

UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 26, 2011

- I. ROLL CALL** Present: Mohsin and Tiernan
Staff: Ah Sing, Andrade and Spuller
- 1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0036** Sheldon Ah Sing, Senior Planner, presented a request for a shopping center façade renovation located at 1770 No. Milpitas Blvd. Mr. Ah Sing recommended approving Minor Site Development Permit No. MS11-0036 subject to the conditions of approval.
Motion to approve Minor Site Development Permit No. MS11-0036 subject to the conditions of approval.
M/S: Tiernan, Mohsin
AYES: 2
NOES: 0
- 2. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0039, XBOX KINECT MOBILE TOUR** Janice Spuller, Assistant Transportation Planner, presented a request for a ten day outdoor event located at the Great Mall of the Bay Area, 1100 Great Mall Drive. Ms. Spuller recommended approving Minor Site Development Permit No. MS11-0039 subject to the conditions of approval.
Motion to approve Minor Site Development Permit No. MS11-0039 subject to the conditions of approval.
M/S: Tiernan, Mohsin
AYES: 2
NOES: 0
- II. ADJOURNMENT** This meeting was adjourned at 6:40 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, Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, Steve Tao, and Mark Tiernan
- Absent: None
- Staff: Ah Sing, Andrade, Barnhart, Bravo, Brown, and Otake
- 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.
- Rob Means, 1421 Yellowstone**, spoke about global warming.
- IV. APPROVAL OF MINUTES**
September 28, 2011 and October 12, 2011
- Chair Mandal called for approval of the minutes of the Planning Commission meeting of September 28, 2011 and October 12, 2011.
- There were no changes to the minutes.
- Motion** to approve the minutes of September 28, 2011 as submitted.
- M/S: Tabladillo, Tao
- AYES: 7
- NOES: 0
- ABSENT: 0
- ABSTAIN: 0
- Motion** to approve the minutes of October 12, 2011 as submitted.
- M/S: Ciardella, Tiernan
- AYES: 4
- NOES: 0
- ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)
- ABSTAIN: 0
- V. ANNOUNCEMENTS** Tom Williams, City Manager, introduced Diana Barnhart as new Planning and Neighborhood Services Director. All the Commissioners welcomed her to 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. Commissioner Tao stated he had an interest in Item IX-1. There were no other

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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, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

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: Mohsin, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

- 1. CONDITIONAL USE PERMIT NO. UP11-0036:** A request to allow an auto broker office located at 1525 McCarthy Boulevard, Suite 1001, zoned Light Industrial with Site and Architectural and Recreation and Entertainment Overlays (M1-S-RE): APN: 086-03-079. Applicant: Hung T. Nguyen. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 2772. (*Recommendation: Adopt Resolution No. 11-052 approving the project subject to conditions of approval.*)

IX. PUBLIC HEARING

Commissioner Tao excused himself from this item.

- 1. GENERAL PLAN AMENDMENT NO. GP11-0001, ZONING AMENDMENT NO. ZA11-0001, SPECIFIC PLAN AMENDMENT NO. ST11-0001, ENVIRONMENTAL IMPACT ASSESSMENT NO. EA11-0001, MAJOR TENTATIVE MAP NO. MT11-0001, SITE DEVELOPMENT PERMIT NO. SD11-0007, and**

Tiffany Brown, Assistant Planner, presented a request for a General Plan Amendment, Zoning Amendment, Specific Plan Amendment for approximately 24 acres located along Montague Expressway and Trade Zone Blvd. And a Major Tentative Map and Site Development Permit to construct 276 Single Family attached townhomes and condos on 12.3 acres at the northwest corner of Montague Expressway and McCandless Drive known as the Harmony project. General Plan, Zoning, and Specific Plan Amendments, Major Tentative Map, and Site Development Permits for Harmony project located at 1765 McCandless Drive. Ms. Brown recommended adopting Resolution No. 11-047 recommending approval to the City Council.

Vice-Chair Tabladillo asked about the comment letter received this evening. Mr. Ah Sing stated the letter is in response to the Toxic Air Contaminant study performed by the applicant. The study concludes the project does exceed the threshold. The recommendation of the study is to include planting vegetated barriers around the project and upgrading the filters for certain buildings.

Commissioner Tiernan asked how many tandem parking spaces will there be. Ms.

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Brown stated 67 tandem parking spaces.

Chair Mandal asked what kind of impact is the setback to the homeowner. Ms. Brown stated the trail setback is per policy. By reducing the setback there will be no noise or flood issues.

Commissioner Ciardella asked the number of parks. Ms. Brown stated there are actual two parks with a third park for adults.

Commissioner Tiernan spoke about the Transit Area Specific Plan and green house gas emissions. Mr. Otake stated the program EIR for the Transit Area Specific Plan took into account greenhouse gas emissions and portrays a vision for transit oriented or environmental friendly development. It focuses on air quality impacts and reduction of green house gases. Commissioner Tiernan stated projects like these were envisioned specifically by the Transit Area Specific Plan. Mr. Otake stated that is correct. Commissioner Tiernan asked about the fees that are going to be paid to the City. Ms. Brown stated the Transit Area Specific Plan has a set fee for different improvements. For schools there is a set fee that needs to be paid for those schools that the project is paying for. Mr. Ah Sing stated it is about \$25,000 per unit.

Vice-Chair Tabladillo asked about the demolition of the existing buildings. Fernando Bravo, Principal Engineer, Land Development, stated the project will comply with the City's ordinance for recycling and diversion.

Commissioner Ciardella is concerned with Montague Expressway. He asked if trees will be torn down. Ms. Brown stated they will not have to take down any trees.

Dean Mills, D.R. Horton, 6630 Owens Dr, Pleasanton, gave a presentation on this project. He stated they have had a successful relationship with the City and City staff. This will be their 4th project in the City of Milpitas. This project would generate 10-12 million dollars in fees over its life time.

Commissioner Tiernan asked about green house gas standards. **Miles M. Wiley, Morrison/Forester, 425 Market St., San Francisco**, stated this project is consistent with the policies.

Commissioner Ciardella asked about paving. Mr. Mills stated they will use asphalt. Commissioner Ciardella asked about the landscape. Mr. Mills stated there will be between 24" and 36" box trees. Commissioner Ciardella would like to see 15 gallon trees instead of 5 gallon trees.

Chair Mandal asked about the construction quality. Mr. Mills stated they are adding large landscape along Montague and railroad to eliminate noise. Mr. Mills stated they adhere to building standards. Chair Mandal asked if solar power is used. Mr. Mills stated they have not proposed solar power. There is not enough benefit. Chair Mandal asked about lighting. **Anica Carpenter, Ripley Design Group, 1615 Bonanza Street, Walnut Creek**, stated the landscape lighting is LED lighting that is energy efficient.

Vice-Chair Tabladillo asked if each tot lot will have permanent secured shading. Mr. Mills stated yes. The taller buildings will have shade for the tot lots. Vice-Chair Tabladillo asked about the McCandless Drive area. Mr. Mills stated there are front doors facing McCandless Drive. **Jill Williams, 580 Second St, Oakland**, stated the doors do have some cover to it. Vice-Chair Tabladillo asked about the paint being used. Ms. Williams stated they use paint that is on the Build A Green list. Vice-Chair Tabladillo asked if the garages face each other. Mr. Mills stated the garages do face each other.

Commissioner Mohsin asked what kind of surface is used on the tot lot. Mr. Mills stated it is a rubberized surface. Commissioner Mohsin asked about the benches. Mr. Mills stated the benches wouldn't be made out of wood.

Chair Mandal asked if the builder going to be involved in the HOA. Mr. Mills stated yes.

Chair Mandal opened the public hearing.

Don Peoples, 3444 Spring Creek Lane, spoke in support of parking exception.

Rob Means, 1421 Yellowstone, is concerned with not having any solar orientation or extra efficiency. He stated the Green Building Ordinance was not addressed.

Scott Littlehale, Carpenters Union Local 405, spoke about toxic air contaminants. He has some concerns with the adequacy of the mitigation.

Motion to close the public hearing.

M/S: Tiernan, Tabladillo

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Steve Tao)

Commissioner Tiernan stated he is in support of this project with the removal of Condition Of Approval #25. He also stated he has received numerous calls on this project from members of labor and D.R. Horton staff.

Vice-Chair Tabladillo stated she also supports the removal of Condition Of Approval #25. She is concerned with the ventilation system. She believes there should be more study on the ventilation system.

Commissioner Luk stated this is a great project for Milpitas. He feels this is a gateway to Milpitas. He supports this project.

Commissioner Mohsin also supports the removal of Condition Of Approval #25. She supports this project.

Chair Mandal asked how often the air filters will be replaced. **Michael, Varion, 201 California St., San Francisco**, stated the filters will be replaced every six months. Chair Mandal asked how the homeowner will be notified. Mr. Mills stated a manual will be given to the homeowner of all the items they are responsible for and how to care for them.

Mr. Otake stated with the removal of Condition Of Approval #25, grant the request for an exception to the normal tandem parking restrictions. There will also be change in Section 3 of the Resolution as well to reflect that change.

Motion to adopt Resolution No. 11-047 recommending approval to the City Council with the removal of Condition of Approval #25.

M/S: Tiernan, Tabladillo

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Steve Tao)

**X.
ADJOURNMENT**

The meeting was adjourned at 8:56 p.m. to the next meeting of November 9, 2011.

Respectfully Submitted,

Sheldon S. Ah Sing
Senior Planner

Yvonne Andrade
Recording Secretary