

APPROVED

PLANNING COMMISSION MINUTES

July 8, 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, and Cliff Williams
Absent: Mark Tiernan
Staff: AhSing, Andrade, Brown, Casagrande, 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.

There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
June 24, 2009
Chair Williams called for approval of the minutes of the Planning Commission meeting of June 24, 2009.

There were no changes to the minutes.

Motion to approve the minutes of June 24, 2009 as submitted.

M/S: Sandhu, Mandal

AYES: 5

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 2 (Aslam Ali and Cliff Williams)
- V. ANNOUNCEMENTS** There were no announcements from staff or the Commission.
- 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. Staff requested Item No. 3 and Item No. 4 be pulled from the agenda.

Motion to approve the agenda with changes recommended by staff.

M/S: Mandal, Galang

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

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.

Commissioner Tabladillo requested that Item No. 2 be placed on the Consent Calendar.

Motion to place Item No. 2 on the Consent Calendar.

M/S: Tabladillo, Galang

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

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: Tabladillo, Mandal

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

Motion to adopt Resolution No. 09-029 approving the project subject to conditions of approval.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

***2 CONDITIONAL USE PERMIT NO. UP09-0012:** A request to locate a children's indoor recreation facility, Pump It Up, at 164 North Abel Street. (APN: 022-08-036) zoned Mixed Use Development with Site and Architectural Overlay District (MXD-S). Applicant: Walter Friedrich. Staff Contact: Tiffany Brown (408) 586-3283. (*Recommendation: Adopt Resolution No. 09-029 recommending approval of the project, subject to the 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.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

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Motion to close the public hearing; note, receipt, and file until the next review.

M/S: Mandal, Galang

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

***5 TWO MONTH REVIEW OF CONDITIONAL USE PERMIT NO. UP08-0042 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0006:** Review of the approval for a certified Farmers' Market located within the Great Mall parking lot on Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Sunday prior to Thanksgiving. (APN: 086-24-060) zoned General Commercial with Site and Architectural Overlay District (C2-S). Applicant: Chang B. Yang. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Close the public hearing; note, receipt, and file until the next review.)*

IX. PUBLIC HEARING

1. MAJOR TENTATIVE MAP NO. MT09-0001, SITE DEVELOPMENT PERMIT AMENDMENT NO. SA 09-0007, CONDITIONAL USE PERMIT NO. UP09-0009, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA09-0010

Tiffany Brown, Junior Planner, presented a request to record a new tentative map to allow for the addition of 54 units, a conditional use permit to set the development standards, and a site development permit amendment to allow for the façade changes to the originally approved façade for Centria West located within the Midtown Specific Plan. Centria East was built and completed in 2008 by D.R. Horton. In June 2008, Lyon Milpitas purchased the Centria West project from D.R. Horton. Lyon is proposing modifications to the Centria West approvals to include more units, enhancements and relocation of the common area amenities, and minor façade changes. Ms. Brown recommended adopting Resolution No. 09-032 recommending approval of the project to the City Council, subject to the conditions of approval. Ms. Brown also stated that under the Conditions of Approval there is a typo for Condition No. 8 that should read **\$1,079,598**.

Vice-Chair Mandal asked about solar power. Ms. Brown deferred this question to the applicant.

Peter D. Zak, Vice President of Development, Lyon Realty Advisors, Inc., 4901 Brich Street, Newport Beach, CA – stated Lyon Realty purchased the property from D.R. Horton on September 2008. In order for the project to really work, their target is to focus on the high end luxury young professional move down potential buyer. Some of the enhancements are open floor plan, granite counter tops throughout, kitchen stainless steel appliances, and European cabinets to name a few. They are requesting the elimination of Below Market Rate units. They have also eliminated all compact parking spaces. Mr. Zak stated at least 70% of the units will have balconies. Mr. Zak stated the solar energy is something they are happy to evaluate and see if it is feasible to incorporate.

Chair Williams stated he agreed on the color scheme and thought the recreation area was a great concept. Chair Williams asked about the parking regulations. Mr. Zak stated they wanted to make sure they have adequate parking for the residents. Mr. Zak stated it is policing the situation regarding parking. The City needs to develop their own standards for parking ratios and the developer needs to abide by those and Lyon has surpassed those.

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Vice-Chair Mandal asked about solar energy. Jack Selman, architect, stated that solar energy has the least economic returns. Mr. Selman stated they can explore using solar energy on the pool area and the recreation facility. When it comes to the units themselves it is not very cost effective.

Commissioner Tabladillo asked if the activities from the roof top be seen from the public. Mr. Zak stated the pool area will be screened by the Club House. Commissioner Tabladillo also asked about safety requirements. Mr. Zak stated there is Plexiglas surrounding the pool area for 2 reasons; 1) wind screen and 2) safety requirements of the height and security around the pool.

Chair Williams opened the public hearing.

Guy Haas, 1277 Fallenleaf Drive, CA, asked about parking. He is concerned about the elimination of compact parking spaces.

Ms. Ching, Resident of Centria East, is concerned with traffic in the area. She is opposed to additional units.

Ms. Chan, Resident of Centria East, stated she is also opposed of the additional units in that area.

Motion to close the public hearing.

M/S: Mandal, Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

Vice-Chair Mandal asked the applicant to reconsider to add compact and full size parking. Mr. Zak stated they would be willing to work with staff to accommodate parking.

Commissioner Sandhu asked if the pool is screened from the Light Rail. Mr. Zak stated yes it is. It is screened by the Club House.

Bryan Otake, Assistant City Attorney, read the 2 additional Conditions of Approval. They are: 1) applicant shall work with City staff to explore adding compact size parking stalls to the current full size stall layout if such mixture could increase the total parking stall count, and 2) applicant shall be required to draft CC&R provisions to the satisfaction of Planning and City Attorney staff that create enforceable parking limitations in compliance with the parking requirements for said project.

Motion to adopt Resolution No. 09-032 recommending approval of the project to the City Council, subject to the conditions of approval and to include additional conditions of approval.

M/S: Galang, Mandal

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

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X. NEW BUSINESS

6. PUBLIC NOTICING PROCEDURES

James Lindsay, Planning Director, reviewed the procedure on public noticing. Mr. Lindsay stated that a lot of the procedures in the City code reference the minimum requirements within the California State law. The City of Milpitas provides more notification than the minimum requires. The City applies 1000 foot notification notice to both property owner and occupants. The City obtains property owner information from the County Assessors office 4 times a year. In addition to mailing, the City provides public hearing notices in the weekly paper. There is a posting on the property per 1,000 lineal feet of the property visible from the street. Mr. Lindsay also stated that there is a recent enhancement to the website that the City is considering implementing that is called "Gov Delivery". It is a feature within the City website where you could sign up for and receive in your email any updates in the City website for certain sections. Adding the public notices would be an excellent option for any owners of businesses or property that don't live in Milpitas to receive the notifications.

Vice-Chair Mandal asked the cost to the City to have the "Gov Delivery" feature. Mr. Lindsay stated the Gov Delivery system is an expense the City Council has authorized to have the system in place but to add components to the website included in the Gov Delivery system is not an added expense.

Commissioner Tabladillo asked if the public access channel used for the public hearing notifications. Mr. Lindsay stated they currently do not. Commissioner Tabladillo also asked if the public hearing notice on the website. Mr. Lindsay stated not at this time.

XI. ADJOURNMENT

The meeting was adjourned at 8:16 p.m. to the next regular meeting of July 22, 2009.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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