

UNAPPROVED MINUTES  
PUBLIC ARTS COMMITTEE  
CITY OF MILPITAS

**Minutes:** Meeting of the Public Art Committee (PAC)  
**Date of Meeting:** Monday, March 26, 2007  
**Place of Meeting:** Milpitas City Hall, 455 E. Calaveras Blvd., Committee Room

**I. Call to Order** Chair Foulk called the Meeting to Order at 7:02p.m.

**II. Pledge of Allegiance** Chair Foulk led the Committee in the Pledge of Allegiance

**III. Roll Call** Committee Members Present: Butler, Cherry, Foulk, Hays, Lawson, McGuire, Moss, Ogle, Rabe, Voellger, Alternate I Tsuei, Alternate II Asif

Committee Member Excused Absence: Ettinger

City Staff Present: Economic Development Manager, Diana Whitecar, Public Services Assistant, Tirzah Cedillo

City Council Liaison Present: Council Member Giordano

**IV. Seating of Alternates** None.

**V. Approval of Agenda** **MOTION** to approve the amended agenda of March 26, 2007 to reflect under New Business, Item #3, to read Library Art Subcommittee and Fundraising Subcommittee's Actions.

M/S: Cherry/Ogle Ayes: All

**VI. Approval of Minutes** **MOTION** to approve the minutes of January 22, 2007.

M/S: Voellger/Hays Ayes: All

**VII. Public Forum** Mr. Robert Burrill, 817 Calero Street, Milpitas spoke about the closure of Handcraft Tile located on Yosemite Drive, Milpitas. The co-owners of Handcraft Tile were Shirley Dinkins and Frank Patitucci. Handcraft Tile was established in 1926 and moved to Milpitas in 1931. Handcraft Tile was the oldest tilery on the west coast. Malibu Ceramic Works of Topanga, California, bought out the company and its main factory will be in Long Beach. Mr. Burrill displayed several of the tiles he purchased.

**VIII. Announcements/Correspondence**

Ms. Whitecar reminded the Committee to RSVP to the 2007 Commissioners' Recognition Event to be held on Wednesday, April 18<sup>th</sup>.

**IX. New Business**

**1. Form 700 Presentation – Mary Lavelle, City Clerk**

Ms. Mary Lavelle, City Clerk, spoke to the Public Art Committee members about the Form 700. Ms. Lavelle stated a resolution was adopted by City Council to disclose conflicts of interest. The City Attorney recommended that all PAC members complete this form and return by April 2nd, 2007.

**2. Milpitas BART Station Public Art Presentation – Gail Collins & Jack Mackie of VTA**

Mr. Jack Mackie of Valley Transportation Authority (VTA) presented to the Public Art Committee members a brief overview of the new BART Station and how to develop/select art projects and chooses artists for the station. The station

would be located on the south side of Montague Expressway and across Montague from Piper Drive. VTA has committed \$500,000 for public art at the station. He suggests artists to work as a team to really influence how people connect to the station. He's asked the Committee members to think about ways to present a theme or ideas on how to direct artist's work. Mr. Mackie added he wants to work with the Committee to develop the art for the station. He distributed an overview of the project with suggestions on the selection process; a) Open call, or, b) Use of the San Jose Arts Commission "Pre-Qualified Artist Pool" or something similar.

Mr. Mackie suggested the Committee members ask themselves what are the important buildings in Milpitas, key ideas of Milpitas, important festivals, to come up with the bullet point concepts and ideas for use in developing a theme for the BART Station. Committee Member Voellger suggested to add a 'special' meeting for one hour on Monday, April 23rd, 2007 to discuss the ideas the Committee thought of for the last (30) days. Ms. Gail Collins of VTA stated she would compile all the ideas prior to the next meeting as suggested

Note. Receipt. File.

### 3. Library Art Subcommittee and Fundraising Subcommittee's Actions – Staff.

Committee Members suggested that the Agenda indicate to which subcommittee's members belong.

Library Art Subcommittee: Ms. Whitecar stated the Library Art Subcommittee scheduled meeting on April 16<sup>th</sup>, 2007 with Ms. Lynn Baer a consultant who's assisted with artist recruitments for the Milpitas Alliance for the Arts. Ms. Baer will talk about the process for the exterior of the Library and tower and soliciting artists. The Library architect cannot make the meeting of April 16<sup>th</sup>. Ms. Whitecar indicated that she would find another time for the Subcommittee to meet with the Library architect and staff.

Committee Member Cherry stated Ms. Baer could walk the subcommittee thru the artist selection process. Committee Member Rabe asked would the consultant's fee come from the Public Art Committee. Ms. Whitecar responded she would discuss fees and her expectations with Ms. Baer during the meeting. Committee Member Cherry stated the first time the Milpitas Alliance for the Arts used her cost \$2,000.00.

Ms. Whitecar asked the Library Subcommittee members if they could attend a meeting at 6:00pm on April 3<sup>rd</sup>, 2007 to meet with the Library architect. Subcommittee members Lawson, Moss and Voellger all said they were not available. All subcommittee members including Lawson, Moss, Ogle, Foulk, Cherry and Voellger asked to have the Library Subcommittee meeting moved to later in April.

Fundraising Subcommittee: Committee Member Cherry stated the Fundraising Subcommittee includes Committee Members Lawson, Rabe and herself. She then suggested that the Committee members choose to fulfill the construction and completion of the cookbook. She outlined seven suggested roles from the 'cookbook' company to be filled:

Collecting receipts and Distribution	Foulk
Proof reading	Ogle
Sorting recipes in appropriate categories	Butler
Design cover & dividers	Voellger

Assist with final decision  
Advertising, selling & distribution

Lawson/Hays  
collaborative effort

Chairperson Foulk volunteered to distribute blank recipe forms to the community. Committee Member Rabe suggested and volunteered to write a cover letter that would be included with the blank recipe forms. Chair Foulk indicated that the mailer be kept to one page. Distribution volunteers included: Voellger and McGuire to the Arts Groups; Moss to the Schools; Hays to the grocery stores; Rabe to City Commissions; Whitecar to city staff.

**MOTION** to not include paid advertisement in the 'cookbook.'

M/S: Rabe/Voellger

Ayes: Butler, Cherry, Moss,  
Ogle, Alternates Tsuei

Nos: Hays, Foulk, Lawson,  
McGuire

#### **4. Art Maintenance Update – Staff**

Ms. Whitecar stated both herself and Committee Member Moss met with Mr. Eddie Loredo, Facilities Supervisor regarding the 'Flute Player' statue in front of the City Hall Building. Mr. Loredo will have the statue repaired in late May 2007.

Committee Members Voellger and Cherry stated Mr. Craig Wisneski, Parks & Landscaping Maintenance Supervisor, is working with the Star Bench in Starlite Park to have it repaired.

#### **5. Use of Transient Occupancy Tax (TOT) for annual art fund (\$125,000) – Staff**

Ms. Whitecar stated 2% of TOT (Transit Occupancy Tax) of each person that pays on a hotel fee here in Milpitas would be set-aside for the Library and cultural programs. The next \$125,000.00 should come from TOT and not from the redevelopment monies to create more flexibility in the Art Funds.

Chairperson Foulk stated these monies would be for art maintenance and not have the restrictions from the redevelopment area.

#### **X. Staff/Commission Reports and Discussion Items**

None

#### **XII. Future Agenda Items**

BART Station Art Ideas  
Library Subcommittee Update  
Fundraising Subcommittee Update

#### **XIII. Adjournment**

**MOTION** to adjourn the meeting at 9:10 p.m., to the 'special' scheduled meeting on April 23, 2007.

Respectfully Submitted,

Tirzah Cedillo  
Public Services Assistant

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**March 28, 2007**

**I.  
PLEDGE OF  
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Azevedo, Ali-Santosa, Ciardella, Mandal, Sandhu, Tabladillo and Williams

Absent: None

Staff: Bejines, Hom, Kunsman, Lowe, Nadal, Oliva, Pio Roda, Reliford and Whitecar

**III.  
PUBLIC FORUM**

Chair Williams 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 agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
March 14, 2007**

Chair Williams called for approval of the minutes of the Planning Commission meeting of March 14, 2007.

There were no changes to the minutes.

**Motion** to approve the minutes of March 14, 2007.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

**V.  
ANNOUNCEMENTS**

Felix Reliford, Principal Planner, reminded the Commission that the new Planning Commission Subcommittee rotation starts at the next meeting. He also pointed out that the Commissioners received the environmental document for the Estrella/Warmington project and asked that they review the EIR because the project is coming forward at the April 11<sup>th</sup> meeting.

Commissioner Sandhu announced on behalf of the Sikh foundation, residents are invited to a community breakfast on April 19, 2007 from 7 a.m. to 8:30 a.m. at the Methodist church located at 355 Dixon Road in Milpitas.

Commissioner Ali-Santosa announced that along with Commissioner Tabladillo, Commissioner Ciardella, Felix Reliford and himself, they attended the Planners Institute in San Diego from March 21<sup>st</sup> – March 23<sup>rd</sup>. He brought back material to share with everyone.

Chair Williams announced that the City is now providing assisted listening devices for those that are hearing challenged located at the end of the dais where the Secretary sits.

**VI.  
CONFLICT  
OF INTEREST**

Assistant City Attorney Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

Staff has no changes to the agenda.

**Motion** to approve the agenda as submitted.

M/S: Azevedo/Ali-Santosa

AYES: 6

NOES: 0

**VIII.  
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Vice Chair Mandal requested Item No. 3 (Use Permit Amendment No. UA2007-4) and Item No. 4 (Use Permit Amendment No. UA2007-2) be added to the consent calendar.

Commissioner Azevedo disagreed with adding Item No. 4 to the consent calendar but agreed with adding Item No. 3 to the consent calendar.

Commissioner Ali-Santosa requested that Item No. 7 (Use Permit Amendment No. UA2007-3) be added to the consent calendar.

**Motion** to add Item Nos. 3 and 7 to the consent calendar.

M/S: Mandal/Azevedo

AYES: 6

NOES: 0

Commissioner Tabladillo arrived at 7:07 p.m.

Chair Williams opened the public hearing on Item No. 3.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

**Motion** to approve Item No. 3 on the consent calendar.

M/S: Azevedo/Ali-Santosa

AYES: 7

NOES: 0

Chair Williams opened the public hearing on Item No. 7.

There were no speakers from the audience.

**Motion** to keep the public hearing open on Item No. 7 and continue to April 25<sup>th</sup>.

M/S: Azevedo/Ali-Santosa

AYES: 7

NOES: 0

**\*3 USE PERMIT AMENDMENT NO. UA2007-4:** A request to add five additional seats to provide a total of fifteen seats to a previously approved 1,332 sq. ft. coffee house located at 752 E. Calaveras Boulevard. (*Recommendation: Application Withdrawn*)

**\*7 USE PERMIT AMENDMENT NO. UA2007-3 (Continued from March 14, 2007):** A request to add 46 seats to an existing 52 seat restaurant located at 1741 N. Milpitas Blvd. (*Recommendation: Continue to April 25, 2007*)

## **IX. PUBLIC HEARING**

### **1. USE PERMIT AMENDMENT NO. UA2006-4, "S" ZONE APPROVAL AMENDMENT NO. SA2006-18, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2006-3**

Cindy Hom, Project Planner, presented a request to allow an existing 61,122 sq. ft. church facility located at 1494 California Circle to expand into an adjacent 44,000 sq. ft. industrial building located at 1600 California Circle. The project proposal consists of relocating the approved Sanctuary, meeting rooms, classrooms, and administrative offices to the adjacent building at 1600 California Circle and converting the building at 1491 California Circle to a Seminary consisting of offices, classrooms, kitchen facility, and indoor gymnasium. The project proposal also includes site and architectural modifications such as a new covered walkway, removal of two driveway entrances, reconfiguration of the parking lot area and landscaping between the two buildings, and installation of new monument and wall signs. Ms. Hom recommended approval with conditions. Ms. Hom also pointed out that any reference in the staff report to 1491 California Circle should read 1494 California Circle.

Commissioner Tabladillo asked if there was a moratorium in regards to churches to preserve industrial buildings. Mr. Reliford said he is not aware of any City policy in regards to a moratorium of churches. Chair Williams recalled that when the Commission had a joint meeting with Council, it was brought up at that time but nothing was said about expansion.

Vice Chair Mandal asked what is the building south of 1494 California Circle. Ms. Hom said that building is occupied by BAPS temple and is located at 1430 California Circle.

Vice Chair Mandal asked how are BAPS temple and the 1494 building separated? Ms. Hom said there is a landscape median separated from the two and they would not share parking.

Vice Chair Mandal asked where is the Credence building located? Ms. Hom said it is located across the street and is a little further south of the 1494 building.

Vice Chair Mandal was concerned about a potential spill from Credence. Ms. Hom assured that the toxicity level from a potential spill would not be a significant environmental impact to the proposed expansion of the church. The greatest potential incident would come from the Chevron gas station across the street.

Chair Williams asked if Credence is a software manufacturer and Ms. Hom said it is light industrial.

Chair Williams asked how would the applicant deal with parking in regards to special events. Ms. Hom deferred the question to the applicant.

Chair Williams introduced the applicant.

**Wayne Okubo, Everlasting Private Foundation, 19770 Stevens Creek Blvd., Cupertino**, said the project has grown over the years and the biggest problem was dealing with logistics and expanding into the existing building. The make of the existing building was difficult because of the structural system and it was very cost prohibitive to continue to expand so they decided to expand into the building next door. In regards to special events, they are working on a car pool program and will put together vans to pick up senior citizens at different facilities to bring people in to alleviate the parking congestions. He also pointed out that he has the architect to answer design questions.

Chair Williams pointed out that during big events and holidays, there will be an increase of members and could pose to be a parking problem. He asked if the applicant will have an announcement program to make sure members are aware about potential parking issues in regards to nearby property owners. Mr. Okubo said that members are aware that they have to park in their own church facility and not anywhere else. Also, carpooling has helped a great deal.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Sandhu/Azevedo

AYES: 7

NOES: 0

Commissioner Tabladillo said she is concerned about new churches coming down the pipeline and is also concerned that industrial areas are dwindling which means no new tax base for the City. She felt that industrial land is a premium and is a great way to get tax revenue for the City.

Diana Whitecar, Economic Development Manager, said the Economic Development Commission completed a draft industrial analysis and are looking at areas in the City where there is a need to protect industrial land. She said that R&D are the highest vacancies in the City with over 20% and this building is considered Class B in terms of attractiveness and functionality. In regards to this project, she felt that the church would not cause a negative impact for industrial expansion because there is already two churches there and there is a lot of R&D space in the City.

Commissioner Tabladillo said she wants to see an industrial study and Ms. Whitecar said she plans on bringing an industrial study to the Economic Development Commission, Planning Commission and City Council.

Chair Williams noted that it would be a good idea to have guidelines regarding churches locating in industrial buildings for staff and the Commission. Ms. Whitecar said staff is helping pick up the study and will get to the Commission sooner rather than later, most likely in May or June.

Commissioner Sandhu recalled that there was discussion that the federal government has provisions that the Council can't discourage religious organizations. Assistant City Attorney Pio Roda said there are Religious Land Use and Institutionalized Persons Act (RLUIPA) where there is statement that the City should not discourage religious institutions.

**Motion** to approve Use Permit Amendment No. UA2006-4, "S" Zone Approval Amendment No. SA2006-18, and Environmental Impact Assessment No. EA2006-3 based on the findings and special conditions noted in the staff report.

M/S: Mandal/Sandhu

AYES: 7

NOES: 0

## **2. MINOR TENTATIVE MAP NO. MI2007-2**

Kristine Lowe, Project Planner, presented a request for a three-lot subdivision for a 101-unit affordable apartment project in three, four-story buildings located on 2.69 acres at 1666 South Main Street. Mrs. Lowe recommended approval with conditions based on the findings and special conditions noted in the staff report. Mrs. Lowe also pointed out that on page 3 and 6 of the staff report, any reference to Terra Serena should read the Estrella project.

Commissioner Ciardella asked how does the City handle when you have three different parcels, and two of them have all the parking, and one doesn't, what happens if one of the parcels is sold.

Chair Williams introduced the applicant.

**Charles Hutchison, Global Premier Development**, 5 Park Plaza, Irvine, CA, said each parcel will have its own two level subterranean parking structure beneath it so there will be three parking structures.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Mandal/Sandhu

AYES: 7

NOES: 0

Chair Williams said this project falls in line with the Midtown Plan and is happy that the project is 100% affordable.

Commissioner Tabladillo said she would like to see this plan come forth and is pleased with the 100% affordability. She asked Mr. Reliford to clarify how the 100% affordability is in line with the Midtown Plan, Section 8-10.

Mr. Reliford said the project would be affordable to low income households at 50% median income. The rents range from \$1,000 to \$1,300 a month and will be two and three bedroom apartments.

Commissioner Sandhu said he agrees with the affordable housing but still has concerns about parking. He said when the project was voted two weeks ago he was not in support of the project and he still will not support it at this time.

Commissioner Azevedo said he would not be supporting the project because of parking concerns.

**Motion** to approve Minor Tentative Map No. MI2007-2 based on the findings and conditions noted in the staff report.

M/S: Mandal/Ciardella

AYES: 5

NOES: 2 (Azevedo and Sandhu)

**3. USE PERMIT  
AMENDMENT NO.  
UA2007-2**

Kristine Lowe, Project Planner, presented a request to allow a Mexican grocery store, a 10-seat fast-food taqueria and a Western Union Service Counter to occupy a 3,200 square foot tenant space previously permitted as an Indian grocery store with video rentals and the Labor Ready temporary employment services located within Abel Center Plaza at 568-570 N. Abel Street. Mrs. Lowe recommended approval with conditions based on the finding and conditions noted in the staff report.

Vice Chair Mandal said he used to frequent the site a lot of times and now it is looking pretty vacant and asked staff what is going on. Mrs. Lowe said in 2004, there was a permit for a restaurant at the old Radio Shack site however the restaurant never went forward. Also, last year, there was a pizza restaurant and it too has also closed its doors since then.

Chair Williams asked what is the definition of “taqueria”. Mrs. Lowe said “taqueria” means an area to provide fast food Mexican that would include burritos and tacos.

Commissioner Tabladillo asked if the restaurant would have check cashing? Mrs. Lowe said when the plans were originally submitted, that was the original intent but there is not going to be anything like that, more Western Union Services.

Commissioner Tabladillo said condition no. 29 stated below says that there will be a check cashing area and asked if this should be stricken from the report.

*29. The check cashing area should have limited access by the public. The plan appears to allow public access into the check cashing area. This may be resolved by including a check-cashing window to limit public’s access to the room.*

Mrs. Lowe said that is correct.

Mr. Reliford also pointed out that Condition no. 12 stated below should be deleted because it is a “Note to the Applicant”, not a condition.

*12. Preliminary meeting is available for code questions. Please contact Chief Building Official, Keyvan Irannejad, for appointment at (408) 586 3244.*

Chair Williams introduced the applicant.

**Maribel Moreno, 1604 Terra Buena Drive, San Jose**, said they are proposing a small-scale grocery store and will have services such as a bakery, butchery area and Western Union. The Western Union will allow people to pay their utility bills, PG&E bills and money orders and reiterated that they will not have check cashing.

Vice Chair Mandal asked if anyone could go there to pay their utility bills and Ms. Moreno said certain utility bills.

Chair Williams asked Ms. Moreno if they would sell general food items or ethnic food items. Ms. Moreno said they would sell a little bit of both.

Commissioner Tabladillo asked if Ms. Moreno has a shop anywhere else and she said they have a shop in Stockton.

Commission Tabladillo asked if they will sell alcohol and Ms. Moreno said no because there is a 7-11 next door that already sells alcohol.

Commissioner Tabladillo asked Ms. Moreno if she plans on selling alcohol in the future and Ms. Moreno said no.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Azevedo/Sandhu

AYES: 7

NOES: 0

Mr. Reliford recommended that the Planning Commission modify condition no. 1 to read the following:

- 1. This Use Permit No. UA2007-2 approval is for a 3,200 square foot Mexican grocery store, 10-seat fast food restaurant and Western Union service counter 568-570 N. Abel Street as shown on approved plans dated December 13, 2006. Any addition of seating or change in nature of the operation requiring a Use permit, any request for the sale of alcoholic beverages, live entertainment or any request to change operations of the Western Union Service counter area shall require review and approval by the Planning Commission of an amendment to this Use Permit. Minor changes, as per Section 42 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P, PC)*

Commissioner Ali-Santosa disagreed with deleting Condition No. 29 because of concern by Milpitas Police Department and felt that even if the check cashing area is not there, with respect to Western Union, there will still be a financial transaction.

Assistant City Attorney Pio Roda requested that condition no. 29 be modified to the following:

- 29. The Western Union Service Counter area should have limited access by the public. The plan appears to allow public access into the counter area. This may be resolved by including a service window to limit public's access to the room. A change in the nature of operations, including but not limited to check-cashing services shall require review and approval by the Planning Commission as amendment to this Use Permit. (PD, PC)*

**Motion** to approve Use Permit Amendment No. UA2007-2 based on the findings and special conditions noted in the staff report, with the deletion of condition no. 12 and modification to condition no. 1 and condition no. 29 noted above.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

**4. USE PERMIT NO. UP2007-3**

Tiffany Kunsman, Project Planner, presented a request to locate a 1,960 sq. ft. restaurant (Mikonos Grill) with 42 seats located at 756 E. Calaveras Blvd. Ms. Kunsman recommended approval with conditions based on the findings and special conditions noted in the staff report. Ms. Kunsman also pointed out a memo that was passed out to the Commission prior to the meeting which stated the following:

*Due to a withdraw of application by Use Permit Amendment UA2007-4 It's a Grind Café, the Parking Analysis chart for 756 E. Calaveras Blvd., Mikonos Grill (located on page 4 of the staff report, also attached) and 760 E. Calaveras Blvd., Mandalay Noodle (located on page 4 of the staff report, also attached) no longer applies.*

*On the Parking Analysis chart, the Total number for Parking Required should be 33 instead of 34 and It's a Grind Café should only require 6 parking spaces rather than 7 parking spaces due to it's withdraw of their application to add additional seating.*

*The Proportionate allocation of parking spaces based on square feet is remains at 45 total parking spaces. With all three restaurants, the parking requirements are still met leaving the Calaveras Center with a surplus of 12 parking spaces.*

Commissioner Ali-Santosa needs clarification of the parking table on page 3 of the staff report. Assistant City Attorney Pio Roda said the charts are an example of the required parking for the center itself.

Vice Chair Mandal asked if the restaurant will have a formal eating area and if the owner has a chain of restaurants or will this be the only one in Milpitas. Ms. Kunsman deferred the question to the applicant.

Commissioner Azevedo asked why is the City designating only one parking spot for employees. Ms. Kunsman said that she calculated the parking based on the City's zoning ordinance.

Mr. Reliford said that the Economic Development Commission is currently doing a parking study.

Chair Williams introduced the applicant.

**Joel Quinones, Applicant, 2180 S. Bascom, Campbell,** said he operates two restaurants and this restaurant will be his third. A lot of his customers are very happy with their food and wanted them to open up a restaurant in Milpitas.

Vice Chair Mandal asked where are his restaurants located? Mr. Quinones said he owns a restaurant in Los Gatos and Campbell.

Commissioner Azevedo asked how many employees will they have? Mr. Quinones said three to four people.

Commissioner Ciardella asked if they will serve breakfast and Mr. Quinones said no, just lunch and dinner and they will be open from 9 a.m. to 9 p.m.

Commissioner Tabladillo asked if they would be serving alcohol. Mr. Quinones said not right now however they might think about serving beer and wine in the future.

Chair Williams asked if they would have a fusion type of restaurant where they mix cultures and Mr. Quinones said they would just be serving Greek food.

Chair Williams pointed out that Greek cuisine have a certain way that meats are prepared and asked if they will be done by a flame process. Mr. Quinones said they have a broiler machine that slices beef and the machine is an electric motor.

Vice Chair Mandal asked if they will be serving falafels and Mr. Quinones said yes.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Azevedo/Tabladillo

AYES: 7

NOES: 0

**Motion** to approve Use Permit No. UP2007-3 based on the findings and special conditions noted in the staff report.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

**5. USE PERMIT NO.  
UP2007-4**

Tiffany Kunsman, Project Planner, presented a request to locate a 1,402 sq.ft. restaurant (Mandalay Noodle) with 36 indoor seats located at 760 E. Calaveras Blvd. Ms. Kunsman recommended approval with conditions based on the findings in the staff report. She also pointed out a memo that was passed out to the Commission prior to the meeting which stated the following:

*Due to a withdraw of application by Use Permit Amendment UA2007-4 It's a Grind Café, the Parking Analysis chart for 756 E. Calaveras Blvd., Mikonos Grill (located on page 4 of the staff report, also attached) and 760 E. Calaveras Blvd., Mandalay Noodle (located on page 4 of the staff report, also attached) no longer applies.*

*On the Parking Analysis chart, the Total number for Parking Required should be 33 instead of 34 and It's a Grind Café should only require 6 parking spaces rather than 7 parking spaces due to it's withdraw of their application to add additional seating.*

*The Proportionate allocation of parking spaces based on square feet is remains at 45 total parking spaces. With all three restaurants, the parking requirements are still met leaving the Calaveras Center with a surplus of 12 parking spaces.*

Chair Williams invited the applicant to speak.

**John Ha, 510 Lawrence Expressway, Sunnyvale, Architect for Mandalay Noodle,** said he is with the restaurant owners and is available for any questions.

Commissioner Azevedo asked how many employees would they have. The applicant said they would have five employees-2 cooks, 2 servers, and 1 owner.

Commissioner Tabladillo asked if they own other restaurants and the applicant said no.

Commissioner Azevedo asked if they will be serving beer and wine and they said no.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

Commissioner Tabladillo said she is concerned about parking and asked if patrons could park on the side streets. Ms. Kunsman said there is no striped parking on the street and is not concerned about parking issues.

**Motion** to approve Use Permit No. UP2007-4 based on the findings and special conditions noted in the staff report.

M/S: Azevedo/Ali-Santosa

AYES: 7

NOES: 0

## **RECESS**

The Commission recessed at 8:40 p.m. for a five-minute break. The meeting resumed at 8:45 p.m.

## **X. PRESENTATIONS**

### **6. BART TO MILPITAS STATION ARCHITECTURE**

**Janice Nadal, Assistant Transportation Planner, Hassan Basma, Transportation Engineering Manager for VTA and Eli Naor, Stations Deputy Design Manager for VTA,** presented on the Milpitas Station at Montague Expressway and Capitol Avenue station design for the BART to Milpitas, San Jose, Santa Clara project and recommended that the Commission approve the BART Station staff-preferred architectural design and recommend approval to the Transportation Subcommittee and City Council.

Mr. Reliford said he would like to compliment VTA and the architect on the design scheme. Staff felt the design gave away a sense of light and space and place to blend. The look is also romantic and high tech look and will blend with the Transit Area Plan and felt that Option no. 1 met those purposes.

Vice Chair Mandal said he has been to European nations and he understands how they invite people to get into the transit stations because it looks so much better. Regarding option two with the big parking structure in the back, he asked where will people park? Mr. Naor said they will have a substantial parking structure and the intent is to serve the traveling public and relieve the community of an overflow of parking and the parking structure will serve its purpose.

Vice Chair Mandal asked what is the capacity of the structure and Mr. Basma said it will have approximately 1,800 spaces and VTA is still conducting studies.

Commissioner Ciardella asked if the parking structure would be located underground or if it is located outside, will there be an outside structure where people will be protected when it's raining. Mr. Naor said an underground walkway is proposed and the intent is to have the area covered between both the ability of the passenger and the location of crosswalks.

Commissioner Ciardella said the building is very beautiful however he is concerned about the parking structure and suggested planter boxes and ivy be installed outside the parking structure.

Mr. Naor said the focus is on the station theme and not the parking structure. The parking structure design will come back another time.

Commissioner Tabladillo complimented the architect and agrees that they need to be more thoughtful with the parking structure. She asked if there would be a glare with the windows outside of the building that could be a potential safety hazard for drivers. She also asked how green is the building and if the Montague Station could have the name "Milpitas" in the title.

Ms. Nadal said at the last facilities naming subcommittee meeting, it was voted to have the Montague station changed to Milpitas station and the future Calaveras station to be changed to the Milpitas Midtown station.

Chair Williams said he agrees with staff's recommendation as far as option No. 1. He said the other option looked like an escalator design. He said he is an advocate to make sure Milpitas has an identity because 95% of the shoppers are from other cities. He said hopefully VTA would do what it can to promote the future Milpitas BART stations. He also said cover ways from the station to the parking structure would be greatly appreciated. Chair Williams said the station would be perfect for the future residents. Chair Williams asked if this is a terminus station and Mr. Naor said no. Mr. Basma added that it is next to the Light Rail station.

Vice Chair Mandal asked if the architect plans on using solar panels to power the building. Mr. Naor said solar panels are a popular theme and the roof would be a good place because the tiles are facing straight up towards the sun. He is not sure about the budget though.

Commissioner Sandhu said he likes Option No. 1 because it is very pleasing to the eye. He asked how much land would this whole station require. Mr. Basma said they are doing site-planning research now and will be finished by April.

Mr. Reliford said staff gets a lot of inquiries about the Transit Area Plan to redesignate the land and this station will be the core of the Plan.

Commissioner Ali-Santosa mentioned that he is part of the BART community-working group.

Mr. Reliford asked when would BART come to Milpitas. Mr. Basma said VTA started the 65% design and that would go to December of 2008. Will start seeing construction in 2009. 2016 will start seeing revenue service.

**Motion** to recommend Option No. 1 design scheme, change the BART station name to Milpitas and recommend approval to the Transportation Subcommittee and City Council and incorporate all of the Planning Commissioners comments.

M/S: Mandal/Ali-Santosa

AYES: 7

NOES: 0

## **XI. ADJOURNMENT**

The meeting was adjourned at 9:30 p.m. to the next regular meeting of April 11, 2007.

Respectfully Submitted,

Felix Reliford  
Principal Planner

Veronica Bejines  
Recording Secretary

# City Council Transportation Subcommittee

*Meeting Minutes*

Date/Time: Thursday, April 5, 2007

Where: Milpitas City Hall, Committee Conference Room

Attendants: Mayor Jose Esteves, Council Member Gomez

Staff: Greg Armendariz, Janice Nadal, Jaime Rodriguez

*Quorum was established*

## 1. Call to Order

- The Transportation Subcommittee (Subcommittee) meeting was called to order at 5:30 pm.

## 2. Pledge of Allegiance

## 3. Public Forum

*There were no citizens present*

## 4. Approval of May & November 2006, and February Meeting Minutes\*

- The Transportation Subcommittee approved the minutes for May & November 2006, and February 2007.

## 5. Great American Litter Pick Up (VTA Presentation)

- John Sighamony from the Santa Clara Valley Transportation Authority (VTA) requested from the Subcommittee participation in the Great American Litter Pick Up event, taking place on May 19, 2007. Currently, San Jose and Campbell are participating at locations within their cities such as parks and creeks. Mr. Sighamony asked if there is a site in Milpitas for the City to participate in for litter pick up and beautification.
- Mr. Sighamony stated if the City is interested in gathering volunteers for this event, to contact him. May 19, 2007 is also National Creek Clean up. Supplies will be provided by the VTA.
- Staff Janice Nadal mentioned in the past, the Utility Engineering Section hosted a creek clean up in May and September. Staff can check on this date.
- Staff Greg Armendariz mentioned the on and off ramps near the freeways are good locations as well.
- Council Member Gomez asked if this item should be on the City Council Agenda. Mr. Armendariz said this item could be placed on the Council agenda as informational.

## 6. BART Update (VTA Presentation)

### a. Milpitas Station Architecture

- Hassan Basma and Eli Naor from the VTA presented the station architecture renderings to the Subcommittee.
- Mr. Basma mentioned that the VTA and the City have presented these renderings to the Public Arts Commission & Planning Commission, and will present to the BART Community Working Group members of Milpitas on April 10. A preferred architectural design will be brought to the May 1 City Council meeting. The ultimate goal is to recommend the preferred station architecture designs for

all stations to the BART Policy Advisory Board in May and the VTA Board in June. These designs will be included in the 65% preliminary engineering process.

- Mayor Esteves asked if all stations would look the same. Mr. Basma said every station would be different.
- Mr. Naor, the station architect, provided an illustrative discussion on the station design renderings, which included a vaulted arch theme with open space, art opportunities, and technology. The design is to create livable communities, create a sense of space, gateways for the community. Mr. Naor mentioned that a multiple of input from the community realizing the importance of the station, as it is the first stop into Santa Clara County, tied for the highest ridership with San Jose's downtown station. There will be plenty of light. The station will have natural heat and air, as there are louvers at the top of the roof that will allow for heat to rise and air to cool.
- Ms. Nadal mentioned the comments from the Planning Commission, such as reflective glass, parking structure aesthetics, and the attention to environmental/sustainable design.
- Mr. Armendariz mentioned that staff has requested design that had a center platform to accommodate the ridership, security, and access.
- Mr. Rodriguez mentioned the design does not include staff request to provide a station design north of the existing station design so that it is under Montague. Mr. Rodriguez requests the Subcommittee to approve the design with a depiction of north renderings. Mr. Basma mentioned the purpose of this project is to adopt a theme to carry forward. Mr. Basma mentioned that there will be a response from the VTA regarding the City of Milpitas letter regarding their request for a north station design under Montague. Mr. Basma clarified that if the architectural theme of what we want to move forward with 65%.
- Mayor Esteves mentioned how would you meet climate changes. Mr. Naor mentioned with the amount of glass, there is heat absorbed as well as the louvers to cool. Mr. Naor mentioned that commuters usually dress in outdoor elements. The station will be warmer in the winter and cooler in the summer. The training coming into the station will be natural ventilating.
- Mayor Esteves mentioned the design looks like the Ocean Supermarket (on Park Victoria). Mr. Naor said the height is very dramatic that it would not look like the supermarket.
- The Transportation Subcommittee approved the station architecture theme with a request to depict north renderings.

#### **b. Technical Coordination Memorandum**

- Mr. Rodriguez presented a list of design items the VTA and the City of Milpitas are working on regarding the BART alignment. The VTA has proposed the use of Technical Coordination Memorandum (TCM) to document design decisions between the VTA and the City of Milpitas. The TCM will also be used as the basis of a formal agreement when a specific or more binding agreement is warranted later. The scope of each TCM will be limited to specific localized areas or specific systems. The
- The Design items that will require a TCM are:

- Montague Station Architectural Theme
  - Montague Station and Pedestrian Over Crossing Configuration
  - Milpitas Blvd. Extension Configuration and Signal
  - Montague Site Plan Configuration including Parking Garage
  - Berryessa Creek Crossing and Abel Street Over Crossing
  - Dixon Landing Road Crossing
  - Capitol Avenue Crossing
  - Montague Expressway Crossing
- Once the Technical Coordination Memorandum is agreed upon, this will be memorialized with a Letter of Understanding (LOU) between VTA and the City. City staff will present each LOU and TCM to both the Transportation Subcommittee and the City Council for approval. It is recommended that the Council authorize the City Manager to sign the LOU and the Public Works Director/City Engineer to sign the TCM after Council's approval.
  - Mr. Armendariz mentioned that the City will not sign any of the TCMs & LOUs until an agreement has been reached by the City of Milpitas.
  - Council Member Gomez mentioned his involvement with the VTA committees. He is unable to be on the VTA Board, Policy Advisory Committee, and BART Policy Advisory Board (alternate). Ms. Nadal stated in 2008, Milpitas will have an alternate seat on the VTA Board. Council Member Gomez will make this statement at the April 17 City Council meeting.

## 7. Speed Survey:

- a. Yosemite Drive from Sinclair Frontage Road to Milpitas Blvd
  - Staff Jaime Rodriguez requested the speed between Sinclair Frontage Road to Milpitas Boulevard be changed from 40 mph between Milpitas Boulevard and Sinclair Frontage Road to 35 mph to be consistent along the street. From Sinclair Frontage Road to Dempsey Road and Gibraltar Drive to Milpitas Boulevard, the speed limit of 30 mps will stay the same.
  - The Transportation Subcommittee approved the speed limit change.

## 8. Other Business

*All items under "Other Business" are for information and updates only. City staff will follow up on these items and possibly agendaize for future meetings.*

- Council member asked about traffic improvements along Escuela Parkway. Mr. Rodriguez stated an enhanced crosswalk on Arizona Avenue, midblock will be installed in May.

## 9. Set Time and Date for Next Meeting- April 26, 2007

## 10. Adjournment

The meeting was adjourned at 6:25 pm.