

APPROVED

**MILPITAS PLANNING COMMISSION
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd., Milpitas, CA**

**MEETING MINUTES
Wednesday, November 13, 2013**

- 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** **Commissioners**
Present: Chair Sudhir Mandal, Vice Chair Larry Ciardella, John Luk, Rajeev Madnawat, Gurdev Sandhu, Garry Barbadillo and Zeya Mohsin
Absent: Alternate Member Demetress Morris
Staff: Steve McHarris, Tiffany Brown, Johnny Phan, and Mary Lavelle
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were none.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the October 23 and 26, 2013 meeting minutes of the Planning Commission.
- One change was requested by staff for the October 23 minutes: add the following to Consent Calendar item VIII-1:
- Motion:* adopt Resolution 13-029 approving Conditional Use Permit No. UP13-0018 subject to conditions of approval
- Motion** to approve Planning Commission meeting minutes of October 23, 2013 as amended, and the meeting minutes of October 26, 2013, as submitted
- Motion/Second: Commissioners Madnawat/Luk
- AYES: 7 (October 26)
- NOES: 0
- and
- AYES: 5 (October 23)
- NOES: 0
- ABSTAIN: 2 (Sandhu and Ciardella, due to their absence at the meeting)
- V. ANNOUNCEMENTS** Planning Director Steve McHarris reminded Commissioners that there would not be a second meeting in November, due to the Thanksgiving holiday. The next meeting would be on December 11 when an item on the agenda would be related to details of the 60th Anniversary being planned in the City in 2014, and how the Commission may participate in a community event on Sunday, January 26. Staff had some ideas on how to provide information to the community on upcoming development projects.

On December 11 also, Dr. Shawn Spano - the City's consultant for Strategic Planning -

will be on the agenda seeking input from Commissioners. Also, the California Circle and Main Street study areas report (Cal Poly students) was scheduled to be presented, with a final document due in January.

Chair Mandal announced the annual Holiday Tree lighting event on Sunday, December 1 at 7:00 PM behind City Hall.

Commissioner Madnawat suggested that the concept of public outreach for the Planning Commission projects may be a topic for the 60th event table.

VI. CONFLICT OF INTEREST

Assistant City Attorney Johnny Phan asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

No Commissioners identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission had any changes to the agenda. Staff noted two items on the agenda (VIII-3 and VIII-5) were requested to be continued to December 11.

Motion to approve the November 13, 2013 agenda as submitted

Motion/Second: Commissioner Mohsin/Vice Chair Ciardella

AYES: 7

NOES: 0

VIII. CONSENT

Chair Mandal reviewed the consent calendar of five items, two of which were to be continued (re: Pacific Mall and Farmers Market).

1) CONDITIONAL USE PERMIT NO. UP13-0019: request to re-establish a discontinued auto repair use within the existing non-conforming building at 1636 South Main Street, (APN: 086-22-024) Zoned Multi-Family Residential with Site and Architectural Overlay (R3-S) located within the Midtown Specific Plan, from applicant Vu Doan.

Action: Adopt Resolution No. 13-033 approving Conditional Use Permit No. P13-0019 re-establishing a discontinued non-conforming auto repair use located at 1636 South Main Street, subject to the conditions of approval.

2) SITE DEVELOPMENT PERMIT NO. SD13-0015 AND CONDITIONAL USE PERMIT AMENDMENT NO. UA13-0005: request for façade modifications to the Great Mall incorporating the new Red Robin restaurant, along with amending Conditional Use Permit (UP1167.2) for the addition of a full service bar located at 248 Great Mall Drive, (APN: 86-24-060) Zoned General Commercial with Site and Architectural Overlay (C2-S), located within the Transit Area Specific Plan from applicant Red Robin International.

Action: Adopt Resolution No. 13-031 approving Site Development Permit No. SD13-0015 and Amending Conditional Use Permit No. 1167.2 authorizing the façade modifications and a full service bar for the Red Robin Restaurant located at the Great Mall, subject to conditions of approval.

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4) SUMMARY VACATION OF UNNECESSARY PORTION OF OLD CAPITOL AVENUE PUBLIC RIGHT-OF-WAY (KNOWN AS “WHITE HOLE”) FOR ROADWAY PURPOSES PURSUANT TO STATE STREETS AND HIGHWAY CODE SECTION 8333(a): Finding that the Summary Vacation of the unnecessary portion of Old Capitol Avenue Right-of-Way (known as “White Hole”) is in conformance with the State Streets and Highway Code Section 8333(a), and that the disposition of the property (“White Hole”) for the Integral McCandless Mixed Use Project (District 1 Building 1) is in conformance with the General Plan and Transit Area Specific Plan located adjacent to 1315 McCandless Drive.

Action: Adopt Resolution No. 13-035 finding the summary vacation and disposition of 0.7 acres of Old Capitol Avenue Right-of-Way to be in conformance with the Transit Area Specific Plan and General Plan.

Chair Mandal asked if anyone present would like to address the Commission on the Consent Calendar items, and no one came forward.

Motion to approve the consent calendar as presented, approving Items No. 1, No. 2 and No. 4, and continuing Items No. 3 and No. 5 to the December 11, 20123 agenda

Motion/Second: Commissioners Sandhu/Mohsin

AYES: 7

NOES: 0

IX. PUBLIC HEARING

IX-1.

SITE DEVELOPMENT PERMIT NO. SD13-0018: a request to construct a new 6,000 square foot home with a three-car garage on the hillside at 826 Calaveras Ridge Drive, within a Planned Unit Development, zoned Single Family Residential with Site and Architectural Overlay, along with Hillside Combining District, from applicant Nadia Pichko.

Planner Tiffany Brown presented the request for this new residence to be constructed on the hillside property. She provided details on the design and construction planned, along with some visual displays of the home.

Commissioner Madnawat asked about the maximum height and how that was calculated for a hillside home. Staff explained it would not exceed the 17 feet limit.

Chair Mandal asked about trees and landscaping on the site. He wondered if there was any recycled water supply in that area of Milpitas and staff replied no.

Chair Mandal then opened the public hearing for comments.

Motion to close the public hearing after hearing no comments

Motion/Second: Commissioners Madnawat/Sandhu

AYES: 7

NOES: 0

Motion to adopt Resolution No. 13-032 recommending the Site Development Permit

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for the hillside home construction to the City Council

Motion/Second: Commissioners Madawat/Sandhu

AYES: 7

NOES: 0

X. ADJOURNMENT

Chair Mandal adjourned the meeting at 7:25PM to the next regular meeting date of December 11, 2013, noting there was no second meeting in November.

The meeting minutes were approved by unanimous vote on December 11, 2013.

*City Clerk Mary Lavelle,
acting as Recording Secretary*