

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

March 11, 2009

I. ROLL CALL

Present: Larry Ciardella and Alex Galang
Staff: Ah Sing, Barbey, Brown, and Hom

1. MINOR SITE DEVELOPMENT PERMIT NO. MS08- 0016

Tiffany Brown, Junior Planner, presented a request to construct a wind break near the outdoor seating area for the existing Banana Leaf restaurant located at 182 Ranch Drive

Motion to approve Minor Site Development Permit No. MS08-0016, a seven foot windbreak, at Banana Leaf restaurant subject to the conditions of approval.

M/S: Ciardella / Galang

AYES: 2

NOES: 0

2. MINOR SITE DEVELOPMENT PERMIT NO. MS09- 0006

Tiffany Brown, Junior Planner, presented a request for a 1,522 square foot addition and new deck for an existing hillside home located at 1658 Pebble Beach Court.

Motion to approve Minor Site Development Permit No. MS09-0006 subject to the conditions of approval.

M/S: Galang / Ciardella

AYES: 2

NOES: 0

3. MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MA09-0001

Cindy Hom, Assistant Planner, presented a request to add a new entryway and creating new walkways to the parking lot from the entryway at 800 Tasman

Motion to approve Minor Site Development Permit Amendment No MA09-0001 subject to the conditions of approval.

M/S: Ciardella / Galang

AYES: 2

NOES: 0

4. MINOR SITE DEVELOPMENT PERMIT NO. MS09- 0001

Cindy Hom, Assistant Planner, presented a request to remove 21 parking spaces to accommodate two garage buildings and re-stripe parking lot area to include compact spaces at an existing apartment complex located at 555 S Park Victoria Drive.

Motion to approve Minor Site Development Permit No. MS09-0001 subject to the conditions of approval.

M/S: Galang / Ciardella

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:50 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, and Cliff Williams
Absent: Noella Tabladillo
Staff: Ah Sing, Barbey, Hom, 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 agendaize the matter for a future meeting.
There were no speakers in the audience.
- IV.
APPROVAL OF MINUTES February 25, 2009** Chair Williams called for approval of the minutes of the Planning Commission meeting of February 25, 2009.
Motion to approve the minutes of February 25, 2009 with the following amendment:
Commissioner Ciardella – Page 4, Item 1 motion does not reflect Commissioner Ciardella’s absence.
M/S: Mandal / Galang
AYES: 5
NOES: 0
ABSENT: 1 (Noella Tabladillo)
ABSTAIN: 1 (Larry Ciardella)
- V.
ANNOUNCEMENTS** Senior Planner, Sheldon AhSing, reminded the Commission that the Commissioner’s Recognition Brunch is Saturday, April 4th at Dave and Busters; invitations were mailed to the Commissioners’ homes; RSVPs information is on the invitation.
- 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. There were no Commissioners who identified a conflict of interest.
- VII.
APPROVAL OF AGENDA** Chair Williams asked whether staff or the Commission have any changes to the agenda.
Motion to approve the agenda as submitted.

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M/S: Galang / Mandal
AYES: 6
NOES: 0
ABSENT: 1 (Noella Tabladillo)
ABSTAIN: 0

**VIII.
CONSENT CALENDAR**

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

There were no items on the Consent Calendar or any additions to the Consent Calendar; proceed to Public Hearing.

**IX.
PUBLIC HEARING**

**1 SITE DEVELOPMENT
PERMIT NO. SD08-0006,
CONDITIONAL USE
PERMIT NO. UP08-0028,
AND
ENVIRONMENTAL
ASSESSMENT NO.
EA09-0003**

Cindy Hom, Assistant Planner, presented a request to redevelop an existing 80,704 square foot commercial building into a retail center. The project proposal entails site and building modifications that includes a 26,669 square foot two-story addition, exterior upgrade of the building façade, a conditional Use Permit for the proposed 32,975 square foot food market, and installation of associated site improvements. The applicant is also requesting preliminary comments on a proposed 30-foot pylon sign. The project site is located at 1535 Landess Avenue. Ms. Hom recommended to adopt Resolution No 09-010 subject to the conditions of approval.

Chair Williams asked if staff discussed with the applicant the previous noise complaints received from residents regarding delivery trucks waiting early at the loading dock, with their trucks running. Ms. Hom stated the issue was conveyed to the applicant during plan review, design review, and other meetings with the applicant, in addition the conditions of approval limit the deliveries for the grocery store to be between 8:00 am and 5:00 pm.

Chair Williams asked if the gate to prohibit the trucks from parking by the loading dock, while waiting for the facility to open, would remain. Ms. Hom stated the gates are still there, but she doesn't think they were intended to be used, and she would defer the question to the applicant.

Commissioner Ciardella asked if the Kiosks on the floor plan are included in the total square footage of retail or restaurant space, for parking calculations. Ms. Hom stated that the Kiosks were not included in the calculation because they are located in a "common" area.

Commissioner Ciardella asked if the people who work at these 8 or 9 Kiosks have to park then why would they not be included in the parking totals. Ms. Hom stated that this is true, the Kiosks will retail, but in the parking analysis the overall use of that area is considered common area, which does not trigger any parking requirements.

Commissioner Ciardella is concerned there will not be enough parking for a grocery store and all of these restaurants. Ms. Hom stated that staff had also had this concern but the analysis indicated there is sufficient parking for the project.

Commissioner Ciardella asked if the deliveries conditioned to be between 8:00 am and 5:00 pm was five days or seven days a week. Ms. Hom stated would defer the question to

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the applicant.

Commissioner Ciardella asked if the restaurant and retail establishments would receive deliveries on the back loading dock as well. Ms. Hom stated that the loading dock is for the grocery store only, and deliveries for the restaurants and retail would go through the main entryways.

Commissioner Galang asked if the plans included demolishing the existing building. Ms. Hom stated that the plans are to renovate the building to accommodate different storefronts.

Commissioner Galang asked for the height of the fence along the loading dock intended to minimize noise pollution. Ms. Hom stated she was unsure of the exact height, but the fence will at least meet the height of a parked truck; if the Commission wishes the height can be defined as a modified condition.

Vice-Chair Mandal asked when the applicant conducted the neighborhood meeting. Ms. Hom stated the meeting was on September 20, 2008.

Vice-Chair Mandal asked how many people attended the neighborhood meeting. Ms. Hom stated there were approximately 28 people in attendance.

Vice-Chair Mandal asked about the feedback received from the neighbors. Ms. Hom stated the concerns were mostly noise from the delivery trucks and odors from the restaurants; the restaurants will be required to install odor-controlling equipment and new odor controlled trash enclosures are being installed.

Vice-Chair Mandal asked if any of the residents were concerned with people being able to see into their back yards. Ms. Hom stated that this did not come up as a concern because there are tall trees blocking the view.

Vice-Chair Mandal asked how they could fit 513 parking spaces in the parking lot. Ms. Hom stated they will be adding 40 compact parking spaces; the original Home Depot was approved 160 compact spaces; the new parking amendments will allow for compact spaces in general commercial and the applicants are aware that if the parking amendments are not adopted the applicant will need to modify their floor plan.

Vice-Chair Mandal asked if there were plans to modify the two driveways/entrances from Landess. Ms. Hom stated that the plans only included modifying the driveway/entrance from Dempsey to include one turn lane in and one left lane out and one right turn lane out.

Vice-Chair Mandal asked if this was the recommendation of the traffic analysis. Ms. Hom stated that this, as well as the tapering of the median on Dempsey, was the recommendation of the traffic consultant, who analyzed for California Environmental Quality Act (CEQA) impacts, un-signalized intersections, and left turn operations; this project is subject to the Montague Traffic Impact Fee.

Commissioner Sandhu asked if any neighbors came to the neighborhood meeting with noise or odor concerns. Ms. Hom stated the neighbors came with concerns about noise from deliveries and restaurant odor; the applicant addressed both of these issues by setting delivery hours, adding a screen wall as a noise barrier, and requiring odor-controlling equipment at the restaurants and trash enclosures.

Commissioner Sandhu asked how often the trash servicing would be, once a week. Ms. Hom stated there is a condition to maintain sufficient trash servicing and this would be reviewed during the Building Permit process.

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Commissioner Sandhu asked if the food court would be designed similar to the Great Mall's food court or will it be individual restaurants. Ms. Hom showed on the floor plan the design of the food court.

Chair Williams asked if the trash service would be held to the delivery times (8:00 am – 5:00 pm). Ms. Hom stated the hours of trash service are defined in the franchise agreement, but she is unsure of the times for this area. Mr. James Lindsay stated, based on Allied Wastes' contract, they would not be subject to the delivery times imposed on the tenant because their servicing times are defined in their franchise agreement, but he's unsure of their current scheduled time.

Commissioner Ali suggested the applicant work with BFI (Allied Waste) to change the service times.

Commissioner Ali asked if there were plans for a sign on Landess or only on Dempsey. Ms. Hom stated the plans are for the sign (shown tonight) to be on Landess, there are no plans for a sign on Dempsey.

Commissioner Ali asked if the sign currently on Dempsey (Home Depot) would then be removed. Ms. Hom stated the sign would be removed.

Commissioner Ali asked if 234 parking spaces is enough parking for 24,000 square feet of restaurant space. Ms. Hom stated that required parking for retail and office operations was determined and the remaining parking spaces will be allocated for restaurant use; the parking amendments will allow for compact spaces and it changes the calculation of parking requirements for restaurants.

Commissioner Ali asked if the limited parking would limit the allowed seating in the future restaurants. Ms. Hom stated when the restaurants apply for a Conditional Use Permit (CUP); parking will be mandated in accordance with the code at the time of the CUP approval.

Chair Williams asked if there is a designated employee parking area. Ms. Hom stated that staff has recommended the back area be designated for employees.

Commissioner Ciardella asked where the grocery carts are going to be parked. Ms. Hom stated that in discussions with the applicant, the carts will remain in the store, but she would defer this question to the applicant.

Commissioner Ciardella asked if there were any spots provided in the parking lot for the carts. Ms. Hom stated there is a cart return area in the front.

Commissioner Ciardella asked if the grocery store entrance is in the rear of the. Ms. Hom stated the grocery store entrance would be from the interior of the mall the back entrance is for employees and service only.

Chair Williams asked if staff could look into re-striping the parking lot with designated spaces for existing businesses and review this at the six and twelve month reviews.

Commissioner Galang asked if there is a food court in the supermarket. Ms. Hom stated they do not have a food court, but they have a hot deli section.

Commissioner Galang asked if the entrances to the grocery store and restaurants were close to each other. Ms. Hom stated the grocery store is only accessible from the inside of the mall and the restaurants are all exterior access only.

Commissioner Galang asked if there would be deliveries on the weekends. Ms. Hom

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stated she would defer this question to the applicant.

Commissioner Galang asked how many handicapped parking spaces would be provided. Ms. Hom stated there are fourteen accessible spaces and two van accessible spaces.

Commissioner Galang asked if the patrons of the grocery store could park in front of the existing businesses. Ms. Hom stated the project site has this parcel and two outer-parcels; the center has 513 parking spaces on its own parcel.

Commissioner Galang asked if the owners/tenants of the existing businesses in the outer-parcels could have their own designated parking spaces. Ms. Hom stated that they could potentially designate parking spaces, but she's unsure of how that is done. Mr. Lindsay stated there is a joint use parking agreement between the three owners, but the landlords can work with tenants to designate parking spaces.

Commissioner Galang asked if when leaving the only way to get to S Park Victoria is to exit right on Dempsey, drive to Yosemite, and make a right to get to S Park Victoria. Ms. Hom stated that you could exit left on Dempsey, make a left on Landess, and approach S Park Victoria.

Dinna Bayangos, project developer, explained their company and consulting team; she presented the business plan and design elements; she mentioned this project may be completed in phases depending on the economy the second floor may not be built immediately.

Chair Williams asked if there is going to be designated employee parking, where, and how would it be controlled. Ms. Bayangos stated they will request employees park in the rear, but it will be difficult to control; one idea is to install locker rooms at the rear of the building to encourage employees to park in the back; they will work with the future merchants.

Chair Williams asked if they are willing to work with BFI (Allied Waste) regarding trash-servicing times. Ms. Bayangos stated she would look into it and try to work with BFI (Allied Waste).

Chair Williams asked if the gates along the loading dock entrance would remain. Ms. Bayangos said they will not have nighttime deliveries and the gate will remain.

Chair Williams asked how they plan to handle the shopping carts. Ms. Bayangos said they would hire an employee to pick up the carts in the parking lot and return them to the grocery store. **Mr. Roel Ricinto, project developer**, stated that Seafood City has designated employees to be cart retrievers.

Vice-Chair Mandal asked how many of this type of facility the company has in California. Ms. Bayangos stated this will be the first facility like this in California, but they have several in the Philippines and Thailand.

Vice-Chair Mandal asked if they have other commercial projects in the United States. Ms. Bayangos stated they have two retail projects in Southern California.

Vice-Chair Mandal asked how residents have received their previous projects. Ms. Bayangos stated that they really study the area and are targeting a niche, but still trying to choose tenants that will appeal to a wider clientele.

Vice-Chair Mandal asked what security [camera, proper lighting, Closed Circuit Television (CCTV), etc.] they will have in the rear of the building, by the "employee" parking, to keep employees and their property safe. Ms. Bayangos stated they have not

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hired a security consultant yet, but they will look at security and they do have plans to add lights.

Vice-Chair Mandal asked if they would be conducting a security analysis as well. Ms. Bayangos stated they would have a security consultant.

Vice-Chair Mandal asked if a security consultant is part of their standard operating process or it's something new the Commission is requesting. Ms. Bayangos stated this is standard for all of their projects.

Commissioner Ciardella asked if there is only one cart return location in the front and none on the sides. Ms. Bayangos stated yes there is only one cart return.

Commissioner Ciardella stated he would like to see more cart returns including the side parking lots.

Commissioner Ciardella asked if the grocery store is 24-hours. Ms. Bayangos stated the grocery store would be closing between 9:00 and 10:00 pm.

Commissioner Ciardella asked if the restaurants would have the same operating hours. Ms. Bayangos stated some of the restaurants would mostly likely be open later.

Commissioner Ciardella asked how the retail and restaurant deliveries would be accommodated to avoid a pile up of material on the sidewalk waiting to be brought inside. Ms. Bayangos stated they have not worked out the details, but the delivery and operating hours would be in the individual restaurant's CUP. Mr. Ricento stated they have standard operating guidelines in addition to their lease agreements, "House Rules", that address deliveries, operations, trash collection, etc.; it is in the mall's best interest not to block the entrance.

Commissioner Ciardella asked what time the grocery store will open. Ms. Bayangos stated the store will open at 8:00 am, but employees will begin arriving at 6:00 am.

Commissioner Ciardella asked where the retail and restaurant delivery truck parking is located and if there could be a designated truck parking space. Ms. Bayangos stated delivery hours and guidelines are addressed in the "House Rules".

Commissioner Ciardella asked what the delivery times would be for the retail and restaurant operations. Ms. Bayangos stated the times would vary based on the type of business.

Commissioner Ciardella asked if the retail and restaurant deliveries are going to be made during operating hours having deliveries go thru the common area. Ms. Bayangos stated they will require the deliveries be made prior to operating hours and monitor it accordingly.

Commissioner Ciardella asked if the deliveries would have to be made before 8:00 am if they open at 8:00 am. Ms. Bayangos stated they are not sure what restaurants or the operating hours will be, but they will designate the delivery hours and operations.

Commissioner Ciardella asked if the retail and restaurants could share the loading dock. Ms. Bayangos stated the lease with Seafood City gives them exclusive loading dock privileges.

Commissioner Galang asked why they choose Milpitas. Mr. Ricento stated they had been scouting several locations for their use, the building would fit their project, and Milpitas has the right demographics.

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Commissioner Galang asked if this is a future “Manila Town”. Mr. Ricento stated that they want to widen their attachment area and with the cross-pollination of cultures they do not want to limit it to a certain taste, the restaurants will not be too specialized, they’d like to establish uniqueness without discriminating.

Commissioner Galang asked how often the shopping carts are picked up from the parking lot. Ms. Bayangos stated they are picked up everyday and returned to the right locations.

Commissioner Galang asked if there are plans for an employee shuttle. Ms. Bayangos stated there are not currently any plans for a shuttle, but she’s willing to discuss it with future merchants.

Commissioner Galang asked if Milpitas residents would have priority for the new jobs. Ms. Bayangos stated no, Milpitas residents would not be given priority.

Commissioner Galang asked if when visiting, you feel like you’re in the Philippines. Mr. Ricento stated that you would have a flavor of the Philippines. Ms. Bayangos stated they are also trying to appeal to a wider market.

Commissioner Galang asked if there would be a Karaoke bar. Ms. Bayangos stated they would consider it.

Chair Williams opened the public hearing.

Donald Peoples, 3444 Spring Creek Lane, Milpitas, said that as a member of the Economic Development Commission he knows the City is always trying to find ways to bring in sales tax revenue and create jobs; this project will do both and renovate a potential blight; encourages the adoption of the project.

Motion to close the public hearing on Item No. 1.

M/S: Galang / Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 0

Chair Williams asked for a condition that this project has six and twelve month reviews.

Commissioner Ciardella asked for a condition that cart return areas be added to both side parking lots.

Vice-Chair Mandal asked for a condition that a security analysis be conducted and CCTV and additional lighting installed in the back parking area.

Commissioner Ali asked for a condition that the applicant work with BFI (Allied Waste) regarding trash pick up times.

Commissioner Ali asked for a condition that all future CUP applications include the “House Rules” the applicant gives with each lease.

Commissioner Ciardella would like a condition that staff works with the applicant to

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ensure the retail and restaurant deliveries do not impact the general public.

Assistant City Attorney, Bryan Otake summarized the additional conditions as follows:

1. Applicant shall return for a six and twelve month review.
2. Applicant shall provide adequate cart retrieval areas near the entrances of the project, subject to approval by Planning staff.
3. Applicant shall ensure adequate lighting, closed circuit television, and other security or safety equipment in the rear parking areas.
4. Applicant shall work with the authorized hauler of solid waste, recycling, and other materials to ensure the collection times are compatible with neighboring uses to the extent possible.
5. Applicant shall work with Planning staff to ensure that deliveries to external restaurants and retail merchants are made in a manner that protects public safety.

Chair Williams asked the applicant if they were in agreement with the additional conditions of approval. Mr. Ricento stated they are in agreement.

Motion to adopt Resolution No. 09-014 approving the project subject to conditions of approval and the additional conditions made by the Commission.

M/S: Galang / Ciardella

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 0

**2 ZONING
AMENDMENT NO.
ZA08-0001**

Sheldon AhSing, Senior Planner, presented a consideration of amendments to the zoning ordinance text. The City proposes to amend the zoning ordinance by 1) combining separate Commercial District sections (CO, C1, C2, HS, and TC) into one section; combining the separate Industrial District sections (M1, M2 and MP) into one section; 2) reformatting the Institutional District section, Agricultural District section and Exceptions Section; and 3) prohibiting places of assembly uses that are not associated with industrial or business uses within Industrial Districts. Ancillary text changes to the zoning ordinance are also proposed to ensure internal consistency. Mr. AhSing recommended that the Planning Commissioner adopt Resolution No 09-015 recommending approval of the amendments to the City Council.

Vice- Chair Mandal asked if these documents are currently available online. Mr. AhSing stated the code is available online.

Vice-Chair Mandal asked if the new document would be online after adoption. Mr. AhSing stated they would be online; the book publishing vendor also updates the website at least quarterly.

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Chair Williams opened the Public Hearing.

There were no speakers from the audience.

Motion to close the public hearing on Item No. 2

M/S: Sandhu / Ciardella

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 0

Motion to Adopt Resolution No. 09-015 recommending approval of the amendments to the City Council.

M/S: Galang / Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 0

The meeting was adjourned at 9:05 p.m. to the next regular meeting of March 25, 2009.

**XI.
ADJOURNMENT**

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Debbie Barbey
Recording Secretary

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