



MEETING MINUTES

MILPITAS PLANNING COMMISSION

August 28, 2019 7:00 PM

CITY HALL COMMITTEE ROOM

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

- I. CALL MEETING TO ORDER** **Chair Mandal** called the meeting to order at 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE** **Commissioner Chua** led the Pledge of Allegiance.
- III. ROLL CALL** **Present:** Chair Mandal, Vice Chair Morris, Commissioner Chua, Alcorn, Chuan, Tao, Ablaza
- Absent:**
- Staff:** Ned Thomas, Heather Lee, Michael Fossati, Adrienne Smith, Kan Xu, Marvin Smitherman, Elizabeth Medina
- IV. CONFLICT OF INTEREST DECLARATION** **City Attorney Heather Lee** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
- Commissioner Tao and Chair Mandal disclosed that they have a conflict of interest on Item IX-3 and will recuse themselves for this project.
- V. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.
- Motion** to approve the August 28, 2019 agenda as presented.
- Motion/Second: Vice Chair Morris/Commissioner Chuan
- AYES: 7
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS** **Commissioner Chuan** shared that he met with Mark Robson on Friday.
- Commissioner Chua** disclosed that she also met with Armando Gomez and Mark Robson.
- Commisisoner Alcorn** mentioned he also met with Mark Robson and did a site visit to the proposed location.
- Chair Mandal** referenced Planning Director's email to commissioners, stating that it keeps them informed of the outcome of Planning Commission meetings, as well as updates from the Council meetings. He

said he appreciates the Staff's support.

Planning Director Ned Thomas provided departmental updates to the commission regarding:

- Thanked Commissioners for sharing their Planning Commissioner related meetings with Liz, whom maintains their calendars
- All commissioners are invited to an Open House for Artik Studio in San Jose on September 19th

VII. PUBLIC FORUM

Chair Mandal invited members of the audience to address the commission.

Frank DeSmidt shared upcoming events - Rotary Club lunch fundraiser at Outback Steakhouse and Milpitas Chamber of Commerce Casino Night at Embassy Suites.

Motion to close the public forum.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 7

NOES: 0

ABSTAIN: 0

VIII. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the July 31, 2019 meeting minutes of the Planning Commission.

Commissioner Alcorn found a minor grammatical error in second paragraph from the end on Page 4. "isr" should be is.

Commissioner Chua clarified her statement on Page 3.

Motion to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Tao/Vice Chair Morris

AYES: 6

NOES: 0

ABSTAIN: 1 (Chuan)

Chair Mandal called for approval of the August 14, 2019 meeting minutes of the Planning Commission.

Commissioner Chuan found his name was spelled incorrectly; "Chuas" should be Chuan, under Roll Call on Page 1.

Motion to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Tao/Commissioner Chuan

AYES: 7

NOES: 0

ABSTAIN: 0

IX. PUBLIC HEARING

X-1 ROTTEN ROBBIE MONUMENT SIGN – 1787 N MAIN ST. – SD18-0007: Site Development Permit to allow a freestanding sign, up to ten feet in height, located at 1787 S. Main St. This project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov

Project Planner Michael Fossati showed a presentation and discussed the project.

Chair Mandal invited applicant, Armando Gomez with Rotten Robbie's Corporation to come to podium to share information on their project.

Chair Mandal clarified with Staff that this item is strictly related to the height of the sign. Mr. Fossati stated that is correct.

Commission Alcorn asked why would they like to have the width of sign to be the same width as the base/bottom. Mr. Fossati stated it is an aesthetic component and would be more uniform.

Commissioner Tao asked is there a technical reason why in the initial design of the bottom of the sign was small. Mr. Gomez stated there was no reason. Commissioner Tao asked who will be in charge of the maintenance of the sign, the City or applicant. Mr. Fossati said it would be the applicant. Commissioner Tao recommends that maintenance agreement be apart of the conditions.

Vice Chair Morris shared he is loving it and has been waiting for a Rotten Robbie's to come to Milpitas.

Chair Mandal invited members of the audience to address the commission.

Motion to close the public hearing.

Motion/Second: Commissioner Chua/Commissioner Tao

AYES: 7

NOES: 0

Motion to Adopt Resolution 19-024 Site Development Permit P-SD18-0007 to allow the construction of a freestanding price sign to be located at 1787 South Main Street, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commissioner Tao

AYES: 7

NOES: 0

ABSTAIN: 0

Planning Director, Ned Thomas clarified that the Conditions of Maintenance Easement for the sign will be determined once Council approves. Mr. Tao asked if the City maintains the sign, will that require easement. Mr. Thomas stated that is correct.

Commissioner Chua noted to add recommendation of Commissioner Alcorn that the base is more in balance with sign.

IX-2 BEER GARDEN AT THE DISTRICT – LOT 1 – P-UA19-0007: Conditional Use Permit Amendment to allow development a beer dispensary within a 66-square foot amenity space on the rooftop deck of an existing mixed-use building (“The District – Lot 1”). This project is exempt from environmental review under the California Environmental Quality Act in accordance with CEQA Guidelines Section 15301 (Existing Facilities). Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov.

**Continued from the Planning Commission Meeting held on July 31, 2019.*

Project Planner Michael Fossati showed a presentation and discussed the project.

Chair Mandal invited applicant, Aaron Barger and Peter Sydnor with Lyon Living to share information in regards to their application.

Commissioner Chuan asked applicant to clarify enforcement of under age residents to enter beer garden. Mr. Sydnor said there will be a resident experience specialist to regulate who enters the beer garden as well as hired security, and three security cameras; beer has to stay in the beer garden who has a wristband.

Commissioner Tao asked how many properties, other than the location in Anaheim, have beer gardens. Mr. Sydnor said this would be the second location. Commissioner Tao asked have there been any reported problems. Mr. Snyder said they have not had any outstanding issues or violations. Mr. Tao asked if it will be both beer and wine. Mr. Sydnor said that is correct; both beer and wine from local breweries and wineries in Silicon Valley. Mr. Tao asked what kind of ABC license will be applied for if approved. Mr. Sydnor said a Type 40 license. Mr. Fossati clarified what a Type 40 license is for the commission. Mr. Tao asked if any lessees will sell beer and wine on bottom floor of the Turing. Mr. Sydnor said that not been clarified; however, the beer garden will be an amenity for the residents. Mr. Tao asked how many people can beer garden accommodate and can that many people be monitored. Mr. Sydnor said it can accommodate 50 people but have never had 50 people in beer garden at one time at the Anaheim location; it is a gated area that would need to be fobbed in and will be monitored by one doorman/security guard, three cameras and one resident experience specialist.

Commissioner Chua shared she is concerned with residents throwing garbage over the rooftop onto the street. Mr. Sydnor said that the roof top located is on top of parking.

Vice Chair Morris asked where did they come up with the concept of the beer garden. Mr. Sydnor said he did not know the origin but wanted something for the residents to enjoy. Ms. Morris asked Mr. Fossati if he received public comment. Mr. Fossati noted he did not received emails or phone calls for this project.

Commissioner Chuan asked more about the training of resident experience specialist. Mr. Sydnor noted that the person would have to complete an online program alcohol training. Mr. Thomas noted training is an ABC license requirement.

Chair Mandal asked if pool is enclosed. Mr. Sydnor said the pool is completely enclosed with the entrance on 8th floor. Mr. Mandal shared he is concerned about children who will

be a pool. Mr. Sydner said that a key fob is needed to get in pool; wristband to get in beer garden.

Chair Mandal invited members of the audience to address the commission.

Motion to close the public hearing.

Motion/Second: Commissioner Alcorn/Commissioner Tao

AYES: 7

NOES: 0

ABSTAIN: 0

Commissioner Chua approved the operational hours from 2pm-10pm and likes that the beer garden is confined and will not have to drive to drink beer.

Vice Chair Morris would like to see flexibility of hours.

Commissioner Alcorn also would like to extend flexibility for holidays and super bowl and likes that residents can do their drinking at home instead of on the streets. National holidays plus 8 days for gathering, hours of 2p-12pm, with a hard cut off at midnight.

Motion to Adopt Resolution No. 19-023 approving Conditional Use Permit Amendment (UA19-0007), to allow the operation of a beer dispensing facility within a 1,300 square foot outdoor lounge section of the rooftop deck of “The District – Lot 1” mixed-use development, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chuan/Commission Alcorn

AYES: 6

NOES: 1 (Tao)

ABSTAIN: 0

IX-3 ROBSON HOMES SINGLE-FAMILY DEVELOPMENT – 1005 N PARK VICTORIA –GP18-0001, ZA18-0003, PD18-0001, SD18-0015, MT18-0003, EA19-0003: A General Plan Amendment, Zoning Amendment, Planned Unit Development, Site Development Permit, Vesting Tentative Map, and Environmental Assessment to allow the development of a single-family residential subdivision with 36 two-story homes, ranging in floor areas of approximately 2,500-2,900 square feet, located on individual lots on an approximately 4.88-acre parcel. Ten of the homes will include above-garage accessory dwelling units (ADUs) approximately 485 square feet in size. The project includes 26 on-street guest parking spaces and approximately 78,500 square feet of landscaped open space. The City has prepared an Initial Study and Mitigated Negative Declaration for this project in accordance with the California Environmental Quality Act (CEQA). Project Planner: Adrienne Smith, (408) 586-3287, asmith@ci.milpitas.ca.gov

Project Planner Adrienne Smith showed a presentation and discussed the project.

Chair Mandal and Commissioner Tao recused themselves.

Vice Chair Morris invited applicant, Richard Ye, project manager of Robson Homes to podium share information and a presentation in regards to their application.

Commissioner Chuan asked if there have been discussions with School District in regards to the crowding the new families will create. Mr. Yee said they have been in communication with the MUSD and are looking into adopting schools and impact fees. Mr. Chuan asked if the school district has enough room to accommodate the new families. Ms. Smith shared that this project was brought to and reviewed by MUSD; feedback from the district was provided but did not discuss in much detail about how many students are anticipated. Mark Robson said he is working with school district about adopting some of the schools and have been in contact with superintendent about the families the new housing would generate.

Vice Chair Morris, based on public comment received, asked if the streets could be widened. Ms. Smith shared that the Applicant worked with Land Development about meeting the street standards. Principal Engineer, Kan Xu noted the public streets were designed to conform with engineering street biometrics; whereas, private streets are designed to meet the City standard adopted. Mr. Thomas clarified that the private, internal streets will serve the residents of the development; and, the developer would not have to go beyond the standard.

Commissioner Chua thanked the developers for working with Staff to include ADUs; being it is the first time seeing single family homes with ADUs. Ms. Chua also shared that single family homes are very welcome as it has been awhile since being built; the development blends with other homes and modernized. Ms. Chua asked what is the square footage of the ADUs. Ms. Smith said 485sf; Mr. Yee corrected Ms. Smith stating they will be 550sf. Ms. Chua said that the ADUs will help with shortage of affordable homes.

Commissioner Alcorn addressed Morris about the streets saying that once the sidewalks and streets are built, those concerns will be taken care of.

Commissioner Chuan referenced the public comment about burdens to public services (PD, FD, maintenance) and asked the staff to speak to it. Mr. Thomas spoke about the housing element of General Plan, noted that this site is in the City's inventory as available sites for housing; meaning that it has been evaluated for all types of services mentioned and will not hinder resident's safety.

Commissioner Ablaza asked for clarification about the width of city streets, private streets and street parking. Mr. Yee stated they all meet City standards.

Chair Mandal invited members of the audience to address the commission.

Frank Evans lives on Rankin Drive shared that City does not maintain of PUDs. Mr. Evans said he and his neighborhood feel that this is just too many houses (36) on a small piece of land and will affect parking and traffic in the surrounding areas. Mr. Evans asked to not change the zoning and shared his concerns about the vehicles that come down Country Club Drive.

James Lau lives on Fox Hallow Court, said he remembers a project for 28 units for the site proposed and it was strongly opposed then. Mr. Lau shared his concerns of overcrowding of the school district, the traffic on N. Park Victoria and Jacklin now but

forsees it being worse when the 36 more units with additional cars are brought to the neighborhood. He requested solutions from Robson.

Resident Marchine Ratari, original home owner on 1144 Berg Court. Ms. Ratari shared her concerns about Robson homes presenting a plan a few years ago with less units and a park area. Feels that the new plan states 36 homes is deceptive because when you include the ADUs it makes 46 homes total. Ms. Ratari feels that the local elementary school is impacted already, traffic is bad and sees density being an issue with some neighboring streets having only one way out. Ms. Ratari asked that when thinking about rezoning to please take in consideration that this is 46 homes; and would like for Robson to go back to the plan they initially had of 28 units.

Resident Jay Samson lives on Rankin Drive, main concern is overcrowding. Stated that it poses a danger of too many cars for kids to play and asked what good will it be for the surrounding citizens. Mr. Samson again speaks on overcrowding issues, as well as traffic on the way to the high school and not addressing schools needs as the population grows.

Jang Dao lives on Rankin Drive, resident of more than 40 years, would like builder to confirm 36 units plus 10 units. Mr. Dao said that Rankin will be an outlet in and out and that will cause a safety issue with narrow streets. He is concerned with the architecture not matching the surrounding neighborhoods.

Lonnie Pham, resident on Creed Street expressed concerns with height of units, the additional traffic, concerned with safety of children and lack of parking.

Motion to close the public hearing.

Motion/Second: Commissioner Chua/Commissioner Alcorn

AYES: 5

NOES: 0

ABSTAIN: 0

At the request of Commissioner Alcorn, Vice Chair invited developer to podium to address the concerns from public hearing.

Mr. Mark Robson said they designed this neighborhood with 18 of the homes to face out toward N. Park Vicitoria to improve safety of pedestrian and cars and to complete the neighborhood. He shared that they did public outreach. Addressing the street concerns, Mr. Robson the width of streets will match neighboring streets and meet needs of parking. He shared that the ADUs being attached to garages are an elegant solution for affordable housing. Mr. Robson also mention that the density request is very slight.

Commissioner Chua asked Mr. Yee to address parking concern. Mr. Yee said the interior street will be used to satisfy guest parking and by doing that they are not impacting parking outside of the PUD. Mr. Robson stated they never submitted an application before for 24 units; it was actually a different plan for 37 units. Ms. Chua revisits the suggestion of making the lots bigger and asked developers for their feedback. Mr. Robson feels the street and house are very compatible with Rankin. Chua asked how they are communicating with the school district. Mr. Robson shared that they are working really closely with the school district, have agreed to adopt

both the high school and the middle school, in addition to their fees. Ms. Chua asked about traffic. Mr. Thomas shared that the traffic engineer is here this evening.

Commissioner Chuan asked if they thought about adding on a park in their development. Mr. Robson said each home will have a yard with adequate space; and will be contributing a park fee. Mr. Chuan asked how will the park fee affect the that particular neighborhood. Mr. Thomas shared that it would go into the park fund, however, is not sure how funds are disbursed by the Recreation Department, but does believe it will be used in the area. Mr. Chuan revisits the over crowding of schools and asked is there something we can add as a condition, to have developer have a discussion about overcrowding with MUSD. Mr. Thomas mentioned that City Council Members have regular meeting with school district; so the recommendation can be forwarded to Council.

Commissioner Chua shared information about bond that was passed in 2018 to address school overcrowding, City budget 19/20 that was passed for a city wide traffic study, and height density housing/compliance with State regulations.

Vice Chair Morris invited Hexagon Traffic Engineer, Brett Walinski shared the purpose of the traffic study and the results. His findings were that there were no traffic impacts based on what is established by City policy. Vice Chair Morris had questions in regards to flow of traffic and alternative outlets.

Commissioner Ablaza, wanting to better understand the study, asked if there is the wait time to go to Jacklin now, compared to when project is built. Mr. Walinski shared his data/findings during the morning hours.

Commissioner Chuan asked about more question about peak time studies.

Commissioner Ablaza asked where will the kids of this neighborhood will go to school for this project. Ms. Smith noted that beyond the City's scope of business. Mr. Thomas said that is a conversation to be had with the School District.

Vice Chair Morris asked applicant to discuss design façade. Sam Lee share their concept of timeless and lasting.

Commissioner Chua shared that she is pleased with the design.

Motion to Adopt Resolution 19-026 recommending that the Milpitas City Council approve the General Plan Amendment GP18-0001, Zoning Amendment ZA18-0003, Planned Unit Development PD18-0001, Site Development Permit SD18-0015, Vesting Tentative Map MT-0003, and Environment Assessment EA19-0003 to allow a 36-unit single family home development, including ten accessory dwelling units at 1005 North Park Victoria Drive.

Commissioner Chuan asked to add condition for developer and Council to have further discussion with MUSD regarding impact of the project and overcrowding associated with the project. Mr. Chuan also suggested to hold another townhall meeting to address public comment received issued.

Motion/Second: Commissioner Chuan/Commission Alcorn

AYES: 5

NOES: 0

ABSTAIN: 0

X. NEW BUSINESS

Follow-up from PC Training on 8/14.

XI. ADJOURNMENT

The meeting was adjourned at 9:54pm.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Morris/Commissioner Alcorn

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*