

APPROVED

PLANNING COMMISSION MINUTES

February 23, 2011

- I. PLEDGE OF ALLEGIANCE** Chair Tiernan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE**
- Present: Larry Ciardella, John Luk, Sudhir Mandal, Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, Steve Tao, and Mark Tiernan
- Absent: None
- Staff: Ah Sing, Andrade, Bravo, Hom, Lindsay, and Otake
- III. PUBLIC FORUM** Chair Tiernan 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**
February 9, 2011
- Chair Tiernan called for approval of the minutes of the Planning Commission meeting of February 9, 2011.
- There were no changes to the minutes.
- Motion** to approve the minutes of February 9, 2011 as submitted.
- M/S: Mandal, Tabladillo
- AYES: 5
- NOES: 0
- ABSENT: 0
- ABSTAIN: 2 (Larry Ciardella and Steve Tao)
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, announced the Planners Institute scheduled for March 9, 2011.
- 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 Tiernan 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: Ciardella, Mandal
- AYES: 7
- NOES: 0
- ABSENT: 0
- ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

Chair Tiernan asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

Motion to approve the Consent Calendar as submitted.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

- 1. CONDITIONAL USE PERMIT NO. UP11-0001:** A request to operate a 1,172 square foot massage establishment at the Seasons Marketplace Shopping Center located at 1535 Landess Avenue, Suite 100 (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Rene Ganzon and Marilou Dore. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2695. *(Recommendation: Adopt Resolution No. 11-006 subject to conditions of approval.)*
- 2. CONDITIONAL USE PERMIT NO. UP10-0013:** A request to locate 12 new antennas and equipment cabinets located at 666 South Milpitas Blvd. (APN: 086-38-002) zoned Heavy Industrial with Site and Architectural Overlay District (M2-S). Applicant: Jacqueline Smart. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2658. *(Recommendation: Adopt Resolution No. 11-011, subject to conditions of approval.)*
- 3. CONDITIONAL USE PERMIT NO. UP10-0026:** A request to operate a 1,102 square foot massage establishment at the Milpitas Square Shopping Center located at 448 Barber Lane (APN: 086-01-043) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Wen Jing Bai. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2692. *(Recommendation: Adopt Resolution No. 11-010 subject to the conditions of approval.)*

IX. PUBLIC HEARING

**1. SITE DEVELOPMENT
PERMIT NO. SD10-
0009, TENTATIVE MAP
NO. MT10-0001 and
CONDITIONAL USE
PERMIT NO. UP10-0021**

Sheldon Ah Sing, Senior Planner, presented a request to construct a new residential subdivision with 83 single family detached homes, private streets and associated common area improvements on 4.98 acres located at 905 and 980 Los Coches Street. Mr. Ah Sing recommended adopting Resolution No. 11-009 recommending approval of the project to the City Council subject to conditions of approval.

Commissioner Tao asked what the density of range is for the zoning district. Mr. Ah Sing stated between 1 and 40.

Commissioner Ciardella asked if there is any guest parking. Mr. Ah Sing stated there are 50 spaces, with 22 of those spaces along Los Coches Street.

Vice-Chair Mandal asked if the Los Coches parking on the street or on private property. Mr. Ah Sing stated parking is on the street. Vice-Chair Mandal is concerned about the parking on the street. Fernando Bravo, Land Development, stated speed feedback signs will be posted alerting drivers of their speed. Vice-Chair Mandal asked if a traffic analysis done. Mr. Bravo stated the City Traffic Engineer did do a traffic analysis and found it satisfactory. Mr. Lindsay stated there will be more and more

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housing with street parking, traffic will slow down. Vice-Chair Mandal asked would speed bumps help with the slow of traffic. Mr. Bravo stated they have not looked at speed bumps and that staff feels the speed feedback signs would maintain a safe condition.

Commissioner Tabladillo asked about the wall height along the Kaiser property. Mr. Ah Sing stated the height of walls is six feet. Commissioner Tabladillo asked about landscaping. Mr. Ah Sing stated there will be landscaping near the Kaiser wall. Commissioner Tabladillo asked what the tallest unit is. Mr. Ah Sing said the tallest unit is three stories.

Chair Tiernan asked if this project exempt per CEQA. Mr. Ah Sing stated yes.

Commissioner Tao stated on February 15, 2011 the applicant presented the project to him. Commissioner Tao asked if there are any hazardous materials near by from Kaiser. Mr. Ah Sing stated there are no hazardous materials near by from Kaiser.

Commissioner Mohsin asked about the overflow parking at the Sinclair Horizons. Mr. Ah Sing stated there is none.

Commissioner Ciardella asked the length of the sound wall. Mr. Ah Sing stated the sound wall will be parallel with the on ramp and extend 75 feet south of the subject property along Sinclair Frontage Road.

Commissioner Tabladillo asked if there are any issues with Sinclair parking. Mr. Ah Sing said no.

Mark Robson, Robson Homes, 2185 The Alameda, Suite 150, San Jose, stated they are new to Milpitas and excited about this project. Homes continue to sell even in these economic hard times.

Jake Lavin, Project Manager, Robson Homes, 2185 The Alameda, Suite 150, San Jose, gave a presentation on the project. The site is very livable. The high speed traffic is far from the site. Mr. Lavin stated they met with Kaiser and they approve this project. They also met with other tenants in the complex and they also support this project.

Vice-Chair Mandal asked if these are energy efficient homes. Mr. Lavin stated they will be building according to the Green Building code. Vice-Chair Mandal asked will these homes have recycled water. Mr. Lindsay stated Milpitas does not have the recycle water system.

Commissioner Tabladillo asked where other locations are. Mr. Lavin stated Fremont is one area where they have a development. Commissioner Tabladillo asked if the homes will have anti-graffiti paint. Mr. Lavin stated that would be the HOA responsibility. Commissioner Tabladillo asked if the landscape at Kaiser will remain or be removed. Mr. Lavin stated Kaiser will make the determination of which trees stay or removed.

Commissioner Ciardella asked if the homes have front and back yards. Mr. Lavin stated they will have side yards.

Commissioner Sandhu asked if they are going to hire people of Milpitas for this project. Mr. Lavin stated they would look at all contractors and subcontractors.

Commissioner Mohsin asked how they would designate the guest parking. Mr. Lavin said they will have parking permits. Commissioner Mohsin asked if this project would have a courtyard. Mr. Lavin said there will be pedestrian paths and landscaping. Commissioner Mohsin asked the height of the trees around the main street. Mr. Lavin

stated the trees will be 24 inch-box size or larger.

Chair Tiernan stated he spoke to the applicant on February 16, 2011 regarding this project. He congratulated staff on this excellent presentation.

Chair Tiernan stated he received emails from the Chamber of Commerce in support of this project. He also received email from a customer of Cal Skate who is opposed of this project. Mr. Robson stated the owners of Cal Skate are willing sellers. Chair Tiernan asked about open space. Mr. Robson stated the landscaping will be more organic and larger than most developments. Chair Tiernan spoke about recycling and waste management. He suggested the applicant work closely with Allied Waste.

Vice-Chair Mandal asked if there is any other skating rink in Milpitas. Mr. Lindsay stated the only other skating rink is on Blossom Hill in San Jose.

Chair Tiernan opened the public hearing.

Dave Walter, 4929 Augusta Way, San Jose, has been at Cal Skate for many years. He is sorry to see the rink close but he understands the change.

Mike Phillips, 2539 Gimelli Court, San Jose, stated the St. Germaine's have been good to the community. He feels the sound wall is not adequate enough to keep the noise out.

Chris St. Germaine, Cal Skate Owner, is proud of what they have provided for the community. She believes Robson is a very good company. She said this was not an easy decision for her family. She is in support of this project. She feels this is the right decision for her family.

Raj Selvanesan, 1158 Fox Hollow Court, Milpitas, said he is sad to see Cal Skate leave.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Vice-Chair Mandal stated he is concerned with traffic. He is suggesting speed bumps be put in place.

Commissioner Tabladillo suggested more shade in the play area. She feels the City should be able to incorporate part of Cal Skate into the pavement design.

Bryan Otake, Assistant City Attorney, read the additional conditions of approval: 1) applicant to work with staff to provide shade opportunities in the private open space area, 2) applicant shall work with staff to incorporate organic/native landscaping practices, 3) applicant shall work with staff to maintain adequate roadway design along Los Coches Street, and 4) incorporate the history of Cal Skate into the design of the private park on-site.

Motion to adopt Resolution No. 11-009 recommending approval to the City Council with the amended conditions of approval.

M/S: Tabladillo, Mandal

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AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0

X. NEW BUSINESS

**1. PERMIT REVIEW NO.
PR10-0002**

Cindy Hom, Assistant Planner, presented a three month review of the operation of Conditional Use Permit No. UA08-0004 which allows for a 2,400 square foot karaoke establishment located at 788 Barber Lane. Ms. Hom recommended the Commission note receipt and file and direct staff to conduct a six month review.

Ms. Hom stated the applicant has complied with the operating hours. There have been no other reported incidents beyond the three incidents that occurred last year.

Chair Tiernan opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Ciardella, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to note receipt and file and direct staff to conduct a six month review.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**XI.
ADJOURNMENT**

The meeting was adjourned at 9:15 p.m. to the next meeting of March 9, 2011.

Respectfully Submitted,

James Lindsay`
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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