

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 12, 2011

I. ROLL CALL

Present: Mandal and Tiernan
Staff: Andrade and Lindsay

**1. MINOR SITE
DEVELOPMENT
PERMIT NO.
MS11-0037**

James Lindsay, Planning Director, presented a request to add new compact parking spaces to an existing shopping center located at 1235 E. Calaveras Blvd. Mr. Lindsay recommended approving Minor Site Development Permit No. MS11-0037 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0037 subject to the conditions of approval.

M/S: Mandal, Tiernan

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:39 p.m.

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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, and Mark Tiernan
Absent: Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo and Steve Tao
Staff: Ah Sing, Andrade, Barnhart, Bravo, Lindsay, and Otake
Alternate Commissioner John Luk was seated as a member of the voting body.
- 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** Chair Mandal called for approval of the minutes of the Planning Commission meeting of September 28, 2011.
September 28, 2011
There were no changes to the minutes.
Motion to continue this item to the October 26, 2011 meeting.
M/S: Mandal, Luk
AYES: 4
NOES: 0
ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)
ABSTAIN: 0
- V. ANNOUNCEMENTS** Chair Mandal announced the resignation of Planning Director James Lindsay. Chair Mandal and the other Commissioners thanked Mr. Lindsay for all the services he has provided as Planning Director.
- 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 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.
M/S: Ciardella, Tiernan
AYES: 4

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NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the Consent Calendar.

IX. PUBLIC HEARING

1. SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0005, MAJOR TENTATIVE MAP AMENDMENT NO. TM11-0001 and CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0008, CITATION RESIDENTIAL PROJECT

Sheldon Ah Sing, Senior Planner, presented a request to amend the previously approved project to allow a fifth story and to replace a “wrap” condominium unit building with townhomes. The project site would accommodate up to 732 dwelling units with density averaging. The proposal includes a vesting tentative map for condominium purposes. This proposal includes development plans and architectural review for the project. The project is located at 1200 Piper Drive. Mr. Ah Sing recommended adopting Resolution No. 11-048 recommending approval to the City Council.

Commissioner Tiernan asked about the issues from Union Pacific. Mr. Ah Sing stated the developers have been working with the railroads including VTA.

Chair Mandal opened the public hearing.

Scott Littlehale, Carpenters Union Local 405, gave a presentation on why additional environmental review is necessary for the project.

Danny Diaz, 2061 Conway Street, stated the public needs to be aware of the construction.

Mike Sullivan, 404 Saratoga Ave, Santa Clara, stated they studied the letters from the Carpenters Union and believe the environmental challenges are without merit.

Motion to close the public hearing.

M/S: Ciardella, Tiernan

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

Commissioner Tiernan asked staff to give an analysis on the issues raised. Mr. Otake stated this project is exempt due to consideration of possible environmental impacts created by the project through a previous environmental document. Also, the project is exempt under Section 15061(b)(3) of the CEQA guidelines. Commissioner Tiernan asked if the Jones Chemical site a closed case. Mr. Otake stated the site itself has been listed as closed by the Department of Toxic Substances Control. The California Regional Water Quality Control board has given it a clean bill of health for residential uses.

Chair Mandal asked how long the EIR valid. Mr. Lindsay stated it depends on the conditions. There is no timeframe given under CEQA. Chair Mandal asked what has been on that land. Mr. Lindsay stated the land has been vacant for many years.

Commissioner Tiernan asked if this project in the Transit Area Specific Plan. Mr. Lindsay stated that is correct.

Chair Mandal asked if the builder working with staff to mitigate the noise level. Mr.

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Lindsay stated yes. The developer is working with staff to reduce noise and vibration affecting the project.

Motion to adopt Resolution No. 11-048 recommending approval to the City Council.

M/S: Ciardella, Tiernan

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

**2. SITE DEVELOPMENT
PERMIT NO. SD11-
0012, CONDITIONAL
USE PERMIT NO.
UP11-0033, and
TENTATIVE MAP NO.
MT11-0003**

James Lindsay, Planning Director, presented a proposal to redevelop an 8.3 acre site with 134 residential units (91 Townhomes and 43 Detached Single Family Homes), installation of associated site improvements, and a conditional use permit for exceptions on setbacks and lot area requirements. The project site is located at 300, 324-368 Montague Expressway. Mr. Lindsay recommended adopting Resolution No. 11-050 recommending approval to the City Council.

Chair Mandal asked about the schools and parks. Mr. Lindsay stated the City Council approved 11 acres of property with the MUSD. Chair Mandal asked if there will be efficient parking on Trade Zone Blvd or Montague Expressway. Mr. Lindsay stated this project is meeting all the enhanced parking requirements.

Garrett Hines, Trumark Companies, gave a detail presentation of the project. He stated the site is within a 10 minute walk from the future BART station.

Chair Mandal asked if the developer will be working with local contractors. Mr. Hines stated they do reach out to the local community for implementation and construction. Chair Mandal asked if there will be a pedestrian safety walk to BART and Great Mall. Mr. Hines stated there will be a sidewalk that connects to the Great Mall, Light Rail, and BART. Mr. Lindsay stated it is a network that will be built out over time.

Chair Mandal opened the public hearing.

Scott Littlehale, Carpenters Union Local 405, believes there is cancer risks involved with the development of the project near the expressway. Comments were submitted to staff.

Joseph Sun, Pastor, 380 Montague Expressway, stated he welcomes the development project. He hopes the construction does not hinder the church's regular activities.

Motion to close the public hearing.

M/S: Tiernan, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

Motion to adopt Resolution No. 11-050 recommending approval to the City Council.

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M/S: Tiernan, Luk

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

3. SITE DEVELOPMENT PERMIT NO. SD11-0001, MAJOR TENTATIVE MAP NO. MT11-0002 and CONDITIONAL USE PERMIT NO. UP11-0032, DENSITY BONUS NO. 11-0001, SHEA RESIDENTIAL PROJECT

Sheldon Ah Sing, Senior Planner, presented a request to allow 204 dwelling units in four stories wrapped around a parking garage and courtyard. The project includes a density bonus in exchange for providing affordable units. The proposal also requests the vacation of street right-of-way. This proposal includes development plans and architectural review for the project. The project is located at 1201 South Main Street. Mr. Ah Sing recommended adopting Resolution No. 11-051 recommending approval to the City Council.

Commissioner Tiernan asked about the density bonus. Mr. Ah Sing stated if the applicant provides affordable units they are entitled to a density bonus. Commissioner Tiernan asked how many below market units will there be. Mr. Ah Sing stated there will be nine (9) below market units.

Commissioner Ciardella asked about the storm water runoff. Mr. Ah Sing stated the applicant has to comply with the storm water regulations.

Keith Victor, Kings Mill Group, stated has partnered with Shea Properties to bring 1200 Main Street to the City of Milpitas.

J.J. Abraham, Shea Properties, 130 Vantis, Aliso Viejo, gave a presentation on Shea Properties.

Commissioner Ciardella asked about the two (2) ft setback concession request based on project's proposal to provide affordable housing. Mr. Abraham stated their goal is to look at moving the building closer to Main Street and thereby providing more interior courtyard area. Commissioner Ciardella asked if the patios will be larger. Mr. Abraham stated yes. Commissioner Ciardella asked what kind of water feature will there be at the intersection of Main and Abel. Mr. Abraham stated the water feature will conform to City standards regarding life safety issues.

Chair Mandal asked about the maintenance of the complex. Mr. Abraham stated it will be well maintained at all times.

Commissioner Luk stated he has been to Shea Properties in San Jose and they are beautiful. Commissioner Luk believes Milpitas does need affordable housing including rental units. He believes this project would be a bonus and landmark to the City.

Chair Mandal asked if Shea has a policy to use local contractors. Mr. Abraham stated they use union or local project manager. They hire local trades.

Chair Mandal opened the public hearing.

Guy Haas, 1277 Fallen Leaf Drive, has a concern with privacy issues with the taller buildings.

Scott Littlehale, Carpenters Union Local 405, stated the contractors cannot afford to rent these units and described the proximity of the project to the railroad with respect to air quality.

Motion to close the public hearing.

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M/S: Tiernan, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

Chair Mandal asked about the EIR. Mr. Lindsay stated an addendum was prepared to the adopted mitigated negative declaration for the previously approved project.

Commissioner Tiernan and Commissioner Luk stated support for this project.

Motion to adopt Resolution No. 11-051 recommending approval to the City Council.

M/S: Tiernan, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 8:50 p.m. to the next meeting of October 26, 2011.

Respectfully Submitted,

Sheldon Ah Sing
Senior Planner

Yvonne Andrade
Recording Secretary

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