



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00 PM

Wednesday, August 12, 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

Chair Tao led the pledge of allegiance.

ROLL CALL

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

ABSENT: Commissioner Ablaza

STAFF: Ned Thomas, Jessica Garner, Martin de los Angeles, Rozalynne Thompson, Michael Fossati, Deputy Chief Albert Zamora, 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/Vice Chair Alcorn

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

ANNOUNCEMENTS

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

Planning Director Thomas shared updates about the General Plan, a *draft* will be released in the next two weeks. Working on scheduling a joint study session with Planning Commission and City Council for Tuesday, September 29th. Notice of Preparation for the General Plan's EIR meeting was held yesterday, August 11th. The goal is to present the General Plan Draft to the Planning Commission for their recommendation to the City Council in late November.

PUBLIC FORUM

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

CITY OF MILPITAS PLANNING MEETING - August 12, 2020

Date	Aug 12, 2020
Name	Jim Acosta
Address:	milpitas
Agenda Item:	PUBLIC FORUM
Comments:	There is something very troubling that came out of the Planning commission. The new chair

and vice chair are doing very well, But it bothers me how Evelyn Chua can use a city ADU event and use that event to campaign for City Council. This is Illegal. She should be held accountable but no one seems to care. Evelyn is just on the planning commission to give herself a name so she might win. Chair, Vice Chair, Planning director and City Manager, This violation rests on your shoulders. I also see that the horrible old vice chair is running for city council. Do you all remember when she got up and tried to just leave a meeting right before a vote? i do. What is going on with the planning commission? Explain yourself. Thank you.

CITY OF MILPITAS PLANNINGMEETING - August 12, 2020

Date	Aug 12, 2020
Name	Steven Bunnell
Address:	2110 Seaclyff Drive Milpitas
Agenda Item:	PUBLIC FORUM

Comments:

Dear City of Milpitas Planning Commissioners

Last week I sent an email to the director of planning regarding a proposal for a new 4000 square foot home to be built at 250 Piedmont Rd. Most of my questions were answered except why the lot that was approved 40 years ago was not developed the same time as the other approved lots during that time. I have put in a Public Information Request with the City Clerk's office. I am requesting staff to check back in the records to see what reason the lot was not developed then. I am worried that due to the State Department of Water Resources 54 inch water main crossing near the lot may have been the reason no home was built there. That water is the source for one third of our drinking water. I am requesting that staff delay the Zoning meeting tomorrow morning at 9:AM until my Public Information Request is answered.

Could you also consider ruling to approve or disapprove the project to your commission's next meeting? I don't feel it is appropriate for staff to review and approve projects along our scenic corridor even when it is from a previously approved lot.

CITY OF MILPITAS PLANNINGMEETING - August 12, 2020

Date	Aug 12, 2020
Name	Barbara Navarro
Address:	915 N. Hillview Dr.
Agenda Item:	PUBLIC FORUM

Comments:

I attended the EIR public meeting this week. The contractor that presented did a great job, but I would like to see the presentation posted.

I'm looking forward to reviewing the general plan when it is posted. I have several items that I'm interested in.

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 May 27.

Motion/Second Commissioner Belong/Commissioner Albana

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

1 - 600 BARBER LANE – P-SD19-0006, P-TR20-0008, P-UP20-0006, and P-EA20-0006: A request for a Site Development Permit, Conditional Use Permit, Tree Removal Permit, and certification of an Addendum to an Environmental Impact Report (EIR) for the Landmark Tower Mixed-Use Development project (SCH# 2007062074) to develop a mixed-use, podium-style building with four, five-story residential towers and one, single-story amenity building, built over a four-story podium on a three-acre site located at 600 Barber Lane. The overall project would include 5,500 square feet of retail space, 12,800 square feet of office space, 372 residential units, and 533 parking spaces. The Conditional Use Permit would allow an increase of the maximum floor area ratio (FAR) from 2.0 to 2.5 in the Very High Density Mixed Use (MXD3) Zoning District. The project also requires the removal of 11 ordinance-size trees from the site. Project Planner: Rozalynne Thompson, (408) 586-3278, rtompson@ci.milpitas.ca.gov

Project Planner Rozalynne Thompson showed a presentation and discussed the project.

Chair Tao asked if EV parking onsite will be available to just resident or also to the public. Project Planner Thompson said she will defer the question of the available of the EV parking stalls to the applicant. Chair Tao inquired if the green features (solar panels, greywater loops) are grandfathered in from previous entitlement. Project Planner Thompson said the greywater requirements would be in the climate action plan; but would defer this question to the applicant to discuss which green measures they'll be undertaking. Commissioner Chua asked about the allowed uses for the MXD-3 zoning district. Project Planner Thompson said the applicant is proposing commercial, office space and residential which are all allowed by right in the MXD-3 zoning district.

Commissioner Chua, referencing the Past and Current Projects slide, asked what is the rational in the significant decrease the commercial/retail square footage (2008 project – 148,805 SF | 2016 Project 42,000 SF | Current Proposed Project – 5,500 SF). Project Planner Thompson said that would be a question for the applicant. Commissioner Chua shared that she liked that the height also decreased for the current project (18 stories vs. 8 stories).

Applicants, Robert Montano and Kip Dickson from Adept Development presented the project and the addressed the Commissioners questions regarding the project.

Commissioner Chuan asked if the on-street parking right in front of the property will still be used as parking. Planning Director Thomas said that on-street will still be there.

Commissioner Chua asked how many visitor parking spaces will be eliminated. Planning Director said that guest parking was not actually eliminated, rather the applicant is using a shared parking concept so that the parking that is being used for the office workers and commercial use during the day, will be used by visitors in the evening. Project Planner Thompson added that under State Density Bonus Law any requirement for guest parking is eliminated; SBA exemption. Commissioner Chua asked if there will be 55 affordable units. Applicant Kip Dickson confirmed there will be 56 affordable units. Commissioner Chua thanked applicant for choosing the affordable units over the in-lieu fee and having those units throughout the development. Planning Director Thomas noted that is a text example of what our affordable housing ordinance looks for, where the units are

the same. Planning Director Thomas continues to say that this project has done an excellent job distributing the affordable units across the site. Commissioner Chua asked which building will they start construction on first. Applicant Dickson said he anticipates for all the buildings will be built in a similar timeframe, with a slight variation depending on height of buildings and will not be phased. Commissioner Chua asked what the projected completed timeframe is. Applicant Dickson said he is not exactly sure with the current situation of COVID-19 and labor costs but noted this project is closer to a two-year construction time.

Chair Tao asked if a food service is intended for the ground floor of the commercial/retail space. Applicant Dickson said that they were open to it but is not a part of the intention. Chair Tao asked Planning Director Thomas if Staff is going to make any changes to the provisions for food service. Planning Director Thomas said he does not think we have made a condition of approval for that but there is a way that the applicant can design those spaces with flexibility so that if a food services use the space, they can add drains and such. Applicant Dickson said if they were to go that route, it would affect parking and they would have to add lifts/valet service in order to support additional parking. Planning Director told Chair Tao that we can include a condition of approval to address concerns about food service on the ground floor. Chair Tao asked about operation hours for the office floors. Applicant Dickson said with the way world events have dramatically changed the use of office space, most people working from home, if office space is largely used by the residents, the operation hours could be extended into the evening hours; however, does not foresee it being open 24 hours. Chair Tao asked applicant if he sees any conflict for parking on weekends (because of guests and commercial use). Applicant Dickson said he doesn't anticipate it to be an issue because residents have assigned parking spaces, also noting that on many of their properties they have a lift for tandem parking should a tenant request additional parking spaces. Chair Tao asked if they will have the power capacity and insurance to accommodate the parking lifts. Applicant Dickson they do and will also be a part of the shuttle system bringing people to and from the site. Chair Tao asked for the applicant to elaborate on the HVAC unit set up for the residential and commercial on site. Applicant Dickson said all residential units will have packaged units within the units with no common return air, hot and chilled water will be distributed from the roof, and there will be a similar set up for the commercial components of the building; no common or return air within the property. Chair Tao asked if the stairwell or elevator served the commercial site. Applicant Dickson said that the elevator does not open to the pool deck and the stairs is not accessible where commercial units come from; but they are there to serve the occupancy of the office space. Chair Tao asked about the siding panels. Applicant said the panels are cut to size onsite.

Vice Chair Alcorn liked the amount of thought that has been put into making this project environmentally friendly (shadow reduction, greywater, etc.). Vice Chair Alcorn asked applicant if the HVAC package units will be outfitted with MERV 13 filters. Applicant Dickson said he couldn't answer that question right now since they are two years away from doing that but is definitely a concern with the air quality now that we're dealing with a pandemic. Vice Chair Alcorn asked if the interior and exterior lighting will be LED. Applicant Dickson said absolutely.

Chair Tao asked how deliveries will be made to retail and how will the garbage run to the refuse room. Applicant Dickson said they have worked with the Fire Department and the sanitation group in terms of refuse coming down to the

building; providing wider than the 26 feet, deliveries are anticipated to be on the row immediately behind the commercial.

Commissioner Belong asked if there is a designated area for commercial parking. Applicant Dickson said all parking behind the commercial on the ground floor is allocated for the commercial spaces. Commissioner Belong asked if the commercial parking is closed off after hours. Applicant Dickson said that is where the shared-parking concept takes play; commercial parking can be used by guest visitors after hours.

Chair Tao invited members of the public to address the commission and there were several emails that were received:

CITY OF MILPITAS PLANNING MEETING - August 12, 2020

Date	Aug 12, 2020
Name	Barbara Navarro
Address:	915 N. Hillview Drive
Agenda Item:	600 BARBER LANE – P-SD19-0006, P-TR20-0008, P-UP20-0006, and P-EA20- 0006
Comments:	Planning Commission I'm concerned about the parking. Even in a one bedroom resident there will most likely be 2 cars. I understand that the code is being met by the number of parking spaces. Can you review where these spaces are on one of the slides. Also can you tell me where guests and extra residents cars will be parked. Although we would like to think transit is the way to go, with the pandemic, I'm sure that most folks who will need to go to work will drive. Also, with more folks working from home, cars will be parked by the housing. Can you tell me what schools will be impacted by this housing. It would also be nice to know what stores will be local for the residents to use. Thank you

Applicant Robert Montano said that the overall parking for the project meets all of the code requirements for parking and, in hopes COVID is temporary, would like to see people using transit; also, if the parking for the office space is going to be used by the residents, that would make for extra parking spaces. Resident/visitor parking is located on first floor of the retail space.

Planning Director Thomas added that there has been correspondence with applicant and school district. The project will be located between two very large and very active shopping centers and there will be direct pedestrian and vehicle connections to both.

Deputy Fire Chief Albert Zamora said his department did a conceptual review of the project and are prepared to review the construction documents once submitted. Fire will ensure that the Fire and Building requirements are met, all the levels of fire protection are in place and are looking forward to a very successful project.

Chair Tao asked City Transportation Manager Steve Chan when he anticipates the peak traffic hours to be. City Transportation Manager Chan noted that this project is mainly residential and would expect the typical A.M. out bound and P.M. in bound hours. Chair Tao asked if the traffic trip generation are consistent with the General Plan and Zoning standards. City Transportation Manager said yes. Chair Tao noted this is a much better product (from when this site was first

presented) and commended staff and applicant for the diligent work throughout the process.

Motion to close the Public Comment.

Motion/Second Vice Chair Alcorn/Commissioner Belong

Motion carried by a vote of AYES: 6 NOES: 0 **Ablaza not present*

Recommendation: Staff recommends that the Planning Commission -

1. Adopt Resolution No. 20-013 approving Site Development Permit P-SD19-0006, Tree Removal Permit P-TR20-0008, Conditional Use Permit P-UP20-0006, and Environmental Assessment P-EA20-0006, subject to the attached Conditions of Approval.

2. Adopt Resolution No. 20-014 approving an addendum to certified Final Environmental Impact Report (SCH#200706074) for the Milpitas Landmark Towers project; adoption of the environmental findings pursuant to the California Environmental Quality Act; Adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Report Program; and approval of the project.

Motion/Second Vice Chair Alcorn/Commissioner Belong

Motion carried by a vote of AYES: 6 NOES: 0 **Ablaza not present*

2 - THE FIELDS MASTER SIGN PROGRAM – 1350, 1365, 1410 and 1425 McCANDLESS DRIVE – SD20-0006:

A request for a Site Development Permit to establish a master sign program identifying the placement, construction, size, material, color, method of lighting, and other related requirements for all permanent and temporary signage within The Fields, a 15.58-acre mixed-use development generally located at the intersection of Great Mall Parkway and McCandless Drive in the McCandless/Centre Pointe sub-district of the Transit Area Specific Plan (TASP) planning area. The project is consistent with the Addendum to the Milpitas TASP Environmental Impact Report (TASP EIR – SCH #2006032091) for “The District at Milpitas” project adopted November 17, 2015. The project is also exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15182 (Projects consistent with a Specific Plan), and as a separate and independent basis, Section 15183 (Projects consistent with a Community Plan or Zoning). Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov.

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

Chair Tao asked Staff is there a current City code that governs a maximum brightness for signage. Project Planner Fossati said there is not a City standard for wall signs and maximum illumination; there is only a limit for offsite large advertisement signage (freeway signs). Chair Tao asked if it would appropriate to add a governing condition, should signage evolve, so that no light pollution is spilled onto residential units. Project Planner Fossati said he crafted a condition that has yet to be presented to the Commission or applicant. Vice Chair Alcorn interjected and asked if Staff may be concerned about the units adjacent to the lit signage (not the units above) and is that the reason Staff made a different condition. Project Planner Fossati stated that the current conditions in the Staff report is what the Staff stands by, it was simply “just in case”. Commissioner Belong asked if there could be a condition added with a time frame when signage can be illuminated. Project Planner Fossati said that is something the Planning Commission can do but would like for Applicant to have an opportunity to speak about the project first. Vice Chair noted he like Commissioner Belong idea. Chair

Tao shared that there is gradients in terms of lightness and feels like retailers would like to have the ability to have continuous presence, so maybe having the retailer decrease the level of light to 50% might be an option.

Applicant, Thomas Rubio with Lyon Living, presented the project and the addressed the Commissioners questions:

- With their other mixed-used developments, feels it is appropriate to install timers for signage; 1 A.M. may be late, they are not planning for the project to have a super active nightlife past midnight. 11 P.M. may be more that reasonable.
- Has not installed any dimmable signs but knows that common and easy to install.

Vice Chair Alcorn likes the timer idea and a midnight cut off will be appropriate. Commissioner Belong said 11pm or midnight is good and asked what kind of commercial properties would be at the base level. Applicant Rubio confirmed they are planning on some restaurant tenants.

Chair Tao asked if their sign program that allows or disallows for glass signs. Applicant Rubio said they have a sheet that specifies criteria for signage to include size, type, and content of vinyl graphics on windows. Chair Tao asked if there will be onsite managers, manager's office to monitor signage. Applicant Rubio that is correct.

Commissioner Chua shared her concern of making the cutoff time standard, should a restaurant have a bar that closes at 2 A.M; she would like to see consistency for all commercial tenants. Applicant Rubio recommended to make the signage schedule to mirror the hour of operations. Vice Chair Alcorn asked if there will be any stand-alone bars. Applicant Rubio said they would like to see a stand-alone bar, but it will see how it goes post- COVID. Vice Chair suggested a 2 A.M. cut off for all commercial signage. Commissioners Belong, Albana, Chua, and Chuan agreed there should be consistency and like the 2 A.M. cut off.

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

Motion to close the Public Hearing.

Motion/Second Commissioner Chua/Vice Chair Alcorn

Motion carried by a vote of AYES: 6 NOES: 0 **Ablaza not present*

Recommendation: Staff recommends that the Planning Commission consider the Determination of Consistency with the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and exemptions in accordance with CEQA and adopt Resolution No. 20-012 approving Site Development Permit SD20-0006, subject to the attached Conditions of Approval. **Adding a condition that signage shall be subject to a 2 A.M. time limitation (shut off) with a provision of Staff exemptions.*

Motion/Second Commissioner Chuan/Commissioner Belong

Motion carried by a vote of AYES: 6 NOES: 0 **Ablaza not present*

NEW BUSINESS

Agendize review of PC By-Laws and policies for a future date.

ADJOURNMENT

Chair Tao adjourned the meeting at 9:39pm.

Motion/Second Vice Chair Alcorn/Commissioner Albana

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

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina