DRAFT MEETING MINUTES

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

Wednesday, October 22, 2014

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 Sudhir Mandal, Commissioners Gurdev Sandhu, John Luk, Rajeev Madnawat, Garry Barbadillo

Absent: Vice Chair Ciardella, Commissioners Morris and Lien

Staff: Steven McHarris, Johnny Phan, Shaunn Mendrin, Lisa Costa Sanders

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 September 24, 2014 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

ABSTAIN: 0

V. ANNOUNCEMENTS

No announcements

VI. CONFLICT OF INTEREST

Assistant City Attorney Johnny Phan 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.

Motion to approve the October 22, 2014 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 5

NOES: 0

VIII. CONSENT CALENDAR

NO ITEMS

IX. PUBLIC HEARING

IX-1 **ST ELIZABETH CHURCH EXPANSION – 750 Sequoia Drive – UA14-0004, SD14-0010:** A request for a Conditional Use Permit Amendment and a Site Development Permit for the construction of a new 8,300 square foot ministry building. The project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Senior Planner Shaunn Mendrin provided a PowerPoint presentation and reviewed the project.

Chair Mandal asked if the existing trash enclosure is adjacent to a resident's backyard and Mr. Mendrin said that it is next to a single family rear yard. Chair Mandal asked if the enclosure can be moved and Mr. Mendrin said staff can work with the applicant to determine if the existing enclosure can be relocated to an alternate location.

Commissioner Madnawat asked if there is a minimum parking requirement for churches and Planning Director Steven McHarris said the parking is based on the number of seats and square footage and referenced a table on page 7 of the staff report. Commissioner Madnawat asked if the church would still be in compliance after the extension and Mr. Mendrin answered yes.

Chair Mandal asked the applicant about the noise and number of attendees at church events and Reverend Lee, the pastor at the church, stated that special events typically take place indoors with the doors closed, but that they have a festival once a year that takes place outside from 9:00 am to 5:00 pm and that a permit is obtained from the City due to the noise ordinance. He added that they also have one annual evening procession on the parking lot with service indoors.

Chair Mandal said he was contacted by a concerned resident about the number of cars on the streets in the neighborhood and asked if any steps are being taken by the church, such as encouraging parishioners to carpool. Reverend Lee said the church has no formal program but does have plenty of parking available, they encourage parishioners to park on the property, and they have a parking lot team to coordinate traffic for Easter and Christmas when there are more attendees. Chair Mandal encouraged him to speak with resident to hear their concerns.

Commissioner Madnawat asked if the church expansion will increase the number of members and Reverend Lee said it would not. He said the problem is lack of space and that the new building will allow them to dedicate the church for worship only with other space for choir and other groups. Commissioner Madnawat feels having volunteers direct traffic to the parking lot may remedy some of the concerns of the neighbors.

Commissioner Madnawat asked if the trash enclosure location is constrained by the existing parking lot and architect Christopher Clancy said they are rebuilding the enclosure to current City standards at its existing location, which has been in the same location for 40 years with no complaints from residents.

Commissioner Barbadillo asked if Condition of Approval #17 was a staff recommendation, and Mr. Mendrin said that it was added after a comment from a neighbor regarding the noise. Commissioner Barbadillo said if the church is abiding by the noise ordinance then they should be allowed to have the doors open and suggested

removing this condition.

Chair Mandal requested that the church encourage carpooling and also look into the possibility of relocating the existing trash enclosure.

Chair Mandal opened the public hearing.

Mr. Cosgrove said he has lived on Grand Teton for 26 years and that the quality of life in the neighborhood has deteriorated due to the many cars parked on his street. He said he cannot leave on a weekend and have a spot to return to on any weekend night. He added that the church is loud and he has to close his windows in the summer.

Mr. Plotkin said he has lived on Grand Teton for 31 years and lives across the street from the church. He said it has become very busy with a lot of festivals, not one or two a year as the church claims, with traffic and cars. He said the church has added speakers on the outside of the church, for the overflow of attendees, and they are on all of the time. He feels the streets should have red curbing to prevent parking in front of fire hydrants, which is a constant issue, and the neighbors should have a contact person to call when there are issues during events.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 5

NOES: 0

Chair Mandal asked staff if there are speakers outside the building and Mr. Mendrin replied that he did not know of any but that there should not be. Mr. McHarris added that he was not aware of a speaker system being permitted and the commission may add a condition of approval requiring the exterior speaker system be removed.

Commissioner Madnawat requested that staff look into the outside speakers and suggested a six month review of the parking situation along with an added condition for a flagger to direct cars to the parking lot. He also felt it was important to provide contact information for residents and that the information be posted during large events.

Chair Mandal suggested restrictions on the speakers/sound system, a parking management program with volunteers to redirect cars to the parking lot, and that church management and City staff review an alternate location for the trash enclosure, moving it away from the residential property line, unless it is not feasible due to security or safety issues.

Motion to adopt Resolution No. 14-034 approving Conditional Use Permit Amendment No. UA14-0004 and Site Development Permit No. SD14-0010 for the construction of a new 8,300 square foot ministry building with the addition of conditions to provide parking management, review the possibility of relocating the trash enclosure, conduct community outreach program with the residents and provide contact information, place restrictions on the sound system, and return six months after the building is completed to review the parking impact.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 5

NOES: 0

ABSTAIN: 0

IX-2 **SOUTH MAIN SENIOR LIFESTYLES – 1504-1620 South Main Street – TP14-0001, SD14-0006, DB14-0001:** A request for a Site Development Permit and Vesting Minor Tentative Map and Density Bonus for the construction of Phase I of a senior congregate care and assisted living facility including a new four-story residential building with 199 rental units and associated site improvements. A CEQA finding is proposed that this project is within the program of the Midtown Specific Plan EIR and no further action is required.

Senior Planner Shaunn Mendrin presented a PowerPoint presentation and reviewed the project.

Commissioner Madnawat asked about the formula for calculating concessions and Mr. Mendrin said there is a set criteria in state law which is also incorporated into the zoning code. He also asked about parking and Mr. Mendrin said they referred to ITE parking standards which evaluates similar types of uses and averages parking demand and explained that the parking demand for congregate care will be less than for a typical multi-family housing project. He added that there is also a parking garage with 144 parking spaces available.

Chair Mandal asked if there will be a preference for Milpitas residents and Principal Housing Planner Felix Reliford said that the City Council adopted a resolution about eight years ago stating that affordable housing units in Milpitas are given first preference to Milpitas residents.

Commissioner Madnawat inquired about the cost of rent, and Joseph Callahan of South Main Senior Lifestyles said there in no standard rental cost and the prices vary per individual. He said prices are occupancy cost plus services, from minimal to assisted living with additional services, the number of meals provided, care by maintenance staff etc.

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

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

Commissioner Madnawat believes the traffic impact will be minimal and that this project provides a substantial benefit to the community.

Commissioner Barbadillo would like the developer to ensure that the housing and care costs are affordable, that Milpitas seniors are a priority at this project, and if possible he would like to see the developer increase the number of affordable units.

Motion to adopt Resolution No. 14-033 recommending the City Council approve Vesting Minor Tentative Map No. TP14-0001, Site Development Permit No. SD14-0006, and Density Bonus No. DB14-0001 for the construction of Phase 1 of a senior assisted living and congregate care facility including a new four-story residential

building with 199 rental units (including 10 very low-income units) and associated site improvements.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

ABSTAIN: 0

IX-3 **iSTAR CALIFORNIA CIRCLE – 1210 California Circle – GP14-0003, ZA14-0010, SD14-0013, EA14-0006, MT14-0001**: A request for a General Plan Amendment, Zoning Amendment, Site Development Permit, and Major Tentative Map for a land use change from Industrial Park to Multi-Family Residential to construct up to 144 residential units and associated site improvements. A Mitigated Negative Declaration has been prepared and circulated for this project.

Contract Planner Lisa Costa Sanders presented a PowerPoint presentation and reviewed the project.

Chair Mandal commented that there is only one exit for the project with a second for emergency vehicle access and asked if it is possible to have another added. Director McHarris said that, because of the curve of California Circle and site distance parameters, an additional ingress/egress cannot safely be added, but that the project will operate safely for the number of units proposed for the site. He also said that when the BAPS site north of the project is developed in the future, the two properties may connect providing additional access.

Chair Mandal asked about the park area in the center of the project and if it is sufficient for the size of the project and the number of homes and Mr. McHarris said that the space does satisfy City criteria. He added that the applicant proposed the private park areas and will also be required to pay a park in lieu fee that will satisfy all park requirements.

Chair Mandal asked what the assurance is that the architectural changes will be done and Ms. Costa Sanders said this is listed as a condition of approval that must be met prior to issuance of a building permit.

Commissioner Madnawat mentioned the Trumark project, which staff recommended to the Planning Commission not to approve, and asked for the difference. Mr. McHarris said the proposed project is consistent with past City Council direction and most recent action with the Trumark project for conversion of Industrial to Residential land use pertaining to properties along the east side of California Circle.

Commissioner Barbadillo asked about the Trumark development on the north side of the project and Mr. McHarris said there are 85 single family detached homes. Commissioner Barbadillo inquired about two new hotels expected in that area and Mr. McHarris confirmed that entitlement applications are currently being processed for two hotels in the immediate vicinity.

Chair Mandal asked who will maintain the parks and Ms. Costa Sanders said that both open spaces on the site will be private spaces for the benefit of the residents of this development and maintained by the Home Owners Association.

Harry Burrows of HB Consulting Group said he is assisting the applicant process the

project and reviewed a PowerPoint presentation describing the project and its benefits to the City. In regards to the park space, he believes that between the two locations there is adequate space to serve the site and he spoke about trail connectivity with his project and other trails in the surrounding area. Mr. Burrows then introduced Erich Stiger of iStar Financial who spoke about his company and the history of the project site.

Chair Mandal commented that staff is recommending architectural changes and asked Mr. Burrows if the changes are going to happen and Mr. Burrows said they are committed to working with staff to make architectural revisions that they are satisfied with, and their effort is to create a project that is good for the city.

Chair Mandal asked if there are any design changes that can be made to expand the park space and mentioned unused space in the park in the center of the project, and Mr. Burrows said that the area adjacent to the park is part of the storm water treatment area and although it will be open space it is not advisable to use for a recreation area. He added that they are providing a significant amount of trails within the project and that along the northern boundary of the project, in the greenbelt corridor, they will include fitness stations and some park functions that one would see in a traditional park, and that in essence it acts as a long, linear park. He believes that, between the greenbelt area, the area in the middle, and the small park area at the southeast corner, the project is well-parked.

Chair Mandal is concerned with parking, and said the parking design may be sufficient for standard parking but asked about overflow of cars on the streets. Mr. Burrows said they have provided adequate parking, each unit has a two car garage, and they have provided a significant amount of guest parking on the site as well. He thinks residents will understand that they will need to use their garages for parking and not for storage. Chair Mandal asked Assistant City Attorney Johnny Phan if the HOA CCRs can include a rule that garages be used for parking and not storage and Mr. Phan said he wasn't aware of any legal prohibition to include that but would need to look into it further. Chair Mandal said if it is legal then it should be considered in the CCRs.

Commissioner Barbadillo asked why there is a need to increase the height limit and Jill Williams, Principal with KTGY Group, replied that it is about design and creating extra ceiling height, larger windows and an open feeling within the homes.

Commissioner Barbadillo asked about community outreach and if the applicant contacted the school district, and Mr. Burrows said that there have been no meetings held with the school district and it is his understanding that school capacity is not an issue with this project.

Commissioner Madnawat asked for the locations of the two upcoming hotels and Mr. McHarris reviewed the locations on a map. He said his understanding is that the council has said that housing is acceptable on the east side but to keep the west side for commercial development, which Mr. McHarris said is correct.

Chair Mandal opened the public hearing

Dave Makower, a resident of the project area, believes the student generation is understated and feels the development will add more students to schools that are severely overcrowded. He said the new school is needed for the students they already have, not increased students. He also stated that the project attempts to cram as many units as possible into a small space.

Jill Kaufman, a resident at California Landing Villas across the creek from the development, spoke in support of the project and is pleased to have a new development making the west side habitable and appealing.

Bob Nunez, who also lives at California Landing Villas, spoke in support of the project but also thinks the City should stop converting commercial properties to residential because of overcrowding in schools and that the city will not be able to provide adequate infrastructure and public safety. He feels it is important to develop the west side and replace the old buildings that have been there for so many years.

Motion to close the public hearing.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

Commissioner Madnawat said he voted against the Trumark Waterstone project because he is not convinced that there are schools for these disconnected areas. He said schools are at capacity and the new school is not going to help this area. His theory is that because staff is so easy on land use conversions, property prices have gone through the roof and nobody finds it suitable to develop commercial projects. However, now there are two proposed commercial projects for the area and he is willing to wait two or three years to see if more good commercial projects come into the area. He added that once you convert to residential you can never change it back and for that reason he wants to propose a motion to deny the project.

Motion to adopt a resolution recommending to the City Council to deny the general plan amendment for conversion from industrial to residential.

Motion/Second: Commissioner Madnawat/Commissioner Barbadillo

AYES: 3

NOES: 2 Mandal, Luk

ABSTAIN: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 9:45 PM to the next meeting of November 12, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

ABSENT: 3

Meeting Minutes submitted by
Planning Secretary Elia Escobar