

UNAPPROVED

**PLANNING COMMISSION MINUTES
November 28, 2012**

- I. PLEDGE OF ALLEGIANCE** **Vice-Chair Ciardella** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, John Luk, Rajeev Madnawat, Zeya Mohsin, Gurdev Sandhu, Steve Tao and Garry Barbadillo
Absent: Sudhir Mandal
Staff: McHarris, Otake, Brown, Hom and DeHerrera
- III. PUBLIC FORUM** **Vice-Chair Ciardella** 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.
- IV. APPROVAL OF MINUTES** **Vice-Chair Ciardella** called for approval of the minutes of the Planning Commission meeting of November 14, 2012
There were no changes to the minutes.
Motion to approve the Planning Commission minutes as submitted.
M/S: Madnawat/Tao
AYES: 7
NOES: 0
ABSENT: 1 (Mandal)
ABSTAIN: 0
- V. ANNOUNCEMENTS** The Commissioners wanted to extend their appreciation to Assistant City Attorney Bryan Otake for his services to the City of Milpitas and wish him the best in his new assignment.
- VI. CONFLICT OF INTEREST** None
- VII. APPROVAL OF AGENDA** **Vice-Chair Ciardella** asked whether staff or the Commission had any changes to the agenda.
Vice-Chair Ciardella requested that the two Public Hearing items be heard in reverse order.
Motion to approve the agenda with the requested change to the hearing order.

M/S: Mohsin / Tao
AYES: 7
NOES: 0
ABSENT: 1 (Mandal)
ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the Consent Calendar.

IX. PUBLIC HEARING

1. VARIANCE NO. VA12-0002

Tiffany Brown, Assistant Planner – Presented to the Commission a request for a variance to allow the use of an abandoned freestanding sign for King Egg Roll Restaurant located in the Serra Shopping Center at 422 W. Calaveras Blvd zoned General Commercial with Site and Architectural Overlay. The project is within the Midtown Specific Plan. The property currently has one shared sign with Heritage Inn.

The variance is for an additional free standing sign to be constructed over the former Denny's pole sign. The former pole sign is an existing non-conforming structure due to revised signage standards contained within the Midtown Specific Plan, and the fact that the sign pole had been abandoned as defined by the Milpitas Municipal Code. King Egg Roll is proposing to remove their restaurant sign from the shared sign and construct a new sign around the abandoned pole sign to mask the non-conforming pole. The proposed sign is about 7' wide and would be compatible with the existing Serra Shopping Center signs. The sign will comply with all city standards and is consistent with the General Plan and Mid Town Specific Plan. Applicant: Khanh Bui

(Recommendation: Adopt Resolution No. 12-042 recommending approval subject to the conditions of approval)

Commissioners expressed various concerns about this sign: The overall width of the sign seems to be very wide and that it could obscure the view behind it. There was concern about the large area of unused space below the sign for possible graffiti and that there should be tall planting around the base of the sign to enhance the bare space. Also the sign material should be such that easily cleans off graffiti.

There was some discussion regarding improving the sign ordinance for improved aesthetics and to be able to allow a variance as long as public safety is not jeopardized and not to place a financial burden on small businesses and to allow for practicality and public benefit.

In response to questions regarding grandfathering and historic significance, staff clarified that the old Denny's sign pole was not deemed to be a grandfathered structure or a historical structure and is not on the list of structures of historical significance.

Mr. David Do, Property Manager for the Serra Shopping Center – Reviewed with the Commission the timeline background of King Egg Roll's occupancy of this site and request to change the sign. Mr. Do preferred the use of the existing pole for a signage as a sign pole rather than the proposed sign which enclosed the sign pole. As people come over Hwy 237 cannot see the current shared sign and this business needs the requested sign for exposure.

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Motion to open the Public Hearing

M/S: Sandhu / Tao

Motion to close the Public Hearing

M/S: Mohsin / Tao

Motion to adopt Resolution No. 12-042 recommending approval subject to the conditions of approval.

M/S: Tao / Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Mandal)

ABSTAIN: 0

**2. SITE DEVELOPMENT
PERMIT NO. SD12-
0009/ CONDITIONAL
USE PERMIT NO.
UP12-0024 /
TENTATIVE MAP NO.
MT12-0005**

Steven McHarris, Planning & Neighborhood Services Director – Presented to the Commission the Lyon Montague Project an application requesting 474 dwelling units on 7.98 acres in a multi-story building located at 450 Montague Expressway zoned mixed use very high density with transit oriented development within the Transit Area Specific Plan. Applicant: Lyon Communities. The project incorporates private rooftop amenities, 865 space parking garage and one acre of open space public park areas within the three courtyards.

A portion of the project includes a linear park along the Penitencia east channel with trail and sidewalk improvements. A feasibility study and analysis will be completed for a future planned pedestrian bridge over Montague Expressway to the south prior to moving forward with any bridge construction.

The project is consistent with the Transit Area Specific Plan (TASP), except for a couple of deviations. The TASP does allow for deviations when the overall design goal is off set by public benefit, in return calling for extra amenities. This will be accomplished through the feasibility study and construction of a sidewalk from the entry area down to the creek area.

Two design issues of concern were highlighted for the Planning Commission's consideration: 1) The project is conditioned to address the solid waste handling for the project; and 2) The second condition of approval being required is that at both 75% and 100% occupancy of the project, the owner will complete a traffic operation study to ensure safe access flow into the facility at the driveway from Montague Expressway.

Two new sheets (A321 & A322) were introduced during the presentation that provide another view of the existing proposed building plus replacement sheets (L.101 & L.102) for the "L" sheets in the original packet for an additional sidewalk and a color and material board.

Staff has not received any public comments or any comments from the school districts following required notifications.

(Recommendation: Adopt Resolution No. 12-041 recommending approval to the City

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Council)

Ken Coulter, representing Lyon Communities, Newport Beach, CA. This is Lyon's second project within Milpitas. Their proposal implements the Transit Area Specific Plan's vision for the area that will bring improvements to benefit the city. The majority of the building will be one- and two-bedroom units with only 10% being three-bedroom units and all floors will have this mix throughout the project.

Chris Coe, Lyon Communities Project Architect shared design elements and goals of this project. The project will have a very strong streetscape at the ground level. There will be a series of guest parking spaces on site outside the gated area. On each parking level there will also be guest parking and for residents on every level they live on. Vehicular circulation off Montague will have a round-about with directional signage. The sign package will be submitted later into the project. The building will meet all Title 24 efficiency requirements.

Commissioner Tao – Requested staff to work with the builder to plan for vertical exterior lighting and articulation to the building.

Jason Neri, Lyon Communities Civil Engineer – The storm water treatment devices will be within the courtyard areas and will comply with all regional board regulations for low-impact design. All water on-site and any runoff leaving the site will be treated and filtered.

Duane Border, Lyon Communities Landscape Architect. The streetscape along Capitol Ave. will have small seating pockets built into the landscape areas and seating plazas will be planned along the park space. Within the project courtyards there will be removable seating areas shaded by the trees and in the pool/deck area there will be sheltered canopies. The landscape will feature reclaimed water and the trees will be a layering combination of ornamental, deciduous and evergreen trees.

Commissioner Barbadillo is concerned with the encroachment deviation and circulation issue to allow these deviations and requested more information on what is the public benefit. Also, why is it necessary to wait until the project is at 75% and 100% occupancy in order to do the traffic feasibility study? Considering the size of this project, is there any concern regarding school impact for students?

Ken Coulter, representing Lyon Communities, Newport Beach, CA. The TASP puts emphasis on pedestrian and bicycle circulation. He explained that Lyons has agreed to design and build the bicycle and pedestrian trail along the entire stretch of the creek which exceeds normal requirements on the project and have agreed to pay for ¼ the cost for the design and construction the Milpitas Extension. They have also agreed to preliminary design and engineer the pedestrian bridge over Montague that will be constructed at some point in the future.

If the Montague access mentioned by staff proves to be a problem, they will move forward right away to correct the issue. The County Road Department did not see this as a problem. Regarding impact to the school districts, Mr. Coulter does not foresee that this type of project and profile of the renters will generate many children. However, they will mitigate their impact to the school districts.

Commissioner Tao – Asked staff to work with the applicant to allow for easy identification of the site with adequate upper building signage, similar to the APEX

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project.

Commissioner Madnawat – Concerned regarding the Conditions of Approval, page 9, item 19 -- that any impact on the sewer/storm drain systems by this development be identified before the building is completed.

Ken Coulter, representing Lyon Communities, Newport Beach, CA – Confirmed that this is a condition that must be complete prior to the recordation of the final map and that the storm/sewer systems can accommodate the demands of this project prior to a building permit.

Motion to open the Public Hearing
M/S: Tao / Sandhu

Motion to close the Public Hearing
M/S: Sandhu / Luk

Motion to adopt Resolution No. 12- 041 recommending the City Council approve the project subject to amendment to conditions of approval below.

- Applicant to work with staff on designing building signage similar to the APEX project.
- Exhibit on the conceptual corner treatment be entered into the record.
- Incorporate the additional sheets (L.101 & L.102) and color and material board into the packet.

M/S: Tao / Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Mandal)

ABSTAIN: 0

X. ADJOURNMENT

The meeting was adjourned at 9:30 pm to the next meeting of December 12, 2012.

Motion to adjourn
M/S: Tao / Mohsin

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary

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