

**CITY OF MILPITAS**  
**UNAPPROVED MINUTES**

**PARKS, RECREATION AND CULTURAL RESOURCES COMMISSION**

**Minutes:** Regular Meeting of the Parks, Recreation and Cultural Resources Commission

**Date of Meeting:** May 5, 2008

**Place of Meeting:** Milpitas City Hall, Committee Room, 455 E. Calaveras Blvd.

**I. Call to Order** Chair Munzel called the meeting to order at 7:01 pm

**II. Flag Salute** The Chair led the Commission in the Pledge of Allegiance

**III. Roll Call** Commissioners Present: Munzel, Krommenhock, Ku, Gray, Chang , Cacao and Serena  
Commissioner Excused: Matau  
Councilmember Absent: Gomez  
City Staff Present: Carol Randisi, Senior Supervisor; Salia Lopa, Public Services Assistant; Bonnie Greiner, Parks and Recreation Director; James Lindsay, Planning & Neighborhood Services Director.

**IV. Seating of Alternates** Alternate Cacao seated.

**V. Approval of Agenda** **Motion** to approve the agenda for April 7, 2008  
With Noted changes: Move New Business items, #1 Youth Sports Grant Request (Bonnie Greiner) and #2 Status Report of the Parks Master Plan (Bonnie Greiner) before Old Business item, then return to Old Business item.

M/S: Krommenhock/Serena  
Ayes: 7  
Excused: 1

**VI. Approval of Minutes** **Motion** to approve the minutes for March 3, 2008

M/S: Krommenhock/Ku  
Ayes: 6  
Excused: 1  
Abstained: 1

**VII. Public Forum** None.

## VIII. Announcements and Correspondence

Senior Supervisor Carol Randisi made the following announcements:

- Ms. Randisi thanked all the Milpitas high school and middle school students, Chair Munzel, the Mayor and the CAC for attending the Arbor Day tree planting event which was held on Saturday, April 26<sup>th</sup>.
- A special Memorial Day ceremony will be held to honor local service men and women who have given their lives in the cause of freedom. Memorial Day Ceremony will be held on Monday, May 26<sup>th</sup> at 9:00am at the Veterans Memorial Park Civic Center Plaza.

## IX. Old Business

### 1. **Presentation of the Proposed Parks, Public Spaces and Trails Policies within the Draft Transit Area Specific Plan (James Lindsay, Planning & Neighborhood Services Director)**

James Lindsay introduced himself and Scott Gregory of the consulting firm Lamphier-Gregory to the commission. Mr. Gregory informed the commission that the Draft Area Specific Plan (the plan) was started in 2005, and provides for improvement, redevelopment and anticipated future activities. Mr. Gregory's presentation included the scope of the plan and park requirements. The plan assumes 7,109 new residential units to accommodate 17,914 people. Using a standard of 2 acres of public park per 1,000 people, the plan would provide approximately 36 acres of allocated public park space. A standard of 1.5 acres of private open space per 1,000 people equals 27 acres. Total park land of 36 acres in the plan includes 21.8 acres of designated parks/plaza, 9.2 acres in linear parks/trails and 5 acres of landscape buffers, other trails and additional park space. Mr. Gregory informed the commission that the estimated cost of the land would be over \$48 million. Land dedications based on 2 acres/1,000 people, parks cannot be substituted by in-lieu fees. In lieu fees are to be collected when development projects require more park than designated on site. Park improvements estimated over \$31 million, would be paid for by new development projects, development projects encouraged to provide turn key public parks.

Commissioner Krommenhock asked if the city and school shared a combined 7 acres of park land, would it still be called a park. Mr. Lindsay responded that the City of Milpitas and the (MUSD) Milpitas Unified School District have worked together with joint usage and have been able to identify public parks. If MUSD builds a new school, the city will continue looking for new areas to continue with the joint relationship with MUSD. Commissioner Gray asked if a school was to be built what area would it be built on. Mr. Lindsay responded it would all depend on location and configuration of the size of the park/lot area. Commissioner Serena stated that with joint use between the city and the MUSD, there would be items lacking, such as public restrooms. Mr. Gregory responded that many joint use designs can be geared towards public use vs. school or private use and that they will always try to get the maximum benefit of joint use. Commissioner Ku asked how would you define a linear park and what is the minimum width. Mr. Gregory responded that the minimum width for a linear park would be 25ft and 10ft for a pedestrian/bike trail. Chair Munzel asked how was the decision made to define the width of linear parks. Mr. Lindsay responded that the policy had to be pre approved by City Council, He stated that he can research the parks/trails master plan. Chair Munzel

stated that the median strips included in the 5 acres of open space should not be considered open space. He stated that Milpitas residents would not like to hear that this is considered as open space, and added that the 5 acres listed as open space should truly be open and public space.

Chair Munzel continued by stating the area indicated on the transit plan map Figure 3-1 as a school site is much too small. He also stated that the residents want more open space. Commissioner Krommenhock stated that all the small park areas should be gathered to create a major/central park instead of having all the small parks broken up. She added that a major/central park will be suitable for not only residents but for all who want to enjoy a large park. Chair Munzel stated that the residents have been asking for a major/central park. Mr. Gregory responded that he respects the opinions of the Commission and can see that the commission has the needs of the community in mind and he values their opinions. He added that the intent is to take the total park land to provide opportunities within those neighborhoods to be equitable and fair for all. Chair Munzel responded that some parks noted on the transit plan map are smaller than the Community Garden, which is quite small. Those parks should not be considered as parks since they are so small in size.

Karl Black, Superintendent of the MUSD introduced himself to the commission. Mr. Black, in speaking on behalf of the MUSD, stated they are all in favor in the transit plan, and he would like to see a joint use school. Attending the meeting with Mr. Black were Joe Cimino of the MUSD and David R. Cartnal, Principal Architect with BFGC. Both parties have experience in creating urban and joint use elementary schools. David provided the commission with a layout of Horace Mann Elementary School; total development is 4 acres accommodating 750 children. David expressed concern that there are needs for more land and added that making good plans for new residents would depend on important factors such as transportation, economics, tax issues and quality of schools/jobs. The layout of the school includes separate play areas for specific age groups, 2 kitchen, a library, 2 stories of administration space, outdoor dining area, community center, soccer field, fencing around entire school, separate drop off area for kindergarteners, named/themed classrooms, underground parking garage for school staff, separate under grade and older grade areas. Essentially the needs of the community were met with this school site.

David presented the commission with another overview of Don Callejon School in Santa Clara, California. Don Callejon School serves children in grades Kindergarten through 8<sup>th</sup> grade. This 74,500 square foot school provides students and faculty with a modernized, beautiful campus for learning and recreation with a capacity of 900 students. In addition to brand new classrooms, students enjoy access to a state of the art Media Center and Computer Lab with both wireless and hand wired Internet access, a multi purpose building with a stage, wall tables and a basketball court serves as a place for assemblies, dining, plays and sports activities. Classrooms are located around a central courtyard with features an outdoor theater and grassy knolls. Outdoor play areas are divided into four areas for daycare, kindergarten, elementary and middle school and are located adjacent to a City park. The layout of Don Callejon School include a two single story elementary school buildings (kindergarten through fifth grade), One two story middle school building (grades sixth through eighth), multipurpose building used as a cafeteria, gymnasium and auditorium, courtyard with an outdoor theater, grassy knolls, historical walkways, and a geography court

and separate play areas for kindergarten, elementary and middle schools. David informed the commission that this was the last piece of undeveloped land in Santa Clara County. Lastly David stated to the commission that joint use can definitely thrive. Commissioner Serena stated that design of the schools is as great design for San Francisco and Downtown San Jose, but not for Milpitas. Mr. Black responded that he would love to have 10-14 acres of land, however we can always do something else, it is possible and it can work.

MOTION to recommend to City Council that the City of Milpitas enter into a joint use agreement with Milpitas Unified School District for a 30 acre community park in the Transit Area Specific Plan.

## **X. New Business**

### **1. Youth Sports Grant Request (Bonnie Greiner, Park and Recreation Director)**

On June 19, 2007, the Milpitas City Council approved and appropriated \$8,000.00 for the Youth Sports Assistance Fund for the 2007 - 2008 budget year. Included in the Commission packet for review and consideration is one (1) Group Youth Sports Assistance Fund application.

One (1) Group Youth Sports Assistance Fund application was received from Milpitas North Valley Bobby Sox in the amount of \$1,000, for entry fees and other travel costs for the Bobby Sox All-Star Tournament held June 21-22, 2008 in Madera, California.

The applicant meets the eligibility for the grant process. Staff has reviewed the application and found that the requested items meet the application guidelines.

There is currently a **balance of \$3,500** in the 2007 - 08 Youth Sports Assistance Fund.

Frank Martorella was in attendance to answer any questions of the commission.

MOTION to approve \$1,000 to Milpitas North Valley Bobby Sox .

M/S: Serena/Gray

Ayes: 7

Excused: Matau

### **2. Status Report of the Park Master Plan (Bonnie Greiner, Parks and Recreation Director)**

Ms..Greiner provided the commission with a status report of the Park Master Plan. Ms.Greiner informed the commission that a phone survey was conducted as part of the Park Master Plan, and a copy was included in the commissioners agenda packet. The majority of respondents (83%) feel that city-owned and operated parks and recreation facilities are a valuable public resource. Residents value the recreation facilities and programs being made available to them by and/or thorough the city. A majority of residents (82%) agree with the notion that "public parks and recreation facilities and programs provided through the city play a central role in helping local residents stay fit, and thus maintain a healthy lifestyle." Ms..Greiner also

the Redevelopment Agency undesignated reserve fund to the City Attorney's department budget for public works litigation attorney's fees and cost expenses, and (2) a purchase order in the amount of \$300,000 to Meyers Nave for public works litigation expenses. These requests were reviewed by the City Council's City Attorney Subcommittee at the December 12, 2006 meeting.

**Recommendation:** Authorize a budget transfer of \$300,000 from the Redevelopment Agency undesignated reserve fund to the City Attorney's Department for public works litigation expenses and issuance of a purchase order to Meyers Nave in the amount of \$300,000 for public works litigation expenses.

**RA10. Agency Adjournment**

**XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

**City Council**

**5. Report Regarding Status of Milpitas Pre-School (Contact: Mayor Jose Esteves, 586-3029)**

**Background:** Mayor Esteves requested to discuss the status of the Milpitas Pre-school, and a review of issues brought forward by staff at the Council meeting of December 5.

**Recommendation:** Hear report of Mayor Esteves.

**6. Update on Milpitas Wireless Internet Service (Contact: Mayor Esteves, 586-3029)**

**Background:** At the request of the Mayor, a brief presentation will be made by City staff on the status of wireless internet service in Milpitas.

**Recommendation:** Receive report from staff.

**7. Approve Mayor Esteves' Recommendations for Appointments to the Planning Commission (Contact: Mayor Jose Esteves, 586-3029)**

**Background:** Mayor Esteves recommends the following Milpitas residents be appointed to the Planning Commission:

Re-appoint Norman Azevedo to a term that expires in December 2009.

Appoint Heidi Pham to a term that expires in December 2009.

Appoint Gary Cerezo to a term that expires in December 2009.

Appoint Zeya Mohsin as Alternate to a term that expires in December 2009.

**Recommendation:** Move to approve the Mayor's recommended Commission appointments.

**XVII. NEW BUSINESS**

**8. Update on the Status of the Transit Area Specific Plan (Staff Contact: Dennis Carrington, 586-3275)**

**Background:**

On May 26, 2006, the City Council selected the Draft Preferred Plan for the Transit Area Specific Plan. The plan shows 7,185 residences, 813,343 square feet of new office, 175,500 square feet of new hotel use and 520,026 square feet of new retail. Staff and the consultant Dyett & Bhatia have been meeting regularly to coordinate work on the Plan. A stakeholders workshop was held on September 7, 2006 to discuss development issues and potential environmental impacts, potential designs for the McCandless area, and next steps in the process including the preparation of the Specific Plan, Draft Environmental

Impact Report and development/zoning regulations, and a timeline for adoption in the spring of 2007. Individual meetings with property owners have continued through the first part of December.

The following changes are proposed subject to feedback received from stakeholders.

Proposed changes:

**Railroad spur.** The railroad spur in the Piper Montague Subarea north of Montague Expressway is not likely to be relocated as was anticipated with the BART extension project. Two properties located along Montague Expressway at Milpitas Boulevard, totaling 4.71 acres, are proposed to be changed from Very High Density Transit-Oriented Residential to Boulevard Very High Density Mixed Use to reflect the fact that the properties will be subject to train noise and will be cut off from the new residential neighborhood to the north unless another funding source is identified or private land owners pursue relocation.

**Reduction of residential units and retail square footage and increase in office square footage.** Due to a softening of the residential market, the number of residential units and retail square footage they can support are proposed to be reduced from landowners 7,185 units to 7,109 units and from 520,026 square feet to 287,075 square feet and office square footage increased from 813,343 square feet to 993,843 square feet. A revised fiscal analysis shows that the community facilities district fee anticipated to be \$350 last May would need to be increased to approximately \$450 per unit to achieve revenue and cost neutrality.

The most significant changes to the Draft Preferred Plan map would be the reduction of the Residential – Retail High Density Mixed Use designation in the Great Mall/ Montague Expressway Subarea by 43.76 from 63.78 acres to 20.02 acres for land opposite the Great Mall. The land would be re-designated High Density Transit Oriented Residential south of retail uses adjacent to the Great Mall Parkway and to Boulevard Very High Density Mixed Use along Montague Expressway. These changes stem from the results of a more detailed analysis prepared by Economic Research Associates and continued feedback from property owners and other stakeholders within the Transit Area Plan. The High Density Transit Oriented Residential would be increased from zero acres to 37.97 acres in this subarea.

Net changes for the Transit Area Plan are shown in the table below:

<b>PLAN DESIGNATION</b>	<b>FROM (ACRES)</b>	<b>TO (ACRES)</b>	<b>CHANGE (ACRES)</b>
Boulevard Very High Density Mixed Use	44.5	55.0	+10.5
Residential –Retail High Density Mixed Use	63.78	20.02	-43.76
Very High Density Transit Oriented Residential	52.54	47.83	-4.71
High Density Transit Oriented Residential	56.0	93.97	+37.97

The purpose of this update is to provide the City Council with a more detailed discussion of the proposed changes and to give a status report on the project’s progress and schedule. Field Paoli, the architectural consultant, will provide examples of mixed-use projects comparable to that envisioned for the land opposite the Great Mall and Economic Research Associates will discuss fiscal impact issues. For a more detailed explanation of these issues, read the Memorandum dated December 4, 2006, from Dyett & Bhatia in the agenda packet.

It is anticipated that the Draft Specific Plan will be released in early March and that the Draft EIR soon thereafter. Allowing for a normal EIR public review and response to comments, staff anticipated bringing the Final Specific Plan and Final EIR to the City Council for action in July 2007.

**Recommendation:** Receive the status report of the Transit Area Specific Plan and approve proposed changes to the Draft Preferred Plan.

- \* 9. **Approve One Organizational Youth Sports Assistance Fund Grant (Staff Contact: Bonnie Greiner, 586-3227)**

**Background:**

On June 20, 2006, the Milpitas City Council approved and appropriated \$8,000 for the Youth Sports Assistance Fund for the 2006-2007 budget year. One organizational Youth Sports Grant application is included in the agenda packet for review and consideration, received from North Valley Milpitas Bobby Sox in the amount of \$1,000 for a girl’s softball tournament to be held in June 2007 in Fairfield, CA.

The applicant meets the eligibility for the grant process. Staff reviewed the item requested and has found it meets the application guidelines. The current balance is \$2,000 in the 2006-07 Youth Sports Assistance Fund. The Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed the request on November 4, 2006 and unanimously recommended it be forwarded to Council for approval.

**Recommendation:** Approve one organizational Youth Sports Grant for the North Valley Milpitas Bobby Sox for \$1,000 leaving a balance of \$1,000 for the remainder of the fiscal year.

- \* 10. **Authorize the Purchasing Agent to Dispose of Four Surplus Vehicles/Equipment (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** The City has four vehicles/pieces of equipment that have reached the end of their useful life. The cost to repair them exceeds their value and they have been removed from service. Public Surplus estimates the value of the vehicles/equipment at auction to be as follows:

1. Motorcycle, Police, 1997 Kawasaki, KZ-1000, License #E82K89 – estimated value: \$1,000 to \$2,500.
2. Motorcycle, Police, 2000 Kawasaki, KZ-1000, License #E93K60 – estimated value: \$1,000 to \$2,500.

Motion carried by a vote of: AYES: 5  
NOES: 0

The City Council then took a break at 8:10 PM and reconvened at 8:17 PM.

**6. Wireless Internet Service in Milpitas**

This item was heard after Item No. 4, prior to the RDA meeting.

Mayor Esteves asked for a report from Information Services Director Bill Marion. He announced that on this date, “wi-fi” or wireless internet service for free was launched by Earthlink in Milpitas, as the fourth city nationwide to offer such service.

Audra Hoynacki, General Market Manager from EarthLink Municipal Networks, was present to give an overview to the Council. She was very excited that this was the first day of 30 days free use of Earthlink, with no fees or costs, on an open access format for this first month, from December 19, 2006 until January 17, 2007.

A majority of the City ten square miles was covered, with some small pockets - mostly industrial - that were not. Look for ads in the Milpitas Post and door hangers on residences advertising the service appearing in the City very soon.

Contact information for Earthlink was announced, for more information call 1-866-433-WIFI, or visit the website [www.earthlink.net/wifi](http://www.earthlink.net/wifi)

Mayor Esteves congratulated Earthlink and our City staff – particularly Mr. Marion - for working together, and bringing this desirable service to our citizens. He thanked the Economic Development Commission for their call to make Milpitas a wireless city.

**7. Mayor’s Recommendation for Planning Commission 2007 vacancies**

Mayor Esteves announced his recommendations from a pool of 12 applicants. He had given out a questionnaire to 11 candidates on Saturday, December 2, and then one on another date. One late application was received from Alex Galang and the Mayor met with him separately, and the applicant did not answer the questions posed by the Mayor.

(1) Motion: approve the Mayor’s recommendation for appointments (Norman Azevedo, Heidi Pham, Gary Cerezo, and Zeya Mohsin) to the Planning Commission

Motion/second: Councilmember Polanski/Mayor Esteves

Motion failed on a vote of: AYES: 2 (Esteves, Polanski)  
NOES: 3

(2) Motion: re-appoint Norman Azevedo to the Planning Commission to a three-year term that will expire in December of 2009

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

**NEW BUSINESS**

**8. Transit Area Specific Plan**

Senior Planner Dennis Carrington introduced the presentation that would be made to the City Council about the draft Transit Area Specific Plan. Staff had been working closely with consultants Dyett & Bhatia and community stakeholders, reviewing the specific requirements for various types of space in the project area.

Present to speak to the Mayor and Council were: Leslie Gould of Dyett & Bhatia, architect David Paoli of Field Paoli, and economic consultant Bill Lee of Economic Research Associates.

Vice Mayor Livengood asked about restaurants that might want to stand alone, from the designed retail/residential mix. Mr. Paoli replied restaurants that the City may want to seek out those that were more forward and flexible to fit in to the new designs. Mr. Livengood felt it was important to keep the City flexible too.

Mr. Lee discussed the amount of retail space in this plan. Originally, planning was over a 15-20 years time frame, but now one of the owners urgently wanted to lease space out. So, a recommendation for an update to the plan, changing some of the square feet was presented including the requirement to increase the CFD cost annually to property owners (along the lines of an increase from \$350 to \$450).

Vice Mayor Livengood referred to a letter Council had received from property owner Carl E. Berg. He then asked Leslie Gould how does the City maintain good relations with the significant property owners. She stated the stakeholders, including significant property owners, continue to work closely with planners on the Transit Area Plan.

Averaging of densities was going to be part of the plan. Mr. Crawford, an attorney for Mr. Berg, was present to respond to Ms. Gould's remarks. He noted that items requested by his client were itemized in the letter to Council. Mr. Livengood further commented in response to Mr. Crawford's remarks, and wished to remain respectful of the property owners in that area of the city.

A representative of the Santa Clara Valley Transportation Authority was present at this meeting. She said VTA and the City had been working on a concept plan for the station area around the future BART station. Staff would present this plan on January 16, 2007 with a detailed update.

Motion: approve proposed zoning changes and density changes in the Draft Preferred Transit Area Plan, yielding a reduction of 76 units of residential, with an increase of 180,000 sq. ft. of office space, and a reduction of 232,951 sq. ft. of retail space

(These numbers are as noted on page 2 of the memo from Dyett & Bhatia to the City Council for this meeting.)

Motion/second: Vice Mayor Livengood/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

## ORDINANCES

11. Traffic Ordinance No. 43.205

City Engineer Greg Armendariz introduced the staff recommendation to change speed limits on sections of N. Park Victoria Dr, and on Great Mall Parkway. The recommendation was presented as the result of recent traffic studies.

City Attorney Mattas read the title of proposed Ordinance No. 43.205 "An Ordinance of the City Council of the City of Milpitas Amending Chapter 100, Title VI of the Milpitas Municipal Code Related to Traffic."

(1) Motion: Waive the first reading beyond the title of Ordinance No. 43.205

Motion/second: Vice Mayor Livengood/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

(2) Motion: Introduce Traffic Ordinance No. 43.205

Motion/second: Vice Mayor Livengood/Councilmember Polanski

1. Close the public hearing.
2. Approve the Major Parcel Map No. MI2004-3 and Zone Change No. ZC2004-1 subject to the attached Findings and Special Conditions.

**2. Consideration of Alternative Draft Preferred Plan and Draft Preferred Plan – Reduced Residential for Transit Oriented Development in the Study Area Surrounding the Future Montague/Capitol BART Station and Two Existing Valley Transportation Agency (VTA) Light Rail Line Stations (Staff Contact: Dennis Carrington, 586-3275)**

**Background:** On November 16, 2004, the City Council directed the City Manager to negotiate a contract with the firm of Dyett & Bhatia to prepare Phase I of the Transit Area Plan for a ±400 acre area surrounding two VTA Light Rail Stations and the Future Montague / Capitol BART Station. Phase I entailed the conducting of a community visioning exercise and the preparation of preliminary concept plans. As a result of Stakeholder interviews and two design charrettes, Dyett and Bhatia completed three draft alternative concept plans that were presented to the Planning Commission on March 23, 2005. The Planning Commission recommended that two alternative concept plans be forwarded to the City Council for approval. The City Council adopted the two concept plans as recommended by the Planning Commission.

The “Concept Plan” proposed a “Retail Mixed-Use” category (dark pink on the attached plan) area opposite the Great Mall, four residential subareas and the Great Mall subarea. The “Alternative Concept Plan” differed from the “Concept Plan” only in that it proposed a “High Density Mixed Use” category (orange on the attached plan opposite the Great Mall). The Concept Plan had more of an emphasis on retail (although it had more dwelling units) and the Alternative Concept Plan had an emphasis on high density residential. As part of this action, the City Council directed staff to initiate Phase II of the Transit Area Specific Plan with the two alternatives. Phase II includes preparation of the specific plan and EIR.

On July 5, 2005, the City Council authorized the City Manager to negotiate a contract with the firm of Dyett and Bhatia, Urban and Regional Planners, to prepare Phase II of the Transit Area Specific Plan.

Staff has worked with Dyett and Bhatia since the initiation of Phase II to interview stakeholders again where necessary and refine and revise the two concept plan alternatives selected by the City Council. In moving towards development of the specific plan, staff and the consultant have developed a more detailed land use plan, prepared a market analysis study, fiscal impact analysis, traffic study and infrastructure study. However, prior to proceeding further, staff is seeking direction on one of the two following plans.

Alternatives:

The **Draft Preferred Plan** proposes 7,185 new residences, 813,343 square feet of new office, 175,500 square feet of new hotel use and 520,026 square feet of new retail.

The **Draft Preferred Plan – Reduced Residential Alternative** proposes 5,601 new residences, 762,732 square feet of new office, 175,500 square feet of new hotel use and 470,795 square feet of new retail.

These two alternatives are described in detail in the attached report from Dyett and Bhatia. The report addresses the original concept plans, the results of a market analysis for the study area, fiscal issues, sewer and water capacity, traffic analysis, BART station design and line layout, railroad lines in the Piper Montague area, school demand, park needs and requirements, public safety services, and environmental issues.

Upon City Council selection of a preferred plan, staff will proceed with completing the remaining work on the specific plan and EIR. The attached report recommends greater land use flexibility on Montague than the adopted concept plans, higher residential densities on parcels adjacent to

BART, and a retail strategy to ensure the viability of the project and minimize fiscal impacts to the City. The plan further allows for two hotel sites, a grocery store site, a mixed residential and retail orientation for the McCandless Drive area and reduced R&D uses.

Staff recommends that the Draft Preferred Plan be selected by the City Council for several reasons: the greater number of residential units (7,185 vs. 5,601) will allow for higher density housing adjacent to the new BART station, will better support the retail uses that are necessary for the plan to meet the fiscal needs of the City and, if the project were to clear 7,185 units in EIR, it would allow Milpitas to be better prepared to meet market demands for residences than would occur if only 5,601 units were cleared in the EIR.

If the City Council selects the alternative for staff to use as a basis for the Transit Area Specific Plan, the work plan calls for several tasks to be pursued including: Specific Plan, General Plan Amendment, Environmental Impact Report, Zoning Ordinance revision, Streetscape Master Plan and infrastructure analysis.

**Recommendations:**

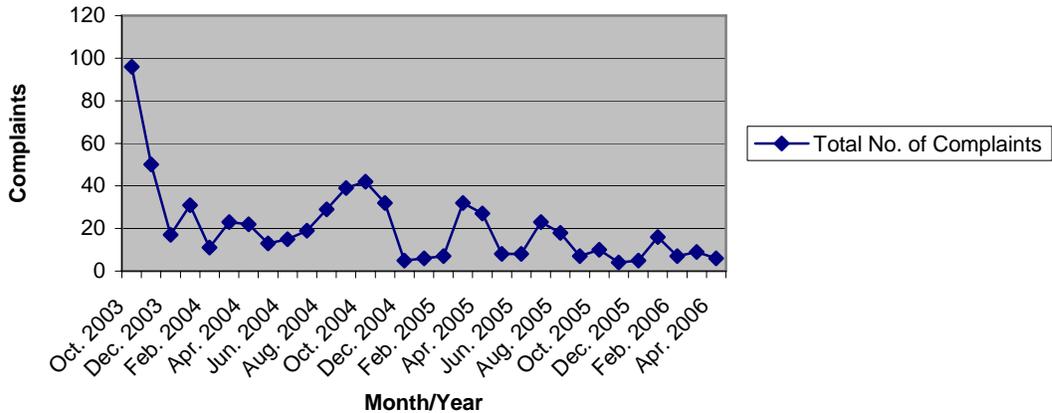
1. Close the public hearing.
2. Provide staff direction on whether to continue work on the **Draft Preferred Plan** or the **Draft Preferred Plan - Reduced Residential Alternative**.

**XV. UNFINISHED BUSINESS**

**3. Odor Control Comprehensive Action Plan Update (Staff Contact: Darryl Wong, 586-3345)**

**Background:** The Bay Area Air Quality Management District (BAAQMD) Rapid Notification system continues to e-mail real-time odor complaint advisories to potential odor sources and City staff. Complaints, consisting primarily of odors from a combination of neighborhood sources (cooking, restaurant smells) and compost, have remained low as shown in the graph below.

**October 2003 - April 23, 2006 Odor Complaint Summary**



**Recommendation:** Receive oral progress report.

Motion/second: Councilmember Giordano/Councilmember Livengood

Motion carried by a vote of: AYES: 5  
NOES: 0

## 2. Preferred Plan – Reduced Residential for Transit Oriented Development in BART Area

Planning and Neighborhood Services Director Tom Williams introduced the plan for the Council's consideration of two alternatives. Council was to consider an Alternative Draft Preferred Plan and a Draft Preferred Plan for Reduced Residential for Transit Oriented Development in the Study Area Surrounding the Future Montague/Capitol Bart Station and Two Existing Valley Transportation Agency (VTA) Light Rail Line Stations. Mr. Williams explained and displayed that the transit area development was broken into five sub-areas.

After this meeting and receiving direction from Council, staff would move forward on the draft Environmental Impact Report next. Mr. Williams stated that 22% of the tasks were completed for the Transit Area Specific Plan. Quarterly staff reports were due to the City Council routinely.

Mr. Williams next introduced the consultant team representative Ms. Leslie Gould from Dyett & Batia. She provided a lengthy review of the options and details the City Council needed to consider when making a selection between the two proposed alternatives.

Councilmember Livengood asked the consultant why there was an identified need for another Fire Station. An analysis showed with the great increase in the number of residents (up to 14,000 new residents), it could require another engine company. This was partly determined in her discussion with Fire Department staff.

Mr. Bill Lee, the economic consultant on this plan, addressed the City Council describing in detail the economic impacts and some of the consequences of the transit plan in Milpitas. He spoke to the 4400 residential units with potential for 20% more and of the 500,000 new retail square feet.

Councilmember Livengood asked questions with regard to fairness to landowners, when property exchange for park space was necessary.

Mr. Lee gave an overview of the Preferred Plan and of the Alternative. He identified the application of a Community Facilities District (started one year ago) required for new development in this City in order to reach the General Fund balance necessary for services in the transit area. Additionally, Ms. Gould gave explanation of the need for a CFD, with the amount of residential vs. hotel and retail space volume, and the formula. Flexibility for the market discussed. For example, there would likely be strong demand for a new grocery store, as residents move into neighborhood.

Vice Mayor Gomez asked what did 20% retail look like, in a mixed use area (such as Santana Row)? Ms. Gould replied that was hard to answer, until more variables become known and that good model developments in other communities could serve to inform Milpitas.

Councilmember Giordano commented on density and the retail strategy. Ensuring that the City would maximize housing near transit has been the philosophy. So, she leaned toward the maximum number of housing units in the transit area. She also read aloud some comments she had received with regard to the retail needs in the area.

Councilmember Polanski agreed with Mr. Livengood, in terms of questioning the need for any additional fire station, with Fire Station #1 close by this study area. She expressed her concerns for the retail percentage proposed and for the schools needed in the area, and mentioned possible joint use of facilities. She expressed her preference for higher density for residential development.

Mr. Williams reported that he had spoken in detail with Great Mall owner Mills Corp. There was some discrepancy of land use, and Mills would like to expand its retail in the area, not necessarily at the Great Mall.

Mayor Esteves also liked the more residential idea. He asked how many people would this development add to the City? 16,000-18,000 residents would come to Milpitas. Ms. Gould expressed that more staffing and other City services would be needed, as the study provided information noting utility needs, streets, public safety and other needs.

Mayor Esteves asked for public comments during the public hearing.

**Yvonne Ryzack, representing the Herstein** family on Gladden Ct., expressed a lot of excitement about the development in this area. They were shocked about land needed for parks and she knew the need for high density/high quality development, understood the City would want to take some property for a road. She asked Council to “spread out the pain” for landowners. She wanted to help figure out how to make this work and she expressed gratitude to City staff with whom she had worked.

**Jim Murrar, representing landowners**, was happy with the vision of staff and Council. He was concerned about parks, and being fair with regard to land use for parks. He had a question about the Community Facilities District: regarding the \$550 cost for CFD outside the transit area. He wondered if there would be a three-tier system (those not subject to it, those outside the CFD boundary, and then \$550 for those inside it) and this topic needed clarification.

**Dr. Karl Black, Milpitas Unified School District Superintendent**, thanked Council for ensuring that the school district was included in planning. There would be a noted increase in school enrollment, and this was great compared to concerns of other towns having a decline. He did not want to bus kids across town, so a new school may be valuable, with additional concern about the size of the one Milpitas high school (reaching its capacity now with over 3000 students).

**Ann Jameson, Valley Transportation Authority Deputy Director**, spoke in favor of the Preferred Draft Plan, with densities that were good for BART and VTA. Some details she had not seen until this afternoon, and hoped to work with staff on details, and stay on the success of the project. Councilmember Livengood asked her about the bus area in the plan. Ms. Jameson replied, that with a station the size of the BART station, there was a need for an adequate bus facility to feed people coming into it, with fewer persons driving there, must provide bus areas, where it would not be a maintenance facility.

**Steve Schott, Citation Homes**, was an owner of some of the land in the project area. He preferred the Alternative Plan. He had served on City of San Jose task forces and mentioned that parks were always an issue. In San Jose, they worked to compensate property owners for fair share funding. He hoped the City and staff review this subject fairly for Milpitas.

(1) Motion: to close the public hearing

Motion/second: Vice Mayor Gomez/Councilmember Livengood

Motion carried by a vote of: AYES: 5  
NOES: 0

(2) Motion: support the Draft Preferred Plan with higher density levels, including the stated comments on the need for any new fire station, for the location of a grocery store and maintain equity toward land owners with flexibility as staff proceeds to next phase (Environmental Impact Report)

Mayor Esteves wanted to note what Dr. Black remarked on, with concern for schools (especially the high school included)

Motion/second: Councilmember Livengood/Vice Mayor Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

The City Council took a break at 9:55 PM and reconvened at 10:00 PM.

### **UNFINISHED BUSINESS**

#### **3. Odor Control Update**

Utility Engineer Darryl Wong provided the latest Odor Control Comprehensive Action Plan, and reviewed monthly reports of odor complaints. The plan included three segments: 1. Odor Complaint Report, 2. Notification by Cities to possible sources (industry), and 3. Corrective Action.

In the past, one restaurant generated five complaints, while there had been a decreasing trend of complaints overall. Complaints have been seasonal. For residents and persons in the community, Mr. Wong announced again that 1-800-334-6367 is the complaint phone number. He encouraged residents to call in, whenever an unpleasant or unusual odor was noticed in the City of Milpitas.

Several Councilmembers expressed their satisfaction that the City continued to monitor odor complaints and take action when needed.

Mayor Esteves asked what was the best thing done in plan overall? Staff responded that contacting the odor generators to correct the source, and that such notifications have allowed for improvements in the City. Over time, the situation has become better. Weather stations were installed to monitor wind direction and temperature used as consideration for operations. Also, the use of Best Management Practices to reduce exposure of substances that cause odor has assisted with improvement.

Councilmember Livengood provided staff with some feedback on improvement to the information noted on the City's website, to lead folks to the notification phone number.

Motion: note receipt of oral report

Motion/second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **4. Development System/online Permitting Recommendations**

Information Services Director Bill Marion and Chief Building Official Keyvan Irranejad gave a brief overview of the history of building and planning permitting process to date, explaining the need for the upgrade to a new modern, online system that will benefit the public, builders, and others involved in new construction in Milpitas.

The development system was not simply for online permitting. Mr. Marion noted the benefits of internal as well as inter-department processing. The City would implement online capability, with better tracking of project fees and permits. The system would allow for more work, with the high projected increases in permit issuance and inspections, per Mr. Irranejad. The greatest benefit to the new permitting system was the integration between departments: Building, Planning, Finance, and Fire Inspection.

Mr. Marion described the Request for Proposals process, determined a five-year cost, and determined what to collect in fees to cover the costs over a number of years. The City Council was provided with three options for cost recovery. 100% cost recovery was

At the December 3, 2004 Sign Code Task Force meeting, when the Task Force's work was thought to be done, the Task Force discussed making changes to the political sign section of the sign code to limit the maximum aggregate area of political signs per candidate on a parcel. Since political signs were not being modified at this time, staff suggested that the Task Force include this recommendation in their recommendation of support of the proposed ordinance so that if the Council desired, the City Attorney could be directed to make the change at a later date.

## **ENVIRONMENTAL REVIEW**

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the ordinance text amendments may have a significant effect on the environment. The proposed text amendments will reorganize and clarify the Sign Ordinance, address violations in the Sign Ordinance and NBO and provide for Administrative Citation authority in the Zoning Ordinance. These changes will not have a significant effect on the environment.

### **Recommendation:**

1. Close the public hearing.
  2. Waive reading beyond title.
  3. Introduce Ordinance No. No. 124.27.
  4. Authorize proposed outreach program and continuation of quarterly task force meeting for one year after adoption of the ordinance.
  5. Authorize proceedings with updating the political sign section of the sign code, including adding a provision limiting the maximum aggregate area of political signs per candidate on a parcel.
3. **Approve Conceptual Transit Subarea Land Use Plan(s) For The Approximately 400 Acre Transit Subarea Which Includes The Great Mall Of The Bay Area, And Many Parcels Along Or Near The Vicinity Of McCandless Drive, Houret Drive, Centerpoint Drive, Sango Court, Tarob Court, Gladding Court, Capitol Avenue, Montague Expressway And Piper Drive. (Staff Contact: D. Carrington, 586-3275)**

### **Background:**

**Budget Objective:** The adopted budget objectives for the Department of Planning and Neighborhood Services include the preparation of a Transit Subarea Plan for the area surrounding the future Montague/Capitol BART station and two VTA Light Rail Stations. The intent of the study is to foster the economic development of the area, strengthen and expand retail uses to increase sales tax revenues, attract major retailers and provide housing and amenities such as parks, schools, retail and restaurants. The study meets the property owners' goal of providing an overall plan and process that will transform an underdeveloped area into a dynamic transit development area. The study will also foster the needs of the Valley Transportation Authority by increasing ridership, locating housing near transit and providing higher density housing types to maximize the capital investment in light rail and rapid transit facilities.

**Scope of Work:** The scope of work for the Transit Subarea Plan calls for a Phase I consisting of a Conceptual Visioning Plan prepared over a four-month period. The goal of the process is a vision plan that can guide developers and decision makers in the absence of a detailed specific plan amendment. Phase II tasks, in addition to a Midtown Specific Plan amendment, will include a general plan amendment, zoning changes, design guidelines, fiscal impact study and environmental impact report. This concept plan is Statutorily Exempt pursuant to Section 15262 of the CEQA Guidelines which states that a project involving only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded does not require the

preparation of an EIR or negative declaration, but does require consideration of environmental factors.

**Recent hearings:** In November 2004, the City Council approved a scope of work for Phase I and in December the City hired the consultants, Dyett & Bhatia, of San Francisco to prepare the Vision Plan. Stakeholder interviews were held in December of 2004. A workshop was held on January 20, 2005, and a design charrette was held on February 17, 2005. Three draft alternative concept plans have been prepared on the basis of input received during the stakeholder interviews, workshop and charrette and February community meeting. The City Council received a report on the status of the Transit Sub area Plan on March 1, 2005. The City Council Transportation Subcommittee received regular status reports on the project over the past year. On March 9, 2005, these concepts were presented to the Planning Commission along with background information that formed the basis for the evolution of the plans to date.

**Concepts presented to the Planning Commission:** Phase I of the Transit Subarea Plan, a "Vision Plan", was presented to the Planning Commission on March 23, 2005 for recommendation. The staff report for that hearing described the three alternative land use plans in detail and is included in the Council's agenda materials. In summary, the three alternatives were:

**Preliminary Concept Plan:** This concept is characterized by a retail mixed-use designation along the south side of Great Mall Parkway opposite the Great Mall, four transit-oriented neighborhoods, high-density mixed use along major corridors and a Boulevard Commercial frontage on the west side of Montague Parkway (south of Great Mall Parkway) providing retail, hotel, office and medical uses with FARs between 1.5 and 3.0 allowing structures to be between 4 and 12 stories tall (See Conceptual Land Use Plans in the Council's agenda materials). The retail mixed-use area could be the site of a "Lifestyle Commercial Center" similar to Bay Street in Emeryville or Santana Row in San Jose (See sketches in the Council's agenda materials). The number of dwelling units provided under this concept would range from 5,170 to 10,630 depending on whether development occurred at the low or high ends of the permitted density ranges. Non-residential development would range from 2.01 million square feet to 5.02 million square feet.

**Alternative Policy Choices Plan:** This concept differs from the Preliminary Concept Plan in that a High Density Mixed Use designation would be placed along the south side of Great Mall Parkway opposite the Great Mall. This would allow residential, hotel or office uses with retail and restaurants on the ground floor. Employment Commercial uses would be located on the west side of Montague Parkway (south of Great Mall Parkway) providing retail, hotel, office and medical uses with FARs allowing structures to be 2 to 6 stories tall. The number of dwelling units provided under this concept would range from 5,024 to 8,709. Non-residential development would range from 1.69 million square feet to 5.56 million square feet.

**Regional Entertainment Or Sports Facility Alternative:** In response to one of the project objectives of incorporating a regional attractor, this alternative is very similar to the Preliminary Concept Plan with the exception that a regional entertainment/sports facility would be located on the east side of Montague Expressway and south of Great Mall Parkway. The focus of this area would be a 25,000-seat stadium that would be suitable as a soccer stadium or entertainment venue. This type of facility would host approximately 20 games a year and several concerts. The consultant estimates that the costs to the City would be approximately \$75,000,000 to \$100,000,000. The number of dwelling units provided under this concept would range from 4,156 to 8,871 depending on whether development occurred at the low or high ends of the permitted density ranges. Non-residential development would range from 2.18 million square feet to 5.96 million square feet.

**Issues:** Several issues such as BART, stakeholder concerns, the rail spur and train turnaround “Wye”, sewage capacity, residential densities and the above-grade vs. retained cut Montague/Capitol BART station and trackway are of great importance for this project. The March 23, 2005, Planning Commission staff report in the Council’s materials contain a detailed analysis of these issues.

**Planning Commission Recommendation:** On March 23, 2005, the Planning Commission recommended that the City Council approve Phase I and initiate Phase II of the Transit Subarea Plan with two alternatives as follow:

1. A Concept Plan as described above under Preliminary Concept Plan. This concept would require an additional 0.62 to 2.01 million gallons per day of sewage capacity beyond that called for under the General Plan.
2. An Alternative Concept Plan that would be identical to the concept plan except that the area opposite the Great Mall would be designated High Density Mixed Use and would be characterized by residential, hotel or office uses. Retail or restaurant uses would be required on the ground floor. This designation would have a minimum gross density of 2.0 FAR with a maximum of 4.0 FAR. This concept would require an additional 0.62 to 1.83 million gallons per day of sewage capacity beyond that called for under the General Plan.

The two alternatives would provide the City with viable concepts to analyze in detail, and choose between, during the process of amending the Midtown Specific Plan in Phase II. The Planning Commission felt that the Regional Entertainment or Sports Facility Alternative was not feasible or in the best interests of the City due to its great expense and relative lack of residential and retail uses. As required by their contract, Dyett and Bhatia has prepared a draft brochure which is included in the Council’s agenda materials. If Phase I is approved, the brochure will be used to promote the Transit Subarea and to evaluate development proposals that are submitted prior to Phase II being completed. The cost of Phase II is approximately \$500,000 and a VTA grant of \$150,000 had already been awarded to the City.

**Recommendation:**

1. Close the public hearing.
2. Approve the Phase I Transit Subarea Concept Plan and Alternative Policy Choices Plan.
3. Direct staff to initiate Phase II of the Transit Subarea Plan in fiscal year ’05-’06 with the two alternatives: The Concept Plan and the Alternative Policy Choices Plan.

**XV. UNFINISHED BUSINESS**

**4. Approve Concept Design for the Interpretive Historical Display for the O’Toole Elms (Staff Contact: Troy Fujimoto, 586-3287)**

**Background:** This item was continued from the March 15, 2005, City Council meeting. To help mitigate the removal of the O’Toole Elm trees, KB Home is required to design and construct an interpretive historical display to be incorporated within the new elm grove. The applicant presented three concept designs for the historical display at the March Parks, Recreation, and Cultural Resources Commission (PRCRC) meeting.

The PRCRC provided comments and based on these comments, the applicant produced a fourth concept, Concept D. This concept includes a straight path between the double row of trees, up-lighting and flat historical plaques between each tree, wooden benches made from the existing trees, and three gathering locations that contain wood furniture

**\*30.**

**Purchase of Tropos Wireless Network Equipment**

Approved the purchase of Tropos Wireless Network equipment as per attached quote #SQ Milpitas 031420052 to Tropos Networks for \$31,229.47.

**PUBLIC HEARINGS**

**1. Local Hazard Mitigation**

Americo Silvi, Battalion Chief/OES, assisted by George Washburn, Emergency Services Coordinator, presented the staff report. He reported the Federal Disaster Mitigation Act of 2000 established a Pre-Disaster Mitigation Grant Program to provide funding to local governments to aid in the implementation of pre-disaster hazard mitigation projects. The City of Milpitas must create a Local Hazard Mitigation plan by resolution in order to be eligible to receive these funds. He further reported that ABAG received a grant from FEMA to create a multi-jurisdictional LHMP for adoption and provided the Council with a copy of the local hazard mitigation plan from ABAG. He stated that Milpitas has two pending grants at this time – the water pipeline replacement and the large gym retrofit, and there are deadlines to receive the grant.

Mayor Esteves asked for a summary of the impact of the local hazard mitigation plan for the benefit of the public.

Councilmember Giordano asked for clarification of the flooding program costs, if a plan was going through FEMA, and what programs were being implemented in Milpitas.

MOTION: To close the Public Hearing

M/S Gomez, Giordano                      Ayes: 5

MOTION: Adopt a resolution approving the Local Hazard Mitigation Plan.

M/S Gomez/Polanski                      Ayes: 5

**2. Enhance Code Enforcement Program**

Continued to the April 19, 2005 Council meeting.

**3. Conceptual Transit Subarea**

Tambri Heyden, Planning and Neighborhood Services Director, introduced the item and provided the Council with a handout with more detail than what was included in their packet. She stated this has been a collaborative effort involving staff, consultants, community members and stakeholders. She stated if implemented it would strengthen economic development of the area, strengthen retail uses, attract major retailers and provide housing and amenities such as parks, schools, retail and restaurants. She further stated the study would foster the needs of the Valley Transportation Authority by increasing ridership, locating housing near transit and providing higher density housing to maximize the capital investment in light rail and rapid transit facilities.

She introduced Leslie Gould of Dyett & Bhatin, who presented a Power Point presentation that covered vision and goals, transit area concept plans for McCandless, Montague Expressway, and Piper/Montague, key issues, the Great Mall/Montague, alternative policy choices, and Montague/Trade Zone.

Vice Mayor Gomez inquired about industrial use zoning.

Mayor Esteves inquired about the BART station area and location of the BART terminal.

Councilmember Livengood inquired about the concept plan and the alternative plan and what the differences are. He asked why staff is recommending the changes and expressed

concern that there not be a preference, but to move both plans ahead. He further inquired about the sewer capacity. He expressed concern about the expense of buying more sewer capacity and inquired when the information will be available. He asked for clarification of the parcels east of Milpitas Boulevard as a border for the transit plan.

Councilmember Giordano inquired about the rationale behind the boundaries near Great Mall Parkway.

Ed Conners, a member of the public, expressed concern about BART and advocated for a new system to alleviate the traffic other than BART.

Joan Gallo, of Hopkins and Carley, stated she is representing Brookwood Montequ Technology Park Investors and requested an environmental review of the nine acre parcel in the Transit Subarea Plan at the southeast corner of Montague and Trade Zone Boulevard. She further requested notification of future meetings in regard to the Transit Subarea Plan.

A member of the public (no name given) spoke for Mr. Raoul Dedeaux of Dart Transportation. He expressed concern regarding extra streets south of Capitol and east of Montague and the proposed retail and residential densities.

Yvonne (name eligible), a member of the public, stated she was speaking for Stan Hertzstein, a property owner in the transit subarea plan. She complimented staff and expressed concerns that the VTA does not get ahead of the City and requested citizens be part of the plan.

Don Peoples, a member of the Economic Development Commission but speaking as a member of the public, stated this was a good plan and encouraged the Council to adopt it. He requested the midtown plan be reviewed for weaknesses. He expressed surprise that Bart would recommend an overhead.

Myran Crawford, a member of the public, stated he was speaking for Mr. Berg, a real estate developer. He expressed concerns relating to the amount of retail, and would like to reduce the density of residential properties. He suggested having the residential mixed with the retail. Mayor Esteves requested if there were further comments, to address them in a letter to staff.

Jim Murar, of GGC investments, stated they are in favor of the concept plan and are completing their detailed plans for submittal. He urged the Council to approve the plan.

MOTION: To Close the Public Hearing

M/S Giordano/Gomez

Ayes: 5

MOTION: Approve the Phase I Transit Subarea Concept Plan and Alternative Concept Plan Plan. Direct staff to initiate Phase II of the Transit Subarea Plan in fiscal year '05-'06 with the two alternatives: The Concept Plan and the Alternative Policy Concept Plan.

M/S Livengood/Giordano

Ayes: 5

Vice Mayor Gomez requested that item number 12 be the next item. It was the consensus of the Council to move item 12 up in the agenda.

**12.  
Chamber of Commerce  
Budget Request**

Cindy Maxwell, Principal Administrative Analyst in the Office of the City Manager, presented the staff report. She reported the Milpitas Chamber of Commerce has submitted a budget funding request for FY05-06 for an additional \$21,700 to provide additional services to the City for Visitor Bureau activities and a Retail Promotion Program.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: Public Hearing

Report prepared by: Dennis Carrington

Public Hearing: Yes:  X  No: \_\_\_\_\_

Notices Mailed On: N/A

Published On: March 10, 2005 Posted On: N/A

**TITLE:** **TRANSIT SUBAREA PLAN ALTERNATIVES ANALYSIS AND RECOMMENDATION TO THE CITY COUNCIL**

**Location:** THE BOUNDARIES OF THIS TRANSIT SUBAREA PLAN INCLUDE THE GREAT MALL OF THE BAY AREA, AND MANY PARCELS ALONG OR NEAR THE VICINITY OF MCCANDLESS DRIVE, HOURET DRIVE, CENTERPOINT DRIVE, SANGO COURT, TAROB COURT, GLADDING COURT, CAPITOL AVENUE, MONTAGUE EXPRESSWAY AND PIPER DRIVE

**RECOMMENDATION:** **1. Close the public hearing**  
**2. Make a recommendation to the City Council regarding the Transit Subarea Conceptual Land Use Plans**

**Applicant:** City Initiated

**Attachments:** Conceptual Land Use Plans  
Draft Brochure  
Sketches for McCandless Lifestyle Commercial Center

### **BACKGROUND**

**Budget Objective.** The adopted budget objectives for the Department of Planning and Neighborhood Services include the preparation of a Transit Subarea Plan for the area surrounding the future Montague/Capitol BART station and two VTA Light Rail stations.

**Scope of Work.** The scope of work for the Transit Subarea Plan calls for a Phase I consisting of a Conceptual Visioning Plan prepared over a four-month period. The goal of the process is a vision plan that can guide developers and decision makers in the absence of a detailed specific plan amendment. Phase II tasks, in addition to a Midtown Specific Plan amendment, will include a general plan amendment, zoning changes, design guidelines, fiscal impact study and environmental impact report. This concept plan is Statutorily Exempt pursuant to Section 15262 of the CEQA Guidelines which states that a project involving only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration, but does require consideration of environmental factors.

**Recent hearings.** In November 2004 the City Council approved a scope of work for Phase I and in December the City hired the consultants, Dyett & Bhatia, of San Francisco to prepare the Vision Plan. Stakeholder interviews were held in December of 2004. A workshop was held on January 20, 2005, and a design charrette was held on February 17, 2005. Three draft alternative concept plans have been prepared on the basis of input received during the stakeholder interviews, workshop and charrette and February community meeting. The City Council received a report on the status of the Transit Subarea Plan on March 1, 2005. The City Council Transportation Subcommittee received regular status reports on the projects over the past year. On March 9, 2005, these concepts were presented to the Planning Commission along with background information that formed the basis for the evolution of the plans to date. Phase I of the Transit Subarea Plan, a “Vision Plan” will go before the City Council on April 5, 2005 for final consideration and direction for progressing with Phase II.

## **DRAFT ALTERNATIVE CONCEPT PLANS**

The City has initiated this study in order to foster Milpitas’ image and regional identity, strengthen and expand retail to increase sales tax revenues, attract big box retail, provide housing and amenities and services such as parks, schools, retail and restaurants. The study has also met property owner goals of providing an overall plan and process that will transform an underdeveloped area into a dynamic transit development area. This plan will maximize revenues, foster developing land at its “highest and best use”, and provide flexibility, limited government regulation, and synergy with adjacent development so “every ones boat can rise”. The study will foster the needs of the Valley Transportation Authority by increasing ridership, locating housing near transit and providing higher density housing types. Please see the attached Brochure for background and details about the planning process and the alternative concept plans.

## **PRELIMINARY CONCEPT PLAN**

This concept is characterized by a retail mixed-use designation along the south side of Great Mall Parkway opposite the Great Mall, four transit-oriented neighborhoods, high-density mixed use along major corridors and a Boulevard Commercial frontage on the west side of Montague Parkway (south of Great Mall Parkway) providing retail, hotel, office and medical uses with FARs between 1.5 and 3.0 allowing structures to be between 4 and 12 stories tall (please see the attached Conceptual Land Use Plans). The retail mixed-use area could be the site of a “Lifestyle Commercial Center” similar to Bay Street in Emeryville or Santana Row in San Jose (please see the attached sketches). The number of dwelling units provided under this concept would range from 3,612 to 7,301 depending on whether development occurred at the low or high ends of the permitted density ranges. Non-residential development would range from 1.88 million square feet to 5.11 million square feet. It has been determined that additional sewage flows beyond those already anticipated in the City’s 2004 Sewage Master Plan would range from .26 to 1.22 million gallons per day. VTA Light Rail and BART residential ridership is projected to be between 2,282 and 5,278 riders per day within a ½ mile radius of the BART station. Please see the accompanying “Summary Table of Alternative Concepts” to compare the impacts of this and the following two concepts.

## **ALTERNATIVE POLICY CHOICES PLAN**

This concept would differ from the Preliminary Concept Plan in that a High Density Mixed Use designation would be placed along the south side of Great Mall Parkway opposite the Great Mall.

This would allow residential, hotel or office uses with retail and restaurants on the ground floor. Employment Commercial uses would be located on the west side of Montague Parkway (south of Great Mall Parkway) providing retail, hotel, office and medical uses with FARs allowing structures to be 2 to 6 stories tall. The number of dwelling units provided under this concept would range from 3,467 to 5,788 depending on whether development occurred at the low or high ends of the permitted density ranges. Non-residential development would range from 1.3 million square feet to 5.8 million square feet. Additional sewage flows beyond those already anticipated in the City’s 2004 Sewage Master Plan would range from .21 to .93 million gallons per day. VTA Light Rail and BART residential ridership is projected to be between 2,282 and 5, 278 riders per day.

**REGIONAL ENTERTAINMENT OR SPORTS FACILITY ALTERNATIVE**

This alternative is very similar to the Preliminary Concept Plan with the exception that a regional entertainment/sports facility would be located on the east side of Montague Expressway and south of Great Mall Parkway. The focus of this area would be a 25,000-seat stadium that would be suitable as a soccer stadium or entertainment venue. This type of facility would host approximately 20 games a year and several concerts. The consultant estimates that the costs to the City would be approximately \$75,000,000 to \$100,000,000. The number of dwelling units provided under this concept would range from 2,706 to 6,767 depending on whether development occurred at the low or high ends of the permitted density ranges. Non-residential development would range from 1.7 million square feet to 4.6 million square feet. Additional sewage flows beyond those already anticipated in the City’s 2004 Sewage Master Plan would range from .19 to 1.23 million gallons per day. VTA Light Rail and BART residential ridership is projected to be between 1,837 and 4, 415 riders per day.

**SUMMARY TABLE OF ALTERNATIVE CONCEPTS**

<b>ALTERNATIVE</b>	<b>PRELIMINARY CONCEPT</b>	<b>ALTERNATIVE POLICY CHOICES</b>	<b>SPORTS FACILITY</b>
<b>Number of Dwelling Units</b>	3,612 to 7,301	3,467 to 5,788	2,706 to 6,767
<b>Non-Residential Square Footage</b>	1.88 to 5.11 million square feet	1.3 to 5.8 million square feet	1.7 to 4.6 million square feet
<b>Sewage Capacity Required</b>	.26 to 1.22 million GPD	.21 to .93 million gallons per day	.19 to 1.23 million gallons per day
<b>Ridership Generated</b>	2,282 and 5, 278 riders per day	2,282 and 5, 278 riders per day	1,837 and 4, 415 riders per day

**ISSUES**

**BART.** This study assumes that, in addition to the two existing VTA Light Rail stations in the planning area, BART will be built by the year 2020 and that the Montague/Capitol BART station will not be the end of the line. However, this plan would be valid as a Transit Development Plan even if BART is not built or is delayed in implementation because of the presence of the existing or proposed transit facilities in the plan area which include: VTA Light Rail stations, a bus terminal, Montague Expressway, Capitol Avenue, Great Mall Parkway and Interstates 680 and 880. These facilities are more beneficial to Milpitas-based live/work trips than BART, which is an attractor for regional trips.

**Stakeholder Concerns.** Stakeholder interviews during the planning process indicated that they support a Transit Subarea Plan for this area. It is felt that it will redevelop and transform an underdeveloped area into a successful mixed-use transit oriented development.

- Brookwood Montague Technology Park Investors, LLC. The 9 acre property located at the south-east corner of Montague Expressway and Trade Zone Boulevard is shown as Light Industrial/R&D/Wholesale Retail on the Preliminary Concept Plan and the Alternative Policy Choices Plan. Brookwood would prefer to develop their site as Very High Density Residential because it is adjacent to other residential uses, is within ½ mile of the BART station, is of a developable size, could be available for development within 18 months and would provide needed housing. The consultant recommends that the property remain Light Industrial because it is adjacent to industrially zoned land in the City of San Jose, sewage capacity issues, preservation of Light Industrial land uses in Milpitas, and the sites distance from transit facilities. Any residential development at this density would require the purchase of additional sewage capacity.
- Berg and Berg. This firm owns property on both sides of McCandless Drive from Great Mall Parkway to Montague Expressway. The owner prefers a High Density Mixed Use on the site but with the flexibility to construct residential units on the site. FAR's and building heights were reduced to address some of the firm's concerns. The consultant is concerned about the lack of specificity of Berg and Berg's request and recommends that it be designated Retail Mixed Use that is sufficiently flexible for their purposes. Environmental review of the project will require a more specific type of land use in order to address its potential environmental impacts. It should be noted that a specific plan is a living document and can be updated or changed over time as appropriate.
- Armand Kunde Property. Mr. Kunde would prefer to develop the property without having its value compromised by its use for transit-related facilities such as a parking structure or bus station. The consultant feels that if the BART station is underground, the site could be used for residential purposes. If the BART station is above ground the property will be hemmed-in by two elevated transit lines and could be used for BART parking, a bus station or non-residential purposes.
- Piper/Montague Properties. Three residential developers would like to convert the Heavy Industrial designated property to residential development ranging from condominiums, townhomes and high-rise residential towers. They may not desire to develop at the high range of the densities proposed by the concept plans because they have typically built products at lower densities elsewhere. The consultant and VTA recommend that development occur at the highest density possible in order to provide sufficient housing adjacent to the BART station.
- BT Commercial owns land on the south side of Capitol Avenue near the future BART right-of-way. They were concerned about the potential impacts of the PG&E line on their street layout. The consultant modified the concept plans to reflect this concern.

**Rail Spur and Train Turnaround and Railroad "Wye".** An existing Union Pacific Rail Road spur line provides rail service to industrial uses east of Piper Drive and north of Montague Expressway. Residential development of this area, as described above, would be facilitated by the removal of this spur line. VTA has been preparing a study of the removal of this and other rail lines as part of the overall BART system project. The City has encouraged VTA to eliminate the spur

line. Additionally, the City has encouraged VTA to relocate the existing Railroad “Wye” or train turnaround to a location in the City of Fremont. If it is not relocated to the City of Fremont, the Wye would be relocated to just south of the industrial park served by Gibraltar Drive. This location would result in the loss of significant amounts of parking for some of the businesses in that industrial park.

**Sewage Capacity.** The City’s 2004 Sewer Master Plan has determined that 1.21 million gallons per day of sewage capacity are necessary to accommodate development envisioned by the existing General Plan. The three alternatives would result in increases in sewage capacity needed to support them (please see table above). It is anticipated that actual development would be in the middle of the ranges estimated by the consultant. It will be necessary for the City to purchase sewage capacity from other agencies in order to develop according to one of the concept plans. Phase II will provide more detailed studies of sewage capacity and other issues such as traffic.

**Residential Densities - Minimum Densities.** The City has sought to support and implement the VTA Best Practices Manual for Transit Oriented Development. One of the goals of transit-oriented development is to place large numbers of higher-density residences near transit stations in order to enhance ridership on the transit. The residential designations propose a minimum density as well as a maximum density in order to ensure that sufficient numbers of dwelling units are built to support transit. Several developers have indicated that they do not want to develop at the high end of the density ranges as proposed because they are more accustomed to building townhouse developments than higher density units. The consultant is recommending higher densities because it is appropriate to have high-quality higher density for-sale units near mass transit facilities.

**Gross vs. Net Density.** The Milpitas General Plan expresses residential density as housing units per gross acre of developable land by measuring to the centerline of bounding streets and other public rights-of-way. In developed infill areas, the City’s public street system has been established. Using gross density to calculate the number of units on an infill parcel and including acreage out to the centerlines of street results in a greater number of dwelling units for a given project than if the calculation was based on the net acreage within a parcel’s property lines. Developers interviewed by the consultant expressed that they would have difficulty building units at that high a density and still providing open space, recreation facilities, roadways and sidewalks. The consultant and staff have agreed to give credit for park dedication by netting out acreage as an incentive to develop on a gross acreage basis.

**Above-Grade BART station and trackway.** VTA notified the City that, in order to reduce costs by approximately 21 million dollars, they were proposing an elevated Montague/Capitol BART station in Milpitas. The consultant and staff have several concerns with this proposal. Visual, noise and vibration impacts of the elevated station would potentially impact property values and have long-term negative fiscal impacts to the City. It is important that high-quality high-density housing be constructed near the station. If developers feel that the district around the station will not be appealing to residents, they will not invest in the type of housing that Milpitas needs, resulting in declining property values over time, rather than increasing property values. The BART station will set the theme for the entire district. It is important that this area “get off on the right foot” and be based on a station that is of a high quality that supports high property values. A noisy urban environment will require developers to provide expensive soundproofing and locate less sensitive land uses adjacent the track ways. Furthermore, setbacks from BART to reduce noise will eliminate

several dwelling units. This could result in fewer funds available for other desired amenities and awkward site designs. A below-grade BART station would be relatively quiet, relatively clean, be located under an attractive urban plaza, and channel pedestrian flows in the district with its entrances. An above-grade BART station would be relatively noisy and dirty and have negative visual impacts. The urban spaces beneath the BART station and track way would be less attractive and in the long term potentially require a police presence to keep them safe. VTA is studying this issue will make a report on it will be released in May.

If the BART station is to be elevated, it is recommended by the consultant, staff and several stakeholders that several changes be made to the design as proposed:

- Provide a half-height Soundwall along the elevated track way north of the station to protect the Piper/Montague properties to the east and the Great Mall to the west.
- Provide a safe, sheltered, no-fee pedestrian crossing of Montague Expressway at the same level as the BART tracks.
- Provide escalators at both ends of the pedestrian crossing to facilitate its use.
- Enclose the BART station to reduce noise, visual and vibration impacts to the district.
- Use advanced technology track ways to reduce noise and vibration.
- Use vibration-isolating pylon construction to reduce noise and vibration.
- Encourage use of flashing lights along the platform to announce arrival of trains rather than noisy horns

**Parking.** Several developers have stated that parking ratios for higher density housing will have to be reduced for the housing to be economically feasible. The Midtown Specific Plan does allow a 20% parking reduction for Transit Oriented Development. This may require that the City count on-street parking as guest parking (similar to what was allowed for the Park Place development by a conditional use permit) and that it encourage innovative parking concepts such as joint-use parking and parking districts.

**Parks.** Approximately 24 acres of parks and open space are proposed in the planning area. Recreational parks with frontages on residential buildings are proposed for every residential neighborhood. Improvements to trails along Penitencia Creek and along the BART track way are being considered. These parks are important in order to foster natural neighborhoods.

**Infrastructure Financing.** Developers of properties in the planning area will be required to make improvements or provide funding for those improvements on a fair share basis.

#### **RECOMMENDED ALTERNATIVE:**

The consultant and staff recommend that the Planning Commission recommend that the City Council adopt the Preliminary Concept Plan. This concept provides a high quality mixed-use transit oriented community for the ±400 acres around the VTA Light Rail stations and the Montague/Capitol BART station. This mix of uses would provide needed complementary retail uses adjacent to the Great Mall with associated residential uses. Boulevard Commercial uses in high-rise towers would provide needed services and employment. Four residential districts would be provided which will give the City of Milpitas much needed high quality ownership housing. Staff feels that the Alternative Policy Choices concept does not provide the needed variety and vitality than does the Preliminary Concept

Plan. The Regional Entertainment or Sports Facility Alternative is not economically feasible according to the City's consultant

**RECOMMENDATION:**

Close the public hearing and make a recommendation to the City Council regarding the Transit Subarea Plan

**Motion** to approve the Consent Calendar on Consent Item No. 2 and continue the item to the April 13, 2005 meeting

M/S: Azevedo/Galang

AYES: 6

NOES: 0

**\*2 MINOR TENTATIVE MAP NO. MI2004-3:** A request to subdivide an existing parcel into two (2) parcels for purposes of creating a new parcel for future residential uses at the Milpitas Town Center, northeast area of Calaveras and Milpitas Boulevards (APN: 028-12-019), zoned Town Center (TC).

## IX. PUBLIC HEARING

### TRANSIT AREA PLAN ALTERNATIVES ANALYSIS AND RECOMMENDATION TO THE CITY COUNCIL

**Tambri Heyden, Acting Planning and Neighborhood Services Director and Leslie Gould, Director of Planning Services with Dyett and Bhatia,** presented an analysis of alternative conceptual land use vision plans for transit oriented development for a 400-acre study area surrounding the future Montague/Capitol BART station and two VTA light rail stations. Staff recommended that the Commission make a recommendation to city council regarding the transit sub area conceptual land use plans.

Mrs. Gould pointed out that Berg and Berg Enterprises, Inc. submitted a letter to the Commission that they do not prefer staff's recommendation and prefer the following:

- Staff is recommending the concept plan with retail mixed use and Berg and Berg would like the alternative policy changes showing residential and retail mixed use, which is a much stronger residential plan.
- Staff is recommending a minimum FAR of 1.5 and Berg and Berg wants 1.0.
- Staff is recommending 31 units per acre while Berg and Berg is requesting 18 units per acre.

Mrs. Gould also pointed out that the Kunde Site would be a good residential site if BART is below grade.

**Commissioner Galang** asked if a pedestrian bridge is built above Piper Drive and Montague Expressway what would be the height of the bridge and would it be acceptable to the handicapped.

Mrs. Gould pointed out that staff is recommending a pedestrian bridge. The property owners, VTA and BART have felt very strongly that a connection from the residential area to BART is a key to making the neighborhood transit oriented. It would have to have handicap accessibility, which is a state requirement and would be a very long ramp with stairs and elevators. The bridge should be designed to be inviting and easy to use like the pedestrian bridge in Berkeley across I-80.

Commissioner Galang asked what would happen to the transit area plan if no BART stations are built. Mrs. Gould replied that the two light rail stations would remain and the development of the parcels where BART would have been would be residential.

**Vice Chair Garcia** asked what are the constraints in regards to sewage capacity.

Ms. Heyden responded that staff is in negotiations in buying capacity with two different agencies and because it is a long-term plan, staff is questioning whether to sit at the table now and purchase all that is needed or negotiate it in five year increments.

Vice Chair Garcia asked if the Redevelopment Agency has a role in the sewage function and Ms. Heyden replied that it might.

Vice Chair Garcia pointed out that there is a lot of traffic congestion in the Great Mall / Montague area and suggested that now is the time to start thinking about innovative ways to move people around in the area.

Mrs. Gould noted that one of the tasks of the next phase is to figure out how to minimize the traffic impacts. Retail is an off peak use and the walk and bike trips should be facilitated as much as possible and that is the whole idea of transit oriented development. But it has to be designed to make it comfortable and easy. She did agree with Vice Chair Garcia that there are many challenges with Montague Expressway.

**Commissioner Mandal** asked about the mixed use development and asked if it is too early to look at bicycles, or is that part of phase II. Mrs. Gould responded that the Commission could make suggestions on a bicycle route policy, however the details wouldn't be figured out until phase II.

Commissioner Mandal asked if this is the time to make a recommendation to City Council to have BART built underground.

Ms. Heyden clarified that the whole issue of the design of the BART be it aerial or retained cut is very significant and staff is in the process of analyzing the pros and cons of each design. The timing didn't work out to look at that as part of the process and Dyett and Bhatia had to move forward with the preparation of the plans. Staff will be coming forward in May with an analysis of the Aerial BART station and will need the Commission to make a recommendation on one of the two designs because the VTA is seeking a position by the City on the aerial station option.

Ms. Heyden also stated that the Commission could make a recommendation to the Council, however staff would have a lot more information in May to make an educated decision. In terms of the land use designations on the property, staff has looked at the impact of aerial BART versus retained cut and staff thinks that the uses that are reflective will work in either case however the setbacks may be different; there may be greater buffers which could impact the developers because with an aerial design, that means less land area that can be used for residential which could yield a lower number of units.

Commissioner Mandal concluded that he would support staff's recommendations and in terms of Montague/McCandless area, he supports the retail mixed-use and supports 31 units per acre.

**Commissioner Williams** asked for clarification on the preliminary concept plan in relation to the alternate policy in the McCandless area. Mrs. Gould clarified that it is mixed use which could mean a shopping center on the ground floor and housing and retail above and could also be strictly retail.

Commissioner Williams asked for clarification on the alternate concept plan and asked if it would be residential mixed use or strictly a residential area. Mrs. Gould said that staff called it High Density Mixed Use and said that it could be hotel or office or residential and all of those uses are allowed by right.

Commissioner Williams said that he is concerned about parking, specifically since the Great Mall is showing signs of capacity and wants to see how this interrelates especially during the holiday season.

Commissioner Williams knows that the plan is preliminary but highly suggested that staff include the telecommunications master plan into the project.

Chair Lalwani asked Mrs. Gould to show her illustrations with and without BART. Mrs. Gould explained that the plan would work with or without BART, but if BART were not here, the City would still have the light rail stations, and felt it is appropriate to have high density residential around the light rail station. Staff recommends deep setbacks on Montague Expressway and park facilities with the focus around the light rail station.

Chair Lalwani asked staff what is the usage of the light rail and BART every day. Ms. Heyden pointed out that staff provided a table on page 3 of the staff report. Staff generated ridership numbers for each of the three concepts by borrowing a model that VTA uses to determine ridership projections.

Chair Lalwani asked if BART does not come to Milpitas, would ridership projections for the light rail station go up. Ms. Heyden explained that she is not quite sure because light rail is more for the live work trips and BART is used by individuals to get from one region to another. Staff thinks that this transit area plan is needed regardless of whether or not BART comes because there is an opportunity with all the new residential built in the area and Milpitas's location in the Silicon valley. Staff felt that a lot of the homeowners would jump on light rail to go to their jobs in the Silicon Valley area and is not sure if there is a dependence on one versus the other.

Chair Lalwani opened the public hearing.

**Kim Singh, 2063 Frank Court**, appreciates Commissioner Mandal talking about bike lanes and hopes that the Commission would include that in future plans. Mr. Singh also suggested that the City provide wireless hot spots to the area to generate revenue.

**Don Peoples, 529 S. Main Street, President of Downtown Association**, noted that his community working group strongly suggested that BART be below grade. He felt that community input should be part of the key steps in moving forward and is concerned that the transit area plan was not presented to the Downtown Association. He felt that if density is reduced, there will be no room for parks. He has talked to the PRCRC and there is not a clear understanding of what a park is in a dense urban environment. He felt that the mixed use and retail is important and as a professional, he finds very few places that he can actually own his own business and be in close proximity to amenities and felt that this is a serious deficiency in Milpitas. As a member of the Economic Development Commission, he thinks it is a great concept and could benefit the area.

**Ed Connor, 1515 North Milpitas Blvd.**, announced that VTA will provide an update about BART at the April 5th City Council and there will be a transportation subcommittee meeting on March 31<sup>st</sup>. He felt Milpitas should list their transportation needs before getting too involved with a plan and felt there is a critical need for transportation for seniors such as a PRT system or Levix. Levix is a rapid mass transit system that runs on a magnet field.

**Greg Poncetta, representing Brookwood, the Property Owner at 330 Montague Expressway,** is concerned that they were not notified until 3 weeks ago about the project. The property owner is eager to work in the process and would like to contemplate at rezoning the property to residential. Under the existing specific plan, it is surrounded by residential uses to the north and the east, so it would fulfill the rest of the block if it were rezoned for residential. The property is within the 1/3 radius of the light rail station and it is a 9-acre site and could provide good units for the city. Also, with the recent development of BART being above or below grade, it will be a long time before the rest of the sites adjacent to BART are going to be available for development and this site could be available in 12 months.

**Rob Means, 1421 Yellowstone,** is concerned about traffic and parking issues and also the cost of building pedestrian overcrossings. He pointed out that for the cost of building overcrossings, the City could build a mile and a half of a PRT system and felt it would be the most effective way to move people around the Great Mall area. He has been on bicycle around Montague and it is a pedestrian unfriendly area. He felt that the PRT system should be inviting and easy to use and it would support the goals of the City.

**Jim Murar, 1405 S. Milpitas Blvd.** thanked the Commission, Council and staff, in taking on this huge effort. He strongly supports the plan and noted there were a few issues that needed to be resolved such as connectivity with parks. They are in full support of staff's recommendations and consider connecting the residents to the Great Mall and light rail a great idea. He also agrees with Commissioner Williams that the Union Pacific railroad is a big issue in regards to the BART location.

**Myron Crawford, representing Berg and Berg Developers,** thought that staff and the consultant did an excellent job of illustrating their comments on the plan. He explained that Berg and Berg owns the entire strip on McCandless and would like to maximize the entire property. Staff adequately addressed their comments and Mr. Berg is a long time property owner and he would like to see lower residential densities, retail and offices. Berg and Berg proposes the alternative policy plan and if the City allows a retail overlay to be selected over the alternative policy choice, then Mr. Berg would probably not be interested in participating in the vision plan.

Vice Chair Garcia asked Mr. Crawford if Mr. Berg is interested in big box retail.

Mr. Crawford felt that Mr. Berg thought that big box retail is not good for the location based on paying higher land values, however he is not opposed to retail and that is why he is leaning towards mixed-use. If retail was in demand, then Mr. Berg would be interested in intense retail development.

Vice Chair Garcia asked staff to explain retail overlay versus retail mixed use.

Mrs. Gould explained that Berg and Berg is interested in having the alternative plan adopted so they have the right to build more residential and hotel and offices and are looking at maximum flexibility. Staff felt that the City's position is to maintain some openness until the EIR is prepared which will provide more information.

Commissioner Williams is concerned about the McCandless area. As a planner, he looks at the bigger picture and felt that if residential is going to be increased, people have to eat and would need the support of a supermarket nearby. Currently, he felt that there is nothing that supports the pedestrian friendly principle such as people being able to walk instead of driving. He asked if the property owner would be willing to allow retail to be built on the property to support the residents.

Mr. Crawford replied that a supermarket could probably work but so far, Berg and Berg has not done any marketing on retail. It is such a long range plan, he doesn't know if it would be a proper fit.

Commissioner Mandal asked if staff reached out to the community. Ms. Heyden replied that staff had a community meeting on February 22<sup>nd</sup> and staff notified the property owners and residents in the area. Also, notices were not sent to the Downtown Association, however staff will coordinate with Mr. Peoples to give a presentation to the Downtown Association.

Commissioner Mandal asked if there would be other opportunities for community outreach. Ms. Heyden said she is not sure about that happening before the next City Council meeting but since this is a concept plan, when staff goes forward with phase II, the plan will most likely get modified and that would have to be done through outreach and public meetings.

**Commissioner Azevedo** asked why Mr. Poncetta was notified only 3 weeks before the public hearing. Ms. Heyden responded that he was notified, however the property ownership on the tax roll had changed and staff did not get a return notice. Staff also attempted to hand deliver the notice. Staff met with him a week ago and reflected his concerns in the staff report.

**Motion** to close the public hearing.

M/S: Galang/Mandal

AYES: 6

NOES: 0

Vice Chair Garcia said he would support the concept plan with the following recommendations:

1. Formally considering alternative transportation solutions to move people around,
2. Taking a position opposing an elevated BART,
3. Ensuring that there is community input and make sure that the community gets involved.

Commissioner Williams stated he is concerned about the McCandless area because he sees what has taken place along the Great Mall regarding the parking issues. He is supportive of the plan but the one block along Great Mall bothers him because there is an issue with cars, commuters, work and shoppers. He even hears the fire service and ambulance wails because the cars are jammed up and on holidays it is even worse trying to get through the area. He felt that added retail would be hard to deal with.

Commissioner Mandal felt that staff has come up with a good vision in the area and felt that the Commission needs to take a stand on BART being underground. He would like to see residential mixed use.

Commissioner Galang agreed with his fellow Commissioners regarding traffic and noise. He felt that the BART station should be located at Capitol and Lundy. He also supports the sports facility and mixed use rather than residential.

**Motion** that as part of Phase II, staff and the consultant consider innovate transportation solutions.

M/S: Garcia/Mandal

AYES: 6

NOES: 0

**Motion** that the Commission formally opposes the elevated BART in the Transit Sub-area plan.

M/S: Garcia/Mandal

AYES: 6

NOES: 0

**Motion** to formally request that staff have a process for community input and strongly ensuring that the community is involved in this process.

M/S: Garcia/Galang

AYES: 6

NOES: 0

Commissioner Williams made a motion to substitute retail mixed-use for high density mixed use in the area along Great Mall Parkway and McCandless and Commissioner Azevedo seconded the motion.

Ms. Heyden stated that it would lose the ability to develop a lifestyle area such as Santana Row because street frontage is needed to create a mixed use project and by limiting the amount of retail designation, it would need the depth.

The Commission continued to discuss this further.

**Motion** to recommend to City Council submittal of both the Preliminary Concept Plan and the Alternate Policy Choices Plan to be studied as part of the Specific Plan amendment. The Alternate Policy Choices Plan would be identical to the Preliminary Concept Plan except for the area banded in black, shown on the Alternative Policy Choices Plan presented to the Planning Commission (for the McCandless area opposite the Great Mall) with High Density Mixed Use and High Density Transit Oriented Residential land uses replacing the Retail Mixed Use designation.

M/S: Williams/Garcia

AYES: 6

NOES: 0

**Motion** to make a recommendation to City Council that it pursue a Specific Plan Amendment regarding the Transit Subarea Plan alternatives analysis and recommendation to City Council as proposed by staff and as amended by the Planning Commission.

M/S: Mandal/Garcia

AYES: 6

NOES: 0

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

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Category: Public Hearing

Report prepared by: Dennis Carrington

Public Hearing: Yes: \_\_\_\_\_ No:  X

Notices Mailed On: N/A

Published On: N/A

Posted On: N/A

**TITLE: REPORT ON ALTERNATE CONCEPTUAL LAND USE VISION PLANS FOR TRANSIT ORIENTED DEVELOPMENT IN THE STUDY AREA SURROUNDING THE FUTURE MOTAGUE/CAPITOL BART STTION AND TWO EXISTING VTA LIGHT RAIL LINE STATIONS.**

**Location:** THE BOUNDARIES OF THIS TRANSIT SUB-AREA INCLUDE THE GREAT MALL OF THE BAY AREA, AND MANY PARCELS ALONG OR NEAR THE VICINITY OF MCCANDLESS DRIVE, HOURET DRIVE, CENTERPOINT DRIVE, SANGO COURT, TAROB COURT, GLADDING COURT, CAPITOL AVENUE, MONTAGUE EXPRESSWAY AND PIPER DRIVE.

**RECOMMENDATION: Receive staff report**

Applicant: City Initiated

**BACKGROUND**

The adopted budget objectives for the Department of Planning and Neighborhood Services include the preparation of a Transit Area Plan for the area surrounding the future Montague/Capitol BART station and two VTA Light Rail stations.

The scope of work for the Transit Area Plan calls for a Phase I consisting of a Visioning Plan over a four-month period. The goal of the process will be a vision plan that can guide developers and decision makers in the absence of a detailed specific plan amendment, design guidelines, fiscal impact study and environmental impact report which are to be prepared in Phase II.

In November the City Council approved a scope of work for Phase I and in December the City hired the consultants Dyett & Bhatia of San Francisco to prepare the Vision Plan. Stakeholder interviews were held in December of 2004. A workshop was held on January 20, 2005, and a design charette was held on February 17, 2005. Three alternative concept plans have been prepared on the basis of input received during the stakeholder interviews, workhshop and charette and a February community meeting. These concepts will be presented to the Planning Commission along with background information that formed the basis for the evolution of the plans to date.

**2. REPORT ON  
ALTERNATIVE  
CONCEPTUAL LAND  
USE VISION PLANS FOR  
TRANSIT ORIENTED  
DEVELOPMENT**

Chair Lalwani asked if this model has been done for other areas recently. Mr. Lindsay replied that staff is following a model that has been used for amending the zoning ordinance. It is an unusual time because of the accumulation of general plan amendments and staff wanted to get feedback from the decision making bodies before spending a lot of energy on these.

Commissioner Mandal asked when does the review of the whole general plan take place. Mr. Lindsay replied that the amendments should be ready for either late spring or early summer and should be ready for Commission or Council. The general plan can be amended four times a year but an amendment can include a series of changes. Staff has already amended the general plan once for the KB project this year. Updating the entire general plan is a big effort and should be done every three to five years..

**Tambri Heyden, Acting Director of Planning and Neighborhood Services and Leslie Gould, Direct of Planning for Consulting Services Dyett and Bhatia,** presented a report on alternative conceptual land use vision plans for Transit Oriented Development for a ±400-acre study area surrounding the future Montague/Capitol BART Station and two VTA Light Rail stations and recommended the Commission note receipt and file.

Vice Chair Garcia asked if staff means high-rise buildings when referring to high density. Mrs. Gould responded that staff is working within the parameters of the Midtown plan. Pointing to a map she noted that the orange color box represents very high density, which is minimum 40 units per acre, maximum 60 units per acre. The yellow color represents a minimum 30 units per acre, maximum 60 units per acre.

Chair Lalwani asked how much it would cost to finance an arena sports complex. Mrs. Gould responded that it would cost \$75 million

Commissioner Williams commented that with the water table being high, it would be a challenge in keeping the costs down. He pointed out that on 101, the pumps fail and debris is accumulated and Caltrans is responsible when there is flooding. It falls along the lines of the property owners in regards to infrastructure build up and pedestrian crossovers. He also noted that pedestrian crossovers have been wanted along Comet Drive and being able to cross over Union Pacific railroad. He felt it was a hazard for a fire engine to get access from Main street to the other side of Yosemite because the fire engines have to travel either around Calaveras or Montague and traffic conditions are a nightmare. He is concerned that if BART is going to be above ground, how are people going to move about in that area.

Commissioner Williams is also concerned about the northern area of Midtown where the Pacific Motor Transit area and Union Pacific yard is. He recalled that when there were two separate rail lines there was quite a bit of rail traffic, and after the two rail lines merged into one, there is far less rail traffic. He is concerned that Union Pacific is using the rail lines to help New United Motor in Fremont to store their vehicle transport cars and a lot of the rail cars are empty. He asked how does Union Pacific fit in the equation when the City wants to have high density.

Commissioner Williams is also concerned about the turn around of BART. He recalled that the trains are bi-directional and there are no turn around and wants to know why there is a need for a turnaround.

Mrs. Gould explained that the turn around is for the Union Pacific trains not the BART trains.

Commissioner Mandal asked who makes the decisions whether BART is above grade or below grade.

Mrs. Gould explained that the VTA Board makes BART decisions. VTA has identified a \$200 million dollar cost overage and are determined that before they go to the voters in November 2006, they want to be sure they have a project on budget and the segment of having BART above ground would save them between \$20 and \$28 million dollars.

Commissioner Mandal asked what the Commission could do to influence VTA's decision about BART.

Mrs. Gould replied that they could work with VTA staff and Milpitas' Board representative about what the impacts and.

Chair Lalwani announced that there is a BART meeting regarding the Dixon Landing Road options on Wednesday, March 16<sup>th</sup>.

Ms. Heyden commented that VTA is requesting that the City take a formal position on the latest design. In the EIR that was certified in December by the VTA Board, a retain cut was reflected so the above grade is brand new news. Staff is analyzing the pros and cons for Milpitas between the two designs and will be making a presentation to Council in April in assisting VTA in getting a City position to them. There are land use implications if the design is aerial versus retain cut, there will be an impact on the developments.

**Commissioner Mohsin** asked if there is an opportunity for grocery stores and a playground for children.

Mrs. Gould said that staff is looking into designating certain locations for local neighborhoods serving retail because it is a critical amenity for residents.

Vice Chair Garcia felt that the real issue is the BART decision because it drives a lot of the overall plan and felt that the City will never get a decision about BART and is also concerned if it is going to end in Milpitas or continue on to San Jose. He asked if staff knows when a BART decision will be made.

Mrs. Gould noted that BART has indicated that they want to make a decision quickly and if it comes this summer, the City will move forward with the specific plan next year.

Ms. Heyden added that staff has started to do ridership projections for the three alternatives and has found that with or without BART there is an opportunity to maximize the TOD opportunities in the area because of the two light rail stations. Staff found that the light rail station near the mall has produced ridership above and beyond what was projected and also provide a good opportunity for live work trips because a lot of the population is employed in the Silicon Valley.

Vice Chair Garcia asked if it changes the plan or vision if there is no BART.

Ms. Heyden said she is not certain but BART does provide the opportunity for regional attraction types of land use.

Mrs. Gould said that staff would still look at the same concepts without BART because it is about creating neighborhoods and medium and high density.

Vice Chair Garcia asked how is a plan like this implemented.

Mrs. Gould stated that you are amending the specific plan and you have to do environmental review and community meetings and develop a detailed specific plan, which is under the general plan.

Vice Chair Garcia asked how long would it take once the City got a BART decision to move forward.

Mrs. Gould said that it would take about a year and a half.

Commissioner Galang asked what would the size be of the regional entertainment sports facility.

Mrs. Gould said that the arena would hold 25,000 seats, which is considered medium size like the arena in downtown San Jose and would have sports and entertainment.

**Commissioner Galang** asked if the City would provide funding.

Mrs. Gould explained that the City would have to develop the project and find someone to operate and maintain the facility. There are opportunities with naming rights.

Rob Means, 1421 Yellowstone, said that the issue is pedestrian connectivity between Piper Montague and BART and the LRT stations and felt that the alternative is a PRT system that would cost about 10 million dollars. He asked that the Commission look into a PRT system before rezoning the area.

**3. CONSIDER  
CANCELLATION OF  
THE APRIL 13, 2005  
PLANNING  
COMMISSION MEETING**

**James Lindsay, Planning Manager**, noted that three Planning Commissioners will be attending the annual League of California Cities' Planners Institute April 13-15 and therefore, the Commission may wish to cancel the April 13<sup>th</sup> meeting.

Vice Chair Garcia noted that due to personal reasons, he might not be attending the Planners Institute.

**Motion** to keep the April 13, 2005 meeting.

M/S: Azevedo/Galang

AYES: 7

NOES: 0

**XI.  
ADJOURNMENT**

The meeting was adjourned at 8:48 p.m. to the next regular meeting of March 23, 2005.

Respectfully Submitted,

James Lindsay  
Acting Planning Manager

Veronica Rodriguez  
Recording Secretary