

## MEETING MINUTES

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

Wednesday, December 10, 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, Commissioners Rajeev Madnawat, Demetress Morris, Alternate Member Hon Lien  
**Absent:**      Larry Ciardella, Gurdev Sandhu, John Luk  
**Staff:**      Steven McHarris, Johnny Phan, Cindy Hom, Shaunn Mendrin
- 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 November 24, 2014 meeting minutes of the Planning Commission.  
**Motion** to approve Planning Commission meeting minutes as submitted.  
Motion/Second:      Commissioner Morris/Alternate Member Lien  
AYES:      3  
NOES:      0  
ABSTAIN:      1      Madnawat
- V. ANNOUNCEMENTS**      Planning Director Steven McHarris announced that staff will finalize the PC Subcommittee rotation schedule after the appointment of commissioners at the January 6 City Council meeting.  
Chair Mandal wished Milpitas residents, commissioners and staff happy holidays and a happy new year.
- 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 and there were none.  
**Motion** to approve the December 10, 2014 agenda as submitted.  
Motion/Second:      Commissioner Madnawat/Commissioner Morris  
AYES:      4

NOES: 0

**VIII. CONSENT  
CALENDAR**

**NO ITEMS**

**IX. PUBLIC HEARING**

**IX-1**

**MILPITAS CM COLLEGE – 102 S. Abel Street – UP14-0018:** A request to operate a 3,000 square foot cosmetology school within a multi-tenant commercial center zoned Mixed Use with Site and Architectural Overlay.

Project Planner Cindy Hom provided a presentation reviewing the project.

Commissioner Madnawat asked the applicant how they ensure public health and cleanliness, and if there are regular inspections. Applicant Ninh Nguyen said they are licensed through the state. Commissioner Madnawat also asked if they had ever had their business license removed and the applicant said no.

Commissioner Morris asked if instructors are given clear instructions on how to properly dispose of chemicals and waste. The applicant said that by law they have proper ventilation.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Madnawat/Commissioner Morris

AYES: 4

NOES: 0

**Motion** to adopt Resolution No. 14-039 approving Conditional Use Permit No. UP14-0018 to allow for a 3,000 square foot cosmetology school.

Motion/Second: Commissioner Madnawat/Commissioner Morris

AYES: 4

NOES: 0

**IX-2**

**75 SOUTH MILPITAS – 75 South Milpitas Blvd – MT14-0002, UP14-0023, SD14-0014, PD14-0002:** A request for a Vesting Tentative Map, Conditional Use Permit, Site Development Permit Amendment and Planned Unit Development for the development of the existing site to allow 25 townhouse units (5 of which are live-work units) and associated site improvements.

Senior Planner Shaunn Mendrin provided a presentation reviewing the project. He said the applicant has conducted additional outreach with the tenants, additional time was provided for tenants that needed it, and the applicant is providing business relocation assistance and commercial brokers as resources.

Commissioner Madnawat asked about the size of the commercial space and Mr. Mendrin said the applicant could answer the question.

Commissioner Morris thought the outreach was going to include residents and customers being served by the businesses being impacted by the move. Mr. Mendrin

said his understanding was that further outreach was needed for the businesses located in the building as some said they had received short notice to vacate. He said additional notices were placed in the building informing tenants of the Planning Commission hearing date and that the applicant has held additional meetings with the tenants to ensure a smooth transition.

Chair Mandal asked how wide the walkway to the trail is and Mr. McHarris said it is 6-8 feet wide. Chair Mandal said that he would like to see nice landscaping and benches for people to relax.

Chair Mandal invited the applicant to speak.

Mike Sullivan of SRE Development Company said he is excited to see live-work units in Milpitas and believes they will be a successful product.

Mr. Sullivan said that at the last meeting one of the tenants expressed concern regarding time on the leases. He said they had not been notified of this issue by the landlord or the tenants but went to work meeting with all of the tenants to ensure they had professional resources and the time necessary to make the transition smoothly. He said they wanted to be proactive and make sure they are supporting the businesses and they have a number of brokers working with them.

Mr. Sullivan said that most of the tenants are on month to month leases but have been given quite a bit more time than what is required in their contracts. He said that Milpitas Dental was the tenant that spoke at the last meeting and that they have provided written correspondence that they are in agreement with the additional time they were given and they will continue to work together to ensure a smooth transition.

Mr. Sullivan addressed the commissioner's questions and said the commercial space of the live-work units averages 300 square feet and is located on the ground level. In regards to Commissioner Morris's concerns with the clientele, he said they have been in discussion with the tenants and most have updated their clientele about when they are relocating and what their new addresses will be as most have identified new spaces, including Milpitas Dental, and are working on their tenant improvements.

Mr. Sullivan said he would like to work with staff on the landscaping of the trail but noted that part of the trail is on the adjacent property belonging to Tripointe. He agrees it is a good idea to add benches and will work with them to try to incorporate the idea.

Commissioner Madnawat said he would like to see the City or applicant provide a trail map at the entrance of the trail, and asked if there will be lighting on the trail. Mr. Sullivan said they do have some landscape lighting associated with their development and he will have to coordinate with City staff and work with Tripointe to ensure they are doing the same thing.

Commissioner Madnawat said they have been working on this project for over a year and questioned why tenants were not notified earlier. Mr. Sullivan said the landlord was responsible for notifying tenants and that most are on a month to month lease and are required 30 day notices to vacate; however, they realized that some were not provided enough time and inserted themselves into the process to ensure that they would have sufficient time.

Commissioner Madnawat asked Mr. Sullivan if he thinks the live-work units are more profitable or economically feasible and he replied that the opportunity they are trying to

create is a place for people that need a home but also need a place to work. He said this type of unit is designed for an insurance agent, real estate broker, those who do not require a lot of space. The units range from 280 to over 400 sf and create an opportunity for buyers that have a niche business. Mr. McHarris said these units are not meant to accommodate large businesses or those that attract a large number of customers.

Commissioner Madnawat believes the live-work units should be allowed full commercial use of their space based on a conditional use permit, due to the small square footage.

Mr. McHarris clarified that the trail is on the Tripointe Cobblestone project and the applicant is not proposing or constructing it, but staff felt that since they are adjacent it was appropriate for the project developers to work together to provide landscaping.

Commissioner Morris asked about the parking and Mr. Sullivan said that each unit has an attached two car garage and guest parking is available.

Commissioner Lien said the tenant concerns was the reason for this project's return to the Commission and asked how the tenants are feeling. Mr. Sullivan said the tenant from the last meeting was given more time and has tenant improvement plans approved at another Milpitas location, and said he will continue to monitor the situation with them.

Commissioner Madnawat wondered where the Home Owners Association would meet as he did not see a common space on the project plans and Mr. Sullivan replied that smaller communities will often meet at public libraries or nearby restaurants and coffee shops, and that this project is within walking distance to those types of amenities. Commissioner Madnawat feels that having a small place to meet for regular meetings is important. Mr. Sullivan said they do not have the opportunity to create that type of meeting space in this community and is skeptical that they can accommodate it.

Chair Mandal asked if the live-work units are ADA accessible and the applicant said that all five live-work units are ADA accessible.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Morris/Commissioner Madnawat

AYES: 4

NOES: 0

Chair Mandal said he likes the style of live-work units and feels the city needs these. He added that they should remain live-work and not purely commercial.

Commissioner Morris said she feels the applicant did a good job addressing the concerns of the commission.

Chair Mandal understands the walkway is not in this applicant's control and he is unsure how much leverage they have with Cobblestone, but he would like to see them work together to make this section a showpiece for the trail. Mr. McHarris said that Cobblestone will be as accommodating as possible.

Commissioner Madnawat said he would like to see conditions that the live-work units be allowed to be purely commercial but not purely residential, that electrical wiring be provided to allow the installation of solar panels in common areas, that the applicant should provide an option to buyers to have charging stations installed in their garages, and that the applicant add a meeting space.

Assistant City Attorney Johnny Phan said the zoning code for live-work units does not authorize pure commercial, and that a minimum of 60% of the space be used for living space. Commissioner Madnawat asked if an amendment can be brought forward modifying this and Mr. Phan said that is possible.

Chair Mandal said he belongs to an HOA and they do not have a meeting room, and they go to a library or other location for their meetings.

Commissioner Madnawat would like to recommend that staff work with the applicant to explore the possibility of adding a meeting space (not a condition).

**Motion** to adopt Resolution No. 14-036 recommending the City Council approve Vesting Tentative Map No. MT14-0002, Conditional Use Permit No. UP14-0023, Site Development Permit No. SD14-0014 and Planned Unit Development No. PD14-0002 for a 25 townhouse development multi-family residential subdivision (5 of which are live-work units) based on findings and subject to the following conditions of approval: 1) if allowed by the zoning ordinance and approved by the HOA, the live-work units should be allowed to be full commercial, 2) electrical wiring should be provided to allow the installation of solar panels in common areas, 3) the applicant should provide an option to buyers to have charging stations installed in their garages, and 4) staff should work with Cobblestone and the applicant to enhance the trail.

Motion/Second: Commissioner Madnawat/Commissioner Morris

AYES: 4

NOES: 0

## ADJOURNMENT

The meeting was adjourned at 8:15 PM to the next meeting scheduled on Wednesday, January 14, 2015.

**Motion** to adjourn to the next meeting on January 14, 2015

Motion/Second: Commissioner Madnawat/Commissioner Morris

AYES: 4

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*