

MEETING MINUTES

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

Wednesday, April 23, 2014

- 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, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, John Luk, Rajeev Madnawat and Alternate Member Hon Lien
Absent: Garry Barbadillo, Demetress Morris
Staff: Steven McHarris, Johnny Phan, Scott Ruhland
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the April 9, 2014 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes, as submitted
Motion/Second: Commissioner Madnawat/Vice Chair Ciardella
AYES: 5
NOES: 0
ABSTAIN: 1 Sandhu
- V. ANNOUNCEMENTS** No announcements
- 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.

There were no reported conflicts.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda.

Steven McHarris, Director of Planning and Neighborhood Services, recommended moving Item VIII-2 Good Shepherd CUP Time Extension from Consent to Public Hearing and moving Item IX-1 Great Mall Amusement Ride CUP from Public Hearing to Consent.

Motion to approve the April 23, 2014 agenda with changes.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

VIII. CONSENT CALENDAR

VIII-1

RANCH DRIVE SIGN – 74 Ranch Drive – SD14-0001 - To consider a request for a Site Development Permit for a new free standing sign over 6 feet in height located at 74-82 Ranch Drive. This project is categorically exempt from further CEQA review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

Motion to adopt Resolution No. 14-018 approving Site Development Permit No. SD14-0001 for a new freestanding sign over 6 feet in height.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

IX-1

GREAT MALL AMUSEMENT RIDE CUP – 1100 South Main Street – UP14-0006 – A request for Conditional Use Permit (CUP) for the operation of an amusement ride (bungee trampoline) within the Great Mall. This project is categorically exempt from further CEQA review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

Motion to adopt Resolution No. 14-017 approving Conditional Use Permit UP14-0006 for the operation of an amusement ride (bungee trampoline) within the Great Mall.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

IX. PUBLIC HEARING

VIII-2

GOOD SHEPHERD CUP TIME EXTENSION - 467 Sinclair Frontage Road – TE14-0001 - A request for a time extension for a previously approved Conditional Use Permit Amendment No. P-UA11-0012 to modify the existing floor plan to accommodate new programming of church operations for an existing church use, in the Heavy Industrial Zoning District. This project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

Senior Planner Scott Ruhland reviewed a memorandum submitted as there were changes to the Staff Report, Resolution and Conditions of Approval. He explained that a New Finding was inadvertently omitted from the staff report and resolution, Condition of Approval #15 was modified to require additional parking, there were new conditions of approval added, and he referenced a letter received by a nearby property owner stating that she has not given permission for church patrons to park on her property.

Vice Chair Ciardella asked if the required spaces include street parking and Senior Planner Ruhland answered no, and he believes there is no street parking allowed on

Sinclair Frontage Road.

Commissioner Madnawat asked what type of complaints have been received and Senior Planner Ruhland said that most complaints are from businesses whose customers are unable to park.

Senior Planner Scott Ruhland then gave a short presentation and description of the project.

Commissioner Madnawat commented that the church use is mostly evening and weekend hours and the parking plan presumes that all businesses will be open at the same time, and asked if the ordinance considers this. Senior Planner Ruhland said that this is somewhat covered through the shared parking arrangement which assumes there are activities on site that have different hours of operation. However, the parking requirement there is not entirely allocated to the church so they need to seek other parking spaces elsewhere onsite. He added that without the shared parking agreement the ordinance is ineffective.

Chair Mandal asked if it is possible that the congregation has grown and asked if there is a carpooling program and Senior Planner Ruhland answered that it is safe to assume it has grown and carpooling has been encouraged.

Commissioner Madnawat asked how the City keeps track of who is sharing parking lots and Senior Planner Ruhland said that shared parking agreements are permanent and made with the owner of the property and required to be recorded against the property.

Commissioner Madnawat said he feels that staff is going in the wrong direction by requiring more parking when staff should instead be encouraging people to walk or take alternative transportation.

Applicant Herminio Cantos, Officer of the Good Shepherd Community Church, approached the microphone for questions.

Chair Mandal asked the applicant if there is a ride sharing/carpooling program which the church encourages and Mr. Cantos answered that there is nothing right now but they just acquired a van that picks up people that need rides. He added that they are a family oriented church and families share cars. Chair Mandal said that he would like to see the church promote carpooling and do what it can to keep harmony with the businesses.

Commissioner Luk asked Mr. Cantos if, in his opinion, there are parking issues with neighbors and Mr. Cantos answered that he just recently heard of an opposing opinion when they submitted their extension permit and understands they need to work with the neighbors. He added that church staff places orange cones in spots where the neighbors do not want cars parked. He said that most neighboring business are closed when they have services on Sundays and they try their best to be sensitive to their neighbors.

Chair Mandal opened the public hearing. Tony Dong, owner of 537 Sinclair Frontage Road, said that he has been in his location for 12 years and knows the history of the church. He said that the church was sold about two years ago because they have no parking and there are too many people and too many parking issues.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 6

NOES: 0

Commissioner Madnawat asked Steven McHarris, Director of Planning and Neighborhood Services, if shared parking agreements that are signed by tenants which have exclusive rights to use the space are acceptable to the City and Mr. McHarris answered that it would not be acceptable and staff would verify each agreement to ensure the owner signed and not the tenant. He added that the City's agreement template is being used, not their own, and that requires the owner to sign.

Chair Mandal asked if staff talked to the businesses that had objections and Senior Planner Ruhland said there was one visitor to the counter with whom he has had a few discussions, and he seemed satisfied with the additional conditions on the permit.

Motion to adopt Resolution No. 14-016 approving Time Extension for a previously approved Conditional Use Permit Amendment No. P-UA11-0012 modifying the existing floor plan to accommodate new programming at an existing church use in the Heavy Industrial Zoning District.

Motion/Second: Vice Chair Ciardella/Commissioner Madnawat

AYES: 5

NOES: 0

ABSTAIN: 1 Lien

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT The meeting was adjourned at 7:45 PM to the next meeting of May 14, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Commissioner Luk

AYES: 6

NOES: 0

ABSENT: 2

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*