

PLANNING COMMISSION MINUTES OF JULY 14, 2008

2006-0712: Trumark Companies (Applicant/Owner): Hearing to take public comments and testimony on the **Draft Environmental Impact Report (EIR)** for a project located at **1275 and 1287 Lawrence Station Road**. Comments taken will be included in the Final Environmental Impact Report. The public comment period ends on July 15, 2008. The proposed project consists of the following:

- **Creation of a new *Mixed Use Combining District (MU)***;
- **Amendment of the General Plan** from *Industrial* to *Very High Density Residential*;
- **Rezoning** from *Industrial and Service (M-S)* to *High Density Residential and Office with a Mixed Use Combining District (R-5/MU)*;
- **Special Development Permit** to construct 348 residential dwelling units and between 14,440 and 16,000 square feet of commercial uses. GC

Gerri Caruso, Principle Planner, presented the staff report. She said the purpose of tonight's meeting is to take public comment on the Draft Environmental Impact Report. She said the meeting is not a hearing on the project and no decision will be made regarding this project at this meeting. She said the Commission is to open the meeting to listen to comments from the public on the contents of the Draft EIR, and the Commission may also make comments. Ms. Caruso said this EIR has been available for review since May 21, 2008 and the public comment period will end tomorrow, July 15, 2008 at 5:00 p.m. She said those who would like to provide written comment may do so until 5 p.m. tomorrow. She said the EIR consultant is present this evening to listen to the comments.

Chair Rowe opened the public hearing and asked if there were any members of the public that would like to make comment. There were none.

Chair Rowe closed the public hearing.

Comm. McKenna commented that she has three concerns regarding the adequacy of the EIR. She referred to the installation of thermal solar panels and said that she hopes the solar panels are for more than just the pool. She said she hopes the parking capability at the proposed location will exceed the parking capability at Cherry Orchard. Comm. McKenna said that she hopes that pedestrian, bicycle, public transit and transportation other than cars will be adequate for use at this site.

Comm. Klein said he has several questions and concerns about the EIR. He referred to page 60 of Volume 1 regarding traffic and said that he thinks there would be negative affects on Great America Parkway that are not listed in the EIR. He said he feels the intersections, Patrick Henry at Old Mountain View/Alviso Road, and Great America Parkway at Old Mountain View/Alviso Road would be affected by this project. He said

his other concern is the pedestrian and bicycle information. He said the EIR addresses that there are parks close by the site and that the pedestrian access from the site to that closest park is not well defined in the EIR. Comm. Klein said another concern is the affects of diesel on residents from Highway 237 and Lawrence, and the diesel affects from UPS (United Parcel Service).

Comm. Sulser said he agrees with Comm. Klein as he is also concerned about the diesel emissions issue. He said his concern is about the mitigation measure of delaying occupancy of certain housing for five years and whether this is an arbitrary mitigation measure.

Vice Chair Chang said he agrees with Comm. Klein and Comm. Sulser regarding the diesel emissions issue. He said the pedestrian access to the light rail and Baylands Park need to be looked at as a possible danger. He said, regarding the units exposed to diesel, that one of the solutions in EIR is reduction in the development and this section of the EIR may be the place to address this.

Chair Rowe said she was concerned about some of the comments regarding pipe capacity. She said that the report indicates that the pipe capacity may not be adequate and then there were no other comments beyond that. She said, of the portions not to be rented, is there anyway those units could be ventilated as a compromise so the developer can rent them and they get some additional support in filtering the air. Chair Rowe said that, regarding the decibel levels, only the A level decibels are addressed and not the B rated decibels. Chair Rowe commented that there is a clubhouse and a pool and in the same area where some of the housing units will not be allowed to be rented for a few years. She said she wondered why they could be used and asked if the clubhouse is covered with an HVAC (Heating, Ventilating and Air Conditioning) system. She referred to page 12 under Mitigation or Avoidance Measures that indicated engineers would be completing studies and she asked if they would issue certificates indicating the work that was completed.

Trudi Ryan, Planning Officer, said all the comments this evening were from the Planning Commission and the comments would be packaged and forwarded to the EIR Consultant. She said responses to each of the comments and all other written comments received prior to 5 p.m. tomorrow afternoon would appear in the Final EIR. She said, as the comment period closes, staff will package the Final EIR and make it available to the public for a minimum of 10 days adding that the Planning Commission and City Council meetings to take action on this project would be scheduled for August or September 2008.