

MILPITAS OVERSIGHT BOARD

TO THE CITY OF MILPITAS ACTING AS THE RDA SUCCESSOR AGENCY

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA 95035-5479
GENERAL INFORMATION: 408-586-3000 www.ci.milpitas.ca.gov

MILPITAS OVERSIGHT BOARD MEETING

Milpitas City Hall Committee Room
455 East Calaveras Blvd.
Milpitas, CA 95035

MEMBERS:

Bruce Knopf, Vice Chair
Mike McInerney, Chair
Michael Mendizabal
Russell Morreale
Althea Polanski
Matthew Tinsley
Glen Williams

ALTERNATES:

Alan Minato

Jane Corpus Takahashi

Suzanne Carrig
Michael Murdter

Minutes of the May 6, 2016 Special Meeting

I. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Chair McInerney called the meeting to order at 1:33 p.m.

ROLL CALL

MEMBERS PRESENT: Bruce Knopf, Mike McInerney, Mike Mendizabal, Russell Morreale, Althea Polanski, Matthew Tinsley and Glen Williams

MEMBERS ABSENT: 0

II. APPROVE MINUTES FROM APRIL 14, 2016 SPECIAL MEETING

Moved by Mr. Tinsley and seconded by Ms. Polanski to approve the minutes for the April 14, 2016 Special Meeting as submitted. The motion passed by the following vote: **AYES:** McInerney, Mendizabal, Polanski, Tinsley and Williams
NOES: 0 ABSTAIN: Knopf and Morreale **ABSENT: 0**

III. AMENDMENT TO PURCHASE SALE AGREEMENT BETWEEN SUCCESSOR AGENCY AND RAJYOGA MEDIATION & RESEARCH CENTER

Consideration of Request from Rajyoga Meditation & Research Center to Amend Purchase Sale Agreement by Extending the Due Diligence Period Regarding Property Located at 540 S. Abel Street, Milpitas California (APN 086-10-025).

A. Adoption of Resolution No. 80, Approving First Amendment to Real Property Purchase and Sale Agreement and Mutual Escrow Instructions for Property Located at 540 S. Abel Street, Milpitas California (APN 086-10-025) and Authorizing Issuance of a New RFP Regarding said Property if Closing is Not Effected.

Ms. Montoy presented the staff report that indicated that Rajyoga Meditation and Research Center (RMRC), a nonprofit corporation, requests a ninety (90) day extension to the due diligence period. She stated that if the Board approves an extension, the proposed Resolution 80 also provides that the Successor Agency and Ad Hoc Committee are authorized to issue a new Request for Proposal in case the sale does not close successfully. She further corrected an error in the staff report that incorrectly stated that Santa Clara County had withdrawn its offer on 540 S. Abel Street when in fact the County had written a letter in support of the Oversight Board choosing the highest bid received.

City Manager Williams stated that if the RMRC was seeking full entitlements prior to the close of escrow, then the Successor Agency recommends extending the due diligence period for up to 12 months. This time period would allow for the processing of a General Plan amendment, a re-zoning of the parcel, and a California Environmental Quality Act (CEQA) review. The reason for the different applications stems from the addition of a residential/caretaker unit which throws the entitlement process into a different designation.

Mr. Atma Dayam of RMRC explained that his organization has begun a process to achieve a residence/caretaker unit within the existing building's structure. If the residence does not happen then this property does not work for his group.

Mr. Knopf asked if RMRC has received any comments yet on the general plan application.

Ms. Sara Fleming, Milpitas Senior Planner, stated that to date RMRC has submitted applications for a General Plan amendment, a Specific Plan amendment, and a Conditional Use Permit. City staff has deemed the applications incomplete and is drafting a letter to RMRC indicating that status.

Board member Mendizabal asked Mr. Dayam if his organization is willing to have the process take up to 12 months to achieve a residential/caretaker unit. Mr. Dayam said yes.

Board members Williams and Morreale asked questions related to the expected progress in ninety days and the expected length of the CEQA review process.

Ms. Fleming responded that the RMRC will likely take some time from receiving the letter to submit a revised application and City staff again will have up to 30 days to comment. Once the City has a complete project, the CEQA review process will start. With respect to the CEQA review, Ms. Fleming commented that the City staff will not know how long the CEQA review might take until there is a complete project application. Once the application is complete, the City staff works with one of the City's on-call consulting firms to determine what type of CEQA study will be required. She indicated that under the worst case scenario it might take nine months to complete the CEQA review and submit a fully complete package to the Planning Commission.

Board member Williams asked if the City had separate zoning and review processes for churches as opposed to the project reflected in the application that RMRC had submitted.

Ms. Fleming stated that the City has no separate zoning for churches and the review process is the same. City staff believes that a mixed use zoning is the most appropriate designation for the intended use. Mixed use zoning is consistent with the surrounding parcels and it allows for both the assembly and residential uses the RMRC is requesting. City Manager Williams commented that the level of scrutiny of the project is not based on the church aspect but the residential unit component.

Board member Polanski asked about the likelihood of the City approving the re-zoning to mixed use.

Ms. Fleming cautioned that the City staff does not speak for the City Council which makes the final decision. However, if RMRC addresses the concerns identified through the review process, then staff would make a favorable recommendation.

Board member Williams asked about the chances that the CEQA review would result in a negative declaration.

Ms. Fleming said she is not a CEQA expert and did not know. City Manager Williams said he sees no insurmountable issues to the proposed request for a caretaker residence on the site.

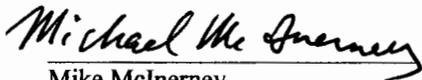
Moved by Mr. Knopf and seconded by Mr. Morreale to adopt Resolution No. 80 with the modification that the due diligence period is increased from ninety days to six months with a requirement to identify the end of the due diligence period with a specific date. Furthermore, the Oversight Board delegates authority to the Chair of the Board to approve an additional extension of up to 6 months, upon a demonstration of reasonable progress by both the RMRC and the City. The Chair will also provide a written report to the Oversight Board regarding any approved increase. The motion passed unanimously.

III. MEETING ADJOURNMENT

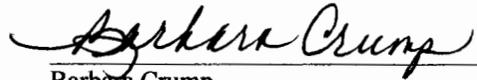
Moved by Mr. Knopf and seconded by Mr. Williams, Chair McInerney adjourned the meeting at 2:31 p.m., on the consensus of the Board.

*Meeting minutes drafted and submitted by
Barbara Crump, Board Secretary*

Approved on July 18, 2016.



Mike McInerney
Oversight Board Chair



Barbara Crump
Oversight Board Secretary