

MEETING MINUTES

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

Wednesday, January 28, 2015

- 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, Rajeev Madnawat, Ray Maglalang, Alternate Member Zeya Mohsin
Absent: Commissioners Demetress Morris and Hon Lien
Staff: Steven McHarris, Johnny Phan, Tracy Tam, Cindy Hom
- 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 January 14, 2015 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes as submitted.
Motion/Second: Commissioner Madnawat/Commissioner Sandhu
AYES: 6
NOES: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Vice Chair Ciardella announced the Chamber of Commerce Business Breakfast being held on February 10th and said the City of Milpitas' new Economic Development Director will be speaking. He also announced the Chamber of Commerce Crab Feed being held on Friday March 6 at Napredak Hall.
- 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 January 28, 2015 agenda as submitted.
Motion/Second: Vice Chair Ciardella/Commissioner Sandhu
AYES: 6

NOES: 0

VIII. CONSENT CALENDAR

VIII-1

LINEAR TECH SPECIAL EVENTS – 790 Sycamore Drive – UP15-0001: A request for a Conditional Use Permit to waive the limit on the number of special event occurrences per calendar year and to waive the minimum lapse period between each event.

Motion to adopt Resolution No. 15-005 to approve Conditional Use Permit No. UP15-0001 to waive the special event requirements for Linear Tech located at 790 Sycamore Drive, subject to conditions of approval.

Motion/Second: Commissioner Sandhu/Alternate Member Mohsin

AYES: 6

NOES: 0

IX. PUBLIC HEARING

IX-1

DIXON MART & LIQUOR – 81 Dixon Rd. – UP14-0012 and MS15-0004: A request for a Conditional Use Permit and Minor Site Development Permit to allow the sale of all types of alcohol at an existing convenience store and to make certain improvements.

Project Planner Cindy Hom provided a description of the permit request and site. She explained that conditions were added for the project to improve the parking lot lighting and review the hours of operation.

Commissioner Maglalang said he visited the site and likes the project and believes it can serve as a model for landscaping on adjacent lots. He said he saw a transient in an adjacent lot and wondered how he was able to access the site and commented that the wall appears to serve as the fence with no setbacks. Ms. Hom referred to the site plan which showed there is a setback from the fence lines and said there is no continuation of the fence but the building is used as a barrier, and that setback requirements are met.

Commissioner Madnawat spoke regarding the trees that are going to be planted at the site and recommended conferring with the Community Advisory Commission as they will be planting trees at the boundaries of Milpitas and it would be good to plant the same ones. Director Steven McHarris said the CAC is working on a street tree plan but it will not address private property trees, and Commissioner Madnawat said he understood that but it would look uniform to plant the same trees.

Commissioner Maglalang said there was a committee last year that agreed that the Jacaranda tree should be widely used in the city and he would like to see the crepe myrtle trees, which are susceptible to disease, replaced with Jacaranda, which are drought resistant and more attractive.

Vice Chair Ciardella said that Jacaranda trees are very pretty and asked if they are on the City's list of approved trees and Mr. McHarris said they are.

Chair Mandal noted that there were 16 police incidents in 2014 and asked what types of calls they were. Police Commander Sequeira said the majority were prompted by officers making contact with people and explained that although there are no arrests

officers still take a log number. In December there was one misdemeanor arrest but otherwise the calls were related to transients on the property or a disturbance, as with people making loud noise. He feels this business has nothing to do with the problems he sees in that area.

Chair Mandal said he is concerned with the litter in the area and asked how it is monitored, and Ms. Hom said it is enforced by the business operator. Mr. McHarris said that Code Enforcement follows up on complaints and that this project can come back to the commission after a review period.

Commissioner Madnawat said he visited the site and noted that the lighting is poor. He said on the side of the parcel, although it is barricaded, it appears that a homeless person is living there and he is not sure how he got his cart inside and asked if there is an opening through this lot. Ms. Hom said she did not see an opening and is not aware of one. Commissioner Madnawat referenced the comment letter expressing concern about the adjacent empty lot and homeless wandering in the area and questioned how it will be addressed.

Vice Chair Ciardella asked if there is anything the Police Department can do with the issue of homeless on the adjacent property. Police Commander Sequeira said they made contact with the transient and he that he does have permission from the property owner to stay there. He will be moving his items but has asked for more time. Police Commander Sequeira added that there are transient issues in the general area and they have nothing to do with this site.

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

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 6

NOES: 0

Chair Mandal would like to have a six month review of the permit to review the cleanliness of the area.

Commissioner Maglalang believes the impact of the beautification in the area will be a role model for other lots and perhaps they will follow suit. He also would like to see the conditions of approval include a change in the trees from crepe myrtle to Jacaranda.

Motion to adopt Resolution No. 15-004 approving Conditional Use Permit No. UP14-0012 and Minor Site Development Permit No. 15-0004 to allow the sale of all types of alcohol and to make certain improvements at 81 Dixon Road, subject to conditions of approval and with amendments to change the trees from crepe myrtle to Jacaranda, repair damaged light fixtures and provide additional parking lot lighting, and return after a six month review period to ensure cleanliness and proper maintenance of the property.

Motion/Second: Commissioner Madnawat/Commissioner Maglalang

AYES: 6

NOES: 0

X. NEW BUSINESS

No Items

XI. ADJOURNMENT The meeting was adjourned at 7:40 PM to the next meeting scheduled on Wednesday, February 11, 2015.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*