

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

March 14, 2012

I. ROLL CALL

Present: Madnawat and Tao
Staff: Ah Sing, Andrade, and Hom

1. MINOR SITE DEVELOPMENT PERMIT NO. MS12-0008

Cindy Hom, Assistant Planner, presented a request to remove and replace six Liquidambar trees with six new 24" box Crape Myrtle trees located at 1285 So. Park Victoria Drive. Ms. Hom recommended approving Minor Site Development Permit No. MS12-0008 subject to conditions of approval.

Motion to approve Minor Site Development Permit No. MS12-0008 subject to conditions of approval.

M/S: Madnawat, Tao

AYES: 2

NOES: 0

2. MINOR SITE DEVELOPMENT PERMIT NO. MS12- 007

Cindy Hom, Assistant Planner, presented a request for site modifications and installation of new fencing located at 700 Montague Expressway. Ms. Hom recommended approving Minor Site Development Permit No. MS12-007 subject to conditions of approval.

Motion to approve Minor Site Development Permit No. MS12-007 subject to conditions of approval.

M/S: Madnawat, Tao

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:52 p.m.

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- I. PLEDGE OF ALLEGIANCE** Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** Present: Garry Barbadillo, John Luk, Rajeev Madnawat, Sudhir Mandal, Zeya Mohsin, Gurdev Sandhu, and Steve Tao
Absent: Larry Ciardella
Staff: Ah Sing, Andrade, Hom, Otake, and Reliford
Alternate Commissioner Garry Barbadillo was seated as a member of the voting body.
- III. PUBLIC FORUM** Chair Mandal 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**
February 22, 2012 Chair Mandal called for approval of the minutes of the Planning Commission meeting of February 22, 2012.
There were no changes to the minutes.
Motion to approve the minutes of February 22, 2012 as submitted.
M/S: Mohsin, Sandhu
AYES: 7
NOES: 0
ABSENT: 1 (Larry Ciardella)
ABSTAIN: 0
- V. ANNOUNCEMENTS** Chair Mandal stated he is proud to be on a team so dedicated to the City. He also announced that Commissioner Madnawat was selected as Citizen of the Year for the City of Milpitas.
- 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 Tao stated he represents the applicant for Item No. IX-1 Tutoring School. There were no other Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Mandal asked whether staff or the Commission have any changes to the agenda. Sheldon Ah Sing, Senior Planner, recommended Item No. IX-2 be placed on the Consent Calendar and be continued to the April 11, 2012 PC meeting.
Motion to approve the agenda as amended.

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M/S: Mohsin, Sandhu
AYES: 7
NOES: 0
ABSENT: 1 (Larry Ciardella)
ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

Chair Mandal asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the Consent Calendar.

Commissioner Tao requested Item No. VIII-1 be removed from the Consent Calendar.

Sheldon Ah Sing, Senior Planner, requested Item No. IX-2 be placed on the Consent Calendar and be continued to the April 11, 2012 PC meeting.

Motion to approve the Consent Calendar for Item No. VIII-2.

M/S: Mohsin, Sandhu
AYES: 7
NOES: 0
ABSENT: 1 (Larry Ciardella)
ABSTAIN: 0

VIII-2. CONDITIONAL USE PERMIT NO. UP12-0004, Instructional Studio:

A request to operate a 779 square foot dance and music studio located at 1535 Landess Avenue #146 (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Pamela Serrano. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2800. (*Recommendation: Adopt Resolution No. 12-011 approving the project subject to conditions of approval.*)

Motion to continue Item No. IX-2 to the April 11, 2012 PC meeting.

M/S: Madnawat, Mohsin
AYES: 7
NOES: 0
ABSENT: 1 (Larry Ciardella)
ABSTAIN: 0

IX-2. SITE DEVELOPMENT PERMIT NO. SD11-0008: A request to allow three 11 story residential towers with 437 dwelling units story parking garage with affordable housing zoned Urban Residential with Site and Architectural Overlay (R5-S). Applicant: 750 E. Capitol LP. Staff Contact: Sheldon S. Ah Sing, (408) 586-3278. PJ # 2743. (*Recommendation: Adopt Resolution No. 12-003 approving the project subject to conditions of approval.*)

**Consent Calendar Item No.
VIII-1 – CONDITIONAL
USE PERMIT NO. UP12-
0002, VOCATIONAL
MASSAGE SCHOOL.**

This item was removed from the Consent Calendar for discussion.

Cindy Hom, Assistant Planner, presented a request to locate a vocational massage school located at 106 So. Abel Street. Ms. Hom recommended adopting Resolution No. 12-013 approving the project subject to conditions of approval.

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Commissioner Tao asked the number of students the applicant will have. Ms. Hom stated they will have 6 – 12 students at this site. They will also have hands-on training with about 20 – 30 clients. Commissioner Tao asked how many parking spaces are allocated for this site. Ms. Hom stated seven parking spaces are required.

Ninh Nguyen, 106 So. Abel St., Milpitas, stated she wants to relocate from the old facility.

Commissioner Tao asked how many clients are at this site during the sessions. Ms. Nguyen stated there are approximately 30 clients per month.

Dr. Barry Hall, DDS, 500 E. Calaveras Blvd, Milpitas, stated he was available for questions from the Commission. He is also a long time client of Ms. Nguyen and could help with the explanation of the applicant's operation and business. He stated the client will pay no money to the student only a tip but it is not mandatory. Clients are clothed and the rooms are open.

Commissioner Tao asked if there is a clear air space above the doors. Dr. Hall stated yes and the doors to the rooms are left open. Ms. Nguyen stated she watches through a camera to each room.

Commissioner Madnawat asked how long does it take for the student to be certified. Ms. Nguyen stated it takes 600 hours to be certified, the student also needs to be fingerprinted. Commissioner Madnawat asked if the students licensed by the state. Ms. Nguyen stated yes.

Commissioner Luk asked how long has the applicant been in operation. Ms. Nguyen stated since 2006. Commissioner Luk asked if there have been any violations at this site. Ms. Nguyen stated none. Commissioner Luk asked if this is the first massage school in Milpitas. Ms. Nguyen stated yes.

Alternate Commissioner Barbadillo asked how many regular instructors she has. Ms. Nguyen stated she has two regular instructors.

Commissioner Tao asked the hours of operation. Ms. Nguyen stated they are open Monday – Friday 12:30 p.m. to 8:30 p.m., Saturday 12:30 p.m. to 6:00 p.m., and closed on Sundays. Commissioner Tao asked the maximum clients per month. Ms. Nguyen stated 40 – 50 per month.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mohsin

AYES: 7

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 0

Commissioner Madnawat stated he would like to say Ms. Nguyen is a very responsible person and hard working and has achieved her dream. He appreciates this very much.

Motion to adopt Resolution No. 12-013 approving the project subject to conditions of approval with the following condition:

1. The operating hours are Monday – Saturday 12:00 p.m. to 9:00 p.m.

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2. Minimum 1 ft air gap between walls and ceiling line to provide acoustical observation.

M/S: Tao, Madnawat

AYES: 7

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 0

IX. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UP12- 0003, TUTORING SCHOOL

Commissioner Tao excused himself from this item.

Cindy Hom, Assistant Planner, presented a request to operate a 1,200 square foot math tutoring center located at 12 Hillview Drive. Ms. Hom recommended adopting Resolution No. 12-012 approving the project subject to conditions of approval.

Chair Mandal asked the ages of the students. Ms. Hom stated the ages are seven years old to young adults. Chair Mandal asked about the restroom. Ms. Hom stated the restroom is in the back of the building. Chair Mandal asked if there will be a separate restroom for the boys and girls. Ms. Hom stated the restroom will be unisex.

Commissioner Luk asked what the parking ratio is. Ms. Hom stated 170 square feet. There are six parking spaces allocated.

Jane Kim, 1468 Canton Drive, Milpitas, stated she was available for any questions from the Commission.

Commissioner Mohsin asked if Ms. Kim will be picking up students from school. Ms. Kim stated the students would be dropped off. Commissioner Mohsin asked how many instructors will there be. Ms. Kim stated there will be five instructors maximum. Commissioner Mohsin asked the ages of the students. Ms. Kim stated it would be second grade to seniors in high school. Commissioner Mohsin asked the hours each student would have. Ms. Kim stated it would be one hour per student.

Commissioner Madnawat asked the qualifications of the instructors. Ms. Kim stated the instructors would be college students.

Chair Mandal asked about the restroom. Ms. Kim stated they have one restroom and per the Building Department one restroom would be sufficient.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Mohsin

AYES: 6

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 1 (Steve Tao)

Motion to adopt Resolution No. 12-012 approving the project subject to conditions of approval.

M/S: Mohsin, Sandhu

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AYES: 6
NOES: 0
ABSENT: 1 (Larry Ciardella)
ABSTAIN: 1 (Steve Tao)

**2. SITE DEVELOPMENT
PERMIT NO. SD11-0008**

This item was continued to the April 11, 2012 PC meeting.

**3. ZONING TEXT
AMENDMENT NO.
ZA12-0001,
CONDITIONAL USE
PERMIT PROCESS
STREAMLINING**

Sheldon Ah Sing, Senior Planner, presented a request to amend Title IX, Chapter 10 of the City of Milpitas Municipal Code for the purposes of streamlining the Conditional Use Permit process. Mr. Ah Sing stated the Zoning Code was revised and reformatted in 2009. Mr. Ah Sing recommended adopting Resolution No. 12-006 recommending the zoning text amendment to the City Council.

Commissioner Madnawat asked about the cost. Mr. Ah Sing stated a PJ account is set up initially to cover the cost of staff processing the application and the typical cost for a CUP is \$3,000. Commissioner Madnawat asked if the applicant know the amount when applying for an application. Mr. Ah Sing stated staff takes the initial \$3,000 up front and will reimburse the money to the applicant if it is not all spent.

Commissioner Mohsin asked what the \$3,000 is used for. Mr. Ah Sing stated the \$3,000 covers staff time working on the project including any public notices that are required as part of the process. Commissioner Mohsin asked if there is a time limit. Mr. Ah Sing stated no. It depends on the project. If it is a long project staff will request more money up front or alternatively ask more money as the deposit is depleted. Commissioner Mohsin asked the difference between a Consent item and a Public Hearing item. Mr. Ah Sing stated it depends on the project and whether there is public controversy or interest from the commission to hear the item.

Chair Mandal thanked the Commissioners who worked on this project. Chair Mandal asked if all project performance standards being met. Mr. Ah Sing stated yes. They made sure the quality of life was being maintained.

Commissioner Madnawat asked if other cities have an expedite process for CUPs or do they also take 3 months to process. Mr. Ah Sing stated some cities have minor CUP process or administrative use process. Other cities have a zoning administrator versus a full Planning Commission subcommittee.

Commissioner Luk stated he appreciates the efforts of the Commission and staff.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tao, Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 0

Motion to adopt Resolution No. 12-006 recommending the zoning text amendment to

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the City Council.

M/S: Tao, Mohsin

AYES: 7

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 8:45 p.m. to the next meeting of March 28, 2012.

Respectfully Submitted,

Sheldon S. Ah Sing
Senior Planner

Yvonne Andrade
Recording Secretary

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