



MEETING MINUTES

MILPITAS PLANNING COMMISSION

March 11, 2020 7:00 PM

CITY HALL COMMITTEE ROOM

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

- I. CALL MEETING TO ORDER** **Chair Tao** called the meeting to order at 7:01 P.M.
- II. CITY CLERK, Mary Lavelle swears in newly appointed Planning Commissioner, Mercedes Albana**
- III. PLEDGE OF ALLEGIANCE** **Commissioner Chuan** led the Pledge of Allegiance.
- IV. ROLL CALL**
- Present:** Chair Tao, Vice Chair Alcorn, Commissioner Albana, Chua, Chuan, Belong
- Absent:** Commissionner Ablaza
- Staff:** Ned Thomas, Jessica Garner, Martin de los Angeles, Lillian VanHua, Michael Fossati, Rozalynne Thompson, Elizabeth Medina
- V. CONFLICT OF INTEREST DECLARATION**
- City Attorney Ethan Walsh** 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 a conflict with Public Hearing Item #X-2 -- **PAULSON PROPERTY SUBDIVISION – 461/463 South Milpitas Blvd. – TP19-0002** and will recuse himself when project is discussed.
- VI. APPROVAL OF AGENDA**
- Chair Tao** asked if staff or Commissioners had changes to the agenda.
- Planning Director Ned Thomas noted that, at the request of the Applicant, **Public Hearing Item #X-3 - AUTOMATIC CARWASH – 554 SOUTH MAIN STREET – P-SD18-0010 and P-UA18-0020** has been moved to a date uncertain.
- Motion** to approve the March 11, 2020 agenda as amended.
- Motion/Second: Commissioner Chuan/Vice Chair Alcorn
- AYES: 6
- NOES: 0
- ABSTAIN: 0
- VII. ANNOUNCEMENTS**
- Commissioner Chua** shared she visited the 400+ square foot tiny house in City of Milpitas, City Hall parking lot and it was nice and will still be onsite until Friday, if anyone else would like to see it.

Chair Tao shared that he, Commissioner Chuan, Commissioner Albaza and Planning Manager Jessica Garner attended the League of CA Cities, Planning Commissioners Academy from March 4 through March 6 in Sacramento. He stated he is happy to share information he learned with Staff and fellow commissioners at an appropriate time.

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

- The tiny home that is onsite. Though it was arranged last minute, he plans to invite the company (www.No-NonsenseHousing.com) back to display the tiny home for more people to see. The City does not have any immediate plans to deploy tiny homes in Milpitas.
- The City is testing a new system that the City Manager would like to put into place during the time of concern of coronavirus and attending large meetings. Planning Commission meetings will be livestreamed and live on social media where people will be able to submit public comment and messages online during the hearing.
- The second meeting in March will be cancelled. With five weeks in April, we will move April meetings to the 3rd and 5th week (instead of the 2nd and 4th week). There will be a Special Meeting on April 29th. April Planning Commission meeting dates will be April 15th and 29th (instead of the regularly scheduled dates of April 8th and 22nd). *Vice Chair Alcorn made a motion to revise the meeting schedule by cancelling the March 25th, April 8th, April 22nd Planning Commission meetings and to hold April Planning Commission meetings on the 3rd and 5th week of April; Commissioner Chuan second. AYES: 6 | NOES: 0*

VIII. 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: 6

NOES: 0

ABSTAIN: 0

**At 7:20 pm a livestream public comment was received and read by Planning Manager Jessica Garner for Public Hearing Item #X-3 – Automatic Carwash. Comment read, “Why was this item removed?” Ms. Garner clarified that the Applicant requested a continuance of the agenda item to a date uncertain. The Applicant had concerns with the coronavirus.*

IX. APPROVAL OF MEETING MINUTES

Chair Tao called for approval of the January 29, 2020 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as presented.

Motion/Second: Commissioner Chuan/Commissioner Alcorn

AYES: 4

NOES: 0
ABSTAIN: 2 (Albana, Belong)

Chair Tao called for approval of the February 12, 2020 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as amended.

Motion/Second: Commissioner Chuan/Commissioner Alcorn
AYES: 5
NOES: 0
ABSTAIN: 1 (Albana)

X. PUBLIC HEARING

X-1 TIME EXTENSION FOR 551 LUNDY PL RESIDENTIAL DEVELOPMENT – 551 Lundy Blvd. – TE20-0002: A request for a time extension for a Site Development Permit (SD16-0009), Conditional Use Permit (UP16-0028), and Vesting Tentative Map (MT16-0003) to: 1) develop 89 attached three-bedroom townhome condominium units and associated site improvements; 2) allow a tandem parking configuration for 23 townhome units; 3) subdivide 551 Lundy Place into 13 legal parcels, and: 4) establish 89 residential condominium units and related common areas on a 3.65 acre site located at 551 Lundy Place. This project was analyzed in an Addendum to the Milpitas Transit Area Specific Plan FEIR (SCH#2006032091) in accordance with CEQA Section 21093(B) and CEQA Guidelines Section 15152(a). As a separate and independent basis, the project is also exempt from further environmental review pursuant to CEQA Guidelines Sections 15168 (Program EIR), 15182 (Projects Pursuant to a Specific Plan), and 15183 (Projects Consistent with a Community Plan or Zoning). Project Planner: Lillian VanHua, (408) 586-3073, lhua@ci.milpitas.ca.gov.

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

Applicant Dave Sweco, Toll Brothers Land Development representative, stated this is the third phase [land and easement swap between the City of Milpitas, Valley Water and Toll] of the project and shared history of the property.

Chair Tao asked if the Applicant was working on their improvement plans and the completion status. Mr. Sweco said their fourth submittal was made on February 12, 2020 and are waiting for comments. In terms of a land swap, Chair Tao asked if there is daylight at the end of the tunnel. Mr. Sweco said they are very close and are working on completing/submitting Phase 1 for Valley Water, geotechnical analysis of the soil.

Commissioner Chua asked Staff if there is a limit for an extension. Ms. VanHua said it is a one-time extension, and if no time is specified in the request, the maximum time is 18 months.

Chair Tao clarified if the tentative map has two mandated extension rights; the site-development permit by State law and condition use permit under the prevue of City. Director Thomas nodded that was correct.

Commissioner Chuan asked if the initial permit was applied for before the 15% affordable housing fee was mandated. Ms. VanHua said that was correct.

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 Chuan

AYES: 6

NOES: 0

Motion to adopt Resolution No. 20-004, extending Site Development Permit SD16-0009, Conditional Use Permit UP16-0028, and Vesting Tentative Map MT16-0003 for 18 months until September 11, 2021.

Motion/Second: Commissioner Chua/Vice Chair Alcorn

AYES: 6

NOES: 0

ABSTAIN: 0

X-2 PAULSON PROPERTY SUBDIVISION – 461/463 South Milpitas Blvd. – TP19-0002: A Minor Tentative Map to subdivide a 11.35 acre parcel into two parcels located at 461 and 463 South Milpitas Blvd., within the Heavy Industrial (M2) Zoning District. The project is categorically exempt from further CEQA review pursuant to Section 15315 (Minor Land Division) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), of the CEQA Guidelines. Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov.

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

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

Motion to close the public hearing.

Motion/Second: Commissioner Chuan/Commissioner Chua

AYES: 5

NOES: 0

ABSTAIN: 0

Commissioner Chua asked what the rational/purpose is to subdivide the lot. Mr. Fossati stated that as it's not a part of the findings, the property owner would like the parcel to be subdivided. Speaking from experience, Mr. Fossati said in most cases, lots are subdivided to allow two owners to own two separate buildings.

Vice Chair Alcorn thanked applicant for being in Milpitas, as well as being recognized by our Economic Development Department.

Motion to consider the exemptions from environmental review under the California Environmental Quality Act (CEQA) and adopt Resolution No. 20-001 approving Minor Tentative Map No. TP19-0002, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chuan/Commission Chua

AYES: 5

NOES: 0

ABSTAIN: 0

X-3 AUTOMATIC CARWASH – 554 SOUTH MAIN STREET – P-SD18-0010 and P-UA18-0020: A Site Development Permit and Conditional Use Permit Amendment to allow demolition of an existing manual car wash and development of a new 3,189-square foot fully automatic car wash with an adjacent 2,301-square foot canopy area on a .46-acre site in the Mixed-Use (MXD) Zoning District and Conditional Use Permit Amendment to allow an exception to the maximum front setback of 15 feet from back of sidewalk pursuant to the Midtown Specific Plan. The exception would allow a front setback of 37 feet and seven inches. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c) (New Construction of Small Structures) and, as separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Rozalynne Thompson, (408) 586-3278, rthompson@ci.milpitas.ca.gov

**As noted by Planning Director Ned Thomas in Agenda Item #V – Approval of Agenda - At the request of the Applicant, this item has been moved to a date uncertain.*

XI. NEW BUSINESS

Planning Director Ned Thomas followed up with Planning Commissioners to make sure they have been receiving messages from the Planning Pipeline, the new SMS text message tool.

Vice Chair Alcorn wanted to see if items learned from the Planning Commissioners Academy (i.e. personal phone use) could be agendaized or discuss at a future meeting. Vice Chair Alcorn asked if we could possibly modernize the Planning Commission by-laws, more so about personal device use on the dais.

Considering the current coronavirus issue, Commissioner Chua asked if phoning in to meetings could be considered to be put in by-laws, as a backup so commissioners can still be aware and vote for hearing items. Chair Tao requested research to be done should the commission have to conduct the meeting telephonically, and to make sure we are in abidance of the law.

City Attorney Martin de los Angeles said that phone-in meetings would need to comply with Brown Act, ADA, as well as posting requirements.

Planning Director Ned Thomas said, beginning yesterday, the City Manager team began regular update meetings related to coronavirus on Tuesdays and Fridays. As the City is reviewing/updating its Management Plan for operations during coronavirus emergency, Planning Director Thomas said he will share the commission's feedback with the management team.

Commissioner Chuan asked City Attorney if a commissioner were at home, could that be a place where he/she can participate in a public hearing. City Attorney Martin de los Angeles said that is something he

will look into as things are in flux with the coronavirus pandemic; but based on his experience, at home or a hotel room is somewhere you could not participate in a public hearing.

Chair Tao asked when phoning in, does the location have to be in the same jurisdiction of meeting. City Attorney Martin de los Angeles said you could be in another jurisdiction, you would just have to comply with the posting, as there are ADA requirements.

Vice Chair Alcorn said he would like to form a Planning Commission by-laws committee. Chair Tao said he would like to include the consideration of not starting another agenda item after 10pm, at the discretion of the Chair based on the motion/approval of commission.

XII. ADJOURNMENT

The meeting was adjourned at 7:52pm.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Alcorn/Commissioner Abana

AYES: 6

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*