a proposed new residential subdivision (Harmony) and future park and school site, staff is recommending the following conditions:

1. *The applicant shall be required to implement traffic signal modifications to allow traffic to flow as efficiently as possible and to allow for pedestrian phases.*
2. *The applicant shall provide "Keep Clear" striping in the westbound direction within the Ringwood Avenue/Trade Zone Boulevard intersection to allow adequate room for vehicles on the side streets to maneuver through the intersection.*
3. *The project shall implement pedestrian crosswalk improvements at the Montague and Trade Zone intersections on all legs of the intersection.*

Site Development Permit

The Site Development Permit considers the site layout, the compliance with various development standards and the architecture of the buildings. The following sections below describe the project proposal and compliance with development standards.

Site Layout and Access

The proposed layout of the project area entails a grid pattern for the building and street layout. The attached town home product are located along the Trade Zone and Montague street frontages while the detached single family homes are located along the new public street and on the interior of the property. The private streets function as driveway aisles to the garages of the homes. The front entrances to the residential units are either oriented to a landscaped paseo or fronts a public street. The proposed private park includes playground equipment and picnic amenities and is at the southeast corner of the site near the single family homes.

The proposed residential development will be served by a private street system with the main access from Trade Zone Boulevard and a secondary access from the new public street located at the southern edge of the project site. There will be an emergency vehicle access for Fire Department ingress/egress at the mid-block section on Montague Expressway. The private street system consists of 26-foot wide drive aisles. In keeping with the Transit Area Plan visions and goals, pedestrian circulation will be facilitated by new meandering public sidewalks that are to be constructed along the Trade Zone and Montague as well as a new monolithic sidewalk along the proposed public street. Internal pedestrian circulation consist of 4-foot wide sidewalks and crosswalks that provide connectivity between residential buildings as well as to and from gathering spaces (i.e. private park and community outdoor rooms) and public sidewalks. *Staff recommends as a condition of approval, that the crosswalks utilized a decorative paving such as but not limited to stamped colored concrete, textured paving stones, or other material to the approval of the Planning Division.*

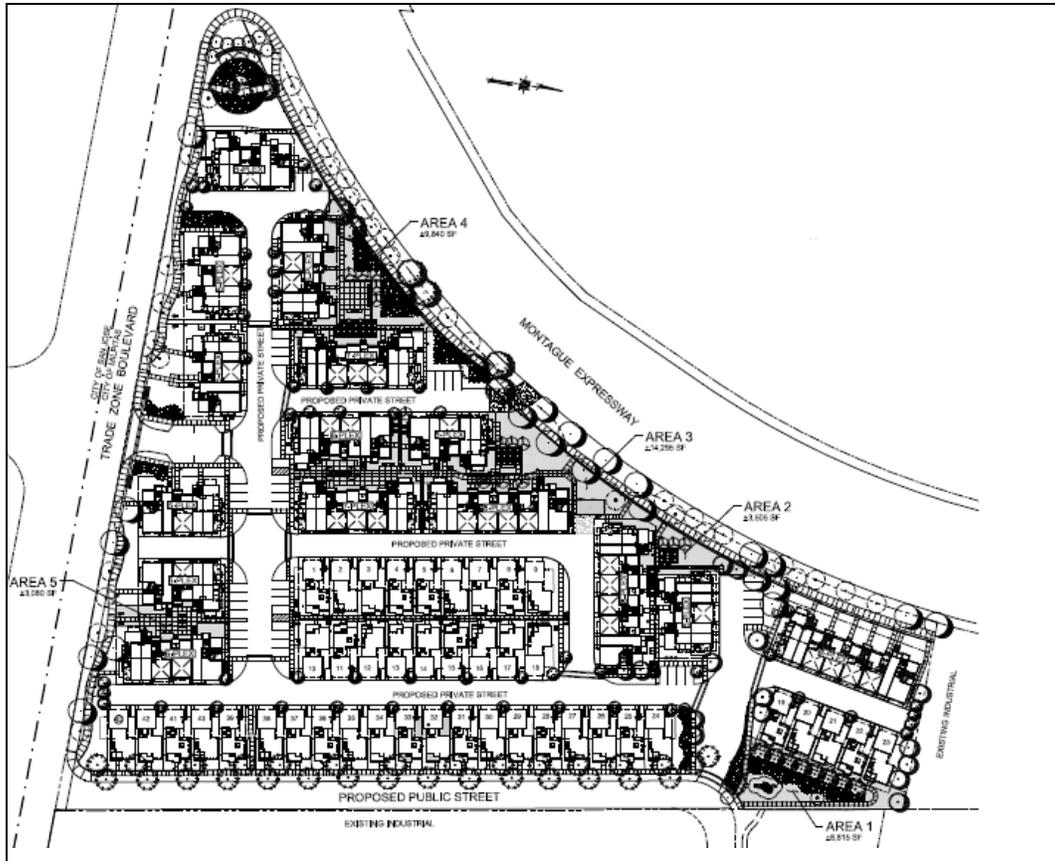
Open Space, Landscaping and Area Lighting

Private Open Space

The project proposes approximately 0.89 acres of private usable open space which includes a 0.20 acre private park that will be improved with a play structure and picnic seating areas and approximately 0.69 acres of outdoor gathering spaces that are located in certain paseos and along the Montague frontage as depicted in Figure 2 on the preceding page. The private gathering spaces provide outdoor areas designed with BBQ and seating amenities. *Staff recommends the following conditions:*

- 1. Increase the size of the 15 gallon Ginkgo trees to a 24-inch boxes tree size in private park area to provide shading over the picnic areas.*
- 2. Prior to building permits, the applicant shall submit a gateway concept at the open space area near the Montague/Trade Zone Intersection for Planning Division review and approval.*

Figure 2.
Open Space Exhibit and Landscaping Plan



Landscaping

Part of the demolition work includes the removal of approximately (177) on-site trees to allow for grading of site for utility installations as well as the construction of various site improvements for the proposed residential development. The project proposes to preserve a number of existing trees along the Trade Zone and Montague Expressway street frontages. Staff recommends as a condition of approval that the preserved trees shall be protected as per the Arborist Report recommendations. Furthermore, the project shall be conditioned to comply with the Transit Area Specific Plan Policies No. 5.26 and 5.27 and incorporate mitigation measures to address potential impacts to nesting habitats for burrowing owls and/or non-listed special status nesting raptors and other nesting birds. The applicant shall obtain a tree removal permit prior to any tree removal.

The landscaping proposal includes installation of (295) new trees that include both 15-gallon and 24" box trees such as Coral Bark Maple trees, Chinese Hackberry trees, and Ginkgo trees to name a few as well as various shrubs, vines, and groundcover. A combination of soft and hardscape are utilized in both public and private areas that provide both active and passive recreation/gathering spaces consisting of modern plant bowls, concrete seat walls, see sheets L1

through L10 of the plans for more detail. *Staff recommends as a condition of approval that the applicant submit a revised landscaping plan that substitutes 15 and/or 24-inch box trees with 36-inch box size trees at various locations to help blend new plantings with the existing size and canopy spans of mature trees that are to be preserve on Trade Zone and Montague.*

Area Lighting

Area lighting will consist of decorative light standards and bollards that have modern light fixtures that are compatible with the proposed architectural style of the buildings. Staff recommends as a condition of approval, that prior to building permit issuance; the applicant shall submit details and elevation of building light sconces. Light sconces shall be consistent with the building architecture and scale. Furthermore, the applicant shall include an iso-illumination plan that shall demonstrate 1) safe and adequate lighting of the project site and 2) lighting is contained and does not spill over onto adjacent properties or create unwanted glares.

Stormwater Control

A stormwater control plan was prepared with this project to demonstrate compliance with C3 stormwater regulations. The project proposes the following control methods for stormwater control measures that include media filters, biotreatment cells, and tree filters. The project would be utilizing landscaping areas for biotreatment of runoff from impervious surfaces. Media filter are inline structures (under drains) that separate sediment and debris as well as treat flows prior to entering into storm drains. These units are located in areas that have the highest concentration of directly connected impervious surface and least amount of landscaping. An example of an area would be the loop road where the detached single family units are proposed. The project will also utilize tree filters. Tree filters take flow from street gutters into planter boxes with trees and sandy loam soil mix which helps filters out pollutants as the runoff infiltrates vertically.

Development Standards

As mentioned, the project site falls with the area to be rezoned from MXD3 to R3. This section describes the project compliance with applicable development standards. Approval will be contingent upon Planning Commission and City Council approval of the General Plan Amendment, Zoning Amendment, and Specific Plan Amendment.

Table 2
Development Standards

| | Pending TASP / Zoning Ordinance for R3 | Proposed | Complies |
|---|---|-----------------|--------------------------------|
| <u>Density</u> (Minimum- Maximum) | 12-20 un/ac | 16 un/ac | Yes |
| <u>Setbacks</u> (Minimum) Trade Zone to Primary Structure | 43' from curb | 27'-39' | No, See CUP for Exceptions. |

| | Pending TASP / Zoning Ordinance for R3 | Proposed | Complies |
|---|---|--|--------------------------------|
| Montague Expressway to Primary Structure | 45' from curb | 41'- 58' from existing curb 15'-30' from future curb line | No, See CUP for Exceptions. |
| New Public Street to Primary Structure | 8-15 (10' min. building setback) | 19'-24' from back of walk | Yes |
| Side yard line to Primary Structure | 15' | 10' | No, See CUP for Exceptions. |
| <u>Building Height</u> (Maximum) | 60' | 27'-37' | Yes |
| <u>Parking</u> (Minimum) See parking section below for parking analysis and project compliance | 302 | 341 | Yes |
| <u>Landscaping</u> (Minimum) | See Parks/Landscaping/Open Space section | | Yes |

Street Setbacks

The Transit Area Specific Plan includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees and landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. Any major modifications to the street sections as proposed by the specific plan may be modified by the Planning Commission.

Exceptions

Exceptions to the standards within the Transit Area Specific Plan may be granted through the approval a Conditional Use Permit. In addition to the standard required findings for a Conditional Use Permit, the following findings are necessary by the final decision-making authority:

1. 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.
2. The deviation from the Transit Area Specific Plan standard allows for a public benefit not otherwise obtainable through the strict integrity of the Zoning Standard.

The applicant is requesting an exception for the street setbacks for Montague and Trade Zone as well as the 15-foot side yard setback. The applicant is proposing a meandering sidewalk to accommodate preservation of certain trees on Trade Zone and Montague. As a result of streetscape design and the desired density, some of the buildings project into the required setback. Staff is supportive of this request in that the proposed building layout and landscaping treatments in the street setbacks creates an undulating and pedestrian oriented street edge. The

proposed landscaping within the street setbacks includes preservation of existing trees, a pedestrian path, staggered rows of deciduous trees and ornamentals trees that would frame views of front doors and landscapes common areas from the public realm. The reduced side yard affects one building at the east corner of the site. This building has a 10-foot side yard setback. However, a 6-foot green terminus is still being provided.

The project would provide a public benefit in that preservation of existing mature trees which goes beyond what is required in the TASP. The applicant would be required to prepare a concept plan as well the construction of new a Milpitas gateway for the corner at Montague and Trade Zone. The project would also be conditioned to provide architectural enhancements that are further discussed in the Building Architecture section of this staff report.

Height

The maximum building height in the zone is 75 feet. The height of the proposed residential buildings varies from 27-feet (detached single family homes) and approximately 37-feet (attached townhomes). As proposed, the project conforms to the height limit.

Block Dimension

The Transit Area Specific Plan indicates a 500 foot maximum distance between publicly accessible paths of travel for a block. The combination of smaller block sizes for the town homes and single family lots and pedestrian pathways promote a walkable neighborhood. The project provides paseos and sidewalks that connect with common areas and public sidewalks and demonstrates a mobility and ease of movement throughout the project site.

Parking

Compliance with parking regulation are demonstrated in the Table 3 below.

Table 3
Project Compliance with Parking

| | Number of Units | Minimum Parking Required | Spaces Required |
|-------------------------------------|------------------------|---------------------------------|------------------------|
| Townhomes | | | |
| 2-3 BR | 80 | 1.6 per unit | 128 |
| 4 BR | 11 | 2.6 per unit | 29 |
| | | | |
| Guest | | 20% of required | 31 |
| <i>Subtotal required</i> | | | <i>188</i> |
| <i>Subtotal provided</i> | | | <i>188</i> |
| Detached Single Family Homes | | | |
| 2-3 BR | | 1.6 per unit | 27 |
| 4 BR | | 2.6 per unit | 68 |
| | | | |

| | Number of Units | Minimum Parking Required | Spaces Required |
|---------------------------------|-----------------|--------------------------|-------------------|
| Guest | | 20% of required | 19 |
| <i>Subtotal required</i> | | | <i>114</i> |
| <i>Subtotal provided</i> | | | <i>114</i> |
| TOTAL REQUIRED | | | 302 |
| TOTAL PROVIDED | | | 341 |

Bicycle Facilities

The project as proposed and conditioned complies with the requirement for bicycle parking and provides the 20% bicycle parking on-site. The bicycle racks are located through out the project site and provides bicycle parking opportunities for both residents and guests.

Building Architecture

The proposed architectural style of the attached multifamily townhomes consists of “Village Contemporary” and “Metropolitan” style architecture. The proposed architectural features varied roof lines that feature breaks and a variety of heights, wide eaves, deep recessed windows, stucco and paneled fiber cement walls, and metal accents to help provide articulation, texture, and variation.

The contemporary theme is carried through with the detached single family homes. The proposed architectural styles include “Farmhouse Contemporary” and “New Prairie” architecture. Articulation, variation, and break up of the massing are accomplished with different roof styles, height and breaks; massing is stepped down to the street and common areas; and the use of unique fenestrations, enhanced window sills, stone veneer treatments at the entry porches, metal awning, and decorative roof brackets provide architectural interest.

The project proposes only two styles for each of the product types. Staff is concerned that the project does not provide enough variation between the two styles. *Staff is recommending the project incorporate a third style for each product type that would be consistent and harmonious with the contemporary architectural theme. In addition, staff is recommending all garage doors with include ornamental ribbon windows. All garage door styles should vary unit to unit but also match or complement the style of the building architecture.*

Floor plans

The project proposes a variety of plan types that offer two bedroom, three bedroom, and four bedroom homes for both product types. The proposed floor plans and unit mixes cater to a variety of households, different income levels, different age groups, and life styles. More details and information are shown on the floor plan sheets.

Solid Waste Collection

The project proposes a central collection service due to the compact form. The proposed trash compact enclosure is centrally located within the project site. The enclosure will be constructed concrete masonry block wall construction with finishes that will match and complement the

building architecture styles, materials, and colors. *As conditioned, the final design shall be to approval of the Planning Division.*

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 4
General Plan Consistency

| Policy | Consistency Finding |
|--|--|
| Implementing Policy 2.a 1-25: Require development in the Transit Area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan. | Consistent. The project is consistent with the policies, and design objectives of the TASP. The project includes a request for exceptions that Planning Commission may grant with certain findings and CUP approval |
| Implementing Policy 2.b-I-3: Providing housing opportunities in Milpitas by meeting the City’s regional fair-share housing obligations. | Consistent. The project would contribute 134 new units towards regional housing goals. |
| Implementing Policy 2.b-I-2 Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities | Consistent. The project is located adjacent to industrial developments that would help locate housing near employment centers. The project would be served by existing city services and facilities. |
| Guiding Principle 2.a-G-2: Maintain a relatively compact form. | Consistent. The project maintains compact form by proposing a multifamily, high density project (21-20 units per gross acre) on 8.3-acre site. |
| Guiding Principle 2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families | Consistent. The project offers both attached town homes and detached single-family homes that meet the needs of individuals and families in a traditional neighborhood setting. |

Zoning Ordinance

The project consistent with the Zoning Ordinance in that the TASP calls for High Density Residential within this project site, the layout of the site and design are compatible and aesthetically harmonious with adjacent and surrounding development, and if conditionally approved, meets all the development standards and guidelines.

State Subdivision Map and Milpitas Subdivision Ordinance

The State Subdivision Map Act defers to the local ordinance with respect to the approval of a tentative tract map. The City’s Subdivision Ordinance requires design and improvement

consistent with the General Plan. As proposed, and discussed above the project is consistent with the General Plan.

Per MMC XI-1-9.02, every subdivider must provide park and recreational facilities in form of land to be dedicated, payment of a fee, or combination of both. The project proposes no public park space and 0.89 acres of private open space. Pursuant to MMC XI-9.08, a credit for private open space may be obtained up to 40% of the total required parkland dedication provided project meets the ordinance standards and City Council finds it in the public interest to do so. Based on the project proposal, 0.60 acre of parkland is required and is subject to payment. This obligation is included in the Transit Area Development Impact Fee.

Transit Area Specific Plan

The project demonstrates overall consistency with the TASP and Montague Sub District design objectives. Table 5 summarizes consistency with the TASP policies.

Table 5
Consistency with Transit Area Specific Plan Policies

| Policy | Compliance |
|--|---|
| Policy 4.1: High rise buildings are encouraged along Montague. | Consistent. The project proposes taller multifamily residential buildings near Montague and Trade Zone street frontages. |
| Policy 4.2: New curb cuts and auto access onto Montague are strongly discouraged, unless specifically indicated on the plan map. | Consistent. The project would prevent cut through traffic by removing an existing driveway on Montague Expressway. |
| Policy 3.59: Create a 45 foot deep continuous landscaped setback on Montague Expressway. | Not Consistent. The project is requesting an exception on the 45’ street setback. Exceptions may be granted that Planning Commission with a CUP. |
| Policy 4.5: New development along Montague Expressway must dedicate land, such that a total of 79 feet from the roadway centerline is provided, to accommodate the future Montague Expressway widening project. | Consistent. The project proposes land dedication for the Montague Widening Project |
| Policy 4.6: Buildings will be designed with facades facing Montague Expressway. | Consistent. The building frontages and front entries are oriented to the public street. |

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further environmental review pursuant to Section 15160(b) (3) of the CEQA guidelines because staff determined that the project is consistent with the certified EIR for the Transit Area Specific

Plan adopted on June 3, 2008 by the City Council and with the Environmental Impact Assessment EA11-0001 for the McCandless/Trade Zone rezoning.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The project proposal provides for a high density residential development with the Transit Area Specific Plan Area that encourages urban in-fill development near transit and retail. Although the project approval is contingent upon the General Plan, Specific Plan, and Zone change from MXD3 to R4, the project as proposed and condition complies with the ultimate goals of the city, consistent with the zoning, and provides for an aesthetic and harmonious development with the surrounding architecture.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and recommend approval to the City Council of MT11-0003, SD11-0011 AND UP11-0033, Contour Residential Project subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-050
- B. Project Plans
- C. Project Description Letter
- D. Stormwater Control Plan prepared by HMM Engineers
- E. Traffic Operational Analysis prepared by Hexagon Traffic Consultants
- F. Noise Study prepared by Charles M. Salter Associates
- G. Arborist Report prepared by HortScience, Inc.