

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, January 24, 2018

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE**
- Present:** Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Maglalang, Chua
- Absent:** Morris (excused), Mohsin (excused)
Alternate Member Chua was seated for voting.
- Staff:** Bradley Misner, Katy Wisinski, Adrienne Smith, Lillian Hua
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the November 8, 2017 and December 13, 2017 meeting minutes of the Planning Commission.
- The commission did not have the quorum to approve the November 8 minutes considering who was at the meeting that day and staff will bring them back for approval at another date.
- Motion** to approve Planning Commission meeting minutes of December 13, 2017.
- Motion/Second: Commissioner Chua/Vice Chair Madnawat
- AYES: 4
- NOES: 0
- ABSTAIN: 2 Sandhu, Ciardella
- V. ANNOUNCEMENTS** Planning Director Bradley Misner welcomed the commissioners to 2018, thanked them for their hard work in 2017, and said he looks forward to another productive year.
- VI. CONFLICT OF INTEREST** **Deputy City Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
- There were no reported conflicts.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the January 24, 2018 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 6

NOES: 0

**VIII. CONSENT
CALENDAR
NO ITEMS**

IX. PUBLIC HEARING

IX-1 380 S MAIN STREET – P-UP17-0017: A request for a Conditional Use Permit for a 2,904 square foot grocery store within an existing commercial building located in the Midtown Specific Plan area. A Conditional Use Permit is required per City Code Table XI-10-6.02-1 (Mixed Zone Uses).

Vice Chair Madnawat said he had a conflict on this item due to the proximity of his office to this location and he recused himself and left the council chambers at 7:07 PM.

Project Planner Adrienne Smith showed a presentation and discussed the request. She said there was a correction to the parking table, as 18 parking spaces are required, not 17 as noted in the staff report, and there is a surplus of 24 spaces.

Ms. Smith received two phone calls and six emails from people opposed to the project.

Commissioner Maglalang asked how the restrooms are accessed as they are located in the back of the store. Ms. Smith was unsure and referred the question to the applicant.

Commissioner Sandhu asked how the outside seating area affects parking requirements. Ms. Smith said seating is included in the parking calculation at one space for every 2.5 seats, and five parking spaces are required to accommodate the seating area.

Architect Karl Shultz said staff has direct access to the restrooms through the kitchen and he is working with the landlord to gain access for customers through an exterior side door. Mr. Misner said Building and Safety have preliminarily reviewed the plans and have not given any objections to this scenario at this point. In their plan check process, before issuing any building permits for the tenant improvements, if there ends up being the need for separate patron restrooms that would become a building requirement which would have to be accommodated but, at this point, staff is not lead to believe the store will need separate restrooms.

Chair Mandal opened the public hearing.

Two business owners on Main Street said they are opposed to the project because of concerns of increased traffic, and they do not see the need for two similar businesses so close to one another.

The owner of New India Bazaar at 440 South Main Street believes this use should not be permitted due to the lack of parking on South Main Street, and said a bike lane was added making traffic worse and hurting businesses. He owns a similar sized grocery store and said South Main Street is not capable of handling another.

One speaker said he opposes the project because parking is unable to handle the crowds and he has received multiple parking tickets at nearby businesses. There is also a religious space in front of the store, which will carry non vegetarian items, and religiously this is undesirable.

Milpitas resident Suraj Viswanathan believes another store may bring more sales tax to the city. He regularly shops at the bazaar and said parking is limited but that does not mean a new store should not be allowed. The store is providing the number of parking spaces that is required and the process should be fair and give equal opportunity to every business.

Motion to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 6

NOES: 0

Commissioner Maglalang said there had been a restaurant at this location and asked if there were changes to the parking space requirements from the old business. Ms. Smith said sit down restaurants are typically more parking intensive, and she spoke with the city's traffic engineer about trip generation and he believes the grocery store use will generate less trips than the former use. Mr. Misner said the sit down restaurant space and former use would require more parking spaces than the proposed grocery store.

Commissioner Sandhu said Main Street has been vacant, not much development has taken place, and he welcomes new businesses coming to Main Street.

Commissioner Chua said commissioners look at land use and the general plan and zoning ordinance, and this location is zoned MXD, which is a multi-use area that allows for retail businesses. She understands the concerns about new businesses and traffic but the project conforms to the development standards of the zoning ordinance.

Motion to Adopt Resolution No. 18-003 approving Conditional Use Permit No. UP17-0017, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Sandhu/Chair Mandal

AYES: 5

NOES: 0

IX-2

551 LUNDY PLACE – P-SD16-0003, P-UP16-0028, P-MT16-0003: A request for a Site Development Permit, Conditional Use Permit, and a Vesting Tentative Subdivision Map for the construction of 89 townhomes on a 3.68 gross acre site within the Transit Area Specific Plan.

Vice Chair Madnawat returned to the council chambers at 7:40 PM

Commissioners Ciardella and Chua disclosed that they met with the applicant. Ms. Wisinski said she wanted to allow the record to reflect that they each believe they could fairly and impartially evaluate the application before them and they both said they could.

Project Planner Lillian Hua showed a presentation reviewing the project. There were two revisions in the resolution to condition of approval numbers 18b and 59, and Ms. Hua reviewed those revisions.

Chair Mandal asked if affordable housing units are being provided. Ms. Hua said there is no affordable housing dedicated; therefore, the in-lieu fee is being paid. Mr. Misner said developers are required to either provide 5% of the total number of units on site for affordable housing or have the option of paying an in-lieu fee, which goes into an account for the purpose of the development of affordable housing. The applicant is paying the mandated fee and on top of that a public benefit fee of \$1 million.

Commissioner Maglalang questioned why guest parking requirements are based on the minimum number of spaces allowed instead of the maximum. Mr. Misner said the standard throughout the TASP is that the minimum is seen as the requirement. He believes it is because there were parking reductions in the TASP which are different than other areas of the city predicated on the proximity to BART and light rail stations and, being that it is transit oriented development, the idea was there would be a softening of the parking standards.

Applicant Leah Beniston said this project is the third phase of two other projects previously approved, and there was no affordable housing requirement at that time. They volunteered to pay a 5% affordable housing fee and, with awareness of affordable housing needs in the city, volunteered to add another 5%, with their affordable housing fees now totaling 10% of the construction value of the project.

Vice Chair Madnawat said the point of the public art fee is to have art that makes the city and projects more attractive. He would like public art incorporated into projects and asked if there is a place to install art instead of paying the fee. Ms. Beniston said public art is not their forte. If the public art process was in conjunction with the entitlement process they probably would have included it, but it is a foreign entity to them as developers.

Chair Mandal opened the public hearing.

Milpitas resident Suraj Viswanathan said there is a small amount of affordable housing units in the city and he believes the city is lagging behind because of the option for builders to pay an in lieu fee. He believes affordable housing units should be included in buildings close to the transit system as those residents are in need of affordable housing, and the City should negotiate with builders to provide affordable housing instead of paying an in-lieu fee.

Motion to close the public hearing.

Motion/Second: Commissioner Chua/Commissioner Ciardella

AYES: 6

NOES: 0

Motion to Adopt Resolution No. 18-002 recommending approval of the above applications to the Milpitas City Council, subject to the Conditions of Approval.

Motion/Second: Commissioner Chua/Vice Chair Madnawat

AYES: 6

NOES: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT The meeting was adjourned at 8:37 PM.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Maglalang

AYES: 6

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elia Escobar*