

## MEETING MINUTES

### MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, August 10, 2016

- 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**      **Commissioners**  
**Present:**      Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Morris, Lien, Maglalang  
**Absent:**      Mohsin  
**Staff:**      Bradley Misner, Katy Wisinski, Michael Fossati, Neal Martin, Cecilia Jaroslowsky
- III. PUBLIC FORUM**      **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES**      **Chair Mandal** called for approval of the July 27, 2016 meeting minutes of the Planning Commission.  
**Motion** to approve Planning Commission meeting minutes.  
Motion/Second:      Commissioner Sandhu/Commissioner Maglalang  
AYES:      7  
NOES:      0  
ABSTAIN:      0
- V. ANNOUNCEMENTS**      Planning Director Brad Misner said the resolution for Item VIII-1 was revised and a new copy was on the dais for each commissioner.  
  
Chair Mandal announced that he will not be present at the August 24<sup>th</sup> meeting.
- VI. CONFLICT OF INTEREST**      **Deputy City Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.  
  
There were no reported conflicts.
- VII. APPROVAL OF AGENDA**      **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.  
  
**Motion** to approve the August 10, 2016 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

## VIII. CONSENT CALENDAR

### VIII-1

**PARCEL MAP – 1830 McCandless Drive – P-MT16-0002:** A request for a parcel map entitlement that includes, but is not limited to, an adjustment of an existing property line, vacating a portion of public cul-de-sac, and the offering of a street dedication for public use for a 10.9 acre site located at 1830 McCandless Drive.

**Motion** to Adopt Resolution No. 16-030 approving Parcel Map MT16-0002.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

## IX. PUBLIC HEARING

### IX-1

**1980 TAROB COURT – P-SD15-0015; P-MT15-0013; P-UP15-0020; P-EA16-0003:** A request for recommendation to City Council for approval of a Site Development Permit, Vesting Tentative Map, Conditional Use Permit and Environmental Assessment for 59 for-sale residential units on a 2.6 acre site within TASP.

Project Planner Neal Martin showed a presentation describing the project.

Commissioner Ciardella is concerned with having industrial buildings adjacent to the project and Mr. Martin said the plan is for them to be converted to residential in the fairly near future.

Vice Chair Madnawat questioned the request for a Conditional Use Permit (CUP) when there seems to be sufficient parking. Mr. Martin said there are three deviations: a CUP is required any time tandem parking is proposed, there are three compact spaces in the guest parking area, and there is a reduction in the amount of guest parking spaces. He said the developer wishes to provide two parking spaces within each unit and the project meets the parking standards.

Commissioner Maglalang had questions regarding the property behind the project and along Lundy Street. Mr. Misner said the four purple shaded lots in the presentation are all within the TASP; however, when the plan was developed they were left with an industrial classification.

Commissioner Maglalang is worried about homeowners having concerns with the noise and asked about the boundary between the residential project and the industrial lots behind it. Mr. Martin said there will be a four foot high retaining wall and a fence along the boundary between them.

Chair Mandal noted that the project site will be approximately four feet above its present elevation to remove it from the special flood hazard area and asked if

adjacent property owners have objections. Mr. Martin said that as the residential properties are developed they will all be raised in a similar manner and eventually be at the same elevation.

Chair Mandal asked if low income housing will be provided and Mr. Martin said there is a condition that requires the applicant to either provide low income housing in accordance with the city ordinance or pay an in-lieu fee.

Commissioner Ciardella expressed concern with transients accessing the homes from Penitencia Creek.

Leah Dreger, Director of Entitlements for The True Life Companies, showed a PowerPoint presentation.

Ms. Dreger said this is the first project to move forward in this particular area and there will be some retaining walls until other developments raise their grades out of the flood zone as well. The property boundary along Penitencia Creek will have a four foot retaining wall with a six foot open view fence, and on the east side there will be a four foot retaining wall with a six foot masonry wall on top of it and no view toward Lundy at this time.

Vice Chair Madnawat asked if the art and affordable housing fees will go into a separate account or in to the general fund. Mr. Misner said he believes that as it relates to afford housing there will be a separate fund for the creation of affordable housing down the road. For public art, the developer can provide an on-site art installation that is equivalent to the percentage and/or contribute a fee. The city would establish a separate account and identify areas throughout the city where public art installations could occur and the fees would help fund those installations.

Vice Chair Madnawat would like the developer to offer buyers the option for an electric vehicle charging station in each garage.

Commissioner Maglalang said the official City tree is Jacaranda and he would like to see more than two of them placed in a prominent location. Roman Desoto of R3 Studios said the options they have for the Jacaranda trees are limited due to a number of water treatment features that are required for projects and these trees do not grow well in water treatment facilities. They are trying to find the best locations based on the eventual size and maturity, and separation from utilities and buildings. Right now there are two locations that may work and he can possibly find three or four locations.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Morris

AYES: 7

NOES: 0

Vice Chair Madnawat wants to add a condition that the developer offer buyers the option for one electric vehicle charging station in each garage and asked that staff work with the applicant on the feasibility of adding a charging station to the guest parking area.

**Motion** to Adopt Resolution No. 16-031 recommending approval of Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Vesting Major Tentative Map No. MT15-0013 and Environmental Assessment EA16-0003 to the City Council, subject to the attached Conditions of Approval, with an added condition that the developer offer buyers the option for one electric vehicle charging station in each garage.

Motion/Second: Vice Chair Madnawat/Commissioner Morris

AYES: 7

NOES: 0

**IX-2**

**91 MONTAGUE EXPRESSWAY – P-SD13-0020; P-UP13-0021; P-MT13-0008; P-EA16-0005:** A request for recommendation to City Council for approval for a Site Development Permit, Conditional Use Permit, and a Tentative Tract Map to allow construction of 72 residential condominium units on approximately 1.794 acres in five, detached, four-story structures, all connected by a common hallway and a shared, below-grade garage with associated site improvements.

Project Planner Cecilia Jaroslowsky said there was an attachment to the Resolution which was not included in the commissioner binders and one was provided for each commissioner.

Ms. Jaroslowsky showed a presentation describing the project.

Commissioner Maglalang referenced a slide in the presentation regarding the trees in the landscape plan. Although the applicant is amenable to including Jacaranda trees, the landscape architect indicated they are not cold tolerant and proposed other trees for the project, including the Crepe Myrtle. Commissioner Maglalang said temperatures in the city rarely drop to freezing, the City Council agreed to designate the Jacaranda tree as the official city tree, and he would like one planted at the entryway or another prominent location.

Applicant Manou Movassate was present to address questions.

Vice Chair Madnawat asked the applicant about public art on the site and Mr. Movassate said he said he was not aware of the public art requirement. Vice Chair Madnawat also asked him about electric vehicle charging stations and he said he will provide them. Vice Chair Madnawat noted that parking is all located underground and requested that staff work with the applicant to determine the appropriate number of electric vehicle charging stations in the parking garage.

Commissioner Ciardella asked if public art is a requirement for this project and Mr. Misner noted condition of approval number 53 which requires a public art contribution.

Commissioner Maglalang wants the word Milpitas included on the entryway sign.

Chair Mandal opened the public hearing and there was one speaker. A resident that lives behind the project location said she strongly opposes this project because of the traffic on Montague Expwy. She said this is an overly congested area and this project will create more traffic, she will lose quality sleep hours due to the early morning

construction, and she is concerned with the construction noise because she works from home.

**Motion** to close the public hearing.

Motion/Second: Commissioner Ciardella/Commissioner Sandhu

AYES: 7

NOES: 0

Chair Mandal asked if a traffic analysis was completed for this project. Scott Davidson with MIG said there was an EIR prepared for the Midtown Specific Plan which included extensive traffic analysis and this project was reviewed by the City's traffic division to confirm the local circulation function was adequate. Additionally, a supplemental analysis was prepared of potential environmental effects to the project, which included an analysis of traffic, and all of those considerations were factored into the recommendation.

Commissioner Ciardella asked what time construction can occur and Mr. Misner said the construction hours permissible by city code are 7:00 AM to 7:00 PM within the Midtown Specific Plan.

Mr. Misner said this project is within the Midtown Specific Plan and under the master environmental impact report that was prepared when the plan was done it was envisioned that there would be a certain amount of improvements that will help with traffic flow and circulation throughout the area as development occurs.

There was discussion regarding access on Ede Lane. Mr. Movassate said the Fire Department changed the project plans and they will demolish a portion of the wall and create a gate for emergency vehicle access. Civil Engineer David Voorhies said Ede Lane is a private road and there are no rights to use it although fire access was provided.

Commissioner Maglalang requested adding conditions of approval for a Jacaranda tree at the entryway and the word Milpitas on the project sign. Ms. Wisinski noted that the sign, which includes Milpitas, is included in the project approval and it was agreed that it was unnecessary to add it as a condition.

**Motion** to Adopt Resolution No. 16-028 recommending approval of Site Development Permit SD13-0020, Conditional Use Permit UP13-0021, Tentative Tract Map MT13-0008 and Environmental Assessment EA16-0005 to the City Council, subject to the attached Conditions of Approval, with added conditions to plant a Jacaranda tree at the entryway and that staff work with the applicant to determine the appropriate number of electric vehicle charging stations in the parking garage.

Motion/Second: Commissioner Morris/Commissioner Ciardella

AYES: 6

NOES: 1 Sandhu

Commissioner Sandhu said he is opposed to the project due to safety concerns of residents entering and exiting the complex.

**X. NEW BUSINESS**

**NO ITEMS**

**XI. ADJOURNMENT**

The meeting was adjourned at 8:55 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*