



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: November 28, 2012

APPLICATION: **SITE DEVELOPMENT PERMIT NO. SD12-0009,
CONDITIONAL USE PERMIT UP12-0024, AND
TENTATIVE MAP NO. MT12-0005**

**APPLICATION
SUMMARY:**

A request to allow development of 474 dwelling units on 7.98 acres (59 dwellings/acre) in a five story building with amenities located over the centralized garage.

LOCATION: 450 Montague Expressway and 620 E. Capitol Avenue (APN: 86-037-004, -020, and -021)

APPLICANT: Lyon Communities

OWNERS: Terry Dedeaux Trustee (1430 S. Eastman Ave., Los Angeles, CA, 90023; Manoutchehr Movassate Trustee (83 Santiago Ave., Atherton, CA 94027; Dart Transportation Service (1430 S. Eastman Ave., Los Angeles, CA 90023)

RECOMMENDATION: **Staff recommends that the Planning Commission:
Adopt Resolution No. 12-041 recommending approval of the
project subject to the conditions of approval to the City
Council.**

PROJECT DATA:

General Plan/

Zoning Designation: Boulevard Very High Density Mixed Use (BVMU)/Mixed Use Very High Density (MXD3) & Urban Residential (UR)/Urban Residential (R5)

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

Specific Plan: Transit Area Specific Plan

CEQA Determination: Exempt pursuant to Sections 15168(c)(2) of the CEQA Guidelines

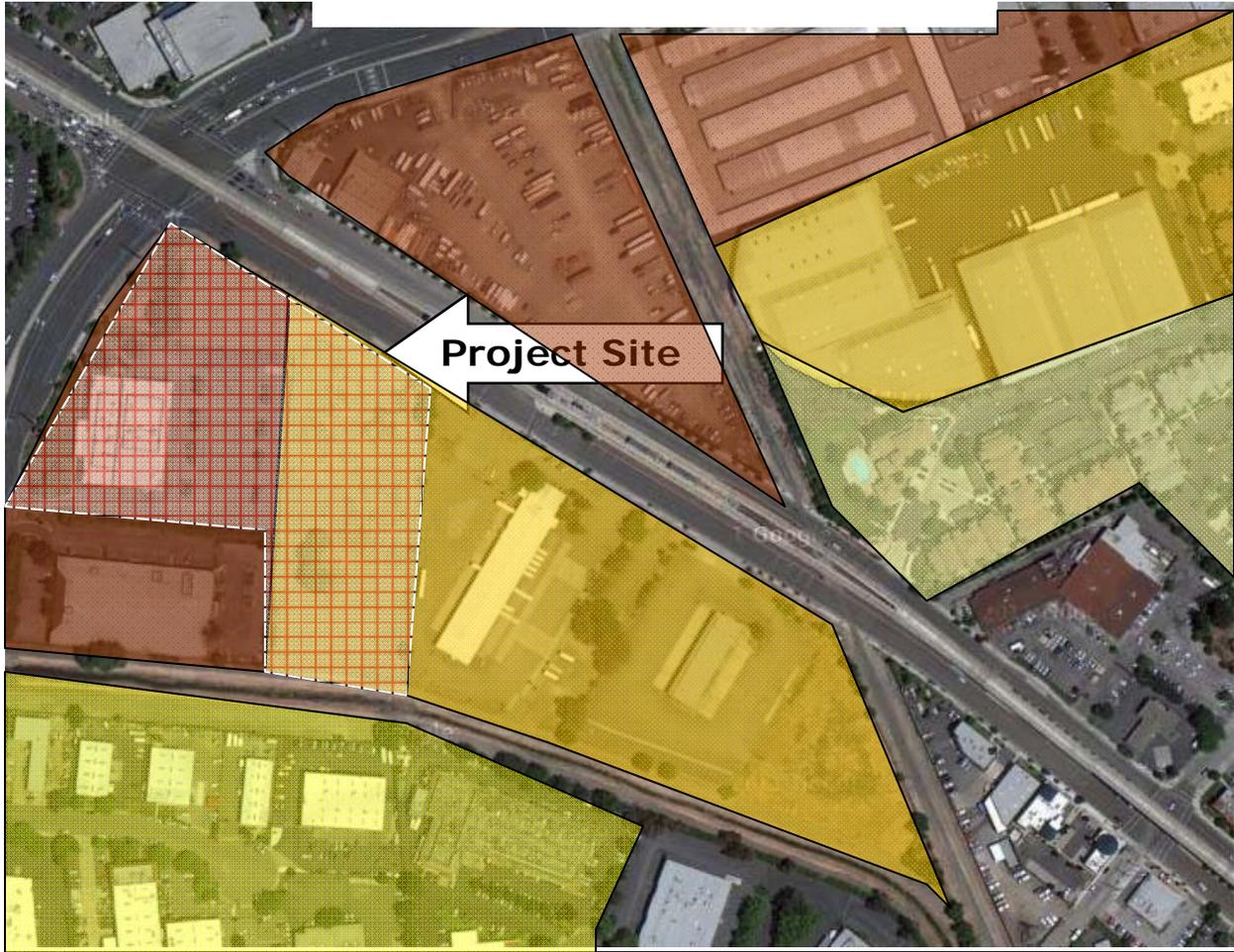
PLANNER: Sheldon S. Ah Sing, Senior Planner

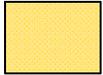
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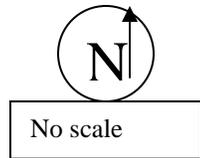
ATTACHMENTS:

- A. Resolution No. 12-041
- B. Project Plans
- C. Noise study
- D. Traffic operations study
- E. Toxic Air Contaminants (TAC) memo

LOCATION MAP



	MXD3-TOD
	R5-TOD
	R4-TOD
	R3-TOD



BACKGROUND

On June 3, 2008, the City Council adopted the Transit Area Specific Plan. The Plan encompasses 437 acres and 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 includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

On October 12, 2012, an application was submitted by Lyon Communities to allow for the development of a five story building with 474 dwelling units wrapped around a multi-story parking garage with 865 spaces. The rooftop of the parking garage will have a private recreational space. The application is submitted pursuant to Section 57.03, Site Development Permits and Minor Site Development Permits, Section 57.04, Conditional Use Permits, of the City's Zoning Code as well as Chapter 1 of Title XI of the Municipal Code.

The proposed project is partially located within the Trade Zone-Montague Sub-District and the Montague Corridor Sub-District of the Transit Area Specific Plan. The sub-districts are located near the future BART station and the existing VTA Light Rail Station.

PROJECT DESCRIPTION

The project is located on three parcels totaling 7.98 acres along Capitol Avenue and Montague Expressway. The subject property is located within the Transit Area Specific Plan and is partially zoned Mixed Use Very High Density and Urban Residential with Transit Oriented Development and Site and Architectural Overlays. Adjacent properties are zoned similarly. A vicinity map of the subject site location is included on the previous page.

The proposed project includes a single five-story building wrapped around a multi-story (six stories) parking garage with private recreational amenities on top of the garage. The project proposes to deviate from the Transit Area Specific Plan's circulation component and the maximum encroachment into the setback by terraces/patios and stairs. Thus, the project is required to demonstrate a public benefit.

In addition, the project proposes to dedicate approximately one acre of land and design and construct this area for park purposes. The project will also design and construct the trail along the East Channel Penitencia creek from Montague Expressway to the eastern boundary of the project connecting to the park.

Development Standards

Table 1 below demonstrates how the project complies with the applicable development standards:

Table 1
Development Standards

	Zoning Ordinance/TASP	Proposed
<u>Density</u> (Maximum)	75 units/acre	59 units/acre
<u>Setbacks</u> (Minimum)		
Capitol Avenue	See TASP Fig. 5-11	Complies
Montague Expressway	See TASP Fig. 5-3	Complies
East	20'	41'
South	20'	41'
<u>Building Height</u> (Maximum)	12 stories	5 stories
<u>Parking</u> (Minimum)	646 residential + 97 guest = 743	865 spaces
<u>Maximum encroachment into setbacks by patios, etc.</u>	6'	Varies, but > 6'

Circulation

Pursuant to Transit Area Specific Plan policy 4.45, curb cuts for driveways or garage access along Capitol Avenue are not permitted to the extent feasible in order to promote pedestrian access and circulation throughout the Trade Zone/Montague Sub-district. The Specific Plan identifies the Milpitas Extension as the location for the primary access for the project. The extension is located entirely on adjacent property. The project is conditioned to pay a fair share contribution towards the costs of acquisition, design and construction of the roadway.

In the interim, the project would have a right-in/right-out access off of Capitol Avenue. In the ultimate condition, which includes the construction of the Milpitas Boulevard extension, this access would be closed for resident vehicle use but maintained for emergency vehicle access.

The main access for the project will use the existing right-in/right-out access from Montague Expressway. This would ultimately continue through to the adjacent parcel to link with the Milpitas Boulevard Extension. Staff has identified one significant circulation concern regarding the proposed reconfiguration of the existing Montague Expressway access driveway serving the adjacent southerly parcel. The issue relates to any potential vehicle movement conflicts between the two properties in close proximity to the Montague Expressway entry/exit location. A condition of approval has been included requiring that at both 75% and 100% occupancy of the proposed project, the owner or designee will complete and submit traffic operation studies to the satisfaction of the City Traffic Engineer to assess the circulation condition. Any deficiencies identified by the report need to be addressed. For example, if it is identified that the south parcel access is not operating in a safely, then that access shall be relocated away from Montague Expressway along the proposed project's entry driveway.

Maintaining the access from Montague Expressway is a deviation from the TASP as depicted in Figure 1, and therefore certain findings are needed to be made by the Planning Commission and City Council. Those findings are described below.

Encroachments into Setback

According to Table 5-1 of the TASP, projects may have encroachments for patios and stairs up to six feet into the required setback. The project proposes encroachments that exceed six feet along Montague Expressway and Capitol Avenue. This represents a deviation from the TASP and therefore certain findings are needed to be made by the Planning Commission and City Council. Those findings are described below.

Deviations from Specific Plan

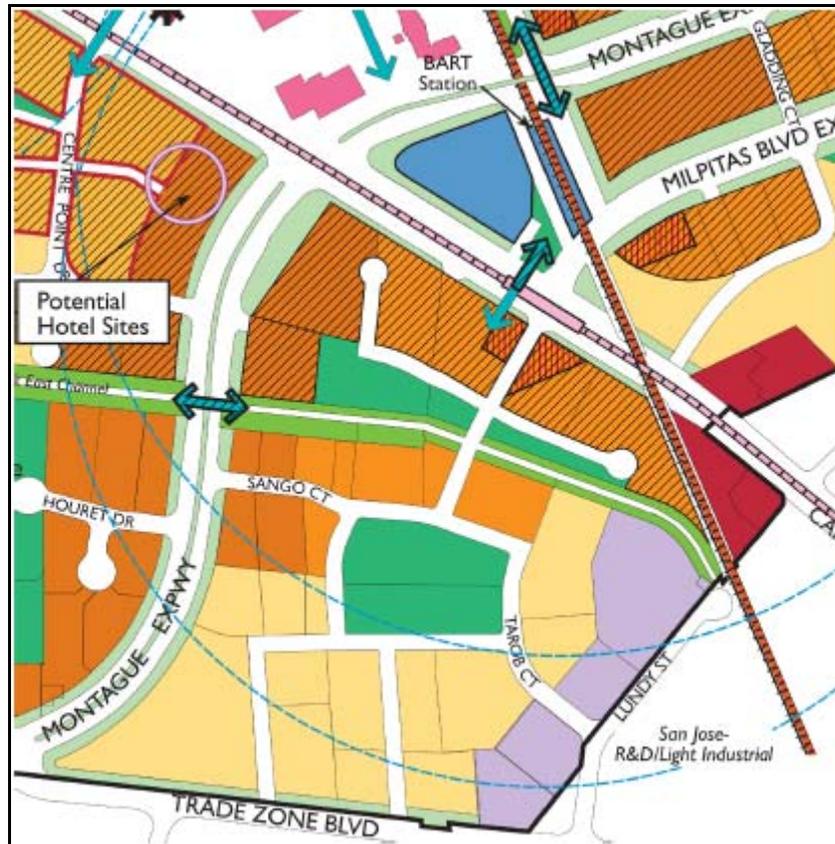
According to the TASP, exceptions to the TASP standards are allowed through a Conditional Use Permit. In addition to the standard findings for a CUP, the following two additional findings must be met:

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 architecture landscaping and site planning integrity of the proposed development.

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.

While the envisioned long stretch of sidewalk along Montague Expressway would be segmented by the access road, this is off set by the public benefit of providing a feasibility study for the future Montague Expressway pedestrian bridge and the extension of sidewalk along Montague Expressway south of the access road. The feasibility study is the first phase in designing the project.

Figure 1:
Transit Area Plan for subject site



Architecture

The project's architecture represents a contemporary style that is consistent with the design guidelines of the TASP. The building is well articulated to break up the building mass. Street facing facades include elements that provide visual interest. Ground floor units can be accessed directly from the street. The first floor of the building is no more than five feet from the sidewalk elevation. The project will be constructed with high quality materials. Corners of the buildings are accentuated drawing attention to features such as the vaulted pop-outs through the top floor.

The terrace walls will need to be studied further to be sensitive to the street scene. Other details, such as stucco finish, fenestration details and other elements will need to be refined during the

building permit process. Where there is no specific condition addressing the deficiency, staff will rely on the TASP Design Guidelines for compliance during the plan check phase.

Parking

Vehicular

The table below demonstrates the project's compliance with the TASP parking standards:

Table 2
Parking Summary

Unit Type	Number of Units	Parking Spaces Per Unit	Spaces Required	Spaces Provided	Ratio
1BR	222	1.2 (min) – 1.5 (max)	267 (min) – 333 (max)	298	1.34
2BR	209	1.5 (min) – 2.0(max)	314 (min) – 418 (max)	380	1.82
3BR	43	1.5 (min) – 2.0 (max)	65 (min) – 86 (max)	74	1.72
		Subtotal	616 (min) – 837 (max)	752	1.63
Guest Parking (15% of residential parking)			97 (min) – 126 (max)	113	15%
Total				865	

Sheet G001 describes the number and types of parking available on each level of the garage. Each level provides guest parking and tandem parking. Sixty eight (68) percent of the parking available is tandem, which does not exceed the 75% threshold requirement.

Bicycle

Ninety seven bicycle spaces are required (5% of the residential parking total) for the project. The project provides 147 spaces.

Open Space

Private spaces

The project includes the minimum required for balcony and patio spaces per unit. The project also provides 32,020 square feet in common courtyard area and 33,540 in roof deck recreation area. The three courtyards include areas for passive gathering, while the roof deck provides active amenities such as a pool and recreation building.

The project provided shadow studies (Sheets G006 through G009) taken at the equinox and solstice periods. As expected the winter period demonstrates that the courtyards would be predominately in the shade; however, since the project includes a roof deck and is adjacent to a public park and planned trail system, the impact should be minimal to residents.

Public spaces

Figure 1 identifies a public park along the East Channel Penitencia. The project would be dedicating approximately one acre of park land with this project. In addition, the project will design and construct the trail improvements within the Santa Clara Valley Water District's East Channel right-of-way from Montague Expressway to the eastern boundary of the dedicated park land.

Solid Waste Handling Plan

The City’s Engineering Division provides a set of design guidelines for solid waste and recycling services. While the City’s Engineering guidelines provide various service collection options, given the project’s projected waste generation, roll-off compactor services are ideal. Each service style has its positive and negative aspects that need to be weighted; however, in this situation staff recommends the compactor service.

The outstanding waste handling issue for the project is the location of the proposed exterior solid waste facility. The applicant’s proposed location is within an area identified in the TASP as a public park (See Sheet G005 of the project plans). Staff has emphasized a preference of containing the solid waste collection facilities within the proposed building. The applicant has indicated that the collection facility cannot be accommodated within the building and has proposed it be located outside the building between the main entry drive and the proposed public park. According to the applicant, this outdoor facility will provide sufficient room for the compactors and for the safe maneuverability of the solid waste pick up truck, while still providing a functional public park amenity. Staff has included a condition of approval requiring the applicant further explore placing the facility within the building; however, if the applicant cannot accomplish this, then staff would further evaluate and apply superior design and material standards to the exterior location adjacent to the park.

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 3
General Plan Consistency

Policy	Consistency Finding
<i>2.a-G-2 Maintain a relatively compact urban form.</i>	Consistent. The project includes high density residential.
<i>2.a 1-25 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.</i>	Consistent. The project is consistent with the requirements of the specific plan. Where deviations are sought, the project provides a public benefit.

Zoning Ordinance

Findings are required by the Planning Commission to approve the project. As conditioned, the layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

Transit Area Specific Plan

The specific plan was adopted in 2008 and includes a vision to create attractive high density urban neighborhoods with a mix of land uses around the light rail stations and future BART station. The specific plan will create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. The TASP enables developers to design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.

The project is consistent with the TASP's development standards, design guidelines and polices and where the project proposes a deviation a public benefit is demonstrated and certain findings can be made by the Planning Commission and City Council.

Toxic Air Contaminants (Policy 5.25)

Pursuant to Policy 5.25, since the project is within 500 feet of an active railroad line, the project requires a Toxic Air Contaminants (TAC) study. Attachment E demonstrates that the project does not meet the thresholds that warrant further study.

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 15168(c)(2) of the CEQA Guidelines because of its consistency with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council.

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 general public; however, Staff received comments from the Santa Clara County Roads Department, Santa Clara Valley Transportation Authority and the Santa Clara Valley Water District. No significant comments were produced that alter the project's design.

CONCLUSION

The project represents a high quality, high density compact project near the future BART station. The project would anchor a prominent intersection in the TASP. While the project deviates from the circulation plan and a development standard, it is the opinion of staff that the project's public benefits outweigh the exceptions, consistent with the TASP policies and objectives.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. 12-041 recommending approval of Site Development Permit No. SD12-0009, Conditional Use Permit No. UP12-0024, and Tentative Map No. MT12-0005, Lyon Montague, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 12-041
- B. Project Plans
- C. Noise study
- D. Traffic operations study
- E. Toxic Air Contaminants (TAC) memo