

MEETING MINUTES

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

Wednesday, June 22, 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, Morris, Lien, Maglalang, Mohsin
- Absent:** All commissioners were present
- Staff:** Bradley Misner, Katy Wisinski, Michael Fossati, Bhavani Potharaju, Sarah Fleming
- 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 May 25, 2016 meeting minutes of the Planning Commission.
- Motion** to approve Planning Commission meeting minutes.
- Motion/Second: Commissioner Sandhu/Commissioner Ciardella
- AYES: 7
- NOES: 0
- ABSTAIN: 0
- V. ANNOUNCEMENTS**
- Planning Director Brad Misner announced that the Anton Development and McCarthy Creekside projects, two items the Planning Commission recently reviewed, were approved at last night's City Council meeting.
- He announced that the July 13, 2016 Planning Commission meeting has been canceled and the next scheduled meeting of July 27 will include the election of Chair and Vice Chair.
- Mr. Misner said on June 7, 2016, the City Council called for a Tree Ordinance Amendment to come before them and announced it was also approved at last night's City Council meeting. He understands the Tree Ordinance is an item the Planning Commission has been discussing. The amendment includes a requirement for at least a 2:1 ratio for protected trees being removed as part of private developments.
- Commissioner Maglalang would like to see the City's Code Enforcement division give citations for removing trees, and have an appeal process to provide an opportunity to explain why trees are being removed.

Vice Chair Madnawat asked what the ratio is for non-protected trees. Mr. Misner said non-protected trees do not have a special standing and the ratio is 1:1. He said he wanted to make the announcement and if the commission wishes to have a more robust conversation in the future they can agendize the item and review the ordinance changes.

Vice Chair Madnawat believes that at times a project will go through the Planning Commission with certain conditions and occasionally City staff will modify those conditions before presenting to City Council. He feels that substantial changes in conditions should be brought back to the Planning Commission.

Commissioner Maglalang referenced the Planning Commission meeting minutes from May 11, 2016 where he questioned the correct amount of open space for the Anton Development project. Mr. Misner said the City Council meeting included a lengthy discussion about how Anton Development is meeting their park requirements. He would be happy to provide a training session or tutorial on how that requirement is structured and how projects are able to meet the requirement.

VI. CONFLICT OF INTEREST

Deputy City 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 there were none.

Motion to approve the June 22, 2016 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

VIII. CONSENT CALENDAR

VIII-1

TIME EXTENSION FOR THE EDGE – 765 Montague Expressway – P-TE16-0001: A request for a time extension of the approval of a Major Vesting Tentative Map (P-MT13-0006), site development permit (P-SD13-0012) and conditional use permit (P-UP13-0011) for the construction of 381 apartment dwelling units, 8,100 sq. ft. of commercial and office space and associated site improvements on 5.6 acre site.

Chair Mandal explained that items on Consent are considered routine, may be approved by a vote of approval, and there is no discussion of the item unless a member of the audience or commission wishes to discuss the item and have it removed from Consent. Noone wished to discuss this item.

Motion to Approve Consent Item and Adopt Resolution No. 16-021 extending permits MT13-0006, SD13-0012, and UP13-0011, 18 months until December 17, 2017.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

IX. PUBLIC HEARING

IX-1 GLOBAL VILLAGE MONTESSORI – 1247 South Park Victoria Drive – P-UP16-0004: A request for a Conditional Use Permit to allow the operation of a day care school within a 4,054 square feet tenant space in an existing building. The proposed day care school would have 50 children at 1247 South Park Victoria Drive.

Project Planner Bhavani Potharaju reviewed a presentation describing the project.

Commissioner Ciardella asked if pick up and drop off times conflict with the other schools at the site. Ms. Potharaju said the Art School and Music School are very small and have just 3-5 students at any given time. The Chinese After-school has up to 28 students at any given time, and there is some overlap, however Global Village has staggered their times and there are enough parking spaces to accommodate all of them.

Commissioner Ciardella asked what type of security systems will be in place and Ms. Potharaju said it is school policy that parents come into the school to sign their children in and out.

Commissioner Ciardella questioned the lack of an outdoor play area. Ms. Potharaju explained that the Department of Social Services requires 35 square feet of space per child with an outdoor play area; however, they will grant a waiver to operate a part-time child care center without an outdoor play area if the indoor area is increased to 60 square feet per child.

Vice Chair Madnawat asked how staff can ensure this is a part time facility and that children will not stay all day. Ms. Potharaju said she would need to defer to the applicant for information on how they will maintain the part time facility. Mr. Misner said he believes the State will have the authority to determine if they qualify as a part time facility.

Applicant Hem Korubilli was present. He said their business license will indicate that the school is part time only, they have to publish the license in the facility, and their website will also indicate they are part time. The Department of Social Services monitors approximately every six months to verify the number of students enrolled, that attendance is being taken, and to ensure they follow established rules.

Mr. Korubilli said the school will be divided into two sessions, morning and afternoon, with staggered start and end times, and that in lieu of an outdoor play area there will be indoor activities such as yoga and tumbling, similar to a Little Gym.

Chair Mandal opened the public hearing and two tenants in the center expressed concern about congested parking and the safety of children.

Motion to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Morris

AYES: 7

NOES: 0

Chair Mandal asked if a traffic analysis was done and Ms. Potharaju said it was not requested because the site meets parking requirements.

Commissioner Morris was concerned with parking and traffic and would like to find a way to ease the traffic flow. Mr. Misner said this is a fairly standard issue with multi-tenant buildings. There is adequate parking pursuant to what the city parking code requires and this becomes a parking management issue versus a traffic flow issue. Future applications can consider how to manage parking onsite if there are conflicts, and possible methods to help with ingress and egress; however, here the requisite parking is available on site.

Commissioner Morris would like the commission to review this project again to see how the traffic can be managed.

Chair Mandal noted that it is in the purview of the Planning Commission to have a review of this project after a designated amount of time.

Vice Chair Madnawat said unless there is staff to monitor the traffic then bringing this item back to the commission serves no purpose.

Chair Mandal said the Planning Commission has the purview to add a condition to a project to have it return for a six or 12 month review.

Vice Chair Madnawat questioned what would be reviewed after six months, stating that unless there is monitoring there is no reason to return. Chair Mandal said reviews typically do not require staff monitoring and are complaint driven, with discussion about concerns received, traffic violations, etc.

Mr. Misner said if complaints and phone calls come to the Code Enforcement division, staff will open a case and investigate to determine whether or not there are any violations. If there are any complaints then the city has the authority to bring the item back to the Planning Commission if additional conditions need to be imposed.

Vice Chair Madnawat said if there are complaints then the item should return to the commission, otherwise he feels no need to add a condition to return, as this project complies with the city's parking requirements.

Commissioner Ciardella feels this item should return after a review period of 6 or 12 months.

Commissioner Mohsin asked if there were any responses to the posted notices and Ms. Potharaju said no concerns were received.

Chair Mandal requested adding a condition for a six month review. Vice Chair Madnawat was unclear of what will be reviewed during the six months and Chair Mandal said the review is to discuss any complaints received in that period.

Ms. Wisinski said the commission retains ongoing jurisdiction to review entitlements it has issued in the event there are complaints that come in after the business has opened. Even without a six month review clause explicitly added to the conditions, the commission always has authority, if complaints come in, to bring the item back to determine if a modification is necessary.

Vice Chair Madnawat said if an incident occurs in the parking lot it will be difficult to determine who is at fault and difficult to attribute it to any particular tenant. He feels if this item needs to return due to parking concerns that all of the tenants with a CUP should come in since there is already a parking problem at this location.

Mr. Misner said staff can return to the commission with a discussion on how the city manages parking for multi-tenant spaces.

Commissioner Ciardella recommended adding a Condition requiring vertical signs at the drop off and pick up parking spaces, in addition to striping already being required.

Motion to Adopt Resolution No. 16-023 approving Conditional Use Permit No. UP16-0004, subject to the attached Conditions of Approval, with added conditions to include vertical signage and return for a six month review.

Motion/Second: Vice Chair Madnawat /Commissioner Morris

AYES: 7

NOES: 0

IX-2 TENTATIVE PARCEL MAP – 1830 McCandless Drive – P-MT16-0002: A request for a Tentative Parcel Map entitlement that includes, but is not limited to, adjustment of an existing property line, vacate portion of public cul-de-sac, and offer a street dedication for public use.

Project Planner Michael Fossati showed a brief presentation describing the request, which will allow the applicant to move forward with the development of a school.

Commissioner Lien asked if this will be an elementary school and Mr. Fossati said he believes it will be; however, there are no details yet about the school itself.

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

Motion to close the public hearing.

Motion/Second: Commissioner Lien/Commissioner Sandhu

AYES: 7

NOES: 0

Motion to Adopt Resolution No. 16-022 approving Tentative Parcel Map MT16-0002.

Motion/Second: Commissioner Ciardella/Commissioner Lien

AYES: 7

NOES: 0

X. NEW BUSINESS

X-1 INFORMATIONAL PRESENTATION ON TRANSIT AREA SPECIFIC PLAN

Senior Planner Sarah Fleming showed a PowerPoint presentation and reviewed the Transit Area Specific Plan (TASP), including the background, vision and highlights of the plan.

Commissioner Maglalang noted that 77% of the parks, plazas and trails are planned and asked what the goal is and Ms. Fleming said the intent of the City is to fulfill the TASP plan and have 100% of what was proposed.

Vice Chair Madnawat asked if the General Plan will have an influence on the TASP numbers and Ms. Fleming said the plans all tie in together.

Chair Mandal asked how the city is trying to reach its TASP goals and Ms. Fleming said the Economic Development Manager is focused on bringing in commercial development and working to develop a strategy for the city.

Commissioner Maglalang believes it is an important time to promote office space in the TASP and recommended a meeting between the Planning Commission and the Economic Development Commission.

XI. ADJOURNMENT

The meeting was adjourned at 8:47 PM.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*