



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00 PM

Wednesday, August 26, 2020
via Teleconference (Virtual Meeting)

CALL TO ORDER

Chair Tao called the meetings to order at 7:00 PM. Recording Secretary Elizabeth Medina called the roll.

PLEDGE of ALLEGIANCE

Vice Chair Alcorn led the pledge of allegiance.

ROLL CALL

PRESENT: Chair Tao, Vice Chair Alcorn, Commissioner Ablaza, Albana, Chua, Chuan, Belong

ABSENT: None

STAFF: Ned Thomas, Jessica Garner, Martin de los Angeles, Lillian VanHua, Zulema Maggi, Elizabeth Medina

CONFLICT OF INTEREST DECLARATION

City Attorney Martin de los Angeles asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda and there were none.

APPROVAL OF AGENDA

Motion/Second Commissioner Chuan/Commissioner Albana

Motion carried by a vote of AYES: 7 NOES: 0

ANNOUNCEMENTS

Vice Chair Alcorn disclosed that he and Chair virtually met with City Staff to go over the agenda items earlier in the week.

Planning Director shared that copies of the *Draft* General Plan were distributed to the Planning Commission, Council and General Plan Advisory Committee (GPAC) and is available online for public review. GPAC will have a meeting on September 10th to have a preview of the *Draft* General Plan with Staff and consultant. There will be a Joint Special Meeting with the Planning Commission and Council on September 29th to review *Draft General Plan*. EIR (Environmental Impact Report) for General Plan is being drafted and will have that by end of September; thereafter, will be released for a 45-day review period.

Planning Commission Meeting on the September 9th will be a "Special Meeting". No project items but will use this time to review the City's Commissions Handbook and Planning Commission By-Laws.

Brown Act Training provided by BBK is tomorrow at 10 am; it will be recorded. City Attorney De Los Angeles noted that commissioners must receive 2-hours of Ethics Training every two years and any new appointed commissioners must receive Ethics training within one year of taking oath of office.

PUBLIC FORUM

Chair Tao invited members of the audience to address the commission and two email comments were received.

City of Milpitas Planning Commission Meeting - AUGUST 26, 2020

Date	Aug 26, 2020
Name	Jim Acosta
Address:	milpitas
Agenda Item:	PUBLIC FORUM
Comments:	I am still waiting for an apology from Evelyn Chua.

City of Milpitas Planning Commission Meeting - AUGUST 26, 2020

Date	Aug 26, 2020
Name	Barbara Navarro
Address:	915 N. Hillview Drive
Agenda Item:	PUBLIC FORUM
Comments:	I wanted to thank the Planning Manager for distributing the draft general plan. Many of the residents that I know, received it

Motion to close the Public Forum.

Motion/Second Commissioner Chuan/Commissioner Chua

Motion carried by a vote of AYES: 6 NOES: 0

APPROVAL OF MINUTES By motion, approve the regular meeting minutes of June 10.

Motion/Second Commissioner Chuan/Vice Chair

Motion carried by a vote of AYES: 7 NOES: 0

By motion, approve the regular meeting minutes of June 24 as amended with minor grammatical errors and clarification of discussion that “crew member will move the vehicle with waiting order” to “not-used drive through line to wait for order delivery so not to plug up the main drive through aisle” (S.Tao).

Motion/Second Vice Chair Alcorn/Commissioner Chuan

Motion carried by a vote of AYES: 6 NOES: 0

PUBLIC HEARING

1 - TIME EXTENSION – 355 Sango Court – TE20-0004: A request for an 18-month time extension for Site Development Permit No. SD17-0017, Density Bonus No. DB17-0001, and Environmental Assessment No. EA18-0001 to develop a 102-unit multi-family apartment building and associated site improvements on a 1.26-acre site at 355 Sango Court. The project is covered under the scope of activities approved within the TASP EIR and exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15168(c)(2) of the CEQA Guidelines. Project Planner: Lillian VanHua, (408) 586-3073, lvanhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua showed a presentation and discussed the project.

Staff answered Planning Commissioners questions regarding the 18-month extension being a statutory one-time allowance and that though Applicant submitted last year, they are to be in abidance of the 2016 Building Codes.

Applicant Nicole Brown, Project Manager with Resources for Community Development (RCD) discussed the project that will begin construction in November.

Chair Tao invited members of the public to address the commission and there were no comments received:

Motion to close the Public Comment.

Motion/Second Commissioner Chua/Vice Chair Alcorn
Motion carried by a vote of AYES: 7 NOES: 0

Applicant addressed Planning Commissioners inquiries regarding the reason for the extension; sharing that they have been waiting for funding awards for this project. Applicant shared that are working through the process of site improvement plans with the Engineering Department.

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 20-015, extending Site Development Permit SD17-0017, Density Bonus DB17-0001, and Environmental Assessment EA18-0001 for 18 months until February 26, 2022

Motion/Second Commissioner Chuan/Commissioner Ablaza
Motion carried by a vote of AYES: 7 NOES: 0

2 - FENCE VARIANCE – 830 London Drive – VA19-0003, MS19-0144: A request for a Variance and Minor Site Development Permit to construct a fence, up to six feet-nine inches (6'-9") in height, within the front yard setback of an existing single-family residence at 830 London Drive. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. Project Planer: Lillian VanHua, (409) 586-3073, lvanhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua showed a presentation and discussed the project.

Staff answered various questions from Planning Commissioners in regards reason of the variance, clearance of fire hydrant, what is located across the street from the property, details of trail walkway adjacent to property, specific areas of the homeowner's lot, the lot's unique shape, placement of fence, location of the trees, where the fence will be placed, details of easement, and receipt of similar variance applications.

Applicant and Property Owner, Sachin Sathaye shared/history of presented the project and the addressed the Commissioners questions regarding:

- The fire hydrant *now* having a 10-foot clearance of fence.
- The trail behind property is a Santa Clara County District Parkway that is closed to the general public; but has seen people access the walkway from the Adobe Higuera Park, as well as jump fence to fish.

- Built fence because (due to elevation of London Drive) people have a direct view of entire backyard from London Drive.
- The area has had multiple burglaries within the past year and a half (which Applicant has police reports for); Applicant had his vehicle broken while parked in driveway and a suspect of one of the burglaries went into homeowner's backyard.
- Noting that before building fence, Applicant called the City twice and was advised that they did not need a permit. After fence was installed, Applicant later learned from a neighbor (who installed a fence that exceeded 6-feet) had to get a permit for a variance.
- The wall next to his property was built in 1990 by the City of Milpitas as a retaining wall to protect property from floods.
- The trees are maintained by homeowner.
- No "Private Property" signs are posted on property.
- The lattice atop homeowner's fence makes height 6 foot 9 inches.
- Fence was extended through side of yard toward front solely for security purposes and to obstruct view into yard from the street; applicant has no intention to build on the side lot but will add trees and landscape.
- Applicant confirmed timeline of fence being built – hired contractor, consultant never contacted City; Property Owner contacted the City twice (no records and was unable to identify whom he spoke with) stating that City Staff said there was no limitation for building the fence.

Chair Tao invited members of the public to address the commission and there were no comments received.

Motion to close the Public Comment.

Motion/Second Commissioner Vice Chair Alcorn/Commissioner Ablaza
Motion carried by a vote of AYES: 7 NOES: 0

Though Commissioner Alcorn understood the need for the fence, he noted he found it hard to believe that a City Planner would state there are no restrictions for fence height limits. Property Owner Sathaye shared he has learned his lesson by paying a hefty price, but thanks City Staff for assisting him in the process of making things right, in compliance with City standards and keeping his family safe. Senior Code Enforcement Office, Zulema Maggi confirmed there will be one last inspection of the property in order to close this case.

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 20-016, approving Variance Permit No. VA19-0003 and Minor Site Development Permit No. MS19-0144 to allow the construction of a fence, up to six feet-nine inches (6'9") in height, within the front yard setback of an existing single-family residence on a 0.35-acre site located in the Single-Family Residential (R1-10) Zoning District at 830 London Drive, subject to the required findings and Conditions of Approval.

Motion/Second Commissioner Ablaza/Commissioner Albana
Motion carried by a vote of AYES: 6 NOES: 1 (Tao)

NEW BUSINESS

1 - VMT (Vehicle Miles Travelled) Study Session – Jay Lee, Principal Planner and Karen Mack, Project Consultant

ADJOURNMENT

Chair Tao adjourned the meeting at 9:40pm.

Motion/Second Vice Chair Alcorn/Commissioner Chua

Motion carried by a vote of AYES: 7 NOES: 0