

APPROVED

PLANNING COMMISSION MINUTES

June 25, 2008

- I.
PLEDGE OF
ALLEGIANCE**
- Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II.
ROLL CALL/SEATING
OF ALTERNATE**
- Present: Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Sudhir Mandal
Gurdev Sandhu, Noella Tabladillo and Cliff Williams
- Alternate Present: Aslam Ali
- Absent: None
- Staff: AhSing, Hom, Lindsay, Ogaz and Oliva
- III.
PUBLIC FORUM**
- Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.
- Rajeev Madnawat, representing the Community Advisory Commission,** invited the public to participate in National Night Out on August 7, 2008.
- IV.
ANNOUNCEMENTS**
- There were no announcements.
- V.
CONFLICT
OF INTEREST**
- City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.
- There were no Commissioners who identified a conflict of interest.
- VI.
APPROVAL OF
AGENDA**
- Chair Williams called for approval of the agenda.
- There were no changes to the agenda.
- Motion** to approve the agenda as submitted.
- M/S: Mandal/Sandhu
- AYES: 7
- NOES: 0

**VII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar, however, staff received two e-mails in opposition to Item No. 1 (Conditional Use Permit No. UP08-0020) and Item No. 2 (Site Approval Amendment No. SA2008-0017).

Chair Williams opened the public hearing on Item Nos. 1 and 2.

Tony Trouch and Michael Chang, Milpitas Business Owners, requested that Item No. 1 be pulled from the consent calendar for discussion.

Motion to remove Item No. 1 from consent calendar.

M/S: Williams/Mandal

AYES: 7

NOES: 0

Motion to close the public hearing on Item No. 2

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

Motion to approve the consent calendar.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

***2 SITE APPROVAL AMENDMENT NO. SA2008-0017:** A request to amend a special condition of approval, No. 23a, relating to construction timing. If approved, the request would allow project construction to occur everyday, Mondays through and Sundays between 6 a.m. and 7 p.m., until December 31, 2008. The project is located at 1666 South Main Street. (*Recommendation: Close the public hearing and adopt Resolution No. 08-026 approving the proposed amendment to special condition no. 23a*)

**VIII.
PUBLIC HEARING**

**1. CONDITIONAL USE
PERMIT NO. UP08-0020**

Cindy Hom, Assistant Planner, presented a request to locate a 1,088 square foot self-serve yogurt shop within the Milpitas Square Shopping Center located at 510 Barber Lane. Ms. Hom recommended to close the public hearing and adopt Resolution No. 08-027 approving the project subject to the conditions of approval.

Chair Williams asked how is the parking during lunchtime. Ms. Hom said the last parking study was done in 2005 and based on that study, there were excess parking stalls.

Joe Oliva, Principal Transportation Planner, stated that during lunchtime hours, people park in the back portions of the Crowne Plaza and Barber Lane because there is not enough parking.

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Chair Williams said he is concerned that there is not a current parking study.

Mr. Lindsay said staff's job is to see if an application is in conformance with the zoning ordinance and based on parking ratios currently in the code for restaurants, this use permit would meet the zoning ordinance requirements.

Commissioner Sandhu asked what the status of this retail space is. Ms. Hom said it used to be a clothing store.

Commissioner Ciardella asked if the shopping center has to comply with the parking requirements in the zoning ordinance. City Attorney Mike Ogaz said that the parking task force is looking to see if there is a need to increase parking levels for shopping centers. At this time, the Commission cannot require more than what the current code requires.

Vice Chair Mandal said that currently customers are parking on the street and asked if this is included in the parking calculations. Ms. Hom said that it is not included and only on-site parking is included in the calculations.

Commissioner Tabladillo asked if the City enforces employees parking in the main lot. Ms. Hom said employees are accounted for 10% of parking spaces and it is generally encouraged for employees to park in the back of the buildings and it is sometimes a condition of approval.

Chair Williams introduced the applicant.

John Ha, representing the applicant, said they are in compliance with the zoning ordinance and should not have any competition with the other businesses.

Vice Chair Mandal asked about the business. Mr. Ha said they will be serving frozen yogurt.

Commissioner Tabladillo asked if there is a requirement to have a 15 or 20 minute parking space in front of the shop. Ms. Hom said there is no timed parking at the shopping center.

Chair Williams asked if the Commission can require timed parking spaces and Mr. Lindsay said yes. He also suggested that the Parking Task Force look into requiring timed parking for other businesses throughout the shopping center.

City Attorney Mike Ogaz said that because the property owner is not present tonight, staff cannot condition the project to have timed parking.

Commissioner Tabladillo asked if the applicant will be providing Wi-Fi and Mr. Ha said no.

Commissioner Galang asked about the frequency of visitors and Mr. Ha said that they have a lot of business after 3 p.m. and at nighttime.

Chair Williams opened the public hearing.

Tony Trouch, Business Owner, said he is concerned about parking and trash and wants the Commission to deny the project.

Michael Chang, Business Owner, said he is concerned about the project and felt it is a conversion of use. He asked the Commission to deny the project.

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Motion to close the public hearing.

M/S: Sandhu/Mandal

AYES: 7

NOES: 0

Commissioner Ciardella asked if customers are carpooling together during lunchtime and Mr. Oliva said yes.

Motion to adopt Resolution No. 08-027 approving Conditional Use Permit No. UP08-0020, Tutti Frutti Yogurt Shop subject to the attached findings and conditions of approval.

M/S: Sandhu/Ciardella

AYES: 7

NOES: 0

**3. PARKING TASK
FORCE TASK 3
TECHNICAL
MEMORANDUM**

Joe Oliva, Principal Transportation Planner, presented a summary of staff's public outreach efforts to interested stakeholders in the community regarding the state of parking in various land use districts throughout the City, including residential, industrial, commercial and quasi-public areas. Mr. Oliva recommended that the Commission close the Public Hearing and Note Receipt and File.

Chair Williams asked if staff looked at Menlo Park's parking ordinance. Mr. Oliva said that Menlo Park was not one of the cities that staff researched because they are very restrictive with their on-street parking.

Chair Williams asked about street sweeping days that would help to force vehicles to be removed and Mr. Oliva said that Public Works and Code Enforcement are trying to tackle the problem.

Commissioner Sandhu suggested that the task force look at no parking zones to see if staff could allow parking there at certain times. Mr. Oliva said that no parking zones in industrial parks are used to prevent big heavy trucks from parking there.

Commissioner Tabladillo said that KB home residents are complaining that there is not enough parking. Mr. Oliva said there is a parking problem out there and people are parking illegally. He advised the Home Owners Association (HOA) to form a parking committee.

Commissioner Tabladillo said she is concerned about the lack of parking at supermarkets and asked the task force to come up with alternatives. Mr. Oliva said that he understands her concerns and hopefully staff can come up with solutions.

Chair Williams asked if staff has conditioned housing projects to require that the HOA have parking guidelines and James Lindsay, Planning and Neighborhood Services Director said yes.

Commissioner Ciardella said Menlo Park has certain sections of town where they limit parking on certain streets.

Commissioner Galang suggested if the parking task force could look into fining large vehicles that park into compact spaces.

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Chair Williams opened the public hearing.
There were no speakers from the audience.

Motion to close the public hearing.

M/S: Galang/Sandhu

AYES: 7

NOES: 0

Chair Williams noted that this was a note receipt and file.

4. GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, "S" ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING MAJOR TENTATIVE MAP NO. MA2007-4, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-6

Cindy Hom, Assistant Planner, presented a request to change the land use designation of 9.65 acres from industrial to residential and develop an 80 lot subdivision at Sinclair Frontage Road, north of Wrigley Way. Ms. Hom recommended the Commission close the Public Hearing and adopt Resolution No. 08-020 and recommend approval to the City Council subject to the Conditions of Approval.

Chair Williams asked what is the speed limit and Ms. Hom said it is 45 mph and that the consensus is to reduce the traffic speed to 35 mph.

Chair Williams suggested that staff look at on street parking.

Chair Williams asked what is the wall height along Sinclair Frontage and Ms. Hom said 16 feet.

Commissioner Tabladillo asked if the existing sidewalk is comparable to the new sidewalk that would be installed and Ms. Hom said yes.

Commissioner Tabladillo asked if there will be landscaping near the entrance and Ms. Hom said yes.

Commissioner Ali-Santosa said he is concerned about fire truck access if there is a car parked near the intersection or corner. Ms. Hom said the private street is developed in conformance with the fire departments turning radius standards.

Commissioner Ciardella asked about the parking requirements. Ms. Hom said for the R1 zoning district, the parking requirement is 2 off street parking spaces and they are providing in excess.

Chair Williams asked if a window privacy study was done and Ms. Hom said no.

Vice Chair Mandal said he concerned about the traffic flow. Ms. Hom said the width of the entry road is 36 feet travel way and is wide enough to accommodate traffic.

Commissioner Galang asked about hazardous mitigation measures. Ms. Hom said it is the applicant's responsibility to comply with the measures.

Chair Williams asked if the applicant was in communication with the nearby residents. Ms. Hom said there was a community meeting and the residents were concerned about the wall and the applicant has promised to maintain the current height.

Commissioner Tabladillo asked about the demolishing of the existing site and Ms. Hom deferred the question to the applicant.

Chair Williams introduced the applicant.

Steve Allen, Applicant, 6217 Lake View Circle, San Ramon, presented a request to change the land use designation of 9.65 acres from industrial to residential and develop an 80 lot subdivision at Sinclair Frontage Road, north of Wrigley Way.

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Chair Williams asked who designed the project and Mr. Allen said KTG Y architects.

Chair Williams asked what was the core drilling depth and Mr. Allen said it exceeded eighteen feet.

Chair Williams suggested a condition that would require the applicant to come up with mitigation measures to ensure privacy and the applicant agreed.

Commissioner Tabladillo asked if the bollards will allow the residents to walk through and Mr. Allen said yes.

Commissioner Tabladillo asked about pedestrian sidewalk safety and Mr. Allen explained the safety elements of the sidewalk.

Commissioner Tabladillo requested that staff include lighting along the emergency vehicle access corridor.

Vice Chair Mandal asked if the project is going to be the same height level as the project to the north and Mr. Allen said no, the project will be a higher level.

Vice Chair Mandal asked if the park area will be private or public and Mr. Allen said it will be private.

Commissioner Ciardella asked where the mailboxes would be located and Mr. Allen referred the Commission to the plans.

Commissioner Galang asked how much will the units cost and Mr. Allen said approximately mid 400's to 500's.

Commissioner Sandhu asked when will the project be completed and Mr. Allen said approximately four years.

Chair Williams opened the public hearing.

Howard Narvaez., 976 Cameron Circle, Milpitas, said he is concerned about traffic, construction noise, hazardous materials, tree planting, family noise, privacy issues and property values.

Lance Crain, Property Owner at 1155 Wrigley Way, requested the following special conditions: 1) the applicant build a 16 foot sound wall along the entire property line, 2) home purchasers sign a waiver regarding potential noise and 3) storm drainage for the project be improved.

Motion to close the public hearing.

M/S: Sandhu/Galang

AYES: 7

NOES: 0

Chair Williams asked Mr. Lindsay if staff can incorporate Mr. Crain's suggestions as conditions of approval. Mr. Lindsay said the applicant is proposing a higher wall but does not meet the 16 foot height requested by Mr. Crain.

Commissioner Sandhu said he is concerned about privacy issues and not meeting the development standards.

Vice Chair Mandal said he is also concerned about privacy and Mr. Crain's business.

Mr. Lindsay said staff considered Mr. Crain's request about the 16 foot wall height but felt it wasn't required to meet the noise standards.

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Commissioner Ciardella asked if there is another 16 foot wall against residential homes and Mr. Lindsay said the Sinclair Horizons subdivision.

Commissioner Ciardella asked what the height of a roll up door is. Mr. Crain said the height of a roll up door is 16 feet.

Commissioner Tabladillo asked if all the homes are two stories and Mr. Lindsay said yes.

Commissioner Tabladillo said she was concerned about privacy.

Motion to Adopt Resolution No. 08-020 and recommend approval to the City Council subject to conditions of approval with the following added special conditions of approval.

- 1) To have appropriate lighting along the emergency vehicle access pathway.
- 2) To have the applicant, staff and HOA work on a privacy condition that is mutually agreeable specifically for units 30, 31 and 32.
- 3) To have the applicant provide a 16 foot wall height with structural integrity along the whole length of the south wall.

M/S: Ali-Santosa/Galang

AYES: 6

NOES: 1 (Sandhu-due to not in agreement with the development standards)

IX. PRESENTATION

5. BROWN ACT REVIEW

Chair Williams requested that this item be continued to the next meeting and the Commission agreed.

X. ADJOURNMENT

The meeting was adjourned 10:20 p.m. to the next regular meeting of July 9, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary

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