

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

January 23, 2013
6:30 pm

I. ROLL CALL

Present: Rajeev Madnawat and Garry Barbadillo
Staff: Tiffany Brown, Cindy Hom and Joann DeHerrera

1. PUBLIC HEARING

**MINOR SITE DEVELOPMENT PERMIT
NO. MS12-0048**

- a. **Tiffany Brown, Assistant Planner**, presented a request to construct a new equipment enclosure at 1033 McCarthy Blvd., zoned Industrial Park with Site and Architectural Overlay. Applicant: DES Architects and Engineer.

(Recommendation: Approve the project subject to conditions of approval)

Motion to approve the project.

M/S: Madnawat / Barbadillo

AYES: 2

NOES: 0

ABSTAIN: 0

**MINOR SITE DEVELOPMENT PERMIT
NO. MS12-0060**

- b. **Cindy Hom, Assistant Planner**, presented a request for minor site and building modifications to allow for new front entry feature on an existing building at 1011 McCarthy Blvd, zoned Industrial Park with Site and Architectural Overlay. Site modifications include removing about 200 sq ft of landscaping, which will still comply with the parking requirements. Applicant: Gloria Magliari.

(Recommendation: Approve the project subject to conditions of approval)

Motion to approve the project.

M/S: Madnawat / Barbadillo

AYES: 2

NOES: 0

ABSTAIN: 0

II. ADJOURNMENT

This meeting was adjourned at 6:42 p.m.

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- 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, Gurdev Sandhu
Absent: Zeya Mohsin and John Luk
Staff: Ah Sing, Hom, McHarris, Ogaz and DeHerrera
Alternate Commissioner: None
- 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.

There were no speakers from the audience.
- IV. APPROVAL OF MINUTES** **Chair Mandal** called for approval of the January 9, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.
M/S: Sandhu / Ciardella
AYES: 5
NOES: 0
ABSENT: 2 (Mohsin and Luk)
ABSTAIN: 0
- V. ANNOUNCEMENTS** **Steven McHarris, Planning & Neighborhood Services Director**, made the following announcements:
- The Mayor reappointed Gurdev Sandhu and Rajeev Madnawat to the Planning Commission with their terms expiring in December 2015.
 - The Mayor also appointed Garry Barbadillo from alternate member to regular voting member with his term expiring in December 2015; which leaves a vacancy for an alternate member.
 - Any commissioners interested in attending the Planning Commissioners' Academy should contact staff by January 25, 2013.

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VI. CONFLICT OF INTEREST

City Attorney, Mike Ogaz, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

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

Steven McHarris, Planning & Neighborhood Services Director, stated there is a correction to the Resolution Number for the Public Hearing Item IX-1 changing the number to 13-004.

Motion to approve the January 23, 2013 agenda with the noted correction.

M/S: Ciardella / Madnawat

AYES: 5

NOES: 0

ABSENT: 2 (Mohsin and Luk)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the Consent Calendar.

IX. PUBLIC HEARING

1. SITE DEVELOPMENT PERMIT NO. SD12-0007

Sheldon Ah Sing, Senior Planner, presented a request to allow two electronic freeway billboard signs along the east side of I-880, located at 1545 California Circle and 1301 California Circle, zoned Industrial Park with Site and Architectural Overlay. Applicant: Clear Channel Outdoor, Inc.

The purpose of the billboards is to promote economic development, expand communication of community services, and provide a source of revenue for the City. An Environmental Impact Report (EIR) summarized impacts of signs in 2006. A sign program was approved in 2008, and a zoning code amendment to allow off-site billboards was approved in 2010. The project includes a subsequent EIR to address impacts of the four possible locations (two of which are being considered this evening). A Site Development Permit considers the design and compliance with the sign ordinance. There will also be a development agreement to consider revenue sharing with the City.

Staff reviewed the applicant's proposal, which includes two of the four possible locations (options 3 & 4) and the design of the structures. Site option 3: The sign height at the 1301 California Circle location would be 60 ft. Site option 4: The sign height at the 1545 California Circle location would be 50 ft. At site option 4 there is currently a 45 ft high sign which will be replaced by one of the new billboard signs.

These two proposed signs are below the identified sign height in the EIR of 70 ft. The signs would be double panels in a "V" shape, illuminated by LED lighting directed towards the freeway and away from residents' views. The signs need to be located 1,000 ft from each other and both signs are 672 sq. ft.

Some unavoidable impacts are identified. I-880 gateway visual character and cumulative impact on community aesthetic character. There was public outreach with noticing regarding the EIR. Staff heard back from CalTrans and received comments from some residents and from the adjacent Chevron Station.

The City Council has expressed a desire to allow billboards to promote economic

development. Conditions of approval and the development agreement assure operational compliance.

(Recommendation: Adopt Resolution No. 13-004 recommending approval of the project to the City Council.)

Staff clarified some concerns of the Commissioners:

The operator of the sign will have the authority to select the advertising vendors on the sign and negotiate the price. There would be an allocation of time for City community advertising in a standard rotation.

When staff drafted the sign ordinance they researched other cities, ordinances in place and federal regulations to determine what would be safe and feasible for the development of billboard signs. The applicant would need to adhere to the State Outdoor Advertising Act and apply for a permit from CalTrans. Ongoing maintenance of the sign will be the responsibility of the sign provider, not the City.

Staff stated that the alternative locations are a result of the EIR process, but the two locations presented are the project locations to be evaluated, not the other locations. The height is a result of view sheds and power line limitations. The location of the signs depends on the ability to lease the property as well as meeting the requirements of the sign code and CalTrans. The distance between site options 2 & 3 is less than 1,000 ft. This would preclude using one site or the other.

Of the four possible site options, staff recommends sites 3 & 4 because they are spaced out enough to allow drivers to view the advertisements with enough time and those are the locations proposed by the applicant. The signs have two panels at a “V angle” that would be visible from both northbound and southbound traffic and directed away from residents.

The Council has certified the EIR in 2006 which identified locations of signs. The Council has given direction that there be six signs.

Commissioner Madnawat – Would like to recommend the Commission put a condition to limit the operation time of the lighted sign between certain hours. Additionally, he feels that signs should not be so high and is not beneficial.

Bruce Qualls, representing Clear Channel Outdoor. Mr. Qualls confirmed that the distance between signs needs to be a minimum of 1,000 ft. The 1,000 ft. regulation is based on one side of the freeway. There will be a rotation of advertisement on the billboards with eight (8) separate advertisements lasting eight (8) seconds each. 64 second cycle of the advertisements.

They ensure the brightness of signs (increase & ambient light) is limited to 0.3 ft candles at less than 250 ft. away, which can be analyzed with a light meter. There are 9 light meters built into the sign that measures the ambient light and adjusts automatically. There is no movement, motion or flashing of the advertisement.

Commissioner Barbadillo referred to a traffic safety concern from the Dept of Transportation in the attached letter dated June 2011. They state that the recommendations from the City of Milpitas fall short by saying that it is not a traffic concern. The Department of Transportation state that studies from different agencies indicate that shorter messages are a major traffic safety concern. Commissioner Barbadillo asked if the proposed ad duration of 64 seconds is considered to be a short message.

Sheldon Ah Sing, Senior Planner – Stated that the operator of the signs will need to follow the CalTrans outdoor advertising act to be consistent with their regulation and

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that what is proposed is safe.

Open the Public Hearing:

Mr. Sanga, representing Chevron Gas Station on California Circle – In 2008 this Chevron location requested from the City permission for their own sign, which was denied. The City informed the Chevron station to place their signage on the sign that had been erected on the Starbucks location. Mr. Sanga feels they are being extorted by the sign owner on the Starbucks property and that they need to have their own separate sign. They are against the proposed new sign and will be seeking legal remedy.

Chevron Station speaker expressed concern if the sign at site option #4 next to the Dixon Landing exit will be safe. He feels that drivers will be distracted trying to read the sign as they exit. If the Chevron Station property owner removes their name from this sign program, will the proposed sign be legal?

Kristen Valus, City of Milpitas resident – Ms. Valus is not in favor of the proposed billboard signs and she was not in favor of the prior sign program back in 2008. Ms. Valus emailed pictures taken from her residence third floor where the current 45 ft high can be seen. She questions why it is necessary to erect an even higher and bigger sign, and why the signs can't be placed on the other side of the freeway where there are no residences. She feels the applicant is not concerned about the needs of the residents that will be able to see the light glow from the signs.

Kelly Alexander City of Milpitas resident – Mr. Alexander drives the 237 corridor every day and he will be impacted by the light from the proposed signs. Even though studies may say that certain light levels are safe, does not mean that it should be done. The light is annoying to drivers and the City should not make this section of the freeway like other highway areas.

Motion to close the public hearing.

M/S: Sandhu / Ciardella

AYES: 5

NOES: 0

ABSENT: 2 (Mohsin, Luk)

ABSTAIN: 0

Clarifications / Deliberations:

Sheldon Ah Sing, Senior Planner – The Commission will make their recommendation on the proposal for sites 3 & 4. The City Council will make the final decision on the selected alternative sites. At that time they will have the development agreement. A notice was sent to CalTrans regarding the final EIR study from the state; and as yet they have not responded to us. Staff briefly went over the EIR process and approval. The land where the signs will be erected is owned by Westcore Greenfield and Al Pak CA. The Chevron Station may apply to withdraw from their current sign program, and apply for their own sign, which would be based on the City sign ordinance.

Commissioner Barbadillo – Addressed the concerns of the two Milpitas residents and provided information on ways they could seek relief.

Commissioner Madnawat – Feels that the Commission can approve both sign, but only allow one sign be erected first, with a nighttime curfew, get public feedback and observe if the sign impacts traffic or accidents. Thereafter, the second sign can be erected if there is no impact. He also feels that the signs should not be so close together.

Commissioner Barbadillo – Also feels that the signs should be approved one at a time and that the public should be more informed about what will take place.

Chair Mandal – If we approve the signs as a package, the two signs would have consistency. Maybe we could consider site options 1 & 3 in order to have more distance between signs. It would be difficult placing restricted hours of sign operation. He is concerned about the public concerns heard tonight, but also concerned about business needs to have a sign.

Commissioner Ciardella – Would like to adopt the resolution as stated, adding that City Staff to work with the applicant and owner of the property to work something out for the Chevron Station sign problem.

Motion to adopt Resolution No. 13-004 recommending approval of the project to the City Council with City staff to work with the applicant.

M/S: Ciardella / Sandhu

AYES: 3 (Ciardella, Mandal, Sandhu)

NOES: 1 (Barbadillo)

ABSENT: 2 (Mohsin, Luk)

ABSTAIN: 1 (Madnawat)

X. NEW BUSINESS

1. PLANNING COMMISSION 2012 ACCOMPLISHMENTS

Sheldon Ah Sing, Senior Planner, presented an overview of some of the major accomplishments by the Planning Commission for 2012:

- Integral mixed use project which has 1,200 dwelling units, which including 9000 sq ft of commercial.
- The Capitol Towers is a mixed use project is for 384 dwelling units w/ 5,000 sq ft of commercial space.
- Lyon Montague Residential project is for 474 dwelling units with a 2.5 acre park and trail development across from the future BART station.
- Taipei Economic and Cultural Office Center project is for the operation of a cultural community center, close to the civic center.
- Conditional Use Permit (CUP) streamlining. Created a minor conditional use permit process and reduced processing time and costs.

Recommendation: Consider the list of accomplishments and direct staff which ones to post on the Commission's web page.

Chair Mandal asked staff to include the commissioner's participation in the Milpitas TV program promoting exposure to City Commissions.

Commissioner Madnawat – Encouraged commissioners to look for any avenues available to solicit public outreach so residents can feel they are being heard and to

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encourage better turnout at meetings. Possibly place a statement on the utility bills and on the Commission's webpage. Each commissioner may be able to come up with ways to outreach.

Vice-Chair Ciardella – Directed staff to place all Planning Commission accomplishments for 2012 on the City's website with the added item.

**2. STUDY SESSION –
PRELIMINARY
APPLICATION NO.
PP12-0004**

Cindy Hom, Assistant Planner - This is a preliminary application from Warmington Homes with an overview of the project and for commissioners to provide feedback for staff to work with the applicant to revise the project as needed. The application is for a site development permit, conditional use permit and major tentative map applications for a 190-unit residential subdivision with various site improvements on a 12.51 acre site located at 569-625 Trade Zone Boulevard, zoned multi-family residential, high density with site and architectural overlay. Applicant: Warmington Residential Project.

The primary discussion focused on: 1) reduced density and the use of single-family residential as it relates to the intent of the Transit Area Specific Plan (TASP); 2) site circulation and proposed deviations to the street design and layout; 3) reduced building setbacks along Trade Zone.

Density: 32 single family homes and 158 multi-family homes at a proposed density of 15.19 DU/AC. The project would dedicate approximately 2.58 acres to the city for new public streets and a portion for a park at the NE corner, yielding a net density of 19.13 DU/AC. The required density is 21-40 units DU/AC. Within the Transit Area Specific Plan (TASP) there is a policy that allows for density averaging with other properties as long as a legal instrument is used.

Site circulation: The proposed street layout deviates from the TASP. The proposal is for a serpentine meandering private street, which is a departure from the anticipated public through street that was approved with the Pace Residential Project. Discussion on the type of interface and buffer would be appropriate with the existing industrial uses. A wider street design along Momentum Drive is being proposed to allow on-street guest parking. Currently the TASP identifies parking only on one side of the street for projects in this area. The applicant is proposing to construct the public street wider to allow parking on both sides of the proposed public street. This increased street width will still provide emergency vehicle access, pedestrian walkways and bike lanes.

Reduced building setbacks on Trade Zone: Not all buildings along Trade Zone frontage meet the 15-foot setback. The applicant is proposing to continue a similar street edge as approved for the adjacent Pace residential project, which did not meet the standards of the TASP for building setback and monolithic sidewalk. The project is about ¼ mile from the new BART station.

Recommendation: Receive the report and provide feedback and staff direction.

Commissioner Madnawat – Inquired if the proposed parking on the public street would be counted towards the applicant's total minimum parking requirement?

Steven McHarris, Planning & Neighborhood Services Director – Confirmed yes the street parking would be credited toward the required guest parking.

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Commissioner Ciardella – Stated the TASP was set up with a vision for higher density in this area, and he feels we should stay with that vision.

Sheldon Ah Sing, Senior Planner – Mentioned there is a provision in the Transit Area Specific Plan (TASP) for a deviations from the standard. The developer plans to provide a master plan at their cost for a community park that would be a public benefit to the city.

Bridgit Koller, Warmington Residential in Northern California – Reviewed with the Commission the proposed project plan layout referencing adjoining projects and relationship of the proposed project to the new BART station, the public streets improvements along Trade Zone and unanticipated cleanup of the current site. They will be doing the conceptual design for the entire larger park. They have dedicated 21% of the land project for this portion of the public park within their property boundaries and public streets.

When they deviated from the street pattern is was to try to put as much density in the project as possible. Also, streets A & B in the project are fixed and tied to existing streets in other planned projects. Ms. Koller discussed the difficulty in achieving a higher density for single-family due to the street alignment orientation. 73 units would have to be added to the project in order to comply with the density requirement. Every home will have a 2-car garage. There are 84 temporary guest spaces, 78 are required for the site, with an extra 52 designated on-site parking designated for residents. The energy efficiency will be built to code in 2014, would be energy star certified and will be solar ready. There will be private amenities along with a pedestrian connectivity path and access from Trade Zone to the park.

Chair Mandal summarized the commissioner’s comments:

- Each unit should be solar ready and flexibility to connect to the internet etc.
- This project should have energy efficient lighting internal & external
- There should be reusable water for landscaping
- Interface to any other projects should have a good transition
- There should be enough parking for residents on-site
- Consider erecting a form of artwork for the project – contact the Arts Commission
- Ensure any proposed deviation is outweighed by a public benefit
- Parking on both sides of the public streets should not be specified for residents’ use

Steven McHarris, Planning & Neighborhood Services Director summarized the following points from the Commission and will work with the applicant:

- Appropriate density/product type: Have the builder look to see if they can do more with what they have – if they can create smaller units in order to get more density. Staff will provide an analysis on this issue.
- Deviation from the street layout – the serpentine street vs. a straight street: Staff will provide an analysis of how the serpentine street is able to keep the density higher.
- Reduced building setbacks on Trade Zone: Staff will provide feedback on any public benefit from this project.

XI. ADJOURNMENT

The meeting was adjourned at 10:30 pm to the next meeting of February 13, 2013.

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Motion to adjourn
M/S: Ciardella / Sandhu

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary

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