

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

April 13, 2011

I. ROLL CALL

Present: Mohsin and Tao
Staff: Andrade and Brown

1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0007

Tiffany Brown, Junior Planner, presented a request to remove seven trees with a trunk measuring 37" or greater in circumference located against the building and plant eight new mature trees in a location that does not conflict with the structure of the building. The project site is located at 275 So. Hillview Drive. Ms. Brown recommended approving Minor Site Development Permit No. MS11-0007 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0007 subject to the conditions of approval.

M/S: Tao, Mohsin

AYES: 2

NOES: 0

II. ADJOURNMENT

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

APPROVED

PLANNING COMMISSION MINUTES

April 13, 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, Zeya Mohsin, Noella Tabladillo (7:10 p.m.), Steve Tao, and Mark Tiernan
Absent: Sudhir Mandal and Gurdev Sandhu
Staff: Andrade, Armendariz, Brown, Hom, Lindsay, and Otake
Alternate Commissioner John Luk was seated as a member of the voting body.
- 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**
March 23, 2011
Chair Tiernan called for approval of the minutes of the Planning Commission meeting of March 23, 2011.
There were no changes to the minutes.
Motion to approve the minutes of March 23, 2011 as submitted.
M/S: Ciardella, Tao
AYES: 5
NOES: 0
ABSENT: 2 (Sudhir Mandal and Gurdev Sandhu)
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 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, Tao
AYES: 5

APPROVED

Planning Commission Minutes

April 13, 2011

NOES: 0

ABSENT: 2 (Sudhir Mandal and Gurdev Sandhu)

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: Ciardella, Tao

AYES: 5

NOES: 0

ABSENT: 2 (Sudhir Mandal and Gurdev Sandhu)

ABSTAIN: 0

- 1. SITE DEVELOPMENT PERMIT NO. SD11-0002:** A request to construct a new equipment enclosure located at 505 Fairview Drive (APN: 022-58-007) zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: THAT Corporation. Staff Contact: Janice Spuller (408) 586-3291. PJ # 2700. *(Recommendation: Adopt Resolution No. 11-016 approving the project subject to conditions of approval.)*
- 2. TIME EXTENSION NO. TE11-0001:** A request for an eighteen month time extension for a previously approved church located at 1494 California Circle (APN: 022-37-011) zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Eugene Sim. Staff Contact: Cindy Hom (408) 586-3284. PJ # 3172. *(Recommendation: Adopt Resolution No. 11-015 approving the time extension subject to conditions of approval.)*

IX. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UP11-0004

Tiffany Brown, Junior Planner, presented a request to locate an internet focused alcohol beverage outlet with onsite retail located at 1639 So. Main Street. Ms. Brown recommended adopting Resolution No. 11-017 subject to conditions of approval.

Commissioner Mohsin asked where the delivery would take place. Ms. Brown stated in the back of the building.

Chair Tiernan asked if there is a limit on what can be sold. Ms. Brown stated it is according to ABC. Chair Tiernan asked if this CUP based on this site only. Ms. Brown stated yes.

Commissioner Tao asked the percentage of internet sales. Mr. Lindsay stated the nature of the business needs to fit within this business park. The majority of the time they are a mail order distribution business and they are required by ABC to a minimum of a store front. Commissioner Tao asked the hours of operation. Ms. Brown said the hours are Monday through Friday 8:00 a.m. to 5 p.m.

Chair Tiernan asked if there are any restrictions on advertising. Ms. Brown stated there are no restrictions.

Commissioner Tao asked if this condition allows the applicant to have promotional events. Ms. Brown stated yes.

APPROVED
Planning Commission Minutes

April 13, 2011

Tony Rekhi, Rekhi Bros., Inc., 30 Stein Am Rhein Court, Redwood City, stated he has been in business for about 20 years in the bay area, almost 15 years doing business on the internet. 95% of his business is through the internet. They are open Monday – Friday 8:00 a.m. to 5:00 p.m. By 4:00 p.m. UPS will pick up their packages and then they close after that. They don't work on the weekends because UPS does not do pick up on the weekends. Some Hi-Tech companies do come in to buy for their customers.

Commissioner Ciardella asked if there will be wine in stock. Mr. Rekhi stated they do stock high end wines. They basically package and ship wines from this site.

Commissioner Ciardella asked if there will be sprinklers at this site. Mr. Rekhi stated yes.

Commissioner Tabladillo asked if they sell specialized wines or table wines. Mr. Rekhi said they do business in high end specialized wines. Commissioner Tabladillo asked how many employees he has. Mr. Rekhi stated he has 4 to 15 employees depending on the season. Commissioner Tabladillo asked if he is open on the weekends. Mr. Rekhi stated the site is not open on Saturday or Sunday.

Commissioner Tabladillo asked Mr. Rekhi if he has other sites. Mr. Rekhi stated he is currently in Redwood City but is moving to Milpitas.

Commissioner Tao asked if there are no beverages being refrigerated. Mr. Rekhi stated no. Commissioner Tao asked if the warehouse is insulated. Mr. Rekhi stated the warehouse is air conditioned.

Chair Tiernan asked if the applicant will be selling cigarettes or other novelties. Mr. Rekhi stated no. Chair Tiernan asked Mr. Rekhi if he will be charging sales tax on these items. Mr. Rekhi stated yes.

Chair Tiernan opened the public hearing.

Ladd Yani, 1825 Forest Court, is concerned with the promotional events. Mr. Rekhi stated he will not have any promotional events.

Helen Tuet, 1756 Pinewood Court, opposes this project. She feels this company should not be in a residential area.

Philip Tuet, 1756 Pinewood Court, opposes this permit also. He feels it will bring additional crime to the neighborhood.

Motion to close the public hearing.

M/S: Tabladillo, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Sudhir Mandal and Gurdev Sandhu)

ABSTAIN: 0

Commissioner Ciardella asked if staff saw the ABC comments. Ms. Brown stated ABC did share a copy of their comments to staff.

Commissioner Tao suggested having a 6, 12 and 18 month review process. He supports this project.

Commissioner Tabladillo requested the applicant to be willing to work with the City and Commission if issues arise. She supports this project.

Chair Tiernan stated the site is hard to find and no traffic on premises. He believes the only traffic is from the UPS driver. He is requesting a 6 and 12 month review. He

APPROVED

Planning Commission Minutes

April 13, 2011

also supports this project.

Commissioner Luk stated he appreciates the community's concern. He supports this project. Commissioner Tao also agreed.

Motion to adopt Resolution No. 11-017 approving the project subject to conditions of approval as amended.

Amended Condition: Add a 6 and 12 month review process.

M/S: Tabladillo, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Sudhir Mandal and Gurdev Sandhu)

ABSTAIN: 0

X. PRESENTATION

1. PRESENTATION OF THE 2011-16 CAPITAL IMPROVEMENT PROGRAM (CIP)

Greg Armendariz, City Engineer, presented a presentation of the CIP program, providing an overview of the Proposed 2011-16 CIP Annual Report. Mr. Armendariz recommended the Commission find the proposed 2011-16 in conformance with the General Plan and recommend the proposed Capital Improvement program to the City Council for approval.

Chair Tiernan stated he appreciated the comments on the budget situation. Chair Tiernan asked about the landscaping on the 237 Interchange. Mr. Armendariz stated the City is working with CAL-TRANS to install landscaping improvements in this area. Chair Tiernan asked about the landscaping on the 680 Interchange. Mr. Armendariz stated currently there are no plans to re-landscape that area; it is in a maintenance mode at this time. Chair Tiernan asked about the sewer projects. Mr. Armendariz stated those improvements are based upon the sewer rate increases. Chair Tiernan asked about the new park on Main Street. Mr. Armendariz stated the City has acquired the parcel north of the library. The City is currently working with the PRCRC on the design of the park. The final design process will be in the fall or winter of 2011. Chair Tiernan asked about the re-surfacing of the pools at the Sports Center. Mr. Armendariz stated there has been a cycle from 5 to 7 years for re-surfacing the pools due to the heavy usage. Mr. Armendariz stated should RDA funds go away the funds for the re-surfacing would come from the General Fund. Chair Tiernan asked about the BART expansion project. Mr. Armendariz stated the BART project has the responsibility for relocating utilities when they need to. The City is partnering with BART in replacing those pipes at the same time. Chair Tiernan spoke about the pipelines in San Bruno. He asked if PG&E making the proper inspections. Mr. Armendariz stated the Council immediately called upon PG&E to provide a report and status of where PG&E were with their infrastructure through Milpitas. The City has been meeting with PG&E on a monthly basis to keep up with all the findings that have been coming out from CPUC as well as the National Transportation Safety Board. The City will be getting some schedule information for the testing of the pipes within Milpitas in the next few months. Chair Tiernan asked if there is a back log of projects. Mr. Armendariz stated yes. It is due to lack of funding.

Commissioner Tabladillo asked about the RDA funds. Bryan Otake, Assistant City Attorney, stated the RDA in the past was not a loan, it was money taken from the City and not repaid. Commissioner Tabladillo asked what the City is doing to retain the local funds. Mr. Lindsay stated the Council has taken a number of strategic decisions in creating a new City housing authority and economic development corporation. There have been community meetings. Commissioner Tabladillo asked about the BART

APPROVED

Planning Commission Minutes

April 13, 2011

expansion. Mr. Armendariz stated there are no grants from BART for infrastructure.

Commissioner Mohsin asked about the parks, trees, and Sports Center. Mr. Armendariz stated the playgrounds are examples that are not being ADA accessible. They are high maintenance for staff. The City is working on making these parks ADA accessible surfaces. The parks do get inspected on a daily basis by staff. On some of the aging infrastructure, the City does have a renovation project program that will provide funding. In regards to trees, the City is taking a closer look at the trees. They are increasing the maintenance of park trees for safety. The City is looking at the fees and the number of users at the Sports Center to become cost neutral.

Commissioner Ciardella asked where the natural gas pipe lines go. Mr. Armendariz stated the gas transmission lines run from the East Bay along the west side of I880 entering into McCarthy and then at the interchange they split, they go west along 237 away from Milpitas, there are pipe lines that continue south. Other pipe lines through Milpitas are jet fuel lines and nitrogen gas lines. Commissioner Ciardella asked what will happen to all the projects if the RDA goes away. Mr. Armendariz stated the City would look at other funding sources primarily the General Fund. Commissioner Ciardella asked if all cities have RDA. Mr. Lindsay stated about 450 cities have RDA. Commissioner Ciardella asked about 237. Mr. Armendariz stated 237 will become 4 lanes with construction to begin 2013.

Commissioner Tao asked about the back up generators. Mr. Armendariz stated the City is looking at purchasing 2 back up generators. Commissioner Tao asked about the street improvements. Mr. Armendariz stated the street projects are Great Mall Parkway and Singley area. These projects would have to be designed.

Motion to find the proposed 2011-16 in conformance with the General Plan and recommend the proposed Capital Improvement Program to the City Council.

M/S: Tabladillo, Tao

AYES: 6

NOES: 0

ABSENT: 2 (Sudhir Mandal and Gurdev Sandhu)

ABSTAIN: 0

**XI.
ADJOURNMENT**

The meeting was adjourned at 9:35 p.m. to the next meeting of April 27, 2011.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

APPROVED
Planning Commission Minutes

April 13, 2011