

MEETING MINUTES

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

Wednesday, February 10, 2016

- 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 Rajeev Madnawat
Commissioners Sandhu, Ciardella, Lien, Maglalang,
Absent: Mohsin
Commissioner Morris was absent at roll call and arrived at 7:02 PM
Staff: Sarah Fleming, Katy Wisinski, Bhavani Potharaju, Azhar Khan
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the January 13, 2016 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes.
Motion/Second: Vice Chair Madnawat/Commissioner Lien
AYES: 6
NOES: 0
ABSTAIN: 1 Sandhu
- V. ANNOUNCEMENTS** Senior Planner Sarah Fleming announced that the Department of Planning and Neighborhood Services has hired a new Assistant Planner named Krishna Kumar.
- VI. CONFLICT OF INTEREST** **Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the February 10, 2016 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

VIII. CONSENT CALENDAR

NO ITEMS

IX. PUBLIC HEARING

IX-1 PACIFIC MALL TIME EXTENSION – 11-111 Ranch Drive – GP13-0001, ZA13-0001, SD13-0001, UP13-001, MT13-0001, and VA13-0001: A request for an eighteen month extension to existing project entitlements, which include a General Plan Amendment, Zoning Text Amendment, Site Development Permit, Use Permit, Tentative Map, and Variance, which collectively permit the demolition of a portion of the McCarthy Ranch Marketplace and construction of 284,587 square feet of retail space and a 250-room hotel.

Senior Planner Sarah Fleming explained the time extension request and said entitlements are valid for two years initially and the applicant has requested an 18 month time extension.

Leigh Prince was present on behalf of the applicant.

Vice Chair Madnawat asked for information on what has happened since the last approval and Ms. Prince said the time extension is being requested because negotiations with some of the existing tenants has been more complicated than anticipated and this will give them more time to work out the details, but the applicant has been moving forward with the project.

Commissioner Maglalang had questions about the removal of protected trees and Ms. Fleming said the approval was part of the previous entitlement and is not changing. City Attorney Wisinski said the tree concerns were previously addressed when the City initially approved the project, and page 5 of Resolution 8340 considers the tree loss and mitigation measures put in place to address the trees and their replacements.

Commissioner Morris said that although it was previously discussed, it is within the commission's purview to place stipulations regarding the trees and Ms. Fleming agreed and said there is room to discuss the types of trees.

Chair Mandal opened the public hearing and there was one speaker. Milpitas resident James Do said he is interested in retail space in Pacific Mall and requested contact information, and Ms. Prince said she would provide information to the resident.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

Motion to Adopt Resolution No. 16-003 extending permits GP13-0001, ZA13-0001, SD13-0001, UP13-0001, MT13-0001, and VA13-0001, 18 months until August 4, 2017.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

IX-2

STRATFORD SCHOOL – 341 Great Mall Parkway – UP15-0012, MS15-0098:

A request to operate a 55,600 square foot private school within the former Heald College building. The proposed private school anticipates approximately 716 students ranging from pre-school to high school. The project also requires a Minor Site Development Permit for various site improvements.

Contract Planner Bhavani Potharaju showed a presentation describing the project.

Commissioner Morris asked for the distribution of the 716 students and Ms. Potharaju said the school proposes 240 preschool students, 72 kindergarten students, 332 elementary/middle school students, and 72 high school students.

Commissioner Lien had a question regarding emergency vehicle access on Montague Expressway and Ms. Potharaju said that was a staff oversight and emergency vehicle access will be from Great Mall Parkway, not Montague Expressway.

Vice Chair Madnawat worried that children could escape the site onto Montague Expressway, a busy intersection, and Ms. Bhavani said the applicant has proposed fencing the site and staff feels confident that it will be safe for the students.

Commissioner Morris asked if there has been a study conducted showing a demand for a private school and Ms. Potharaju said there was no study conducted by the applicant but the Transit Area Specific Plan (TASP) estimates close to 900 students in this area due to the proposed mixed use development and high number of residential units and staff believes this will be a good addition to the City.

Applicant Clay Stringham said Stratford Schools have been in the area since 1999 and they have schools in Fremont, San Jose and Santa Clara. He said the demographics are here for a private school and they have been trying to get a school in Milpitas for almost 20 years and have had an overwhelming response from people interested in enrolling in the school.

Commissioner Ciardella wanted information on security at the school and Mr. Stringham said they will fence the entire property and have keypad access at each gate and building.

Vice Chair Madnawat commented that the building was not built to be a school, especially one for small children, and asked how older children will be segregated from younger ones. Mr. Stringham said the middle and high school students will be located upstairs and will also have a separate exit leading to their own playground.

Commissioner Morris asked what criteria the students must meet in order to be admitted, and what accommodations are available for children with special needs.

Mr. Stringham said the criteria standards are high and students are evaluated before being accepted, and the school will be fully ADA compliant but they do not have accommodations for children with severe disabilities.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

Commissioner Maglalang feels this is a good project but would like staff to revisit the replacement of the protected trees. Ms. Potharaju said there will be 18 trees removed, two which are protected trees replaced at a 1:2 ratio, for a total of 20 tree replacements on the site.

Motion to Adopt Resolution No. 16-002 approving Conditional Use Permit No. UP15-0012, and Minor Site Development Permit No. MS15-0098, subject to the Conditions of Approval.

Motion/Second: Commissioner Ciardella/Commissioner Sandhu

AYES: 6

NOES: 1 Morris

IX-3

SOBEK SWIMMING POOL – 1506 Augusta Court – SD15-0003: A Site Development Permit to construct a new in-ground swimming pool and spa for an existing single-family residence located on a 5-acre lot with a zoning designation of Single-Family Residence with Hillside Combining District (R1-H). This project was originally reviewed and denied by the Planning Commission on June 24, 2015.

Ms. Fleming said there was an error in the proposed resolution and a condition of approval was inadvertently included. Staff wishes to remove the condition of approval regarding the potable water use restriction.

Project Planner Azhar Khan showed a presentation describing the project. He referenced Condition of Approval #17 and said staff recommends that no building permits be issued for construction of the swimming pool until the governor lifts the drought.

Ms. Fleming said the commission may tie the building permits to the governor's actions on the drought or may wish to consider another determination of when the drought is over.

Commissioner Ciardella asked if the City makes the same determinations as the state regarding water conservation and Ms. Wisinski said the City has followed the direction of the State Water Resources Control Board and local water authorities in terms of what water conservation requirements are and has also undertaken its own conservation measures by adopting an ordinance that says the construction of swimming pools is not currently allowed; however, exceptions can be granted and that flexibility gets exercised by the City Council.

The Planning Commission has the power to make a recommendation to the City Council to continue to impose the prohibition on building swimming pools or to exercise their authority to grant an exception, adding that Condition #17 could be changed so that building permits can be issued upon the City's findings and not tied to the governor's actions.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Ciardella

AYES: 7

NOES: 0

Vice Chair Madnawat asked if the City is obligated to follow the governor's water emergency ordinance and Ms. Wisinski said the City is obligated to follow the restrictions upon the City as an agency but the local ordinance that was adopted allows for flexibility.

Motion to Adopt Resolution No. 16-001 recommending the City Council approve Site Development Permit No. SD15-0003 to allow the construction of a swimming pool and spa on a hillside residential lot subject to the Conditions of Approval with the deletion of the condition referencing the potable water use restriction.

Motion/Second: Vice Chair Madnawat/Commissioner Morris

AYES: 6

NOES: 1 Sandhu

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT The meeting was adjourned at 8:15 PM to the next meeting scheduled on Wednesday, February 24, 2016.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*