

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

January 26, 2011

I. ROLL CALL

Present: Tao and Tiernan
Staff: Ah Sing, Andrade, Hom, and Lindsay

1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0002

Cindy Hom, Assistant Planner, presented a request to construct two new equipment enclosures for mechanical equipment at the rear of building located at 1565 Barber Lane. Ms. Hom recommended approving Minor Site Development Permit No. MS11-0002 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0002 subject to the conditions of approval.

M/S: Tiernan, Tao

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:36 p.m.

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- I. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, John Luk, Sudhir Mandal, Zeya Mohsin, Gurdev Sandhu, Steve Tao, and Mark Tiernan
Absent: Noella Tabladillo
Staff: Ah Sing, Andrade, Brown, Hom, Lacey, Lindsay, Otake, and Spuller
Alternate Commissioner John Luk was seated as a member of the voting body.
- II. PLEDGE OF ALLEGIANCE** Chair Tiernan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- III. PUBLIC FORUM** Chair Tiernan 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.
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
January 12, 2011
Chair Williams called for approval of the minutes of the Planning Commission meeting of January 12, 2011.
There were no changes to the minutes.
Motion to approve the minutes of January 12, 2011 as submitted.
M/S: Ciardella, Mandal
AYES: 7
NOES: 0
ABSENT: 1 (Noella Tabladillo)
ABSTAIN: 0
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, announced the League of California Cities 2011 Planners Institute conference scheduled for March 9 – 11, 2011. Mr. Lindsay distributed a revised PC subcommittee rotation schedule and also distributed the updated Director of Local Officials to the Commission.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, 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. Commissioner Mohsin stated she had an interest in Item IX-1 Mosque and Commissioner Luk stated he represents the applicant for IX-2 Massage Facility.
- VII. APPROVAL OF AGENDA** Chair Tiernan asked whether staff or the Commission have any changes to the agenda.
Mr. Lindsay stated staff wishes to remove Item No. X – Presentation on the Open Government Ordinance and reschedule to a later date.

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Motion to approve the agenda as amended.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 0

VIII. CONSENT CALENDAR

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

There were changes to the Consent Calendar.

Motion to approve the Consent Calendar as submitted.

M/S: Mandal, Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Noella Tabladillo)

- 1. PERMIT REVIEW NO. PR10-0003:** A six month review of Conditional Use Permit No. UP08-0015 which allows for the operations of an approximate 40,000 square foot religious facility located at 1221 California Circle (APN: 022-52-017) zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Shirdi Sai Parivaar. Staff Contact: Cindy Hom (408) 586-3284.
(Recommendation: Note receipt and file.)

IX. PUBLIC HEARING

Commissioner Mohsin excused herself from this item.

1. CONDITIONAL USE PERMIT NO. UP09-0047 and SITE DEVELOPMENT PERMIT AMENDMENT NO. SD09-005

Janice Spuller, Assistant Transportation Planner, presented a request to construct an approximate 14,000 square foot religious facility located at 91 Montague Expressway. Ms. Spuller recommended adopting Resolution No. 11-004 approving the project subject to conditions of approval.

Amin Qazi, Architect, Santa Clara, gave a presentation on the mosque project.

Commissioner Sandhu asked about the location of the current facility. Mr. Qazi stated the current facility is located on Dempsey Road and that facility will close once the new facility is opened. Commissioner Sandhu asked how long have they been in operation. Mr. Qazi stated 15 years. Commissioner Sandhu asked if there had been any complaints from the surrounding residents at the current location. Mr. Qazi stated no.

Vice-Chair Mandal asked the number of people they have on the weekends. Mr. Qazi said 10 to 30 people attend for prayer. Vice-Chair Mandal asked about security. Mr. Qazi stated the building has a security system. Mr. Alaoui stated there is a surveillance system installed. Vice-Chair Mandal asked about maintenance. Mr. Qazi stated there is a management crew that takes care of the grounds. Vice-Chair Mandal asked if there is a carpool program in place to reduce traffic. Mr. Qazi stated carpooling is expected. Vice-Chair Mandal asked if this project warrant a traffic analysis. Ms. Spuller stated this project does not warrant a traffic analysis because the project does not generate an amount of trips that exceed the threshold prescribed by the region's Congestion Management Program during the AM and PM peak commutes. The

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project's highest number of trips occurs during the mid-afternoon, not during the duration known as "rush hour".

Commissioner Ciardella asked if the railroad behind the project is active. Ms. Spuller stated it is active. Mr. Lindsay stated the railroad has infrequent use of the railroad tracks. Commissioner Ciardella asked how many cars are due on Friday nights. Mr. Qazi stated close to 100 cars. Commissioner Ciardella asked the hours of operation. Mr. Qazi said 8:00 am to 9:00 pm. Commissioner Ciardella asked if a security fence be built around the building. Mr. Qazi stated a fence will be built on the railroad side.

Commissioner Tao asked about the expired date on the extension of the first entitlement. Ms. Spuller said the extension expired in 2004 and the Paragon was built in 2006. Commissioner Tao asked about the height of the minaret. Mr. Qazi said they were open to lowering the height. Commissioner Tao asked how long the construction will take. Mr. Qazi stated 18 months. Commissioner Tao asked if the is project fully funded. Mr. Alaoui stated no. Commissioner Tao asked how many celebrations are there per year. Mr. Alaoui said there are two celebrations per year.

Commissioner Luk asked if the Mosque the only one the applicant has in Milpitas. Mr. Qazi stated yes.

Chair Tiernan asked if anyone looked at graffiti on the site recently. Ms. Spuller said graffiti was referred to Code Enforcement. Mr. Lindsay said abatement is done by the property owner. Chair Tiernan asked what steps are taken to handle graffiti. Mr. Alaoui stated graffiti was removed three or four months ago. Chair Tiernan asked is there any outdoor activities. Mr. Alaoui stated no activities are done outside; the two celebrations per year are done offsite. Chair Tiernan asked if the facility would be rented out to other willing users. Mr. Alaoui stated the facility is for classes and payer only, no renting of hall is considered. Chair Tiernan asked if other services will be held at this facility such as weddings, funerals, etc. Mr. Alaoui stated yes, typically on the weekends. Chair Tiernan asked about the length of prayer. Mr. Alaoui stated that prayer typically lasts about 10 minutes. Chair Tiernan ask about living quarters. Mr. Alaoui said there are no living quarters at this facility. Chair Tiernan stated he is concerned with traffic and safety into the Mosque. Mr. Qazi stated the sidewalks are set inside the property. Chair Tiernan asked if the neighboring residents received notices. Ms. Spuller stated notices were mailed out to residents within a 1,000 ft radius. Also, notices are posted in the Milpitas Post, City's website, PC agenda, and on the subject property.

Commissioner Tao asked the number of vehicles coming to the Mosque. Mr. Alaoui stated 10 to 20 cars.

Chair Tiernan opened the public hearing.

Syed Mohsin, 644 No. Hillview Drive, Milpitas, supports the project and stated this is a growing community.

Speaker #2, 255 Berryessa, San Jose, enjoys the services at the Mosque.

Jim McBree, Sunnyvale, believes this is a peace loving community. Supports project.

Resident, 1851 Dalton Drive, Milpitas, is a long time resident in Milpitas and supports this project.

Meghan Smith, 1788 Snell Place, Milpitas, is concerned with traffic and safety.

John Og, 123 Ede Lane, Milpitas, main concern is traffic safety and noise.

Paragon Resident, 123 Ede Lane, Milpitas, is concerned with the loudspeakers in the early morning. Mr. Alaoui stated there is no outside audio system.

Farzad Soubakhsh, 295 Diamond Way, Milpitas, stated Mosque helps the homeless. There are security cameras in every room. They are well equipt.

Paragon Resident, Ede Lane, Milpitas, feels this Mosque would impact the community.

Speaker #10, Fremont, stated this project would benefit the community especially women. The speaker supports this project.

Syed Saggi, 577 Penitencia St., Milpitas, enjoys the Mosque.

Pete McHugh, 654 Los Pinos, Milpitas, supports this project. He feels this project poses no problem in the recent facility.

Speaker #13, 182 Canada, Milpitas, feels this project would be an asset to the community.

Speaker #14, Fremont, uses the Mosque. He feels it is in an appropriate area. He is in favor of this project.

Speaker #15, Canada, Milpitas, is in favor of this project and feels it would help the youth in this community grow.

Speaker #16, Milpitas, feels this project helps with the education of the youth.

Joseph Coddington, 1718 Snell Place, Milpitas, feels there would be more traffic due to growth and there will be inadequate parking.

Speaker #18, 440 Dixon Landing Road, Milpitas, is the director of the Mosque and extended an invitation for those to visit the Mosque.

Yifei Zhu, 133 Ede Lane, Milpitas, stated her major concern is noise. She opposes this project.

Speaker #20, 1766 Fair Hill Drive, Milpitas, supports this project.

Speaker #21, San Jose, supports this project.

Speaker #22, 1766 Fair Hill Drive, Milpitas, is an active member in the Mosque and is in favor of this project.

Speaker #23, Milpitas, supports this project and feels they need this Mosque to have room to pray.

Speaker #24, Milpitas, supports this project and feels this Mosque helps the community be better citizens.

Niraj Pendalwar, 1809 Snell Place, Milpitas, feels that the property values would decline. He is concerned with safety.

Speaker #26, 122 Minnis Circle, Milpitas, supports this project.

Speaker #27, Milpitas, rejects this project.

Speaker #28, Santa Clara, attends the Mosque and is in favor of this project.

Nirave Dharia, 1832 Snell Place, Milpitas, is concerned with traffic. He is also concerned with parking.

Speaker #30, 1766 Fair Hill Drive, Milpitas, strongly support this project. He feels this project would keep children out of trouble.

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Eric Cina, 81 Ede Lane, Milpitas, respects the Mosque but is concerned with traffic and noise. He feels the property values would decline. He is not in favor of this project.

Speaker #32, Milpitas, is in support of this project.

Speaker #33, 17 Messina Drive, San Jose, attends the Mosque and supports this project.

Paragon Resident, Milpitas, is concerned with traffic and vandalism. He feels the property values would decline. He is not in favor of this project.

Jack Chu, Snell Place, Milpitas, concerned with traffic. There would be a problem with classes and events.

Speaker #36, Milpitas, is in favor of this project. He believes the property values would not decline.

Paragon Resident, Milpitas, is concerned with traffic. He feels the Mosque should move to another site.

Arif Maskatia, Milpitas, is in favor of this project.

Mr. Mohammed, Milpitas, is in favor of this project and feels this would be an asset to the community.

Speaker #40, 834 Jacklin, Milpitas, is in favor of this project.

Speaker #41, Fremont, is in favor of this project. He also believes the property values would not decline.

Speaker #42, 3756 Central Park Way, Dublin, is in favor of this project. He feels this Mosque would not decline the property values.

Ms. Amin, 2611 Burlingame Way, San Jose, is in favor of this project and has been attending this Mosque since she was a child. She wants to enrich this community as a whole.

Motion to close the public hearing.

M/S: Sandhu, Ciardella

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 1 (Zeya Mohsin)

Vice-Chair Mandal asked about the loud speakers. Ms. Spuller stated there are no loud speakers at the Mosque. Vice-Chair Mandal asked about the existing graffiti in that area. Ms. Spuller stated that was referred to Code Enforcement. Vice-Chair Mandal asked if a gate could be installed in front across the driveway. Mr. Alaoui stated they would be willing to add a gate.

Commissioner Ciardella suggested trees to be added to cover the area near the Paragon neighborhood.

Commissioner Luk felt this is an appropriate location for this project. He supports this project.

Commissioner Tao suggested adding a six and 12 month review.

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Chair Tiernan recommends attention to the exiting and entering of the facility. He also recommends a security fence in the front of the facility and agrees to a six, 12, 18, and 24 month review.

Mr. Otake read the additional conditions: 1) a safety fence shall be constructed in front of the property, 2) six, 12, 18, month review at the Planning Commission level, however, a three month review at the staff level, and 3) height of the minaret not to exceed 60 feet.

Motion to adopt Resolution No. 11-004 approving the project subject to conditions of approval as amended.

M/S: Sandhu, Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 1 (Zeya Mohsin)

2. CONDITIONAL USE PERMIT NO. UP10-0025

Commissioner Luk excused himself from this item. His firm represents the applicant.

Tiffany Brown, Junior Planner, presented a request to operate a 1,821 square foot massage facility within the Victorian Square Shopping Center located at 1215 E. Calaveras Blvd. Ms. Brown recommended adopting Resolution No. 11-005 approving the project subject to conditions of approval.

Wayne Renshaw, 111 W. Saint John St. #950, San Jose, gave a presentation on this project.

Commissioner Ciardella asked about the floor plan. Mr. Renshaw stated there will be a receptionist at the entrance.

Commissioner Tao asked about the square footage. Mr. Renshaw stated the square footage is 1,821 sq ft.

Chair Tiernan asked if the applicant spoke to the Police Department. Ms. Brown stated no. Chair Tiernan asked about the showers. Mr. Renshaw stated there is only one shower.

Chair Tiernan opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Noella Tabladillo)

ABSTAIN: 1 (John Luk)

Motion to adopt Resolution No. 11-005 approving the project subject to conditions of approval with a 6 and 12 month review.

M/S: Mandal, Ciardella

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AYES: 6
NOES: 0
ABSENT: 1 (Noella Tabladillo)
ABSTAIN: 1 (John Luk)

X. PRESENTATION ON THE OPEN GOVERNMENT ORDINANCE This item was removed from the agenda and rescheduled to a later date.

XI. ADJOURNMENT The meeting was adjourned at 10:55 p.m. to the next meeting of February 9, 2011.
Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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