

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

June 11, 2008

I. ROLL CALL

Present: Ali-Santosa and Williams
Absent: None
Staff: Ah Sing, Andrade, and Hom

1. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0007

Cindy Hom, Assistant Planner, presented a request to install a new 4'-6" security fencing along the east property line for the industrial building located at 100 S. Milpitas Blvd. Ms. Hom recommended to approve the project subject to conditions of approval.

Motion to approve Minor Site Development Permit No. MS08-0007.

M/S: Ali-Santosa/Williams

AYES: 2

NOES: 0

2. ADMINISTRATIVE PERMIT NO. AD08-0006

Cindy Hom, Assistant Planner, presented a request for a one day outdoor event for the Comcast Customer Appreciation Event to be held on June 14, 2008 in the Great Mall Parking Lot area near Great Mall Drive and Falcon Drive. Ms. Hom recommended approving the project subject to conditions of approval.

Motion to approve Minor Site Development Permit No. AD08-0006.

M/S: Williams/Ali-Santosa

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:39 p.m.

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**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/SEATING
OF ALTERNATE**

Present: Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Sudhir Mandal and Cliff Williams

Alternate Present: Aslam Ali

Absent: Gurdev Sandhu

Late: Noella Tabladillo

Staff: AhSing, Andrade, Hom, Joki, Kunsman, Lindsay, Ogaz and Oliva

Chair Williams stated Alternate Commissioner Ali will be a voting member tonight.

**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 agendize the matter for a future meeting.

Isaac Hughes, Milpitas Resident, said a prayer for the Planning Commission.

**IV.
APPROVAL OF MINUTES
May 28, 2008**

Chair Williams called for approval of the minutes of the Planning Commission meeting of May 28, 2008.

Commissioner Ali-Santosa asked staff to include his following statements on Page 4:

“Commissioner Ali-Santosa agreed with Commissioner Tabladillo regarding the need of having another school”.

“Commissioner Ali-Santosa asked if the Union Pacific Railroad has considered using an electronic horn at the intersection instead of the air horn. Mr. Lindsay said they met with Union Pacific Railroad and none of the areas are within a designated quiet zone”.

Motion to approve the minutes of May 28, 2008 as amended.

M/S: Mandal/Ali-Santosa

AYES: 5

NOES: 0

ABSTENTION: 1 (Larry Ciardella)

**V.
ANNOUNCEMENTS**

There were no staff announcements.

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**VI.
CONFLICT
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items 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.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

Commissioner Tabladillo arrived at 7:10 p.m.

**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.

There were no changes to the consent calendar, however, on Item No. 2 (Conditional Use Permit No. UP08-0014), staff received an e-mail from a concerned resident that opposes the application and that e-mail was provided to the Commission.

Chair Williams asked if the resident was in the audience and there was no response.

Chair Williams opened the public hearing on Item Nos.1, 2, 3 and 4.

There were no speakers from the audience.

Motion to close the public hearing on Item Nos. 1, 2, 3 and 4.

M/S: Mandal/Ali-Santosa

AYES: 7

NOES: 0

Motion to approve the consent calendar Item Nos. 1, 2, 3 and 4.

M/S: Mandal/Galang

AYES: 7

NOES: 0

- *1 **CONDITIONAL USE PERMIT NO. UA08-0001:** A request to allow an industrial use with outdoor storage area to be located at 340 S. Milpitas Blvd. (*Recommendation: Close the Public Hearing and adopt Resolution No. 08-021 approving the project subject to Conditions of Approval*)
- *2 **CONDITIONAL USE PERMIT NO. UP08-0014:** A request to operate a Large Family Childcare Home, caring for nine to fourteen children located at 225 Sylvia Ave. (*Recommendation: Close the Public Hearing and adopt Resolution No. 08-024 approving the project subject to Conditions of Approval*)
- *3 **ZONE CHANGE NO. ZA08-003:** A request to re-zone a 1.17 acre parcel located at the end of Hanson Court from Agriculture (A) to Industrial Park (MP). (*Recommendation: Close the Public Hearing and adopt Resolution No. 08-025 recommending approval to the City Council*)
- *4 **SITE AND ARCHITECTURAL REVIEW NO. SZ07-0014:** A request to allow modifications to a previously approved and partially constructed office complex. The changes include the addition of 32,297 square feet for a total of 238,392 square feet, proposing three separate buildings rather than one building, modifications to landscaping plans and parking arrangements, located at 751 McCarthy Ranch Boulevard. (*Recommendation: Close the Public Hearing and adopt Resolution No. 08-017 approving the project subject to Conditions of Approval*)

**IX.
PUBLIC HEARING**

5. SITE AND ARCHITECTURAL REVIEW NO. SZ08-0001, CONDITIONAL USE PERMIT NO. UP08-0001

Sheldon Ah Sing, Senior Planner, presented a request to construct a 46,920 square foot Honda auto dealership and repair facility located at 920 Thompson Street. Mr. Ah Sing, recommended the Commission close the public hearing and adopt Resolution No. 08-019 approving the project subject to Conditions of Approval.

Commissioner Mandal asked how the project compares with the Toyota dealership. Mr. Ah Sing said the Toyota dealership is larger and the project meets the FAR which is maximum .35 and the building does compliment the size of the lot.

Commissioner Mandal asked if the project has the same conditions of approval as Toyota and Mr. Ah Sing said there are some differences because the Honda dealership is adjacent to residents while the Toyota dealership is more south.

Commissioner Ciardella asked how steep is the ramp and Mr. Ah Sing deferred the question to the applicant.

Alternate Commissioner Ali asked about condition no. 4 b which states: *No pennants, streamers, or balloons shall be allowed outside on-site or on displayed vehicles outside.* Mr. Ah Sing said that sometimes dealerships use small balloons to attract attention and it would not be allowed.

Commissioner Tabladillo asked if clients come on site to look at vehicles is there ample parking for those customers to park on the property or would they park on the street. Mr. Ah Sing said there are designated parking stalls which is consistent with the Toyota dealership and there is timed parking on the street.

Chair Williams asked if there will be noise restriction on site because of the nearby residents. Mr. Ah Sing deferred the question to the applicant.

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Chair Williams asked about the light standards and Mr. Ah Sing said the lights near the residents have lower lighting.

Vice Chair Mandal asked if the dealership will be using solar power and Mr. Ah Sing deferred the question to the applicant.

Commissioner Galang asked about Condition No. 11b which states *Biology and Hydrology: The applicant shall modify the existing Stormwater Pollution Protection Plan (SWPPP). This plan shall include provisions to minimize on-site and off-site impacts to biological resources and water quality resulting from project related runoff. Measures shall include the following: b) Installation of grit and oil trap systems which shall be maintained in perpetuity.*

Mr. Ah Sing said that is a best management practices that is used to filter storm water runoff.

Commissioner Galang asked how many service bays are proposed and Mr. Ah Sing said 36 bays.

Commissioner Galang asked how will they handle the oil and Mr. Ah Sing deferred the question to the applicant.

Chair Williams introduced the applicant.

George Avnessian, 400 Oyster Point Blvd., #115, S. San Francisco, CA 94080, said they are in agreement of the conditions of approval.

Commissioner Ciardella asked how steep the ramps are. Mr. Avnessian said the ramps comply with ADA minimum requirements and people from the sidewalk can reach the floor and the height is approximately 30 inches above the flood zone. The ramps for the vehicles are steeper so the bumpers don't drag.

Commissioner Ciardella asked about the service flow. Mr. Avnessian said customers would drive towards the service reception, go inside the lounge and take the car to the shop.

Commissioner Ciardella asked where the parts area located and Mr. Avnessian said next to the service department.

Commissioner Ciardella said customers would have to park far in order to walk to the parts area. Mr. Avnessian explained that it is routine for wholesalers, however, retailers could park in the customer area and simply walk inside the boutique which is located inside the building and assured Commissioner Ciardella that there is ample parking for everyone.

Vice Chair Mandal asked if Honda is considering solar energy. Mr. Avnessian said they considered it but are looking into different sources.

Chair Williams asked how Honda will mitigate noise. Mr. Avnessian said the new dealerships do not have speakers and every salesmen use cell phones.

Chair Williams asked about the lighting. Mr. Avnessian said the outdoor is the showroom and decreased the intensity of the fixtures and if it becomes a problem the lights can be shielded.

Commissioner Galang asked how the oil will be disposed of. Mr. Avanesian said they have an oil room where the oil is kept in a tank and is well contained so there is no spillage. There are also no drains in the service floor so the oil cannot go in the storm drains.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

Commissioner Tabladillo requested that the lines of communication be open with the Honda dealership, the City and the nearby KB Home residents.

Motion to adopt Resolution No. 08-019 approving the project subject to Conditions of Approval.

M/S: Galang/Ali-Santosa

AYES: 7

NOES: 0

**6. CONDITIONAL USE
PERMIT NO. UP07-0001**

Tiffany Kunsman, Project Planner, presented a request to locate a church use within a 38,837 square foot industrial building located at 638 Gibraltar Court. Ms. Kunsman recommended that the Commission close the public hearing and deny the project subject to the attached resolution.

Commissioner Ciardella asked what safeguards Linear Technology, Magic Technologies and Nanogram have in place in case of a toxic spill. James Lindsay, Planning and Neighborhood Services Director, said that all three companies are following all state protocols.

Commissioner Ciardella asked what would be the radius of exposure to toxic chemicals if a company had an accidental toxic release. Mr. Lindsay said it would depend on the situation.

Commissioner Ciardella asked if the building the church wants to occupy has safeguards in place and Ms. Kunsman said no.

Vice Chair Mandal asked if the nearby technology companies were notified about the project and Ms. Kunsman said notices were sent to a 1,000 foot radius around the project area and staff received no responses.

Vice Chair Mandal asked what is the pattern of technology companies moving out because of churches relocating into business parks. Mr. Lindsay said as the churches are moving into business parks, the character of the uses change to community service facility which makes it less possible for a technology company to move in.

Commissioner Ali-Santosa asked what would be the protocol in case of an accidental release and if the risk factor changes on the weekend because of the additional amount of people located on site. Ms. Kunsman deferred the question to the Fire Marshal.

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Commissioner Tabladillo asked if the City can provide emergency care to a large group of attendees in case of an accidental release. Ms. Kunsman deferred the question to the Fire Marshal.

Alternate Commissioner Ali asked if Linear Technology, Magic Technologies and Nanogram ever had an accidental release.

Vice Chair Galang suggested that all church members sign a waiver stating they understand the risk that an accidental release could occur. City Attorney Mike Ogaz said that he would not recommend it because it would not cover visitors and members.

Commissioner Tabladillo asked if staff suggested an alternative area where the church could locate. Mr. Lindsay said that staff suggested the Los Coches and Cadillac/Fairview area.

Chair Williams asked if there was any dialogue relative to the number of members that would be attending on an average ratio and the frequency of special events. Ms. Kunsman deferred the question to the applicant.

Chair Williams asked about parking. Ms. Kunsman referred the Commission to page 3 and 4 of the staff report which summarizes the parking analysis.

Vice Chair Mandal asked if there are other areas where staff is suggesting that churches locate to. Ms. Kunsman said that churches are permitted in residential and commercial areas.

Commissioner Ali-Santosa asked what would be the hours of the childcare center. Ms. Kunsman said it will only be during hours of worship and service.

Chair Williams introduced the City's Fire Marshall Patti Joki.

Chair Williams asked where is the nearest fire station to this site and Ms. Joki said Fire station No. 2.

Chair Williams asked what is the protocol of an accidental release. Ms. Joki said that if there was a release at a site, there is a requirement that the business have safety alarms 24 hours a day that would notify the Fire Dept. Depending on what the release was, the Milpitas Fire Department could utilize the Santa Clara County Fire Department Hazardous Materials unit to assist.

Chair Williams asked if there had been any incidents where vehicles have been in the way of the Fire Department's response and Ms. Joki said no.

Vice Chair Mandal asked if the Fire Department has a checklist for community services facilities to locate into industrial areas. Ms. Joki said the checklist for hazardous materials is in the Fire Code.

Commissioner Ciardella asked what would happen if a human came into contact with hazardous chemicals. Ms. Joki said that anhydrous ammonia is an irritant that will make it difficult to breathe, chlorine is toxic by inhalation and is a strong irritant to tissue, hydrogen bromide is toxic by inhalation and a strong irritant to the eyes and skin and boron trichloride is a strong corrosive to skin and its fumes are corrosive and toxic.

Commissioner Ciardella asked how people would be notified of an accidental release. Ms. Joki said that depending on the situation, the Fire Department or Police Department would be involved.

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Commissioner Ali-Santosa asked if it is a bigger risk factor to the church that the companies operate 24 hours a day, seven days a week. Ms. Joki said that it is a continuous operation and does not stop at certain hours of the day.

Commissioner Galang asked where does Magic Technologies contain there hazardous materials and Ms. Joki said the materials are contained both inside and outside the building.

Commissioner Galang asked if employees have to wear a face mask and Ms. Joki said that employees have to wear a bunny suit when operating near toxic gases.

Chair Williams introduce the applicant.

Pastor Abraham Chiu, Susan How, Kyle Chin, Karen Lau and Isaac Hughes of Crosspoint Chinese Church of Silicon Valley, 680 E. Calaveras Blvd., and Dr. Douglas Duarte with Environ International Corporation, presented a PowerPoint presentation for a conditional use permit to locate a church facility within a 38,837 square foot industrial building zoned Heavy Industrial (M2).

RECESS

The Planning Commission took a recess at 9:18 p.m.

The meeting resumed at 9:28 p.m.

Chair Williams asked the applicant how many events they plan on having. Pastor Chiu said that the maximum capacity for the church facility is 540 members and there is enough parking to accommodate. They do not plan on having many special events but when they do, they will regulate the number of people that attend.

Chair Williams said he is concerned about visitors parking in adjacent buildings. Pastor Chiu said the events will be conducted when the other businesses are closed and somebody will be directing traffic.

Commissioner Ali-Santosa asked the applicant to submit their petition to the recording secretary. Pastor Chiu said he was not going to submit the petition at this time; however, he wanted to let the Commission know that the church had tremendous support for this project.

Chair Williams said that should the project be approved, the applicant will have to submit an environment impact report and risk assessment.

Commissioner Ail-Santosa added that should the project be approved, staff will have to condition the project. Chair Williams said that staff already anticipated that and prepared special conditions of approval just in case.

Vice Chair Mandal asked the applicant if they considered other sites if the project was denied. Pastor Chiu said they tried searching for other sites but this is the only site they could afford and that is big enough to serve their members and they want to stay in Milpitas.

Commissioner Ciardella encouraged the applicant that when they do have special events that their members carpool.

Commissioner Tabladillo asked how large is the congregation and Pastor Chiu said they have approximately 360 members and 100 children.

Commissioner Tabladillo asked what their potential for growth is. Pastor Chiu said if the project gets approved, the new building will allow them to grow.

Chair Williams opened the public hearing.

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Sam, Pastor, 2540 Fairfield Lane, San Jose, encouraged the Commission to approve the project and is very impressed with the church's work with the Asian Community in promoting harmony.

Dr. Herman Suriotomo, Owner of City Square Shopping Center in Milpitas on N. Milpitas Blvd., is in support of the church and said their business has been greatly benefited from congregation members.

Francis, 304 Turquoise Street, Milpitas, is in support of the project and said their business will do no harm to neighbors.

Frances Wong, church member, said she is grateful to the church for their support and location and encourage the Commission to support the project.

Roseanna Chow, 823 Visory Way, Ministry Coordinator, said the church is very kind and everyone is welcomed. She is in support of the project.

Kenneth Jung, 10273 Norwich Avenue, Cupertino, Operation Manager, urged the Commission to approve the project.

Pastor Manuel Castro recognizes the church for welcoming different ethnic backgrounds and asked the Commission to approve their project.

Mr. Ho, 565 Bryce Court, Milpitas, fully supports the church remaining in Milpitas.

Kay Yim, operator of Banana Leaf Restaurant in Milpitas, is in support of the church in Milpitas and said that church members frequent their business.

Esther, Director of the World Federation of Chinese Restaurant Ministries, Topaz Street, fully supports the church's new location and said that they have brought new members from other cities. She is in support of the project.

Ms. Leung, member of the church, said the church supported her family through a crisis and asked the Commission to approve the project.

Resident at 1720 Pinewood Court, Milpitas, said his good friend is a member of the church and urged the Commission to approve the project.

Gary Wu, Fremont Resident, said they were having problems raising their child and the church offered seminars for families. They asked the Commission to approve the project.

Helen, 222 Olive Avenue, Fremont, attends the church with her kids and said the church provides many activities for kids. She is in support of the project.

Sharon Tam, Fremont Resident, supports the church because they nurture kids. She is in support of the project.

Cindy Chan, 43904 South Morea, Fremont, said the church saved their lives by providing love and kindness to children. She urged the Commission to approve the project.

Wayne Chang, 887 Pacheco Drive, Milpitas, is in support of the church and asked the Commission to approve their use permit.

Michelle, 5069 Ridgewood Drive, Fremont, said the church provides her spiritual guidance and asked the Commission to approve the project.

Karl Kam, Works at 155 S. Milpitas Blvd., said the church has changed the lives of many families and asked the Commission to approve the project.

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Chris, 928 Cameron Circle, supports the church and asked the Commission to approve the project.

Louis Chong, 46320 Olson Avenue, Fremont, said the church fully supports families and urged the Commission to grant their use permit.

Wendy Yu, Mountain View Resident, said the church provides her family with spiritual guidance and asked the Commission to approve their project.

Grace Lee, 288 Merz Court, Milpitas, said her family attends the church and fully supports their location. She asked the Commission to approve their project.

April Chow, 302 Monroe Drive, persuaded the Commission to approve the project and said the church supports international students.

Felicia Phan, Milpitas Resident, supports the church in the community and asked the Commission to approve the project.

Christina Lee, 1370 Nelson Way, Sunnyvale, said the church has touched her in a very extraordinary way and provides her spiritual support and asked the Commission to approve the project.

Milpitas Resident, 120 Dixon Landing Road, Milpitas, said the church helped her when she had depression and asked the Commission to approve the project.

Daniel Yap, 2221 Murphy Way, San Jose, said the church is very good and benefits all church members. He asked the Commission to approve the project.

Gary Kang, 2228 Suarz Court, Santa Clara, said that he will move to Milpitas because his church is located here and asked the Commission to approve the project.

Wendy Tan, California Avenue in Sunnyvale, said the church has provided a lot of support to students asked the Commission to approve the project.

Resident, 334 Gary Court, San Jose, said he was very depressed and stressed and the church taught him how to manage emotionally and physically. He asked the Commission to approve the project.

Mountain View Resident said the church brings good things to students. He asked the Commission to approve the project.

Isaac Hughes, Milpitas Resident, said the church is very sincere and considerate and asked the Commission to approve the project.

Motion to close the public hearing.

M/S: Tabladillo/Ciardella

AYES: 7

NOES: 0

Chair Williams said based on the evidence presented, he will support the project, however, he will be recommending special conditions that the applicant will have to comply with.

Commissioner Ali-Santosa said that just because staff recommended denial on the project they were not discriminating against the church. He said from a land use perspective, he did not foresee any problems and is in support of the project.

Vice Chair Mandal said the church would benefit the community and is in favor of the project.

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Commissioner Tabladillo said that she respects the church because they support the children and the community; however, she wants the applicant to comply with the special conditions so that the church members will be safe in case of an accident.

Commissioner Ciardella and Commissioner Galang echoed the comments from their fellow Commissioners.

Chair Williams suggested that the project be conditioned to have a 6 and 12 month review and install a monitoring system.

Commissioner Tabladillo suggested a special condition of approval that the church implements an emergency evacuation plan and hazardous training.

Alternate Commissioner Ali suggested that the applicant keep the lines of communication open with their neighbors in case of an accidental chemical release.

Commissioner Tabladillo suggested that the church does not have a child care center on site.

Motion to continue Conditional Use Permit No. UP07-0001 to July 9, 2008 and direct staff to return with the necessary CEQA document and resolution to approve the project and include the special conditions expressed by the Commission.

M/S: Williams/Mandal

AYES: 7

NOES: 0

7. GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, "S" ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING MAJOR TENTATIVE MAP NO. MA2007-4, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-6

Cindy Hom, Project Planner, presented a request to change the land use designation of 9.65 acres from industrial to residential and develop an 80 lot subdivision at Sinclair Frontage Road, north of Wrigley Way. Ms. Hom recommended that the Commission close the Public Hearing and adopt Resolution No. 08-020 and recommend approval to the City Council subject to the Conditions of Approval.

Mr. Lindsay noted that the applicant requested that this item be continued to the June 25, 2008 meeting and there will be no staff presentation. He asked the Commission to open the public hearing and continue to June 25, 2008.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to continue General Plan Amendment No. GM2006-2, Zone Change No. ZC2007-8, "S" Zone No. SZ2007-10, Planned Unit Development No. PD2007-1, Vesting Major Tentative Map No. MA2007-4, and Environmental Impact Assessment No. EA2007-6.

M/S: Ali-Santosa/Tabladillo

AYES: 7

NOES: 0

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**8. PARKING TASK
FORCE TASK 3
TECHNICAL
MEMORANDUM**

Joe Oliva, Principal Transportation Planner, presented a summary of staff's public outreach efforts to interested stakeholders in the community regarding the state of parking in various land use districts throughout the City, including residential, industrial, commercial and quasi-public areas. Mr. Oliva recommended that the Commission close the Public Hearing and Note Receipt and File.

Due to the lateness of the meeting, staff recommends that the Commission open the public hearing and continue this item to June 25, 2008.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to continue the Parking Task Force Task 3 Technical Memorandum to the June 25, 2008 meeting.

M/S: Ali-Santosa/Mandal

AYES: 7

NOES: 0

**XII.
ADJOURNMENT**

The meeting was adjourned at 11:31 p.m. to the next regular meeting of June 25, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary

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