

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**June 13, 2007**

**I.  
ROLL CALL**

Present: Azevedo, Ciardella and Sandhu  
Absent: None  
Staff: Bejines, Maxwell and Reliford

**1. ADMINISTRATIVE  
PERMIT APPROVAL  
NO. AD2007-9**

Cindy Maxwell, Project Planner, presented a request to hold a two-day outdoor event on June 22, 2006 to June 23, 2006 for the American Cancer Society's Relay for Live event held at the Sports Center track field location at 1325 E. Calaveras Blvd. Ms. Maxwell recommended approve with conditions.

Commissioner Sandhu asked who donates money to Relay for Life? Felix Reliford, Interim Planning Director, said that anyone could donate money however the Unions do contribute.

Commissioner Sandhu asked if City employees get paid to attend and Mr. Reliford said no.

**Motion** to approve Administrative Permit Approval No. AD2007-9.

M/S: Ciardella/Sandhu

AYES: 2

NOES: 0

**II. ADJOURNMENT**

The meeting was adjourned at 6:40 p.m.

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**PLANNING COMMISSION MINUTES**

**June 13, 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 and Williams  
Late: Commissioner Tabladillo arrived at 8:03 p.m.  
Staff: Bejines, Hom, Kunsman, Maxwell, Pio Roda, and Reliford
- 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  
May 23, 2007** Chair Williams called for approval of the minutes of the Planning Commission meeting of May 23, 2007.  
  
There were no changes to the minutes.  
  
**Motion** to approve the minutes of May 23, 2007.  
M/S: Sandhu/Azevedo  
AYES: 6  
NOES: 0
- V.  
ANNOUNCEMENTS** Vice Chair Mandal will not attend the June 27<sup>th</sup> Planning Commission meeting because he will be on vacation.
- 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 who identified a conflict of interest.
- VII.  
APPROVAL OF  
AGENDA** Chair Williams called for approval of the agenda.  
Staff had no changes to the agenda.  
**Motion** to approve the agenda as submitted.  
M/S: Mandal/Sandhu  
AYES: 6  
NOES: 0

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**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.

Felix Reliford, Interim Planning Director, requested that Item No. 2, Item No. 4, Item No. 6, Item No. 7, Item No. 9 and Item No. 10 be added to the consent calendar.

Chair Williams requested that Item No. 8 be added to the consent calendar.

**Motion** to add Agenda Item No. 2 (Use Permit Amendment No. UA2007-3), Agenda Item No. 4 (Time Extension No. TE2007-3), Agenda Item No. 6 (Time Extension No. TE2007-11), Agenda Item No. 7 (Time Extension No. TE2007-13), Agenda Item No. 8 (Use Permit No. UP2006-13 and "S" Zone Approval Amendment No. SA2006-23), Agenda Item No. 9 (Time Extension No. TE2007-14), and Agenda Item No. 10 (Time Extension No. TE2007-4) to the consent calendar.

M/S: Azevedo/Sandhu

AYES: 6

NOES: 0

Chair Williams opened the public hearing on Item No. 2.

There were no speakers from the audience.

**Motion** to continue the item indefinitely and for staff to readvertise.

M/S: Mandal/ Azevedo

AYES: 6

NOES: 0

Chair Williams opened the public hearing on Item No. 4.

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 4.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

**Motion** to approve Consent Item No. 4.

M/S: Mandal/Azevedo

AYES: 4

NOES: 0

Chair Williams opened the public hearing on Item No. 6.

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 6.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

**Motion** to approve Consent Item No. 6.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

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

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 7.

M/S: Mandal/Sandhu

AYES: 6

NOES: 0

**Motion** to approve Consent Item No. 7.

M/S: Azevedo/Mandal

AYES: 7

NOES: 0

Chair Williams opened the public hearing on Item No. 8.

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 8.

M/S: Sandhu/Azevedo

AYES: 6

NOES: 0

**Motion** to approve Consent Item No. 8.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

Chair Williams opened the public hearing on Item No. 9.

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 9.

M/S: Sandhu/ Mandal

AYES: 6

NOES: 0

**Motion** to approve Consent Item No. 9.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

Chair Williams opened the public hearing on Item No. 10.

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 10.

M/S: Sandhu/ Mandal

AYES: 6

NOES: 0

**Motion** to approve Consent Item No. 10

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

**\*2 USE PERMIT AMENDMENT NO. UA2007-3:** A request to add seats to an existing 52 seat restaurant at 1741 N. Milpitas Blvd. (*Recommendation: Close the public hearing and continue indefinitely*)

**\*4 TIME EXTENSION NO. TE2007-3:** A request for an 18-month time extension to Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2. The project was approved by the Planning Commission on August 24, 2005. The project consists of the demolition of four (4) existing religious facility ancillary buildings (approximately 21,150 square feet), the construction of two (2) new ancillary buildings (approximately 49,500 square feet) and site modifications that include a parking reduction, removal of protected trees and new landscaping at Christ Community Church located at 1000 S. Park Victoria Drive. (*Recommendation: Approve with Conditions*)

**\*6 TIME EXTENSION NO. TE2007-11:** A request for a time extension for Use Permit Amendment No. UA2004-9 and "S" Zone Approval Amendment No. SA2004-91. For the replacement of an existing 30-foot tall freestanding pole sign and an 18-foot tall LED sign. Installation of other site upgrades including replacing canopy signage and repainting the main building and other site features (repainting of: fence, storage enclosure, bollards, light standards, etc.) at the 76 Gas Station located at 1787 S. Main St. (*Recommendation: Approved with previous Findings and Special Conditions*)

- \*7 **TIME EXTENSION NO. TE2007-13:** A request for a time extension for Use Permit Amendment No. UA2005-4 and “S” Zone Approval Amendment No. SA2005-25. For the request to replace an existing 10’ 7” tall monument sign with a 7-foot tall monument sign and add other site upgrades including repainting. The repainting includes: the canopy, trash enclosure, fence, bollards, replacing the valences, and other site signage at the 76 Gas Station located at 1640 N Milpitas Blvd. *(Recommendation: Approve with previous Findings and Special Conditions)*
- \*8 **USE PERMIT NO. UP2006-13 AND “S” ZONE APPROVAL AMENDMENT NO. SA2006-23:** A request to locate a telecommunication facility that includes installation of six 1’ x 4’-6” panel antennas that are concealed within a 50’ tall flagpole and installation of associated equipment cabinets within a 10’x15’ leased space located inside an existing storage locker located at 1680 S. Main Street. *(Recommendation: Approve with Conditions)*
- \*9 **TIME EXTENSION NO. TE2007-14:** A request for a one-time 18-month time extension for previously approved station upgrades, minor site modifications, and signage for Union 76 Gas Station located at 27. S. Park Victoria Drive. *(Recommendation: Approve with previous Findings and Special Conditions)*
- \*10 **TIME EXTENSION NO. TE2007-4:** A request for a one-time 18-month time extension for previously approved station upgrades, minor site modifications, and signage for Union 76 Gas Station located at 97. S. Abbott Ave. *(Recommendation: Approve with previous Findings and Special Conditions)*

**IX.  
PUBLIC HEARING**

**1. ZONING ORDINANCE TEXT AMENDMENT NO. ZT2007-3 ADDING A NEW CHAPTER 5 TO TITLE XI OF THE MILPITAS MUNICIPAL CODE ESTABLISHING A PROHIBITION ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

Felix Reliford, Interim Planning Director and Richard Pio Roda, Assistant City Attorney, presented a request to add a new Chapter (Chapter 5) to Title XI of the Milpitas Municipal Code prohibiting the establishment and operation of medical marijuana dispensaries in all zoning districts within the City of Milpitas. They recommended that the Commission close the public hearing and recommend approval to the City Council of Zoning Ordinance Text Amendment No. ZT2007-3.

The Commission had no clarifying questions.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Azevedo/Sandhu

AYES: 6

NOES: 0

**Motion** to approve Zoning Ordinance Text Amendment No. ZT2007-3 to City Council.

M/S: Azevedo/Sandhu

AYES: 6

NOES: 0

**2. USE PERMIT NO.  
UP2007-12**

Cindy Maxwell, Project Planner, presented a request to operate a certified Farmers' Market in the parking lot of the existing Calaveras Hills High School at 1331 E. Calaveras Blvd. The Market would operate Sundays, year round, with public hours from 8 a.m. to 1 p.m. Total hours on the site with setup and take down would be 6 a.m. to 2 p.m. Ms. Maxwell recommended the Commission certify the completeness of the Negative Declaration, approve the recommended findings and Use Permit No. UP2007-12 subject to special conditions.

Chair Williams is concerned about the residents that live near the farmers market and would entertain a condition that all of the booths be filled at the street level to minimize any disturbance to the residents. He is also concerned about teens loitering and making noise and asked how would the farmers market handle that?

**John Silveira, Applicant, Pacific Coast Farmers' Market Association, 5056**

**Commercial Circle, Ste. E, Concord,** said the site would require two onsite market managers. Fortunately, they haven't had any problems in Milpitas in the past and would love to attract youth to the market. He said they would educate the onsite managers on how to deal with any disturbances and as a last resort, would get the police involved. He said it is all about respect and felt fortunate to be on school district property. As far as the adjoining neighbors go, the farmers market also wants to form a great relationship with the residential community that borders the school district and is extremely respectful of that. He is willing to give them the onsite manager's cell phone and his cell phone as well to address any problems.

Commissioner Azevedo asked if one hour is enough time to take down the booths and Mr. Silveira said yes and that the duty of the onsite manager is to ensure that sales are stopped at 1 p.m. to get everyone out by 2 p.m.

Commissioner Azevedo asked if the only way to get into the parking lot is on Calaveras and Mr. Silveira said yes.

Commissioner Azevedo asked Mr. Silveira how he would handle traffic control? Mr. Silveira said he doesn't think there will be any problems.

Commissioner Ciardella asked where is the 200 ft. from the residents located on the map and Ms. Maxwell pointed it out for him.

Commissioner Sandhu asked Mr. Silveira if the lease is complete with the school district? Mr. Silveira said it is complete with the exception of trash removal.

Commissioner Sandhu asked if it is okay for the City to accept the application without the least being complete and Ms. Maxwell said yes and that it is not unusual.

Commissioner Sandhu asked if the Farmers' Market would have onsite security? Mr. Silveira said that the on site managers function as security. They wear certain color shirts and are identified as employees of the Pacific Coast Farmers' Market association. He thought of just one time that they had to call the police to the Town center however it is not something they like to burden the police with.

Commissioner Sandhu asked when would be the opening day? Mr. Silveira said if their project gets approved tonight, they would like to open the first Sunday in July.

Vice Chair Mandal asked staff to clarify condition no. 9 that reads below:

- **Traffic Flow:** During all public hours, at least two barricades shall be maintained at the north end of the vendor aisle to prevent access by vehicles of the public.

Ms. Maxwell said the police department is recommending barricades to avoid any unusual situation where a car is traveling south in the City parking lot, it would prevent any vehicles entering from that direction.

Vice Chair Mandal said he is concerned about litter on the property and asked who will be responsible for cleaning up and Ms. Maxwell said the applicant is responsible for leaving the area clean. He recommended that staff revise condition no. 7 below to include surrounding landscape areas not just the parking lot.

- **Litter:** The applicant is responsible for leaving the parking lot area clean and litter-free after each event.

Mr. Silveira said it is their goal to make sure the site is clean when they leave.

Chair Williams opened the public hearing.

**Mark Lam, Assistant Manager of Ocean Market,** said Ocean Market has been in the area for 18 years and operates a fast food restaurant and a bakery store and their main concern is heavy traffic flow. The market attracts over 2,000 customers on the weekend and he is concerned about the extra traffic that the farmers market will bring and is concerned about parking.

**David Quach, 2 South Park Victoria Drive, Ocean market,** said he is very concerned about the additional traffic congestion that the farmers market will bring and urges the Commission to come up with solutions.

Mr. Reliford said the Ocean Market has legitimate concerns. The City wants their business to be successful however it is not up to the Commission to regulate the market. Staff conditioned the project to have a six-month review to analyze all issues and bring them back to the Commission and staff will notify the market.

Commissioner Azevedo felt that Ocean Market would have more business.

Mr. Lam said that they have rush hour from 9 a.m. until noon and then evening rush hour from 4 p.m. to 7 p.m. and then there is massive traffic on the weekends.

Chair Williams said he sympathizes with them however there is traffic everywhere.

Vice Chair Mandal asked what is required for a police officer to direct traffic? Ms. Maxwell said if there was a public safety issue then they would be called upon to help. Mr. Reliford added that if traffic was deemed to be unsafe then they could be called too.

Vice Chair Mandal said that traffic could be really bad and urged staff to consider a police officer to be on site.

**Larry Chui, Owner of 66 units of apartments adjacent to the school,** said that the nearby apartments would be impacted by noise on Sunday mornings. A lot of people are sleeping at that time and he felt that noise should be mitigated. He suggested that the applicant add extra garbage cans because people do use them if they are available and if not, people will throw stuff all over the place and he will have to pick up the trash. He is also concerned that there will not be enough parking spaces.

Commissioner Tabladillo arrived at 8:03 p.m.

Commissioner Azevedo asked Mr. Chui where his apartments are located and Mr. Chui showed him on the map.

**Motion** to close the public hearing.

M/S: Azevedo/Sandhu

AYES: 7

NOES: 0

Chair Williams talked to the Assistant City Attorney and it was determined that Commissioner Tabladillo would be able to vote tonight.

Chair Williams requested that staff add a condition that the stalls are populated at the street end as they fill up. He felt that the market would bring in a lot of traffic at first however that is the purpose of a six-month review.

Vice Chair Mandal asked staff to modify condition no. 7 that reads below:

- *Litter: The applicant is responsible for leaving the parking lot area and surrounding landscape area clean and litter-free after each event.*

He also urged staff to have some reinforcement whether it is a police officer or something else.

Commissioner Tabladillo said she is concerned about traffic because the entrance and exit of the facility is very challenging and is also concerned that the residents will be awoken early on Sunday mornings. She wants to make sure that the traffic is monitored because the community wants the Farmers market. She is concerned about music at eight o'clock in the morning and would like the music closer to the front of the area. She asks that staff monitor the noise and for the Farmers' market to monitor the trash.

Mr. Silveira reiterated that they are willing to work with Ocean's Market and the community to make sure the project is very successful.

**Motion** to certify the completeness of the negative declaration, approve the recommended findings of Use Permit No. UP2007-12 subject to special conditions in the staff report and modified special conditions below:

- *No. 7-Litter: The applicant is responsible for leaving the parking lot area and surrounding landscaped areas clean and litter-free after each event.*
- *A request that vendor spaces be filled at the street level to minimize any disturbance to the residents.*
- *A request to add extra garbage cans.*

M/S: Azevedo/Sandhu

AYES: 7

NOES: 0

**3. USE PERMIT NO. UP2007-8 AND "S" ZONE APPROVAL AMENDMENT NO. SA2007-9**

Chair Williams asked that the Commission open the public hearing and continue this item to the June 27<sup>th</sup> Planning Commission meeting.

**NO. Motion** to open the public hearing on Agenda Item No. 5 (Use Permit No. UP2007-8 and "S" Zone Approval Amendment No. SA2007-9) and continue it to June 27, 2007.

M/S: Azevedo/Sandhu

AYES: 7

NOES: 0

**\*5 USE PERMIT NO. UP2007-8 AND "S" ZONE APPROVAL AMENDMENT**

**NO. SA2007-9:** A request to install two (2) 4' X 8" off-site tract signs for the Paragon development. One sign is proposed at the northeastern corner of Curtis and Main St. The second sign is located on a vacant parcel, near the intersection on the northwest corner of Milpitas Blvd. and Able St. (*Recommendation: Continue to the June 27, 2007 Planning Commission Meeting*)

**X. ADJOURNMENT**

The meeting was adjourned at 8:23 p.m. to the next regular meeting of June 27, 2007.

Respectfully Submitted,

Felix Reliford  
Principal Planner

Veronica Bejines  
Recording Secretary