

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

December 9, 2009

I. ROLL CALL

Present: Aslam Ali, Noella Tabladillo, and Cliff Williams
Staff: Ah Sing, Andrade, and Barnhart

1. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0015

Sheldon Ah Sing, Senior Planner, presented a request to modify the landscaping within the parking lot of the McCarthy Ranch Marketplace. Mr. Ah Sing recommended approving Minor Site Development Permit No. MS09-0015 subject to the conditions of approval.

Chair Williams asked why the trees can't be pruned. Courtney Jones and Rebecca deFelice-Burt from Crosspoint Realty Services stated the trees do go through extensive pruning.

Motion to approve Minor Site Development Permit No. MS09-0015 subject to the conditions of approval.

M/S: Tabladillo, Williams

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:51 p.m.

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- I. ROLL CALL/SEATING OF ALTERNATE** Present: Aslam Ali, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Mark Tiernan, and Cliff Williams
Absent: Larry Ciardella and Alex Galang
Staff: Ah Sing, Andrade, Barnhart, Hom, Lindsay, and Otake
- II. PLEDGE OF ALLEGIANCE** Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- BREAK TO ACKNOWLEDGE COMMISSIONERS** Chair Williams thanked Commissioners Ali and Galang for their services to the Commission.
- 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** November 18, 2009 Chair Williams called for approval of the minutes of the Planning Commission meeting of November 18, 2009.
There were no changes to the minutes.
Motion to approve the minutes of November 18, 2009 as submitted.
M/S: Sandhu, Mandal
AYES: 6
NOES: 0
ABSENT: 2 (Larry Ciardella and Alex Galang)
ABSTAIN: 0
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, stated on behalf of staff and himself wished the Commission a Happy Holiday. Chair Williams wished the Commissioners and staff a Happy Holidays and thanked staff for their great services and professionalism.
- 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 is the founder and president of the Sikh Foundation and will excuse himself from that item if it is pulled from the Consent Calendar; there were no other conflicts of interest.
- VII. APPROVAL OF AGENDA** Chair Williams asked whether staff or the Commission have any changes to the agenda.

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There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

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.

Item No. VIII-2 was removed from the Consent Calendar.

Chair Williams opened the public hearing on Item No. VIII-1 and Item No. VIII-3.

There were no speakers from the audience.

Motion to close the public hearing on Item No. VIII-1 and Item No. VIII-3.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

Motion to approve Consent Calendar Item No. VIII-1 and Item No. VIII-3.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

- 1. TIME EXTENSION NO. TE09-0003, SINCLAIR RENAISSANCE:** A request for a one time 18-month time extension for entitlements and 24-month extension of the Tentative Map associated with a previously approved 80 unit subdivision (Sinclair Renaissance) project located at 245-373 Sinclair Frontage Road (APN: 086-29-061) zoned Single Family Residential with Site and Architectural Overlay (R1-3-S). Applicant: Mission Peak Homes. Staff Contact: Cindy Hom (408) 586-3284. PJ # 3211. *(Recommendation: Adopt Resolution No. 09-053 approving the project subject to conditions of approval.)*
- 3. RESOLUTION OF THE PLANNING COMMISSION CONCERNING THE PROPOSED AMENDMENTS TO THE CITY'S REDEVELOPMENT PLANS:** A resolution of the Planning Commission making its report and recommendation concerning the proposed thirteenth amendment to the redevelopment plan for Milpitas Redevelopment Project Area No. 1 and the Proposed Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project. *(Recommendation: Approve Resolution No. 09-056 and report its findings to the City Council.)*

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Chair Williams stated Commissioner Sandhu will excuse himself from the auditorium for Item No. VIII-2.

Cindy Hom, Assistant Planner, stated this item is a permit review for the Sikh Foundation and recommended that the item be continued to the January 13, 2010 Planning Commission meeting. The applicant requested a continuance to provide information to satisfy the permit review requirements.

Chair Williams opened the public hearing.

Randy St. Judge – 368 Fairview Way, Milpitas – stated the Sikh Temple is in breach of certain conditions. It is not being used in the manner that they had promised to use it. The priests are not dressing appropriately for a business park. In addition, shoes from participants were strewn about in front of the entrance.

Chair Williams asked staff to look into this matter and report back to see if there are any legal issues. Mr. Lindsay stated staff would look into this and speak to the Sikh Temple.

Motion to open the public hearing and continue to the January 13, 2010 Planning Commission meeting.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

2. PERMIT REVIEW NO. PR09-0004, SIKH TEMPLE REVIEW: A six month permit review of the operations of a religious facility located at 1180 Cadillac Court (APN: 022-57-034) zoned Industrial Park. Applicant: Sikh Foundation of Milpitas. Staff Contact: Cindy Hom (408) 586-3284. (*Recommendation: Open the public hearing and continue to the January 13, 2010 Planning Commission meeting.*)

IX. PUBLIC HEARING

IX-1. CONDITIONAL USE PERMIT NO. UP08-0038, AUTO RENTAL AND SALES

Cindy Hom, Assistant Planner, presented a request to expand the scope of an existing auto repair shop to include auto rental and sales located at 328 Sango Court. Ms. Hom recommended adopting Resolution No. 09-054 approving the project subject to conditions of approval.

Commissioner Tiernan asked if the auto body shop is open on Saturday and Sunday. Ms. Hom stated that it is not.

Vice-Chair Mandal asked what is the distance between the body shop and the nearest residential area. Ms. Hom displayed an aerial photograph of the vicinity and said the body shop is approximately 1,400 feet away.

Commissioner Sandhu asked if the body shop provides towing services. Ms. Hom said no they do not have towing service.

Chair Williams opened the public hearing.

There were no speakers from the audience. The applicant was not present.

Motion to close the public hearing.

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M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

Vice-Chair Mandal was not clear on the number of vehicles stored on the premises and requested more information from the applicant.

Commissioner Tiernan stated he would support the conditional use permit as long as there was a six-month and 12-month review of the application.

Commissioner Tabladillo wanted to defer this item until there was more information from the applicant.

Commissioner Tiernan said he would support a motion to grant the conditional use permit with a six-month and 12-month review of the application.

Commissioner Sandhu stated there were a few questions that needed to be clarified from the applicant and should defer this item to the next meeting of January 13, 2010. He feels that a junk yard is being established in the lot.

Commissioner Ali suggested this item be continued to the January 13, 2010 meeting with the applicant present.

Commissioner Tiernan withdrew his motion.

Chair Williams suggested keeping this item open and continue to the next meeting with the applicant present.

Commissioner Tabladillo wanted to know what tools the Commission has if the applicant violates the use permit. Chair Williams asked staff to check with other cities to see if they have the same type of service.

Motion to re-open the public hearing and continue to the January 13, 2010 Planning Commission meeting.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

X. NEW BUSINESS

X-1. DEVELOPMENT REVIEW STREAMLINING REPORT

Sheldon S. Ah Sing, Senior Planner, presented a report on the progress of the draft zoning amendment to streamline certain land use processes. Mr. Ah Sing recommended the Commission receive staff's report and provide direction and comments regarding the project.

Commissioner Tabladillo asked if carnivals would go under the 1-3 day event that staff reviews. Mr. Ah Sing stated if the carnival is a 1-3 day event it would be reviewed and approved at staff level only.

Chair Williams wanted to clarify that if an event is three days it would go through staff level only and if it is a seven day event it would go through the Subcommittee and not City Council. Mr. Ah Sing stated that under the proposed ordinance, yes that is true.

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Ah Sing continued, if there is live entertainment in conjunction with the event, then it would have to go through the Subcommittee regardless of duration of time.

James Lindsay, Planning Director, stated that staff would return to the Commission in January with the first draft of the ordinance.

**X-2. PLANNING
COMMISSION
ACCOMPLISHMENTS
FOR 2009**

Sheldon S. Ah Sing, Senior Planner, presented a report on the major accomplishments by the Planning Commission for 2009. These accomplishments included the following:

1. Zoning Ordinance Format Changes
2. Industrial Park Preservation Ordinance
3. Parking Ordinance Amendments
4. Green Building Ordinance
5. Midtown Walking Tour
6. Campus at McCarthy Ranch Office Development
7. Seasons Marketplace
8. South Main Street Senior Housing Project DDA

Mr. Ah Sing stated these accomplishments were considered significant because they promoted efficiency, furthered economic development, stimulated communication between staff and Commission, and promoted redevelopment. Mr. Ah Sing recommended that the Commission consider the list of accomplishments and direct staff which ones to post on the Commission's web page.

Chair Williams suggested posting all of the accomplishments listed.

Commissioner Tabladillo thanked staff for compiling this list. She wanted the community and public to see the good work that staff and the Commission do as a partnership. She would like to see this on a yearly basis.

**XI.
ADJOURNMENT**

The meeting was adjourned at 8:37 p.m. to the next meeting of January 13, 2010.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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