



CITY OF MILPITAS

Planning Commission

SPECIAL MEETING MINUTES

6:00 PM

Wednesday, June 30, 2021

via Teleconference (Virtual Meeting)

CALL TO ORDER

Chair Tao called the meeting to order at 6:00 PM. Recording Secretary Elizabeth Medina called the roll.

PLEDGE OF ALLEGIANCE

Commissioner Belong led the pledge of allegiance.

ROLL CALL

PRESENT: Chair Tao, Vice Chair Chuan, Commissioner Albana, Alcorn, Belong, Galang, Ciardella (tardy)

ABSENT: None.

STAFF: Ned Thomas, Jessica Garner, Martin de los Angeles, Rozalynne Thompson, Michael Fossati, Bill Tott, Sharon Goei, Albert Zamora, Steve Chan, Jaime Garcia, 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. Chair Tao stated he although he represented the property owner at 380 Montague Expressway, Ark Baptist Church in a real estate transaction in 2010, he *does not* have any personal, financial interest or conflict of interest in making a decision on Public Hearing IX-2.

APPROVAL OF THE MEETING AGENDA

By motion, approve the special meeting agenda for June 30, 2021.

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

APPROVAL OF MINUTES

By motion, approve the meeting minutes for June 9, 2021; *with a correction to the word sprinkle to sprinkler.*

Motion/Second Commissioner Ciardella/Commissioner Belong
Motion carried by a vote of AYES: 7 NOES: 0

ANNOUNCEMENTS

Planning Director Ned Thomas shared:

- No City Council or Commission meetings in July
- City employees will return to office on August 2nd
- City Council planning to hold their first hybrid special meeting on August 5th (in chamber and virtual)
- National Night Out is Tuesday, August 3rd
- Today is the last day of work for Planning Manager, Jessica Garner

PUBLIC FORUM

Chair Tao invited members of the public to address the commission and there were none.

PUBLIC HEARING

IX-1 Zoning Text Amendment – Accessory Dwelling Units – P-ZA21-0003:

A City-initiated Zoning Ordinance Text Amendment to modify the regulations for accessory dwelling units (ADUs) within the City of Milpitas. The proposed amendment will modify the City's ADU regulations to comply with Government Code Sections 65852.2 and 65852.22. The proposed amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h) (ordinance regarding second units in a single-family or multifamily residential zone)). Project Planner: Rozalynne Thompson, (408) 586-3278, rtompson@ci.milpitas.ca.gov

**Continued from June 23, 2021 Planning Commission meeting.*

Project Planner Rozalynne Thompson and City staff [Bill Tott/Building Official, Sharon Goei/Building and Housing Director, Albert Zamora/Deputy Fire Chief, and Jaime Garcia/Assistant Fire Marshal] addressed commissioners' clarifying questions in regard to 20 foot containers being legally considered as an ADU, parking requirement changes for ADUs vs JADUs, bedroom limitations, building code occupancy limitations, exemption from environmental analysis, state law's guidance with ADU law, compliance of utility requirements, if this amendment expedites process for residents wanting building ADUs, HUD housing requirements, and fire safety for ADUs.

Chair Tao invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Commissioner Ciardella/Commissioner Alcorn

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

Recommendation: Staff recommends that the Planning Commission adopt resolution No. 21-010 recommending that the City Council adopt the proposed amendment to modify the regulations for ADUs within the City of Milpitas.

Motion/Second Vice Chair Chuan/Commissioner Alcorn

Motion carried by a vote of AYES: 6 NOES: 1 (Tao)

IX-2 NEW MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT – 308 SANGO CT. – SD19-0014, DB19-0001, TR19-0029, and EA19-0007:

A Site Development Permit, Density Bonus Permit, and Environmental Assessment to allow the demolition of an existing industrial building, removal of three protected trees, and development of a six-story, multi-family residential building with up to 85 below-market-rate dwelling units, a ground-floor parking garage with 48 vehicle spaces, and 20,788 square feet of landscaped public and private open space, on a 1.11-acre parcel located at 308 Sango Court in the Transit Area Specific Plan (TASP) planning area. This project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15194 (Affordable Housing Exemption) and as a separate and independent basis, CEQA Guidelines Section 15195 (Residential Infill Exemption) and Section 15168 (c) (Program EIR). Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov

**Continued from June 23, 2021 Planning Commission meeting.*

Project Planner Michael Fossati, City staff [Bill Tott/Building Official, Sharon Goei/Building and Housing Director, Albert Zamora/Deputy Fire Chief, Jaime Garcia/Assistant Fire Marshal, and Traffic and Transpiration Manager/Steve Chan], and applicant's team [Mike Kelley/Pacific West Communities, Luis Santiago/RJA, Michael Heinrich/AO Architects, Alan Parini/AO Architects] addressed commissioners' clarifying questions in regard to the project receiving public funding/financing, the deferral of payment timing of TASP fees, tree removal and replacement, building standards for affordable housing, current inventory of affordable housing units in Milpitas, parking management concerns, setback concerns, duration of the building out, modular building units, units and parking requirements for project at 355 Sango Court, current comparable projects with a reduced parking component, being solely used for rental units, ingress and egress for crane when moving modular units, transportation management plan of modular units, allocation of units (60% to households/individuals with AMI from 40-60%; 40% to moderate income [80% to 120% AMI] households/individuals), bike lockers location, access control for building, roof plan, street parking availability on Sango Court, goals and visions of developments in Transit Area neighborhoods, current RHNA cycle goal is 3,290 [low income 570; very low income 1,004]/next RHNA cycle is 6,713, parking concessions for affordable housing developments, and TASP standard public art fee requirement.

Chair Tao invited members of the public to address the commission. The following resident(s) commented: Joseph Sun, Esther Hsieh, Doug Chessire, and Urvishkumar Mehta.

Motion to close the Public Forum.

Motion/Second Commissioner Alcorn/Commissioner Belong
Motion carried by a vote of AYES: 7 NOES: 0

Recommendation: Staff recommends that the Planning Commission receive the project presentation, open and close the public hearing, and adopt Resolution 21-014 recommending the City Council approve a Site Development Permit No. SD19-0014, Density Bonus Permit No. DB19-0001, Tree Removal Permit TR19-0029, and Environmental Assessment No. EA19-0007 to allow the demolition of an existing industrial building, removal of three protected trees, and development of a six-story, multi-family apartment building consisting of up to 85 below-market-rate residential units, a ground-floor parking garage with 48 vehicle spaces, and 20,788 square feet of public and private open space, subject to the Conditions of Approval.

Motion to vote/Second Commissioner Belong/Commissioner Alcorn
Motion carried by a vote of
AYES: 3 NOES: 2 (Ciardella/Chuan) ABSTAIN: 2 (Albana/Belong)

NEW BUSINESS

None.

ADJOURNMENT

Chair Tao adjourned the meeting at 9:15 pm

Motion/Second Commissioner Belong/Commissioner Ciardella

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

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina