

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

February 11, 2009

**I.
ROLL CALL**

Present: Larry Ciardella, Alex Galang, and Gurdev Sandhu
Staff: Ah Sing, Andrade, Brown, and Rodriguez

**1. ADMINISTRATIVE
PERMIT NO. AD09-0001**

Tiffany Brown, Junior Planner, presented a request for a one hour parade on Los Coches Boulevard as the opening event for a three day special event at the India Community Center located at 525 Los Coches Boulevard. Ms. Brown recommended approving Administrative Permit No. AD09-0001 subject to the Conditions of Approval.

Motion to approve Administrative Permit No. AD09-0001.

M/S: Ciardella, Sandhu

AYES: 2

NOES: 0

**II.
ADJOURNMENT**

This meeting was adjourned at 7:08 p.m.

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**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: Aslam Ali, Larry Ciardella, Alex Galang, Sudhir Mandal,
Gurdev Sandhu, Noella Tabladillo, and Cliff Williams
Staff: Ah Sing, Andrade, Brown, Lindsay, and Otake

**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.

Frank De Smidt, Chamber of Commerce, invited the public to the 1st Annual Milpitas Chamber of Commerce Golf Tournament to be held on Friday, May 8, 2009, at Spring Valley Golf Course, at 12:00 p.m.

**IV.
APPROVAL OF
MINUTES**
January 28, 2009

Chair Williams called for approval of the minutes of the Planning Commission meeting of January 28, 2009.

There were no changes to the minutes.

Motion to approve the minutes of January 28, 2009 as submitted.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Alex Galang)

**V.
ANNOUNCEMENTS**

Chair Williams stated he was quite impressed with Bounce-a-Rama at the Great Mall.

**VI.
CONFLICT
OF INTEREST**

Assistant City Attorney Bryan Otake 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. Commissioner Sandhu stated he is the President of the Sikh Foundation of Milpitas that is near the Culture Center for Item 2. Chair Williams stated his residence is near Liberty Plaza for Item 4.

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**VII.
APPROVAL OF AGENDA**

Chair Williams asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**VIII.
CONSENT CALENDAR**

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

There were no changes to the consent calendar.

Chair Williams opened the public hearing on Item No. 3.

There were no speakers from the audience.

Motion to open the public hearing and continue the item to the March 11th meeting.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

***3 ZONING AMENDMENT NO. ZA08-0011:** An amendment to Chapter 30 of the Zoning Ordinance for the purpose of providing clarity to regulations for signs and streamlining the process for reviewing sign proposals. In addition, the amendment includes new provisions for Freeway Message Centers (Electronic Message Signs) for the purpose of providing new development standards for those types of signs. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. (*Recommendation: Open the public hearing and continue the item to the March 11th meeting.*)

Vice-Chair Mandal opened the public hearing on Item No. 4.

There were no speakers from the audience.

Motion to close the public hearing on Item 4.

M/S: Tabladillo, Galang

AYES: 6

NOES: 0

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ABSENT: 0

ABSTAIN: 1 (Cliff Williams)

Motion to approve the consent calendar for Item No. 4.

M/S: Sandhu, Galang

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Cliff Williams)

***4 SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0030:** A request to amend the sign program and add a monument sign for Liberty Plaza located at 1200 S Abel Street. (APN: 086-16-099), zoned General Commercial with Site and Architectural and Transit Oriented Development Overlays and is located within the Midtown Specific Plan (C2-S-TOD). Applicant: David Gale. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Adopt Resolution No. 09-012 approving the project subject to conditions of approval.)*

Chair Williams opened the public hearing on Item No. 5.

There were no speakers from the audience.

Motion to close the public hearing on Item No. 5.

M/S: Mandal, Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to approve the consent calendar for Item No. 5.

M/S: Tabladillo, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

***5 MAJOR TENTATIVE MAP NO. MT08-0001, SITE DEVELOPMENT PERMIT NO. SZ07-0002, CONDITIONAL USE PERMIT NO. UP08-0045, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0004:** A request to further develop an existing office campus by adding 424,814 square feet of new office space in six, five story buildings and constructing an elevated parking deck. When built out, the total square footage of the campus would be 1,415,814 square feet. Because of potential environmental impacts stemming from the project, the project is subject to an Environmental Impact Report. The project also proposes a modification to the existing Development Agreement for the site. The project is located at 205 N. McCarthy Ranch Boulevard (APNs: 022-56-005

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through 009), zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Equity Office. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3223. (Recommendation: Adopt Resolution No. 08-066 recommending approval of the project, the first amendment of the Development Agreement and certification of the project EIR, subject to conditions of approval.)

**IX.
PRESENTATIONS**

**UPDATE ON THE
APTON PLAZA
PROJECT**

James Lindsay, Planning Director, gave an update on the Apton Plaza project located at North Main Street at Weller. There has been no construction activity since 2007. Project approved was a 93 Unit Apartment project with about 2,300 sq ft of commercial space. The owner has been unsuccessful in finding a builder to build the project.

Vice-Chair Mandal asked what happens to the property if no one comes forth to build. Mr. Lindsay stated it is up to the property owner to decide what is done with the property. Vice-Chair Mandal asked if the City could buy the property. Mr. Lindsay stated the purchasing of a property would be the decision of the City Council.

Commissioner Sandhu asked if there were any plans for a park. Mr. Lindsay said there are no plans in place for a park.

Commissioner Tabladillo asked if the property could be subdivided. Mr. Lindsay said if the Planning Commission wanted to express their opinion to the City Council they are free to do so.

**X.
PUBLIC HEARING**

**1. CONDITIONAL USE
PERMIT NO. UP08-0042
AND ENVIRONMENTAL
IMPACT ASSESSMENT
NO. ES08-0006**

Tiffany Brown, Junior Planner, presented a request to operate a certified Farmers' Market within the Great Mall Parking lot located at 1100 S. Main Street. The market's proposed hours of operation are for Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Sunday prior to Thanksgiving. Ms. Brown recommended to Adopt Resolution No. 09-009 approving the project subject to conditions of approval.

Commissioner Tabladillo asked how many months would flaggers be available. Ms. Brown said the first two months.

Vice-Chair Mandal stated that flaggers must be there all the time not just the first two months. He also stated the Great Mall security must be available at all times.

Chair Williams asked if there will be a two and four month review. Ms. Brown stated yes.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Commissioner Tabladillo wanted to make sure there are two flaggers for two months and then at the two month review the Commission would evaluate if flaggers would continue to be needed.

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Vice-Chair Mandal wanted to make sure the Great Mall security is part of the security process.

Motion to Adopt Resolution No. 09-009 approving the project subject to conditions of approval.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UP08-0036
AND ENVIRONMENTAL
ASSESSMENT NO. EA08-
0010**

Tiffany Brown, Junior Planner, presented a request to locate a new 2,900 square foot religious facility within an R&D building in the Venture Commerce Center Business Park located at 1160 Cadillac Court. Ms. Brown recommended to Adopt Resolution No. 09-003 approving the project subject to conditions of approval.

Commissioner Tabladillo asked how many people can be in the prayer room at one time. Sheldon Ah Sing, Senior Planner, stated 126 people can be in the prayer room at one time.

Ana, 39795 Paseo Padre Parkway, Fremont, CA, stated the prayer area can have 126 occupants at any given time. There are no set hours. The hours are from 9:00 a.m. to 11:00 a.m. and 6:30 p.m. to 8:00 p.m. during the weekdays and 10:30 a.m. to 7:00 p.m. on Saturday and Sunday.

Commissioner Tabladillo asked if there are any special events. The applicant stated there are 2 or 3 events during the year.

Commissioner Ali asked if this is a new center. The applicant stated this is the second center to be opened. She also stated that there would be about 200 families throughout the year at the center. There will be no changes to the exterior only to the interior.

Treasurer, 1160 Cadillac Court, stated that at no point is there a gathering of people. People come and go at different times.

Chair Williams opened the public hearing.

Randhir Singh, 368 Fairview Way, Milpitas, is in favor of the center. He would be willing to consider shared parking arrangements or agreements if that is necessary.

Ernie Nordell, 125 E. Sir Francis Drake Blvd, Larkspur, CA, stated he supports this application.

Tuy Yan Do, 1120 Cadillac Court, stated she has a dental office in the Venture Commerce Center and is concerned with having two (2) churches in the same area that is supposed to be dedicated for small businesses. It changes the atmosphere and she is concerned with parking issues.

Scott Lane, 1120 Cadillac Court, is concerned with parking issues. He feels it would bring the property value down. He wants to keep the Venture Commerce Center for small businesses.

Ramiro Rodriguez, 354 Fairview Way, is not in favor of sharing their assigned parking with the temple. He did not receive notice for this public hearing.

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Fred Tan, 1120 Cadillac Court, stated he opposes this project and that the website for this center had nothing about a church being there. It was set up as a high end up scale business and professional center. He feels this should be a business center only and that the church should be on a separate building.

Wayne Martinez, 1164 Cadillac Court, said he is concerned with the parking spaces. He stated that when the first church was proposed the majority of the owners signed a petition not in favor of locating a church in the vicinity. If he knew that two (2) churches were being built near his business he would not have made the decision to move there.

Motion to close the public hearing.

M/S: Mandal, Galang

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Gurdev Sandhu)

Vice-Chair Mandal asked staff if everyone was notified. Ms. Brown stated yes, the Planning Division uses the CRW list. Mr. Lindsay stated that staff gets quarterly updates from the County Assessors Office they do not get real time updates from the Assessors Office. Staff does two (2) additional forms of notification 1) in the Milpitas Post and 2) signs are posted on the property. Chair Williams asked how many signs are posted on the property. Mr. Lindsay stated one (1) sign is posted on the property.

Commissioner Tabladillo asked how many tenants Phase 2 can have. Ms. Brown stated she did not have the file for Phase 2. Mr. Nordell stated currently Phase 1 has 36 individual properties, 23 properties owned by individuals, one (1) applicant in contract, and 12 vacant properties.

Vice-Chair Mandal asked how many religious facilities are there in the complex. Ms. Brown stated currently there is one (1) facility at 1180 Cadillac Court and this project would be the second.

Chair Williams asked in other religious institutions how many complaints have the City had in regards to parking issues. Mr. Lindsay stated he has not heard of any complaints.

Commissioner Ali suggested continuing this item to the next meeting so they can get more input from the other tenants. Commissioner Tabladillo also agreed to continue this item to the February 25th meeting. She wants to be fair and listen to the other tenants and hear their concerns if any. She also requests that staff do an analysis of the religious facilities in Milpitas and other cities and report back to the Commission. Mr. Lindsay stated yes a fast track analysis can be done. Mr. Lindsay also stated the notices went to all tenants and property owners and the HOA had a meeting.

Commissioner Ali asked staff if all tenants and property owners were notified. Mr. Lindsay stated yes. Commissioner Ali stated he wanted to withdraw his earlier comment since staff did notify each tenant. Vice-Chair Mandal agreed with Commissioner Ali that this item should not be continued.

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Commissioner Galang asked if this church will have services at the same time as the other church in the complex. The applicant stated that there may be one (1) or two (2) times that both churches have events at the same time. They will not have overlapping of parking.

Commissioner Tabladillo asked if there could be a condition that this item be reviewed in 6 months to make sure there are no parking issues and then a final review in a year to be able to have individuals come back and revisit this for any concerns or problems.

Motion to Adopt Resolution No. 09-003 approving the project subject to conditions of approval and the additional conditions made by the Commission.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Gurdev Sandhu)

The meeting was adjourned at 8:51 p.m. to the next regular meeting of February 25, 2009.

**XI.
ADJOURNMENT**

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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