

MEETING MINUTES

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

Wednesday, August 13, 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 Garry Barbadillo, Gurdev Sandhu and Rajeev Madnawat
Absent: Commissioners Demetress Morris and John Luk were absent at roll call. Ms. Morris arrived at 7:02 PM and Mr. Luk at 7:05 PM. Alternate Member Hon Lien was absent.
Staff: Steven McHarris, Johnny Phan, and Tracy Tam
- 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 July 23, 2014 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes, as submitted.
Motion/Second: Vice Chair Ciardella / Commissioner Madnawat
AYES: 7
NOES: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Planning Director Steve McHarris announced that the next regular meeting of the Planning Commission was cancelled for August 27 (no items).
Commissioner Sandhu sought a response from staff on items he previously reported related to safety, such as trimming of trees underneath street lights.
- VI. CONFLICT OF INTEREST** **Assistant City Attorney Johnny Phan** asked if any Commissioner had any personal or financial conflict of interest related to agenda items.
Commissioners Madnawat and Barbadillo had a conflict on consent calendar matter VIII-1, regarding their nearby office location on Centre Point Drive. Therefore, both recused themselves from voting on that item.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had any changes to the agenda, and there were none.

Motion to approve the August 13, 2014 agenda as submitted.

Motion/Second: Commissioner Madnawat / Commissioner Sandhu

AYES: 7

NOES: 0

VII-1. ELECTION OF OFFICERS

Election of Planning Commission Officers (Chair and Vice Chair):

Motion to appoint Sudhir Mandal as Chair for a one-year term

Motion/Second: Vice Chair Ciardella / Commissioner Sandhu

AYES: 7

NOES: 0

Motion to appoint Larry Ciardella as Vice Chair for a one-year term

Motion/Second: Commissioner Madnawat / Commissioner Sandhu

AYES: 7

NOES: 0

Both gentlemen thanked their colleagues for their support in the past and in the coming year.

VIII. CONSENT CALENDAR

SUNSET PROVISION ZONING AMENDMENT – 1504-1666 Centre Pointe Drive - ZA14-0008 – Zoning Text Amendment to Section XI-10-56.03 Nonconforming Uses of Buildings and Structures (B.2) to amend the sunset provision in the specific plan areas that allow non-conforming uses to apply for a CUP from June 16, 2014 to June 16, 2016 (exempt from further CEQA review)

Motion to adopt Resolution No. 14-030 recommending that the City Council approve Zoning Text Amendment No. ZA14-0008 to extend the sunset date from June 16, 2014 to June 16, 2016 for the re-establishment of discontinued non-conforming uses within the Midtown Plan and Transit Area Specific Plan areas.

Motion/Second: Commissioner Sandhu / Vice Chair Ciardella

AYES: 5

NOES: 0

ABSTAIN: 2 Commissioners Barbadillo and Madnawat

IX. PUBLIC HEARING

ODYSSEY PRE-SCHOOL at 430 South Abel Street, UP14-0011, MS14-0028: Request for a Conditional Use Permit and Minor Site Development Permit to operate a pre-school in an existing commercial building and to permit various building and site modifications (project categorically exempt from further CEQA review).

Project Planner Tracy Tam gave a presentation with the history of

development on this site, along with a complete description of the proposed pre-school to serve a total of 89 children, ages six months to four years old. She identified the requirement for 22 parking spaces, which would be provided. The applicant/owner from Milpitas and anticipated operator from Foster City were both present.

Commissioner Madnawat asked about the existing use and staff replied it was a vacant medical office now.

Vice Chair Ciardella asked about entrance and exits. He was curious if there was only one main exit. Staff said one was primary, but there were several exits possible from the building to the play area outside, with several gates to exit the play area.

Commissioner Morris asked to confirm there had been no structural change to the building since 1971, which was the case. Staff explained that a complete review of the improved structure would be done at the time of building inspection, if approved.

Chair Mandal inquired about sign-in and out of the children, child-sized restrooms facilities, trash pick-up logistics, closed circuit television, adequate lighting, and safety matters.

Commissioner Barbadillo sought more details on traffic circulation and related traffic issues on South Abel next to the post office. Staff reviewed the circulation plan, and parking location on site.

Next, the Chair invited the applicant to speak to Commissioners.

Manjit thanked City staff for working with her to bring this pre-school to Milpitas. She desired to help parents in Milpitas, especially after her son was accepted to Stanford. The foundation for kids' education started early. She is the parent of two children and wanted success for other children in the City of Milpitas. She planned to hire an experienced operator to run the pre-school.

The applicant did request the Planning Commission to waive the required six month review as a condition of approval.

Commissioner Morris asked what aesthetically pleasing and stimulating would be planned for inside the pre-school. Applicant Manjit responded with the budget she planned to spend (no specifics provided).

Commissioner Madnawat expressed concern for the safety of the future students primarily, so he wanted to know more about staff training.

Mr. Sanjay Prasanna, operator of a pre-school in Foster City, said he and his wife would operate this new pre-school in Milpitas. All teachers would be certified, and two directors would be on site. He described where security cameras would be located. Staff Tracy Tam pointed to the loading/unloading area on the plan map, to respond to Commissioner Madnawat.

Chair Mandal asked the City Attorney about cameras in a classroom, and if there were any issues. There might be privacy concerns, said Johnny Phan. The Chair asked further about lights and the plans for lighting and security of

children. The operator replied that there would be no children outside after 5:00 PM, in daylight or during the winter time.

Vice Chair Ciardella asked the architect Kevin Mattos about two exits he saw from the playground area, with one next to the trash enclosure. He wanted to know if the ground would be striped, and the architect said yes. Details must be approved by building officials and have a Fire Department inspection.

Commissioner Barbadillo asked if the Milpitas facility would be larger or smaller than the Foster City pre-school. Mr. Prasanna replied that the Milpitas site would be larger.

Chair Mandal asked the Planning Director about the required six month review, and what would happen then. Planner Scott Ruhland responded that the intent was for staff with the Traffic Engineer and project planner to go out and do field operations, to assess how traffic had been impacted, how parents were doing dropping off and picking up the kids. Then staff could make a recommendation, if needed, for any improvements.

Planning Director McHarris also responded that the condition's wording can be adjusted to be more clear, and perhaps a 12 month review might not be necessarily mandatory.

Commissioner Madnawat asked, as part of CUP process, was the City staff empowered to go and inspect the facility at any time, and Mr. McHarris replied yes.

Vice Chair Ciardella asked when the timing starts to measure six months for review, now upon approval or at time of occupancy. Mr. McHarris said it would be measured starting at occupancy of the building.

Commissioner Morris would like benchmarks to stay in place, since the building was so old and needed much improvement. Mr. McHarris responded and explained the role of building inspection required before occupancy.

Chair Mandal opened the public hearing at 8:03 PM, inviting speakers from the audience. There were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu / Vice Chair Ciardella

AYES: 7

NOES: 0

Chair Mandal stated he felt that the review at six months was important for flow of traffic to be reviewed, and was necessary. He urged to leave in that condition of approval for this project.

Motion to adopt Resolution No. 14-031 approving Conditional Use Permit No. UP14-0011 and Minor Site Development Permit No. MS14-0028 to operate a preschool in an existing commercial building and to permit various building and site modifications, per Conditions of Approval.

Motion/Second: Commissioner Madnawat / Commissioner Sandhu

AYES: 7

NOES: 0

ADJOURNMENT

The meeting was adjourned at 8:06 PM to the next meeting date of September 10, 2014. Reminder was given that there would be no Commission meeting on August 27.

Motion to adjourn to the next meeting on September 10, 2014.

Motion/Second: Commissioner Madnawat / Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Mary Lavelle, City Clerk*