

**APPROVED**

**MILPITAS PLANNING COMMISSION SUBCOMMITTEE  
Milpitas City Hall Committee Room**

**MEETING MINUTES**

**June 12, 2013**  
**6:30 pm**

**I. ROLL CALL**

Present: Garry Barbadillo and Rajeev Madnawat

Absent: John Luk and Zeya Mohsin

Staff: Cindy Hom

**Minor Site Development  
Permit No. MS13-0019**

**Cindy Hom, Assistant Planner** – Requested the subcommittee consider a request to hold a special event for the SanDisk Anniversary Celebration on Friday, June 21, 2013 between the hours of 11:00 am and 3:00 pm in the SanDisk campus parking lot, located at 951 SanDisk Way (APN 8601036) zoned Industrial Park with Site and Architectural Overlay (MP-S).

The Subcommittee voted unanimously to approve the special event subject to the conditions of approval.

**II. ADJOURNMENT**

The subcommittee meeting was adjourned at 6:34 PM.

*Meeting Minutes drafted and submitted by  
Joann DeHerrera, Planning Department Office Specialist*

# APPROVED

## MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

### MEETING MINUTES Wednesday June 12, 2013

#### 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

**Commissioners**

**Present:** Chair Sudhir Mandal, Garry Barbadillo, Vice Chair Larry Ciardella, John Luk, Rajeev Madnawat, Zeya Mohsin, and Gurdev Sandhu

**Absent:** None

**Alternate**

**Member:** Demetress Morris

**Staff:** Steve McHarris, Diana Pancholi, Cindy Hom, Mike Ogaz, Johnny Phan, and Mary Lavelle

The Alternate Member was not seated for voting, due to all regular voting Commissioners were present.

#### 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 was required from staff or Commission, but that Commission may choose to place a matter on a future meeting agenda.

**Speakers:**

Carol Kassab, CEO of Milpitas Chamber of Commerce, invited all to attend the Chamber's Annual Awards dinner on Thursday, June 27, 2013 at the Sheraton honoring business owners and ambassador of the year.

Rob Means, 1421 Yellowstone resident, addressed the group about new technology, the Mayor's recent speech, and crossing railroad tracks to help cyclists move across town. He asked for support of the project noted on a flyer he distributed to Commissioners.

#### IV. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the May 8, 2013 meeting minutes of the Planning Commission and May 22, 2013 meeting minutes of the PC Subcommittee.

No changes to the meeting minutes as written were requested.

**Motion** to approve Planning Commission meeting minutes of May 8, 2013 as submitted

Motion/Second: Commissioners Sandhu/Mohsin

AYES: 7

NOES: 0

**Motion** to approve the Planning Commission Subcommittee meeting minutes of May 22, 2013 as submitted

Motion/Second: Commissioners Sandhu/Mohsin

AYES: 7

NOES: 0

Chair Mandal questioned the vote above, and confirmed with the City Attorney, that the vote to approve the Subcommittee Meeting Minutes should be conducted only by the members of that group who were present at that meeting.

**Motion** to approve the Planning Commission Subcommittee meeting minutes of May 22, 2013 as submitted

Motion/Second: Commissioners Mohsin/Barbadillo

AYES: 2

NOES: 0

**V. ANNOUNCEMENTS** **City Attorney Mike Ogaz introduced new Assistant City Attorney Johnny Phan,** who was warmly welcomed by the Chair, and he will be advising the Commission at future meetings.

**Commissioner Barbadillo** announced that all were invited by the Community Advisory Commission to attend National Night Out this summer in Milpitas on the evening of Thursday, August 8. The Milpitas Police Department along with Commissioners encouraged neighborhoods to host local parties for the annual evening event to get to know neighbors, and to highlight crime prevention tips.

**VI. CONFLICT OF INTEREST** **City Attorney Mike Ogaz** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

No Commissioners 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 requested.

**Motion** to approve the June 12, 2013 agenda as submitted

Motion/Second: Commissioners Ciardella/Sandhu

AYES: 7

NOES: 0

**VIII. CONSENT CALENDAR** There were no items listed on consent.

**IX. PUBLIC HEARINGS**

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**IX-1. SITE DEVELOPMENT PERMIT NO. SD13-0009:** A request to install three non-illuminated over 6 feet tall double-faced freestanding signs in the Oak Creek Business Park located at 1820-1840 McCarthy Boulevard and 1860 Barber Lane (APN: 086-03-084 and 086-03-078) Zoned Highway Services with Site and Architectural Overlay and Recreation and Entertainment Overlay (HS-S-RE)

Senior Planner Diana Pancholi introduced this sign permit request for Oak Creek Business Park signs. The company would remove three existing signs and replace those with three new ones, non-illuminated, in a single story office park location. New signs would be over 6 feet (images were displayed on screen), and no concerns were heard. All plans were consistent with planning and zoning codes, and the project was exempt from CEQA.

Staff noted that the applicant was present.

Commissioner Madnawat inquired why this type of project was before the Commission. Staff explained that when any sign was taller than six feet, it must go to the Commission for approval. 8 feet 28 inches was the total height for the sign and base from the ground to the top.

Chair Mandal asked for the rationale why the owner wanted to install such a sign. Staff explained for greater awareness and identification of the business.

Chair Mandal opened the public hearing, and no comments were heard.

**Motion** to close the public hearing, having received no testimony from the public

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

**Motion** to adopt Resolution No. 13-016 approving Site Development Permit No. SD13-0009 for signs at Oak Creek Business Park, subject to conditions of approval

Motion/Second: Commissioners Madnawat/Luk

AYES: 7

NOES: 0

**IX-2. CONDITIONAL USE PERMIT NO. UP13-0007:** A request to operate an 880 square foot dental laboratory within an existing multi-tenant commercial building located at 1291 S Park Victoria Drive. (APN: 088-36-036) Zoned General Commercial with Site and Architectural Overlay (C2-S)

Senior Planner Diana Pancholi introduced the proposal for an existing dental lab, requiring a conditional use permit. A site visit was made to the business, where it was operating without proper permits including no business license. The lab is located in the Parktown area, zoned for General Commercial business. Ms. Pancholi provided details of the building and how the business was laid out. There was already sufficient parking on site and this project was exempt from CEQA. She

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informed Commissioners that the applicant was present.

Chair Mandal asked why this did not come forward to the Commission sooner. Staff explained that the owner came to the city to apply for a building permit for tenant improvements, and it was then sent to Planning staff. Then, staff determined the requirement for a CUP, and saw no business license. The applicant applied for needed permits, and now was present to seek approval.

Commissioner Mohsin inquired how long construction improvements would take before they were done. She thought parking could be an issue. Staff reported there was a joint parking agreement with the neighbor.

Staff reported two ADA-lavatories for staff were to be installed at the dental lab.

Commissioner Barbadillo inquired about impacts to children, if there were any toxic chemicals in use. Staff reported there were none that affect nearby business, and the applicant could explain further.

Vice Chair Ciardella wondered if the dental lab staff could continue to work while the construction was ongoing. City Attorney Ogaz replied that was up to the City's building official, and to consider construction work effects. Planner Pancholi added that an occupancy permit was necessary for workers to be in the building.

Dr. Shoker, the building owner, provided additional explanation of the dental lab business, where they were making crowns and bridges for dentists.

Chair Mandal opened public hearing for comments.

Rob Means, 1421 Yellowstone, remarked about the business owner who had no problems so far, and this project was an upgrade to the building. He urged Commissioners to support it.

**Motion** to close the public hearing

Motion/Second: Vice Chair Ciardella/Commissioner Sandhu

AYES: 7

NOES: 0

Commissioner Barbadillo commented on various regulations, including FDA rules which must be observed in this type of business. He advised staff to know these rules and to apply to the type of business in this location.

Staff responded that planners were aware of FDA regulations and standards, which were applied. Building Department would review all these details when inspected.

Commissioner Madnawat wanted to make sure guidelines were safe for a business that made dental crowns that go into the mouth.

Commissioner Sandhu reminded the Commission that the Building Inspection staff would take care of the fine details of project, when the applicant got started following approval of the Use Permit here.

**Motion** to adopt Resolution No. 13-017 approving Conditional Use Permit No. UP13-0007 for an 890 sq. ft. dental laboratory, subject to conditions of approval

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Motion/Second: Commissioners Sandhu/Mohsin

AYES: 7

NOES: 0

## X. NEW BUSINESS

### X-1. Study Session on California Circle land use and future vision.

California Circle study area encompasses approximately 110 acres that is bounded by Interstate 880 to the west, Dixon Landing Road to the north, Penitencia Creek to the east, and residential uses to the south. This area was currently zoned Industrial Park.

Planning Director Steve McHarris addressed the Commissioners, recognizing City staff Planner Cindy Hom and Traffic Engineer Steve Chan, who assisted him with the preparation for this study session topic.

This would be an opportunity to review site conditions, opportunities, interests, land use, and planning possibilities, while also seeking Commissioner input and comments. There were older industrial buildings in this area, with high vacancy rates. One project application was anticipated for a residential project for 80 homes, in the California Circle area. It would need to come before the Commission at a future meeting for a possible General Plan amendment.

Chair Mandal wondered what was happening in the city, where industrial was often converting to residential homes. He wanted to learn if there was any way to develop in a different way, to keep residential in residential zones. Also he asked what could be done to attract more business to Milpitas in commercial/industrial areas.

Alternate Member Morris agreed completely with the Chair, and to look at all possible uses in California Circle area.

Commissioner Madnawat asked if the future proposal was for the whole study area and staff replied no. He felt housing was so easy and profitable for builders. Mr. Madnawat saw the need to keep industrial/commercial areas and to increase resistance toward housing, especially right next to a freeway. He preferred commercial use for this site.

Commissioner Sandhu stated this was one of the only areas that was industrial, still available. There was also a need for a place for community to gather, such as his own Gudhwara temple gathering. He sought to keep industrial use at the site discussed. He also referred to an idea for Indian temples concentrated in one area of the city.

Vice Chair Ciardella wanted to know the percentage of industrial versus housing and retail, citywide. Staff could reply later. He asked if California Circle was built out completely and staff replied nearly, yes, such that new projects would be considered infill. Mr. Ciardella also wished to know percent of vacancies (updated per chart).

Commissioner Mohsin agreed with Commissioner Sandhu's comments. There was a need for more religious places and a need for mixed use spaces. She encouraged faster response from staff on religious use applications and providing information to religious use applicants.

Commissioner Barbadillo stated a need to put brakes on housing in the City. A business friendly approach must be done. He referred to EP5 program, to pursue getting business here. Staff Mr. McHarris suggested more business development with promotion not focused on housing, but more on business, may be needed.

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Chair Mandal pointed out this study session was for visioning of the study area.

Commissioner Mohsin remarked that growth was connected to everything, and to consider that housing was an industry in the marketplace.

Chair Mandal suggested keeping in mind schools, when projects come forward. There was an issue of capacity, adding population and kids to the City.

Commissioner Luk expressed the strong need for a sustainable vision in Milpitas. It could be a long journey to reach the needed vibrant community setting. Also, he saw the need for space for R&D in Milpitas. He thought it would be a good idea to tour the site under discussion at this meeting.

Commissioner Madnawat pointed out there was no school at this site, and that was a problem for this site. A need for long term planning was demonstrated.

Planning Director McHarris continued with his presentation, identifying five constraints and many opportunities, seven specifically listed. He reported that there were many inquiries to City staff about land use for California Circle.

Chair Mandal noted some history: Milpitas offered San Jose several million to remove the waste facility 25 years ago, in order to develop. That did not work out, however. So at this time, with California Circle, there was a great opportunity for planning in this area.

Mr. McHarris explained what “infill transitioning” was and why it would be needed.

Alternate Member Morris asked for staff to define mixed-use, and the optimum balance of industrial, commercial and residential use for this area.

Mr. McHarris identified city interests in a listing of six items. Potential land uses were: residential (density feedback needed), residential/commercial mixed-use, and parks/trails/open space use. Land use and zoning options were listed as well.

Commissioner Mohsin asked if this topic would come back to the Commission and staff responded if that was the desired feedback from Commissioners. She also asked if density could be changed. Different types of mixed uses could be here. Staff could reply about viable commercial uses, based on specific density if residential was part of mix.

Vice Chair Ciardella asked about a creek that ran in the study area, which had flooded years ago. Staff would study a possible rising of the levy. Mr. Ciardella sought more detailed information on any formula about how high to raise homes, if a school would be built nearby and other factors related to a flood area.

Mr. McHarris revealed the planning possible for California Circle with visioning in five steps; with a specific plan designed in several steps. Staff sought input, as to whether the process identified conformed to what Commissioners would like to do.

Chair Mandal commended the Planning Director and his staff. It was good to come and talk conceptually, with a need for visioning in this study area.

Commissioner Mohsin felt the last part of the presentation should have been first. It made sense to understand mixed use process, and what good uses could be allowed. She emphasized a place where community could meet.

Alternate Member Morris wanted to better understand the appropriate mix for mixed-use.

Vice Chair Ciardella remarked that when he recently drove through California Circle, the properties and the area was not kept up as well as it should be.

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Chair Mandal invited speakers to the podium.

Mr. Cary Matsuoka, Superintendent of Milpitas Unified School District, was concerned about rate of development in the City overall. The School District appreciated being a stakeholder with the city. He responded on numbers of housing units in the development process and numbers being built presently. He quoted numbers of new students in next few years, and in the next decade anticipated. Four elementary schools were full at this time and there was an identified need for a K-8 school in the Transit Area. He suggested the City slow the approval of residential development projects.

Rob Means, 1421 Yellowstone, felt the industrial demand for space was low, based on national policies. He discussed statistics of a jobs-to-housing ratio. Ideal services were available near that Interstate 880 corridor, and there would soon be new lighted billboard signs at California Circle. Other topics of concern to Mr. Means related to density, parks/open space, and creek flooding gap that was remedied.

Elizabeth Ainsworth, President-elect of Milpitas Chamber of Commerce and a Milpitas resident, was very familiar with this area and had lived in Mill Creek Park when she first came to the city. There was a golden opportunity to put something beautiful, in a spot right in between the two new BART stations under construction. A “riverwalk” idea as shown by staff would be great, noting that north of California Circle and Milpitas (into Fremont) was all industrial.

A unanimous vote was taken to “close the public hearing” and was considered to be the conclusion of this segment of the Planning Commission meeting.

Alternate Member Morris requested the current jobs-to-housing ratio, and also to get the figures that the Superintendent was talking about from the school district.

## **XI. ADJOURNMENT**

The meeting was adjourned at 9:05 PM to the next meeting of June 26, 2013.

**Motion** to adjourn to adjourn the meeting

Motion/Second:           Commissioners Madnawat/Luk

AYES:       7

NOES:       0

*Meeting Minutes drafted and submitted by  
City Clerk Mary Lavelle,  
acting as Recording Secretary*

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