

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

March 27, 2013

6:30 pm

I. ROLL CALL

Present: Rajeev Madnawat, John Luk and Garry Barbadillo
Staff: Cindy Hom and Veronica Bejines

1. PUBLIC HEARING

**Minor Site Development
Permit No. MS13-0012**

a. Cindy Hom, Assistant Planner, presented a request for a one-day special event permit to allow for a procession on city sidewalks located on S. Main St., Corning Dr., S. Abel St., and Serra Way. The event is hosted by the St. John's Church located at 279 S. Main Street (APN: 86-08-037), zoned Mixed Use Development with Site and Architectural Overlay (MXD-S). The event is to be held on 3/29/13 between the hours of 9:00-10:30PM. Applicant: Eva Ferguson. Staff Contact: Cindy Hom, (408) 586-3284.

(Recommendation – Approve project subject to the conditions of approval)

Motion to approve the project subject to conditions of approval.

M/S: Luk/Madnawat

AYES: 2

NOES: 0

ABSTAIN: 0

II. ADJOURNMENT

This meeting was adjourned at 6:32 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:** Sudhir Mandal, Larry Ciardella, Garry Barbadillo, John Luk, Rajeev Madnawat, Zeya Mohsin, Demetress Morris and Gurdev Sandhu
Absent: None
Staff: Brown, McHarris and Bejines
Alternate Commissioner: Commissioner Morris was present but not 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.
Phong Nguyen, Emergency Preparedness Commissioner, encouraged the Commissioners to sign up to AlertSCC, the Santa Clara County Emergency Alert System; and also to sign up to the Milpitas S.A.F.E (Strategic Actions for Emergencies) program.
- IV. APPROVAL OF MINUTES** **Chair Mandal** called for approval of the March 20, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.
M/S: Sandhu/Ciardella
AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** **Commissioner Sandhu** announced that on March 16th, he attended the grand opening of the Higuera Adobe Park. **PRCRC Chair Steve Munzel** requested a copy of a City report on the Adobe Park.

Planning and Neighborhood Services Director, Steven McHarris, said he would look into it and would be happy to provide the report. He also said that if any of the Commissioners want a copy, to please let him know.

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VI. CONFLICT OF INTEREST

City Attorney, Mike Ogaz, 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 March 27, 2013 agenda as submitted.

M/S: Ciardella/Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

VIII. CONSENT CALENDAR

Consent calendar items are considered to be routine and may be approved in one motion at the discretion of the Chair. **For public hearing items, prior to actual Commission consideration, the Chair may open the public hearing and ask if anyone present wishes to discuss any consent calendar items. There will be no discussion of consent calendar items unless a member of the audience or the Commission asks to have the item removed from the consent calendar.** Persons who want to speak on any item on the consent calendar should come forward now and ask to have that item removed from the consent calendar. **Any items removed will be discussed in the order arranged by the Chair**

VIII-1

CONDITIONAL USE PERMIT AMENDMENT NO. UA13-0001 & MINOR SITE DEVELOPMENT PERMIT NO. MS13-0001

A request to remove 3 existing panel antennas located on an existing 60’ tall Monopine, and replace them with 6 new antennas with associated ground equipment concealed within the existing enclosure at 1525 McCarthy Blvd. (APN: 086-30-079) Zoned Light Industrial with Site and Architectural Overlay District (M1-S). Applicant: T- Mobile, Kevin Bowyer.

(Recommendation – Adopt Resolution No. 13-009 approving the project subject to the conditions of approval

M/S: Madnawat/Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

VIII-2

SITE DEVELOPMENT PERMIT NO. SD13-0003

A request to install a black steel picket perimeter fence, not to exceed eight feet tall, for the two hotels located at 1428 and 1480 Falcon Drive. (APN: 086-24-042, 056) Zoned General Commercial with Site and Architectural Overlay District (C2-S) and within the Transit Area Specific Plan.

(Recommendation – Adopt Resolution No. 13-010 approving the project subject to

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the conditions of approval)

M/S: Madnawat/Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

IX. PUBLIC HEARING

IX-1

**MAJOR TENTATIVE
MAP NO. MT12-0002,
SITE DEVELOPMENT
PERMIT NO. SD12-
0003, CONDITIONAL
USE PERMIT NO.
UP12-0016, AND
ENVIRONMENTAL
IMPACT ASSESS-
MENT NO. EA12-0005**

Tiffany Brown, Assistant Planner, presented a request to demolish an existing 19,600 square foot building with associated parking and construct 28 new single family residential units and with four “live work” units totaling 2,000 square feet of commercial along South Milpitas Boulevard. The project is on approximately 2.7 acres at 345 Los Coches (APN: 86-39-001 and 86-39-002) zoned Town Center with Site and Architectural Overlay (TC-S). Applicant: Doyle Heaton with DRG Builders, Inc.

Ms. Brown identified minor changes to conditions No. 5, 66, and 68 as follows:

Condition No. 5 changed from:

5. The property owner or designee shall provide one more commercial on-site parking space to meet parking requirements. All parking spaces shall meet code standards. (P)

to

5. The property owner or designee shall **work with staff on the live/work commercial parking requirements to ensure city standards are met.** (P)

66. Lot 8 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18” minimum depth. The extended wall shall include a recessed area (12” min.) duplicating the adjacent commercial store front window and include a mural of graphic design and illumination with the entire recessed wall area subject to staff approval. A recorded façade easement for this specific area or equivalent legal instrument shall be recorded on the property to the City of Milpitas for the purpose of design approval of any future changes. The maintenance of the public art is the responsibility of the property owner. (P)

to

66. Lot 8 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18” minimum depth. The extended wall shall include a recessed area (12” min.) duplicating the adjacent commercial store front window and include a mural of graphic design and illumination with the entire recessed wall area **or equivalent design intent** subject to staff approval. A recorded façade easement for this specific area or equivalent legal instrument shall be recorded on the property to the City of Milpitas for the purpose of design approval of any future changes. The maintenance of the public art is the responsibility of the property owner. (P)

68. Lot 10 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18” minimum depth. The extended wall shall include a recessed area

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(12" min.) duplicating the adjacent commercial store front window and include a metal trellis for vertical landscaping. The goose neck lighting shall be carried over to the extended portion of the wall. (P)

to

68. Lot 10 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18" minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a metal trellis for vertical landscaping **or equivalent design intent**. The goose neck lighting shall be carried over to the extended portion of the wall. (P)

Ms. Brown said that staff is recommending to Close the Public Hearing and Adopt Resolution No. 13-011 recommending approval of the project to City Council.

Commissioner Madnawat had a question on page 4 of the staff report. **Ms. Brown** said in the background of the report, staff has been working with the applicant since September 2010, and had several meetings with the applicant regarding different residential proposals for the project. Staff felt that with the incorporation of the live/work units, it would satisfy staff's request for commercial use along S. Milpitas Blvd.

Commissioner Madnawat asked if there were any community outreach about the project and asked about traffic impacts and increase of services to the new residents.

Ms. Brown said staff provided an environmental assessment of the project which covers traffic, police and fire services, and school district issues. Staff did communicate with the School District which provided a letter of concern.

Planning and Neighborhood Services Director McHarris said the new plans were forwarded to the School District with the new changes, and they were also notified of the change in staff's recommendation. The School District has not changed their opinion or has responded to the Planning Division about the revised changes. It is the Planning Commission's discretion to review and make a decision on the project as currently proposed. If the Commission recommends the proposed project, the zoning amendments will be prepared for the next Planning Commission meeting; and if approved, the two items will be brought forward as one project to the City Council.

About status of services, the project has a community facilities district and homeowner's association CC&RS where the future residents will pay into the maintenance of the project. As well as, the project will be paying an impact fee for additional infrastructure that serves this site so it does not become a burden to tax payers. The school impact fee will not cover all the issues involved, but are in place to mitigate the project's impacts to school facilities.

Commissioner Madnawat asked if an EIR was done for this project. Ms. Brown said there is an Environmental Risk Assessment and adopted Negative Declaration in the Commissioner's packet for the project, which is in accordance with CEQA. In addition, a traffic study, noise study, and green house gas study was done, and an EIR was not required for this project.

Commissioner Morris said she has the same concerns as fellow Commissioner Madnawat regarding community input and is also concerned about the School District letter, and asked if they have responded yet to staff's change in recommendation for the

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live/work units. **Ms. Brown** reiterated that staff has not received any comments from the School District.

Commissioner Morris had a question on page 7, below figure 2, second paragraph of the staff report. **Ms. Brown** said the architectural overlay is part of the zoning district, which means City staff has architectural review over the project.

Commissioner Morris asked when the Commission will review the changes to the sidewalk. **Ms. Brown** said staff will review that at the time of building permit approval; however, if the Commission wants to review it, a condition of approval would be required.

Commissioner Luk said the City wants to see some type of commercial vitality and thought this is a viable location because the property is going to be visible to the public, and does not think it should be 100 percent commercial. He said that the live/work units are an invigorating use and does not think there is going to be a lot of traffic congestion on Milpitas Blvd. as a result of the project. He felt that this project is a good addition for Milpitas.

Commissioner Barbadillo said he is very concerned about the School District's letter and was also concerned that the commercial portion of the live/work units is only going to be 500 sq. ft. of commercial.

Ms. Brown said staff reviewed the commercial use and appearance and is recommending the live/work commercial storefronts along S Milpitas Blvd. as meeting the intent of the Town Center zoning and providing an appropriate transition of commercial and single-family land use and compatibility.

Chair Mandal said that the applicant is only meeting 84 parking spaces and asked why could they not meet 85 spaces. **Ms. Brown** said that issue is being dealt with in revised condition No. 5 prior to building permit issuance.

Chair Mandal asked how many pedestrian and vehicle entries are there for the site and **Ms. Brown** identified them for the Commission.

Chair Mandal asked if the project would provide alternative energy and **Ms. Brown** deferred the question to the applicant.

Planning and Neighborhood Services Director McHarris clarified that when reviewing the whole layout and design, it is important to keep in mind that the project is conceptual and not refined to the level and detail of building permit submittal. Staff will work with the applicant on the conditions of approval through the building permit process to ensure that all of the conditions of approval are met and to ensure a high quality project. He also said that the Commission may recommend additional conditions at their discretion.

Chair Mandal pointed out that on page 7 of the staff report, last paragraph, it states that there is second vehicular access on Los Coches and **Ms. Brown** said that is an error, there is only one access at Los Coches.

Commissioner Morris said the live/work units are a new concept to this area, and she would like to hear more community input from the school, police, fire, and community.

Commissioner Sandhu asked when the School District received the revised plans and **Ms. Brown** said last week. **Commissioner Sandhu** asked if the project is okay with the School District or if staff should have contacted them. **Mr. McHarris** said that there has not been any additional feedback from the School District.

Vice Chair Ciardella asked if the Commission could incorporate the School District's concerns in the conditions of approval. **City Attorney Ogaz** said it is at the discretion of the Planning Commission, not the School District.

Commissioner Mohsin said she has lived in small residential community and said there is a great need for housing in Milpitas.

Commissioner Madnawat asked what type of businesses would be able to occupy the live/work units and **Ms. Brown** said more information will be addressed in the zoning amendments that will be coming forward at the next Planning Commission meeting.

Commissioner Madnawat asked how would the City know that the commercial use is being used for commercial. **City Attorney Ogaz** said that the zoning change will create a commercial space and it will not be a residential space or a home occupation, and the City cannot force anyone to use the commercial space.

Commissioner Madnawat pointed out for the record that he voted against the adjacent residential project.

Doyle Heaton, DRG Builders, Applicant, 3480 Buskirk Avenue, Ste. 104, Pleasant Hill, and Architect, Ed Novak, 153 Gillette Place, Livermore made a presentation on the project proposal.

Chair Mandal opened the public hearing.

Elden Shreve, Wessex Place, Milpitas, said he has lived in Milpitas over 50 years and he owns the 19,000 sq. feet facility that is going to be demolished. He said the property has been vacant for some time now and it is a financial burden to him. He asked the Commission to approve the project.

Motion to close the public hearing.

M/S: Sandhu/Moshin

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Commissioner Morris excused herself for the night and said for her one voice, she would like to hear back from the community stakeholders. She left the dais at 8:43 p.m.

Vice Chair Ciardella made a motion to adopt Resolution No. 13-011 recommending approval to City Council, subject to the conditions of approval. Commissioner Sandhu seconded the motion.

City Attorney Ogaz said the resolution does not include a finding concerning CEQA approval or recommendation to that effect and recommended the following language be added to any motion for approval:

The Commission recommend the City Council approve Environmental Impact Assessment No. EA12-005 a Negative Declaration concerning the project in accord with CEQA requirements.

Motion to adopt Resolution No. 13-011 recommending approval of the project to the

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City Council, with revised Conditions Nos. 5, 66, and 68 and with the new language suggested by the City Attorney concerning CEQA requirements.

M/S: Ciardella/Sandhu

AYES: 5 (Mandal, Ciardella, Sandhu, Luk and Mohsin

NOES: 2 (Madnawat and Barbadillo)

ABSENT: 0

ABSTAIN: 0

XI. ADJOURNMENT

The meeting was adjourned at 8:48pm to the next meeting of April 10, 2013.

Motion to adjourn

M/S: Mohsin/Sandhu

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Veronica Bejines
Recording Secretary

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