



MEETING MINUTES

MILPITAS PLANNING COMMISSION May 13, 2020 7:00 PM via TELECONFERENCE (Virtual Meeting)

- I. CALL MEETING TO ORDER** **Chair Tao** called the meeting to order at 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE** **Commissioner Belong** led the Pledge of Allegiance.
- III. ROLL CALL** **Present:** Chair Tao, Vice Chair Alcorn, Commissioner Albana, Ablaza, Chua, Chuan, Belong
- Absent:**
- Staff:** Ned Thomas, Jessica Garner, Martin de los Angeles, Adrienne Smith, Rozalynne Thompson, Steve Erickson, Elizabeth Medina
- IV. 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 declared that he has a conflict of interest with Public Hearing Item #IX-1 - **NEW PRE-SCHOOL AND DAYCARE – 210 SOUTH MAIN STREET – UP19-0013, MS20-0052** and will recuse himself during the project discussion. Chair Tao stated that the applicant is a client.
- V. APPROVAL OF AGENDA** **Chair Tao** asked if staff or Commissioners had changes to the agenda and there were none.
- Motion** to approve the May 13, 2020 agenda as presented.
- Motion/Second: Commissioner Belong/Vice Chair Alcorn
- AYES: 7
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS** **Chair Tao** thanked commissioners and staff for participating in the virtual forum. Chair Tao expressed appreciation to staff for their service to the community during the COVID-19 pandemic. Lastly, Chair Tao shared logistics of how the virtual meeting will be conducted.
- Planning Director Ned Thomas** provided departmental updates to the commission regarding:
- Continuing to hold our meetings in a virtual format.
 - City Hall will be closed until the end of the month and will reassess situation based on direction received from State and Santa Clara County Health Officer.

- Work in the Planning Department has been moving forward with a number of items coming; Planning team members have been working from home.
- Information about TASP kickoff meeting held on March 6 and that TASP work continues to move forward.
- Updates to General Plan will come sometime in near future.
- Possibly hold future virtual meetings at an earlier time, 6pm, to be noticed as a Special Meeting. For Brown Act purposes, City Attorney Martin de los Angeles recommended to agendaize this discussion at a future meeting before taking action.

VII. PUBLIC FORUM

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

Motion to close Public Forum.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 7

NOES: 0

ABSTAIN: 0

VIII. APPROVAL OF MEETING MINUTES

Chair Tao called for approval of the February 26, 2020 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as presented.

Motion/Second: Vice Chair Belong/Commissioner Chua

AYES: 6

NOES: 0

ABSTAIN: 1 (Albana)

Chair Tao called for approval of the March 11, 2020 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as amended.

Motion/Second: Vice Chair Belong/Commissioner Chua

AYES: 7

NOES: 0

ABSTAIN: 0

IX. PUBLIC HEARING

X-1 NEW PRE-SCHOOL AND DAYCARE – 210 SOUTH MAIN STREET – UP19-0013, MS20-0052: A request for a Conditional Use Permit and Minor Site Development Permit to allow a new Montessori school providing pre-school and daycare services to children aged 18 months through 6 years and to make exterior modifications to an existing 19,733-square foot building including the demolition of 3,125 square feet to accommodate a new playground. This project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section

15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Planner: Adrienne Smith, (408) 586-3287, asmith@ci.milpitas.ca.gov.

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

Commissioner Chuan asked if a traffic study has been done for this particular project. Ms. Smith said that there was no traffic study required for this project.

Commissioner Ablaza asked if this school is new to Milpitas. Ms. Smith said this school has several sites outside of the City; however, this would be their first “Learn and Play” location in Milpitas. Ms. Smith said the applicant will be discussing that in their presentation. Commissioner Ablaza asked if there is a different Montessori school down the street. Ms. Smith stated that was correct.

Commissioner Chua asked if there is logistics on how the applicant will handle the drop-offs during peak hours in the morning and pick-ups during peak times in the afternoons. Ms. Smith said it is detailed in one of the attachments, the applicant’s “business proposal” provided. Ms. Smith said that the applicant has many programs with staggering start and finish times and deferred it to be discussed by applicant.

Commissioner Belong, referencing the Midtown Plan to be a pedestrian friendly area, asked if there was an equation for traffic to qualify an area to be pedestrian friendly. Ms. Smith said in terms of pedestrian access, there is sidewalk along the front. Ms. Smith also shared that a Condition of Approval from the MPD requires that the applicant have proper signage. Planning Director Thomas added that they treat this project a little differently because it is an existing building in the Midtown Area; however, would look at it differently if it was a new use and a new building. Planning Director Thomas said that the benefit is that this use does bring more activity to the Midtown Area; and the Planning Commission can weigh the benefits of having a vacant building versus having parents doing drop offs/pick-ups circulating traffic in the downtown area.

Commissioner Ablaza had a suggestion for Staff to help minimize traffic; recommended that Main Street have traffic go one way (when exiting parking area). Director Ned Thomas said that although it is outside the prevue of this conditional use permit, that idea has been raised in other circles within the Midtown Plan and will be noted.

Commissioner Chuan asked if the property was previously a church and how the traffic was handled in the past. Ms. Smith said she couldn’t speak too much of how the operations of the church were but did note that circulation of traffic was in one way and out one way, and that will remain unchanged with this project. Planning Director Thomas added that the traffic for church use is more concentrated to certain days/hours; whereas the proposed project of a school with staggered class schedules will be unique patterns during the week; spreading out the impact of traffic.

Vice Chair Alcorn asked if there will be a “right turn only” when leaving the parking lot. Ms. Smith said that was a Condition of Approval from the MPD. Vice Chair Alcorn followed up to see if there was a requirement for “entry” on to the project site because that would make morning drop-off times smoother on Main Street. Ms. Smith said that is something that staff can look at as it would help with traffic flow. Planning Director Thomas noted that Vice Chair’s comments are very well taken because we would want to avoid traffic backing up on Main Street; this would be able to be looked at again when the applicant applies for their building permits.

Commissioner Ablaza shared that we could probably get a good idea of what the traffic would be like from the Montessori down the street. Ms. Smith noted that there haven't been any matters or complaints raised to the Planning Department in regard to that Montessori and traffic.

Applicant, Harpreet Grewal and Architect, Sullivan S. Santos shared an overview of the company history, class schedules and its plans regarding their project in a presentation to the Commissioners.

Commissioner Chuan referenced traffic at their Niles school location and asked applicant to describe how they handle the traffic at that school site. Applicant Mr. Grewal said that he learned that by changing their programs offered to different days at different times (staggered schedules) helped with traffic flow.

Commissioner Belong asked where will the 6-foot cylinder wall go that that will block off the train noise. Applicant Mr. Grewal confirmed it would go to the south side of the property bordering off the residents for privacy. Commissioner Belong asked what kind of ground covering will be used for the new play structure area. Applicant Mr. Grewal said they'd be using the "pour in place" product. Architect Mr. Santos said all the specifications for the play structure will be submitted when they apply for building permits. Commissioner Belong saw in the plans that there will be extensive demolition and construction, and asked applicant if they will be paying Area Standard Wages. Applicant Mr. Grewal did not have an answer as they do not yet know who they will hire. Commissioner Belong asked when building their other locations, if the applicant hired locally. Applicant Mr. Grewal said yes, definitely.

Commissioner Chua, referencing the data provided in the applicant's presentation for the Niles Campus, asked if the applicant had statistics of how many classes were scheduled during certain hours during the day (i.e. 7am-4pm, 8am-5pm, 9am-6pm, 8am-12pm, etc.), trying to gauge what traffic will be like. Applicant Mr. Grewal clarified that 229 Children is their maximum capacity with the students in different classes with various start and end times during the week; not having the exact data Commissioner Chua was requesting but noted he does have three dedicated staff to help with the flow of traffic during pick up and drop off times. Planning Director Thomas shared when an application comes in, it is circulated and reviewed by various departments prior to coming to Planning Commission; this project was reviewed by the Traffic Engineer who didn't find it will cause traffic problems. Commissioner Chua said she still did not feel comfortable with that.

Vice Chair invited members of the audience to address the commission and there one comment received via email.

Date: May 13, 2020

Name: Helen Hoggo

Address: 227 s main street

Agenda Item: 1) NEW PRE-SCHOOL AND DAYCARE – 210 SOUTH MAIN STREET – UP19- 0013, MS20-0052:

Comments:

1. The potential preschool with current preschool facing to each other, it will create more heavy traffic during drop off and pick up time.
2. Create more difficulty time for current day care center and preschools;

on Main Street from Curtis ave to Weller Ln only about 1.5 miles 7 large preschool and day care center already. And during covid19, most of the preschool or day cares are facing to lose customers- -because most of parents choose to keep their children at home for safety concerns and government shelter in place order. And more new day cares will add more pressures added to current day cares and schools

we would like to bring these 2 concerns to the public hearing.. and hope the good decision to be made by building department

Motion to close the public hearing.

Motion/Second: Commission Chua/Commissioner Belong

AYES: 6

NOES: 0

Motion to the exemption in accordance with CEQA and adopt Resolution No. 20-008, approving Conditional Use Permit No. UP19-0013 and Minor Site Development Permit No. MS20-0052 subject to the attached Conditions of Approval.

Motion/Second: Commissioner Belong/Commission Ablaza

AYES: 5

NOES: 1 (Chua)

ABSTAIN: 0

X-2 ZONING TEXT AMENDMENT – ACCESSORY DWELLING UNITS – P-ZA20-0002: A City-initiated Zoning Ordinance Text Amendment to regulate accessory dwelling units (ADUs) within the City of Milpitas. The proposed amendments would modify regulations related to ADUs 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, rthompson@ci.milpitas.ca.gov.

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

Chair Tao clarified that this particular update is so that the City of Milpitas will in full compliance with State legislation related to ADUs. Ms. Thompson stated that is correct.

Commissioner Chua stated that she is happy that SB13 is now a law as of January 1, 2020 and it will help with the affordable housing crisis. Commissioner Chua clarified that we are now allowed two ADUs per lot. Ms. Thompson said that under State law an ADU and JADU that meet state requirements (800 square feet, 4-foot rear/side setbacks, 16 feet in height) is allowed. Commissioner Chua asked if the 16-foot limitation would apply to an ADUs on second floor of a single-story home with its own entrance. Ms. Thompson said the 16 feet would not apply, limitation would be 28 feet and would need to be cleared with a building permit. Ms. Chua asked are there any comments for ADUs in PUDs. Ms. Thompson stated that the ADU ordinance is a standard applied City-wide. Lastly, Ms. Chua asked if a home owner was to convert their two-car garage into an ADU, would the owner be required to provide replacement parking. Ms. Thompson stated that per State law, replacement parking is not required.

Commissioner Ablaza asked if ADUs will be allowed in front yards. Ms. Thompson said they are only allowed in the rear part of the property.

Commissioner Albana asked if you can have an ADU as a second story on a single home. Ms. Thompson said that is allowed. Commissioner Albana expressed some concern about there not being a requirement for replacement parking.

Chair Tao asked what State law says once a City has reached capacity. Ms. Thompson said that the State then gives the City discretion whether to grant approval should there be a capacity issue.

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

Motion to close the public hearing.

Motion/Second: Commissioner Chuan/Commissioner Belong

AYES: 7

NOES: 0

ABSTAIN: 0

Planning Director Thomas shared that the City will receive a State grant, the SB2 Grant that we will use to create a concierge program for anyone in the community who is interested in building an ADU. With this, the City will have online resources about ADUs, providing mapping within the City for areas that can accommodate ADUs. It is our hope to have this program in place by next year.

Commissioner Chua asked about the status of the waiver that was mentioned last May for non-permitted ADUs. Ms. Thompson clarified it was not a waiver, it was a possible amnesty program brought up by a Councilmember, where the City will give the property owner time to bring their ADU up to code. Ms. Thompson said the last she remembers it was an item that was to be discussed with the Building Department but is something that can be included in the draft ordinance. Ms. Chua said she feels a study should be done first to make sure the City wants to have an amnesty program.

Motion to consider the exemption in accordance with CEQA and adopt Resolution 20-010 recommending that the City Council adopt an Ordinance amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units.

Motion/Second: Commissioner Chuan/Vice Chair Alcorn

AYES: 7

NOES: 0

ABSTAIN: 0

X-3 CAPITAL IMPROVEMENT PROGRAM (CIP) GENERAL PLAN CONFORMITY FINDING: A City-initiated request to consider a finding of General Plan conformity for the proposed 2020-2025 CIP Annual Report in accordance with

California Government Code Section 65401. This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (Not a Project). Director of Engineering, Steve Erickson, 408-586-3301, serickson@ci.milpitas.ca.gov.

Engineering Director Steve Erickson showed a presentation and discussed the project.

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

Motion to close the public hearing.

Motion/Second: Vice Chair Alcorn/Commissioner Albana

AYES: 7

NOES: 0

ABSTAIN: 0

Motion to adopt Resolution No. 20-009 finding that the 2020-2025 Capital Improvement Program is in conformance with the Milpitas General Plan.

Motion/Second: Vice Chair Alcorn/Commission Albana

AYES: 7

NOES: 0

ABSTAIN: 0

XI. NEW BUSINESS

NO ITEMS

XII. ADJOURNMENT

The meeting was adjourned at 9:40 pm.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Ablaza/Vice Chair Alcorn

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*