

APPROVED

PLANNING COMMISSION MINUTES **Wednesday, May 8, 2013**

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** **Present:** Sudhir Mandal, Larry Ciardella, Garry Barbadillo, Rajeev Madnawat, Zeya Mohsin, Gurdev Sandhu and Demetress Morris
Absent: John Luk
Staff: Hom, McHarris, and DeHerrera
Alternate Commissioner: Commissioner Morris was seated as a member of the voting body.
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.
Carol Kassab, Milpitas Chamber of Commerce – Invited all to attend the upcoming Mayor’s State of the City Address to be held May 30, at 6:30 pm in the Milpitas Community Center.
- IV. APPROVAL OF MINUTES** **Chair Mandal** called for approval of the April 10, 2013 Planning Commission minutes and the April 24, 2013 minutes of the Planning Commission Subcommittee.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.
M/S: Madnawat / Mohsin
AYES: 7
NOES: 0
ABSENT: 1 (Luk)
ABSTAIN: 0
- V. ANNOUNCEMENTS** **Steven McHarris, Planning & Neighborhood Services Director**, indicated that there will not be a Planning Commission Meeting on Wednesday, May 22, 2013 due to lack of agenda items. The next Planning Commission meeting will be June 12, 2013.
- VI. CONFLICT OF INTEREST** **Steven McHarris, Planning & Neighborhood Services Director**, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight’s agenda.

There were no Commissioners who identified a conflict of interest.
- VII. APPROVAL OF** **Chair Mandal** asked whether staff or the Commission have any changes to the agenda.

AGENDA

There were no changes to the agenda.

Motion to approve the May 8, 2013 agenda as submitted.

M/S: Sandhu / Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the consent calendar

IX. PUBLIC HEARING

IX-1

SITE DEVELOPMENT PERMIT NO. SD13-0008, CONDITIONAL USE PERMIT NO. UP13-0005, MAJOR TENTATIVE MAP NO. MT13-0004, AND ENVIRONMENTAL ASSESSMENT NO. EA13-0002:

Cindy Hom, Assistant Planner presented a request to demolish existing auto dismantling yards and storage facilities to allow for the construction and installation of associated site improvements for a new 206-unit residential subdivision consisting of three and four story attached multi-family townhomes and condominiums on a 12.51 acre site located at 569 -625 Trade Zone Blvd. The project is located within the Transit Area Specific Plan (TASP). Applicant: Warmington Residential California, Traverse Residential Project.

The project includes 3.5 acres of public land dedication for public roads, a portion for a public park, for the widening of Trade Zone Blvd. and the installation of public and private improvements. The proposal is consistent with the TASP street layout and provides a .78 acre park, which is a portion of a larger future planned park. The applicant will also develop a park master plan for the entire 5.1 acre planned park. The applicant will install public art as part of the project and will consult with the City’s Arts Commission on the public art concept.

Due to the amount of public land dedication, the project provides density of 17.8 instead of the 21 to 40 dwelling units based on gross acreage required in the zoning ordinance. However, there is a policy in the TASP that allows for density averaging, which the applicant would like to utilize. Enclosed in the package under Attachment M, is a letter of intent from Citation Homes Central who is willing to enter an agreement for a density transfer from the Warmington Residential Traverse site project.

The applicant is requesting a conditional use permit to grant two exceptions to the TASP standards: 1) Reduce landscaping width along Trade Zone Blvd from a 28’ dedication to 18’ dedication. This exception would provide a consistent street frontage along Trade Zone Blvd; 2) Allow parking on both sides Momentum Drive. This exception will allow for greater density and allows for traffic calming. The project is consistent with the General Plan, the Transit Area Specific Plan, the Zoning Ordinance and Subdivision ordinance and the Transit Program EIR.

Recommendation: Adopt Resolution No. 13-012 recommending approval to the City Council

Commissioner Madnawat – Inquired who would maintain the public park and who will pay for the utilities.

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Steven McHarris, Planning Director – The applicant and/or homeowner’s association will maintain the park and also be responsible for utility costs for the first two years. After that, the City will maintain the park and funding will be programmed in the 2008 Community Facilities District (CFD). As the transit area develops, the CFD fees will fund maintenance of parks, streets and facilities.

Commissioner Barbadillo – Inquired if the comments received from either the VTA, the City of San Jose or the Santa Clara County were incorporated into the proposed project. He was specifically concerned about VTA’s response regarding intersections and increased traffic impact and the possibility of having a free-running right turn lane to diffuse traffic congestion in this area. Mr. Barbadillo feels that following the recommendation regarding signs would lessen traffic impact.

Cindy Hom – As part of the project review, the applicant prepared the traffic impact assessment for this project and is incorporating the recommendations from the traffic consultant. Because the project is adjacent to Trade Zone and Montague, the additional delay is at level of service “F”; the applicant will pay traffic mitigation to address traffic impacts.

Chair Mandal – Asked if staff could take the project back to the traffic engineers to address the traffic congestion issue.

Ebby Sohrabi, City of Milpitas Principal Civil Engineer, Land Development – Clarified there currently is a free-running right turn lane at Trade Zone and Montague, and the widening of Montague Expressway is to be completed by Santa Clara County Roads projects. Additionally, the traffic impact to this area has already been considered as part of completing the TASP.

Commissioner Madnawat – Inquired if the City has in-house expertise to evaluate the environmental concerns from CEQA regarding the Checker Spot Butterfly and nitrogen deposition.

Steven McHarris, Planning Director – Stated that the City Attorney was able to address those concerns, which were similar to a previous project and there will not be legal issues regarding this concern.

Chair Mandal – Asked about the required parking for this project. **Ms. Hom** stated that the required parking spaces are 438, and the applicant will provide 506 spaces.

Greg Mix, Division President, Warmington Residential California, San Ramon: Highlighted three key points as a result of the Traverse Project study session: 1) To increase density – which was 190 units and is now 206 units by eliminating the single-family component of the project; 2) Revise the street layout throughout the project – which was changed from a serpentine road to straight roads; 3) Adjust the street frontage on Trade Zone Blvd to make it more harmonious with the adjacent property.

This is a density-averaging project with 28% of the project total (3.5 acres) to be for public use. This parcel is unique in that it incorporates a larger than average proportion of land that must be dedicated to public streets and a park. Site remediation of any contamination will be conducted to comply with residential cleanup standards

and the master planning for the larger park in the future. Recycled water will be used in the common areas of the project.

All the homes will be energy star-rated with a higher level of energy efficiency than what the city requires, and will be pre-wired for electric vehicles and solar ready. The project will have a large central paseo with BBQ areas and other amenities. The common areas will have LED lighting. Warmington Residential is in agreement with all the conditions of approval and the modifications. The art design is conditioned to go through the Arts Commission. The project was designed and developed to be in conformance with the TASP regarding traffic and road design.

Commissioner Barbadillo – Questioned how did adding 16 more units solve the density issue? **Mr. Mix** stated that the density was increased to the maximum extent in order to still maintain a livable project. The central paseo could be eliminated, but it would not be desirable for the project or the community.

Commissioner Barbadillo – Felt the dedication of the 3.2 acres of land is not related to the density issue and that the project still is not in compliance with the TASP. How can it be said that the project is now in accordance with the TASP and the issue is satisfied simply by adding 16 units?

Steve McHarris, Planning Director – Staff was not in agreement with the original project with the single-family detached units on this site. The applicant agreed to eliminate the single-family units and replace them with townhomes. Also the three-story townhomes were replaced with four-story units. Staff felt that by changing the product type, this was responsive to the Planning Commission preliminary review comments. Further density with this product type would create conflicts with parking movement from public streets into private streets to driveways, because the hierarchy of streets would be impacted.

Greg Mix, Division President, Warmington Residential California, San Ramon – Stated that if the public streets were taken out of their project, the density would be 24.75, over the density threshold. None of the other projects in town have this number of streets in them. Mr. Mix reminded the Commission that the city does not lose anything in the process. The density has not been lost, because it is being transferred to another project.

Motion to close the public hearing.

M/S: Sandhu / Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

Commissioner Madnawat – Requested clarification of the density transfer concept.

Steven McHarris, Planning Director – Density transfer was established within the TASP area and is allowed in a project if the developer can identify a receiver site. The density transfer request is then ultimately approved by the City Council.

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City Hom, Planner – Traverse Residential would be the first project to request a density transfer and the Citation project has agreed to accept their density transfer. Staff feels density averaging is appropriate in this case since Citation is right next door to the new BART station where density is ideal. Citation has already exceeded their density requirement and does not need to modify their project. The objective of the density transfer / averaging is to ensure that the minimum / maximum overall density is met within the TASP.

Chair Mandal and Commissioner Mohsin – Expressed their favorableness towards this project and the openness that it allows with a good mix of amenities.

Commissioners Barbadillo and Madnawat – Would like staff to further define the threshold of density transfer in order to set the standards for any future project requests and to better define under what conditions density transfer will be allowed. We do not want to give an impression that density transfer is allowed in all cases.

Steven McHarris, Planning Director – Stated that the Planning Commission may let the record reflect that the motion include recommending the density transfer because the location of this project site is on the edge of the TASP, most distant from the center’s transit serving facilities.

Motion: Adopt Resolution No. 13-012 recommending approval to the City Council

M/S: Ciardella / Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

X. ADJOURNMENT

The meeting was adjourned at 8:25 pm to the next scheduled meeting of June 12, 2013.

Motion to adjourn

M/S: Sandhu / Mohsin

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary