

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

**MEETING MINUTES**  
**Wednesday, September 11, 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, John Luk, Rajeev Madnawat, and Gurdev Sandhu  
**Absent:**      Vice Chair Larry Ciardella and Zeya Mohsin  
**Alternate Member:**      Demetress Morris  
**Staff:**      Steve McHarris, Tiffany Brown, Johnny Phan, and Mary Lavelle  
  
Alternate Member Morris was seated for voting, due to two regular voting Commissioners' absence.
- III. PUBLIC FORUM**      **Chair Mandal** invited members of the audience to address the Commission for three minutes or less.  
  
**Rob Means**, 1421 Yellowstone resident, spoke on behalf of Sunnyhills Neighborhood Association and sought to bring an automated transit system to Milpitas, starting that with a railroad crossing in Milpitas. He had previously provided his ideas on Personal Rapid Transit and related topics to the City Manager. There was established a new six-city coalition on transportation issues, including the Chair of the Milpitas Economic Development Commission. He requested 15 minutes of time on a future Commission agenda to discuss PRT and how it might impact planning decisions.
- IV. APPROVAL OF MEETING MINUTES**      **Chair Mandal** called for approval of the August 14, 2013 meeting minutes of the Planning Commission.  
  
No changes to the meeting minutes as written were requested.  
  
**Motion** to approve Planning Commission meeting minutes of August 14, 2013 as submitted  
  
Motion/Second:      Commissioners Sandhu/Madnawat  
  
AYES:      6  
NOES:      0
- V. ANNOUNCEMENTS**      Commissioner Madnawat reported from the Subcommittee on Bylaws, they were still working on proposed revisions to By-Laws. He wanted suggestions from the Commission, which members could submit to the Planning Director or the Chair. He requested staff to get copies of Planning Commission by-laws from neighboring cities, including Fremont, Sunnyvale, and Mountain View to start.

Chair Mandal inquired when he would see the draft that was being worked on, and Mr. Madnawat replied, by next month.

Alternate Member Morris asked that everyone note this date, September 11, to take a moment to remember those lost on 9/11/2001 and the impact to the nation. Chair Mandal requested a moment of silence, observed by all in the Chambers.

**VI. CONFLICT OF INTEREST**

**Assistant City Attorney Johnny Phan** 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 Commissioner identified any conflict of interest.

**VII. APPROVAL OF AGENDA**

**Chair Mandal** asked whether staff or the Commission had any changes to the agenda. There were none.

**Motion** to approve the September 11, 2013 agenda as submitted

Motion/Second: Commissioners Sandhu / Madnawat

AYES: 6

NOES: 0

**IX. PUBLIC HEARING**

**CONDITIONAL USE PERMIT NO. UP13-0004 and SITE DEVELOPMENT PERMIT NO. SD13-00017:** request to amend Use Permit No. 0138 to allow for the expansion of the existing parking lot for the St. Elizabeth Church complex located at 750 Sequoia Drive APN 088-25-041, zoned Single Family Residential, from applicant Christopher Clancy

Assistant Planner Tiffany Brown provided the report to Commissioners on this request by St. Elizabeth to expand its parking lot to meet current needs of the congregation. She presented visual display with details of the expanded parking lot, including the lighting plan. It was consistent with the General Plan and Zoning.

Staff reported that comments were received from residents, with concern for a buffer between residences and the parking lot. A suggestion for additional mass times to alleviate the need for more parking was made. Supportive comments were in favor of the added parking, to yield less parking on surrounding streets.

Commissioner Madnawat inquired if there was any land left for future development, if the parking lot was built. Staff replied no.

Alternate Member Morris asked about landscaping in additional to the wall.

Chair Mandal wondered if homes were directly next to the planned concrete wall, and if there was anything in between a home's land and the wall. Staff explained that church representatives would talk to neighboring property owners about eliminating any need for double walls. The Chair also inquired about the LED lighting plan, which staff explained with energy efficient lights and directed luminaire light posts. He asked about parking overflow and whether the church had considered additional mass times.

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Commissioner Madnawat asked for an explanation of “MRP” in Condition No. 11. Planning Director McHarris said that referred to the required stormwater permit, an engineering item in the conditions of approval. Mr. Madnawat asked about the fee charged for the permit, which seemed steep to him. Mr. McHarris responded that the fee was based on square feet of the entire site, not solely the part being developed, per Milpitas Municipal Code.

Commissioner Barbadillo commented on the required stormwater permit fee, how it was determined, and what language was in the municipal code.

Principal Civil Engineer Ebby Sohrabi answered questions from Commissioner Barbadillo, by explaining stormwater movement and the requirement for proper drainage into city facilities. The fees were applied city-wide.

Commissioner Barbadillo asked Assistant City Attorney Phan to comment and explain directly from the Milpitas Municipal Code, how the fees were applied and to what structures. The relevant code section was displayed overhead.

Alternate Member Morris wanted to confirm this was standard practice. Mr. Sohrabi replied yes, the municipal code applied to all properties in the City of Milpitas.

Chair Mandal invited the applicant to speak next. On behalf of the church, architect Christopher Clancy of San Jose came to podium, stating 1.6 acres was the size of new parking lot.

Alternate Member Morris asked why the church did not offer any compact parking spaces, since she noticed all were regular sized. City Planner Ms. Brown said the municipal code did not allow for it in this zoning district.

Chair Mandal asked Mr. Clancy if different mass times were considered. The architect replied no, as different mass times with different languages were already offered on weekends. He quoted the church occupancy was 640.

Chair Mandal then opened the public hearing for comments.

**Ernestine Lopez**, a neighboring resident at 1916 Everglades Drive, would be directly impacted by the redevelopment at St. Elizabeth Church. She was concerned about the masonry wall as a good neighbor fence. Her backyard fence was on two feet cinder block with a wood fence on top and raised brick flowerbed attached to it. She was worried about any new wall and aesthetics. She was concerned about lighting also, and did not want light coming right into her rear bedroom, so she requested lights turned off at night or on a timer.

**Brigitte Donkers**, a neighboring resident at 1870 Everglades Drive, was happy the church was developing the field but she had the same concerns as previous speaker. She worried about the masonry wall. After one meeting with church representatives, she never heard back by e-mail from them, as expected. She has a wooden fence with flowers adjacent, and did not want those damaged. The grading of the church’s property was an issue and worried about drainage during a storm. With concern over the new lighting, she wanted it turned off in the evening.

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**Rob Means**, 1421 Yellowstone, applauded the church's use of new LED lighting, with 8 foot standards, not 20 feet. He said to apply MRP to the old parking lot as well as the new lot. He applauded 39 new trees being installed as long as they were not palm trees. One thought however: free parking encouraged more car traffic.

**Motion** to close the public hearing after hearing comments from three speakers

Motion/Second: Commissioners Madnawat / Sandhu

AYES: 6

NOES: 0

Chair Mandal asked Planning staff to confirm what he understood – that the church would work with neighbors on their preferences about the fence. Staff did confirm that. Some needs were not yet known, and it was determined through the planning process that a masonry wall would be necessary.

Chair Mandal asked when doing grading, was it a requirement that stormwater must remain on one's own property (i.e. not neighbor's) and staff said yes, as part of the stormwater plan. He asked if the masonry wall was mandatory and Ms. Brown said yes, per the zoning code and was quite common. Chair Mandal asked if there was a possibility that the church could construct a wooden fence and leave the neighbors' fence as is, in those locations questioned. Staff again repeated that a masonry wall was required.

Alternate Member Morris referred to the community meeting held. She wondered why concerns were not taken into account following. Staff replied that was because the church did not know then that masonry was required by the City at the time of that meeting with residents.

Commissioner Luk noticed some churches do not have adequate parking in Milpitas, and that was undesirable. At this site, it was fortunate that the church had extra land for expanding the parking lot. It had less effect on nearby residential streets so it was a valuable improvement, and a good use. He was in favor.

Chair Mandal felt the church should look at timing on lights in the parking lot perimeter. Staff could work with church staff on it while also working with neighbor home owners, so their concerns were addressed. Alternate Member Morris agreed with Chair Mandal.

Commissioner Sandhu noted that neighbors could still maintain their own wooden fences, without having masonry church fence as their own. He commented on lighting, and direction of light poles and light.

Commissioner Barbadillo asked about zoning. The church was in a residential zone, so for connection fees, he sought clarification from the Assistant City Attorney that fees calculated were correct for the type of construction on the site.

Chair Mandal supported the project in the friendly neighborhood. He had visited the church during services. He wanted one assurance - that the church would work with neighbors to their satisfaction on the fence and lighting.

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Commissioner Madnawat had seen these lights before, and they are very focused with correct angle. He was not too concerned about light overflow, with 8 foot poles, it would not be visible to neighbors. He inquired if the Commission could review the masonry wall further.

Planning Director McHarris reviewed the process that applicants go through for any project, explaining the 30 days reference was for staff: when an application was complete, staff could then schedule a public hearing for any project. That was already done here for the church application. Permits could be issued once the Commission voted on the application for the Conditional Use Permit and Site Permit. Staff would certainly work with the applicant on any requirements made by the Commission.

**Motion** to adopt Resolution No. 13-021 amending Conditional Use Permit No. 0138 and approving Site Development Permit No. SD13-0017, subject to conditions of approval

Motion/Second: Commissioners Madnawat / Luk

Commissioner Madnawat expressed again that the church should work to be a good neighbor, trying for the satisfaction of all. There should not be any damage to neighbor properties. This was an informal request by Mr. Madnawat, while he was skeptical to make it a mandatory condition of approval.

Alternate Member Morris felt that maybe the project could return to the Commission to follow up and let the Commissioners know outcome. Chair Mandal replied that would be cumbersome. He wanted to be clear the church would work with neighbors, and the church representative agreed the church would do so, as was already conditioned. Lighting was taken care of and could certainly go on a timer.

Commissioner Luk felt the duty as Planning Commissioner was to address neighbor concerns, they heard staff and engineer reports, understood the good neighbor approach, but they could not micromanage the City staff. All members should listen to the public, read the staff recommendation, hear comments, and then make a decision here on the project application.

Chair Mandal then called for a vote on the motion, asking those in favor to raise their hands. The vote was a unanimous vote of approval.

AYES: 6

NOES: 0

## X. ADJOURNMENT

Chair Mandal adjourned the meeting at 8:26 PM to the next regular meeting date of September 25, 2013.

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

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