

# **UNAPPROVED**

## **PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**February 22, 2012**

### **I. ROLL CALL**

Present: Luk and Mandal  
Staff: Ah Sing and Andrade

#### **1. MINOR SITE DEVELOPMENT PERMIT NO. MS12-0005**

Sheldon Ah Sing, Senior Planner, presented a request to amend the architecture of townhome buildings for the Lyons Murphy Ranch Project (Coyote Creek) located at 601 Murphy Ranch Road. Mr. Ah Sing recommended approving Minor Site Development Permit No. MS12-0005 subject to conditions of approval.

**Motion** to approve Minor Site Development Permit No. MS12-0005 subject to conditions of approval.

M/S: Mandal, Luk

AYES: 2

NOES: 0

### **II. ADJOURNMENT**

This meeting was adjourned at 6:47 p.m.

**UNAPPROVED**

**PLANNING COMMISSION MINUTES**

**February 22, 2012**

- 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: John Luk, Rajeev Madnawat, Sudhir Mandal, Zeya Mohsin, and Gurdev Sandhu  
Absent: Garry Barbadillo, Larry Ciardella, and Steve Tao  
Staff: Ah Sing, Andrade, Bravo, Hom, Otake, and Reliford
- 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.  
  
Bill Foulk, Arts Commission, presented the City Hall Art Models. He stated the Commissioners can go online and log their vote.
- IV. APPROVAL OF MINUTES** February 8, 2012  
Chair Mandal called for approval of the minutes of the Planning Commission meeting of February 8, 2012.  
There were no changes to the minutes.  
**Motion** to approve the minutes of February 8, 2012 as submitted.  
M/S: Sandhu, Mohsin  
AYES: 5  
NOES: 0  
ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Steve Tao)  
ABSTAIN: 0
- V. ANNOUNCEMENTS** Chair Mandal stated Felix Reliford will be acting Planning Director until further notice.
- 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: Mohsin, Sandhu  
AYES: 5  
NOES: 0

**UNAPPROVED**

**Planning Commission Minutes**

February 22, 2012

ABSENT: 3 (Garry Barbadillo, Larry Ciardella, Steve Tao)

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: Madnawat, Mohsin

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Steve Tao)

ABSTAIN: 0

- 1. CONDITIONAL USE PERMIT NO. UP12-0001:** A request to operate a 972 square foot Ju Jitsu martial arts studio located at 1535 Landess Avenue Suite #104 (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Michael Javier. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2796 (*Recommendation: Adopt Resolution No. 12-009 approving the project subject to conditions of approval.*)
- 2. CONDITIONAL USE PERMIT NO. UP11-0041 and SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0007:** A request to operate a 6,413 square foot child care center and installation of associated site improvements located at 630 South Main Street (APN: 086-25-027) zoned Mixed Use with Site and Architectural Overlay (MXD-S). Applicant: Colleen Noll. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2790 (*Recommendation: Adopt Resolution No. 12-010 approving the project subject to conditions of approval.*)
- 3. ZONING TEXT AMENDMENT NO. ZA12-0001:** Conditional Use Permit Process Streamlining. A request to amend Title XI, Chapter 10 of the City of Milpitas Municipal Code for the purposes of streamlining the Conditional Use Permit process. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. (*Recommendation: Continue the item to the March 14, 2012 Planning Commission meeting.*)

## IX. PUBLIC HEARING

### 1. SITE DEVELOPMENT PERMIT NO. SD11-0001, CONDITIONAL USE PERMIT NO. UP11-0037, AND TENTATIVE MAP AMENDMENT NO. TM11-0002, MCCANDLESS MIXED USE PROJECT

Sheldon S. Ah Sing, Senior Planner, presented a request to review the site plan and architecture of four mixed use buildings (954 residential units and 87,023 square feet) and 27 multi-family buildings (200 residential units) and; the operations in anticipation of a future grocery store for a mixed use project. The project site is located within the Transit Area Specific Plan. Mr. Ah Sing recommended adopting Resolution No. 12-007 recommending approval to the City Council.

Commissioner Madnawat asked what the impact fees are. Mr. Ah Sing stated the fee is \$25,000 per unit. Commissioner Madnawat asked about parking. Mr. Ah Sing stated that the project proposes a reduced amount of parking because the zoning code allows for a substitution of vehicle parking spaces when motorcycle and bicycle parking is provided to a certain limit.

Chair Mandal asked about water supply pressure. Fernando Bravo, Principal Civil Engineer, stated the project is conditioned to provide a system hydraulic analysis to

## UNAPPROVED Planning Commission Minutes

February 22, 2012

adequately address the fire and domestic needs to serve the project. Chair Mandal asked who pays for this analysis. Mr. Bravo stated the developer will pay for the analysis. Chair Mandal asked if this project using recycled water for the landscaping. Mr. Ah Sing stated yes.

Commissioner Mohsin asked about green material. Mr. Ah Sing stated the City does require a green building checklist.

Commissioner Sandhu asked about the setbacks on the project. Mr. Ah Sing stated the project was approved in 2010 to address setback issues.

Chair Mandal asked about the trees. Mr. Ah Sing stated more trees are being planted than what is being removed from the site.

Commissioner Luk stated a grocery store would be good for the area. He believes this is the right location for the project. He credits staff for working with the developer for so many years. He feels it is a very beneficial project to the City.

Commissioner Mohsin asked about parking. Mr. Ah Sing stated the commercial parking is located at the front of Building 1, along McCandless Drive and the first level of the garage is for retail parking.

**Evan Knapp, Integral Communities**, stated they have two potential grocery stores in mind. **Tobin Symmank, Architect Orange**, stated sustainable is considered a green idea.

Commissioner Mohsin asked about the windows. Mr. Symmank stated the project will have double pane windows. Commissioner Mohsin asked about solar energy for the pool. Mr. Symmank stated there will be no solar energy for the pool at this time. Commissioner Mohsin asked if the minimum standards being met. Mr. Symmank stated yes.

Commissioner Madnawat stated the grocery store is a plus. He asked if there is a club house on the site. Mr. Knapp stated there are several community rooms, pool, spa, gym, home theater kitchen, and dog washing station.

Chair Mandal asked about solar energy. Mr. Knapp stated they are in the process of the construction drawings. They are looking into solar energy.

Chair Mandal opened the public hearing.

**Robyn Purchia, Adams Broadwell Joseph and Cardozo, Attorney at Law, 601 Gateway Blvd. So. San Francisco** stated she is representing the Milpitas Coalition for Responsible Development. The Coalition is requesting the Planning Commission deny this project and order City Council to prepare an environmental review document under CEQA. She stated the Coalition submitted written comments to the City on October 21, 2011.

**John Dalrymple, Plumbers and Electrical Workers Union**, submitted signed cards from Milpitas residents who support the denial of this project. He is concerned with this project being built correctly.

**Devin, 463 Palmer St.**, stated workers should be from Milpitas.

**Ray Esparza, 1334 Glacier Dr**, is concerned with hiring low age workers.

**Don Peoples, 612 So. Main Street**, stated this project is perfectly suited for this area. He stated Milpitas needs this project.

**Motion** to close the public hearing.

M/S: Sandhu, Luk

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Steve Tao)

ABSTAIN: 0

Chair Mandal wanted clarification on the CEQA documents. Mr. Ah Sing stated the TASP was adopted in 2008 along with its EIR. The mitigation measures for the EIR became policies within the TASP. It was done in accordance with state law and other CEQA guidelines.

Commissioner Madnawat asked if the setback requirements different. Bryan Otake, Assistant City Attorney, stated no. The previous EIR and Mitigated Negative Declaration are adequate. No additional analysis required. Commissioner Madnawat asked about affordable housing. Mr. Otake stated affordable housing policy in Milpitas is in compliance.

Chair Mandal asked if the developer has a policy in hiring local workers from this area. Mr. Knapp stated they welcome any number of parties to bid on this project. Chair Mandal asked if they have a preference. Mr. Knapp stated they encourage all parties to bid local or outside local.

Commissioner Madnawat asked the process in hiring. Mr. Knapp stated they hire a general contractor who hires the workers.

Commissioner Luk believes the developers will hire local trade.

Commissioner Sandhu believes this is an important project for the City of Milpitas.

Commissioner Mohsin stated she is glad this project has come to Milpitas. She would like to see more solar energy and the use of local workforce.

Chair Mandal suggested taking a short recess to look over the document that was submitted to the Commission.

Commissioner Luk and Commissioner Sandhu feel there is no need to read the document.

There was a 10 minute recess to look over the document that was submitted to the Commission.

Commissioner Madnawat stated he would not give to much weight on the document brought forth.

Chair Mandal wanted clarification on the document. Mr. Ah Sing stated they have seen the October 21, 2011 letter referenced and the Mitigated Negative Declaration and these were included in the agenda packet given to the Commission. Staff's report responded to the comments in the October 21, 2011 letter.

Commissioner Luk stated the document presented to the Commission is a legal matter for the Assistant City Attorney to handle.

**Motion** to adopt Resolution No. 12-007 recommending approval to the City Council with the following condition:

1. The applicant or owner shall work with staff to consider the incorporation of renewable energy and energy efficient features in the project.

M/S: Sandhu, Mohsin

**UNAPPROVED**  
**Planning Commission Minutes**

February 22, 2012

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Steve Tao)

ABSTAIN: 0

**X.  
ADJOURNMENT**

The meeting was adjourned at 9:01 p.m. to the next meeting of March 14, 2012.

Respectfully Submitted,

Sheldon S. Ah Sing  
Senior Planner

Yvonne Andrade  
Recording Secretary