

## MEETING MINUTES

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

Wednesday, November 9, 2016

- I. PLEDGE OF ALLEGIANCE** Vice Chair Madnawat called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE**
- Present:** Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Lien, Maglalang, Mohsin
- Absent:** Chair Mandal  
Commissioner Morris was absent at roll call and arrived at 7:03 PM  
Alternate Member Mohsin was seated for voting
- Staff:** Bradley Misner, Katy Wisinski, Bhavani Potharaju, Scott Davidson
- III. PUBLIC FORUM** Vice Chair Madnawat invited members of the audience to address the Commission.
- A Milpitas resident that lives on Greentree Circle spoke regarding noise pollution from construction and the effects on her mental health. During the Ilara project, she kept her windows closed for noise and above average dust, and she asked that the contractor consider installing double paned windows in her home.
- IV. APPROVAL OF MEETING MINUTES** Vice Chair Madnawat called for approval of the October 12, 2016 meeting minutes of the Planning Commission.
- Motion** to approve Planning Commission meeting minutes.
- Motion/Second: Commissioner Sandhu/Commissioner Ciardella
- AYES: 7
- NOES: 0
- ABSTAIN: 0
- V. ANNOUNCEMENTS** Planning Director Brad Misner announced that tonight's meeting is Commissioner Lien's last, as she has taken a position with the Milpitas Unified School Board, and he thanked her for her service.
- 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**

**Vice Chair Madnawat** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the November 9, 2016 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Mohsin

AYES: 7

NOES: 0

**VIII. CONSENT CALENDAR**

**NO ITEMS**

**IX. PUBLIC HEARING**

**IX-1 260 SOUTH MAIN STREET – P-SD16-0001; P-TP16-0001; P-ST16-0001; P-EA16-0006:** A request for recommendation to City Council for approval of a Site Development Permit, Minor Vesting Tentative Map, Specific Plan Amendment, and Environmental Assessment for 25 for-sale townhome-style condominium units and approximately 2,000 square foot commercial space located on a 1.19 acre site within the Midtown Specific Plan Area.

Project Planner Bhavani Potharaju showed a presentation describing the project.

Ms. Wisinski wished to make a clarification regarding the CEQA finding that staff is suggesting, and said the CEQA section is correct but it is not a categorical exemption.

Commissioner Ciardella asked if BART was considered in the noise study and if the project will include double pane windows and triple pane windows in the back near the railroad. Ms. Potharaju said double pane windows will be used throughout the project. Mr. Misner is not sure the BART tracks are located nearby and referenced the noise mitigation section of the environmental report.

Commissioner Ciardella feels triple pane windows will help with the noise and asked the commission to consider them.

Commissioner Maglalang said he likes the style of the building. He had questions about the separation of the commercial space and adjacent five townhomes and Ms. Potharaju explained the intention is for the commercial space to be leased independently.

Commissioner Mohsin referenced page 5 of the noise and vibration assessment and Ms. Wisinski clarified that she is referring to Appendix B beginning on page 68 of the CEQA Analysis.

Mr. Bruce Kaplan with Lamphier Gregory said he conducted the CEQA analysis but not the noise study itself. He said the study projects all nearby noise and discussed decibels and noise levels.

Vice Chair Madnawat asked if BART had been considered in the noise study, and Mr. Kaplan said he believes BART was not considered in the study but the TASP did discuss BART noise in its analysis of potential noise impacts and found that it would not be a significant impact.

There was discussion about ground vibrations from BART which Mr. Kaplan said was not covered in the noise study.

Applicant Andrew Warner with City Ventures approached the podium. He talked about the noise and vibration studies and said a train passing by does not create a lot of noise but the train horn does. Double pane windows will be used everywhere for energy efficiency and there is no requirement for triple pane windows. Using triple pane windows will be wasteful as the walls will need to be made bigger to accommodate them and he prefers to avoid them. He said the BART track is not adjacent to the property and that the noise consultant did look at future conditions including projected traffic from cars and trains.

Mr. Warner showed a presentation and discussed the current site condition.

Commissioner Morris asked what type of neighborhood efforts will be taken and Mr. Warner said a consultant will manage outreach to homeowners and adjacent neighbors to make them aware of the project and contact information will be provided.

Commissioner Ciardella said he is still concerned with noise levels.

Mr. Warner discussed window STC ratings and the variations within double pane glass. He added that although there is nothing specific to BART in the report, it may have been taken into account because all of the noise in the area is considered.

Vice Chair Madnawat opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

Vice Chair Madnawat said demolition grinders are very noisy and dusty and that the commission may want to propose an adjustment of the construction hours to City Council. Mr. Misner believes the hours are 7:00 AM – 7:00 PM, reducing the hours will need to tie back to a known impact, and if the commission is interested it would need to articulate an exact reason why.

Ms. Wisinski said she will look at the city's ordinance for further information.

Commissioner Ciardella requested adding a condition that the windows are the maximum thickness that can be achieved with double pane windows.

**Motion** to Adopt Resolution No. 16-035 recommending the City Council approve Specific Plan Amendment Permit No. ST16-0001, Site Development Permit No. SD16-0001, Minor Vesting Tentative Map Permit No. TP16-0001, and Environmental Assessment No. EA16-0006, subject to the attached conditions of

approval, with an added condition that the windows are the maximum thickness that can be achieved with double pane windows.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

**IX-2**

**ZHANG CONDOS – 1316 SOUTH MAIN – SD14-0021, UP14-0022, MT14-0005, EA16-0007:** A request to construct an 18 unit residential development on a 0.4 acre site located at 1316 S. Main Street, zoned R4.

Project Planner Scott Davidson showed a presentation describing the project.

Commissioner Mohsin had questions about the space and clearance of the tandem parking spaces and Mr. Davidson said the spaces are consistent with code requirements and are deep enough to accommodate two vehicles. Commissioner Ciardella believes that parking dots in the tandem parking spaces will help residents park more easily.

Maia Gendreau from MBA architects showed a fly-by video of the project. The applicant will provide a public benefit donation of \$100,000. \$20,000 will be used for public art and \$80,000 for affordable housing.

Commissioner Lien expressed concern for the safety of children and the height of the walls on the rooftop. Ms. Gendreau said the minimum height is four feet and meets building code standards but said the walls can be taller. Commissioner Ciardella suggested adding two feet of glass to the walls, making them six feet high.

There was discussion about the tandem parking and number of spaces per unit. Every unit will have one space, some will have two, and might be based on the number of bedrooms in the unit.

There will be five guest parking spaces in the garage, in advance of the gate. Vice Chair Madnawat requested that signage be added stating that parking is not permitted on the street.

Vice Chair Madnawat opened the public hearing and the resident from Greentree Circle spoke again. In addition to concerns with the construction noise, she is concerned about additional traffic and construction workers parking in front of her home.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 7

NOES: 0

The commissioners would like to have glass added to the top of the parapet walls, parking dots in the tandem parking spaces, and signage stating that parking is not permitted on the street.

**Motion** to Adopt Resolution No. 16-037 recommending approval of a Site Planning Commission Meeting Minutes

Development Permit (P-SD14-0021), Conditional Use Permit (P-UP14-0022), Tentative Tract Map (P-MT14-0005) and Environmental Assessment (P-EA16-0007) to the City Council, subject to the attached Conditions of Approval, with additional conditions to add glass to the top of the parapet walls, parking dots in the tandem parking spaces, and signage stating that parking is not permitted on the street.

Motion/Second: Commissioner Ciardella/Commissioner Lien

AYES: 7

NOES: 0

**X. NEW BUSINESS**

**NO ITEMS**

**XI. ADJOURNMENT** The meeting was adjourned at 9:04 PM.

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

Motion/Second: Commissioner Mohsin/Commissioner Lien

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*