

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 27, 2010

I. ROLL CALL

Present: Ciardella and Tao
Staff: Andrade, Hom

**1. MINOR SITE
DEVELOPMENT
PERMIT NO.
MS10-0027**

Cindy Hom, Assistant Planner, presented a request for a three day religious festival (Celebration of Diwali) held on November 5, 2010 to November 7, 2010 between the hours of 5:00 p.m. to 11:00 p.m. located at 1180 Cadillac Court. Ms. Hom recommended approving Minor Site Development Permit No. MS10-0027 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS10-0027 subject to the conditions of approval.

M/S: Ciardella, Tao

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:43 p.m.

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- I. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, Sudhir Mandal, Gurdev Sandhu, Steve Tao, and Cliff Williams
Absent: John Luk, Noella Tabladillo, and Mark Tiernan
Staff: Ah Sing, Andrade, Bravo, 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.
- 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** Chair Williams called for approval of the minutes of the Planning Commission meeting of October 13, 2010.
October 13, 2010
There were no changes to the minutes.
Motion to approve the minutes of October 13, 2010 as submitted.
M/S: Ciardella, Sandhu
AYES: 5
NOES: 0
ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)
ABSTAIN: 0
- 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.
There were no changes to the agenda.
Motion to approve the agenda as submitted.
M/S: Mandal, Ciardella

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AYES: 5
NOES: 0
ABSENT: 3 (John Luk, Noella Tabladillo, and 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.

Vice-Chair Mandal requested to add Public Hearing Item No. IX-2 to the Consent Calendar.

Motion to add Public Hearing Item No. IX-2 to the Consent Calendar.

M/S: Mandal, Ciardella

AYES: 5
NOES: 0
ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)
ABSTAIN: 0

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

There were no speakers from the audience.

Motion to close the public hearing on Item No. IX-2.

M/S: Ciardella, Mandal

AYES: 5
NOES: 0
ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)
ABSTAIN: 0

Motion to approve the Consent Calendar as amended.

M/S: Mandal, Ciardella

AYES: 5
NOES: 0
ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)
ABSTAIN: 0

2. **GENERAL PLAN AMENDMENT NO. GP10-0003 AND SPECIFIC PLAN AMENDMENT NO. ST10-0001:** A request to consider proposed text amendments to the General Plan and Midtown Specific Plan. Proposed text amendments consist of changes to integrate the City's Park and Recreation Master Plan and Milpitas Bikeway Master Plan as well as other updates to 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. *(Recommendation: Adopt Resolution No. 10-022 recommending approval to the City Council.)*

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IX. PUBLIC HEARING

**1. GENERAL PLAN
AMENDMENT NO.
GP07-0002, ZONING
AMENDMENT NO.
ZA07-0001, SITE
DEVELOPMENT
PERMIT NO. SZ07-0001,
CONDITIONAL USE
PERMIT NO. UP09-
0035, and
DEVELOPMENT
AGREEMENT NO.
DA09-0003, MILPITAS
SQUARE MASTER
PLAN**

Sheldon S. Ah Sing, Senior Planner, presented a request to allow a master plan that would accommodate phased future development of an existing regional commercial site that would ultimately include six buildings, a maximum of 900 dwellings and 175,000 sq. ft. of retail, shared parking and site improvements over a twenty-five year period. The project includes a General Plan and Zoning Amendment to consider a change in underlying site land use designation from commercial to mixed use; a Site Development Permit to consider the site layout, phasing plan and design guidelines; a Conditional Use permit to consider shared parking, height above 12 stories, deviations from setback; and Development Agreement to address timing and obligations by the developer. A final Environmental Impact Report will also be considered with the project. The project is located at 198 Barber Court. Mr. Ah Sing recommended adopting Resolution Nos. 10-042 and 10-043 recommending approval of the master development plan, the development agreement and certification of the EIR to the City Council.

Mr. Ah Sing stated the site is a 17-acre site. This would be a mixed use high density project. The site is relevant to Santana Row. This project is in close proximity to a PG&E gas transmission line. Therefore, the applicant has agreed to record a disclosure statement each property to inform future buyers of this fact as a condition of approval. The site includes some open space, which includes courtyards for the private use of the residents and three outdoor plazas for use by residents, visitors and patrons of the shopping center. There will be a shared parking program for both residential and retail with parking guidance systems to help visitors and customers find parking efficiently and effectively.

Tony Morici, The Westwood Company, 1855 Park Avenue, San Jose, CA – stated they look forward to developing this project.

Rick Williams, Van Meter Williams Pollack, 18 De Boom Street, San Francisco, CA – described the development of the project. He stated they worked with staff on the traffic, design, and parking issues. The existing center is very successful. The site plan is trying to create a main street environment. This will be a new mixed use community where you can both live and shop, a great asset to the City of Milpitas.

Vice-Chair Mandal asked if there are any other developments of this sort. Mr. Williams stated Santana Row was one example near by, but his office has also worked on one in Colorado. Vice-Chair Mandal asked about the parking guidance system technology. Mr. Williams said this type of technology works very well. Vice-Chair Mandal asked if solar energy would be built into this project. Mr. Williams stated they will be able to incorporate green building technology.

Commissioner Ciardella asked staff will the Building codes be grandfathered in or would they adhere to the current laws. Mr. Ah Sing stated the project would have to adhere to the most recent Building codes at the time any construction documents are submitted to the city for a permit. Commissioner Ciardella asked about shopping carts. Mr. Williams stated there are large parking areas where the carts can be stored. Commissioner Ciardella asked about freeway setbacks. Mr. Williams said the freeway setbacks will remain the same.

Commissioner Tao asked about 25 year term buildout, is that starting from the beginning of the phase. Mr. Ah Sing stated it is from the time the Council adopts the Development Agreement. Commissioner Tao asked when the first phase will begin. Mr. Morici stated it is undetermined due to the nature of the economy. Commissioner Tao asked the total linear feet of the project site. Mr. Williams said 1,000 ft to 1,200 ft. Commissioner Tao asked what the typical depth is for retail suites. Mr. Williams

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stated 60 ft to 80 ft.

Commissioner Sandhu asked what the story height is at the Colorado location. Mr. Williams stated five to six stories. Commissioner Sandhu asked coupled with the Landmark Tower building is this project a safety issue since the proposed towers are 19 to 20 stories. Mr. Williams said they are very safe and a preferred lifestyle. Commissioner Sandhu asked there are adequate utilities. Mr. Ah Sing stated there will be utility upgrades over time as the project is built. The City has a master plan regarding utilities to maintain adequate service levels.

Vice-Chair Mandal asked if the project will have recycled water. Mr. Ah Sing said this site already has recycled water that may require an upgrade as necessary.

Chair Williams asked staff if they feel the data on these studies up to date. Mr. Ah Sing stated yes. Mr. Williams also stated they have spent an extensive amount of time on these studies. Chair Williams asked about shopping cart control. Mr. Williams said Ranch 99 Market is part of the development team. There is an overall managing retail strategy. Chair Williams asked about solar energy. Mr. Williams stated solar energy will be incorporated on the roofs and the parking lot roof tops. Chair Williams asked if the Landmark Towers will cause any difficulties. Mr. Williams stated the design of the building will allow separation between the two towers. Chair Williams asked about plaza ornaments. Mr. Williams stated the plaza will have features to create seating areas, sculptures, water features, and lighting.

Commissioner Tao asked if there will be full time staff to oversee the site. Mr. Morici stated there will be associations to oversee the site.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)

ABSTAIN: 0

Chair Williams feels this is a nice project. He is requesting staff to work with the applicant and developer on a shopping cart master plan.

Vice-Chair Mandal is in favor of this project. He asked staff if there going to be checks on solar energy being utilized. Mr. Lindsay stated they will work with the developer to encourage them to utilize solar energy.

Commissioner Tao asked staff if there is any way to evaluate the parking as the phases go on. Mr. Lindsay stated currently there is no requirement.

Motion to adopt Resolution Nos. 10-042 and 10-043 recommending approval of the master development plan, the development agreement and certification of the EIR to the City Council with the amended condition.

M/S: Sandhu, Ciardella

AYES: 5

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NOES: 0

ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)

ABSTAIN: 0

**2. GENERAL PLAN
AMENDMENT NO.
GP10-0003 AND
SPECIFIC PLAN
AMENDMENT NO.
ST10-0001**

This item was moved to the Consent Calendar.

X. NEW BUSINESS

**1. ADMINISTRATIVE
APPEAL**

Sheldon Ah Sing, Senior Planner, stated this is an appeal of staff's decision, denying a request to establish an automobile repair business at 22 Sinnott Lane. Mr. Ah Sing recommended upholding staff's decision to deny the request based on the existing zoning code language.

Chair Williams asked what was behind the requirement of 1,000 ft condition. Mr. Lindsay stated the requirement was for a more pedestrian friendly environment.

Vince Wallace, 39111 Paseo Padre Parkway, Ste 310, Fremont, CA – stated that the buildings are automobile service buildings. The buildings had been utilized with auto repair. He is requesting a change in the ordinance.

Vice-Chair Mandal asked how long the buildings been vacant. Mr. Wallace stated the buildings have been vacant for a year. Vice-Chair Mandal asked there are plans to redo the lot. Mr. Wallace stated not at this time.

Chair Williams suggested overturning staff's recommendation. Mr. Lindsay stated because of the language in the zoning ordinance, that the Commission should consider upholding staff's recommendation and direct staff to bring back an amendment to the non-conforming ordinance to the Commission for modifications.

Motion to uphold staff's decision to deny the request based on the existing zoning code language and direct staff to bring back the ordinance to the Commission for modifications.

M/S: Williams, Ciardella

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Noella Tabladillo, and Mark Tiernan)

ABSTAIN: 0

**XI.
ADJOURNMENT**

The meeting was adjourned at 9:46 p.m. to the next meeting of November 17, 2010.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

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Yvonne Andrade
Recording Secretary

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