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February 5, 2008

35795--4

VIA E-MAIL

Jose Esteves, Mayor
And Members of the City Council
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035-5411

Re: **Trammell Crow Residential—Alexan South Main Project—"S" Zone Application No. SZ2007-18, Density Bonus No. DB2008-0001, Use Permit No. UP2007-0002 and Major Vesting Tentative Map**

Dear Mayor Esteves and Members of the City Council:

We represent Trammell Crow Residential ("TCR") in conjunction with its 387-unit condominium project ("Project") proposed for 1504-1620 South Main Street in Milpitas, CA, which the City Council will consider at its meeting tonight. TCR seeks to provide high density, well-designed, transit-oriented housing at the southern gateway to the City of Milpitas, in keeping with the City's vision for the area as set forth in the Midtown Specific Plan. Rather than repeat the issues set forth in our January 23, 2008 letter to the Planning Commission that is in your Council packets, we have attached it hereto for your further convenience.

As you know, on January 23, 2008, the Planning Commission unanimously recommended approval of the Project to the City Council. In case you have not had the opportunity to view the webcast of that meeting, we would like to provide you with a summary of some of the comments made about TCR and its community outreach efforts for your consideration tonight.

- **Chair Cliff Williams**

  "In my 12+ years of being on the Commission, this is the first project I've seen in which the outreach was done in such a positive way—in that the residents responded in such a positive manner. I have to commend you and maybe somehow you can replicate your formulation so that other developers may be able

to have the same success … It seems like a positive situation, and we have some harmony here. I have to give credit where credit is due not only to the Homeowners' Association, but also to the developers for your actions."

- **Noella Tabladillo**

  "I echo what the Chair has said—you've done a tremendously good job working with the community. We haven't had such great comments from the Pines in a long time."

- **Lawrence Ciardella**

  "I take my hat off to you for working with the Pines HOA. What the City ought to do is make a small videotape of some of the comments my fellow Commissioners have said and show it to other developers that come to town."

We are extremely flattered by the Commissioners' remarks and grateful for their unanimous approval of the Project. It is refreshing to be acknowledged for our successful neighborhood outreach and this recognition will continue to be a source of pride as we move forward—hopefully with your approval tonight.

Accordingly, we respectfully request that the City Council support staff's recommendation and approve TCR's "S" Zone Application, Density Bonus, and Vesting Tentative Map.

Sincerely,

Timothy A. Tosta /JER

Timothy A. Tosta
of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Attachment

cc: Peter Solar

301029589.2

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January 23, 2008

VIA ELECTRONIC MAIL

Mr. Cliff Williams, Chair
And Members of the Planning Commission
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035-5411

Re: **Trammell Crow Residential—Alexan South Main Project—"S" Zone Application No. SZ2007-18, Density Bonus No. DB2008-0001, Use Permit No. UP2007-0002 and Major Vesting Tentative Map**

Dear Chairman Williams and Members of the Planning Commission:

We represent Trammell Crow Residential ("TCR") in conjunction with its 387-unit condominium project ("Project") proposed for 1504-1620 South Main Street in Milpitas, CA, which the Planning Commission will consider at its meeting tonight. TCR seeks to provide high density, well-designed, transit-oriented housing at the southern gateway to the City of Milpitas, in keeping with the City's vision for the area as set forth in the Midtown Specific Plan. The Project achieves this result by:

- Conforming to the General Plan, Zoning, and Midtown Specific Plan designations for Multi-Family Very High Density with Transit Oriented Development.
- Reflecting high quality design with appropriate urban scale and balance consistent with the planning principles set forth in the Midtown Specific Plan.
- Creating an urban development with appropriate scale and massing to support the City's retail and transit services by way of a 9% density bonus.

Accordingly, we respectfully request that the Planning Commission support staff's recommendation and recommend approval of TCR's "S" Zone Application, Density Bonus, and Vesting Tentative Map.

I. Project Description

As you know, the Project site is currently occupied by a mobile home and RV park, as well as a motel and auto repair shop. On October 26, 2007, this Planning Commission recommended approval of the Conversion Impact Report ("CIR") that sets forth TCR's relocation assistance program for residents of the park. The City Council approved this CIR on November 27, 2007, paving the way for the Project to move forward. TCR now welcomes this unique opportunity to reinvigorate this underutilized site through the construction of a high-quality, residential project that will build upon the progress already accomplished in the neighborhood, in keeping with the City's Midtown Area goals.

The Project will provide 387 residential units and will consist of three different building types. Building One will contain 192 units with two large courtyard areas that will provide both active and passive open space with high quality landscaped settings. Building Two will contain 107 units, as well as over 5,000 square feet of amenity services, including a fitness center, internet café, media room, demonstration kitchen, management, and leasing area. Building Three will contain 88 units and will have an open courtyard, which will provide usable open space for the Project residents.

Because the Project site is located within the Transit Oriented Development Overlay zone, TCR purposefully designed the Project to add vitality to the Midtown Area by creating a vibrant, urban environment that is pedestrian-oriented and that activates the street. To help achieve this strong relationship to the neighborhood and its streets, the ground floor units will have private open space or stoops with direct access to the street and paseo, achieving an "eyes on the street" effect that will enhance the residential experience. These open spaces are designed with an urban sensibility that reflects the Project's adherence to the transit-oriented and high density planning principles established for the neighborhood. Moreover, the Project was specifically designed with adjacencies in mind so that the Project's scale and feel relate to the other residential projects coming on-line in the Midtown Area, such as the neighboring Aspen Family Apartments. While other projects have preceded TCR's in the Midtown Area pipeline, we consider this Project to be setting the "tone" for the neighborhood because of its central location along the South Main Street corridor—this in turn will encourage further redevelopment and reinvestment in the area.

From a design perspective, the vertical building massing is broken into modules to minimize the bulk of the building and to create more interesting silhouettes. The horizontal massing is defined by a base of textured materials and a distinct and varied roof line that has vaulted accents at the South Main Street entry points. The roof line varies in height and flows with the massing to create depth along the building's façade. Building entries are emphasized

with porches, stoops and other architectural treatments that define the buildings' access points and help to activate the streetscape. The buildings will be trimmed with quality, traditional building materials that will provide texture and relief to the façade and also which were chosen for long-term durability.

All of the Project's design considerations conform to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and the Design Guidelines, because they promote development and streetscape improvements that enhance the pedestrian environment and connectivity throughout the Midtown Area. This pedestrian-friendly approach to urban development contributes to the creation of the critical mass in the area necessary to support nearby retail and transit services—a fundamental City goal set forth in the Midtown Specific Plan.

II. **Midtown Specific Plan Vision**

When the City embarked on its visioning process for the Midtown area, it established higher density housing as the principal land use for the South Main Street area because such housing would support retail uses, provide an "around the clock environment," and support the City's transit investments being made in the area. The TCR Project falls squarely within this visionary framework because it provides high density, infill development with an emphasis on providing a neighborhood "nucleus" that enhances pedestrian connectivity and open space, while its proximity to transit stations encourages increased ridership.

As noted in the Midtown Specific Plan, there is a tremendous housing shortage in Santa Clara County and this scarcity has serious consequences for the City of Milpitas, including increased congestion, decreased air quality, and loss of environmental resources. The City's decision-makers correctly recognized that the provision of new housing within the Midtown Area would address not only the City's tremendous housing demand, but could ameliorate transportation congestion as well. It is the kind of housing proposed by TCR that the City has acknowledged will "breathe new life" into and invigorate the Midtown Area by attracting residents who will support businesses, activate the neighborhood during both the daytime and nighttime hours, and rely on the nearby transit stations to get to and from work. We believe that the TCR Project will maintain the development momentum necessary to truly accomplish the City's vision for the Midtown Area in a timely and meaningful way.

III. Density Bonus

TCR proposes 387 units for the Project, of which 356 units are allowed by right under the current zoning and 31 of which are allowed by way of a density bonus pursuant to California Government Code Section 65915(b)(1)(B) and Section XI-10-54.20 of the City's Zoning Ordinance. TCR seeks a mere 9% increase in the Project's density that will result in a better, more cohesively designed site. In exchange for the 9 % density bonus, TCR will transfer five (5) percent of the total units of the development for very low income households to the Aspen Family Apartments in conjunction with Section XI-10-54.20-3(B)(2) of the City's Zoning Ordinance.[1]

In the unlikely event that the Aspen Family Apartments does not proceed to completion, TCR has established a contingency plan with Planning staff in order to ensure that the Project satisfies the City's affordable housing obligations. This contingency plan includes the following: In the event that the Aspen Family Apartments project fails to move forward, TCR shall provide fifteen percent (15%) of its total dwelling units for persons and families of moderate income in exchange for a 10% density bonus, as provided for in XI-10-54.20-3, Subsections (B)(4), (C), and (D)(3).

Together, Aspen and the Project will provide much-needed, multi-family housing for the residents of Milpitas, while also satisfying the City's 15% affordable obligation under California Redevelopment Law.

IV. Environmental Review

As noted in the Staff Report, the Project is consistent with the scope of the analysis conducted in the City's programmatic Environmental Impact Report for the Midtown Specific Plan ("EIR"). Consequently, the Project is exempt from further environmental review pursuant to Article 8, Section 65457 of the State Planning and Zoning Law and Article 11, Section 15168(c)(2) of the California Environmental Quality Act ("CEQA") Guidelines.

Furthermore, we emphasize that none of the conditions listed below exist here that would trigger the need for preparation of subsequent or supplemental environmental review pursuant to CEQA § 21166.

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[1] Note that TCR has elected to receive only 9% of the 20% bonus provided for in the City's Zoning Ordinance.

1. Substantial changes are proposed in the project that will require major revisions of the EIR;

2. Substantial changes occur with respect to the circumstances under which the project is being undertaken that will require major revisions in the EIR;

3. New information of substantial importance to the project, which was not know and could not have been known at the time the EIR was certified as complete, becomes available.

Indeed, the Project is fully consistent with the scope of the analysis in the EIR and its mitigation measures for hazardous materials, traffic, noise and trees are applied to the Project by way of certain conditions of approval. The Project's potential traffic impacts were appropriately analyzed in the EIR and the anticipated cumulative impacts of new development on future roadway operations resulted in the City's requirement that Midtown project applicants pay a "fair share" contribution of traffic improvement costs for the area. Because the Project has already been forecast to contribute traffic to already deficient intersections and TCR is required to pay its "fair share" contribution towards planned improvements along these corridors, no new or changed information of substantial importance gives rise to supplemental environmental review under CEQA.

V. Conclusion

TCR is pleased to present the Alexan South Main project to the Planning Commission as it represents the next exciting step in the City's furtherance of the Midtown Area's goals. The Project provides new, high quality housing that will:

- Contribute to the vibrancy and invigoration of the Midtown Area;
- Address local and regional housing needs;
- Support retail services and promote transit-ridership.

We ask that the Planning Commission support staff's recommendation for the Project and adopt the Resolution recommending approval to the City Council.

Thank you for your consideration.

Sincerely,

Timothy A. Tosta / JER

Timothy A. Tosta
of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

301028069.2

Cindy Maxwell

From: Mary Brown [mapabrown@yahoo.com]
Sent: Monday, February 04, 2008 8:41 PM
To: Cindy Maxwell
Subject: Trammel Crow Hearing

Hi Cindy,
Maybe you can answer some of our concerns. One concern is regarding the 387 Unit Trammel Crow apartment building and that TC expects low income (young singles, young couples, empty nesters, Seniors) people without children to inhabit the apartments. If they truly believe this and do not plan for a tot lot or schools then they should only rent to 55 and older or can they legally say NO Children allowed as well as NO pets, etc. It doesn't seem reasonable that they will not have children in the apartments unless it is restricted.
More parking is always a plus as we have plenty of people parking in the Pines that don't necessarily live here.
We like the idea of the 8 foot sound wall, hope it looks nice. This end of Milpitas seems to be the last to get any upgrades. It will be good to see it upgraded but since we can't even get trees trimmed on main street, what are the chances of this area being taken care of.
Best of Luck in making our area a clean, safe, and healthy place to live and walk.
Sincerely,
Robert & Mary Brown
32 Cedar Ct.
Milpitas, CA. 95035
(40 year resident in The Pines)

UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

January 23, 2008

I.
ROLL CALL

Present: Ali-Santosa and Tabladillo
Absent: Williams
Staff: Ah Sing, Bejines, Kunsman, Lindsay and Ogaz

1. SITE & ARCHITECTURAL REVIEW NO. SA07-0006

Tiffany Kunsman, Project Planner, presented a request to add a decorative amenity (Grotto) with a water fountain to St. John's Church. The Grotto is placed on the south west portion of the site facing the church and abutting a courtyard at located 279 South Main Street. Ms. Kunsman recommended approval subject to the findings and special conditions of approval.

Commissioner Tabladillo suggested the following conditions be added to the project:

- Before building permit issuance, the applicant must show an automatic top-off water pump for the water feature of the Grotto to prevent future overflow or motor burnout issues to low levels of water.
- St. John's church will be held responsible to maintain the condition of the Grotto, including the quick repair of any graffiti or vandalism that may occur.

Motion to approve Site & Architectural Review No. SA07-0006 based on the findings and special conditions of approval with the two added conditions noted above.

M/S: Tabladillo/Ali-Santosa

AYES: 2

NOES: 0

II.
ADJOURNMENT

This meeting was adjourned at 7:00 p.m.

UNAPPROVED

PLANNING COMMISSION MINUTES

January 23, 2008

I.
PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 5:30 P.M. and led the Pledge of Allegiance.

II.
ROLL CALL

Present: Ali-Santosa, Ciardella, Sandhu and Williams
Late: Mandal and Tabladillo
Staff: Ah Sing, Bejines, Hom, Kunsman, Lindsay, Maxwell, Ogaz and Reliford

III.
PUBLIC FORUM

Chair Williams 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 agendize the matter for a future meeting.

There were no speakers from the audience.

IV.
APPROVAL OF MINUTES
January 9, 2008

Chair Williams called for approval of the minutes of the Planning Commission meeting of January 9, 2008.

There were no changes to the minutes

Motion to approve the minutes of January 9, 2008.

M/S: Sandhu/Ciardella

AYES: 4

NOES: 0

V.
ANNOUNCEMENTS

James Lindsay, Planning and Neighborhood Services Director, announced there is enough in the training budget to send all six Planning Commissioners to the Planners Institute which will be held at the Sacramento Convention Center from March 26-28. Please let Veronica Bejines know by February 1st.

Mr. Lindsay also congratulated Veronica Bejines on her nomination for the Gene Schwab award and encouraged the Commissioners to attend the luncheon which will be held on Monday, January 28th from 11:30 to 1 p.m. at the Embassy Suites hotel.

Chair Williams announced that Norman Azevedo has submitted his resignation and wished him well. He would like to recognize him at a future meeting when he is feeling better.

VI.
CONFLICT OF INTEREST

City Attorney Mike Ogaz 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.

Commissioner Tabladillo arrived at 5:38 p.m.

VII.
APPROVAL OF AGENDA

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Sandhu/Ali-Santosa

AYES: 5

NOES: 0

VIII.
CONSENT CALENDAR

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There we no items on the consent calendar.

IX.
PRESENTATION

1. AMERICAN INSTITUTE OF ARCHITECTS (AIA) PRESENTATION

Patrice Reid with the AIA introduced Hari Sripadanna from the AIA who provided an educational training program to the Planning Commission.

Vice Chair Mandal arrived at 5:56 p.m.

Commissioner Sandhu asked Mr. Sripadanna to elaborate on urban sprawl. Mr. Sripadanna said urban sprawl means continued expansion of houses. At some point, it is an inefficient way of communicating and he encourages subsidized housing.

Commissioner Sandhu said it is sometimes difficult for a client to understand Planning terms and asked what the best way to communicate is. Mr. Sripadanna said the best way would be to visit the AIA's website where there are literature and materials available.

Vice Chair Mandal felt that alternative energy needs to be expanded and asked how this problem could be tackled. Mr. Sripadanna suggested that awareness and education is a good place to start and also communication.

Vice Chair Mandal asked what cities have better planning policy in terms of looking ahead. Mr. Reprinanda said many of the Bay Area cities are thinking ahead and are setting good examples to the rest of the country.

Commissioner Tabladillo asked if cities are going to start using 3-D models to demonstrate what projects will look like. Mr. Sripadanna said that the software is called sketch up software and it originates from Denver. He is not sure how many cities are using the software however it is much more affordable now.

Chair Williams agreed with Commissioner Tabladillo about the 3-D concept because it is clearer to look at as far as infrastructure.

Commissioner Ciardella asked if the AIA does this type of training throughout the Bay Area. Mr. Sripadanna said that in celebrating their one year centennial, they are offering a free one hour seminar throughout the Bay Area. In addition, they also offer more specific training.

Commissioner Ciardella suggested that the new commissioner attend one of their trainings.

Chair Williams asked how architects plan for catastrophic events. Mr. Sripadanna said architects are always coming up with ideas on disaster preparedness.

BREAK

The Planning Commissioners took a break at 6:45 p.m. for the Planning Commission Subcommittee meeting.

The meeting resumed at 7:00 p.m.

X.
PUBLIC HEARING

2. "S" ZONE APPLICATION NO. SZ2007-18, USE PERMIT NO. UP2007-0015, VESTING TENTATIVE MAP NO. MI2007-0002 AND DENSITY BONUS NO. DB2008-0001

Cindy Maxwell, Project Planner, and Felix Reliford, Principal Housing Planner, presented a request for a 387-unit apartment project in three buildings located on 5.9 acres at 1504 -1620 South Main Street. The project would provide studio, one and two-bedroom apartments in four-story buildings. The Use Permit application requests to reduce front and street side building setbacks. The Vesting Tentative Map is for condominium purposes and provides public streets and three privately owned parcels. The tentative map would vest the applicant with the ability to convert the apartment project to condominiums at an undetermined date in the future. Ms. Maxwell recommended the Commission open the public hearing, adopt Resolution No. 08-004 recommending approval to the City Council with findings and conditions of approval. Ms. Maxwell pointed out that the Commission received a copy of the revised resolution and a letter from the applicant.

Chair Williams asked that Ms. Maxwell go over all of the changes made to the resolution and she did.

Commissioner Sandhu asked if the Aspen apartments are not completed will Trammell Crow Residential buy the property. Mr. Reliford said that if for some unforeseen reason the Aspen apartments have not been constructed, Trammell Crow will be responsible to provide the affordability units onsite with their project.

Mr. Lindsay said the 15% affordable would allow Trammell Crow a density bonus of 10% and the obligation to provide affordable housing is on the agency to comply with state law.

Commissioner Sandhu asked who is developing the Aspen apartments. Mr. Reliford said Trammell Crow has no obligation to develop that property they are only interested in financial assistance.

Vice Chair Mandal asked if the developer is meeting the requirements for the total park area of the three buildings. Ms. Maxwell said there is a requirement for park dedication for every residential development in the City and the developer is meeting that requirement by either dedicating park land or paying an in-lieu fee.

Commissioner Ali-Santosa said the wall next to the railroad track is 8 feet tall and asked if this is standard height? Ms. Maxwell said it depends on the project. The wall is not needed to reduce noise inside the units but is used to provide a safety boundary and aesthetic boundary between the project and the railroad line.

Chair Williams asked if the applicant can answer questions related to the soil report and Ms. Maxwell said yes.

Chair Williams asked if the color scheme was presented in the packet and Ms. Maxwell said no however the applicant will provide details in their PowerPoint presentation.

Commissioner Tabladillo agreed with Chair Williams about the need for color elevation designs to see how the buildings are broken up.

Commissioner Ciardella asked if the applicant will have shared driveways. Ms. Maxwell said a new public street will be constructed at the north end of the site and it will have two lanes. When the property adjacent to the north side of the site is developed, the remainder of the street will be constructed and parking will be provided on one side.

Commissioner Tabladillo asked what other projects in this area have a six story parking garage? Ms. Maxwell said the Centria project has a wrap around parking garage that is not visible from the outside. She said the parking garage is 6 ½ stories because ½ story is underground. It does not exceed the maximum height in feet in the R4 zoning district but does exceed the five story maximum because the height of each of the stories in the parking garage is less than a dwelling unit.

Chair Williams introduced the applicant.

Tim Tosta, Luce Forward, Land Use Lawyer for Trammell Crow, 121 Spear Street, San Francisco, CA, said they did submit color drawings and not sure why they did not arrive to the Planning Commissioners, however they will focus their PowerPoint presentation on the architecture.

David Obitz, KTGY Group Architecture and Planning, 17992 Mitchell South, Irvine, CA, presented a PowerPoint presentation on the Alexan project.

Chair Williams asked if the sidewalks are textured and Mr. Obitz said the sidewalks will be colored concrete.

Chair William asked what is the size and species of the trees? **Ned Smith, Smith and Smith Landscape Architects, San Francisco, CA,** said the trees are 24 inch box trees along the street. The trees on South Main Street are fast growing Scarlett Oak trees and the trees on the interior streets are large Sycamore trees.

Chair Williams asked what size trees will be in the median and Mr. Smith said they are 24 inch box trees.

Chair Williams said his main concern is how to soften the view of the project for the Pines residents and Mr. Smith said there is a lot of landscape on the project.

Chair Williams said various metals were found in the soil report and asked if the top soil would be removed prior to construction? **Peter Solar, Trammell Crow Residential, 1810 Gateway Drive, San Mateo, CA,** said they did a second study and identified the area near the railroad tracks. The soil will be removed and replaced with clean fill. There will be a consultant that will oversee the project.

Vice Chair Mandal asked if the public could use the pool and outdoor barbeque area and Mr. Obitz said it is for residential use only and is in a gated area.

Vice Chair Mandal asked if there are other open areas. Mr. Obitz said the courtyard in building one is not gated.

Vice Chair Mandal asked if the public could use the paseos and Mr. Obitz said it is up to the Homeowners Associations (HOA).

Vice Chair Mandal asked who is responsible for maintaining the outdoor areas and Mr. Obitz said Trammell Crow and their property management is responsible for maintaining the property and making it an attractive place to live.

Chair Williams pointed out that staff found the color board and wants to make sure it is part of the record.

Commissioner Sandhu asked if a vibration study was done on passing trains on the railroad tracks and what the findings were. Mr. Solar said the noise study indicated that the vibrations from the train would not be an issue.

Chair Williams asked if the City has received complaints in regards to noise along the railroad tracks. Mr. Reliford said it was a concern several years ago for the Terrace Gardens residents however there have been no complaints in recent years.

Commissioner Sandhu asked if building No. 2 has two levels of parking garages and Mr. Obitz said yes.

Commissioner Sandhu asked what the height is and or depth of the lower level and Mr. Obitz said it is about seven feet down in the ground and three feet above grade.

Commissioner Sandhu asked how big is the clubhouse and Mr. Obitz said it is 2,000 square feet.

Commissioner Tabladillo is concerned that there is not enough open space and felt that an urban village means having more amenities then just a plaza area. She is also concerned that there is no parking near the third building and that people will have to walk far.

Mr. Obitz said it was a very challenging site to begin with and they were following direction from City staff and have been as flexible as possible.

Commissioner Tabladillo is also concerned that there is only one exit of the parking garage? Mr. Obitz said that traffic will be distributed evenly on the shared drive.

Commissioner Tabladillo said it is a decent design and felt the stoops were a great idea, however she is looking for something with more excitement for the citizens to be proud of.

Commissioner Ciardella asked who will be the target audience. Mr. Solar said that they will target people who recently graduated from college, 25 to 35 year olds, empty nesters and newly married couples.

Commissioner Ciardella asked if there will be a tot lot for kids and Mr. Solar said no and Commissioner Ciardella suggested that a tot lot be included as part of a condition of approval.

Chair Williams asked if speed humps will be installed and Attorney Tim Tosta said that would be the City's responsibility.

Commissioner Ali-Santosa asked if there is an option to build connectors between building three and the garage. Mr. Solar said that staff had suggested that however since there is a gas line on Cedar, they wouldn't be able to build it.

Chair Williams opened the public hearing.

Guy Haas, 1277 Fallen Leaf in the Pines Neighborhood and member of Pines Home Owners Association (HOA), said that Trammell Crow was a pleasure to work with. He encouraged staff to look into constructing two right turn lanes from southbound Main onto Montague to help alleviate the traffic. He also suggested that in the future, if a school locates directly behind the Alexan project, the City build a pedestrian connector over the rail line. He also thanked Planning staff for referring to Jerry's Market as a liquor store, not a convenience store, in the staff report.

Russ Bargstadt, 1307 Stardust Way and President of Pines HOA, echoed Mr. Haas comments and said Trammell Crow was very good in communicating with the Pines. They held neighborhood meetings and met with the Board at least three times to go over plans and addressed their concerns in good faith. He is unaware of major concerns within the Pines about the project and felt that it will be much better than what is out there right now. The Pines HOA and Trammell Crow do have an agreement that upon commencement of the project and if the project gets approved, Trammell Crow will replace the sound wall from Cedar Way pass Jerry's Market to make for a better design. He does have concerns regarding traffic and would like to see more retail at the end of South Main Street.

Bob Whitecar, employee at 1452 South Main Street, said he is concerned about parking because he has to park on the City street. He is also concerned about minimum height levels in the parking garage and asked how a van would be able to park there.

Frank De Smidt, Economic Development Commission and Parking Task Force member, said he would like the developer and staff to give a description of how the tenant parking and guest parking would be laid out and how many tandem parking spaces there are because he felt the neighborhood residents could be impacted.

Motion to close the public hearing.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

Chair Williams requested that at a future meeting, the Traffic Engineer provide an update about current traffic conditions on South Main Street and Mr. Lindsay said yes.

Chair Williams asked the applicant to respond to Mr. Whitecar's concern about adequate clearance for large vehicles in the parking garage.

Mr. Obitz said smaller vans could park inside the parking garage and larger vehicles such as moving vans and delivery trucks would have to park on the street. In building 2 there is a limited amount of guest parking, however the parking garage in building 1 has an abundance of guest parking.

Commissioner Sandhu said he would be concerned that a tow truck would not fit inside the parking garage in case of an emergency. Mr. Obitz said it would allow for a truck but would not allow for a flat bed to put a car on top.

Commissioner Sandhu suggested that parking spaces be marked for residents. Mr. Obitz said that the HOA will create a parking distribution plan for the residents so every stall will be assigned to a unit and guest parking will be labeled.

Chair Williams proposed a condition of approval that staff review the parking distribution plan separately.

Chair Williams commended the applicant for working well with the residents and felt they should be a model to other developers and the other Commissioners echoed his comments.

Commissioner Tabladillo requested that at a future meeting, staff provide an overview of all the projects currently approved in the Midtown Area and Mr. Lindsay said yes.

Commissioner Tabladillo said she is very concerned that Building 3 is not close to the parking garage and is concerned about the residents walking far to their home. She suggested allocating parking for residents in building 3. She would also like to see more open space especially for kids and echoed Commissioner Ciardella's suggestion about a tot lot.

Chair Williams also suggested conditioning the project to have a tot lot, but to have the foundation set aside for the tot lot, and in the future, if Trammell Crow's demographics change, then a tot lot would be built.

Motion to approve "S" Zone Application No. SZ2007-18, Use Permit No. UP2007-0015, Vesting Tentative Map No. MI2007-0002, Density Bonus No. DB2008-0001 and Adopt revised Resolution No. 08-004 recommending approval to the City Council with findings and conditions of approval add the following two special conditions:

- Prior to Building Permit issuance, the applicant shall submit a parking plan of the garages to the Planning Division, showing the parking assignments of the units with preference given to parking spaces for Building 3.
- The location of a future tot lot shall be identified on the landscaping plans submitted for Building Permit in the event one is needed within the project.

M/S: Mandal/Sandhu

AYES: 6

NOES: 0

BREAK

The Planning Commission took a break at 9:30 p.m.

The meeting resumed at 9:40 p.m.

XI.
NEW BUSINESS

3. ZONING CODE AMENDMENTS

Sheldon Ah Sing, Project Planner, presented a discussion on Entitlement, Permit Streamlining and the Public Hearing Notification process and seeks concurrence and direction from the Planning Commission.

Commissioner Tabladillo asked why does approval for a chain link fence need to go to Subcommittee and not just stay with staff. Mr. Lindsay said staff is trying to discourage chain link fences in the Midtown Area and wants to encourage higher quality material so most applicants would not want to go to Subcommittee and therefore will go with the higher quality.

City Attorney Mike Ogaz asked how does the proposal that multi-family additions greater than 200 square feet be reviewed by staff change from what is currently in the code. Mr. Ah Sing said that right now, single-family home additions in the R1 and R2 district over 200 feet have to go to Subcommittee and staff if trying to reduce the burden by having it reviewed directly by staff.

Chair Williams asked if telecom towers will be reviewed by the Planning Commission or Subcommittee. Mr. Lindsay said currently telecom communication facility requires a Use Permit however staff will review it and come back with suggestions to streamline the process.

Mr. Lindsay suggested that staff review and approve antenna stealth designs and the Planning Commission review monopoles and freestanding structures that include stealth designs.

Vice Chair Mandal asked for clarification on freestanding signs up to 6 feet in non-residential areas. Mr. Lindsay said there are a lot of changes to freestanding signs in the business districts and staff would like to approve them instead of them going to Subcommittee to expedite the process.

Chair Williams suggested that staff revise full store supermarkets within a 1,000 feet be reviewed by the Planning Commission be revised to 2,000 feet.

Chair Williams asked about projects containing public controversy. Mr. Ah Sing said that staff can approve minor changes, the Subcommittee can approve significant changes without public controversy and controversial projects go directly to the Planning Commission.

Chair Williams asked how much improvement the City will see by staff streamlining the zoning code. Mr. Lindsay said he looked at a years worth of Subcommittee items and there is a considerable time savings overall for the time an applicant has to wait for a decision.

Commissioner Ciardella asked if a customer's project is denied by staff, could he or she appeal the project to the Planning Commission. Mr. Lindsay said that staff needs to look at the appeal process within the Municipal Code in the zoning chapter to make sure there is recourse.

Commissioner Tabladillo asked if the fees will change and Mr. Lindsay said yes. Items that go to the Subcommittee are charged $250 and there is no charge for over the counter approvals.

Chair Williams asked staff to proceed on with the Zoning Code Amendments on behalf of the Commission.

XII. ADJOURNMENT

The meeting was adjourned at 10:05 p.m. to the next regular meeting of February 13, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary