

# **APPROVED**

## **PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**July 27, 2011**

### **I. ROLL CALL**

Present: Mohsin and Tabladillo  
Staff: Ah Sing, Andrade, Hom, and Spuller

#### **1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0024**

Cindy Hom, Assistant Planner, presented a request for a remodel of the Taco Bell exterior building located at 774 South Main St. Ms. Hom recommended approving Minor Site Development Permit No. MS11-0024 subject to the conditions of approval.

**Motion** to approve Minor Site Development Permit No. MS11-0024 subject to the conditions of approval.

M/S: Tabladillo, Mohsin

AYES: 2

NOES: 0

#### **2. MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MS11-0003**

Cindy Hom, Assistant Planner, presented a request for the exterior remodel to the drive through and parking lot at the McDonald's located at 1795 Landess. Ms. Hom recommended approving Minor Site Development Permit Amendment No. MS11-0003 subject to the conditions of approval.

**Motion** to approve Minor Site Development Permit Amendment No. MS11-0003 subject to the conditions of approval.

M/S: Tabladillo, Mohsin

AYES: 2

NOES: 0

#### **3. MINOR SITE DEVELOPMENT PERMIT NO. MS11- 0026, FORD FOCUS CONSIDER FOCUS/GIMME THE GIG TOUR EVENT**

Janice Spuller, Assistant Transportation Planner, presented a request for a three day outdoor event located at the Great Mall of the Bay Area at 1100 So. Main St. Ms. Spuller recommended approving Minor Site Development Permit No. MS11-0026 subject to the conditions of approval.

**Motion** to approve Minor Site Development Permit No. MS11-0026 subject to the conditions of approval.

M/S: Tabladillo, Mohsin

AYES: 2

NOES: 0

### **II. ADJOURNMENT**

This meeting was adjourned at 7:06 p.m.

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**PLANNING COMMISSION MINUTES**

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- I. PLEDGE OF ALLEGIANCE** Chair Mandal 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, and Steve Tao  
Absent: Mark Tiernan  
Staff: Ah Sing, Andrade, Brown, Hom, Lindsay, Otake, and Spuller
- III. PUBLIC FORUM** Chair Mandal 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** July 13, 2011  
Chair Mandal called for approval of the minutes of the Planning Commission meeting of July 13, 2011.  
There were no changes to the minutes.  
**Motion** to approve the minutes of July 13, 2011 as submitted.  
M/S: Ciardella, Sandhu  
AYES: 7  
NOES: 0  
ABSENT: 1 (Mark Tiernan)  
ABSTAIN: 0
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, announced that at the last Commission meeting a complaint was filed for a variety of illegal signage at South Park Victoria drive, staff has gone out and noting such violations with follow up on those issues.
- 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 Tao stated he had an interest in Item VIII-4 CUP No. UA11-0002, he represents the applicant. There were no other Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Mandal 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.

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M/S: Ciardella, Sandhu  
AYES: 7  
NOES: 0  
ABSENT: 1 (Mark Tiernan)  
ABSTAIN: 0

### VIII. CONSENT CALENDAR

Chair Mandal 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: Tabladillo, Mohsin  
AYES: 6  
NOES: 0  
ABSENT: 1 (Mark Tiernan)  
ABSTAIN: 1 (Steve Tao)

1. **CONDITIONAL USE PERMIT NO. UP11-0016 and MINOR SITE DEVELOPMENT PERMIT NO. MS11-0019:** A request to re-establish a discontinued research and development facility and for the construction of a new roof penthouse on a legal, non-conforming building located at 775 Montague Expressway (APN: 086-32-030) zoned Mixed Use, Very High Density with Site and Architectural Overlay (MXD3-S). Applicant: David Perng. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2725. *(Recommendation: Adopt Resolution No. 11-030 subject to conditions of approval.)*
2. **CONDITIONAL USE PERMIT NO. UP11-0019:** A request to establish an Auto Sales Office located at 1313 No. Milpitas Blvd, # 105 (APN: 022-02-042) zoned Highway Services with Site and Architectural Overlay (HS-S). Applicant: Lakhbir Singh Pooni. Staff Contact: Janice Spuller (408) 586-3291. PJ # 2731. *(Recommendation: Adopt Resolution No. 11-029 subject to conditions of approval.)*
3. **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0002:** A request for 234 square foot addition and exterior modifications to an existing hillside residence located at 673 Quince Lane (APN: 029-59-014) zoned Single Family Residential with Hillside Combining District and Site and Architectural Overlay (R1-H-S). Applicant: Twelve Star Consulting Group. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2711. *(Recommendation: Adopt Resolution No. 11-031 recommending approval to the City Council.)*
4. **CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0002:** A request to expand an existing religious facility by approximately 10,500 square feet within an existing building located at 380 Montague Expressway (APN: 086-36-044) zoned Mixed Use Very High Density with Site and Architectural Overlay (MXD3-S) and within the Transit Area Specific Plan. Applicant: John Wang. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2712. *(Recommendation: Adopt Resolution No. 11-032 subject to conditions of approval.)*

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**IX. PUBLIC HEARING**  
**1. CONDITIONAL USE**  
**PERMIT AMENDMENT**  
**NO. UA11-0005**

Tiffany Brown, Assistant Planner, presented a request to amend a special condition of approval for a private elementary school to be located at 130 Piedmont Rd. Ms. Brown recommended adopting Resolution No. 11-033 approving the amendment subject to conditions of approval.

Commissioner Ciardella would like to keep the two conditions in place.

Vice-Chair Tabladillo asked what the differences from the last meeting are. Ms. Brown stated the applicant now proposes to have just the school zone sign without having the electronic signs.

Commissioner Ciardella asked how far back the speed feedback sign from the church is. Ms. Brown stated about two blocks down. Commissioner Ciardella asked if the existing radar speed feedback sign be moved closer to the school. Mr. Lindsay stated yes.

Vice-Chair Tabladillo asked what the best option is. Ms. Brown stated having a cross guard for a three month trial period.

**Asunta Reinman, 80 Descanso Dr., San Jose, CA**, stated in place of the radar speed feedback sign put a 25 mph school zone sign. She stated having a crossing guard for a three month period.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Tabladillo, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

Vice-Chair Tabladillo asked if the original speed sign be removed. Mr. Lindsay stated the original speed sign would remain in addition to a 25 mph school zone sign. There would be school volunteers or staff as crossing guards for three month trial period alerting drivers of the school.

Chair Mandal asked what happens after the three month trial period. Mr. Lindsay stated staff is recommending a three and six month review.

Commissioner Tao asked does the three months start from when the school opens. Mr. Lindsay stated yes.

Commissioner Ciardella asked how staff decides if the three months is working. Mr. Lindsay stated an assessment would be made to determine the number of students who use the crosswalk and then report back to the Commission.

Vice-Chair Tabladillo asked if the new sign be a secondary radar speed feedback sign. Mr. Lindsay stated the 35 mph speed sign would be replaced with the 25 mph speed sign. Vice-Chair Tabladillo asked if the sign flash during the school hours or all day. Mr. Lindsay stated it would flash during the preprogram times. Vice-Chair Tabladillo asked if a three, 12, and 20 month review be a condition. Mr. Lindsay stated yes.

Chair Mandal stated he supports this project.

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Commissioner Ciardella asked if it is possible to make that area 25 mph zone instead of 35 mph zone. Mr. Lindsay stated Piedmont Rd is a much wider road and it warrants a 35 mph zone and does not recommend changing to a 25 mph zone. Commissioner Ciardella asked if it is mandatory to have a 25 mph zone adjacent to a school. Mr. Lindsay stated it is not mandatory.

Commissioner Mohsin stated she supports this project.

**Motion** to adopt Resolution No. 11-033 approving the project with the amended conditions:

1. The operator or designee shall provide a flagger near each of the two static school zone speed signs to encourage vehicle speed compliance during school drop off and pick up hours for the first three month period.
2. Require a three, 12, and 20 month review.

M/S: Tabladillo, Mohsin

AYES: 6

NOES: 1 (Larry Ciardella)

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

## X. NEW BUSINESS

### 1. DISCUSSION OF 2011 WALKING TOUR

James Lindsay, Planning Director, had a discussion on the walking tour for 2011. He suggested a site under construction at Murphy Ranch road.

Commissioner Tao asked if there were any mixed-use sites in other cities to tour. Mr. Lindsay stated Sunnyvale Town Center or the San Jose High Rise Homes.

Commissioner Ciardella asked if there were any future projects in surrounding cities impacting traffic in Milpitas. Mr. Lindsay said it is a possibility to have a joint informational exchange with other cities.

Commissioner Sandhu asked if there were any progress at the old Mervyn's site. Mr. Lindsay stated the Commission could have a walking tour at that site and surrounding area.

Commissioner Ciardella suggested having a meeting with the Economic Development Director and County Planning Director to see what is coming to other cities.

Chair Mandal stated touring other cities is a very good idea. He also said that this would take longer to do.

Mr. Lindsay suggested organizing a walking tour in August for Saturday or Sunday morning. Also, work with other cities to start a discussion on meeting with other cities.

Commissioner Ciardella asked about having a walking tour at the town center. Mr. Lindsay stated that could be a possibility. Chair Mandal also suggested touring the McCarthy Ranch area.

**Motion** to have staff review the possibility of having an informational exchange with various neighboring cities with the City of Milpitas at a future date to be determined. Include the Economic Development Director and other individuals from other cities.

M/S: Tabladillo, Ciardella

AYES: 7

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NOES: 0

ABSENT: 1 (Mark Tiernan)

ABSTAIN: 0

**XI.  
ADJOURNMENT**

The meeting was adjourned at 8:40 p.m. to the next meeting of August 10, 2011.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Yvonne Andrade  
Recording Secretary

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