



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: April 25, 2012

APPLICATION: **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0004**

**APPLICATION
SUMMARY:**

A request to amend the previously approved landscape plan to allow for the addition of seven palm trees associated with a new residential subdivision with 83 single family detached homes, private streets and associated common area improvements on 4.98 acres.

LOCATION: 905 and 980 Los Coches Street (APNs: 086-29-050 and 086-29-049)

APPLICANT: Santa Clara Development Company (Robson Homes); 2185 The Alameda, Suite 150, San Jose, CA 95126

OWNER: Same as applicant.

RECOMMENDATION: **Staff recommends that the Planning Commission:
Adopt Resolution 12-022 denying the project.**

PROJECT DATA:

General Plan/

Zoning Designation: Town Center/Town Center (TC)

Overlay Districts: Site and Architectural (-S)

CEQA Determination: The project is exempt pursuant to Section 15304 "Minor Alterations to Land" of the CEQA guidelines.

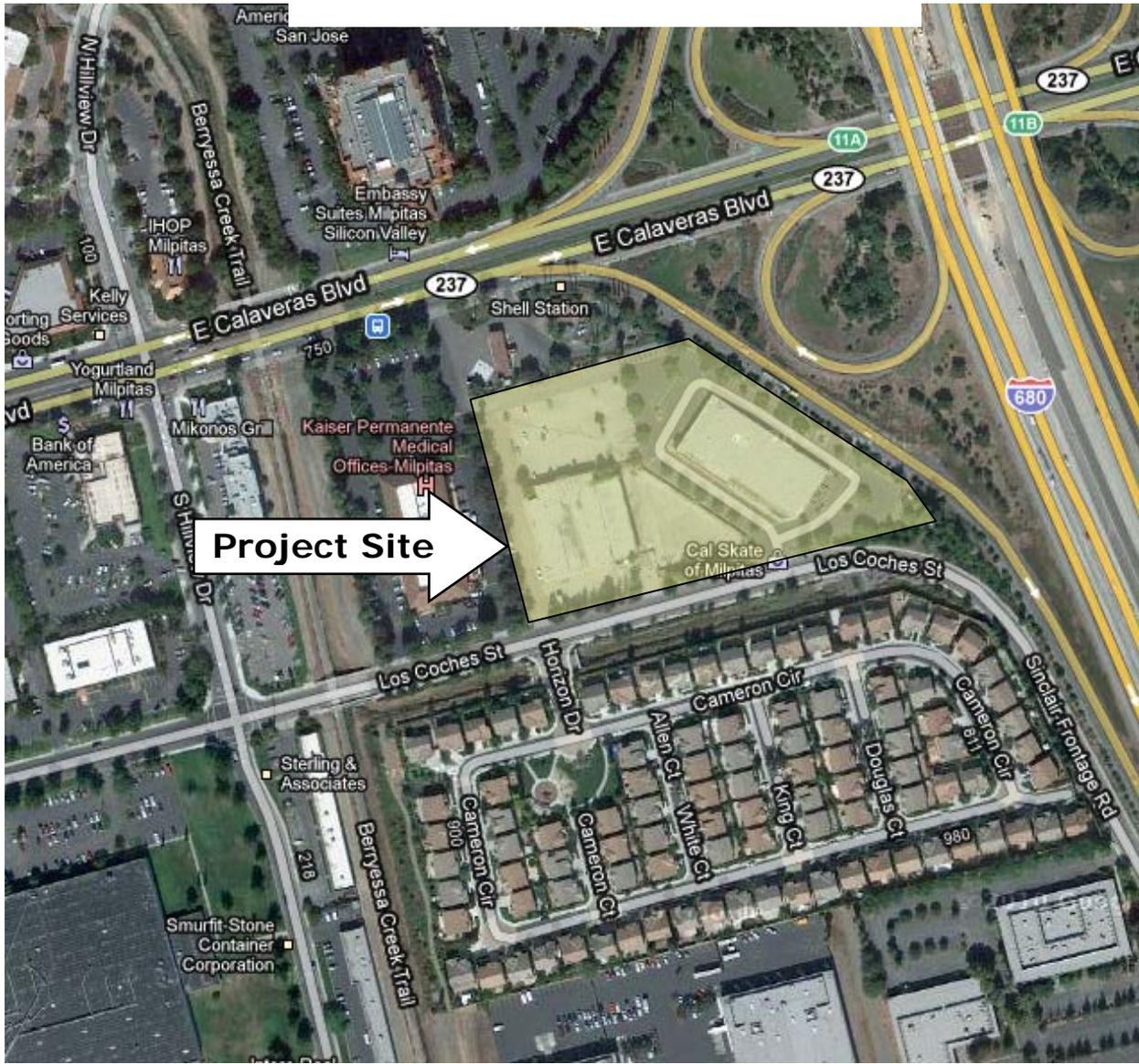
PLANNER: Sheldon S. Ah Sing, Senior Planner

PJ NUMBER: 2563

ATTACHMENTS:

- A. Resolution No. 12-022 (Denial)
- B. Resolution No. 12-023 (Approval)
- C. Applicant letter and plans

LOCATION MAP



No scale

BACKGROUND

The 4.98 acre site included a former lumberyard and an operating skating rink. Immediately adjacent to the site is an active wireless telecommunications facility developed in 1995. Minton's Lumber (commercial use) occupied the former building until March 31, 2002. The Window Depot (commercial use) occupied the former building from 2004 until 2006. The former building has been vacant since July of 2006. Cal Skate had been in operation since 1977 until 2011.

A general plan land use designation and zone change for 50 acres of property along Los Coches, including the subject property, occurred on October 5, 2010. As a result, the zoning changed from Highway Services and Industrial Park to Town Center, which is the same zoning designation for properties immediately north of Calaveras Boulevard. Residential development up to 40 units per gross acre is allowed through the approval of a Conditional Use Permit (Table XI-10.5.02-1, Commercial Zone Uses).

On March 15, 2011, the City Council approved an application by Santa Clara Development Company (Robson Homes) to redevelop the site into a single-family residential neighborhood, including private roads, open space, and required infrastructure. Presently, the development is under construction and the models are expected to open within a month time. The applicant has submitted landscape plans for construction purposes that included palm trees at the entry to the development as well as within the neighborhood park. Palm trees were not included in the conceptual plans reviewed by the Planning Commission or the City Council.

In September 2010, the Planning Commission reviewed a residential development in the Transit Area Specific Plan that included palm trees and as a condition of approval required the selection of an alternate type of tree. In keeping with that direction, staff did not approve of the subject applicant's landscape plan check and referred their request to the Planning Commission as an amendment to the development's Site Development Permit pursuant to Section 57.03(J), of the City's Zoning Ordinance. On April 4, 2012 Robson Homes submitted an application to amend the project's landscape plans.

PROJECT DESCRIPTION

The 4.98 acre site includes a construction site for the single-family development. To the north of the site is a service station with car wash; to the east is the Interstate 680 freeway; to the south is a single-family development; and to the west is a medical clinic facility. Only the property south of the project is zoned differently (Single-family Residential). A vicinity map of the subject site location is included on the previous page.

As a part of the development, the applicant proposes to plant two Canary Date Palms (*Phoenix Canariensis*) and five California Desert Fan Palms (*Washingtonia Filifera*) at the main entryway to the development along Los Coches. In addition, another Canary Date Palm would be planted in the future neighborhood park. Refer to the plans for exact locations.

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 1
General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-20: Develop the Town Center as an architecturally distinctive mixed-use complex, which will add to Milpitas' identity and image.</i>	Inconsistent. Palm trees are more appropriate in commercial development areas.

Zoning Ordinance

The zoning ordinance does not specially address the type of landscaping; only that it is required in setback areas.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is exempt from further environmental review pursuant to Section 15304 "Minor Alterations to Land" because the project affects the planting palette by replacing certain species of trees with other species of trees.

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 represents a new single-family development that embodies the principles of the Town Center district. The Planning Commission in 2010 required a residential project that proposed palm trees to replace those with a more suitable species. Staff acknowledges that direction from the Planning Commission and therefore does not support this project.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and deny the project.

This action would result in applicant not being able to replace the planting palette with palm trees. The applicant may appeal the decision to the City Council.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

This action would result in any modifications being incorporated accordingly.

3. The Planning Commission can approve the project.

This action would result in applicant submitting for plan check approval the replacement plant palette with palm trees.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. 12-022 denying Site Development Permit Amendment No. SA12-0004, subject to the attached Resolution.

Attachments:

- A. Resolution No. 12-022 (Denial)
- B. Resolution No. 12-023 (Approval)
- C. Applicant letter and plans

RESOLUTION NO. 12-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, DENYING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0004, SUNDROP CIRCLE (ROBSON HOMES) PALM TREES, TO ALLOW THE INCLUSION OF PALM TREES WITHIN THE PROJECT SITE, LOCATED AT 905 & 980 LOS COCHES STREET

WHEREAS, on April 4, 2012, an application was submitted by Jake Lavin of Robson Homes, 2185 The Alameda, Suite 150, San Jose, CA 95126, to allow the inclusion of palm trees within the residential development. The property is located within the Town Center district (APNs: 086-29-050 and 086-29-049); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt.

WHEREAS, on April 25, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is exempt pursuant to Section 15304 “Minor Alterations to Land” of the CEQA guidelines.

Section 3: The layout of the site and design of the proposed landscaping are not compatible and aesthetically harmonious with adjacent and surrounding development in that palm trees are more appropriate in non-residential locations, and locations of historical or cultural significance.

Section 4: The Planning Commission of the City of Milpitas hereby denies Site Development Permit Amendment No. SA12-0004, Sundrop Circle (Robson Homes) Palm Trees, subject to the above Findings.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on April 25, 2012.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on April 25, 2012, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Garry Barbadillo				

RESOLUTION NO. 12-023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0004, SUNDROP CIRCLE (ROBSON HOMES) PALM TREES, TO ALLOW THE INCLUSION OF PALM TREES WITHIN THE PROJECT SITE, LOCATED AT 905 & 980 LOS COCHES STREET

WHEREAS, on April 4, 2012, an application was submitted by Jake Lavin of Robson Homes, 2185 The Alameda, Suite 150, San Jose, CA 95126, to allow the inclusion of palm trees within the residential development. The property is located within the Town Center district (APNs: 086-29-050 and 086-29-049); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt.

WHEREAS, on April 25, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is exempt pursuant to Section 15304 “Minor Alterations to Land” of the CEQA guidelines.

Section 3: The layout of the site and design of the proposed landscaping are compatible and aesthetically harmonious with adjacent and surrounding development in that the palm trees enhance the entry to the development and complement the architectural styles of the development.

Section 4: The project is consistent with the Milpitas General Plan in that the amended landscape plan with palm trees provides distinctive entry feature to the development.

Section 5: The project is consistent with the Milpitas Zoning Ordinance in that the project provides the minimum landscaping required.

Section 5: The Planning Commission of the City of Milpitas hereby approves Site Development Permit Amendment No. SA12-0004, Sundrop Circle (Robson Homes) Palm Trees, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on April 25, 2012.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on April 25, 2012, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Garry Barbadillo				

EXHIBIT 1

CONDITIONS OF APPROVAL

SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0004

A request to allow the inclusion of palm trees within the residential development.
Address (APN: 086-29-050 and 086-29-049)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on **April 25, 2012**, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0004 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- 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.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0004** if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

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

ROBSON HOMES

April 12, 2012

Chair Sudhir Mandal
Planning Commission
City of Milpitas
455 E. Calaveras Blvd
Milpitas, CA 95035

RE: SUNDROP CIRCLE (formerly known as Los Coches Residential)

Dear Chair Mandal,

We propose to upgrade the size, quantity and quality of plant material at our project's entrance to enhance the overall aesthetics of the project and the model homes. Specifically we would like to install a cluster of mature specimen palm trees of the Canary Island and Washingtonia Filifera variety. We understand that the Planning Commission previously conditioned a residential project in the Transit Area Specific Plan to not use palm trees. With our specific proposal, there are existing palm trees in the neighborhood and the palms we are proposing are distinctly different than the more common fan palm. The trunks are much thicker and the canopy much broader, which will enhance the character of Los Coches Street and the Town Center District.

Canary Island palm trees have an important historic context in the California landscape. The palms were historically planted in pairs at the entry to turn of the century mansions throughout California. We have preserved these palms trees at two historical renovation projects and I have enclosed pictures. These palms are not used frequently in modern times due to the high expense of mature specimens. The Canary Island palms cost \$450 per linear foot compared to \$90 per linear foot for the common Mexican fan palm variety.

The inclusion of a small grouping of palms at Sundrop Circle supports and enhances the design of the project, particularly with the Spanish architecture. By way of example, I've enclosed photos of two other residential projects at which we incorporated these palm trees in a similar way – Castilleja in Fremont and Encanto in San Jose. The trees truly do provide an exquisite touch.

We appreciate your assistance with our request and thank you in advance for your time and consideration.

Sincerely,
ROBSON HOMES



Mark Robson

Enclosures:

- Pictures of canary island palms used at other Robson Homes' projects
- Landscape plan exhibit showing proposed palms at Sundrop Circle



**Historical renovation
underway in Los Gatos**



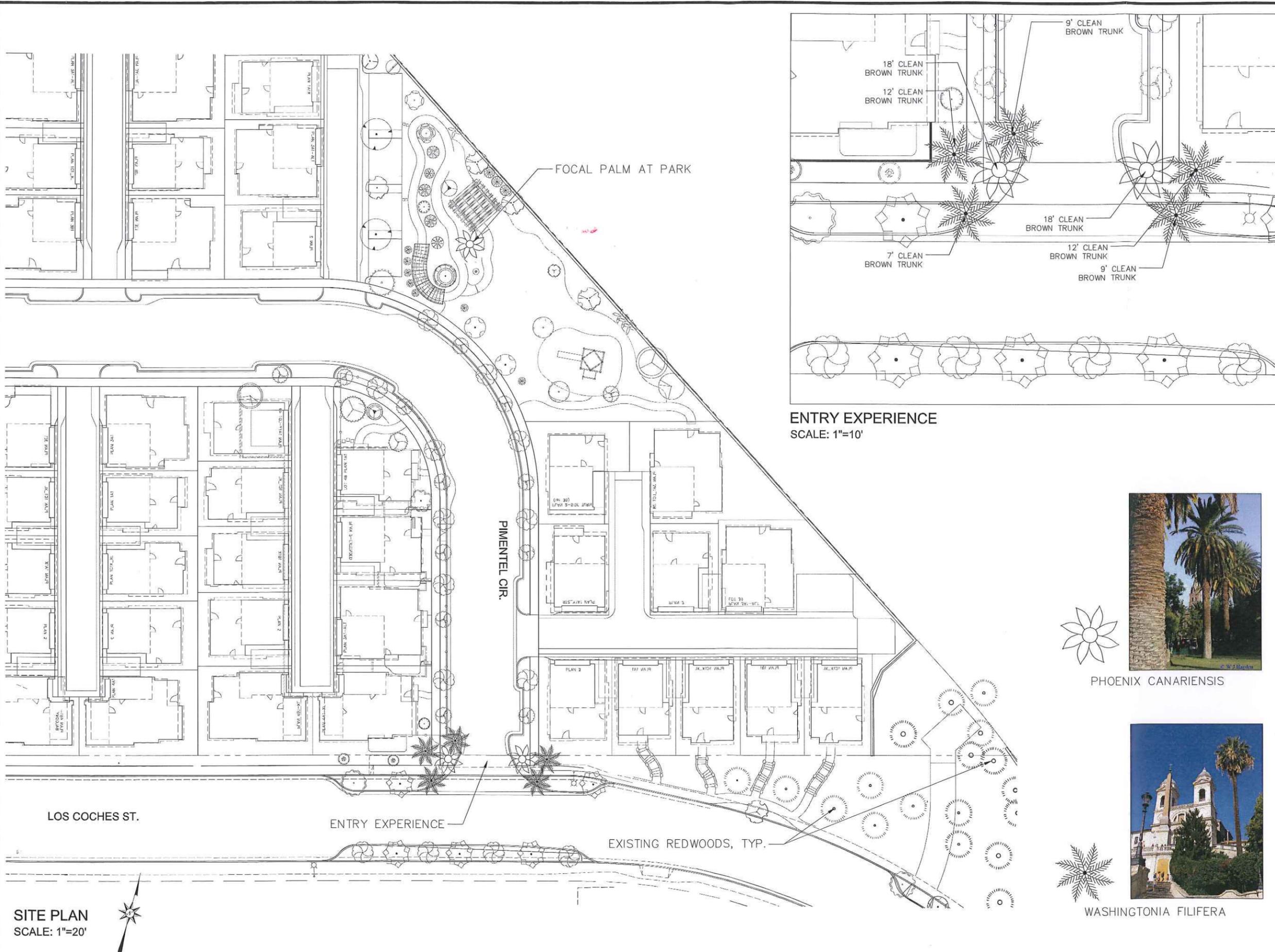
**Historical renovation
completed in Fremont**



Encanto project in San Jose

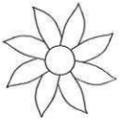


Castilleja project in Fremont



ENTRY EXPERIENCE
SCALE: 1"=10'

SITE PLAN
SCALE: 1"=20'



PHOENIX CANARIENSIS



WASHINGTONIA FILIFERA

SUNDROP CIRCLE
LOS COCHES ST.
MILPITAS, CA

LANDSCAPE
PLAN
PARK AND MODELS

DESIGN

PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

FOCUS

DESIGN FOCUS
LANDSCAPE ARCHITECTURE
& CONSTRUCTION



REVISED: 4/12/212
DESIGN BY: RJD
DRAWN BY: NB
SCALE: AS NOTED

L1