



## MILPITAS PLANNING COMMISSION AGENDA REPORT

### PUBLIC HEARING

Meeting Date: October 12, 2011

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**APPLICATION:** **SITE DEVELOPMENT PERMIT NO. SD11-0011, MAJOR TENTATIVE MAP NO. MT11-0002, CONDITIONAL USE PERMIT NO. UP11-0032 and DENSITY BONUS NO. DB11-0001, Shea Residential Project**

**APPLICATION SUMMARY:**

A request to allow 204 dwelling units in four stories wrapped around a parking garage and courtyard. The project includes a density bonus in exchange for providing affordable units. The proposal also includes a vacation of right-of-way. This proposal includes development plans and architectural review for the project.

**LOCATION:** 1201 South Main (APN: 086-16-100)

**APPLICANT:** J.J. Abraham, Shea Properties, 130 Vantis, Suite 200, Aliso Viejo, CA 92656

**OWNER:** Willow Road Investors LLC, 1 Lagoon Drive, Suite 200, Redwood City, CA 94065

**RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 11-051 recommending approval of the project to the City Council.**

**PROJECT DATA:**

General Plan/

Zoning Designation: Very High Density Residential (VHD)/Very High Density Multi-family (R4)

Overlay Districts: Transit Oriented Development (-TOD) and Site and Architectural (-S)

Specific Plan: Midtown Specific Plan

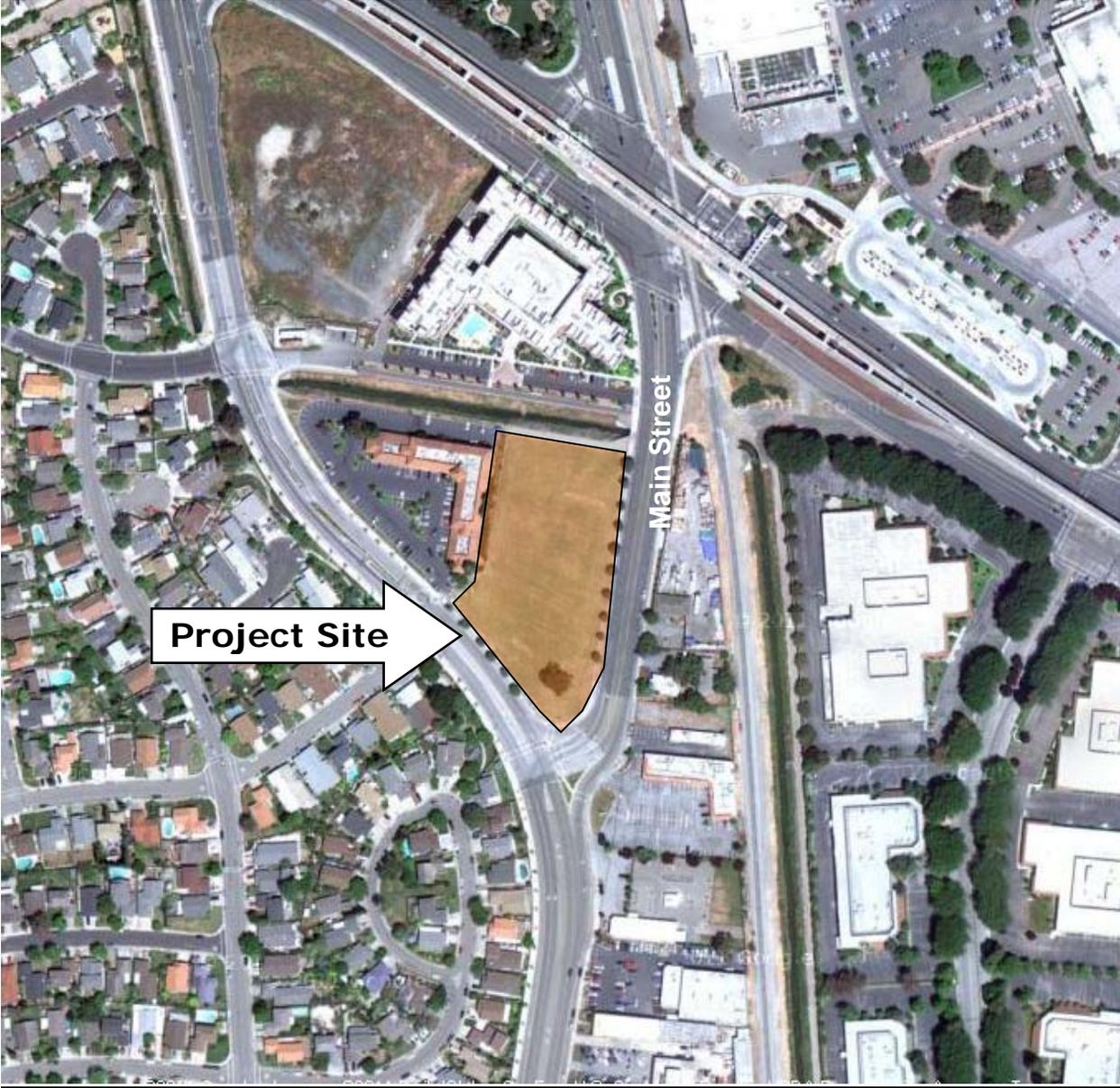
CEQA Determination: An addendum to the previously adopted Mitigated Negative Declaration was prepared pursuant to Section 15164 of the CEQA guidelines.

**PLANNER:** Sheldon S. Ah Sing, Senior Planner

**ATTACHMENTS:**

- A. Resolution No. 11-051
- B. CEQA Addendum and Matteson IS
- C. Project plans
- D. Project narrative
- E. Sun/Shadow Study
- F. Executive Summary of Traffic Impact Analysis

# LOCATION MAP



No scale



**BACKGROUND**

On September 18, 2007, the City Council approved a land use designation change from commercial to residential high density, and a 126 unit condominium project that also included 2,800 square feet of retail space for the subject property. The project applicant did not receive building permits to develop on the property and decided to place the project on hold because of the state of the economy. While the land use change remains in effect, as well as the California Environmental Quality Act determination, the other entitlements for the property have expired.

On August 5, 2011, Shea Properties and Kingsmill Group (applicant) submitted an application pursuant to Sections XI-1-4.00 (Tentative Maps), XI-10-57 (Site Development Permit and Conditional Use Permit) and XI-10-54.15 (Density Bonus) to construct a four-story apartment building with 204 dwelling units. Included in the proposal is a density bonus request and concession as provided by State law. The request requires a recommendation from the Planning Commission to the City Council.

**PROJECT DESCRIPTION**

The subject property is a 2.83 acre vacant site at the intersection of Abel and Main Streets. The subject parcel is zoned Very High Density Residential. The adjacent property to the north and east are zoned similarly. The adjacent property to the west is zoned General Commercial, while the properties across Abel Street are zoned single family residential. A vicinity map of the subject site location is included on the previous page.

*Development Standards*

The table below summarizes the development standards and the proposal. The project site includes a Transit Oriented Development (-TOD) overlay, which allows for additional density and height than the underlying base zoning.

**Table 1**  
**Development Standards**

	<b>Zoning Ordinance/Midtown Specific Plan</b>	<b>Proposed</b>
<u>Density</u> (Maximum)	60 dwellings per acre (170 units)	72.1 dwellings per acre (204 units)
<u>Setbacks</u> (Minimum)		
Front (back of sidewalk) to Primary Structure (Abel)	8 ft.	10 ft.
Street Side (back of sidewalk) (Main)	8 ft.	10 ft.
Interior	10 ft.	15 ft.
Rear	10 ft.	30 ft.
<u>Building Height</u> (Maximum)	Five stories (75 ft.)	Four stores (72 ft.)

The project also includes the vacation of right-of-way at the intersection of Main and Abel, which would eliminate the free right turn lane from Main to Abel going north. This would allow the building to be closer to the new curb. As a result of the re-configured intersection, the pedestrian crossing along Abel becomes shorter and thus safer.

Parking

While the project’s maximum dwelling unit count will not exceed 204, the site plan as proposed shows 203 units, which is the basis of the parking analysis. Regardless, even with an additional unit, the parking standards are met.

**Table 2**  
**Parking Summary**

Unit Type	Number of Units	Requirement Ratio	Number of Stalls
Studio	4	0.80	4
1 bedroom	116	1.20	140
2 bedroom	83	1.60	133
Total Residential	203	1.36	277
Total Guest		0.15	42
Total Required			319
<b>Total parking provided</b>			<b>340</b>

Bicycle parking for the project is either provided within the parking garage or on racks accessible from the street. The table below provides a summary of the bicycle parking for the project.

**Table 3**  
**Bicycle Parking Summary**

Use	Standards	Required	Provided	Notes
Residential	1 / 4 dwelling units	50.75	51	
Guest	5% of Required Parking	2.54	3	Racks accessible from street
<b>Total provided</b>			<b>54</b>	

Architecture

As with the previously approved project on the site, the proposal includes a classic architectural style. The contemporary Italianate style provides a transition from the contemporary designed Centria project to the north and the single-family homes to the west. The use of stone, stucco, tiled roof and balconies with wrought iron railings strengthen the style. Massing of the four story project is varied by the use of hip and gable roofs and parapet roofs and contrasting and complementing colors for the walls.

Specific attention is directed towards the treatment of the corner of Abel Street and Main Street. The corner serves as a gateway into the City's transit and the Great Mall. The proposal includes a fully functioning tower element. At the street, a water wall feature will form a plaza and direct attention to the tower entry. The water feature will include lighting and signing. Other features framing the tower at the street level include landscaping and the stone veneer incorporating Italianate design. In addition on the first level, studio residential units flank the entry corridor.

The second, third and fourth levels of the tower include residential units. At the top of the building at the corner is a roof deck. The roof deck will include both covered and open design features for passive uses. While this is a wholly residential project, the incorporation of features as described above provides a common interface with the public street corner.

#### Open space

Cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities.

Title XI, Section 9 of the Municipal Code provides the provisions for dedication of land or payment of fee or both for recreational purposes. For this project, a total of 1.85 acres of land is necessary for recreation space. Of that amount 1.06 acres is required for public and 0.79 acres is required for private open space. Depending on the purpose, design and consistency with adopted master plans and the city's subdivision ordinance, credits may be granted against any in-lieu fee amount for recreation purposes.

Typical public recreation spaces may not include those that are inaccessible to the public, too small to be considered for public recreational spaces, areas that do not meet minimum standards, setback areas, or areas where there is duplication of an already identified and constructed facility. Public recreation spaces shall be reasonably adaptable for use for park and recreational purposes. Typical private recreation spaces include those that provide amenities to the project occupants and their guests and have areas that are reasonably adaptable for use for recreational purposes.

The applicant submitted an open space exhibit; however, staff cannot acquiesce to the plan because there is not sufficient detail and certain areas are proposed for open space, which cannot be counted by ordinance, such as the setback areas. A condition of approval requires the submittal a refined exhibit to the satisfaction of the Planning Director or designee.

#### *Private recreation spaces*

The project provides patios and balconies for the exclusive use by tenants for each unit. Other areas that are not exclusive to individual units are provided as both outdoor and indoor private recreational areas. Section 4.05(D)(1)(d) of the Zoning Code requires minimum dimensions for patios and balconies, which the project must meet when being counted towards private recreation space. In addition, the project provides a courtyard that provides both active and passive usage with a lap pool, lounge furniture and cabana rooms. A rooftop terrace provides approximately 5,000 square feet of passive area that will include chairs and viewing opportunities of the

surrounding areas. The applicant submitted sun/shadow study for summer and winter periods identifying when the courtyard would be in the shade.

Density Bonus and Affordable Housing

State density bonus law grants an increase of residential dwelling units and development concessions in exchange for providing below market rate dwellings. Title XI, Section 54.15, of the City’s Municipal Code is consistent with state law (Section 65915 of the Government Code). The table below summarizes the project’s proposal regarding the density bonus and affordable housing provisions.

**Table 4**  
**Density Bonus Summary**

Property acreage (including vacation of ROW)	2.83
Maximum units per zoning (Max 60/du per acre)	170
Maximum units with density bonus at 20%	204
Maximum dwelling units proposed	204
Market rate units	195
Below market rate (very low) (based on 5% of baseline units per zoning ordinance)	9

When five percent of very low income units are proposed, as in the case of the subject project, the bonus density provisions allow up to one concession from development standards. The applicant seeks to reduce the setback along Main Street to two feet from the required 10 feet. The reduced setback dimension will help the project accommodate the increased number of units and desired amenities. The applicant and city will enter into an agreement to ensure the operations and maintenance of the affordable units pursuant to state and local laws.

**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 5**  
**General Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
<i>2.a-G-2: Maintain a relatively compact urban form</i>	<b>Consistent.</b> The project includes 72.1 dwelling units per acre (including the bonus density) in a four story building.
<i>2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and</i>	<b>Consistent.</b> The project provides a variety of studio through two bedroom units. These are ideal for individuals, couples and small families. Housing will

Policy	Consistency Finding
<i>families.</i>	be available for rent, which is different than the types of housing that has been developed recently.
<i>2.a-G-6: Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed use community that includes high density, transit-oriented housing and a central community.</i>	<b>Consistent.</b> The project is a high density, transit oriented development with density of 72.1 units per acre. It is located near the Great Mall, the Great Mall transit center and light rail station.
<i>2.a-I-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.</i>	<b>Consistent.</b> The project is surrounded by existing development and infrastructure, including utilities, and roadways.
<i>2.a-I-22: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.</i>	<b>Consistent.</b> The project includes a gateway feature and its streetscape will be consistent with the adopted Main Street Plan Line.

**Midtown Specific Plan**

The Midtown Specific Plan was adopted in 2002. The subject site is identified as an opportunity site. Implementation of the specific plan is done through compliance and consistency with stated goals and policies.

**Table 6**  
**Midtown Specific Plan Consistency**

Goal or Policy	Consistency finding
<i>Goal 2: Provide for a significant component of new housing within the area in order to improve the vitality of the midtown area; address local and regional housing needs; and reinforce the use of transit.</i>	<b>Consistent.</b> The project provides high density near transit facilities.
<i>Policy 3.6: Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on</i>	<b>Consistent.</b> The project proposes to restrict nine units as below market rate, which will be designated within the very low income

Goal or Policy	Consistency finding
<i>a project-by-project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area.</i>	category. This proposal will be outlined in the affordable housing regulatory agreement between the City and the developer.
<i>Policy 3.7: Integrate affordable units with market rate developments Ensure that affordable units are architecturally integrated and indistinguishable from market rate units.</i>	The below market rate units are to be integrated into the overall project mix, including size, layout and location within the building. These units will be identified in the affordable housing regulatory agreement.
<i>Policy 5.1: Establish a development pattern along Main Street and around the transit stations that is oriented to pedestrians and consistent with the design standards and guidelines. More specifically, buildings should address streets, pedestrian paths, parks and open spaces, and transit stations with entries, windows, bays, balconies, and other articulated features. Parking lots should not dominate the experience along any prominent street or pedestrian route.</i>	<b>Consistent.</b> The project’s location near the Great Mall, Great Mall transit station and light rail station will encourage pedestrian activity. The project provides quality architecture around the perimeter of the building at all levels. The interiorly located parking structure provides the required parking for the project.

**Zoning Ordinance**

When a standard is not included in the Midtown Specific Plan, then the project is subject to the Zoning Ordinance. The zoning ordinance provides additional provisions regarding landscaping and open space. Balconies and patios shall provide a minimum 60 square feet of area in accordance with Section 10-4.05D(1)(d).

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration. Staff determined that an addendum is appropriate for this project. With respect to the project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, an addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164. The elimination of the retail component reduces impacts caused by the project. See Attachment B for the CEQA Addendum.

**PUBLIC COMMENT/OUTREACH**

The applicant held a community meeting pursuant at the suggestion of staff because of its location near an established residential neighborhood on September 8, 2011 at Pearl Zanker Elementary. Notices regarding the meeting were sent to property owners and tenants within 1,000 feet of the project site by the applicant. One interested person from the Centria project

attended the meeting. 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 represents a high density urban in-fill development near transit and retail. The massing is consistent with the zoning and the architectural style complements the surrounding development.

### **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. recommending approval of **Site Development Permit No. SD11-0011, Major Tentative Map No. MT11-0002, Conditional Use Permit No. UP11-0032, Density Bonus No. DB11-0001, and an Addendum to a previously adopted Mitigated Negative Declaration, Shea Residential Project**, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

- A. Resolution No. 11-051
- B. CEQA Addendum
- C. Project Plans
- D. Project narrative