

APPROVED

PLANNING COMMISSION MINUTES

August 25, 2010

OATH OF OFFICE FOR NEW ALTERNATE PLANNING COMMISSIONER

Mary Lavelle, City Clerk, swore in John Luk as Alternate Commissioner of the Planning Commission. Mr. Luk then took his place alongside the Commissioners.

I. ROLL CALL/SEATING OF ALTERNATE

Present: Larry Ciardella, Sudhir Mandal, Gurdev Sandhu,
Noella Tabladillo, Steve Tao, Mark Tiernan, and Cliff Williams
Absent: None
Staff: Ah Sing, Andrade, Hom, Lavelle, 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.

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.

Nicklaus Burns, 2223 Mesa Verde Drive, Milpitas, would like to see the City install tennis courts at the Sports Center.

IV. APPROVAL OF MINUTES August 11, 2010

Chair Williams called for approval of the minutes of the Planning Commission meeting of August 11, 2010.

There were no changes to the minutes.

Motion to approve the minutes of August 11, 2010 as submitted.

M/S: Mandal, Tiernan

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

V. ANNOUNCEMENTS

James Lindsay, Planning Director, handed out a copy of the agenda for the August 29, 2010 Walking Tour.

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 Tabladillo stated her place of business is in the Los Coches area (Item No. IX-2). There were no other 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 was a change in the next meeting date which should be August 29, 2010.

Motion to approve the agenda with the amended change.

M/S: Mandal, Tiernan

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.

James Lindsay, Planning Director, stated there was a change in Item No. VIII-2 that the recommendation's date should be September 22, 2010.

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

There were no speakers from the audience.

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

M/S: Tabladillo, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to adopt Resolution No. 10-035 recommending approval to the City Council.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

- 1. MAJOR TENTATIVE MAP NO. MT08-0002 AND CONDITIONAL USE PERMIT NO. UP08-0046 FOR MCCANDLESS MIXED USE PROJECT:** A tentative subdivision map for future development of a 23 acre site with two mixed use buildings and five residential buildings, including improvements to the existing adjacent roads, the construction of a new local street, and the completion of an urban plaza and public trail along Penitencia Creek. The project entails 1,328 dwelling units and 92,000 square feet of retail/commercial space. . This application does not include any architectural review. The site is located at 1315 McCandless Drive (APNs: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101) and is zoned Retail High Density Mixed Use (MXD2) and High Density Transit Oriented Residential (R3) with Site and Architectural and Transit Oriented Development overlays (-S and -TOD) and is also located within the Transit Area Specific Plan. Applicant: Integral Communities, LLC. Staff Contact: Sheldon S. Ah Sing (408) 586-3278 or sahsing@ci.milpitas.ca.gov. PJ # 3222.
(Recommendation: Adopt Resolution No. 10-035 approving the project subject to conditions of approval.)

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

There were no speakers from the audience.

Motion to keep the public hearing open and continue this item to the September 22, 2010 PC meeting.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

2. **GENERAL PLAN AMENDMENT NO. GP10-0003:** A request to consider proposed text amendments to the General Plan to integrate changes to the City's Park and Recreation Master Plan and Milpitas Bikeway Master Plan, and to update other exhibits, tables, and figures, which includes land use designation changes to several creek channels and public right-of-ways. Applicant: City of Milpitas. Staff Contact: Cindy Hom (408) 586-3284 or chom2@ci.milpitas.ca.gov. (*Recommendation: Continue this item to the September 8th meeting.*)

IX. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UP10-0006 AND ENVIRONMENTAL ASSESSMENT NO. EA10-0002

Cindy Hom, Assistant Planner, presented a request to locate a 35,930 sq ft badminton facility within an existing multi-tenant industrial building located at 746 So. Milpitas Blvd. Ms. Hom recommended adopting Resolution No. 10-037 approving the project subject to conditions of approval.

Vice-Chair Mandal asked who makes sure the Risk Assessment is carried through. Ms. Hom stated that the Milpitas Fire Department reviews the Risk Assessment.

Commissioner Tiernan asked if there are going to be spectator seating in the future. Ms. Hom stated that the floor plans do not show a spectator area.

Commissioner Ciardella asked if the badminton courts going to be fenced or open. Ms. Hom stated it is an open floor plan.

Commissioner Tao asked if the facility currently have sprinklers. Ms. Hom stated yes. Commissioner Tao also asked if the vacant space going to provide accurate parking space. Ms. Hom stated based on the way the building was developed it would provide adequate parking space.

Commissioner Tao asked how the chemical monitoring sensors going to be serviced. Ms. Hom said the chemical detection monitoring sensors will be reviewed on an annual basis.

Commissioner Tabladillo asked about staff parking. Ms. Hom stated the staff parking is captured in the parking ratio.

Commissioner Tabladillo asked if the patrons that use this facility be notified that this is a heavy industrial use area. Ms. Hom stated yes they will be notified upon entering the facility. James Lindsay, Planning Director, stated that the form will be readable to the patron.

Commissioner Tabladillo requested staff to make sure there is appropriate lighting at the facility.

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Commissioner Tiernan asked if there is an airborne chemical monitoring, detection and response system in place at this facility. Ms. Hom stated yes. Mr. Lindsay stated the tenant that has the chemical monitoring detection system has the responsibility to review the chemical monitoring detection and response system on an annual basis. Each business is responsible for having their own Emergency Action Plan (EAP) in place.

Commissioner Tao asked the EAP mentioned this evening a shelter in place or evacuation. Ms. Hom stated it is a shelter in place condition.

Jim Morelan, Architect, Morelan Associates, Inc., 1101 S. Winchester, Ste G181, San Jose, stated they are in agreement with all the conditions of approval in the document.

Commissioner Tiernan asked if there going to be spectator seating. Mr. Morelan stated there will be no spectator seating.

Phu Khuu, 1057 Wilshire Ave., San Jose, stated badminton is not a spectator sport. Each player is scheduled to come in at a certain time to play. The only people at the facility are the players themselves. They are scheduled throughout the day. There is no overload of people at the facility.

Commissioner Ciardella asked if this site an academy. Mr. Khuu stated they do offer classes. The prime time the facility is open is from 7:30 p.m. to 9:00 p.m. during the week. During the day they are not very busy, the parking is less during the day.

Commissioner Tao asked about the occupancy load. Mr. Morelan stated for the Building Code is 160. Mr. Khuu stated the majority of people would be 80.

Vice-Chair Mandal is concerned with lighting. Mr. Khuu is willing to have more than adequate lighting. Chair Williams also agrees lighting is very important.

Commissioner Tabladillo asked about the tournaments. Mr. Khuu stated there would be one tournament per year for all the facilities.

Commissioner Tabladillo requested a one year review be placed as a condition. Chair Williams stated besides the 6 month review there will be a one year review also.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Chair Williams asked staff if there should be a concern about the letter that was received from the other badminton facility in Milpitas. Mr. Lindsay stated the parking ordinance has changed since 2005 when the other badminton facility first opened. Staff has spoken to the other badminton facility since this letter was received.

Chair Williams agrees with the 6 and 12 month review period.

Motion to adopt Resolution No. 10-037 approving the project subject to conditions of approval with a 6 and 12 month review and applicant to work with staff and landlord

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regarding adequate lighting.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**2. GENERAL PLAN
AMENDMENT NO.
GP10-0002 AND
ZONING AMENDMENT
NO. ZA10-0001 FOR
LOS COCHES LAND
USE CHANGE
PROJECT**

Commissioner Tabladillo was excused from this item due to a conflict of interest.

Sheldon Ah Sing, Senior Planner, presented a request to change the general plan and zoning designations for 50 acres from Highway Services and Industrial Park to Town Center. The project area is generally located south of Calaveras Boulevard to Los Coches street and bounded by Interstate 680 on the east and railroad right-of-way to the west. The zoning amendment includes text revisions to the Town Center District. Mr. Ah Sing recommended adopting Resolution No. 10-034 recommending approval to the City Council.

Commissioner Tao asked if a parking analysis is in place. Mr. Ah Sing stated the parking ordinance does provide flexibility and staff would look at each project in a case by case basis.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Ciardella

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Noella Tabladillo)

Motion to adopt Resolution No. 10-034 recommending approval to the City Council.

M/S: Ciardella, Mandal

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Noella Tabladillo)

X. NEW BUSINESS

**1. PROJECT STATUS
AND FORECAST OF
FUTURE PROJECTS**

James Lindsay, Planning Director, provided the Commission with a summary of development activity and forecast of future projects.

Chair Williams suggested coming up with some new goals to bring the Midtown area back on track mainly the intersections of Serra/Main Street.

Vice-Chair Mandal suggested having a parking lot for the patrons of the Midtown area.

Commissioner Sandhu agreed with Chair Williams about coming up with new goals to

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bring the Midtown area back on track.

Commissioner Ciardella feels the key to any project is to have a vision of what the project will be.

Commissioner Tiernan stated he appreciates the thought and experience that Chair Williams brings to the Commission. He suggested reaching out to the stake holders or business owners on Main Street by having a seminar or community outreach session for the community to share their thoughts on what they want to see on Main Street.

Alternate Commissioner Luk feels now is the time to plan for the future.

Vice-Chair Mandal feels the timing is right to start thinking about the goals for the Midtown area. He would like to see the Commission get input from the community.

**XI.
ADJOURNMENT**

The meeting was adjourned at 8:58 p.m. to the next meeting of August 29, 2010.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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