

# APPROVED

## PLANNING COMMISSION MINUTES

April 11, 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, Gurdev Sandhu, and Steve Tao  
Absent: Garry Barbadillo, Larry Ciardella and Zeya Mohsin  
Staff: Ah Sing, Andrade, Armendariz, Erickson, Hom, Otake, Phelan, 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.
- Mia Bradway Winter, 867 Rivera St., Milpitas, CAC Vice-Chair**, spoke about the CAC and their functions.
- IV. APPROVAL OF MINUTES**  
March 28, 2012
- Chair Mandal called for approval of the minutes of the Planning Commission meeting of March 28, 2012.
- There were no changes to the minutes.
- Motion** to approve the minutes of March 28, 2012 as submitted.
- M/S: Sandhu, Tao
- AYES: 5
- NOES: 0
- ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Zeya Mohsin)
- ABSTAIN: 0
- V. ANNOUNCEMENTS** Sheldon Ah Sing, Senior Planner, announced that Commissioner Mohsin will not be attending the PC meetings until June.
- 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: Madnawat, Tao
- AYES: 5
- NOES: 0
- ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Zeya Mohsin)

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: Tao, Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella, and Zeya Mohsin)

ABSTAIN: 0

- 1. CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0012:** A request to modify an existing 5,075 square foot religious facility to allow for a re-programming of the sanctuary and to permit shared parking at 467 Sinclair Frontage Road (APN: 086-44-001, 003, and 004) zoned Heavy Industrial with Site and Architectural Overlay (M2-S). Applicant: Pastor Fernando Virgil. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2789. (*Recommendation: Adopt Resolution No. 12-019 approving the project subject to conditions of approval.*)
- 2. CONDITIONAL USE PERMIT AMENDMENT NO. UA12-0003:** A request to modify an existing wireless telecommunication facility to allow for the removal and replacement of three panel antennas with three future panel antennas at 1220 Pecten Court (APN: 092-08-018) zoned Heavy Industrial with Site and Architectural Overlay (M2-S). Applicant: Liz Johnson. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2803. (*Recommendation: Adopt Resolution No. 12-017 approving the project subject to conditions of approval.*)

**IX. PUBLIC HEARING**

**1. SITE DEVELOPMENT  
PERMIT AMENDMENT  
NO. P-SA12-0003**

Cindy Hom, Assistant Planner, presented a request for exterior façade changes to an existing Red Lobster Restaurant and a sign program amendment to allow for sign modifications located at 503 E. Calaveras Blvd. Ms. Hom recommended adopting Resolution No. 12-018 approving the project subject to conditions of approval.

Chair Mandal asked about the internal enhancements. Ms. Hom stated that amongst other features, the furniture will be replaced. Chair Mandal asked if the flags would be flown all the time. Ms. Hom stated yes.

Commissioner Tao asked if the landlord has approved these modifications. Ms. Hom stated yes.

**Angel Robinson, 14110 Dallas Parkway, Dallas, Texas**, stated there is going to be new lighting, flooring, and furniture in the public areas. She also stated they obtained the owners signature and approval.

Chair Mandal asked if the lighting will be energy efficient. Ms. Robinson stated yes.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Sandhu, Tao

**APPROVED**  
**Planning Commission Minutes**

April 11, 2012

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

**Motion** to adopt Resolution No. 12-018 approving the project subject to conditions of approval.

M/S: Madnawat, Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

**2. SITE DEVELOPMENT  
PERMIT NO. SD11-0008**

Sheldon Ah Sing, Senior Planner, presented a request to allow three 12 story residential towers with 437 dwelling units with affordable housing located at 750 E. Capitol. Mr. Ah Sing recommended adopting Resolution No. 12-003 approving the project subject to conditions of approval.

Commissioner Tao asked when the initial project was submitted. Mr. Ah Sing stated July 2011. Commissioner Tao asked if staff has met with the applicant about the logistics of the project. Mr. Ah Sing stated they have had multiple meetings and phone calls with the applicant. Commissioner Tao asked if there was a study done on the 12 story parking structure. Mr. Ah Sing stated there was no formal study.

Commissioner Sandhu asked the height of each tower. Mr. Ah Sing stated 140 ft for each tower.

Commissioner Madnawat stated he is concerned with the detached garage to the apartments or condos. Mr. Ah Sing stated the garage is not practical for day to day use for residents.

Commissioner Tao asked if staff had communication with the applicant about the 383 maximum units. Mr. Ah Sing stated yes. Commissioner Tao asked the percentage of BMRs on this project. Mr. Ah Sing stated the maximum amount is 20%.

**Ron Morgan, 1245 So. Winchester Blvd., San Jose**, stated they worked with staff to find a solution for this project. They went through the TASP and General Plan to meet the City's requirements. They have investors and lenders willing to put money into this project. He stated the garage structure is commonly done in urban environments such as San Francisco and Oakland.

Commissioner Luk asked if a rental market survey was done in Milpitas. Mr. Morgan stated they did a very extensive rental market study. They believe this project will be well received. Commissioner Luk asked if having underground parking would be a problem. Mr. Morgan stated it is not impossible but very problematic.

Commissioner Tao asked about the minimum density of this site. Mr. Morgan stated there are a smaller number of units that could be built on that site because of the parking requirements.

Commissioner Madnawat stated he likes the project but is concerned with the parking garage. He feels the first floor of the parking garage should be for the elderly or handicapped. Commissioner Madnawat asked what the plan is for the 12,500 sq ft

**APPROVED**

**Planning Commission Minutes**

April 11, 2012

commercial space. Mr. Morgan stated there will be a small retail, afterschool computer labs, and offices.

Chair Mandal asked if the applicant gone through the conditions and believe this will be a viable project. Mr. Morgan stated yes.

Commissioner Tao asked if this is a phased process. Mr. Morgan stated yes, the two towers will be done in three years. It will take 6 – 8 months to build the garage.

Commissioner Madnawat asked if they will be using energy efficient material and design. Mr. Morgan stated yes.

Chair Mandal asked if the parking garage could be connected to the building. Mr. Ah Sing stated that what staff recommended in Exhibit A, was that this be a wrapped project, where the garage is centrally located and connected to the towers. Mr. Ah Sing stated if there are any modifications the developer would come back to the PC Subcommittee for review.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Sandhu, Tao

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Commissioner Tao stated he agrees with staff and have the PC Subcommittee review with any modifications.

Commissioner Sandhu stated this is a unique project and first of its kind in Milpitas. He feels the residents should be aware of what is going on with this project.

**Motion** to adopt Resolution No. 12-003 approving the project subject to conditions of approval with the following condition:

1. Prior to submittal of a building permit application, the owner or designee shall submit revised architectural elevations of the towers providing additional detail and prominence to the base and entry and creating more definable tops of the buildings to be reviewed to the satisfaction of the Planning Commission Subcommittee. In addition, the owner or designee shall submit revised architectural elevations of the parking garage demonstrating appropriate measures to integrate the garage into the overall development (through vegetation or other means) to be reviewed to the satisfaction of the Planning Commission Subcommittee.

M/S: Sandhu, Tao

AYES: 5

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

**APPROVED**  
**Planning Commission Minutes**

April 11, 2012

**X. PRESENTATION**

**1. PRESENTATION OF THE PROPOSED 2012-17 CAPITAL IMPROVEMENT PROGRAM (CIP)**

Steve Erickson, Capital Improvement Project Manager, provided an overview of the Proposed 2012-17 CIP Annual Report. Mr. Erickson recommended the Commission find the Proposed 2012-17 in conformance with the General Plan and recommend the Proposed Capital Improvement Program to the City Council.

Commissioner Luk stated he is overjoyed with the completion of the Alviso Adobe Project.

Chair Mandal asked in the Community Improvement area why it is zero funding. Greg Armendariz, Public Works Director, stated the large portion of funding for the Community Improvements came from RDA. With the loss of that revenue the City is faced with only programming what we are able to fund with other remaining sources of revenue. Chair Mandal asked with the current budget what is the cycling of resurfacing the streets. Mr. Erickson stated the City has a pavement management system. The streets are resurfaced by priority.

**Motion** to find the Proposed 2012-17 in conformance with the General Plan and recommend the Proposed Capital Improvement Program to the City Council.

M/S: Madnawat, Sandhu

AYES: 4

NOES: 0

ABSENT: 3 (Garry Barbadillo, Larry Ciardella and Zeya Mohsin)

ABSTAIN: 1 (Steve Tao)

**XI. ADJOURNMENT**

The meeting was adjourned at 9:15 p.m. to the next meeting of April 25, 2012.

Respectfully Submitted,

Sheldon S. Ah Sing  
Senior Planner

Yvonne Andrade  
Recording Secretary

APPROVED  
Planning Commission Minutes

April 11, 2012