UNAPPROVED

PLANNING COMMISSION MINUTES
Wednesday, May 8, 2013

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Sudhir Mandal, Larry Ciardella, Garry Barbadillo, Rajeev Madnawat, Zeya Mohsin, Gurdev Sandhu and Demetress Morris

Absent: John Luk

Staff: Hom, McHarris, and DeHerrera

Alternate Commissioner: Commissioner Morris was seated as a member of the voting body.

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Carol Kassab, Milpitas Chamber of Commerce – Invited all to attend the upcoming Mayor's State of the City Address to be held May 30, at 6:30 pm in the Milpitas Community Center.

IV. APPROVAL OF MINUTES

Chair Mandal called for approval of the April 10, 2013 Planning Commission minutes and the April 24, 2013 minutes of the Planning Commission Subcommittee.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.

M/S: Madnawat / Mohsin

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

V. ANNOUNCEMENTS

Steven McHarris, Planning & Neighborhood Services Director, indicated that there will not be a Planning Commission Meeting on Wednesday, May 22, 2013 due to lack of agenda items. The next Planning Commission meeting will be June 12, 2013.

VI. CONFLICT OF INTEREST

Steven McHarris, Planning & Neighborhood Services Director, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

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

M/S: Sandhu / Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the consent calendar

IX. PUBLIC HEARING

IX-1

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

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

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

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

The applicant is requesting a conditional use permit to grant two exceptions to the TASP standards: 1) Reduce landscaping width along Trade Zone Blvd from a 28' dedication to 18' dedication. This exception would provide a consistent street frontage along Trade Zone Blvd; 2) Allow parking on both sides Momentum Drive.

This exception will allow for greater density and allows for traffic calming. The project is consistent with the General Plan, the Transit Area Specific Plan, the Zoning Ordinance and Subdivision ordinance and the Transit Program EIR.

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

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

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

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

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

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

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

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

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

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

Greg Mix, Division President, Warmington Residential California, San Ramon: Highlighted three key points as a result of the Traverse Project study session: 1) To increase density – which was 190 units and is now 206 units by eliminating the

single-family component of the project; 2) Revise the street layout throughout the project – which was changed from a serpentine road to straight roads; 3) Adjust the street frontage on Trade Zone Blvd to make it more harmonious with the adjacent property.

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

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

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

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

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

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

Motion to close the public hearing.

M/S: Sandhu / Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

Commissioner Madnawat – Requested clarification of the density transfer concept.

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

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

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

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

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

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

M/S: Ciardella / Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Luk)

ABSTAIN: 0

XI. ADJOURNMENT

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

Motion to adjourn
M/S: Sandhu / Mohsin

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary

MILPITAS PLANNING COMMISSION
AGENDA REPORT

PUBLIC HEARING

Meeting Date: May 8, 2013

APPLICATION:	**Site Development Permit No. SD13-0008, Conditional Use Permit No. UP13-0005, Major Tentative Map No. MT13-0004, and Environmental Assessment No. EA13-0002, Warmington Homes.**
APPLICATION SUMMARY:	A request to demolish an existing and vacant auto dismantle yards and storage facilities on a 12.51 acre site to allow for the construction of a 206-unit multi-family residential subdivision and related site improvements.
LOCATION:	569-625 Trade Zone Boulevard (APN 86-36-003 thru 006)
APPLICANT:	Greg Mix, Warmington Homes, 2400 Camino Ramon #234, San Ramon, CA 94583
OWNER:	David and Irene Pernik Trustee, 573 Trade Zone Blvd., Milpitas, CA 95035, James Meeks E Trustee, 76307 Via Arezzo, Indian Wells, CA 92210 Tavakoli Ghassem and Simindokht Trustee, 1117 Petroni Way, San Jose, CA 95120
RECOMMENDATION:	**Staff recommends that the Planning Commission adopt Resolution No. 13-012 recommending approval to the City Council.**
PROJECT DATA: General Plan/ Zoning Designation:	Multi-Family Residential, Very High Density (MFH)/ Multi-Family Residential, Very High Density (R3)
Overlay:	Site and Architectural Overlay District (-S) and Transit Oriented Development Overlay (-TOD)
Specific Plan:	Transit Area Specific Plan
CEQA Determination:	In accordance with California Environmental Quality Act

(CEQA), Public Resources Code Section 15070(b), an Environmental Impact Assessment No EA 13-0002 was prepared and circulated between April 5, 2013 and April 24, 2013

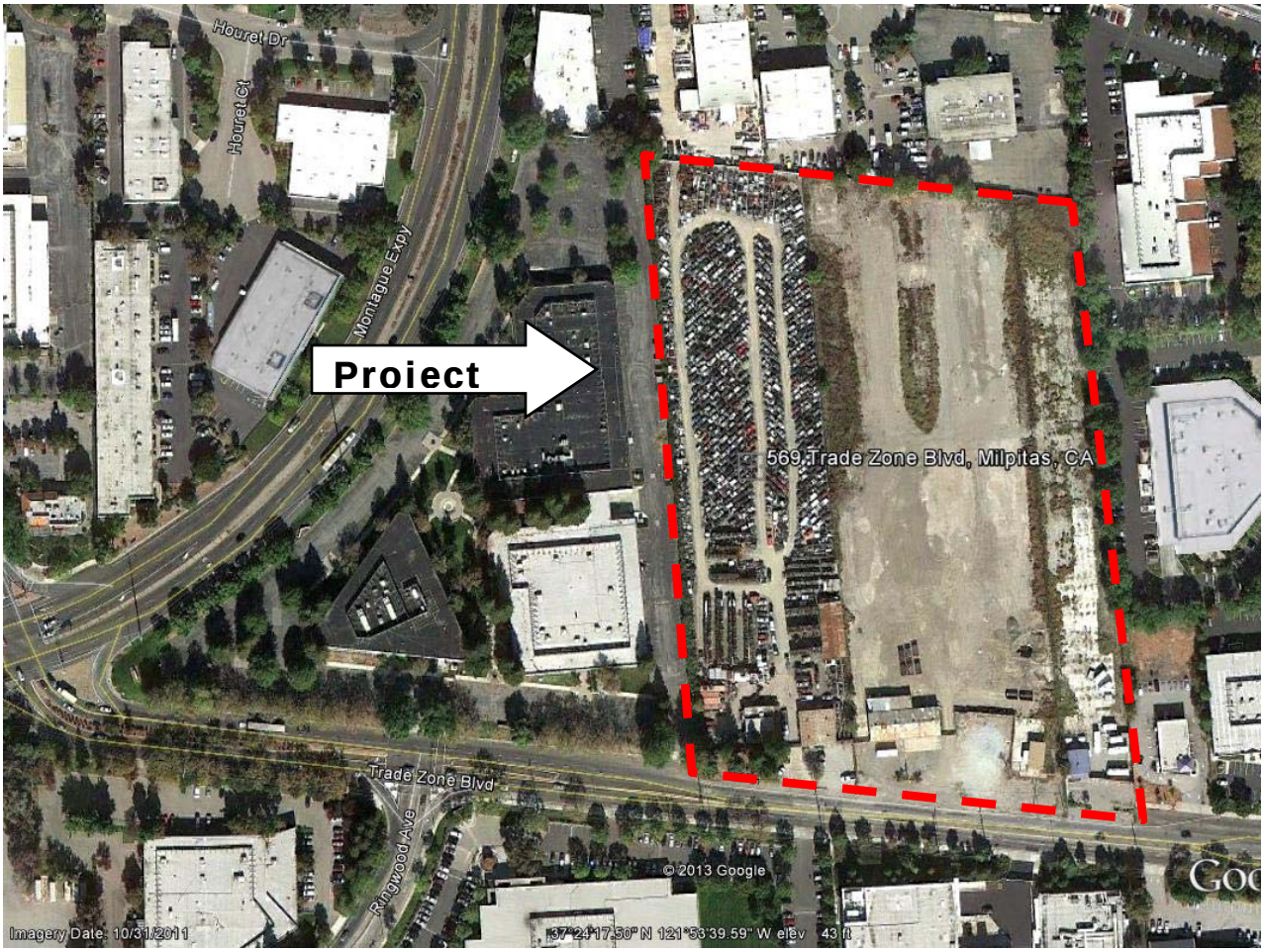
PLANNER: Cindy Hom, Assistant Planner

PJ: 2874

ATTACHMENTS:

A. Resolution No. 13-012
B. Project Plans
C. Project Description
D. Environmental Impact Assessment
E. Phase I/ Phase II Site Assessment
F. Stormwater Control Plan
G. Traffic Study
H. Noise Study
I. Greenhouse Gas/Air Quality Study
J. Preliminary Arborist Report
K. Trash Management Plan
L. Planning Commission Study Session Minutes January 23, 2013
M. Letter of Density Transfer Intent January 15, 2013
N. Comment Letters

LOCATION MAP

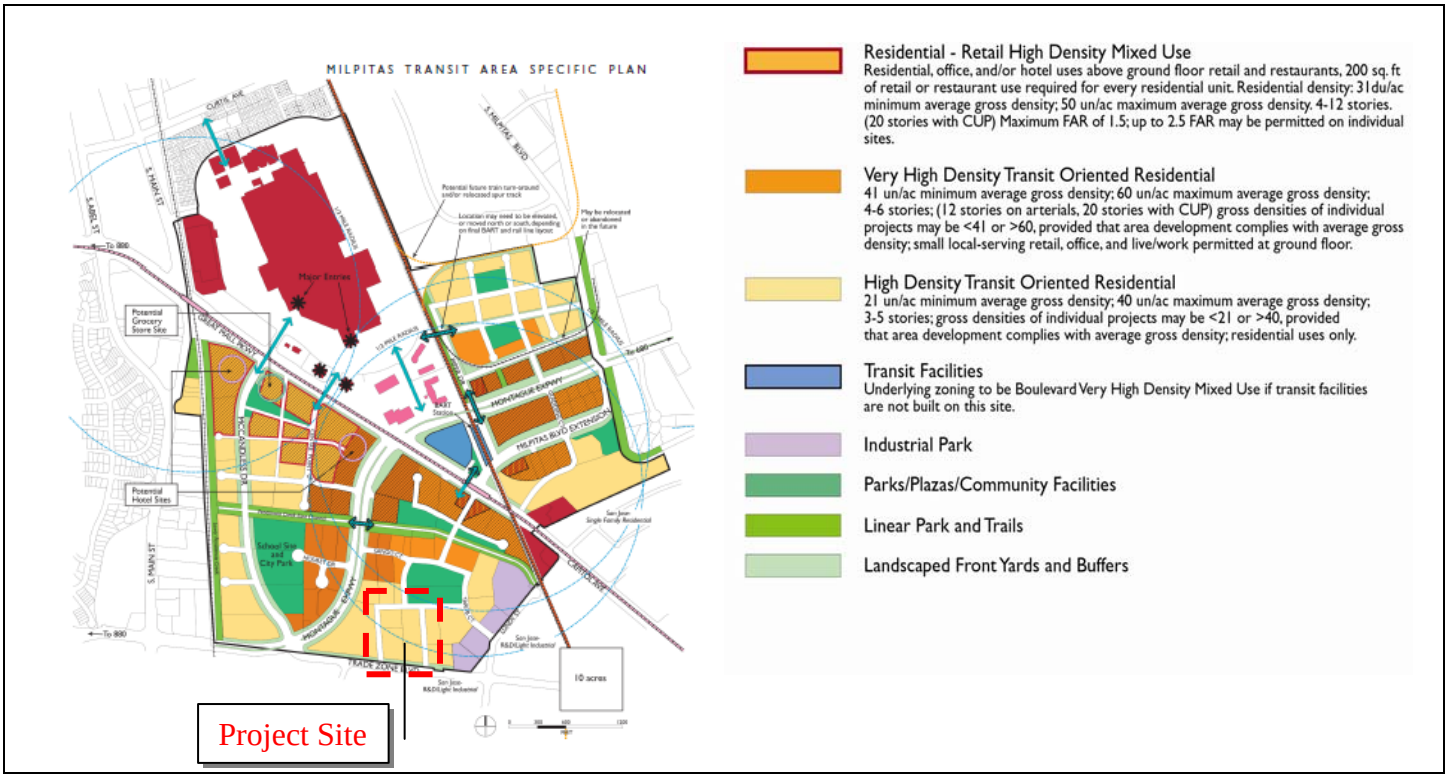


Not to Scale.

BACKGROUND

In June 2008 the City of Milpitas adopted the Transit Area Specific Plan (TASP) and Environmental Impact Report (EIR) which encompasses 437 acres of land located south and southeast of the Great Mall shopping center to the Milpitas border near San Jose. The TASP plans for a primarily urban environment which programs a variety of High Density Mixed Use and Residential land uses and urban pedestrian amenities around the existing light rail station and the planned location for Milpitas BART station facility. The policies within the Transit Area Specific Plan establishes a goal of 5,000 to 9,350 new housing units to meet the estimated demand for market rate housing over the next 20 years and achieve the population number and densities to provide BART with enough ridership to support investment in its extension. The TASP land use map is depicted below:

Figure 1:
Transit Area Land Use Plan



In September 2012, the applicant began discussing the proposed project and site plan with Staff. In January 2013 the applicant presented a 190-home preliminary project including Single Family Detached homes and Townhomes on the 12.51 acre site. Staff identified concerns about the low-density character of the single-family homes in this area of the TASP, and suggested that the proposed concept be reviewed by the Planning Commission in a Study Session format.

On January 23, 2013, the Planning Commission reviewed the conceptual project and the proposed deviations from the TASP and provided the following comments:

- Evaluate alternatives to provide a higher and more appropriate density and/or product types.
- Further analyze street layout to enable higher density without significantly detracting from the TASP planned street network.
- Ensure the project provides public benefit that outweighs proposed deviations from the TASP development standards and design guidelines.

The Planning Commission's discussion at the Study Session for the proposed project is summarized in the January 13, 2013 Planning Commission Meeting Minutes. (Attachment L).

On April 1, 2013, the applicant submitted an application for a Vesting Major Tentative Map; Site Development Permit and a Conditional Use Permit for a 206-unit multi-family residential development proposal. The above applications are submitted pursuant to Milpitas Municipal Codes: XI-1-4.00 (Tentative Maps), XI-10-57.03 (Site Development Permit), and XI-10.57.04 (Conditional Use Permits) for Planning Commission and City Council review and approval.

PROJECT DESCRIPTION

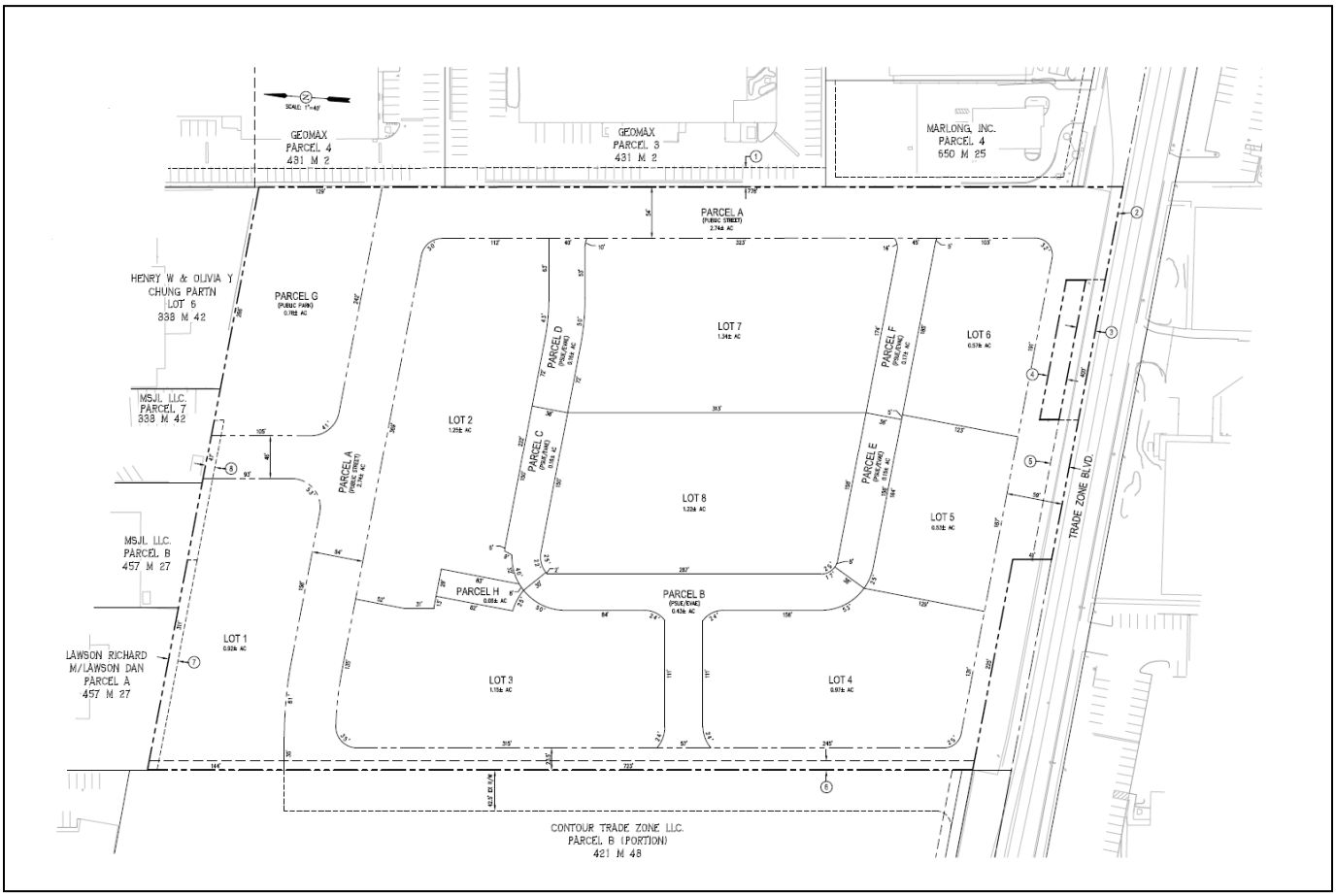
The project proposal entails the demolition of existing structures associated with active and discontinued auto dismantling yards and storage facilities and perform soil remediation to comply with residential cleanup standards to allow for the construction of 206 new multi-family residential units consisting of three and four story attached townhomes and condominiums and installation of various on and off-site improvements on a 12.51 acre site.

The project site is located within the Trade Zone/Montague sub district of the Milpitas Transit Specific Plan area. The project site is comprised of four parcels. The first parcel is located at 569 Trade Zone Blvd. and is a 4.39± acre in size containing an active auto dismantling and storage facility. The remaining three parcels 595, 615, and 625 Trade Zone Blvd are respectively 3.07±, 3.00± and 2.05± acres in size and were previously operated as auto dismantling and storage facilities that have been discontinued and are now vacant. The subject property is bounded by Trade Zone Boulevard and the San Jose/Milpitas city boundary to the south, a future 134-unit residential subdivision that is currently under construction on a 9.2-acre site to the west, and various automotive and industrial uses to the north, and light industrial uses to east. A vicinity map of the project site is shown on Page 3.

Vesting Tentative Map

The Vesting Tentative Map allows for the creation of eight (8) lots that will provide for ninety-eight (98) attached townhomes and one hundred and eight (108) air space condominium units, common lot areas for central trash collection service area (Parcel H) and the private street network (Parcels B – F) as shown in Figure 1 below. The project also includes the dedication of right-of-way for future new public roads (Parcel A), a 0.78 acre portion of a planned 5.1 acre public park (Parcel G) and for the widening of Trade Zone Boulevard. The plans also include rough grading and utility installations. The proposed vesting tentative map is shown below in Figure 2.

Figure 2:
Vesting Tentative Map



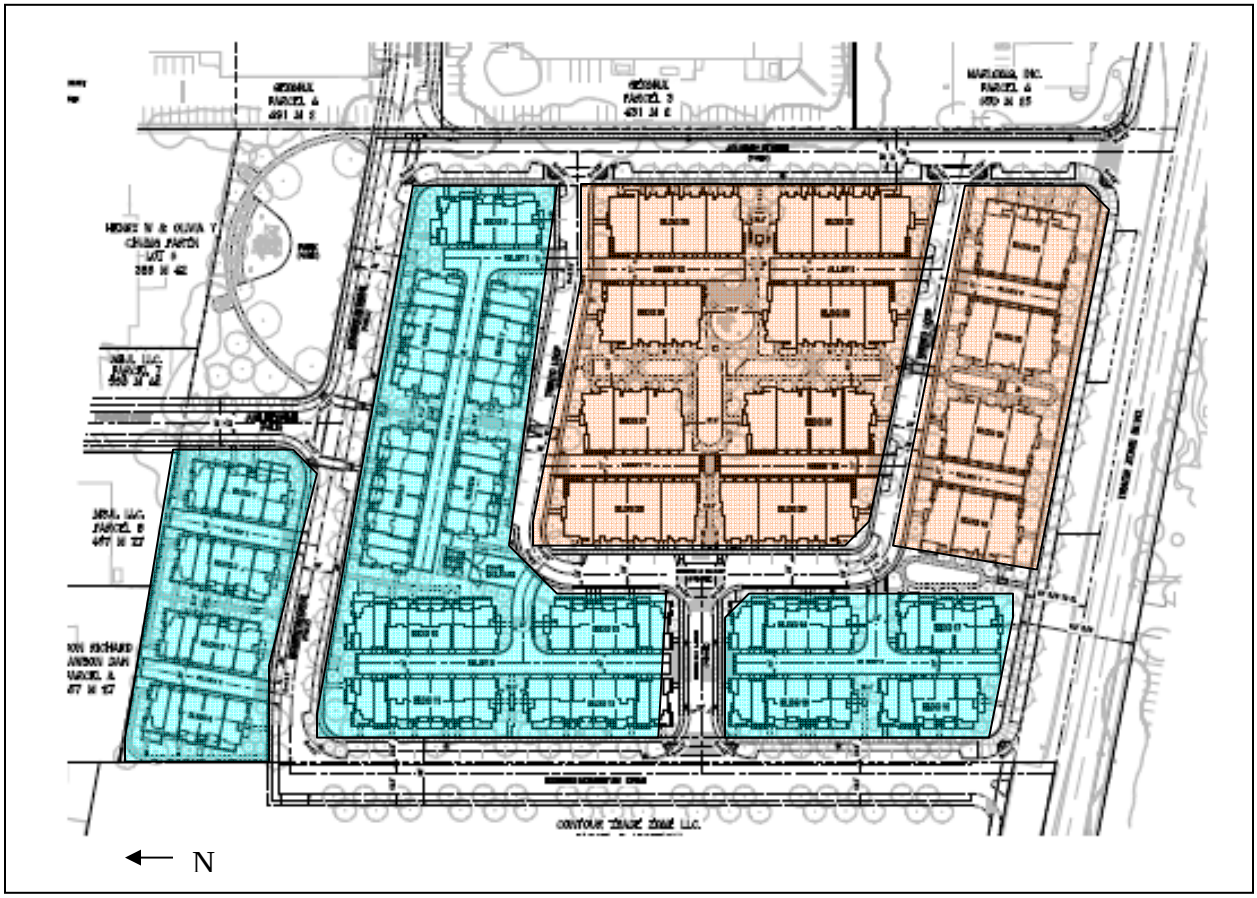
Public Improvements
The project includes off-site improvements that include construction of two new public streets and continuation of Momentum Drive which are depicted on Sheet TM-3 of the project plans (Attachment B), the widening of Trade Zone Boulevard, and the installation of various streetscape improvements along the public right-of-ways as well as extension of the recycle water line from Momentum Drive along future public streets to be constructed north end of the project site. The project will also dedicate and improve a 0.78 acre portion of a larger planned community park as well as provide the conceptual design of the entire planned community park site that will be implemented at a future date when the remaining park area is to be redeveloped.

Site Development Permit
The Site Development Permit incorporates the site layout, compliance with various development standards and the architectural design of the buildings. The following sections below describe the project proposal and compliance with development standards.

Site Layout
The proposed project site includes attached townhomes along the north and east portion of the project site (lots shown in blue) and condominium buildings along the central and southeast

portion of the project site (lots shown in orange). Passive and active linear open spaces are provided along central axis of the project site. The site plan is shown below in Figure 3:

Figure 3:
Site Plan



Access and Circulation

The two main points of access to the project site are off Trade Zone Boulevard from Momentum Drive and a new public street located along the eastern edge of the project site. Momentum Drive will be primarily constructed by the adjacent residential project; however the proposed project will be completing the remaining roadway. Momentum Drive will have limited ingress and egress such as right-in and right-out movements due to its proximity to Ringwood Avenue. The project will build a continuation of Momentum Drive that runs east-west and intersects with a proposed new public street that abuts a planned public park and will provide a future connection to Sango Court to the north. Along the eastern boundary, a public street will be constructed to provide a north-south connector street between Trade Zone and Momentum Drive. It will also have a future extension to Tarob Court to the east. This new public street will have full ingress/egress access for residents, emergency services, and the public. The total public street dedication for the project is 2.67 acres, of which Trade Zone Blvd (0.57 acres) only is subject to a land reimbursement under the TASP Infrastructure Financing Program. All streets are per the design specifications in the TASP with the exception of double-loaded parking being proposed on Momentum Drive. Internal circulation is provided by a private entry and loop road.

All internal streets are per the design specifications of the TASP. Private street and alley entries will have decorative paving to announce arrival.

The proposed pedestrian circulation includes separated sidewalks along Trade Zone Blvd, Momentum Drive, and along proposed public streets providing a protective and attractive pedestrian corridor. The proposed private streets, Trento Road and Trento Loop, also provide separate landscape stripes on each side of the street.

Bicycle lanes will be provided on Trade Zone Boulevard as per the TASP streetscape design standard. Long term bicycle storage will be within private garages. Short term guest bike parking will be in the form of racks located within the common area spaces of the project.

Landscaping

The Milpitas Zoning Ordinance requires a minimum of 25% of the total lot area (not including paved parking area) shall be landscaped or provided as recreational open space. This excludes parking and the vehicular traffic area. The project proposes over 25% of recreational area and open space and therefore, meets the ordinance as demonstrated in the Table 1 below.

Table 1:
Landscape Requirement

Proposed Project (square feet)	Required Landscaping (square feet)	Proposed Landscaping (square feet)
544,936	136,234	136,300

The project proposes amenities that include a strong north/south landscape and pedestrian corridor as well as a central east/west central common area which will include a tot lot, a great lawn, walking paths, tables, bike racks, benches, trash receptacles, pedestrian scale lighting, mutt mitt stations and informal gathering spaces. An entry monument will be included in the landscaping area along near Trade Zone creating a sense of place. Special paving will be utilized at the Project entry points and at key places of pedestrian circulation. *Staff has included a condition of approval requiring the applicant to utilize color stamped concrete for all decorative paving.* A decorative entry trellis feature will flank either side of the entry off of Momentum Drive to create a sense of arrival to the project as well as screen drive alleys. Public art will be included along Trade Zone for its high visibility location. *Staff recommends as a conditional approval prior to building permits, all public art features shall be reviewed and approved by the Public Arts Commission.*

The project proposal would result in the removal of thirty-three (33) trees that are located on the project site. Based on the preliminary Arborist Report (Hortscience 2012), all thirty-three (33) trees are deemed protected under the City's tree Ordinance. The applicant is proposing to remove and replace the existing trees. The applicant is proposing tree planting along Trade Zone Boulevard and new local streets consistent with the TASP standards. Private streets and pedestrian walks will be planted with shade and ornamental trees. The project proposes installation of approximately 478 new on-site trees.

Private Open Space
Per the Ordinance, an average of two hundred square feet of useable open space shall be provided for each dwelling unit, and at least 30% of required usable open space shall be contiguous to and provide for private usable open space for the individual dwellings. "Useable Open Space" means any open space, the smallest dimension of which is at least 4 ½ feet and which is not used as storage or for movement of motor vehicles. Balconies, porches, or roof decks may be considered useable open space when properly developed for work, play or outdoor living areas. The proposed project meets the usable open space requirements as demonstrated in Table 2 below:

Table 2:
Private Open Space Calculation

	Required	**Provided**
Usable Open Space	200 sq. ft. for each dwelling 206 dwellings (200 sq. ft.) = 41,200 s. f.	136,100 sq. ft.
Private Usable Open Space	30% of required usable open space 30% (41,200 sq.ft.) = 12,360 s. f	34,080 sq. ft.

The proposed private usable open space includes private yards, balconies, landscaped paseos, and gathering areas programmed with a tot lot, open play areas, and seating areas are proposed within the central paseo.

Public Recreational Open Space
According to the Subdivision Ordinance, Section 9 (Improvements: Dedication of land or payment of fee or both, for recreational purposes) of the Milpitas Municipal Code and the TASP, every applicant who subdivides land shall dedicate a portion of such land, pay a fee, of do both for the purposes of providing park and recreational facilities to serve future residences of such subdivision. The amount of recreational areas is divided into public and private amenities.

The project is subject to the Transit Area Development Impact Fee. This fee includes payment for the acquisition and development of public recreational open space. In addition to the fee, the project is dedicating 0.78± acres (33,976 square feet) of park land, which is a portion of a planned larger park. This land dedication and improvements are subject to reimbursement through the TASP. The applicant has also indicated that they will work with the City to prepare a Master Park Concept Plan for the new public park and construct the portion of the park which is inside the project boundaries. This dedication and construction will include hazardous remediation to residential construction standards. The Master Park Concept Plan and park construction are offered as public benefit of the project and will not receive a fee credit for this effort. The applicant will work with the Parks and Recreation Department and City on ultimate design concepts, but an initial meeting with the Parks and Recreation Department indicated a soccer/cricket field, tot lot, pathways and programmed space. As conditioned, the master park plan for the 5.1-acre park will be reviewed and approved by the Parks, Recreation, and Cultural Resources Commission.

Architecture
The proposal includes two different architectural programs; three story patio townhomes and three and four story Condominium townhomes. The homes are proposed in two different architectural styles; Contemporary Tuscan and Contemporary Roman which are described below:

"Contemporary Tuscan" features stone veneer accents, hipped and flat roofs, arched detailing at selected doors and private yard entries, decorative metal railings, column detailing at balconies, and decorative awnings over windows on selected plans.

"Contemporary Roman" features brick veneer accents, hipped and flat roofs, decorative metal railings, decorative open trellis shade structures at balconies, decorative awnings over windows on selected plans.

As conditioned, the project will provide for high quality architectural design and a good variety of materials within their façade palettes. Further details are identified in the project architectural elevations (Attachment B). The homes are proposed to be Energy Star Certified, a 15% minimum increase in energy efficiency, exceeding the TASP Policy 5.5 which only requires energy star appliances. Additionally all homes will be providing solar and electric vehicle pre-wiring, exceeding TASP Policy 5.7 which requires only fifty percent of the homes to be pre-wired. The detailing and quality of materials is conditioned to be consistent with each of the architectural. All homes share the use of flat concrete tile, stucco siding, and insulated metal roll up garage doors. All homes will have private open space in the form of a balcony, private front patio, or both. All AC units will be concealed in the attic or roof mounted, behind the parapet. All homes will be Energy Star certified and will be Solar ready.

Floor Plans
The project proposes a variety of plan types that offer two bedroom, three bedroom, and four bedroom homes for both product types. The proposed floor plans and unit mixes cater to a

variety of households, different income levels, different age groups, and life styles. More details and information are shown on the floor plan sheets. The proposed square footages for the multi-family townhomes range between 1,389 to 1,993 square feet, while the multi-family condominium product ranges between 1,273 to 1,787 square feet.

Parking
Code required parking is provided through a combination of attached private two car garages in each home, required uncovered on-site parking and guest parking which is provided on both the public and private streets. Private garages are a combination of side by side and tandem. Tables 3A-C below demonstrates how the project complies with the City's parking standards.

Table 3A:
Parking Standards

Parking Ordinance	Spaces Required	Spaces Provided
Three Bedroom Units (covered)	276	344
Four Bedroom Units (covered)	68	68
Required Uncovered Parking (4th Bedroom)	21	21
Guest Parking (20% Total Required)	73	73
Total Parking	**438**	**506**

Table 3B:
Tandem Parking

Allowed Tandem Parking	Parking Spaces	Percentage
Total Parking Spaces Required	438	100%
50% Tandem Allowable	219	50%
Provided Tandem Parking	216	49%

Table 3C:
Bicycle Parking

Required Bicycle Parking	Spaces
Total Parking Spaces Required	438
5% Temporary Bicycle Parking Required	22
Temporary Bicycle Parking Provided	25

Based on Tables 3A and 3B above, the project provides the required amount of parking. The project also complies with the requirement for bicycle parking as demonstrated in Table 3C above. In addition to the bicycle racks provided throughout the development, all homes have private garages that provide both temporary and long term bicycle storage. *Staff recommends as a condition, that all residential install bicycle storage racks within the private garages.*

Development Standards
Table 1 below demonstrates the project's compliance with the TASP and City's Zoning Ordinance Development Standards.

Table 4:
Development Standards

	Required	Proposed	Complies
Density (Min/Max)	21-40 du/acre	17.8 (gross)/ 24.75 (net)	Yes*
Setbacks (Minimum)	8' – 15' building setbacks. Minimum average of 10'	Average 10' all streets	Yes
Trade Zone Setback	15'	15'	Yes
Lot Coverage (Maximum)	75%	42%	Yes
Building Height (Maximum)	75 feet (max)	Approx. 50'	Yes
Parking (Minimum)	438	506	Yes
Open Space (Minimum)	200 square feet per dwelling unit	1200± sf	Yes

*Complies with the approval of a density averaging described below.

Density Averaging
The proposed project site is a 12.5± acre parcel. This parcel is unique as compared to many of the development sites within the TASP in that it incorporates a larger than average proportion of land that must be dedicated to public streets and park, 3.5 acres (28 percent) in total. Since project density is calculated on the gross 12.5 acres rather than the net 8 acres, the proposed project density is lower than technically required by the TASP. To achieve a minimum density of 21 dwellings per acre, the project would need to provide 263 homes.

The applicant has utilized TASP Policy 3.5 which allows units with four or more bedrooms to count as 1.5 units when calculating minimum density. The project includes 34 four-bedroom plans, which when using Policy 3.5 yields a unit count of 223. If density were calculated net of the public dedication, the project would achieve a density of 24.75 du/ac. To make up the shortfall of 40 homes the applicant proposes a Density Transfer Agreement with another property within the TASP. The applicant has identified a recipient for a density transfer, the intent of which has been documented in a letter between the two parties. (Attachment M). The density transfer would allow the overall number of units within the TASP to remain consistent with the Specific Plan.

Setbacks
Proposed typical yard setbacks are summarized in Table 5 on the next page. As proposed, the project provide the minimum setbacks as required by the TASP development standards.:

Table 5
Typical Yard Setbacks

Setbacks (minimum)	Typical lot
Other Street Front yard, 8' – 15' building setbacks. Minimum average of 10'	Minimum average 10'
Side yard Trade Zone Blvd, 15' minimum	15'
Side yard min 20' over 3 stories	20'

Solid Waste Collection
The project proposes a central collection service due to the compact form of the development. The proposed trash compactor enclosure is centrally located within the project site. The enclosure will be constructed of concrete masonry block wall construction. *Staff has included a condition of approval that the applicant submits the following for City approval:*

1. *Revise trash handling plan that demonstrates compliance with city's development standards and requirements.*

2. *Prior to building permit issuance, the applicant shall provide elevations and details of the trash enclosure. The enclosure shall be designed to compliment and provide design consistency with the architectural style of the surrounding buildings.*

3. *Include disclosure of potential noise and odor issues that may arise from the daily operations and routine maintenance for the trash compactor and collection service operations within the CC&Rs.*

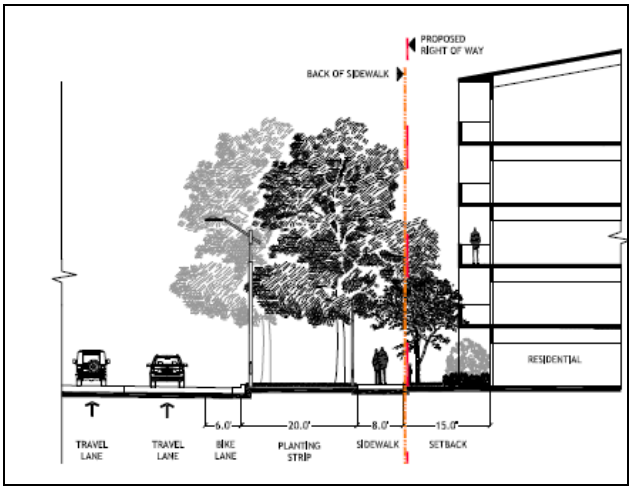
Conditional Use Permit (Exception to Standards)
Exception to standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Section 57 (Conditional Use Permits) of the Milpitas Zoning Ordinance. This process may not be used to vary from the density requirement, allowable uses, and public and private parkland requirements contained within the standards or the Zoning Code. In order for the exceptions to be allowed, additional findings must be made by the decision-making authority which includes the following:

> "The deviation from the TASP standards meets the design intent identified in the Specific Plan and does not detract from the overall architectural, landscaping, and site planning integrity of the proposed development"
>
> "The deviation from the TASP standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard."

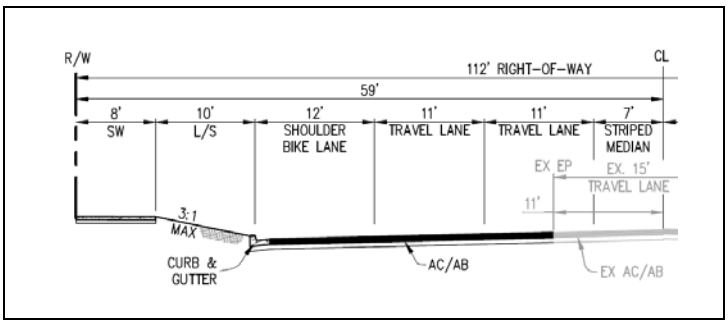
Pursuant to Section 5.2 of the TASP, the applicant has applied for a conditional use permit for the below exceptions:

1. Trade Zone Boulevard Setback Reduction: This is a request to allow an 18' dedication along Trade Zone Blvd. where a 28' dedication was identified in the TASP. Approval of this exception will provide a consistent frontage along Trade Zone Boulevard. This is due to the previously approved significant reduction in dedication and building setback of the adjacent residential project to the west. This represented a significant deviation from the TASP design standards. Rather than continue this deviation, the applicant proposes a dedication and setback that is more compliant by meeting the intent of the TASP with a wide landscape buffer (33' from face of curb to building face) between Trade Zone Boulevard and the homes. The 15' minimum building setback from right of way is retained. The proposed dedication is eight (8) feet greater than the adjacent residential project and six (6) feet greater than the existing property to the east.

TASP Design Street Section

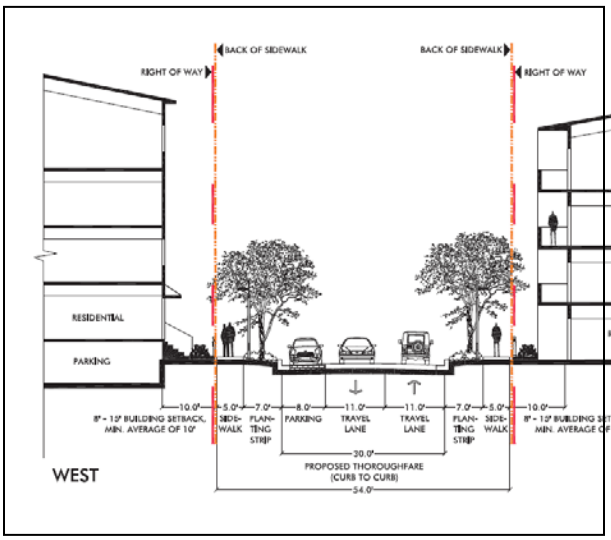


The Proposed Project Trade Zone Street Section

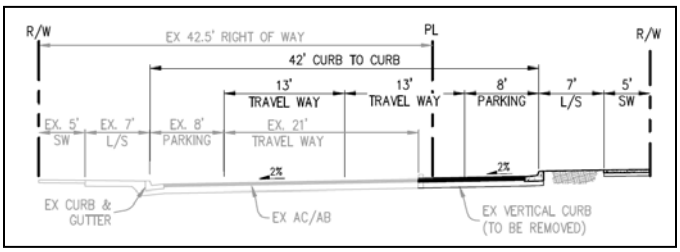


2. Parking on Momentum Drive: This is a request to add parking on both sides of Momentum Drive where the TASP only identifies parking on one side for "local streets". Because of the significant dedication of public street and park within the project and the greater density requested by the Planning Commission at the study session, the double-loaded parking is required. The efficiency of additional street parking allows greater density on the land remaining after the dedication.

TASP Design Standard



Momentum Drive Street Section



ADOPTED PLANS AND ORDINANCE CONSISTENCY

General Plan

The Transit Area designation, per the general plan, states that it should create attractive high-density urban neighborhoods with a mix of land uses around the light rail stations and future BART station in Milpitas; create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit; design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub district. Because of this unique and relatively intensive mix of activities, high-density residential developments (up to 40 homes per acre) may be permitted within the subject area of the TASP. The increased density and transit create a synergy. The general plan lists Land Use Principles and Policies to help enforce the intent of the general plan. The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 6
General Plan Consistency

Policy	Consistency Finding
Implementing Policy 2.a 1-25: Require development in the Transit Area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.	**Consistent.** The project is consistent with the policies, and design objectives of the TASP. The project includes a request for exceptions that Planning Commission may grant with certain findings and CUP approval.
Implementing Policy 2.b-I-3: Providing housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.	**Consistent.** The project would contribute 206 new units towards regional housing goals.

Policy	Consistency Finding
Implementing Policy 2.b-I-2 Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities	**Consistent.** The project is located adjacent to industrial developments that would help locate housing near employment centers. The project would be served by existing city services and facilities.
Guiding Principle 2.a-G-2: Maintain a relatively compact form. Emphasize mixed use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.	**Consistent.** The project maintains compact form by proposing a multifamily, high density project (21-20 units per gross acre) on 12.51-acre site.
Guiding Principle 2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families	**Consistent.** The project offers both attached town homes and attach condominiums that meet the needs of individuals and families in a traditional neighborhood setting.
Guiding Principle 2.a-1-31 Develop the Transit Area as attractive, high density, urban neighborhoods around light rail and future BART station with pedestrian connectivity and lively attractive streets and public spaces.	**Consistent.** The project proposal entails a high density residential subdivision within a 1/3 mile radius of light rail and future BART station.
Guiding Principle l 2.a-1-32 Require development in the Transit Area to conform to the adopted design guidelines/requirements.	**Consistent.** As conditioned, the project conforms to the adopt design guidelines with respect to site layout, setbacks, heights, landscaping, and architectural detail with exceptions.
Guiding Principle 2.d-G-2 Develop adequate civic, recreational, and cultural centers in locations which will promote community beauty and growth.	**Consistent.** The proposed project will dedicate a .078 acre portion of a planned 5.1 acre community park and provide the master plan for the concept design of the entire park.
Guiding Principle 3.d-I-4 Encourage walking, biking, and transit use by improving bicycle and pedestrian connections to transit centers specifically light rail stations and the proposed commuter/passenger rail stations.	**Consistent.** As proposed, the project will provide pedestrian connectivity to and from residences and activity centers with sidewalks along public and private streets. The project will also install a new bike lane on Trade Zone Blvd. to encourage biking.

The above identified general plan principles and policies provide the basis from which staff has developed the project analysis and from which the Planning Commission must make its recommendations for project acceptance or denial. The project is consistent with the General Plan due to its consistency with high density compact urban residential development, attention to pedestrian and bicycle connectivity, and the dedication, construction of park lands, and is compatible and responsive to adjacent uses.

Subdivision Map Act Consistency

The proposed project including its subdivision, design, and improvements, is consistent with the General Plan. It has provided landscape separations buffering the residential development from the heavy traffic along Trade Zone Blvd., and greater separation or masonry wall barriers buffering the transition from residential to industrial uses. The attached townhomes and condominiums are consistent with the intended density of the site per the General Plan and the TASP.

Zoning Ordinance

The proposed project maintains the goals, objectives, and policies of the Zoning Ordinance and is internally consistent with the General Plan. The project is also consistent with the intent of the TASP and will not create internal inconsistencies with the specific plan. The uses proposed are compatible with the adjacent uses and properties and will not adversely affect the public health, safety and welfare. As conditioned, the project is consistent with the Zoning Ordinance in that the TASP identifies High Density Residential with a Transit Overlay within the project site, the layout of the site and design are compatible and aesthetically harmonious with the adjacent and surrounding development.

Transit Area Specific Plan

Table 7
Consistency with Transit Area Specific Plan Policies

Policy	Consistency Finding
Policy 3.1 Develop at least 5,000 but no more than 9,350 housing units in the Transit Area.	**Consistent.** The project proposed a 206-unit residential subdivision that will add to the housing goals established in the TASP plan, but not to exceed the maximum amount.
Policy 3.4 Provide a variety of housing types for different types of households, different income levels, different age groups, and different lifestyles.	**Consistent.** The project provides plan types that cater to various household types, age groups, lifestyles, and income levels.
Policy 3.4 New streets shall be located as generally shown on the Street System Map, Figure 3-2.	**Consistent.** The project proposal includes dedication of right of way for local new streets that are consistent with the TASP street network.
Policy 4.47 Create a street connection between Sango Court and the new residential area to the	**Consistent.** The project proposed will provide land dedication for a new local street that will provide a future connection to Sango Court.

south when Sango Court area redevelops for residential use	
Policy 4.48 Provide street connections for residential and mixed use development to the park and residential neighborhoods within the Montague/Trade Zone sub district.	**Consistent.** The project will dedicate right of way for the construction of new local streets that will provide public street access to the new park.
Policy 4.51 Create deep landscape setbacks along Trade Zone Blvd to buffer residential uses from the office/R&D/Industrial uses	**Consistent** – The project is consistent with a CUP approval for an exception to the landscaping setbacks on Trade Zone.
Policy 4.52 Access to private parking should be from local streets that do not abut a park	**Consistent.** Residential parking is accessed from drive alleys that are connected to private and/or public streets that do not abut a park.
Policy 4.55 Public streets must surround the sub districts parks on at least three sides. Buildings across the street from the site designated as a park on the Plan Map must face the park.	**Consistent.** The project will dedicate 0.78 acre portion of a 5.1 acre community park as well as new public streets that will be adjacent to the park site.
Policy 5.20 Property Owners should work with the City of Milpitas to resolve issues related to contamination that could potentially impact future land uses in the project area	**Consistent.** As part of this project, the applicant will perform site remediation to comply with residential clean up standards.

<u>Site Development Findings</u>

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

Staff Comments: The project is consistent with the intent of the TASP; as conditioned, the architecture is consistent within the community and maintains the proper level of detail to be aesthetically pleasing and provide interest. Homes along Momentum Drive are the larger of the two product types proposed and face the street responding to the adjacent residential project. Landscaping has been designed taking into account the public and private streets as well as common area open spaces.

2. The project is consistent with the General Plan.

Staff Comments: The project is consistent with the General Plan; It has maintained a compact urban form that is consistent with the zoning, provides a variety of 2 to 4-bedroom townhomes and condominiums with a range of square footages, it conforms to the intent of the Transit Area, provides attractive streets and public spaces including bike and pedestrian connectivity which are functional and consistent with the TASP, and the project will make a significant contribution to civic and recreational areas.

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

Staff Comments: The project is generally consistent with the Zoning Ordinance; It meets all of the intended development criteria such as lot coverage, building height and type, setbacks, parking (vehicle and bicycle), and open space and landscape ratios. The project does not meet the Zoning Ordinance in the following two areas: 1) 20' landscape buffer along Trade Zone Blvd, and 2) double-loaded parking along Momentum Drive. There are compelling justifying factors and staff is in support of recommending the exceptions. This is discussed in further detail under Conditional Use Permit and Conditional Use Findings. The applicant proposes a public benefit package as follows to mitigate for these exceptions:

- 3.5± Acres of remediated land dedicated to the public
- 2.2± Ac of Public Streets which are un-creditable under the TASP finance program
- Master plan design for ultimate Public Park in the Trade Zone Sub District.
- Public Art
- Homes that are a minimum of 15% above energy efficiency codes and 100% pre-wire for PV solar (Exceeds Policies 5.6 and 5.7)

<u>Conditional Use Findings</u>

The project is requesting a Conditional Use Permit for the following exceptions of standards:

- Reduced Landscape buffer along Trade Zone Blvd from 20' to 10'.
- Double loaded parking along Momentum Drive .

1. The proposed project use at the proposed location will not be detrimental or injurious to the property or improvements in the vicinity nor to the public health, safety, and general welfare.

Staff Comments: Granting the project a Conditional Use permit will improve the property and vicinity relative to public health, safety, and general welfare in the following ways:

a. Park – Dedication, Master Plan and improvements are a significant contribution to the general welfare of the public offering a place to rest, play, and meet. Additionally, it benefits the TASP in establishing and planning for current and future development of one of the larger parks within the TASP boundaries and providing needed field play/open space areas.

b. Connectivity and Access – The project will create street connections between the project and Sango Ct to the north (Policy 4.47), it will establish two of the three minimum streets required around the park (Policy 4.55), as well as providing ultimate vehicular, bike and pedestrian connections to existing and future transit. Further it provides the only full movement access from Trade Zone Blvd into the Trade Zone/Montague sub district, an important access point for Fire and Safety. Staff recommends approval of the Conditional Use Permit based on these findings.

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

Staff Comments: The project proposes a compact urban form that is consistent with the zoning intent, provides a variety of 2 to 4-bedroom attached homes with a range of square footages. As conditioned, the proposed project conforms to the intent of the Transit Area, provides attractive streets and public spaces including bike and pedestrian connectivity which are functional and consistent with the TASP, and the project proposed significant contribution to civic and recreational areas.

3. Project is consistent with the Milpitas Zoning Ordinance.

Staff Comments: The requested exceptions are due to compelling mitigating factors that meet required findings which include the following:

1. Reduced Landscape buffer along Trade Zone Blvd from 20' to 10':
    a. There are existing roadway improvements to the east and west of the project. If Policy 4.51 were strictly enforced, there would be a significant variance between the visual and physical experience of the street as you transitioned from property to property. The median approach proposed allows the buffer to be deeper than either of the two flanking properties, while still meeting the general intent of the TASP design guidelines;

    b. Planning Commission at their Study Session on January 23, 2013 indicated that they would like to see greater density on the proposed project. The additional 10' has allowed the inclusion of an additional six homes which contribute to the current density;

    c. The 10' buffer still allows for the tree-lined streets creating an acceptable compromise between the TASP standards and the significant reduced setbacks of the adjacent Pace Project.

2. Double-loaded parking along Momentum Drive:
    a. Due to the significant land dedication for public benefit, there is notably less room for site and amenity development. There are conflicting goals between density and dedication while still meeting all other requirements. The benefits of the dedication of land (see conditional use finding #1) and related improvements in addition to the additional density requested by Planning Commission at the January 23, 2013 Study Session outweigh the negatives of double-loaded street;

    b. A double-loaded street requires the least amount of land and therefore is the most efficient. Given the conflict between competing land uses, the efficiency of the double loaded street has merit and value. The reason for the single loaded street is to create narrower streets which calm traffic, but because Momentum is a right-in/right-out on one end, exists for only one block and then takes a 90 degree turn, traffic calming is provided by a stop sign warranted at this location.

<u>Environmental Review</u>

Staff conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff prepared an initial study and distributed a

Notice of Intent to Adopt a Mitigated Negative Declaration. The mitigated negative declaration was circulated for public review between April 4, 2013 and April 24, 2013.

The Planning Division also considered whether pursuant to Section 1568(c) of the CEQA guidelines, the project could be found exempt due to it being within the scope of the project covered by the Transit Area Specific Plan EIR and does not introduce new effects beyond those analyzed in that document. Based upon the materials and review of the application, staff recommends that the Planning Commission recommend that the City Council find the project exempt under Section 1568(c) of the CEQA Guidelines.

Public Comment/Outreach
A public Study Session was held with Planning Commission on January 23, 2013 to obtain guidance on four deviations the project was contemplating. City staff specifically wanted feedback on: the use of single family homes, the density transfer concept, response to duel street parking on Momentum Drive and the use of setback averaging along Trade Zone Blvd similar to the adjacent residential project.

In addition, Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there were three comments that were received from the public. (Attachment N).

Conclusion
The proposed Major Tentative Map, Site Development Permit, and Conditional Use Permit support the intent of the TASP, designate a portion of a public park, provide local neighborhood street networks and provide consistency throughout the plans. The project provides aesthetically pleasing street frontage along Trade Zone Boulevard and High Density Multi-Family Residential neighborhood. With the approval of the exceptions to the development standards and conditions of approval, the project is consistent with the TASP.

RECOMMENDTION
STAFF RECOMENDS THAT the Planning Commission adopt Resolution No.13-012 recommending approval to the City Council subject to the conditions of approval.

M E M O R A N D U M

Planning Division

Date: May 8, 2013

To: Planning Commission

Through: Steve McHarris, Planning Director

From: Cindy Hom, Assistant Planner

Subject: Item 1: Traverse Residential Project

This memo contains corrections and modifications to the Traverse Residential Project Staff Report and Conditions of Approval.

Correction No. 1. Revise applicant name from Warmington Homes to Warmington Residential California.

Correction No. 2: Resolution (Attachment A), Page 10, Condition No. 17, Public Park – The condition is revised to state the following.

17. Public Park: Prior to the final inspection of the first unit, the Owner or Designee shall submit to the City a complete Park Master Plan. The Park Master Plan will include compiled existing and proposed utility information, site evaluation, preliminary engineer's cost estimates, park phasing plan, and related studies, analysis, and conceptual design drawings to complete the preliminary design of 5.1 acre multi-use park. The Park Master Plan shall be review and approved by the Park, Recreation and Cultural Resources Commission. Final acceptance of the park shall be granted two-years after of the final occupancy of the last unit sold or completion of the entire 5.1 acre park whichever is sooner. Until final acceptance is granted, the .78-acre portion of the park shall be maintained by the Owner or Designee. The Park Master Plan is proposed as a public benefit, and therefore fee credits or reimbursements are not applicable.

    The developer is responsible to design the entire public park site as stated above and construct portion of the public park within the project site. Developer will be subject to fee credit from the park in-lieu fee for the construction of the portion of the park within the project site. The fee credit for the construction of the .78-acre portion of the park shall not exceed Park-In-Lieu fee amount. Any exceedance of Park-In-Lieu credit shall be approved by City Council. (P, E)

Correction No. 3. Resolution (Attachment A), Page 22, Condition No. 73, MM HYD-2 is revised to state the following:

73. MM HYD-2: The treatment control program from the development will incorporate the following:
    - *BMPs.* The project shall incorporate permanent BMP's to provide a level of treatment that meets the C.3 requirement for runoff generated by the project improvements as recommended in the Stormwater Control Plan dated April 1, 2013. The permanent BMPs shall include be not limited to the use of bioretention facilities, infiltration, landscape treatments, and media filtration.
    - *Treatment Control Device.* In areas where storm water will not pass through some sort of surface treatment (i.e., swales) prior to entering the storm drainage system, hydrodynamic devices shall be installed to provide in-line treatment prior to discharge into the City storm drain system. In addition to providing filtration for runoff, these devices will meter storm water runoff so that it enters the storm drainage system at a consistent rate, regardless of the flow rate into the devices.

The treatment control devices have been designed to accommodate peak runoff from a 10-year storm event. These devices will be maintained by the homeowners association.

Correction No. 4: Add new condition that requires the applicant to work with staff on final color selection subject to staff's review and approval.