



# MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: June 22, 2011

**APPLICATION:** Permit Review No. PR11-0003, Shirdi Sai Parivaar

**APPLICATION SUMMARY:** A twelve month review of Conditional Use Permit No. UP08-0015 which allows for the operations of a 39,626 square foot church and charitable facility

**LOCATION:** 1221 California Circle (APN 22-52-017)  
**APPLICANT:** Anand Iyer, 1220 California Circle, Milpitas, CA 95035  
**OWNER:** Jim Wood, Stonewood Properties, 4229 Birch Street, Suite 150, Irvine, CA 92660

**RECOMMENDATION:** Staff recommends that the Planning Commission:  
**1. Note receipt and File.**

**PROJECT DATA:**  
General Plan/  
Zoning Designation: Industrial Park (INP)/Industrial Park (MP)  
Overlay District: Site and Architectural (-S)

Site Area: 6.33 Acres  
Total Number of Parking Spaces: 334  
Project's Building Square Footage: 39,626 Sq. Ft.  
Number of Allocated Parking Spaces: 132  
Number of Shared Parking Spaces:

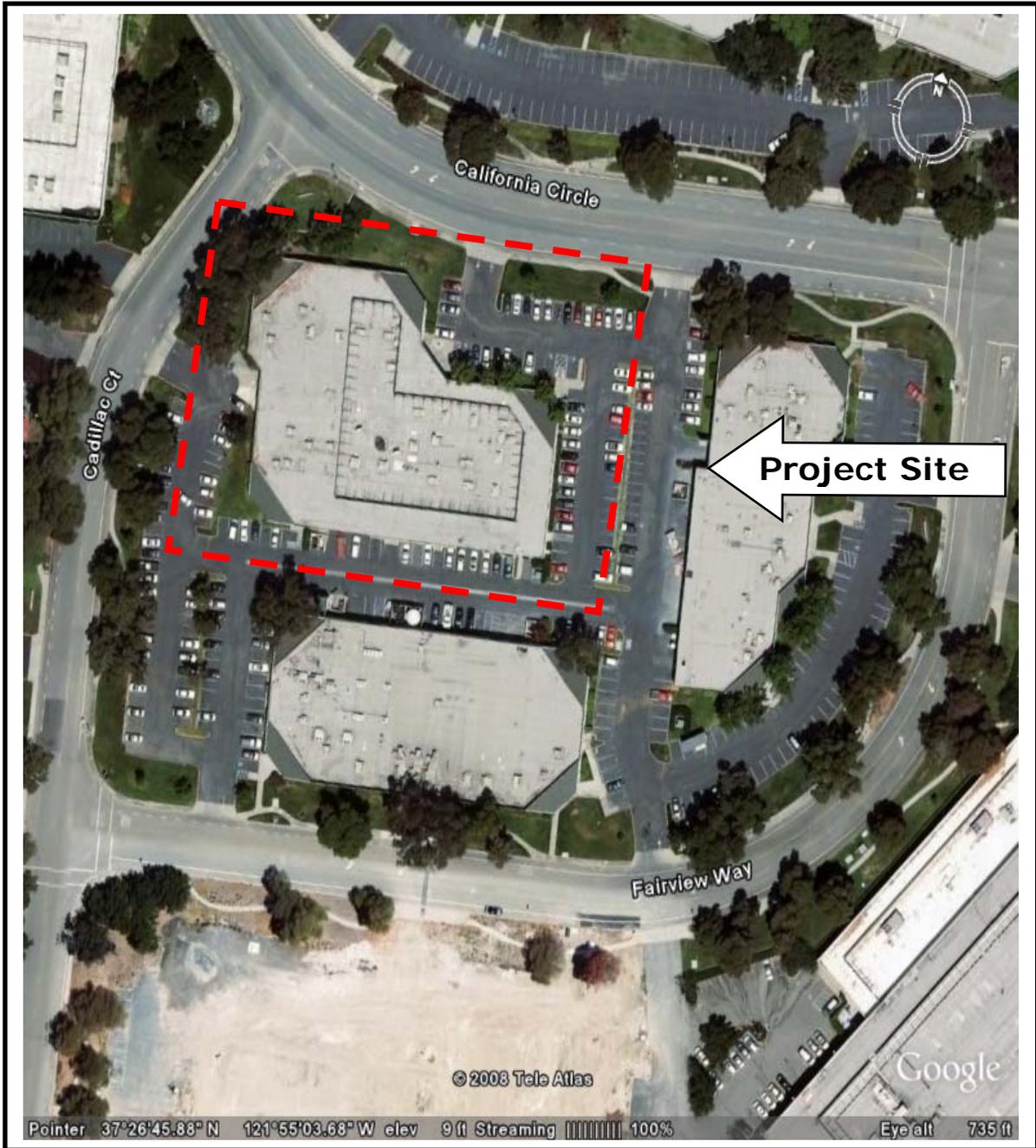
**CEQA Determination:** Categorically exempt pursuant to Class 9, Section 15309 (Inspections) of the California Environmental Quality Act.

**PLANNER:** Cindy Hom

**PJ:** 2522

**ATTACHMENTS:**  
A. January 26, 2011 Planning Commission Staff Report  
B. January 26, 2011 Planning Commission Meeting Minutes  
C. Resolution No. 08-055  
D. Compliance Summary

# LOCATION MAP



No scale

**BACKGROUND**

On January 26, 2011, the Planning Commission conducted a six month review of the Shirdi Sai Parivaar religious facility located at 1221 California Circle and determined the operations of the facility were be in substantial compliance with conditions of approval. Attached is a copy of the January 26, 2011 Planning Commission staff report and Planning Commission Meeting Minutes (Attachment A and B). The original approval for the religious facility was granted by the Planning Commission on October 8, 2008.

The religious facility is located on a 6.33-acre parcel located at the southeast corner of the intersection of California Circle and Cadillac Court. The subject property is bounded by California Circle to the north, Cadillac Court to the west and Fairview Way to the south and east. The church facility is located in the Golden Bay Business Park and is within the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The project site is zoned Industrial Park and is surrounded by other industrial buildings that consist of various uses that include light industrial, R&D as well as other quasi public uses. The site is currently developed with three one-story concrete tilt-up buildings, 314 parking spaces and existing site improvements. A vicinity map of the subject site location is included on the previous page.

**PERMIT REVIEW**

Pursuant to condition of approval No. 11, a subsequent twelve month permit review is required by the Planning Commission for the purpose of ensuring compliance with conditions of approval and to review any issues arising from the operation of the establishment. No other permit reviews will be required unless there are future non-compliance issues that require Planning Commission action.

Staff conducted several site visits to evaluate the operations of the facility and to ensure compliance with conditions of approval. Based on staff's observations, the project is found to be in substantial conformance with the approved plans, conditions of approval and there were no reported complaints regarding parking deficiencies. Compliance with the adopted conditions of approval is included as Attachment D to this report.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) and determined the project is categorically exempt pursuant to Class 9, Section 15309 (Inspections) of the California Environmental Quality Act. The project is a six month permit review of the operations of a church facility in an existing industrial [area](#).

**PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

**CONCLUSION**

Based on staff's review the project is in substantial compliance with conditions and there are no operational deficiencies that warrant any changes to the conditions of approval.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission note and receipt and file this report.

*Attachments:*

- A. January 26, 2011 Planning Commission Staff Report
- B. January 26, 2011 Planning Commission Meeting Minutes
- C. Resolution No. 08-055
- D. Compliance Summary



## MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 26, 2011

**APPLICATION:** Permit Review No. PR10-0003, Shirdi Sai Parivaar

**APPLICATION  
SUMMARY:**

A six month review of Conditional Use Permit No. UP08-0015 which allows for the operations of a 39,626 square foot church and charitable facility

**LOCATION:** 1221 California Circle (APN 22-52-017)  
**APPLICANT:** Anand Iyer, 1220 California Circle, Milpitas, CA 95035  
**OWNER:** Jim Wood, Stonewood Properties, 4229 Birch Street, Suite 150, Irvine, CA 92660

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
**1. Note receipt and File.**

**PROJECT DATA:**

General Plan/  
**Zoning Designation:** Industrial Park (INP)/Industrial Park (MP)  
**Overlay District:** Site and Architectural (-S)  
**Specific Plan:** N/A

**Site Area:** 6.33 Acres  
**Total Number of Parking Spaces:** 334  
**Project's Building Square Footage:** 39,626 Sq. Ft.  
**Number of Allocated Parking Spaces:** 132  
**Number of Shared Parking Spaces:**

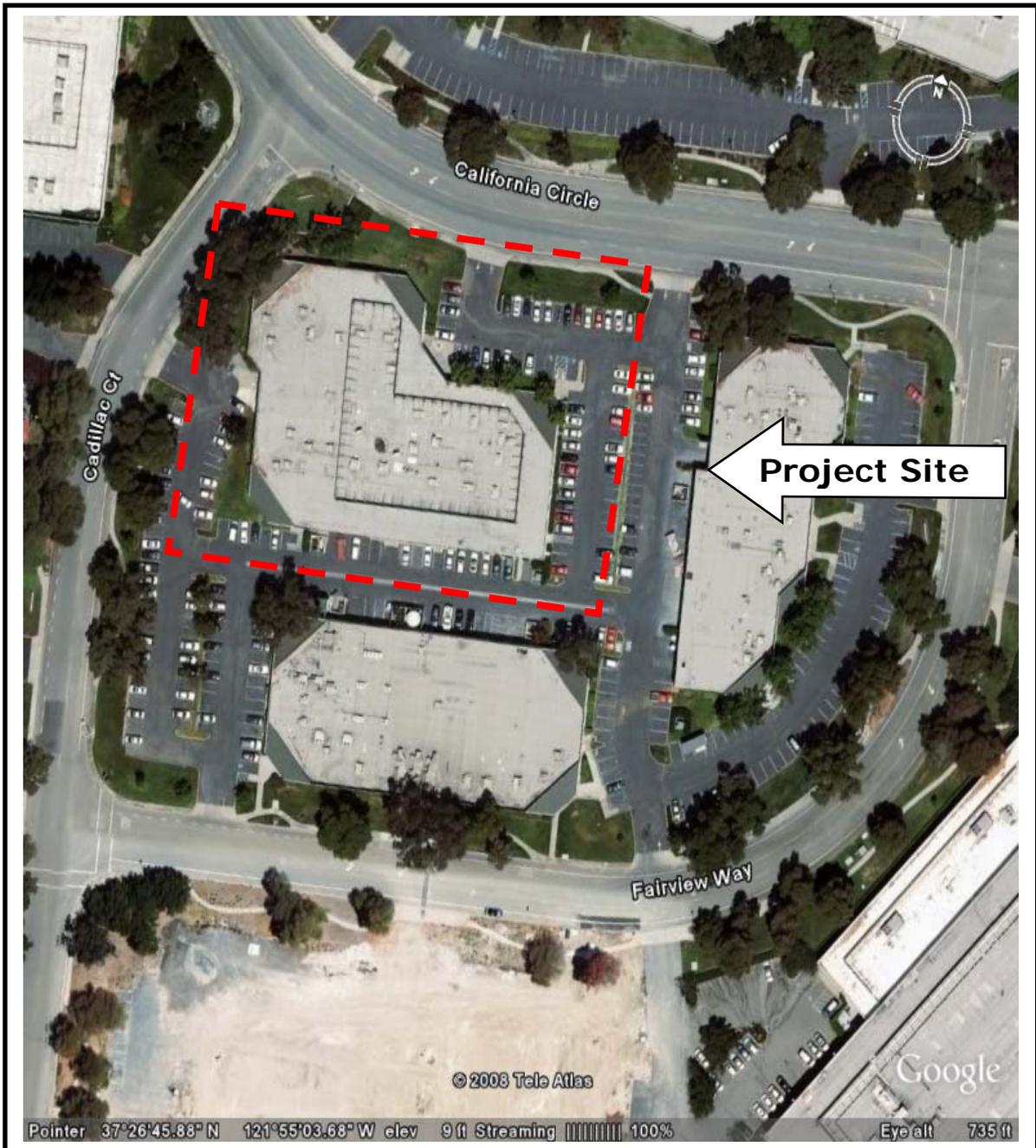
**CEQA Determination:** Categorically exempt pursuant to Class 9, Section 15309 (Inspections) of the California Environmental Quality Act.

**PLANNER:** Cindy Hom

**PJ:** 2522

**ATTACHMENTS:** A. October 8, 2008 Planning Commission Staff Report  
 B. October 8, 2008 Planning Commission Resolution  
 C. October 8, 2009 Planning Commission Meeting Minutes  
 D. Assessment of Project with Conditions of Approval

# LOCATION MAP



No scale

**BACKGROUND**

On October 8, 2008, the Planning Commission approved a Conditional Use Permit to operate a religious and charitable facility within an existing 39,696 square foot industrial building. The approval allowed for a phased implementation of the project. Phase I consist of converting existing office space into a 6,366 square foot sanctuary hall, 4,000 square foot multi-purpose room, 3,467 square foot dining hall, 1,980 square foot kitchen facility, 3,758 square feet of youth and adult classrooms and offices, and approximately 1,672 square feet library with reading room. Phase II entails conversion of the multi-purpose room and ancillary space into an 8,307 square foot auditorium and upgrading the kitchen facilities with commercial grade appliances that will be complete in a two to five year time frame. Attached is a copy of the Planning Commission staff report, Planning Commission resolution, and Planning Commission Meeting Minutes are provided in Attachment A thru C.

The project site is located on a 6.33-acre parcel located at the southeast corner of the intersection of California Circle and Cadillac Court. The subject property is bounded by California Circle to the north, Cadillac Court to the west and Fairview Way to the south and east. The church facility is located in the Golden Bay Business Park and is within the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The project site is zoned Industrial Park and is surrounded by other industrial buildings that consist of various uses that include light industrial, R&D as well as other quasi public uses. The site is currently developed with three one-story concrete tilt-up buildings, 314 parking spaces and existing site improvements. A vicinity map of the subject site location is included on the previous page.

**PERMIT REVIEW**

Pursuant to condition of approval No. 11, a six month permit review is required by the Planning Commission for the purpose of ensuring compliance with conditions of approval and to review any issues arising from the operation of the establishment.

Staff conducted several site visits to during the construction stage to ensure consistency with approved floor plans and during standard operating hours. Based on staff's observations, the project is found to be in substantial conformance with the approved plans, conditions of approval and there were no reported complaints regarding parking deficiencies. Compliance with the adopted conditions of approval is included as Attachment D to this report.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) and determined the project is categorically exempt pursuant to Class 9, Section 15309 (Inspections) of the California Environmental Quality Act. The project is a six month permit review of the operations of a church facility in an existing industrial

**PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

**CONCLUSION**

Based on staff's review the project is in substantial compliance with conditions and there are no operational deficiencies that warrant any changes to the conditions of approval.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission note and receipt and file this report.

*Attachments:*

- A. October 8, 2008 Planning Commission Staff Report
- B. October 8, 2008 Planning Commission Resolution
- C. October 8, 2008 Planning Commission Meeting Minutes
- D. Assessment of Project with Conditions of Approval

**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.

## APPROVED

### PLANNING COMMISSION MINUTES

January 26, 2011

- 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.

APPROVED

Planning Commission Minutes

January 26, 2011

**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

**APPROVED**

**Planning Commission Minutes**

January 26, 2011

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.

APPROVED  
Planning Commission Minutes

January 26, 2011

**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.

**APPROVED**

**Planning Commission Minutes**

January 26, 2011

**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.

**APPROVED**  
**Planning Commission Minutes**  
January 26, 2011

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

**APPROVED**  
**Planning Commission Minutes**  
January 26, 2011

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

APPROVED  
Planning Commission Minutes  
January 26, 2011

**RESOLUTION NO. 08-055****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP08-0015, SITE DEVELOPMENT PERMIT NO SA08-0023, AND ENVIRONMENTAL ASSESSMENT NO. EA08-0003, SHIRDI SAI PARIVAAR: A REQUEST TO LOCATE A 39,626 SQUARE RELIGIOUS FACILITY AND TO PERMIT JOINT PARKING FACILITIES LOCATED AT 1221 CALIFORNIA CIRCLE.**

**WHEREAS**, on April 4, 2008, Raj Yadav of Yadav Design Group submitted an application to allow for a 39,626 square foot church and charitable facility, installation of minor site improvements, and to permit joint parking facilities located at 1221 California Circle (APN 22-52-017). The property is located in the Industrial Park (MP-S); and

**WHEREAS**, the Planning Commission reviewed the Mitigated Negative Declaration prepared for this project in accordance with the California Environmental Quality Act, which determined less than significant impacts on the environment from the development of the Shirdi Sai Parivaar Religious and Charitable Facility. The Initial Study and Mitigated Negative Declaration was circulated for public comment on September 18, 2008 to October 7, 2008. The environmental documents are maintained by the Milpitas Planning Division located 455 E. Calaveras Boulevard, Milpitas, CA 95035

**WHEREAS**, on October 8, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The recitals set forth above are true and correct and incorporated herein by reference.

**Section 2:** Pursuant to and in accordance with the provisions of the California Environmental Quality Act, California Public Resources Code §§ 21000, et seq. (CEQA), an Initial Study/Mitigated Negative Declaration was prepared and properly circulated for public review wherein it was determined that environmental impacts could be reduced to a level of less than significant through implementation of project requirements and compliance with mitigation monitoring program attached hereto as Exhibit 2; and

**Section 3:** The project is consistent with the General Plan in that it encourages the development of adequate civic, recreational and cultural centers in locations for the best service to the community given its location to serve both the local and regional community.

**Section 4:** Religious facilities are conditionally permitted uses in the Industrial Park zone. The project conforms to the Milpitas zoning ordinance in terms of setback and development standards. The proposed modifications are limited to expansion of an existing curbed walkway and parking striping which will not affect any setbacks or development

standards. The site modifications provides for an orderly and harmonious development that complements existing conditions.

**Section 5:** With the use of joint parking with neighboring tenants, the project complies with the parking requirements for the religious facility. Joint parking can be achieved with the 316 on-site parking spaces that are within 300-feet. Joint parking for the religious and charitable facility will be allowed after the hours of 6:00PM and all day on weekends and therefore will not conflict with the principal operating hours of the adjacent businesses. As condition, the applicant shall obtain record parking agreement the County Clerk.

**Section 6:** As conditioned, the project will not have a negative impact on public health, safety, and general welfare. Based schedule of activities, the peak parking demand occurs on Thursday evenings and weekends and will not conflict with the surrounding businesses that typically operate between the 8:00 AM to 6:00. The applicant will be required to implement the mitigation measures described in the Environmental Assessment (EA08-0003) that includes an evacuation/shelter-in-place program and Emergency Action Plan.

**Section 7:** The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP08-0015, Site Development Permit Amendment No. SA08-0023, and Environmental Assessment No. EA08-0003, Shirdi Sai Parivaar, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on October 8, 2008.

  
Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on October 8, 2008, and carried by the following roll call vote:

**COMMISSIONER                      AYES    NOES            ABSENT            ABSTAIN            OTHER**

Cliff Williams	X				
Gunawan Ali-Santosa	X				
Lawrence Ciardella	X				
Alexander Galang	X				
Sudhir Mandal			X		
Gurdev Sandhu					X
Noella Tabladillo	X				
Aslam Ali	X				

## EXHIBIT 1

**CONDITIONS OF APPROVAL****Conditional Use Permit No. UP08-0015, Site Development Permit Amendment No. SA08-0023, and Environmental Assessment No. EA08-0003, Shirdi Sai Parivaar****Planning Division**

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on October 8, 2008, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

2. Conditional Use Permit No. UP08-0015 and Site Development Permit Amendment No. SA08-0023 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed.

Pursuant to Section 64.06, the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP08-0015 and Site Development Permit Amendment No. SA08-0023 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. The applicant shall maintain permission for the 129 parking spaces otherwise assigned to other condominium owners in the vicinity, which spaces shall be no more than 300 feet from the subject site's property, by means of parking agreement(s) executed by both the applicant and other property owner(s) which are approved by the City Attorney's office.
  - a. The agreements shall specify the applicant and its guest and invitees are entitled to use said assigned spaces during the hours of operation for the Shirdi Sai Parivaar facility. If the applicant loses permission to use some or all said parking spaces, and is unable within 30 days thereafter, to secure permission to use a like number of parking spaces within 300 feet of its property by means of a parking agreement of the type described above, this Conditional Use Permit shall be considered in violation of this approval and subject to Section 10.63.06, Revocation, Suspension, Modification, of the Milpitas Zoning Ordinance.

4. Prior to building permit issuance, the applicant shall prepare and submit a plan demonstrating the addition of two parking spaces on-site. All applicable permits shall be obtained to add the spaces.
5. The applicant shall maintain in perpetuity a minimum of 140 fixed seats in the sanctuary hall and 478 fixed seats in the future auditorium as shown on plans dated August 28, 2008. Details of seating fixtures shall be provided to Planning Division prior to any building permit issuance.
6. The applicant shall submit a recorded copy of the amended CC&Rs that reflect the secured parking arrangement.
7. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans.
8. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full.
9. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full.
10. Any occupancy of the tenant space shall not occur until all conditions of approval have been satisfied and verified by the City.
11. The project is shall be reviewed by the Planning Commission in a fully noticed public hearing *within* six (6) months of occupancy and another subsequent permit review at twelve months. The Planning Commission may impose additional special conditions, if necessary, to address any issues related to the new use. The applicant shall bear the costs of all materials and fees associated with the hearing (PC)

#### **Environmental Mitigation**

12. HAZ MM 1: The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy. (P) (F)
13. HAZ MM2: The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (P) (F)
14. HAZ MM3: The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The

development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred. (P) (F)

15. TRA MM1: The applicant shall record a joint parking agreement for the 129 parking spaces. (P)
16. TRA MM2: The applicant shall incorporate in the CC&Rs, the authorization to utilize a maximum of 287 stalls after 6PM on weekdays and all day on weekends. (P)
17. TRA MM3: Development and implement Transportation Demand Management plan to encourage ridesharing and use of public transportation. (P)
18. TRA MM4: The use of the multi-purpose and/auditorium shall not be used during normal weekday business hours of 8:00AM-6:00PM to avoid parking conflict with other business in the Industrial Park. (P)

#### **Engineering Division**

19. The applicant shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s).
20. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers, including but not limited to construction activities to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.
21. It is the applicant's responsibility to obtain any necessary permits or approvals from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.
22. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee.
23. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. If applicant or any of the future tenants is frying/cooking foods as part of their operation, a Tallow account must be maintained and keep the tallow

- bins clean. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234.
24. Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:
- a. What materials will be salvaged.
  - b. How materials will be processed during demolition.
  - c. Intended locations or businesses for reuse or recycling.
  - d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.
- Applicant/Contractor shall make every effort to salvage materials for reuse and recycling.
25. Prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section, that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division.
26. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site.

**Assessment of Compliance with Conditions of Approval**

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on October 8, 2008, in accordance with these Conditions of Approval. Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

***Comment: Perpetual.***

2. Conditional Use Permit No. UP08-0015 and Site Development Permit Amendment No. SA08-0023 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed. Pursuant to Section 64.06, the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP08-0015 and Site Development Permit Amendment No. SA08-0023 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

***Comment: Planning entitlements are vested.***

3. The applicant shall maintain permission for the 129 parking spaces otherwise assigned to other condominium owners in the vicinity, which spaces shall be no more than 300 feet from the subject site's property, by means of parking agreement(s) executed by both the applicant and other property owner(s) which are approved by the City Attorney's office. The agreements shall specify the applicant and its guest and invitees are entitled to use said assigned spaces during the hours of operation for the Shirdi Sai Parivaar facility. If the applicant loses permission to use some or all said parking spaces, and is unable within 30 days thereafter, to secure permission to use a like number of parking spaces within 300 feet of its property by means of a parking agreement of the type described above, this Conditional Use Permit shall be considered in violation of this approval and subject to Section 10.63.06, Revocation, Suspension, Modification, of the Milpitas Zoning Ordinance.

***Comment See Exhibit 1.***

4. Prior to building permit issuance, the applicant shall prepare and submit a plan demonstrating the addition of two parking spaces on-site. All applicable permits shall be obtained to add the spaces.

***Comment: Complies. Demonstrated on building permit plans approved on 9/21/09.***

5. The applicant shall maintain in perpetuity a minimum of 140 fixed seats in the sanctuary hall and 478 fixed seats in the future auditorium as shown on plans dated August 28, 2008. Details of seating fixtures shall be provided to Planning Division prior to any building permit issuance.

***Comment: Complies. Demonstrated on building permit plans approved on 9/21/09.***

6. The applicant shall submit a recorded copy of the amended CC&Rs that reflect the secured parking arrangement.

***Comment: See Exhibit 2.***

7. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans.

***Comment: Perpetual.***

8. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full.

***Comment: Perpetual.***

9. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full.

***Comment: Perpetual.***

10. Any occupancy of the tenant space shall not occur until all conditions of approval have been satisfied and verified by the City.

***Comment: Complies. Occupancy has been granted.***

11. The project is shall be reviewed by the Planning Commission in a fully noticed public hearing within six (6) months of occupancy and another subsequent permit review at twelve months. The Planning Commission may impose additional special conditions, if necessary, to address any issues related to the new use. The applicant shall bear the costs of all materials and fees associated with the hearing. (PC)

***Comment: Complies. The June 22 review is the 12 month review.***

**Deleted: The project is scheduled for a 12-month review scheduled on 6/22/11.**

12. HAZ MM 1: The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for

notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy. (P) (F)

***Comment: Complies. Demonstrated on building permit plans approved on 9/21/09.***

13. HAZ MM2: The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (P) (F)

***Comment: Perpetual.***

14. HAZ MM3: The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred. (P) (F)

***Comment: See Exhibit 3.***

15. TRA MM1: The applicant shall record a joint parking agreement for the 129 parking spaces. (P)

***Comment See Exhibit 1.***

16. TRA MM2: The applicant shall incorporate in the CC&Rs, the authorization to utilize a maximum of 287 stalls after 6PM on weekdays and all day on weekends. (P)

***Comment: See Exhibit 2.***

17. TRA MM3: Development and implement Transportation Demand Management plan to encourage ridesharing and use of public transportation. (P)

***Comment: See Exhibit 4***

TRA MM4: The use of the multi-purpose and/auditorium shall not be used during normal weekday business hours of 8:00AM-6:00PM to avoid parking conflict with other business in the Industrial Park. (P)

***Comment: Perpetual.***

19. The applicant shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s).

***Comment: Complies. Sewer Questionnaire form was submitted with construction drawings approved on 3/16/09.***

20. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers, including but not limited to construction activities to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.

***Comment: Perpetual.***

21. It is the applicant's responsibility to obtain any necessary permits or approvals from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.

***Comment: Perpetual.***

22. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee.

***Comment: Complies. Fees submitted upon building permit issuance.***

23. Per Chapter 200, Solid Waste Management, V-200-3.10, General Requirement, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 Owner Responsible for Solid Waste, Recyclables, and Yard Waste, applicant / property owner shall subscribe to and pay for solid waste services rendered. If applicant or any of the future tenants is frying/cooking foods as part of their operation, a Tallow account must be maintained and keep the tallow bins clean. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services

(formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234.

***Comment: Perpetual.***

24. Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:

- a. What materials will be salvaged.
- b. How materials will be processed during demolition.
- c. Intended locations or businesses for reuse or recycling.
- d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Applicant/Contractor shall make every effort to salvage materials for reuse and recycling.

***Comment: Complies. Report was submitted and approved with demolition plans approved on 8/25/09.***

25. Prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section, that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division.

***Comment: Complies. Report was submitted and approved with demolition plans approved on 8/25/09.***

26. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite

## ATTACHMENT D

materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site.

***Comment: Perpetual.***

DIRECTOR OF PLANNING & NEIGHBORHOOD SERVICES  
MILPITAS CITY HALL  
405 E. CALAVERAS BLVD.  
MILPITAS, CA 95035

AGREEMENT TO PROVIDE SHARED PARKING

RECITALS:

THIS AGREEMENT is made and entered into, on the last date herewith written, between Golden Bay Business Park Owners Association, hereinafter "Grantor", and SHIRDI SAI PARIVAAR OF SUNNYVALE, hereinafter "Grantee".

Grantor owns some of the properties in the City of Milpitas, referred to as GOLDEN BAY BUSINESS PARK and described as per Exhibit A, hereinafter, "Grantor's property".

Grantee owns property in the City of Milpitas located at 1221 California Circle and described as per Exhibit B, hereinafter, "Grantee's property".

Grantee intends to operate, or to allow the operation of, a religious & cultural center at 1221 California Circle, Milpitas. As per the second amendment to the declaration of covenants, conditions, and restrictions, parking for Grantee's facilities during normal business hours (Monday through Friday from 8:00 am to 6:00 pm) shall be limited to three (3) parking spaces per 1,000 usable square feet of the property or a maximum of 131 parking spaces. However, Grantee is unable to meet the number of parking spaces needed to meet its highest demand and meet City's zoning requirements.

Now therefore, the parties agree:

1. As per the second amendment to the declaration of covenants, conditions, and restrictions, Grantor grants to Grantee, and Grantee accepts from Grantor, the right to use one hundred and fifty five (156) parking stalls or a maximum of 287 stalls including both regular and handicap parking stalls (7 stalls per 1,000 usable square feet) on Grantor's property, said parking spaces to be available year-

round, on weekdays after 6:00 PM, and on weekends between the hours of 6 AM and 9:30 PM for the exclusive use by Grantee, and its officers, directors, trustees, employees, volunteers, customers, devotees, members and/or visitors.

2. The parking rights herein granted shall continue indefinitely but may be terminated provided (a) not less than 120 days prior written notice has been delivered to Grantee and the City of Milpitas and (b) the prior written approval of the Director of Planning & Neighborhood Services of the City of Milpitas or his or her designee stating that replacement parking has been secured or is not legally required. Said notice shall be addressed as follows:

Grantee	Grantor	City
Shirdi Sai Parivaar 1085 Hedera Ct Sunnyvale, CA 94086	Golden Bay Business Park Owners Association c/o Kocal Properties PO Box 6718 Folsom CA 95763	Director or Planning & Neighborhood Services Milpitas City Hall 405 E Calaveras Blvd Milpitas, CA 95035

The Grantor and the Grantee shall provide notice in writing to one another and the City of Milpitas of any change of ownership or change of address.

3. Grantee agrees and acknowledges that, in the event the parking rights herein granted are terminated or the parking spaces are no longer made available for its use in accordance with section 2 of this Agreement, Grantee must, not later than the effective date of any termination or stoppage of use, do one of the following:
  - a. Terminate the use of the property that generates the unmet parking requirement; or
  - b. Reduce the size of the use to one that generates a need for parking spaces as set forth in the City's Zoning Ordinance, equivalent to the number of parking spaces provided on Grantee's property or by way of additional off-site parking agreements; or
  - c. Obtain rights to use parking spaces, by way of a new off-site parking agreement, in a number equal to the number of parking spaces lost by the termination of this agreement; or

- d. Obtain a finding, variance or other determination by the City's Planning & Neighborhood Services Director, Planning Commission or other applicable approving body or authority, through the process and based on the criteria set forth for such determination in City's Zoning Ordinance and at such body's or authority's sole discretion, that use in question needs only the remaining number of parking spaces.
4. Grantee acknowledges that, should Grantee fail to perform in accordance with paragraph 3 herein, Grantee shall be in violation of the City of Milpitas Zoning Code and/or any permits issued thereunder. Grantee agrees to waive any right to contest enforcement of the City's zoning and parking ordinances in this matter. Although the Grantee may have recourse against the Grantor for breach of this Agreement, in no circumstance shall the City be obligated by this Agreement to remedy such breach. The parties acknowledge that the City may invoke any remedy provided for in the Milpitas Municipal Code and/or any permits issued thereunder to enforce parking requirements against the Grantee.
5. This agreement shall be recorded in the County of Santa Clara Recorder's office on the titles of those properties referenced in Exhibits A and B.
6. The property or portion thereof on which the parking spaces are located will not be made subject to any other covenant or contract for use which interferes with the parking use, without prior written consent of the City.
7. This Agreement shall run with the properties affected and shall be enforceable by and against their respective successors, heirs and assignees.

<p>Dated <u>11/6/09</u></p>	<p>Grantor  <u>Golden Bay Business Park</u>  <u>owned Association</u>  By <u>[Signature]</u></p>
<p>Dated <u>11/6/09</u></p>	<p>Grantee  <u>SHREY SAI PARIVAR</u>  By <u>[Signature]</u></p>
<p>Dated <u>12-01-09</u></p>	<p>Approved as to Form  CITY ATTORNEY  <u>[Signature]</u>  By <u>Bryan Otake</u></p>

Asst City Atty

**Recording Requested By:**

Hanna & Van Atta



Fees.... 27.00  
Taxes...  
Copies...  
AMT PAID 27.00

**When Recorded Return To:**

Hanna & Van Atta  
525 University Avenue, Suite 600  
Palo Alto, California 94301

REGINA ALCOMENDRAS  
SANTA CLARA COUNTY RECORDER  
Recorded at the request of  
Chicago Title

RDE # 003  
1/21/2009  
8:00 AM

[SPACE ABOVE FOR RECORDER'S USE]

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND CONDOMINIUM PLAN FOR STONEWOOD – GOLDEN BAY BUSINESS PARK CONDOMINIUMS**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND CONDOMINIUM PLAN is made as of January 21, 2009 by STONEWOOD DIXON, LLC, a California limited liability company ("Declarant") and the undersigned Owners is made with reference to the following facts:

A. Declarant is the owner of a certain tract of land (the "Property") located in the City of Milpitas ("City"), County of Santa Clara, State of California, more particularly shown and described as Parcels 1, 2, 3 and A of the Parcel Map entitled "PARCEL MAP, FOUR LOT SUBDIVISION FOR CONDOMINIUM PURPOSES" filed for record in the Office of the Recorder of Santa Clara County, California, on June 13, 2007, in Book 815 of Maps, pages 1 - 3 (the "Map").

B. Declarant made the Declaration of Covenants, Conditions and Restrictions for Stonewood – Golden Bay Business Park Condominiums (the "Declaration") which Declaration was filed for record in the Official Records of Santa Clara County, California on July 10, 2007 as Document No. 19500119.

C. Declarant made the Amendment to Declaration of Covenants, Conditions and Restrictions and Condominium Plan for Stonewood – Golden Bay Business Park Condominium, which amendment to declaration was filed for record in the Official Records of Santa Clara County, California on August 14, 2007 as Document No. 19549621.

D. Declarant and the undersigned Owners, pursuant to the provisions of Section 9.4 of the Declaration desire to further amend the Declaration as set forth in this Second Amendment to Declaration.

NOW THEREFORE, DECLARANT MAKES THE FOLLOWING AMENDMENTS TO THE DECLARATION:

1. Section 5.1.A is amended to add the following:

Notwithstanding the provisions of Section 5.1.A, as long as Unit 1A and Unit 1B located in Building 1 of the Project [as shown on Sheet 12 of 15 of the Condominium Plan] are owned by the same Owner and used and operated as a combined facility, the Owner of Unit 1A and Unit 1B in said Building 1 ("Building 1 Owner") shall, at the sole cost and expense of the Building 1 Owner, maintain and repair and replace all of the improvements located within Building 1, including the Common Area portions of Building 1, including the exterior walls, roof, roof membrane, floor slab and foundation, building structure, building utilities, including fire sprinklers, backflow devices and all other improvements of Building 1 ("Building 1 Improvements") in accordance with the minimum standards of maintenance and repair of such improvements for similar projects located in Santa Clara County, California. The Building 1 Owner shall be responsible for all maintenance of the exterior walls of the building including painting and repairs on a schedule that is approved by the Board of the Association, consistent with the Association's requirements and standards for painting and repairs for the other Buildings in the Project by the Association. As long as the Building 1 Owner is responsible and obligated to undertake and make such maintenance, repairs and replacements for the Building 1 Improvements, the Association shall exclude from Common Expenses the costs and expenses of such maintenance, repairs and replacements for the Building 1 Improvements (including reserves) and shall not assess Building 1 for the costs and expenses of such maintenance, repairs and replacements for the improvements of the other Buildings in the Project (including reserves), which the Association shall only assess to the Owners of Units located in Building 2 and in Building 3.

The provisions of Section 1.11, definition of Common Expenses, are hereby modified to the extent necessary to conform to the provisions of this amendment of Section 5.1.A.

If the Building 1 Owner fails to maintain, repair or replace the Building 1 Improvements in accordance with the standards established by this Declaration, then, the Board may, after notice and the opportunity for a hearing before the Board, undertake or cause to be undertaken such maintenance and repair, at the cost and expense of the Building 1 Owner, and charge the costs and expenses for such maintenance and repair of the Building 1 Improvements to the Building 1 Owner and the Unit 1A and Unit 1B in said Building 1 as a Cost Reimbursement Assessment.

Any alterations, changes or modifications to the Building 1 Improvements shall be subject to the provisions of Section 7.11.

The provisions of this Section 5.1.A as amended may not be amended, altered, modified or terminated without the express written consent of the Building 1 Owner and the Declarant as long as Declarant owns one (1) Unit in the Project.

2. Section 8.1. shall be modified as follows:

Notwithstanding the provisions of Section 8.1.A, as long as Unit 1A and Unit 1B located in Building 1 of the Project [as shown on Sheet 12 of 15 of the Condominium Plan] are owned by the Building 1 Owner and used and operated as a combined facility, the Building 1 Owner shall, at the sole cost and expense of the Building 1 Owner, obtain and maintain hazard (property) insurance coverage that insures Building 1 and all fixtures and building service equipment in Building 1 which policy of hazard (property) insurance shall provide for "multi-peril" or "all-risk" coverage, including, as minimum protection, protection from loss or damage by fire or other hazards covered by the standard extended coverage endorsement, and by sprinkler leakage, debris removal, cost of demolition, vandalism, malicious mischief, wind, storm, water damage and other risks as are customarily covered with respect to projects similar in construction, location and use to the Project, which policy of insurance shall meet the standards set forth in Section 8.1.A.

As long as the Building 1 Owner is responsible and obligated to obtain and maintain such hazard (property) insurance for Building 1, the Association shall exclude from Common Expenses the costs and expenses of such hazard (property) insurance for Building 1 and shall not assess Building 1 for the costs and expenses of such hazard (property) insurance for Building 1 or for any other hazard (property) insurance obtained by the Association for hazards or casualty to Building 2 or Building 3, and shall allocate the expenses of any such hazard (property) insurance obtained by the Association to Building 1 only for losses to the Common Areas of the Project other than to Building 1, Building 2 or Building 3.

The provisions of Section 1.11, definition of Common Expenses, are hereby modified to the extent necessary to conform to the provisions of this amendment of Section 8.1.A.

If the Building 1 Owner fails to obtain or maintain such insurance for Building 1 in accordance with the standards established by this Declaration, then, the Board may, after notice and the opportunity for a hearing before the Board, obtain such insurance, at the cost and expense of the Building 1 Owner, and charge the costs and expenses for such insurance for Building 1 to the Building 1 Owner and the Unit 1A and Unit 1B in said Building 1 as a Cost Reimbursement Assessment.

The provisions of this Section 8.1.A as amended may not be amended, altered, modified or terminated without the express written consent of the Building 1 Owner and the Declarant as long as Declarant owns one (1) Unit in the Project.

3. Section 7.1.B(12) is amended to read as follows:

(1) Building 1 [consisting of Unit 1A and Unit 1B] may be used for religious services, subject to the provisions of this Declaration as set forth in this Section 7.1.B(12). Such facilities for religious services are permitted in the Project subject to all of the following:

(a) The facilities for religious services shall not exceed 41,000 square feet.

(b) The religious activities may consist of use of the facility as a temple and for community activities which may include a religious school, a child care and events facility used in accordance with the provisions of this Section 7.1.B. It is understood that such uses may be conducted seven (7) days per week

(c) The Owner seeking a use for facilities for religious services shall obtain a conditional use permits and any other permit required by the City for such use.

(d) Parking for the Unit or Units authorized for facilities for religious services during normal daytime business hours (Monday through Friday from 8:00 am to 6:00 pm) shall be limited to three (3) parking spaces per 1,000 usable square feet of the Unit or Units. Parking after 6 pm on weekdays and all day on weekends for the Unit or Units authorized for religious services shall be increased to a ratio of seven (7) stalls per 1,000 square feet or a maximum of 287 stalls including both regular and handicap parking stalls. The remaining on site stalls (estimated to be 26 stalls) shall be shared by the Owners of all other Units and maybe designated as no religious use Parking Spaces as determined from time to time by Declarant or Association and may not be used by the Building 1 Owner or the members, parishioners and/or devotees thereof for parking for religious activities. It is understood that the Association and the Owners may not further restrict or limit the parking rights of the Building 1 Owner or its members, parishioners and/or devotees without the express written approval of the Building 1 Owner. The Building 1 Owner shall provide monitoring of parking within the Project or parking services to ensure that there is available parking for the other Owners and occupants of Units adjacent to their respective Units and that the access of other Owners or occupants of Units to such designated parking and/or loading areas are not unduly impaired or prevented.

(e) The Owner or occupants of the Unit or Units authorized for religious services shall clean up all trash and clean up the parking lots of the Project as needed after services or events to ensure a clean site on the next business day at Unit owner's sole cost and expense.

(f) Religious school and child care services: Religious school shall include only teaching of the particular religion and its varied aspects, beliefs, doctrine, rituals, customs and shall not be certified public or private general education school. Child care services shall be allowed within the Unit or Units authorized for religious services. All minors shall be appropriately supervised. All such child care activities shall be conducted within the interior of Building 1.

(g) Except for one occasion each quarter of the year, there shall be no outdoor assemblies or group meetings and no unduly loud music or noise generated from the Unit or Units authorized for religious services. In the event of outdoor assemblies or group meetings, such assemblies or meetings shall be directly connected with the religious practice of Building 1 Owner and shall occur only on weekends or after 6:00 p.m. on weekdays.

(h) Food preparation and service shall be allowed within Building 1 provided that: (1) such food service shall be limited to events conducted in Building 1 for the permitted religious activities, strictly in use for members' activities, events and functions (such as weddings, holidays, etc); (2) in no event shall any such food preparation or service be a commercial food outlet or service. Any such food service or food preparation shall be operated in a manner which is not detrimental to the health and safety of the occupants of any other Units in the Project, and in accordance with local health standards. The Building 1 Owner undertaking food service or food preparation shall be responsible for any health problems which emanate from such use, including, but not limited, to rodents, pests, insects, or other health and safety problems. The Building 1 Owner undertaking any such food service or food preparation shall be deemed to have agreed to indemnify the Declarant, the Association, the Board and the other Unit Owners for any claims arising from such use such food service or food preparation by taking title to the Units in Building 1, without the need or requirement of any further agreements or actions by Declarant or the Association.

(i) Other Uses: Notwithstanding the limitations set forth above of this Section 7.1.B(12), Building 1 Owner may use Building 1 for any other use provided that such use or uses (a) do not violate the other provisions of the Declaration, (b) are permitted pursuant to applicable governmental authorities, and (c) will not cause or result in a use of parking stalls in excess of the limits defined in Sec. 7.1.B(12)(d).

The provisions of this Section 7.1.B(12) may not be amended, altered, modified or terminated without the express written consent of the Building 1 Owner and the Declarant as long as Declarant owns one (1) Unit in the Project.

The undersigned as the President of the Association hereby certifies that, pursuant to Section 9.4 of the Declaration this Second Amendment to Declaration has been approved by the affirmative vote or written consent of Members representing a Majority Vote of the Members under Section 1.26 of the Declaration [being the vote of the Members of each class that constitute greater than 50% of the Members of each of said classes of Members [based on the number of votes for each Unit in such class of members as is provided in this Declaration]. This Second Amendment to Declaration has been approved by the prior written consent of the City Manager of the City.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Amendment to Declaration on 12-26-, 2008

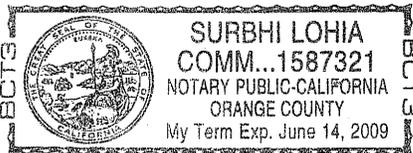
GOLDEN BAY BUSINESS PARK OWNERS ASSOCIATION,  
a California nonprofit mutual benefit corporation

By: Mark Alan Mattars  
Mark Alan Mattars  
Its: President

STATE OF CALIFORNIA )  
 )  
COUNTY OF Orange ) SS  
 )

On December 26, 2008 before me, SURBHI LOHIA,  
Notary Public, personally appeared Mark Alan Mattars who proved to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.



Witness my hand and official seal.

Surbhi Lohia  
(Signature)

[Seal]

Pursuant to Section 9.4, the undersigned Declarant approves this Second Amendment to Declaration.

STONEWOOD DIXON, LLC,

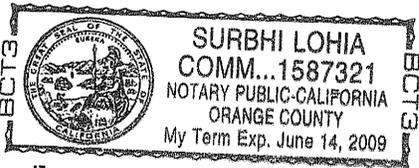
a California limited liability company  
By: Wood Severson, LLC,  
a California limited liability company,  
its sole managing member

By: James R. Wood, Jr.  
James R. Wood, Jr.  
Its Sole Managing Member

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF Orange )

On December 23, 2008 before me, SURBHI LOHIA,  
Notary Public, personally appeared James R. Wood, Jr who proved to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing is true and correct.



[Seal]

Witness my hand and official seal.

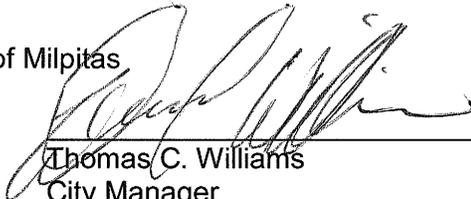
Surbhi Lohia  
(Signature)

Pursuant to Section 9.4, the undersigned on behalf of the City of Milpitas approves this Second Amendment to Declaration.

APPROVED BY  
CITY OF MILPITAS

City of Milpitas

By:

  
Thomas C. Williams  
City Manager

STATE OF CALIFORNIA )  
COUNTY OF Santa Clara ) SS

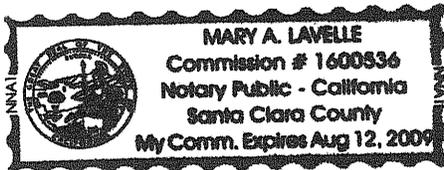
On December 31, 2008 before me, Mary A. Lavelle Notary Public, Notary Public, personally appeared Thomas C. Williams who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Mary A. Lavelle  
(Signature)

[Seal]



# **Shirdi Sai Parivaar**

## **Emergency Action Plan**

**RECEIVED**

APR 05 2010

**CITY OF MILPITAS  
PLANNING DIVISION**

Effective date: April 2, 2010  
Version 1.0

---

**Table of Contents**

1.0 INTRODUCTION ..... 3  
2.0 REGULATORY REQUIREMENT ..... 3  
3.0 RESPONSIBILITIES ..... 3  
4.0 NOTIFICATION PROCEDURES ..... 4  
5.0 ALARM SYSTEMS ..... 5  
6.0 EVACUATION PROCEDURES ..... 5  
7.0 SHELTER-IN-PLACE PROCEDURE ..... 8  
8.0 FIRE ..... 9  
9.0 EARTHQUAKE PROCEDURES ..... 11  
10.0 MEDICAL EMERGENCY OR INJURY ..... 11  
11.0 FIRST AID PROCEDURES FOR CHEMICAL EXPOSURE ..... 11  
12.0 FLOOD PROCEDURES ..... 12  
13.0 POWER LOSS PROCEDURES ..... 12  
14.0 NATURAL GAS RELEASE/LEAK PROCEDURES ..... 12  
15.0 ODOR PROCEDURES ..... 13  
16.0 SECURITY THREAT PROCEDURES ..... 13  
17.0 EMERGENCY EQUIPMENT ..... 14  
18.0 CHAIN OF COMMAND ..... 15  
19.0 TRAINING ..... 15  
ATTACHED FORMS ..... 17

## 1.0 INTRODUCTION

This written plan has been approved to establish, implement and maintain an effective EMERGENCY ACTION PLAN (EAP) for its members. This plan is designed to assist in both pre-planning and actual response to emergency situations to minimize hazards to human health, property, and the environment.

This EAP is to be implemented in the case of an emergency or accident occurring at the Shirdi Sai Parivaar located at 1221 California Circle in Milpitas, CA. An emergency or accident shall be defined as a fire, natural disaster, medical emergency or any unplanned event, which requires controlled, planned actions of all involved.

This EAP will be revised whenever there are:

- Revisions in regulations,
- A plan failure in an emergency,
- Change in the facility design, construction or operation.
- Change of listed personnel, equipment or emergency procedures.
- Recommended change by emergency response personnel.

In addition, the Board will review and revise this EAP according to the experience acquired during each emergency. A copy of this EAP and any future revisions are to be provided to the Milpitas Fire Department for annual review. The Emergency Action Plan shall be posted and made available at all times for use and review. It shall also be made available for review by outside inspectors upon request.

## 2.0 REGULATORY REQUIREMENT

The EAP has been developed, implemented and are being maintained to comply with the requirements of Section 57 of the Milpitas Zoning Ordinance.

## 3.0 RESPONSIBILITIES

3.1 The Board has the ultimate responsibility for the health and the safety of its members and they have the following specific safety and emergency response duties:

- Maintaining and updating the written Emergency Action Plan (EAP)
- Acting as Emergency Coordinators
- Coordinating EAP mandated safety trainings
- Ensuring the facility is maintained in safe repair per the applicable City of Milpitas Fire and Building Codes and City ordinances
- Inspecting safety equipment, which includes: fire extinguishers, alarm systems, first aid kits, emergency supply kit, wind sock, communication device

3.2 Safety Volunteers are a key component of our safety program. We aim to have a pool of volunteers who are trained to initiate and conduct the safe and orderly evacuation of our facility and know what to do in the event of other possible emergencies. Some of these volunteers will also be trained to perform first aid, CPR and AED use. It will be mandatory that while holding classes and other activities for children, there be at least one volunteer trained in first aid and CPR for adults and children.

- Participating in EAP training
- Participating in CPR/First Aid/AED training for adults

- Participating in CPR/First Aid/AED training for adults and children (if supervising children)
- Taking a leading role in the safe evacuation, shelter in place, and other possible emergency procedures.

3.3 Members are responsible to comply with all applicable city health and safety regulations as well as Shirdi Sai Parivaar policies. This includes, but is not limited to:

- Observing emergency-related signs, posters, warning signals and directions.
- Being familiar with the Emergency Action Plan. In particular, understanding their role in an emergency.
- Knowing the location of emergency exits, Emergency Assembly Areas, fire alarm pull stations, first aid kits, portable fire extinguishers (if trained to use one).

## 4.0 NOTIFICATION PROCEDURES

### 4.1 Emergency Notification

For all Emergencies, call **911** and provide the following information:

- Building address, including nearest cross street(s)
- Exact location within the building
- Your name and phone number
- Nature of the emergency
- Do not hang up until advised to do so by dispatcher.

NOTE: Calls from a landline can be located by 911 Dispatch. At this time calls made from cell phones cannot be located. In either case provide the dispatcher with all information requested.

### 4.2 Emergency Contact Information

The following is a list of outside agencies, which may need to be contacted in the event of emergency and/or non-emergency incidents. Emergency phone numbers are posted throughout the facility.

Agency*	Phone	When to Call
County Dispatch /CHP (cell phone)	<b>911</b>	<b>All Emergencies</b>
Milpitas Fire Department	(408) 586-2800	Non-emergency fire questions and odors
Milpitas Police Department	(408) 586-2400	Non-emergency safety and theft questions
Regional Medical Center of San Jose 225 N Jackson Ave San Jose, CA 95116	(408) 259-5000	Nearest clinic for non-emergency care.
Regional Medical Center of San Jose 225 N Jackson Ave San Jose, CA 95116	(408) 259-5000	Emergency room.  Note: This hospital is 10 miles away.
PG&E	800-743-5000	Gas and electrical concerns
Kara Busslen Kocal Properties	General: (916) 985-3633 Kara's Ph: (925) 389-0243	Home Owner's Association. To be contacted regarding parking lot and landscape issues.

Agency*	Phone	When to Call
Tri-Valley Plumbing Contact: Steve Hay 709 Hamilton Lane, Santa Clara, CA 95051	(408) 605-6518	Plumbing issues
N Power Electric Contact: Niko Aboutalebi 973 Zarick Dr, San Jose, CA 95129	Phone: (408) 247- 7721  Mobile: (408) 898-6482	Electrical issues
Indoor Air Design Inc Contact : Victor Lopez 925 Commercial St. San Jose, CA 95112	Phone (408) 441-8844  Mobile: (408) 210-5218	Heating, ventilation and air conditioning issues

## 5.0 ALARM SYSTEMS

Fire alarm pull stations are located at most building exits. These should be pulled by occupants as they exit the building in the event of a fire or other emergency requiring evacuation of the building. Pulling a alarm station lever will activate horn/strobe alarms throughout the facility. Our facility is also equipped with an evacuation system at the entrance of the building. This system has pre-programmed messages in English. Alternative emergency notification would be verbal direction conducted by a Safety Volunteer or other member.

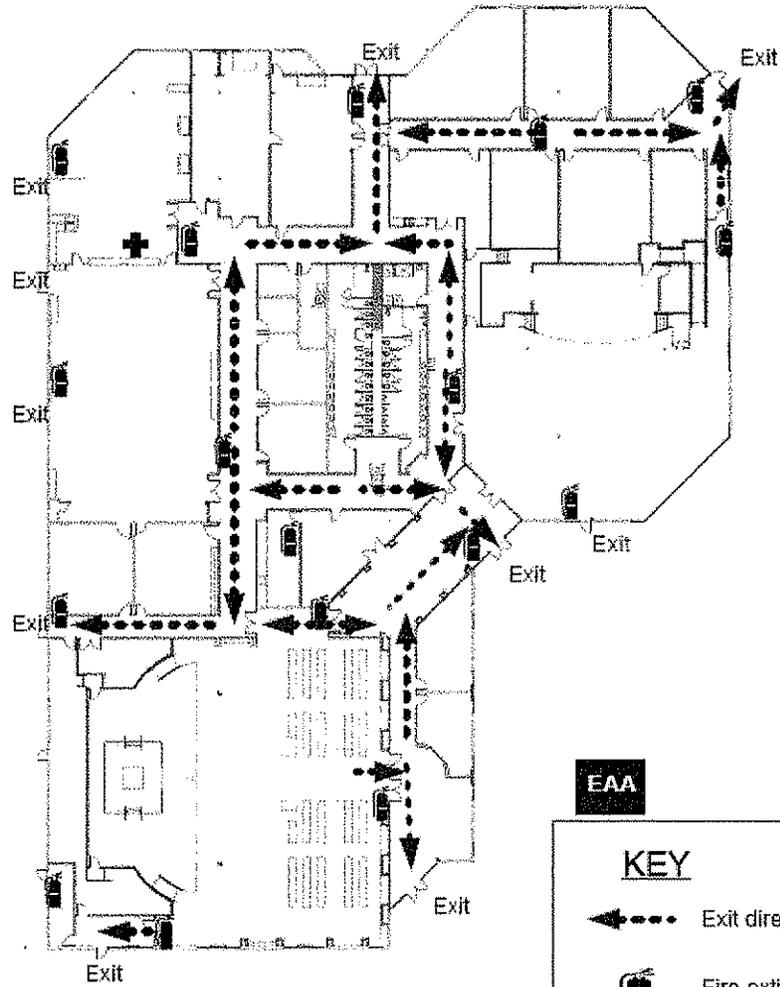
## 6.0 EVACUATION PROCEDURES

### 6.1 General Evacuation Procedures

All members are required by law to evacuate the building when the fire alarm sounds. There may be instances where the building would be evacuated by verbal notification without a fire alarm sounding. When evacuating the building:

- Stay calm. Do not to rush or panic.
- If safe, gather any important personal belongings (e.g., keys and prescription medications)
- If safe, close doors and windows, but do not lock them.
- Leave the building using the nearest exit unless it takes you toward the source of the emergency.
  - Refer to the Evacuation Map below for evacuation route(s).
- If smoke is present, crawl low to the floor toward the nearest exit
- Proceed to the Emergency Assembly Area (EAA), which is located at the parking lot on the entrance side of the building.
  - Refer to the Site Plan below for EAA and utility shutoff locations.
- Wait for any instructions from the Emergency Coordinator or other authorized personnel.
- Do not reenter the building until the Emergency Coordinator or other authorized personnel instruct you to do so.

# Evacuation Map



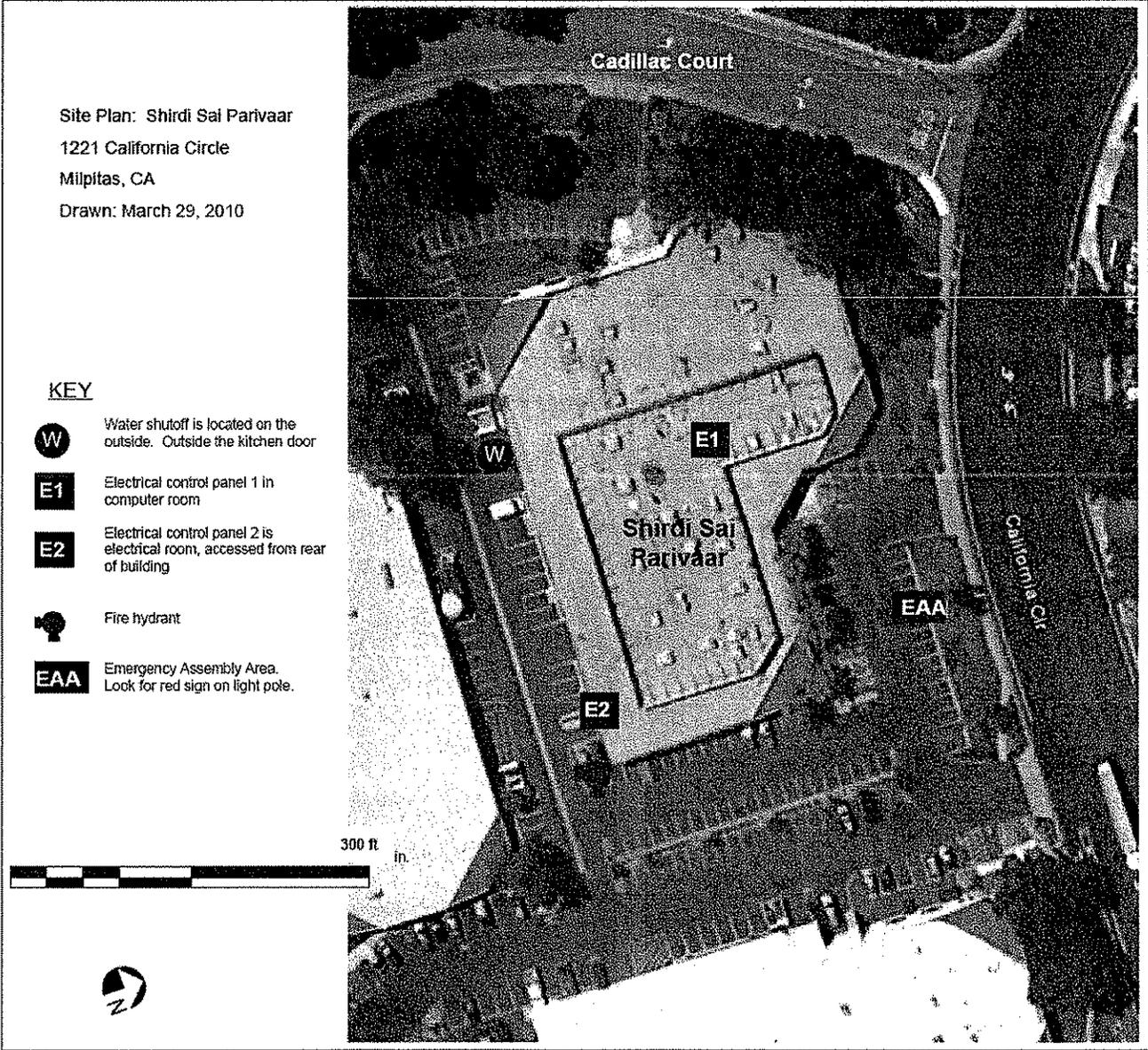
Evacuation Guideline:  
-Stay calm. Do not rush or panic.  
-Leave the building using the nearest exit.  
-Alert others as you are exiting.  
-Proceed to the Emergency Assembly Area in parking lot and await instructions.

**EAA**

KEY

- ←····· Exit direction
-  Fire extinguisher
-  First aid kit
-  Emergency Assembly Area

Emergency Action Plan – Shirdi Sai Parivaar



## 6.2 Evacuating a Disabled or Injured Person

Evacuating a disabled or injured person yourself is the last resort. Consider your options and the risks of injuring yourself and others in an evacuation attempt. Do not make an emergency situation worse.

Evacuation is difficult and uncomfortable for both the rescuers and the people being assisted. Some people have conditions that can be aggravated or triggered if they are moved incorrectly. Remember that environmental conditions (smoke, debris, loss of electricity) will complicate evacuation efforts.

The following guidelines are general and may not apply in every circumstance.

- Members should be invited to volunteer ahead of time to assist disabled people in an emergency. If a volunteer is not available, designate someone who is willing to assist and accept responsibility.
- Volunteers should obtain evacuation training for certain types of lifting techniques.
- Two or more trained volunteers, if available, should conduct the evacuation.
- DO NOT evacuate disabled people in their wheelchairs. This is standard practice to ensure the safety of disabled people and volunteers. Wheelchairs will be evacuated later if possible.
- Always ASK disabled people how you can help BEFORE attempting any rescue technique or giving assistance. Ask how they can best be assisted or moved, and if there are any special considerations or items that need to come with them.
- Before attempting an evacuation, volunteers and the people being assisted should discuss how any lifting will be done and where they are going.
- Proper lifting techniques (e.g. bending the knees, keeping the back straight, holding the person close before lifting, and using leg muscles to lift) should be used to avoid injury to rescuers' backs. Ask permission of the evacuee if an evacuation chair or similar device is being considered as an aid in an evacuation. When using such devices, make sure the person is secured properly.

## 7.0 SHELTER-IN-PLACE PROCEDURE

In the event of a local emergency such as a hazardous material release (e.g., a toxic gas cloud) or extreme weather conditions (e.g., a tornado), employees may be advised by the Emergency Coordinator or a Safety Volunteer to shelter in place. The designated shelter-in-place room is the main hall.

Please be aware that for the comfort and safety of occupants, sheltering in place should generally be limited to two hours or less, especially when shutting down the HVAC. It is also important to return the building's ventilation system to its normal state as soon as the shelter in place event has passed.

To shelter in place, you should:

- Isolate yourself as much as possible from the external environment.
- The Emergency Coordinator or his/her designee (e.g., Safety Volunteer) will shut down HVAC systems. This may be done by shutting the HVAC unit using the room's thermostat.
- Shut all doors and windows.
- Seal cracks around doors and windows as much as possible.
- Provide for your comfort (coat for warmth, water, etc.).
- Communicate needs/status to Emergency Coordinator.

- Monitor all available communications.
- Notify family members who are not present when possible of delayed arrivals.

## 8.0 FIRE

### 8.1 Initial Response

A building occupant is required by law to evacuate the building when the fire alarm sounds.

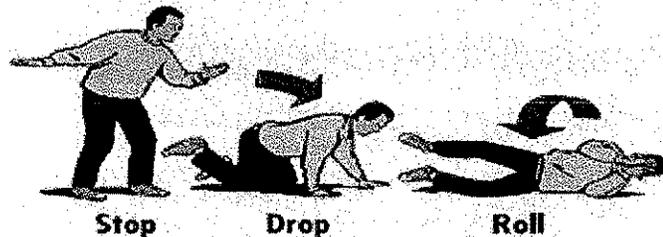
- If you observe fire or smoke, call 911 from a safe location to provide details of the situation.
- If trained, able and it is safe to do so (with a sure and a safe exit), use a portable fire extinguisher to extinguish the fire. Evacuate if one extinguisher does not put out the fire.
- Leave the building using the nearest exit and proceed to the EAA.
- On your way out, warn others.
- If smoke is present, crawl low to the floor.
- Move away from fire and smoke. Close doors and windows if time permits.
- Touch closed doors. Do not open them if they are hot.
- Re-enter the building only when instructed to do so by the Emergency Coordinator or other authorized personnel (e.g., fire or police)

### If You Are Not Able to Leave

- Feel the doorknob before opening any door. IF IT IS HOT, DO NOT OPEN THE DOOR. If it is not hot, brace yourself behind the door and open it slightly. If heat or heavy smoke is present, close the door and stay in your room. KEEP LOW TO THE FLOOR.
- If you cannot leave the room, seal the cracks around the door with wet towels or other materials. Call 911 and let them know your location and that you are unable to exit.
- Open a window a few inches for fresh air and hang a white sheet or cloth out the window to alert the Fire Department of your location.
- Close all other doors and windows in the vicinity of the fire.
- Stay close to the window, holding a wet towel to your face; and do not open the windows except to alert rescue personnel by hanging a white sheet or cloth out the window.

### Clothing on Fire

1. Roll the person on the floor to smother the flame,
2. Obtain medical attention
3. Report incident to the Emergency Coordinator



## 8.2 Fire Extinguisher Use

- If trained to do so and safe, use a portable fire extinguisher when the fire is confined to a small area, such as a wastebasket, and is not growing; everyone has exited the building; the fire department has been called or is being called; and the room is not filled with smoke.
- To operate a fire extinguisher, remember the word **PASS**:
  - **P**ull the pin. Hold the extinguisher with the nozzle pointing away from you, and release the locking mechanism.
  - **A**im low. Point the extinguisher at the base of the fire.
  - **S**queeze the lever slowly and evenly.
  - **S**weep the nozzle from side-to-side.
- Read the instructions that come with the fire extinguisher and become familiar with its parts and operation before a fire breaks out.
- Most fire extinguishers are installed close to an exit. Keep your back to a clear exit when you use the fire extinguisher so you can make an easy escape if the fire cannot be controlled. If the room begins to fill with smoke and fire, leave immediately.

### **CAN YOU FIGHT THIS FIRE? (ONLY FOR TRAINED INDIVIDUALS)**

<b>Risk Assessment Question</b>	<b>Characteristics of incipient stage fires or fires that can be extinguished with portable fire extinguishers</b>	<b>Characteristics of fires that SHOULD NOT be fought with a portable fire extinguisher (beyond incipient stage) - evacuate immediately</b>
Is the fire too big?	The fire is limited to the original material ignited, it is contained (such as in a waste basket) and has not spread to other materials. The flames are no higher than the firefighter's head.	The fire involves flammable solvents, has spread over more than 60 square feet, is partially hidden behind a wall or ceiling, or can not be reached from a standing position.
Is the air safe to breathe?	The fire has not depleted the oxygen in the room and is producing only small quantities of toxic gases. No respiratory protection equipment is required.	Due to smoke and products of combustion, the fire can not be fought without respiratory protection.
Is the environment too hot or smoky?	Heat is being generated, but the room temperature is only slightly increased. Smoke may be accumulating on the ceiling, but visibility is good. No special personal protective equipment is required.	The radiated heat is easily felt on exposed skin making it difficult to approach within 10-15 feet of the fire (or the effective range of the extinguisher). One must crawl on the floor due to heat or smoke. Smoke is quickly filling the room, decreasing visibility.
Is there a safe evacuation path?	There is a clear evacuation path that is behind you as you fight the fire.	The fire is not contained, and fire, heat, or smoke may block the evacuation path.

## **9.0 EARTHQUAKE PROCEDURES**

### **9.1 Inside the Building:**

- Duck under the nearest sturdy object and hold on to it until the shaking stops. If you are not near a sturdy object, make yourself as small as possible and cover your head and neck.
- If you stand in a doorway, brace yourself against the frame and watch out for a swinging door or other obstruction.
- Avoid windows, filing cabinets, bookcases, and other heavy objects that could fall or shatter.
- Stay under cover until the shaking stops, then leave the building and go to the closet EAA or other designated location.

### **9.2 Outside the Building:**

- Move away from trees, signs, buildings, electrical poles and wires, fires, and smoke.
- Protect your head with your arms from falling debris.
- Proceed to the EAA.
- Wait for further instructions.

## **10.0 MEDICAL EMERGENCY OR INJURY**

The following emergency procedures are recommended in the event of a medical emergency which may result from a fire, explosion, or other accident. These procedures are intended to limit injuries and minimize damage if an accident should occur.

- Summon help immediately by calling 911. Provide the following information:
  - Building address, including nearest cross street(s)
  - Exact location within the building
  - Your name and phone number
  - Nature of the emergency
  - Do not hang up until advised to do so by dispatcher.
- Render assistance to persons involved.
- Do not attempt CPR unless trained to do so.
- Do not move an injured person unless he or she is in danger of further harm.
- Warn others if there are any potential hazards to their safety.
- Keep any injured person at body temperature (use coat or blanket). Remember if the injured person is lying down keep the underside at body temperature. If feasible, designate one person to remain with the injured person. The injured person should be within sight, sound, or physical contact of that person at all times

## **11.0 FIRST AID PROCEDURES FOR CHEMICAL EXPOSURE**

The in-place emergency communication system should allow members to be notified in time if they are threatened with exposure to a chemical release. Nevertheless, emergency situations could involve members being exposed to hazardous chemical releases. The following is a set of procedures in such an event.

### **11.1 Chemicals on Skin or Clothing**

- Immediately flush with water for at least 15 minutes.
- While rinsing, quickly remove all contaminated clothing or jewelry.

- Use caution when removing pullover shirts or sweaters to prevent contamination of the eyes.
- Collect and dispose of clothing in accordance with Fire Department instructions.

### 11.2 Chemicals in Eyes

- Immediately flush eye(s) with water for at least 15 minutes. The eyes must be forcibly held open to wash, and the eyeballs must be rotated so all surface area is rinsed. Pour water on the eye, rinsing from the nose outward to avoid contamination if the other eye is unaffected.
- Remove contact lenses while rinsing. Do not lose time removing contact lenses before rinsing. Do not attempt to rinse and reinsert contact lenses.
- Seek medical attention regardless of the severity or apparent lack of severity. If an ambulance or transportation to the hospital needed, call 911.

### 11.3 Chemical Inhalation

- If symptoms, such as headaches, nose or throat irritation, dizziness, or drowsiness persist, seek medical attention by calling 911. Explain carefully what chemicals were involved.

## 12.0 FLOOD PROCEDURES

If your building has a plumbing failure, a flood or a steam line failure:

- Cease using electrical equipment and evacuate the flooded area.
- If a plumbing failure occurs, evacuate the building and proceed to the EAA.
- Contact the designated plumber listed in Section 4.2.
- Water shutoff for the building is located in the rear exterior of the building near the kitchen door.

## 13.0 POWER LOSS PROCEDURES

- In the event of power failure, contact PG&E.
- DO NOT EXIT the building if loss of power could be due to downed wires from a storm.
- Once outside, stay away from any downed power lines, trees or limbs.
- The power company will restore power in level of importance –hospitals, fire and police stations, etc.

## 14.0 NATURAL GAS RELEASE/LEAK PROCEDURES

Our building is heated by gas and could have a gas leak (e.g., during an earthquake). Gas releases can often be identified by the odor of sulfur. Other warning signs include hearing a hissing sound or feeling light headed. If you suspect a natural gas leak:

- Cease all operations immediately.
- Do not turn light switches on or off.
- If safe to do so, open windows.
- Evacuate as soon as possible.
- If you suspect a fire hazard call 911. Describe the nature of the leak (location, magnitude, and source if known).
- Contact PG&E.

## 15.0 ODOR PROCEDURES

In the event of an unknown smell or odor and depending on the type and extent of the odor involved, the Emergency Coordinator or other designated person:

- May evacuate the affected areas.
- Shall secure the affected areas to prevent entry except by authorized personnel (such as PG&E or Fire Department).
- Check areas outside the building, if necessary, to determine the source (i.e., roof).
- If the source of the odor has been located, take appropriate measures to eliminate it.

## 16.0 SECURITY THREAT PROCEDURES

### 16.1 Bomb Threat (via telephone/mail)

- Stay calm.
- Pay close attention to details.
- Talk to the caller to obtain as much information as possible.
- Record the date and time of the call.
- Contact the police and relay all information. Follow the police's instructions.
- Check your work area for unfamiliar items. Do not touch suspicious items. Report them to the police
- Be prepared to evacuate the building

### 16.2 Violent Assault

Assault takes different forms and varies in its level of intensity. Instances could involve heated verbal exchanges to an exchange of physical blows or firearms. In this event:

- Immediately call 911. Give all the requested information and then anything about the perpetrator that is known.
- Notify the Emergency Coordinator.
- The Emergency Coordinator shall evacuate the immediate area by verbal means.
- If near a route of exit, and/or you feel that you are in danger, evacuate immediately. If not, and you do not know where the perpetrator is, find the safest place to hide and/or barricade yourself in until police are able to evacuate you.
- The personal safety of yourself and fellow members is paramount. Do not attempt to overpower the perpetrator. Collect as much information about their location, identification, and capabilities as you can and relay it to law enforcement via phone or when they arrive.

### 16.3 Civil Disturbance

Protests could directly or indirectly affect the safety of members. Due to the openness of the property, it is vulnerable to incursions. People should be kept inside the building, all doors locked, away from windows until police arrive.

### 16.4 Anti-Community Attack

Any potential warning signs or direct threats must be taken seriously. Do not confront suspicious persons. Immediately report all information to the Emergency Coordinator who will then notify the police.

Some of the indicators could include but are not restricted to:

- Suspicious packages/items left in building or around the property.
- Unescorted unknown persons in the building.

- People observed suspiciously watching, mapping or photographing the building and its property.
- Someone unfamiliar loitering in proximity to the building and property.
- Abandoned vehicles in proximity to the property.
- Phone calls, notes, email and other forms of communicating threats/demands of any sort.

If there does occur contact with a suspicious package/item:

- Remain calm and do not handle the item further, leave area and contact the Emergency Coordinator.
- If the item was opened/contents spilled, lay down carefully avoiding any further spread of the material. Leave the area and not touching anything. Notify someone to contact the Emergency Coordinator and remain where you are. If alone only touch what you must to get assistance and remain in your location.

Actual attacks can come in a variety of forms: letters/packages containing bombs, biological, chemical agents, bombs discharged onto the property that explode to cause property damage or sniper attack. Given the nature of the attack refer to the applicable section for the appropriate procedures. For all other situations;

- Evacuate the area.
- Immediately notify the Emergency Coordinator/911 for appropriate assistance.

## 17.0 EMERGENCY EQUIPMENT

17.1 The following emergency equipment is available at the site:

- Fire extinguishers
- First aid kit
- In-place emergency system
- Directional wind sock

17.2 Emergency Provisions

This plan recommends an onsite store of the listed supplies for any emergency lasting for one day. For preparations beyond the requirements of this plan, many authorities recommend provisioning for 3-7 days as in the event of severe earthquake.

- Nonperishable packaged, dry or canned food
- Any special foods and supplies for babies, the disabled or the elderly
- Plastic eating utensils, paper cups and plates
- A gallon of water per person per day (Replace every six months and count pets as family members)
- Water purification kit or unscented liquid bleach (eight drops per gallon when water is first stored)
- Manual can opener
- Flashlight with extra batteries
- Matches
- Candles and light sticks
- Small tool kit including knife or razor blades
- Portable radio with spare batteries (recommend backup manual crank powered radio)
- Small (including sealable) and large plastic bags
- Plastic sheeting

- Duct tape
- Toilet paper, toiletries and feminine hygiene items
- Entertainment pack of notebooks, reading material and games for all family members

Each member should have sufficient provisions to maintain themselves in their own homes. In case that is not possible or desirable members choosing to assemble at our facility should be prepared to bring with them:

- Entertainment pack of family photos, notebooks, reading material, games and toys for all family members
- Essential medications
- Extra set of house and car keys
- When bringing pets-pet food, water and leash or carrier
- Cash and small change
- Tennis shoes or walking shoes
- List of family physicians and the style and serial number of medical devices, such as pacemakers
- Extra pair of eyeglasses

*Sources: USGS, City of Los Angeles Fire Department, California Office of Emergency Services, Federal Emergency Management Agency and American Red Cross*  
<http://www.latimes.com/news/local/la-me-disaster17sep17-side,0,2504371.story>

17.3 Do not block emergency equipment or exits.

- Maintain a 36-inch clearance around fire extinguishers.
- Maintain a minimum 24-inch clearance in hallways.
- Maintain an 18-inch clearance from sprinkler heads.

After any emergency, all emergency equipment used must be replenished or repaired prior to resuming normal operations.

## **18.0 CHAIN OF COMMAND**

In the event of an emergency at our facility, the chain of command is as follows in the order of priority:

- Fire Department (or any agency they so designate)
- Our facility's Emergency Coordinator

During the emergency the Emergency Coordinator is responsible for directing all emergency activities and coordinating efforts with responding agencies and contractors.

## **19.0 TRAINING**

19.1 All Safety Volunteers and the Emergency Coordinators will be trained on this plan at the time the plan is implemented.

- The training is to be documented.
- The training shall be conducted in a manner that is understandable to all members.
- Shelter-in-place and building evacuation drills will be conducted at least on an annual basis and will be documented.

19.2 Retraining shall be done in case inadequacies are identified in the:

- The written plan,
- Evacuation drills,
- Member knowledge, or
- The evacuation procedures, routes or assembly areas are changed.

---

**ATTACHED FORMS**

---

## MEMBER EMERGENCY TRAINING DOCUMENTATION

\*Indicate status by last date trained.

Name	Contact Number	First Aid, CPR	Fire Extinguisher	Shelter-In-Place	Evacuation Procedures

## EMERGENCY PROCEDURE DOCUMENTATION

Date of Review and Drill	First Aid	Fire Extinguisher	Shelter-In-Place	Evacuation Procedures

## **SHIRDI SAI PARIVAAR Transportation Demand Management Program**

As a condition of approval, the City of Milpitas is requiring the SHIRDI SAI PARIVAAR to implement a Transportation Demand Management Plan (TDM) to encourage bicycle and transit use to and from the site located at 1221 California Circle, Milpitas, CA.

### **TRANSPORTATION DEMAND MANAGEMENT**

Transportation Demand Management (TDM) refers to strategies to change travel behavior in order to increase transport system efficiency and achieve specific objectives such as reduced traffic congestion, road and parking cost savings, increase safety, improved mobility for non-drivers, energy conservation and pollution emission reductions.

The following TDM measures will be implemented by SHIRDI SAI PARIVAAR

#### ***Promote Transit***

*We will provide transit system maps (Light Rail Station/Bus Transit), route schedules and other transportation information to our devotees.*

#### ***Carpool/Ridesharing***

*We will request our devotees to car pool to our facility. We will encourage them to do the same on Thursdays, weekends and for special events days when we expect higher attendance.*

#### ***Walk/Bike***

*If feasible, we will encourage walking or biking to our facility. Santa Clara Valley Transportation Authority (VTA) and City of Milpitas Bicycle maps will be available to our devotees.*

### **IMPLEMENTATION**

*We will encourage our devotees to use one of the above mentioned alternative programs for commuting. We will take a survey to see how effective above mentioned programs are. We will implement the programs as soon as we start operating from 1221 California Circle. We will take the survey 6 months after we start our operations. Should we exceed our parking requirements, we will look to implement more TDM measures such as shuttle service, more outreach and/or incentives to our devotees.*

### **RESOURCES**

City of Milpitas Transportation Planning Division  
Janice Spuller, Assistant Transportation Planner

455 E. Calaveras Blvd. Milpitas, 95035  
(408) 586-3291, [jspuller@ci.milpitas.ca.gov](mailto:jspuller@ci.milpitas.ca.gov)

Santa Clara Valley Transportation Authority (VTA)  
*Bus and Light Rail Information*  
[www.vta.org](http://www.vta.org)  
(408) 321-2300

Metropolitan Transportation Commission  
Regional Rideshare Program  
*Traffic, Transit, Carpool, Bicycling information*  
[www.511.org](http://www.511.org) or telephone dial “511”