

## MEETING MINUTES

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

Wednesday, March 23, 2016

- 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 Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Maglalang, Mohsin  
**Absent:**      Morris, Lien  
**Staff:**      Bill Ekern, Katy Wisinski, Michael Fossati, Steven Machida, Russell Morreale
- 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 March 9, 2016 meeting minutes of the Planning Commission.  
**Motion** to approve Planning Commission meeting minutes.  
Motion/Second:      Commissioner Sandhu/Commissioner Mohsin  
AYES:      6  
NOES:      0  
ABSTAIN:      0
- V. ANNOUNCEMENTS**      Interim Planning Director Bill Ekern said several commissioners have not been picking up their meeting binders and if there is a preference to review the information electronically then staff will quit producing the binders for commissioners that do not want them.  
  
Chair Mandal would like to understand how the names of streets are identified and the possibility of naming them after citizens of the year. Councilmember Grilli was present and said she and Vice Mayor Montano both serve on the Facility and Street Naming Subcommittee and she will share the procedures for naming streets and parks.
- VI. CONFLICT OF INTEREST**      **Attorney Katy Wisinski** 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 Commissioner Ciardella requested hearing Item IX-2 before Item IX-1.

**Motion** to approve the March 23, 2016 agenda as amended.

Motion/Second: Commissioner Ciardella/Vice Chair Madnawat

AYES: 6

NOES: 0

**VIII. CONSENT CALENDAR**

**NO ITEMS**

**IX. PUBLIC HEARING**

**IX-2 COOPERHAUS K9 KENNEL- 1498 Gladding Court –P-UP15-0017:** A request for a Conditional Use Permit to allow for a kennel service in a former industrial building of 15,677 sq. ft. now zoned R5.

Project Planner Michael Fossati showed a presentation describing the proposed use of the building.

Commissioner Maglalang asked if there is an ordinance for the noise of barking dogs. Mr. Fossati said staff researched the concern with Code Enforcement and if there is continuous dog barking they will be informed. There are provisions in the code to address those issues and if there is a determination of excessive noise then fines can be imposed.

Chair Mandal opened the public hearing.

Brent Cooper, the owner of Cooperhaus K9 Kennel, said it is a family owned business that has been in business for more than 40 years. They have done well in San Jose and their goal is to bring this business to Milpitas and provide this service to people in this area. Mr. Cooper said they are dog experts and trainers with a stellar reputation and they address behavior issues and work with dogs as necessary to keep them quiet.

Commissioner Sandhu asked how many dogs are expected at the kennel and if a veterinarian is available. Mr. Cooper said the building is outfitted with 32 kennels and there is no veterinarian at the facility but they are available to them 24 hours a day, adding that all dogs are fully vaccinated and in good health or are refused at the kennel.

**Motion** to close the public hearing.

Motion/Second: Vice Chair Madnawat/Commissioner Mohsin

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 16-009 approving Conditional Use Permit No. P-UP15-0017 to allow for a kennel service in a former 15,677 sq. ft. industrial building, zoned R5, subject to the conditions of approval.

Motion/Second: Vice Chair Madnawat/Commissioner Ciardella

AYES: 6

NOES: 0

**IX-1**

**CAPITAL IMPROVEMENT PROGRAM (CIP) GENERAL PLAN CONFORMITY FINDING:** A City-initiated request to consider a General Plan conformity finding for the proposed 2016-2021 CIP Annual Report in accordance to California Government Code Section 65401.

Mr. Ekern advised the commission that their role tonight is to review the CIP and make a recommendation as to whether or not it conforms to the General Plan.

Director of Engineering Steven Machida reviewed a presentation which included highlights and accomplishments of the CIP. Finance Director Russell Morreale discussed funding and the differences between this years report and those from the past.

Mr. Machida presented a summary of new and existing projects for 2016-17 including community improvements, park projects, street projects, and utilities (water, sewer, storm drain).

Commissioner Maglalang said the Community Advisory Commission has been working with a Landscape Architect to create a Street Tree Master Plan and asked if there was funding in the CIP for the design of gateways. Mr. Ekern advised him there was not and that adding projects is a separate discussion for City Council.

Chair Mandal said the CIP includes items related to recycled water and storm water and asked if it includes water purification or long term water storage and Mr. Machida said there is a component to add a pump station and storage facilities however the amount of time water can be stored is limited.

Commissioner Ciardella said in the past the Planning Commission has been able to ask questions and make recommendations and asked the City Attorney why they are unable to do so tonight. Ms. Wisinski said the commission is convened tonight under a particular government code section which requires the Planning Commission to review the CIP and make a recommendation as to whether or not it conforms with the General Plan, and that is the entire scope of the commission's authority in this area. Given that, the meeting was noticed as an opportunity to fulfill this function and nothing more. She wants to make sure they are fulfilling just the limited scope of that section and stay within the parameter of the meeting that was noticed so that people who have read the agenda know this is the only item the commission will be acting on and the only discussion they will be having tonight, otherwise we will not be providing the public with notice as to the full scope of the discussion.

Ms. Wisinski said she is in full agreement with the Planning Director that tonight's discussion needs to be kept very limited as to whether the CIP is consistent with the General Plan. If there are questions about how a particular project listed in the CIP fulfills or implements the General Plan provisions, those are appropriate questions

but questions unrelated to how these projects fulfill the General Plan are outside of the scope of tonight's meeting.

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

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Madnawat

AYES: 6

NOES: 0

Vice Chair Madnawat noted negative numbers and questioned the meaning of them and Mr. Morreale said it shows defunding of a previously funded project. Vice Chair Madnawat questioned spending \$2 million on a skatepark which he does not believe benefits the general public and feels not enough money is being spent on circulation and relieving traffic.

**Motion** to Adopt Resolution No. 16-012 finding the 2016-2021 Capital Improvement Program in conformance with the General Plan.

Motion/Second: Chair Mandal/Commissioner Mohsin

AYES: 2

NOES: 4 Madnawat, Sandhu, Ciardella, Maglalang

## **X. NEW BUSINESS**

### **NO ITEMS**

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:25 PM to the next meeting scheduled on Wednesday, April 13, 2016.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Mohsin

AYES: 6

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*