

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

Wednesday, April 10, 2013

6:30 pm

I. ROLL CALL

Present: John Luk and Garry Barbadillo
Staff: Tiffany Brown, Diana Pancholi and Joann DeHerrera

1. PUBLIC HEARING

**Minor Site Development
Permit No. MS13-0009**

- a. **Tiffany Brown, Assistant Planner**, presented a request to hold a one-day special event in celebration of the National Day of Prayer on May 2, 2013, between the hours of 7:00 - 9:00 pm at the Milpitas Sports Center Football Stadium at 1325 E Calaveras Blvd. Applicant: Daniel J. Griffiths.

(Staff Recommendation: Approve permit number MS13-0009 subject to the attached conditions of approval).

Motion to approve the project subject to conditions of approval.

M/S: Luk / Barbadillo

AYES: 2

NOES: 0

ABSENT: 0

ABSTAIN: 0

**Minor Site Development
Permit No. MS13-0013**

- b. **Diana Pancholi, Project Planner**, presented a request to construct a new 1,179 sq.ft storage enclosure at 275 S. Hillview Drive. The purpose of the proposed structure is to facilitate the use of the existing FAB building as an HCL & N20 bulk dispensing bunker. Applicant: Enrique Aceves, Linear Technology

(Staff Recommendation: Approve permit number MS13-0013 subject to the attached conditions of approval).

Motion to approve the project subject to conditions of approval.

M/S: Luk / Barbadillo

AYES: 2

NOES: 0

ABSENT: 0

ABSTAIN: 0

II. ADJOURNMENT

This meeting was adjourned at 6:37 p.m.

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**PLANNING COMMISSION MINUTES
Wednesday, April 10, 2013**

- I. PLEDGE OF ALLEGIANCE** **Vice-Chair Ciardella** 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, Garry Barbadillo, John Luk, Rajeev Madnawat, Zeya Mohsin and Demetress Morris
Absent: Sudhir Mandal and Gurdev Sandhu
Staff: Ah Sing, Brown, Erickson, McHarris, and DeHerrera
Alternate Commissioner: Commissioner Morris was seated as a member of the voting body.
- III. PUBLIC FORUM** **Vice-Chair Ciardella** 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.
- Robert Marini**, Milpitas resident, would like to ask the Commission to have the City install a sidewalk connection from Calaveras Blvd. on the west side of Abel Street. The lack of sidewalk requires a pedestrian to cross the street go up a few blocks and then cross back to the street to where the sidewalk begins. This will create a direct path on the west side of Abel Street.
- Rob Means**, Milpitas resident, shared information from article in Scientific America regarding climate change indicating that pollution and rise in temperature rates have been underestimated. Mr. Means feels that the City of Milpitas needs to accelerate our response to this issue.
- IV. APPROVAL OF MINUTES** **Vice-Chair Ciardella** called for approval of the March 27, 2013 minutes of the Planning Commission.
- There were no changes to the minutes.
- Motion** to approve the Planning Commission minutes as submitted.
- M/S: Mohsin / Luk
- AYES: 6
- NOES: 0
- ABSENT: 2 (Mandal, Sandhu)
- ABSTAIN: 0
- V. ANNOUNCEMENTS** **Steven McHarris, Planning Director**, reminded the commissioners about the

Commissioner's Recognition Luncheon to be held this Saturday, 4/13/13, 12:00 noon at the Milpitas Community Center. Planning Director McHarris mentioned that staff enrolled the commissioners as members of the American Planning Association. Commissioners will start receiving quarterly newsletters and will be informed of APA events and training opportunities.

Vice-Chair Ciardella announced an upcoming Affordable Housing Tour in Milpitas sponsored by Silicon Valley Leadership Group, on Saturday, May 18, 2013, and encouraged commissioners to attend. The Leukemia & Lymphoma Society is holding a car wash in the Safeway parking lot from 10am to 5pm this Saturday, 4/13/13. The Spring Valley Volunteer Fire Department will hold an event, "Champions of Hope", at 8:00 pm, Saturday, 4/13/13. The proceeds from these two events will benefit cancer research.

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

Vice-Chair Ciardella asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the April 10, 2013 agenda as submitted.

M/S: Madnawat / Mohsin

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the consent calendar

IX. PUBLIC HEARING

IX-1

ZONING TEXT AMENDMENT NO. ZA13-0002

Tiffany Brown, Assistant Planner, presented a request to amend the text within the Zoning Ordinance to incorporate Live-Work units as a conditionally permitted use within the Town Center Zoning District, introduce Live-work specifications under Section 13 for special uses, and further define Live-work units in Section 2 for definitions. Applicant: Doyle Heaton, DRG Builders Inc.

At the Planning Commission meeting of March 27, 2013, the Commission recommended approval of a project with four live-work units, contingent upon preparation of a zoning text amendment to accompany the project for City Council consideration. Ms. Brown reviewed site development criteria for neighboring cities that incorporate live-work units and further discussed what may be appropriate for the City of Milpitas

The current definition of live-work unit was described as: "Live-Work Unit means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant." Ms.

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Brown proposed to define the live-work unit as follows: “Live-Work Unit means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be owned and occupied by the same tenant. Live-work uses would allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations.” The Special Use Section further defines the purpose and intents, applicability, review requirements, permitted and prohibited uses and minimum performance standards.

Ms. Brown reviewed The Economic Development Commission’s (EDC) comments on Section 10-13.12 (D): minimum performance standards #2 and #12. Standard #2 – The EDC did not want to limit the business to one business per space. Staff checked with other City departments and all agree there is no adverse impact to allow more than one business to a unit, and staff recommends deleting the standard. Standard #12 – The EDC felt use limitations may be too restrictive. Staff worked with the Fire Department to ensure safety within a live-work location and changed this standard.

If the Commission recommends approval of the Zoning Text Amendment, this item will go to the City Council on May 7, 2013, concurrently with the 375 Los Coches residential project.

Recommendation – Adopt Resolution No. 13-015 recommending approval by the City Council, along with the EDC recommended changes.

Commissioner Madnawat – Asked the City Attorney for clarification of the wording in Section 5 – “live-work units allow one non-residential employee”. Does it mean a business can only have one employee; or if a business has more than one employee, but that at any given time, only one employee can occupy the work space? Also, why is there the restriction for only one non-residential employee in the unit?

Mike Ogaz, City Attorney – Indicated that the provision limits one non-residential employee and one employee could occupy and conduct business in the unit. An employee who incidentally drops by would probably not be considered an employee within the space. This would be based upon the circumstances.

Tiffany Brown, Planner – Stated that the intent of the use was so that the owner is the business operator. The size of the space is limited which affects the parking requirements.

Commissioner Madnawat – In the same section defining live-work unit states the live-work unit must be “owned and occupied” by the same tenant. What is the reason for this requirement and what was it based on?

Tiffany Brown, Planner – Indicated the wording was based on discussion by staff, examples from other cities, and defining the intent of live-work.

Commissioner Barbadillo – On 3/27/13, the Planning Commission approved the housing proposal and at that meeting the issue of live-work concept was approved. Now there is a proposed amendment to the existing zoning text. Shouldn’t defining the ordinance be done first then the application to a project? It seems that staff is trying to fit a zoning ordinance to a specific project and that by doing it this way, hopefully it does not open the way for future projects to be handled this way.

Steven McHarris, Planning Director – Stated that the proposed zoning amendment would normally be completed prior to considering a live-work project. However, changes to the Los Coches project required the proposed zoning amendment at this time. The Commission placed a condition of approval to prepare such zoning amendment in

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order to be able recommend the complete project to the City Council.

However, staff is presenting the zoning amendment which would apply to the entire Town Center zone. The existing zoning text was insufficient for live-work projects. This amendment will allow future live-work projects to be processed more efficiently. This live-work amendment would apply city-wide to any zoning district where a live-work could be permitted or conditionally permitted.

Public hearing

Ed McGovern, representing Doyle Heaton. The applicant is in support of this resolution and wants to accommodate staff's concerns and recommended changes to the project.

Carol Kassab, Milpitas Chamber of Commerce – Asked for clarification on Section 6-D, Minimum Performance Standards #3 and #4. Standard #3 states the commercial component as designated on the floor plan and approved through the conditional use permit cannot be converted to residential. Standard #4 states a residential use cannot be converted to commercial. As an owner, would I be precluded from selling the live-work unit to someone who wanted it strictly for residential?

Steven McHarris, Planning Director – Stated that the unit would need to remain as “Live-Work” and could not be converted to only residential use. The new owner may elect to keep the work area vacant.

Motion to close the public hearing.

M/S: Madnawat/Mohsin

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Commissioner Madnawat – Expressed several concerns: 1) The description of a live-work unit only allows one residential employee, which staff stated would apply to live-work units city-wide. If a larger live-work unit was constructed someplace else within the city, would an owner be restricted to one residential employee? 2) The wording “owned and” greatly limits marketability of the unit. Only another small business who wanted to both live and operate their business in the unit would be interested in buying it. What benefit is there for this restriction? Should the unit be foreclosed on, then the owner “now the bank” would not be living there. Commissioner Madnawat would like to eliminate this wording “owned and” from the live-work definition to allow a different ownership from the occupant.

Commissioner Mohsin – All the possible live/work alternatives need to be analyzed. Otherwise, an owner would be severely limited.

Mike Ogaz, City Attorney – Mr. Ogaz then clarified that the current language does in fact restrict the unit in that the owner needs to occupy the unit and also use the commercial component. There is some merit to leave the wording as originally written; however, it would also be OK with Commissioner Madnawat's recommendation.

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Steven McHarris, Planning Director –When staff analyzed the use, staff also considered the required the parking. As an owner and resident of a live-work unit, the resident, who would operate the business, would not impact the parking count if they did not lease the commercial component. Mr. McHarris agreed with Commissioner Madnawat’s concerns about omitting “owned and” from the definition.

Commissioner Luk – Indicated that if other cities have the restriction that live-work units need to be owned and occupied by the same person, then he agrees with the current wording.

Tiffany Brown, Planner – Emphasized that the list of definitions in the zoning ordinance is a list that applies to the entire zoning ordinance. The zoning text amendment for the special uses for live-work only applies to those zones that conditionally allow live-work units. Current zones that conditionally allow for live-work are R3, R4 and R5, which are high-density zones, and if this project is approved, it would also apply to Town Center.

Commissioner Barbadillo – Asked if this ordinance passes with staff’s recommendation, wouldn’t it a violation of property rights?

Mike Ogaz, City Attorney – Indicated that all land use restrictions impose restrictions on use of property. But that the use restrictions need to be reasonable and not be so restrictive to constitute a “taking”.

Commissioner Madnawat – Inquired how he could word an amendment to the resolution that instead of restricting the number of non-resident employees in a live-work unit to one, that the number of non-resident employees is based on the square footage work space of the unit, assuming that larger units could be constructed elsewhere in the city.

Mike Ogaz, City Attorney – Stated that this type of amendment would be difficult to prepare at this time. Staff would need to bring this back to the commission after further review.

Motion to adopt *Resolution No. 13-015, recommending approval to the City Council as amended, with the exception to remove the term “owned and” from the live-work definition in Section 5.*

M/S: Madnawat / Mohsin

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

IX-2

GENERAL PLAN AMENDMENT NO. GP13-0002: CLIMATE ACTION PLAN

Sheldon Ah Sing, Senior Planner provided a review and updates to the Climate Action Plan (CAP) that was presented during a study session at the March 20, 2013 Planning Commission meeting. The CAP is a result of collaboration of multiple stakeholders and is consistent with the emissions reduction framework established by State law and BAAQMD. It will allow for streamlining of discretionary projects subject to CEQA to create quantifiable GHG emissions reduction goals.

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Climate Action Plan benefits are: One stop for GHG analysis and mitigation under CEQA; provides transparency in the review process; outlines appropriate measures for new projects; identifies preferred localized GHG mitigation strategies; streamlines CEQA review for projects consistent with this CAP.

Reduction summary: Mandated target is 15% below the baseline, with our actual target of 16.2%. Local reduction need is 80,000 MTCO_{2e}. Reductions achieved (existing & CAP measures) – 87,450 MTCO_{2e}. Goals are to continue reduction of existing activities along with those new measures set by the CAP. There has been public outreach with comments from VTA, Sierra Club and Bay Area Management District. Staff will provide annual reports to the Council and Planning Commission and will continue to have dialogue with the stakeholders. No other changes are planned at this time. The project is consistent with the General Plan. An amendment is proposed to integrate the reduction target into the General Plan. A negative declaration was circulated and staff received no comments.

Recommendation – Adopt Resolution No. 13-014 recommending approval of the project as amended to the City Council.

Commissioner Madnawat – Asked how is the volume of gas emissions quantified from the cars that pass through Milpitas? How will the City enforce emission reduction for vehicles that come here from other cities?

Jeff Henderson, PMC consultant – The traffic that is included in the emissions inventory is based on the City of Milpitas’ traffic model and the land use forecast embedded in the General Plan and based on the General Plan. Trips that begin or end within Milpitas are part of the calculation. Pass-through trips that begin and end outside of Milpitas are excluded from the calculation. Trips that are shared by another jurisdiction split the calculation. The length of travel and speed of travel and type of vehicles are equated for different vehicle types. The reduction is achieved through State programs that set the emission regulations and compliance.

Motion to open the public hearing

M/S: Morris / Mohsin

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Rob Means, Milpitas resident – Shared his thoughts about the CAP and three highest priorities for change that stood out: 1) Distributed renewable energy generation to get off carbon-based fuel; 2) A sustainability manager to monitor the CAP; 3) Potential of automated transit network technology. He encouraged the Commission to emphasize these three areas.

Marco Goithia, Student at SUSU and Sierra Club member – Commented on pages 4-5 of the staff memorandum citing an amendment to measure 10.5 gas tax, and questioned why it was deleted. It was a good way to produce public awareness and directly impacting people on the affects of green house gases.

Motion to close the public hearing.

M/S: Madnawat / Luk

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AYES: 6
NOES: 0
ABSENT: 2 (Mandal, Sandhu)
ABSTAIN: 0

Motion to adopt Resolution No. 13-014 recommending approval of the project to the City Council

M/S: Madnawat / Morris
AYES: 6
NOES: 0
ABSENT: 2 (Mandal, Sandhu)
ABSTAIN: 0

IX-3

**GENERAL PLAN
AMENDMENT NO.
GP12-0002, SPECIFIC
PLAN AMENDMENT NO.
ST12-0002, ZONING
AMENDMENT NO.
ZA12-0003, PLANNED
UNIT DEVELOPMENT
NO. PD12-0002, MAJOR
TENTATIVE MAP NO.
MT12-0002, SITE DE-
VELOPMENT PERMIT
NO. SD12-0001 &
CONDITIONAL USE
PERMIT NO. UP12-
0010: PRESTON
PROPERTIES
RESIDENTIAL
PROJECT**

Sheldon Ah Sing, Senior Planner, presented a request to change the General Plan, Specific Plan and Zoning land use designation from Heavy Industrial (M2) to High Density Multi-family Residential (R3) with Planned Unit Development. The project is a re-zone of 16.6 acres. The applicant proposes 213 dwelling units (95 detached and 118 multi-family homes) with on- and off-site improvements. A Draft Environmental Impact Report (EIR) has been circulated for the project located at 133, 225, 227-261 Bothelo Lane. Applicant: KB Home.

Mr. Ah Sing presented the project overview as being submitted on October, 2011; and in December 2011, the applicant initiated the EIR. The last submittal was in May 2012, the draft EIR was circulated between November and December 2012. The project deficiencies were reviewed as follows: The Union Pacific authority supersedes the City's which does not allow the City to rectify any complaints; the adjacency to the freight yard and rail yard operations and activities; the lack of connectivity to the greater Milpitas community and connection to Main Street per the Midtown Specific Plan; and difficulty making the required findings for entitlements.

Mr. Ah Sing stated that the project is inconsistent with the General Plan, Mid-Pacific Plan, surrounding areas and general welfare concerns. The draft EIR contains errors regarding circulation, land use and hazardous materials. The closest railroad track is 50 feet away, and hazardous materials are stored and transported on the rail road property without any input from the City because Union Pacific operates under the authority of the federal government. Union Pacific has communicated that they will expand the freight yard area operations with taller, more luminous lighting, which facilitates their night-time operation.

Comments have been received on the proposed project from the Regional Water Quality Board, the School District and Santa Clara Valley VTA; the school district opposes this project. The City has learned from the Parc Metro project that was built close to the railroad tracks at Curtis Street, resulting in railroad operation related resident complaints. Staff recommends the Planning Commission recommend the City Council deny the proposed project based primarily on the site location being surrounded by each of the identified incompatible land uses and operations.

(Recommendation – Adopt Resolution No. 13-013 recommending denial of the project)

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to the City Council)

Ray Panek, Sr Vice-President for KB Home-Forward Planning, San Ramon – Stated that the draft EIR is a KB Home initiated report, but under CEQA, the City is the responsible agency for the report. Any discussion with the EIR consult has been through City staff. The draft EIR did not identify any environmental impacts that could not be mitigated to a level of insignificance. **Mr. Panek** referred to land use statements in the draft EIR pages 3.8-11 through 3.8-29, “Analyses of the City’s EIR preparer finds the proposed project consistent with General Plan policies and they are consistent with those policies either as the project is proposed or with mitigation.”

Mr. Panek commented that the draft EIR identified consistency with the goals, objectives and policies of the Mid-Town Specific Plan. He stated that the multi-family high-density residential and architectural overlay, R3 standards, parks and public open space development standards and parking standards required no mitigation, and that there are no cumulative impacts generated by the project, and it is not considered growth-inducing. There was a review of the Carlos Street extension in which the draft EIR did not identify significant project impacts. **Mr. Panek** mentioned the recently-approved Braddock and Logan project is located in close proximity to railroad tracks and questioned the distinction with their project.

Mr. Panek provided his recommendation to the Planning Commission as follows: continue the public hearing and direct staff to complete the CEQA process by preparing the final EIR; direct staff to accept the updated Vesting Tentative Map (VTM); and bring the final EIR and the updated project application and VTM to the Planning Commission for recommendation to the City Council for approval.

Arminta Jensen, representing Ruggeri-Jensen-Azar, in Gilroy – Gave an overview of the project with the different amenities. The project consists of 213 units with parking, a paseo, and three open spaces. There is a proposed 2-way bike path along Ford Creek and a walkway through the project that connects the path to the public trail. All units will have two-car garages with 99 additional parking spaces in addition to the required parking for the site. The detached homes have a shared side yard with a sound wall. The HOA will manage the waste collection from the houses to be picked up in one location.

There would be two vehicular accesses into the site – from Railroad Avenue and Hammond Way with access gates. Access has been reviewed by the Fire Department. Ms. Jensen also discussed the off-site pedestrian and bicycle circulation and connectivity to with new sidewalks. Ms. Jensen quoted from the draft EIR, page 3.10-11 – 12 regarding emergency response to the site stating that access would meet the required response time.

Motion to open the public hearing

M/S: Mohsin / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

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Henry Santos, Lester Lane, Los Gatos – Mr. Santos owns property near this location and expressed several concerns about approving the project. It will cause more traffic congestion and more demand on the already low water supply. He also feels that the project should not be allowed to use Sinnot Lane. Mr. Santos stated that he and other property owners contributed 25 ft of their land in order to get this lane built. He also mentioned that on his property he use to dig down two or three feet and would see water come up in the winter.

Rob Means, Milpitas Resident – The proposed project would be adjacent to the new BART lines that will be running about every six minutes once it is fully operational. Trains are required to blow their horn at street crossings, which will be excessively noisy for residents. There are complaints from residents who live in the Parc Metro area about the noise from trains. This project site is less than 18 ft above sea level; and in the long term, property will be impacted by sea level rise due to global warming. Mr. Means feels the Commission owes it to future homeowners to approve good places for Milpitas residents to live.

Nastasia Hammer, Milpitas resident – Agrees that the proposed project should not be built. It is too close to the rail road operations and we need more recreational sites, open space and not more high-density homes. The housing will adversely affect the schools.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Commissioner Madnawat – Inquired if Railroad Avenue would be able to handle the traffic. Staff stated yes, it would be able to handle the traffic.

Brian Sturdivant, City of Milpitas Fire Chief – The Fire Department’s concern revolves around the activity at the rail yard rather than the response time. There had been two minor Hazmat releases in 2007 and 2009, and the risk still remains. There are two high-pressure pipelines, a jet fuel line and PG&E gas lines that run through the area. Fire Prevention staff conducted a simulated time stamp into the proposed project site. As stated in the EIR, access meets the four (4) minute response time.

Albert Zamora, City of Milpitas Fire Marshal – The City does not have control over the railroad operations or identification of hazardous materials on-site or passing through. There are two companies that currently use the rail to transport toxic chemicals and gases which will pass through this area.

Motion to table the matter to a later time and continue to work with staff.

M/S: Morris / Mohsin

AYES: 2 (Morris, Mohsin)

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NOES: 3 (Barbadillo, Ciardella and Madnawat)

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 1 (Luk)

Commissioner Madnawat – Stated that the difference about this site compared to other housing projects in this area is that it is surrounded on all sides by unfavorable uses. Having housing in this location would not provide the quality of life that we, as a city, should be providing to people coming to live here. People would not find this site desirable. **Commissioner Madnawat** proceeded to make a counter motion:

Motion to adopt Resolution No. 13-013 recommending denial of the project to the City Council

M/S: Madnawat / Barbadillo

AYES: 3 (Barbadillo, Ciardella and Madnawat)

NOES: 2 (Morris, Mohsin)

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 1 (Luk)

X. NEW BUSINESS

X-1

PRESENTATION OF THE PROPOSED 2013-18 CAPITAL IMPROVEMENT PROGRAM (CIP):

Steve Erickson, City of Milpitas Capital Improvement Program Manager - Provided an overview of the Proposed 2013-18 Capital Improvement (CIP) Annual Report. He reviewed the purpose of the CIP, highlighted accomplishments of last year, proposed projects for the next five years, summary of projects and staff recommendation.

The purpose is to have a finding that the 5-year CIP is in conformance with the City's General Plan and recommend adoption by the City Council. Last year's accomplishments within budget and on time were: Exterior improvements to Fire Station #1; upgraded audio visual equipment at City Hall; completed Alviso Adobe park renovations; S. Milpitas Blvd. pavement overlay; Cape Seal resurfacing project in the NE area of Milpitas; pedestrian and bicycle enhancement along Escuela Parkway; Abel Street transit connection improvement; completed emergency project for the Ayer Water pump station; installed a solar photovoltaic system at the Main Sewer Pump Station, at the Milpitas Sports Center and at the Gibraltar Pump Station.

The next five-year proposed funding summary: Community improvements: City building facilities, the Milpitas Sports Center, Police/Public Works building – repair & replace aging generator transfer switch and building improvements. Park projects: Pinewood Park renovation, Higuera Adobe Park renovation, City parks irrigation system repair and improvements. Street projects: Planned is a 2013 – 2014 pavement resurfacing program, street landscape irrigation improvement, and McCarthy Ranch landscape and lighting district improvement project from 237 to Dixon Landing Rd. Utilities (water, sewer and storm) projects: Dempsey Rd waterline replacement project, Cathodic protection improvement to the Tularcitos and Minnis water tanks, and in the Sunnyhills area a pressure release valve project.

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(Recommendation: Find the Proposed 2013-18 in conformance with the General Plan and Recommend the Proposed Capital Improvement Program to City Council).

Motion to open the public hearing

M/S: Morris / Luk
AYES: 6
NOES: 0
ABSENT: 2 (Mandal, Sandhu)
ABSTAIN: 0

Rob Means, Milpitas Resident – One of the projects in the CIP is the crossing of the railroad tracks to connect Yosemite and Curtis. When the project was first talked about years ago the price to construct the crossing was about \$3 million; and now the projected cost has greatly increased. Mr. Means feels that the cost could be much less by using new alternative transportation technology like PRT. He would like the Commission to recommend to City Council to focus on this project; and rather than waiting five years, get started earlier by moving the EIR into the current fiscal year.

Vice-Chair Ciardella – Asked staff if the City could get in contact with local landscape design schools to see if they would be interested in a contest to design the Main Street city park or to provide ideas / conceptual design and a licensed professional could review the design.

Kathleen Phalen, Acting Public Works Director – Indicated that generally the City contracts with licensed professions who have errors and omissions insurance to prepare designs to meet plans specifications. The idea about using a design school for conceptual design could be a possibility.

Motion to close the public hearing.

M/S: Madnawat / Luk
AYES: 6
NOES: 0
ABSENT: 2 (Mandal, Sandhu)
ABSTAIN: 0

Motion: Find the Proposed 2013-18 Capital Improvement Program in conformance with the General Plan and Recommend the Proposed Capital Improvement Program to City Council.

M/S: Mohsin / Morris
AYES: 6
NOES: 0
ABSENT: 2 (Mandal, Sandhu)
ABSTAIN: 0

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XI. ADJOURNMENT

The meeting was adjourned at 9:30 pm to the next meeting of April 24, 2013.

Motion to adjourn

M/S: Madnawat / Luk

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary