

## MEETING MINUTES

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

Wednesday, August 24, 2016

- I. PLEDGE OF ALLEGIANCE** Vice Chair Madnawat called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE**
- Commissioners**  
**Present:** Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Lien, Maglalang, Mohsin  
**Absent:** Mandal, Morris  
**Staff:** Bradley Misner, Katy Wisinski, Michael Fossati
- III. PUBLIC FORUM** Vice Chair Madnawat invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** Vice Chair Madnawat called for approval of the August 10, 2016 meeting minutes of the Planning Commission.
- Motion** to approve Planning Commission meeting minutes.
- Motion/Second: Commissioner Sandhu/Commissioner Maglalang  
AYES: 6  
NOES: 0  
ABSTAIN: 0
- V. ANNOUNCEMENTS**
- Commissioner Maglalang would like a group photo and statement about the Planning Commission to be submitted for the APA Planning magazine. He feels it is free publicity for the city and asked that staff process this request.
- Commissioner Maglalang referenced a document regarding ethical decision making and would like to see how it can be used for the Planning Commission.
- Commissioner Ciardella announced a Rotary Club event being held on Saturday, September 17, that will include a seven course meal, dance and an auction.
- Vice Chair Madnawat announced that Commissioner Lien has been elected to the school board and will be leaving the commission at the end of the year.

**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.

Vice Chair Madnawat has a conflict of interest with Item IX-3, because he lives close to the location and received a notice of public hearing, and will recuse himself.

**VII. APPROVAL OF AGENDA**

**Vice Chair Madnawat** asked if staff or Commissioners had changes to the agenda.

Vice Chair Madnawat requested moving Item IX-3 to be heard last on the agenda. He said the item will be presided over by Commissioner Sandhu, the senior member of the commission, and he will recuse himself and leave the meeting.

**Motion** to approve the August 24, 2016 agenda as amended.

Motion/Second: Commissioner Mohsin/Commissioner Lien

AYES: 6

NOES: 0

**VIII. CONSENT CALENDAR**

**NO ITEMS**

**IX. PUBLIC HEARING**

**IX-1**

**Near 1043 Oregon Way – P-UP16-0009:** A request for a Conditional Use Permit to allow a small cell antenna facility and associated equipment to be attached to an existing light pole within the right of way near the intersection of Arizona Avenue and Oregon Way.

Project Planner Michael Fossati showed a short presentation describing the request. He heard from two people opposed to the project, both concerned with health and safety hazards. The applicant provided a Radio Frequency (RF) Analysis stating that the effects of the RF emissions are in compliance with the Federal Communications Commission (FCC), and that the RF emissions cannot be used for any reason for denial as long as the project is in compliance.

Commissioner Maglalang asked who the users of the antennas are and for what they will be used.

Applicant David Downs said he believes this is the first of this type of project in Milpitas. Major carriers have done a good job of covering the nation but data is in great demand and there are significant capacity issues, and these are intended to address them.

Commissioner Ciardella noted the request for four antennas now and asked how many there will be throughout the city. Mr. Downs said these requests are for Sprint

and all that are planned for them at this time.

Commissioner Ciardella asked if the City will receive revenue for the antennas and Mr. Downs said this is the first step in the process and other permits will be needed, as well as an agreement with the city. Mr. Fossati added that a lease agreement is proposed because the antennas will be installed on property owned by the City of Milpitas and it is included as a Condition of Approval.

Vice Chair Madnawat opened the public hearing and there was one speaker.

Milpitas resident Robert Marini asked the radius covered by the antennas and if money is received by the city how much will it be annually and into what fund will the money go.

Mr. Fossati said the agreement between the City and the carrier has not been discussed yet. Brad Misner, Director of Planning and Neighborhood Services, said this is step one in the process and if approval is obtained tonight then staff will proceed with next steps and lease negotiations will occur.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 16-025 approving Conditional Use Permit P-UP16-0009 subject to the attached Conditions of Approval.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 6

NOES: 0

**IX-2**

**Near 1315 Cirolero Street – P-UP16-0010:** A request for a Conditional Use Permit to allow a small cell antenna facility and associated equipment to be attached to an existing light pole within the right of way near the intersection of Cirolero St. and Escuela Pkwy.

Project Planner Michael Fossati showed a short presentation describing the request. He said this is the same request as the previous one but for a different location.

Vice Chair Madnawat opened the public hearing. Robert Marini said he still wanted to pose the question regarding the radius covered by the antennas as the applicant would have to know how far the signal is going to reach in order to know if they are meeting capacity needs.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Lien

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 16-027 approving Conditional Use Permit P-UP16-0010 subject to the attached Conditions of Approval.

Motion/Second: Commissioner Sandhu/Commissioner Mohsin

AYES: 6

NOES: 0

**IX-4**

**Near 1505 Escuela Parkway – P-UP16-0011:** A request for a Conditional Use Permit to allow a small cell antenna facility and associated equipment to be attached to an existing light pole within the right of way near the intersection of Escuela Pkwy and Washington Dr.

This item was heard third.

Project Planner Michael Fossati showed a short presentation describing the request.

Vice Chair Madnawat asked the radius of the antenna coverage. Mr. Downs said it is a difficult question to answer, additional capacity is being added to areas that have identified data needs such as high schools, and the area being covered would be roughly  $\frac{3}{4}$  of a mile to a mile if there is zero obstruction.

Vice Chair Madnawat opened the public hearing. Robert Marini asked if the antennas will provide free Wi-Fi service.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 6

NOES: 0

**Motion** to Adopt Resolution No. 16-029 approving Conditional Use Permit P-UP16-0011 subject to the attached Conditions of Approval.

Motion/Second: Commissioner Sandhu/Commissioner Mohsin

AYES: 6

NOES: 0

**IX-3**

**Near 1331 Arizona Avenue – P-UP16-0012:** A request for a Conditional Use Permit to allow the installation of a small cell antenna on an existing light pole within the right of way near 1331 Arizona Avenue.

This item was heard last.

Vice Chair Madnawat left the council chambers at 7:40 PM.

Project Planner Michael Fossati showed a short presentation describing the request.

Commissioner Sandhu opened the public hearing. Robert Marini questioned the purpose of public hearings if the public cannot have their questions answered. He asked if the antennas will provide access to free Wi-Fi service and his question was

not answered. Mr. Misner said the applicant stated the antennas are for the purpose of Sprint customers and he does not believe free Wi-Fi service will be provided to the public. Mr. Downs said the antennas are not intended to provide free Wi-Fi service but to expand access in the area, and free service is typically offered by individual businesses.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Mohsin

AYES: 5

NOES: 0

**Motion** to Adopt Resolution No. 16-026 approving Conditional Use Permit P-UP16-0012 subject to the attached Conditions of Approval.

Motion/Second: Commissioner Lien/Commissioner Mohsin

AYES: 5

NOES: 0

## **X. NEW BUSINESS**

### **NO ITEMS**

**XI. ADJOURNMENT** The meeting was adjourned at 7:55 PM.

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

Motion/Second: Commissioner Mohsin/Commissioner Maglalang

AYES: 5

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*