

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

February 13, 2013

6:30 pm

I. ROLL CALL

Present: Rajeev Madnawat and John Luk
Staff: Cindy Hom and Joann DeHerrera

1. PUBLIC HEARING

**MINOR SITE DEVELOPMENT PERMIT
NO. MS13-003**

- a. Cindy Hom, Assistant Planner**, presented a request to allow non-trilaminate asphalt composition roofing on two maintenance buildings within the Friendly Village Mobile Home Park located at 120 Dixon Landing Road, zoned Highway Services with Mobile Home Park and Site and Architectural Overlay (HS-MHP-S). The design is consistent with other buildings in the park and meets all state and federal regulations. Applicant Richard Renteria.

(Recommendation: Approve the project subject to conditions of approval)

Motion to approve the project.

M/S: Madnawat / Luk

AYES: 2

NOES: 0

ABSTAIN: 0

II. ADJOURNMENT

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

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**SWEARING IN NEW
PLANNING
COMMISSIONER**

Mary Lavelle, City Clerk swore in newly-appointed Planning Commissioner Demetress Morris

**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: Sudhir Mandal, Larry Ciardella, John Luk, Rajeev Madnawat and Gurdev Sandhu

Absent: Zeya Mohsin and Garry Barbadillo

Staff: Hom, McHarris, Ogaz and DeHerrera

Alternate Commissioner: Demetress Morris

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 agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV. APPROVAL OF
MINUTES**

Chair Mandal called for approval of the January 23, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.

M/S: Sandhu / Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Mohsin and Barbadillo)

ABSTAIN: 0

V. ANNOUNCEMENTS

Staff had no announcements

Chair Mandal welcomed newly-appointed Planning Commissioner Morris.

Vice-Chair Ciardella mentioned that he had met with ERG Builders and reviewed their project.

VI. CONFLICT OF

City Attorney, Mike Ogaz, asked if any member of the Commission has any personal

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INTEREST

or financial conflict of interest related to any of the items on tonight’s agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the February 13, 2013 agenda as submitted.

M/S: Sandhu / Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Mohsin and Barbadillo)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the Consent Calendar.

IX. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UP12-0025 AND MINOR SITE DEVELOPMENT PERMIT NO. MS12-0059

Cindy Hom, Assistant Planner – presented a request to locate a temporary wireless telecommunication facility at 569-573 Trade Zone Blvd. The project site is adjacent to the future Pace community project. The telecommunication facility needs to be temporarily relocated to allow for the demolition and construction of the new Pace community. The temporary facility will retain coverage of the existing service area while the permanent replacement cell site is constructed on the neighboring property.

The facility will be located in the corner of the parking area of the existing wrecking yard for a maximum period of two-years. After the two years, the site will be returned to its original condition. The facility will occupy about five parking spaces with twelve remaining spaces. The facility will be enclosed by a 6ft fence and the 45 ft. pole painted a neutral color. Applicant: Garrett Hines.

Open the Public Hearing: No one spoke from the public.

Motion to close the public hearing.

M/S: Sandhu / Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Mohsin, Barbadillo)

ABSTAIN: 0

Clarifications / Deliberations:

Cindy Hom, Planner – Indicated that the project has been reviewed by the Building and Fire Departments for safety. The equipment will be protected by vandalism and stored behind the wooden enclosure

Motion to adopt Resolution No. 13-006 recommending approval of the project subject to the conditions of approval.

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M/S: Madnawat / Sandhu
AYES: 6
NOES: 0
ABSENT: 2 (Mohsin, Barbadillo)
ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UP12-0011
AND MINOR SITE
DEVELOPMENT
PERMIT NO. MS12-0022**

Tiffany Brown, Assistant Planner – presented a request to operate a new 6,085 square foot preschool with outdoor play area at 200 Serra Way within the Serra Shopping Center. In April 2009, the property owners originally submitted a preliminary application to the Planning Commission for the redevelopment of this site. In September 2012, staff received a new preliminary application for the Serra Center that mainly focused on the first phase, residential development, and did not include commercial use. The childcare application is not part of the first phase of the recent application. The project site is zoned general commercial and is within the Midtown Specific Plan. Applicant: Little Flowers Montessori School.

The proposed preschool will occupy the exiting building located at the corner of Serra Way and Abel Street. Eight parking stalls will be removed to create a play area. The application will meet the required parking. Operating hours are 7:00 am to 6:30 pm, weekdays only and age range is from 18 mos. to 6 yrs old. The play area will be synthetic grass surrounded by a 7 ft metal picket fence with shrubs around the exterior of the metal fence. There is an existing mature pine tree that will remain to provide shade for the play area with additional trees and landscaping installed. Existing lighting will remain, and additional lighting will be installed at the main entry and around areas of the building.

Chair Mandal – Is concerned about someone being able to view or monitor the children in the play area through the fence and would like the selected plants to mature fast in order to obscure the view. However, he would prefer a solid fence.

Commissioner Madnawat – Questioned the safety around the PG&E power equipment in the small area between the two play areas. **Staff** confirmed that the area had been reviewed by Building and Fire Prevention and is deemed safe.

Rajitha Sumanasekera, Little Flowers Montessori School – Stated there will always be one teacher supervising 12 children. Video cameras will be around the play area and in classrooms monitored by staff. There will be a two-door security system at the front entrance and persons will need to be buzzed in. Parents will be able to enter the secured area using fingerprint access only.

Vice-Chair Ciardella – Asked about the type of toilets that will be available for the children. He is also concerned that the fence will allow the children to be viewed in the play area. Vice-Chair recommended a solid fence for privacy and safety.

Commissioner Madnawat – Asked the applicant to review the drop off / pick up procedure for the children He also inquired of staff what type of fence is consistent with the Mid Town Specific Plan.

Commissioner Morris – Is concerned about visual monitoring / camera security to ensure the safety of the play area, parking lot and also the front entrance area. Commissioner Morris inquired if parking for the facility can be designated (parents /

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staff / visitors) which could help monitor the safety of the children.

Mr. Sumanasekera – Indicated that drop off and pick up times are staggered. In front of the building the parking will be designated for ten minute parking. Parents will be required to enter and sign in and sign out their children through fingerprinting. Each classroom will have their own toilet access that is sized for children. The facility will have a full kitchen and will be able to provide hot meals. The maximum capacity of children is 115 with 18 staff members. The play area will only have turf and no concrete area.

Steven McHarris, Planning Director – Indicated that the Mid Town Specific Plan does not allow a chain link fence. A wood fence may not meet the safety concerns /no climb objectives of the Commission. Staff recommends continuing with the proposed metal picket fencing and will research landscaping/shrubs that will provide screening within a short amount of time.

Chair Mandal – Asked how will this child care facility impact the renovation of the Serra Center’s future project?

Tiffany Brown, Planner – Stated that staff does not know how this corner will be affected since they have not seen plans for all phases of renovation. Currently, there is an agreement between the applicant and the property owner that they will stay at this site for five years and later relocate within the center. Designating parking stalls may impact other businesses and the approved catering trucks program operation.

Mike Ogaz, City Attorney – Indicated that the Serra Center parking lot is shared use. Any parking agreement will be subject to approval of the property owner. Designating specific parking may not be legal since there could be other tenant agreements.

Open the Public Hearing:

Carol Kassab, Milpitas Chamber of Commerce – Many people do ride sharing and use this area to park their vehicles. In addition, there is a catering truck event every Wednesday evening from 5 – 9 pm in this area. Arrangements could be made to move the location for this event.

Motion to close the public hearing.

M/S: Sandhu / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mohsin, Luk)

ABSTAIN: 0

Clarifications / Deliberations:

Commissioner Madnawat – It is not possible to stop people parking in certain areas. He suggests the applicant provide a safety plan for parking and not overburden the applicant with expensive type of fencing. He is agreeable with the proposed fencing.

Commissioner Luk – The requirements on the applicant are clearly stated. He recommends staff and the applicant arrive at an equitable solution.

Steve McHarris – Stated the applicant’s proposal is to install metal picket fencing. Staff asked for clarification if the motion is to change the type of fencing, or just working out the type of shrubs along the fencing.

Commissioner Sandhu – Confirmed that his motion is only to work out the type of shrubs around the proposed metal picket fencing.

Commissioner Morris – Recommended that the motion include designated parking spaces for security purposes, but not to include enforcement of the parking spaces.

The maker and second of the motion were not agreeable to the amendment designating parking spaces be included in the motion. The motion stands:

Motion to adopt Resolution No. 13-005 recommending approval of the project with the provision that the applicant work with staff on the shrubs surrounding the fencing, subject to staff’s approval.

M/S: Sandhu / Madnawat

AYES: 4 (Luk, Madnawat, Mandal, Sandhu)

NOES: 1 (Ciardella)

ABSENT: 2 (Mohsin, Barbadillo)

ABSTAIN: 1 (Morris)

XI. ADJOURNMENT

The meeting was adjourned at 8:40 pm to the next meeting of February 23, 2013.

Motion to adjourn

M/S: Luk / Ciardella

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary