



MILPITAS PLANNING COMMISSION STAFF REPORT

October 22, 2014

APPLICATION: **iStar Residential Project: GP14-0003, ZA14-0010, SD14-0013, PUD14-0001, EA14-0006 and TM14-0001**

A request for a General Plan and Zoning Amendment, Site Development Permit, Planned Unit Development and Major Vesting Tentative Map for the development of 144 townhouse units with associated site improvements.

RECOMMENDATION: **Staff recommends that the Planning Commission:** Conduct the public hearing and consider the requested entitlements and adopt Resolution No. 14-035 to recommend the City Council adopt the Initial Study and Mitigated Negative Declaration (Environmental Assessment No. EA14-0006) and approve General Plan Amendment No. GP14-0003, Zoning Amendment No. ZA14-0010, Site Development Permit No. SD14-0013, Planned Unit Development Permit No. PD14-0001 and Major Vesting Tentative Map No. TM14-0001 based on the findings and subject to Conditions of Approval as set forth in this report.

LOCATION:
Address/APN: 1210 California Circle (APN 022-37-017)
Area of City: Dixon Landing Business Park

PEOPLE:
Project Applicant: Erich Stiger, iStar Financial
Consultant(s): KTG Y Group Architecture + Planning
Property/Business Owner: IStar Financial
Project Planner: Lisa Costa Sanders, Contract Planner

LAND USE:
General Plan Designation: Industrial Park (INP)
Zoning District: MP (Industrial Park) – PUP 31
Overlay District: None

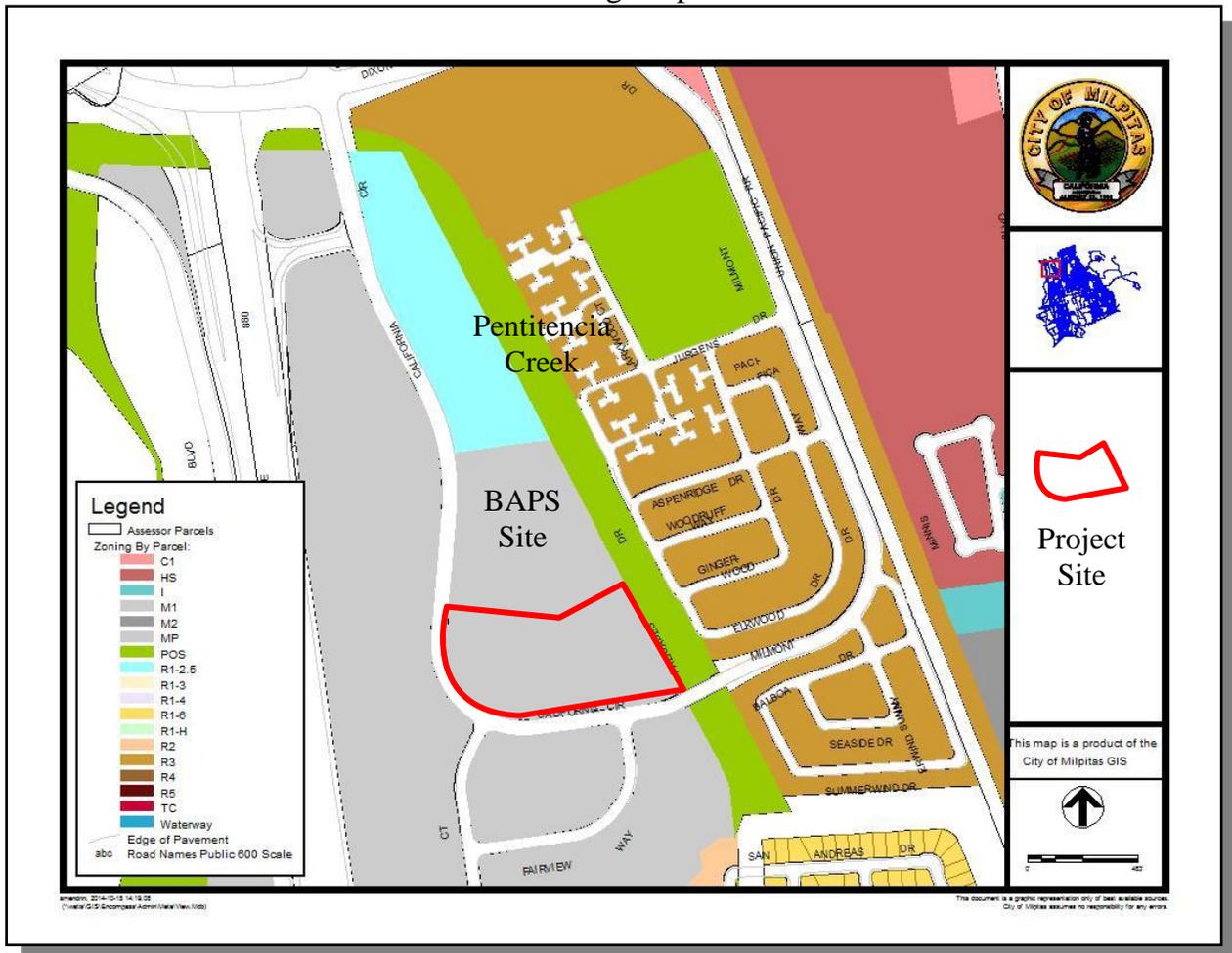
ENVIRONMENTAL: An Initial Study and Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA) (Environmental Assessment No. EA14-0006). The MND was available for public review from October 1, 2014 through October 21, 2014.

EXECUTIVE SUMMARY

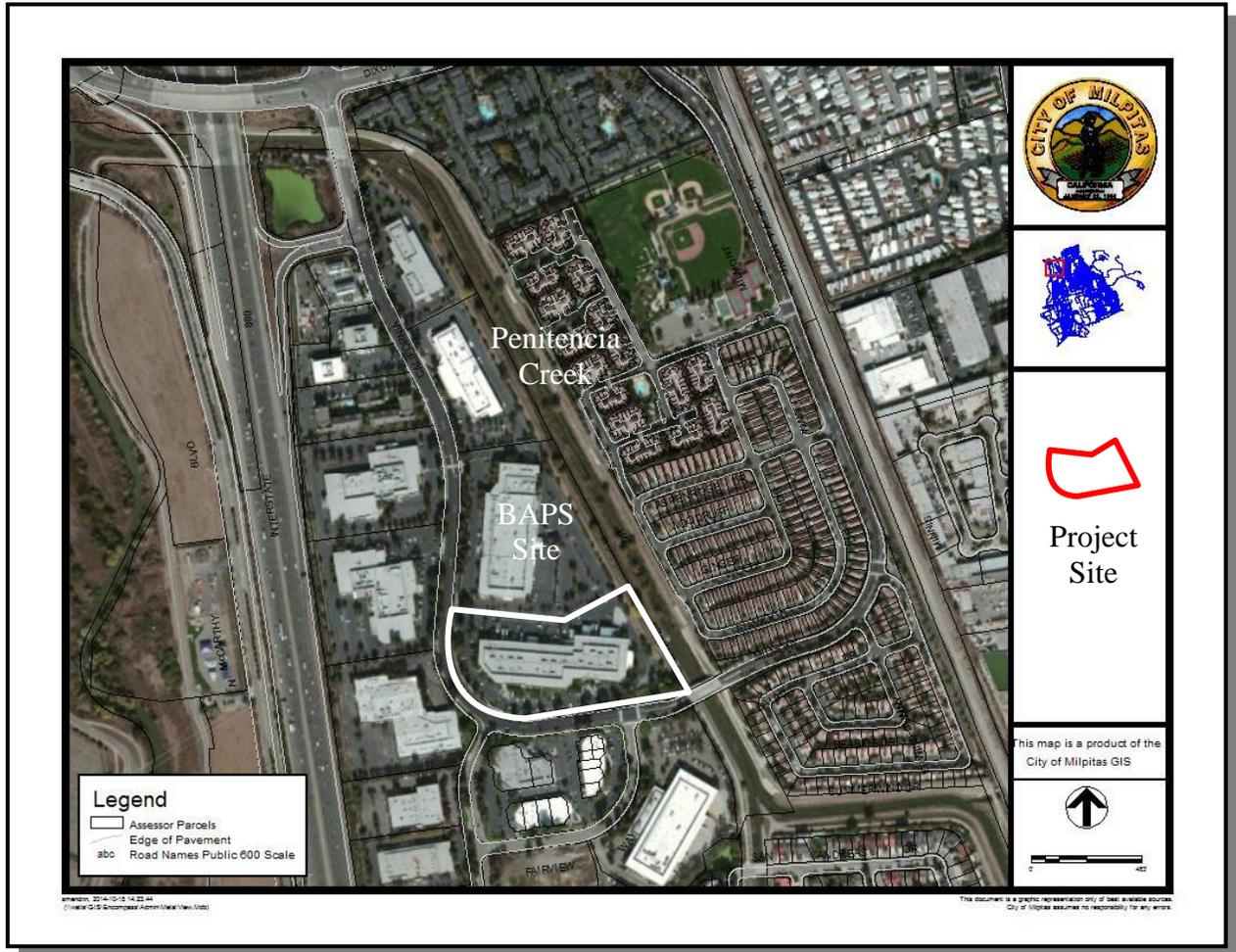
The proposed project is a request to convert 9.45 acres of industrial property to allow a new multi-family residential development with a total of 144 townhouse-style units. The project requires a General Plan Amendment, Zoning Amendment, Planned Unit Development Permit, Site Development Permit and a Major Tentative Map to create the new housing parcels and common areas. Site improvements include complete street improvements along California Circle, two small on-site private open space park areas and a pedestrian walkway along the northern and eastern project boundary.

Map 1 Project Location

Zoning Map



Map 2 Project Site



BACKGROUND

History

On August 18, 2014, the property owner filed a request for a General Plan and Zoning Amendment to convert the industrial site for a new multi-family residential development. The property is located immediately south of a large religious facility known as BAPS Shri Swaminarayan Mandir. The recently approved Trumark Waterstone single-family residential project is located a few hundred feet to the north of the site and also along the east side of California Circle. There is an existing 120,500 square foot, one story building located on site that was previously leased to several light manufacturing, office and technology-related firms over the years. The most recent building use was the solar firm Solyndra. The building is currently vacant. There are also two pending applications for new hotels in the area on Cadillac Circle.

The Application

The following is a summary of the applicant's request:

- *General Plan Amendment:* The request includes a land use change from Industrial to Residential – Multifamily High. The requested General Plan designation allows density of 12-20 units per gross acre.
- *Zoning Amendment:* The request is to rezone the property from Industrial Park (MP) with Site and Architectural Overlay and PUD-#31 to Multi-Family High Density Residential (R-3) with a Planned Unit Development (PUD) permit.
- *Planned Unit Development* – The request for a Planned Unit Development permit to exceed the allowable 35 foot height limit for the residential buildings (42 feet).
- *Site Development Permit:* To evaluate the site layout and architecture for the project.
- *Major Tentative Map:* To establish the townhome lots, common lots and assign responsibility for maintaining common lots and infrastructure.
- *CEQA* – An Initial Study and Mitigated Negative Declaration has been prepared.

PROJECT DESCRIPTION

Overview

The project includes the demolition of the existing building and site improvements and construction of 144 townhouse style housing units within 27 three story buildings. The project would be comprised of 64 two-bedroom units and 84 three-bedroom units. Each unit includes an attached two-car garage for parking. Surface guest parking is provided throughout the site. Two small private open space park areas are proposed on-site; one at the center of the property with a play area and seating area with shade structures, and the other at the southeast corner of the site designed as a passive open space area located within a utility easement area. In addition, a pedestrian walkway along the northern and eastern project boundary is proposed for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north (See Attachment C, Project Plans).

Vehicular access to the site will be limited to one entrance at California Circle and Fairview Way. A second emergency vehicle access point would be provided at the northwesterly edge of the site onto California Way (drive aisle 1). The primary site entrance (Street B) has been designed for a future connection through to the BAPS site to the north to meet a future connection at the Trumark Waterstone residential project. This Street B connection would provide future residents and emergency responders of this entire area with adequate vehicle and pedestrian access and circulation.

Location and Context

The property is located at 1210 California Circle, just south of Dixon Landing Road near the 1-880 exit, in the Dixon Landing Business Park. This area includes a mix of commercial, industrial and warehouse land uses with more distant residential and recreational open space uses located east of Pentitencia Creek. Building heights within the business park vary by land use from one to three stories. Interstate 880 is located along the westerly boundary of the California

Circle Dixon Landing Business Park properties. Penitencia Creek is located along the easterly property boundary. The existing Penitencia Creek levee is currently planned and scheduled for replacement by the Santa Clara Valley Water District (SCVWD) as a raised engineered flood wall and/or engineered levee 7 feet above the proposed iStar site finished grade, with no public access. The Planning Division is currently processing applications for two separate hotels located in the immediate vicinity on Cadillac Court. Site one located at 1100 Cadillac Court is a proposed hotel for Holiday Inn Suites for a 129-room four-story hotel. The second site is located at 1201 Cadillac Court is a proposed hotel for Springhill Suites for a 124-room five-story hotel. Newby Island Landfill is located approximately 1.5 miles to the west, the Zanker Road Landfill and Compost Facility is located approximately 2.25 miles to the west and the San Jose/Santa Clara Water Pollution Control Plant is located approximately 0.3 miles to the west of the site. Staff acknowledges that there is an existing odor condition emanating from the above mentioned facilities and has included a Condition of Approval requiring the proposed project CC&Rs to include a disclosure of close proximity and odors from these existing two facilities.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The City's General Plan is the long range planning document, providing the vision for the future development of the City. Amendments to the General Plan should only be considered after careful deliberation, review of compatibility with surrounding land uses and determination of public benefit. Amendments to the General Plan and Zoning Code require making the findings that the proposed amendment is internally consistent with those portions of the General Plan which are not being amended and that the proposed amendment will not adversely affect the public health, safety and welfare.

The City Council has supported this area as a transition area from industrial land use to residential land use, with the recent approval of the Trumark Waterstone residential development to the north of the project site. It is anticipated that the adjacent BAPS site will also convert to residential land use in the future, providing a contiguous residential community.

The current General Plan designation is Industrial. This land use classification accommodates research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

The applicant is requesting a General Plan designation of Multi-family High Density, based upon the City Council's support of transitioning Industrial to Residential land use along the eastern side of California Circle, and the recent approval of the Trumark Waterstone single-family residential project to the north. The applicant is requesting Multi-Family High Density with a range of 12-20 units per gross acre. This General Plan designation typically accommodates a variety of housing types, ranging from row houses to triplexes and four-plexes, stacked townhouses, and garden apartments.

The following General Plan land use guiding and implementing principles should be considered with this land use designation request:

- 2.a-G.2 – Maintain a relatively compact form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.
- 2.a-G-3 – Provide for a variety of housing types and densities that meet the needs of individuals and families.
- 2.a-G-5 – A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.
- 2.a-G-7 – When considering development proposals, seek “community benefit”, such as upgrading infrastructure facilities, constructing new infrastructure facilities and funding contributions to programs.
- 2.a-G-8 – The City should consider a long term approach to managing its income/job generating lands and the impacts of development on public services.
- 2.a-G-9 – The city should make land use decisions that improve the City’s fiscal condition.
- 2.a-G-10 – Consider long-term planning and strong land use policy in managing the City’s fiscal position.
- 2.a-G-11 – Promote land use policy and implementation actions that improve the City’s fiscal sustainability. Maintain and enhance the City’s projected total net revenue through amendments made to the General Plan. Discourage proposed re-zonings or other discretionary land use actions that could significantly diminish revenue to the City or significantly increase the City’s service costs to the City without offsetting increases in revenue.
- 2a-I-1 -- Land use conversions from employment/sales tax generation properties to residential shall only be considered once there is 80% buildout in the Midtown and Transit Area Specific Plans.

The proposed project is consistent with several General Plan guiding policies. The proposed project includes 144 new townhouse style housing units that will provide new homeownership opportunities in the community. The proposed project also provides a small on-site private park open space area that would be utilized by the project residents. The proposed landscape plan includes perimeter planting and landscape improvements and pedestrian walkway along the northern and eastern project boundary. These proposed pedestrian walkways will include a public access easement.

The proposed project does not contribute to the job development and commercial opportunities, with the exception of short-term construction jobs during project development. The applicant submitted a fiscal impact analysis of three scenarios; the conceptual residential development; the existing conditions of the vacant industrial building; and a hypothetical occupied industrial use of the project site. The analysis did not include uses that might improve the City’s fiscal condition. The analysis concludes that the proposed residential development yields higher net revenue to the City’s General Fund when compared to the two other low value scenarios. It is the opinion of staff that residential land use alone rarely improves the fiscal condition of the City.

Climate Action Plan Conformance

The project will be constructed with energy and water conservation measures as required by the State of California CalGreen building code requirements. Best management construction practices will also be utilized to further reduce construction emissions. Conditions of approval are included to assure that the project is consistent with the City’s Climate Action Plan.

Development Standards

The applicant is requesting a Planned Unit Development Permit to provide flexibility with the height limit for the new townhome buildings. A Planned Unit Development is a type of discretionary permit that allows for diversification in the relationships of buildings, structures and open space, while insuring substantial compliance to the District Regulations and other provisions of the Zoning Code. The table below demonstrates how the project is consistent with the development standards of the Multiple Family Residential zoning district (R-3).

Table 1
Summary of Development Standards

	Standard	Proposed	Compliance
<u>Setbacks</u> (Minimum)			
Front	20 feet	24 feet along California Circle property frontage	Yes
Street Side	10 feet	15 provided along northern property line	Yes
Interior	12 feet	24 feet is provided along California Circle	Yes
Rear	40feet	40 feet is provided to top of creek bank (95 is provide to property line)	Yes
<u>Building Height</u> (<u>maximum</u>)	35 feet	38 feet proposed (request 42 feet height limit)	Yes - with approval of PUD
<u>Density</u>	12-20 units per acre	15.2 units per acre	Yes

As indicated above, the project is consistent with the development standards required for the R-3 Zoning District, except for building height. The project complies with the setback requirements, parking requirements and density. With the issuance of the Planned Unit Development Permit, the project will comply with the building height (see Public Benefit Discussion below).

Site & Architectural Design

Per the Milpitas Municipal Code, the Site Development Permit application requires the Planning Commission consider and encourage the following site and structural development criteria:

- A. Respects the physical and environmental characteristics of the site;

- B. Ensures safe and convenient access and circulation for pedestrians and vehicles;
- C. Exemplifies the best professional design practices;
- D. Encourages individual identity for specific uses and structures;
- E. Encourages a district community or neighborhood identity; and
- F. Minimizes visual impacts.

The proposed multi-family residential development is designed in a series of three-story buildings ranging in size from 3-unit to 8-unit building types with the majority being 6-unit buildings. The front elevation of the buildings includes stucco finish and stone veneer along the first level with front entry stoops and porches. There are some second story balconies with metal railing and standing metal seam accent roof and occasional use of metal projecting awning over windows elements. The buildings include a mix of cement plaster finish and cementitious (simulated wood) siding. The rear elevations include garage doors with windows, a mix of stone veneer, cementitious horizontal siding and cement plaster finish on the first floor. Decorative trellis features are included above the garage doors. A flat concrete tile roof shingles is proposed for all buildings. The buildings are proposed at a height of approximately 38'-2" from finished grade.

In order to assist the applicant in meeting the requirements of a Site Development Permit, Staff coordinated with the City's Consulting Architect, Larry Cannon to prepare specific guidance in upgrading the proposed multi-family buildings through revised architectural details in an attempt to achieve the high quality development criteria listed above. Several revisions to the building treatment, architectural detailing, and landscape are identified. The Conditions of Approval include requirements to modify the side elevations for additional façade articulation, materials change, color changes, architectural details, landscaping, and wrap-around porch treatment. The condition also requires further refinement of the project following the design principles:

- Provide individualized units with varied materials and form articulation assembled into a unified building whole;
- Provide distinctive and varied unit entries;
- Provide varied roof eave lines;
- Provide abundant projecting architectural details; and
- Provide variety in façade treatment for adjacent buildings.

Conditions of Approval will require the final design of the multi-family buildings and portions of the landscaping to be revised at the time of building permit application, subject to staff approval. Refer to Conditions of Approval and Exhibit B of the proposed resolution for further details.

Landscaping & Open Space Design

The landscape plan includes large shade trees and decorative planting along the perimeter of the site frontage along California Circle. The landscape plan also includes planting and walkways with open space between each building. A pedestrian walkway along the northern and eastern project boundary is proposed for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north.

The applicant proposes a landscaped passive private open space park area at the southeast corner of the property along California Circle. The corner private park open space area will include: open turf area, hardscape areas with seating and fitness station. The planting includes large shade trees, shrubs and accent plant materials. This landscape treatment enhances the corner of the property as viewed from the public right-of-way, provides an enhanced entryway into the new development and enhances the pedestrian walkway from California Circle into the project site.

A second private park open space is provided at the center of the development for the use of the project residents. This park is approximately 1/3 of an acre in area. Private park amenities include; bbqs, a fire pit with seating area, open turf area, dining tables with a shade structure and a play structure.

Planting and accent trees will also be provided at the front of each townhouse unit. The proposed plan provides connective green spaces and planting throughout the project site.

Parking

The development includes two garage parking spaces for each unit. The City's Zoning Ordinance requires two covered parking spaces for each 2-4 bedroom multi-family unit. The code also requires 20% of the required parking for open uncovered guest parking, which results in 58 guest parking spaces. The development proposes a total of 62 on-site guest parking spaces. With conditions of approval that adjust pedestrian crosswalks, pedestrian connectivity, and site landscaping, up to four parking spaces will be eliminated for a total of 58 on-site guest parking spaces. Thus, as conditioned, the project remains in compliance with the City's minimum parking requirements.

Access & Circulation

The site is accessed from one driveway at California Circle at Fairview Way. The site layout includes two private streets (Street "A" and Street "B"), with sidewalks and on-street parking. The other on-site private drive aisles are designed to access garages and do not include sidewalks.

A second emergency vehicle access point is proposed at the northwesterly edge of the site onto California Way (Drive Aisle 1). The primary site entrance (Street B) has been designed for a future connection to the BAPS site to the north to meet a future connection at the Trumark Waterstone residential project. This Street B connection would provide future residents and emergency responders of this entire area with adequate vehicle and pedestrian access and circulation.

Decorative paving is proposed at the internal site crosswalks. A pedestrian walkway is proposed along the northern and eastern project boundary for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north. Conditions of Approval improve pedestrian crosswalk layout and locations, and assure reciprocal access for future sidewalk and Street B connections to the BAPS property.

Grading, Drainage and Stormwater

The subject site is located within a 100-year flood hazard zone. The developer will be required to raise the base elevation of the site by approximately three feet. The finished floor elevations of the homes will be one foot above the new finished grade in compliance with the City's Flood Ordinance.

Stormwater treatment facilities will be provided on-site and maintained by the Home Owners Association in compliance with the National Pollution Elimination Discharge System (NPDES), provision C.3 requirements.

Utilities

As conditioned, the applicant is required to submit water, sewer and storm drainage studies for the development. If the studies indicate that the development contributes to the over-capacity of the trunk line, the developer will be required to mitigate the overflow or shortage by construction of a parallel line or payment of a mitigation charge. The applicant is required to pay applicable capacity and connection fees and underground utility services along the property frontage and within the project site. All existing above-ground utility cabinets and vaults shall either be undergrounded or relocated to the back of planned sidewalk per Conditions of Approval.

Urgency Ordinance (240.2) Exception Request

On August 26th, 2014, the City Council adopted Urgency Ordinance No. 240.2 which implemented water use restrictions. Specifically as it relates to this project, the Urgency Ordinance prohibited the use of potable water for the installation of new landscape unless it is served by Reclaimed Water (5.07). Section 5.08 of the Urgency Ordinance allows the City Council to grant exceptions as needed. The subject site is not located in an area where reclaimed water is available for use and therefore they must use potable water for all on-site irrigation. All new developments, especially residential, need to provide landscaping and onsite amenities such as useable open space, especially in these transition areas. Since potable water is the only source for irrigation, staff supports the exemption request.

Public and Community Benefits

As conditioned, the proposed development will contribute \$250,000 specifically for a City of Milpitas Community Gateway Signage Program, and design and construction of up to two gateway signs in Milpitas. This requirement has been included in the Conditions of Approval and outlined in Exhibit D, which provides a program scope of work that would commence at the time the project building permits are submitted to the City. Participation of the Planning Commission is an important element in the work scope.

The proposed project will also construct new improvements along California Circle including: AC overlay of the roadway surface along both sides of the street along the property frontage,

construct a new decorative mid-block crosswalk along California Circle at the northern portion of the site; and add decorative paving material to the existing crosswalk at California Circle and Fairview Way. The development also includes the two publicly accessible pedestrian walkways along the northern and eastern portions of the site, designed to connect to the BAP's site in the future.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

General Plan and Zoning Amendment (Section XI-10-57.02)

- 1. The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The General Plan and Zoning Amendment to designate the site Multi-Family Residential is consistent with the past direction and actions of the City Council for properties along the eastern side of California Circle within the Dixon Landing Business Park at this general location and will provide a connective residential community. The amendment is consistent with other portions of the General Plan and Zoning Code.

- 2. The proposed amendment will not adversely affect the public health, safety and welfare*

Designating the site as Multi-Family Residential will not adversely affect the public health, safety and welfare. The residential designation is consistent with the residential development to the east of the project site (across the creek) as well as consistent with the recently approved Trumark Waterstone residential development to the north of the project site along California Circle. The residential use will not negatively impact adjacent industrial and commercial uses and there is circulation network is sufficient for the new use.

Major Tentative Map Findings (Section XI-1-20.01)

- 1. The tentative subdivision map is consistent with the Milpitas General Plan*

As discussed above, the subdivision map is complies with the R-3 Zoning District and to the development standards of the General Plan. The proposed project type, density and size are all consistent with the Multiple Family Residential General Plan Land Use Designation.

Planned Unit Development (XI-10-54.07)

- 1. Development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*

The project includes \$250,000 as a public benefit for a City of Milpitas Community Gateway Signage Program and up to two new gateway signs in the City. In addition, the California Circle street frontage will be improved with new decorative crosswalk paving, and two landscaped pedestrian walkways are proposed within the development for public access.

2. The proposed Planned Unit Development is consistent with the Milpitas General Plan

The proposed development is consistent with the Multi-Family residential designation density and use and is consistent with other provisions of the General Plan.

3. The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction or loss of privacy that are not mitigated to acceptable levels.

The proposed Multi-Family Residential development is consistent with the residential Trumark Waterstone project to the north, and existing residential uses to the east of the site and will not have a negative impact on adjacent properties. The residential neighborhood to the east is located across the creek and will not experience shadows or loss of views from the proposed development. The existing commercial and industrial developments across California Circle will also not be negatively impacted by the Multi-Family Residential buildings.

Site Development Permit (Section XI-10-57-03-1(F))

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The project is consistent with this finding as it complies with the development standards contained within the R-3 District and the municipal code. The project is designed with a circulation network that connects with existing street and to future developments. As conditioned, the proposed buildings contain a variety of finish materials and articulations and with further refinement will be of high quality design on all sides. The perimeter landscaping and street improvements will provide a benefit to the neighborhood and pedestrian environment.

2. The project is consistent with the Milpitas Zoning Ordinance.

With the approval of the Planned Unit Development Permit and adoption of the Zoning Amendment, the project will comply with the Milpitas Zoning Ordinance. The project is consistent the R-3, Multi-Family Residential zoning requirements and other code requirements.

3. The project is consistent with the Milpitas General Plan.

With the approval of the requested General Plan Amendment to Multi-Family Residential designation, the project will be consistent with the Milpitas General Plan. The project is consistent with the General Plan policy to provide for a variety of housing types and densities

that meet the needs of individuals and families. The project includes a mix of two and three bedroom units in a multi-family townhouse building format. The project also includes on-site private park open space areas and pedestrian walkways along the northern and eastern project boundary for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north, consistent with the General Plan policy to create a park-like setting and a greenway system laced throughout all living areas. Based on the applicant's fiscal analysis, the project will provide an increase in annual net revenues as compared to the existing use that will contribute to the City's financial position.

Urgency Ordinance (240.2) Exception

The proposed project includes new landscaping with potable water irrigation. The project site is not located adjacent to reclaimed water making connection infeasible. All new developments are required to install landscaping as per the Zoning Code and all landscaping shall be irrigated. The landscaping will provide amenities for the new residential development in an area where these amenities are needed.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) (Attachment B). An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared and circulated for public review on October 1, 2014 through October 22, 2014. The IS/MND concluded that the project will not have a significant impact on the environment with the implementation of the mitigation measures. Mitigation measures include the following:

- Lighting design to ensure the project does not create a new source of substantial light or glare.
- Implement Best Management Practice measures to control dust and emissions during construction.
- Select equipment for use during construction that will minimize exhaust.
- Conduct pre-construction survey for special status plants, animals and nesting birds to protect or avoid during construction.
- Implement a tree replacement plan to mitigate the removal of existing trees.
- Establish protocol if archaeological resource or human remains are discovered during construction.
- Comply with the California Building Code Requirements to mitigate the risk of ground shaking, the foundation design to follow recommendations of project Geotechnical Engineer, and implement a surcharge program to reduce post construction settlements.
- Implement the Engineering Geologist's 40' setback distance recommendation for structures from top of creek bank.
- Retain a Cal-OSHA certified ACBM and lead-based pint specialists to assess the structure prior to demolition.
- Comply with the NPDES General Permit, SWPPP, NPDES C.3 requirements and NPDES Best Management Practices for construction and post construction water quality.
- Raise the base elevation of the project site to comply with current flood hazards, remove non-permitted improvements in the levee and complete a flood plain analysis.

- Retain an acoustical engineer and implement noise attenuation measures including mechanical ventilation in certain units.
- Contribute to city impact fees including required school impact fee and the Calaveras Boulevard Widening Project fee.
- Implement circulation plan improvements including an eastbound left turn pocket at California Circle and Fairview Way, center the driveway alignment onto California Circle and Fairview Way and provide on-site bike racks.

The mitigation measures noted above mitigate impacts to a less than significant level. The mitigation monitoring measures have been incorporated into the conditions of approval by reference and the applicant shall be responsible for satisfying all mitigations to the satisfaction of the City.

PUBLIC COMMENT/OUTREACH

The applicant conducted a community public outreach meeting on September 10, 2014. The meeting was attended by residents from the adjacent residential communities east of the project site. Area residents expressed interest in business growth and job creation as opposed to additional residential development. Resident's concerns also emphasized increase traffic, speeding, parking, maintenance of public spaces and inadequate garbage facilities. Residents also expressed interest in the project going above and beyond the minimum green building requirements and expressed concern with new development with water shortages.

Staff provided public notice for the application in accordance with City and State public noticing requirements. At the time of writing this report, there has been one request for project information and no additional comments have been received on the project from the public.

Notice of Intent to Adopt a Mitigated Negative Declaration was published in the Milpitas Post on October 1, 2014 providing for a 20-day public review period. In addition, public notices were sent to owners and occupants within 1,000 feet of the project site, including all property owners within the Dixon Landing Business Park. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the November 18, 2014 City Council agenda.

CONCLUSION

In summary, it is recommended that the Planning Commission recommend the City Council approve this project, as conditioned. The project Conditions of Approval are essential for this recommendation to the City Council. In addition, the proposed project is consistent with past City Council direction and action for conversion of Industrial to Residential land use pertaining to properties within the Dixon Landing Business Park along the east side of California Circle. As conditioned, the residential development is consistent with the General Plan and Zoning Ordinance and meets the standards and requirements of the City's development criteria, and will provide new housing options for the community. The project will not have a significant impact

on the environment with the implementation of the Mitigation Measures and Conditions of Approval.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No. 14-035 recommending the City Council adopt the Mitigated Negative Declaration (EA) and approve General Plan Amendment, Zoning Amendment, Planned Unit Development Permit, Site Development Permit, and Major Tentative Map for the development of 144 townhouse units with associated site improvements at 1210 California Circle.

ATTACHMENTS

- A. Resolution 14-035
- B. Initial Study/Mitigated Negative Declaration
- C. Project Plans
- D. Comment Letter