

APPROVED

PLANNING COMMISSION MINUTES

May 27, 2009

- 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, Mark Tiernan, and Cliff Williams
Staff: Ah Sing, Andrade, Brown, Hom, Lindsay, Otake, and Reliford
- 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.

There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
May 13, 2009 Chair Williams called for approval of the minutes of the Planning Commission meeting of May 13, 2009.

There were no changes to the minutes.
Motion to approve the minutes of May 13, 2009 as submitted.

M/S: Mandal, Sandhu

AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Commissioner Ciardella suggested giving up the pay the Commissioners receive from the meetings to save the City money for about 6 months. He would like staff to agendize this item.

Commissioner Tabladillo requested staff to review the option of receiving the Planning Commission packets electronically.

Chair Williams gave the City kudos for the Memorial Celebration a job well done.
- 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.

There were no changes to the agenda.
Motion to approve the agenda as submitted.

M/S: Galang, Mandal

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.

Chair Williams opened the public hearing on Item No. 2.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to adopt Resolution No. 09-026 and approve the project, subject to the conditions of approval to the City Council.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

***2 GENERAL PLAN AMENDMENT NO. GP08-0005, ZONING AMENDMENT NO. ZA08-0012, ENVIRONMENTAL ASSESSMENT NO. EA08-0008:**

McCarthy Ranch Mixed Use Project: A request to change the General Plan and Zoning designations for a 9.34 acre site from Industrial Park (MP) to General Commercial (C2) and provide environmental clearance for 49.2 acres of MP properties to develop at 0.50 Floor Area Ratio. The project includes a zoning text amendment to allow certain "industrial uses" as conditionally permitted in the C2 district. The project also proposes a modification to the existing Development Agreement for the sites. The project is located at North McCarthy Boulevard (APNs: 022-29-036, 022-30-037, 022-30-039, and 022-30-048) Applicant: Joey McCarthy. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3221.

(Recommendation: Adopt Resolution No. 09-026 recommending approval and certification of the project and project EIR, subject to conditions of approval, to the City Council.)

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 public hearing to the June 24, 2009 Planning Commission meeting.

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M/S: Mandal, Galang

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

***3 MAJOR TENTATIVE MAP NO. MT08-0002, CONDITIONAL USE PERMIT NO. UP08-0046, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005:**

McCandless Mixed Use Project: A request to develop a 23 acre site with three mixed use buildings and five residential buildings, including improvements to the existing adjacent roads, the construction of a new local street, and the dedication of an urban plaza and public trail along Penitencia Creek. The project contemplates 1,573 dwelling units, which include a transit oriented density bonus (25%) increase of the maximum density allowed for the site and 92,757 square feet of retail/commercial space. The project includes a Development Agreement and Owners Participation Agreement. This project does not include any architectural review. The project is located on McCandless Dr. (APNs: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101) zoned Retail High Density Mixed Use (MXD2) and High Density Transit Oriented Residential (R3) with Site and Architectural Overlay and Transit Oriented Development Overlay on certain properties (S-TOD). Applicant: Integral Communities. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3222. (*Recommendation: Open the public hearing and continue the public hearing to the June 24, 2009 Planning Commission meeting.*)

IX. PUBLIC HEARING

1. GENERAL PLAN HOUSING ELEMENT AMENDMENT NO. GP 09-0002 AND DRAFT NEGATIVE DECLARATION NO. EA 09-0009

Felix Reliford, Principal Housing Planner, gave a presentation on the General Plan Housing Element Amendment No. GP 09-0002 and Draft Negative Declaration No. EA 09-0009. Mr. Reliford stated that the General Plan Housing Element Amendment identifies the City's goals, policies, programs and housing objectives over the next five years (2009-2014). The Negative Declaration includes the environmental assessment of the proposed General Plan Housing Element Amendment pursuant to the California Environmental Quality Act (CEQA). Mr. Reliford recommended approving the Conceptual General Plan Housing Element Amendment Update and forward recommendation to the City Council.

Mr. Reliford said the Housing Element is part of the General Plan and must be consistent with General Plan and required by State every five years. The next future Housing Element will be due in 8 years. The State changed the requirements from every 5 years to every 8 years. Mr. Reliford stated the process so far: ABAG determines regional housing needs for its members; State law defines content of Housing Element; and Milpitas held public meetings in November to discuss issues. State law defines the content of the Housing Element.

Mr. Reliford said most goals have been accomplished to previous Housing Element. Current requirements are more rigorous.

Mr. Reliford said Zoning changes will be needed after the Element is adopted. These changes include the identification of zones for special needs housing including: homeless shelters, SRO units, transitional housing, supportive housing, and farmworker housing. The City must undertake zoning changes in 2010.

Chair Williams asked what other facilities could be used as homeless shelters, besides

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the schools in an emergency situation. Mr. Reliford said a nonprofit developer would come in and build the shelter.

Commissioner Galang asked about SRO. Mr. Reliford said SRO is for rental purposes.

Commissioner Ciardella asked about the housing population for the City. Mr. Reliford said the City is doing quite well.

Commissioner Tabladillo stated SROs are in the transit corridors. She feels the SROs would be in the Midtown area. Mr. Reliford stated the City has not started the research on SROs.

Vice-Chair Mandal asked how the City encourages higher end development. Mr. Reliford said there are 29 vacant residentially designated sites where new luxury housing could be built. These sites are in scattered locations, with most of the site located in the hillside area. These sites could yield approximately 119 above moderate-income units. Based on the lot size and the existing homes in the vicinity, most of these sites would be appropriate for luxury single-family homes.

Chair Williams opened the Public Hearing.

Richard Ruth, 1673 Quail Drive, Milpitas, stated Mr. Reliford did a real good job. He is a hillside resident and finds it very difficult to build luxury homes in the hillside area.

Motion to close the public hearing.

M/S: Mandal, Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to approve the Conceptual General Plan Housing Element Amendment Update and forward recommendation to the City Council.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

X. NEW BUSINESS

4. DISCUSSION OF A PLANNING COMMISSION WALKING TOUR OF RECENTLY CONSTRUCTED RESIDENTIAL PROJECTS

Chair Williams suggested doing a walking tour of new residential projects in the Main Street area.

Vice-Chair Mandal agreed on a walking tour but said it would be best for him to do the tour on the weekend.

Chair Williams asked staff what locations would be best to tour. Mr. James Lindsay, Planning Director, suggested Main Street and Abel Street would be prime candidates to tour. Staff to notify the Commission on the date, time, and location of tour.

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XI.
ADJOURNMENT

The meeting was adjourned at 8:30 p.m. to the next regular meeting of June 10, 2009.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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