

APPROVED

PLANNING COMMISSION MINUTES

July 22, 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, 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 agendaize the matter for a future meeting.
- There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
July 8, 2009
- Chair Williams called for approval of the minutes of the Planning Commission meeting of July 8, 2009.
- There were no changes to the minutes.
- Motion** to approve the minutes of July 8, 2009 as submitted.
- M/S: Sandhu, Mandal
- AYES: 7
- NOES: 0
- ABSENT: 1 (Mark Tiernan)
- ABSTAIN: 0
- V. ANNOUNCEMENTS** Sheldon AhSing, Senior Planner, announced the Midtown Walking Tour on Sunday, August 2, 2009. Commissioner Sandhu announced the new Sikh Temple project had a big turnout.
- 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 Ali requested to be excused from Item No. 2.
- VII. APPROVAL OF AGENDA** Chair Williams asked whether staff or the Commission have any changes to the agenda.
- Mr. AhSing stated Section X – Adjournment is changed to August 2.
- Motion** to approve the agenda with changes recommended by staff.
- M/S: Mandal, Tabladillo
- 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.

Chair Williams removed Item No. 3 from 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, Mandal

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, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

Motion to adopt Resolution No. 09-033 recommending authorization of execution of Disposition and Development Agreement to the City Council.

M/S: Tabladillo, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

***2 SOUTH MAIN STREET SENIOR HOUSING PROJECT DDA:** A request for a Disposition and Development Agreement between the Milpitas Redevelopment Agency and South Main Senior Lifestyle LLC involving the purchase of 5.94 acres and the 387 housing units including senior and multi-family phases. Staff Contact: James Lindsay (408) 586-3273. (*Recommendation: Adopt Resolution No. 09-033 recommending authorization of execution of Disposition and Development Agreement to the City Council.*)

Chair Williams opened the public hearing on Item No. 4.

There were no speakers from the audience.

Motion to open the public hearing and continue to the August 12, 2009 Planning

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Commission meeting.

M/S: Mandal, Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

***4 CONDITIONAL USE PERMIT NO. UP09-0029:** A request to locate a 50-foot tall receive only satellite dish on an existing industrial site located at 1 Hanson Court (APN: 022-31-020) zoned Heavy Industrial with Site and Architectural Overlay (M2-S). The antenna is used to test tracking technology for deep space satellites for a period of 12 months. Applicant: General Dynamics. Staff Contact: Cindy Hom (408) 586-3284. PJ # 3229. (*Recommendation: Open the public hearing and continue to the August 12, 2009 Planning Commission meeting.*)

IX. PUBLIC HEARING

1. ADMINISTRATIVE PERMIT NO. AD08- 0014, SITE DEVELOPMENT PERMIT NO. SD08-0010 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA09-0005

Tiffany Brown, Junior Planner, presented a request to amend the General Development Policy for Gasoline Service Stations and Automotive Services Centers along with the demolition and remodel of an existing Gas Station located at 190 W. Calaveras Blvd. Ms. Brown recommended adopting Resolution No. 09-036 recommending approval of the project subject to the conditions of approval.

Commissioner Ciardella suggested this was a good idea but he is concerned that more service stations would want to follow in the same manner. Bryan Otake, Assistant City Attorney, stated that each situation would be by a case by case basis according to the standards and guidelines set forth by the policy.

Vice-Chair Mandal asked if this exceeds the square footage. Ms. Brown stated it does not exceed the square footage.

Muthana Ibrahim, 2960 Camino Diablo, Walnut Creek, CA, stated he was available for any questions from the Commission.

Vice-Chair Mandal asked about the appearance of the complex. Mr. Ibrahim stated it would a great looking establishment with many upgrades.

Commissioner Ali asked if the snack shop would sell any type of smoking paraphernalia. Ms. Brown stated it will not have a smoke shop.

Commissioner Ciardella asked if the water is recycled. Mr. Ibrahim stated the water would be recycled. Ms. Brown also stated that the water runoff would be properly filtered before it goes into the storm drains.

Commissioner Tabladillo asked Mr. Otake if there was a state law saying all air for tires supposed to be free. Mr. Otake stated that he would provide information at the next Commission meeting.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mandal

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AYES: 7
NOES: 0
ABSENT: 1 (Mark Tiernan)
ABSTAIN: 0

Mr. Otake stated an additional Condition of Approval which read: “Operator to provide tire air pressure and water to station customers as required by State and Federal law”.

Motion to Adopt Resolution No. 09-036, recommending approval of the project subject to conditions of approval.

M/S: Tabladillo, Mandal

AYES: 7
NOES: 0
ABSENT: 1 (Mark Tiernan)
ABSTAIN: 0

3. CONDITIONAL USE PERMIT NOS. UP09-0015 – UP09-0028, AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0008, SEASON’S MARKETPLACE

Cindy Hom, Assistant Planner, presented a request to allow for multiple restaurants, a 30-foot tall freestanding sign, and a master sign program for Season’s Marketplace Shopping Center located at 1535 Landess Avenue. Ms. Hom recommended adopting Resolution No. 09-035 recommending approval of the project subject to the conditions of approval.

Commissioner Ali asked the location of the 30-foot tall sign. Ms. Hom stated it would be facing Landess Avenue.

Commissioner Tabladillo asked how the signs would be lit. Ms. Hom stated they will be internally illuminated.

Chair Williams opened the public hearing.

Elizabeth Lee, 1502 Cuciz Lane, stated she is concerned with parking, delivery times, and noise level. She is also concerned with the signs blocking the visual area.

Mark Lancaster, 1510 Cuciz Lane, stated he is concerned with high traffic, parking, noise, business hours, and delivery hours.

Motion to close the public hearing.

M/S: Sandhu, Galang

AYES: 7
NOES: 0
ABSENT: 1 (Mark Tiernan)
ABSTAIN: 0

Chair Williams asked staff the conditions of approval. Ms. Hom stated there are several conditions of approval. Ms. Hom said some of the conditions are delivery hour restrictions, no loitering signs displayed, odor reducing equipment for the trash enclosures just to name a few.

Vice-Chair Mandal asked about the back area being well lit. Ms. Hom stated the applicant is proposing lighting for the back area that will be shielded from the

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properties. There are also trees in the back area that will also provide some screening from the lighting.

Vice-Chair Mandal asked about the parking. Ms. Hom stated that there will be 523 parking spaces.

Commissioner Ali asked about the hours of operation. Ms. Hom stated there is only one restaurant that will be opened until 12 midnight. Any modifications to the hours of operation would have to come back to the Commission.

Commissioner Galang asked if there is going to be a separate lane going into the Marketplace from Landess/Dempsey Rd. Ms. Hom stated currently there is not a separate lane but that the Marketplace is making driveway and median improvements.

Vice-Chair Mandal asked about the usage of low energy lighting for monument signs. Ms. Hom stated low LED lighting is being proposed for the monument signs.

Vice-Chair Mandal asked about the community meeting that was held on this project for the first time. Ms. Hom stated in 2008 there was a community meeting at Rancho Middle School to go over the concept of the plaza. Vice-Chair Mandal asked if the developers could have a meeting with the residents to give the details of the project. Ms. Hom said that it was best to have a community meeting early on due to the size of the project. Chair Williams asked if there could be a post community meeting with the residents. Sheldon AhSing, Senior Planner, stated they would asked the applicant for further outreach to the community.

Motion to adopt Resolution No. 09-035 approving the project subject to conditions of approval.

M/S: Tabladillo, Mandal

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 8:21 p.m. to the next meeting of August 2, 2009.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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