

MEETING MINUTES

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

Wednesday, September 14, 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, Lien, Maglalang, Mohsin
Absent: Morris
 Alternate Member Mohsin was seated for voting
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 August 24, 2016 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes.
Motion/Second: Commissioner Maglalang/Commissioner Sandhu
AYES: 5
NOES: 0
ABSTAIN: 2 Mandal, Madnawat
- V. ANNOUNCEMENTS** Planning Director Brad Misner said the next Planning Commission meeting is scheduled for September 28, and also on that evening the Emergency Preparedness Commission is holding a Town Hall meeting at the community center. The event starts at 6:00 PM so there will be some time for the commissioners to attend before the Planning Commission meeting.

Chair Mandal requested that 2-3 commissioners volunteer to attend the event and speak with the public, and Commissioner Maglalang volunteered to attend.

Commissioner Maglalang requested that the Planning Commission Bylaws be agendized for an upcoming meeting. He distributed a written request, and read it aloud, which included stipends, term limits, meeting requests from developers, and an Ethics Code.

Commissioner Maglalang said many Cypress trees in Milpitas are dying and need attention.

Mr. Misner suggested the commission take a vote to determine if they want the Bylaw conversation formally placed onto a future agenda.

Ms. Wisinski added that the commission's bylaws provide that if a commissioner requests to place an item on a future commission agenda the commission should take a vote to advise staff whether or not to actually add it on a future agenda so they know if it is the will of one commissioner or the full commission, and requested a vote of the commission.

Vice Chair Madnawat said he would motion to adopt the suggestion to add the Bylaws to a future agenda, and wants a general discussion not as detailed as or limited to the request so that other subjects can be covered.

Motion to place a general discussion of the Planning Commission Bylaws onto a future agenda.

Motion/Second: Vice Chair Madnawat/Commissioner Mohsin

AYES: 6

NOES: 1 Mandal

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.

Vice Chair Madnawat requested to have Item VIII-1 removed from consent.

Motion to approve the September 14, 2016 agenda as amended.

Motion/Second: Vice Chair Madnawat/Commissioner Maglalang

AYES: 7

NOES: 0

VIII. CONSENT CALENDAR

VIII-1

1504-1620 S. MAIN ST. – Senior Lifestyles Phase I Time Extension – P-TE16-0002: A request for a Time Extension for a Site Development Permit and Vesting Minor Tentative Map and Density Bonus for the construction of Phase I of a senior congregate care and assisted living facility including a new five-story residential building with 199 rental units and associated site improvements.

Vice Chair Madnawat asked the reason for the delay and Senior Planner Michael Fossati said there were some obstacles to getting appropriate financing to move the project forward. The final map and entitlements are already being processed by the

city but they cannot get the final map approved prior to the expiration date and in order to be proactive have applied for a time extension.

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

Motion to close the public hearing.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

Motion to Adopt Resolution No. 16-032 extending permits SD14-0006, TP14-0001, and DB14-0001, 18 months, until May 18, 2018.

Motion/Second: Vice Chair Madnawat/Commissioner Maglalang

AYES: 7

NOES: 0

IX. PUBLIC HEARING

IX-1 91 S. ABBOTT AVENUE – P-UP16-0008: A request for a Conditional Use Permit to operate a preschool in an existing building for 45 children at 91 South Abbott Avenue.

Project Planner Bhavani Potharaju showed a presentation describing the project.

Vice Chair Madnawat noted the CEQA exemption and asked if the type of use a building had is a consideration for asking for new CEQA. He noted a gas station next door and two nearby freeways and is concerned with air and noise pollution and questioned if the site is suitable for a preschool.

Mr. Misner said the first test in examining the applicability of CEQA is whether or not it is a project under the eyes of CEQA. Here is a project that requires a discretionary action in the form of a conditional use permit. Given that it is an existing building the scope of work that is being requested is subject to a categorical exemption. Part of the test, however, is what impact the project would have on the environment and not necessarily what the surrounding environmental conditions are.

Commissioner Maglalang asked how old the building is and said he is concerned with whether or not the building has the presence of asbestos or lead.

Mr. Misner believes there are safeguards throughout the building permit process. With the tenant improvements the applicant will need to obtain building permits from the Building and Safety division and depending on the scope of work, and if it involves opening walls or getting into the ceiling, there will be conditions under the building permit where the city will have the authority to request certain studies if it is found necessary.

He believes there are stringent standards with the Department of Social Services as well, because this is a facility that would have to obtain a license from the State of California.

Wayne Renshaw, the architect working on the project, approached the dais.

Mr. Renshaw said that in regard to the suitability of the site, there is another preschool directly across Calaveras Blvd, and this site was designated by the Zoning Code and the General Plan as suitable for a preschool and meets the requirements.

When Goodwill moved out of the building it was vacant and all of the existing finishes were stripped down, the sheetrock was removed, and they will sheetrock over the interior walls. The Building code mandates two gates from the play area, which they will have, as well as a third gate large enough for a fire truck or ambulance to enter. In regard to the noise, the building is a masonry building and they will insulate the interior walls.

Commissioner Mohsin asked if the playground will have ample shade and Mr. Renshaw said he believes so, there are two trees within the existing plant area, but they will provide umbrellas and sunshades if they are needed.

Vice Chair Madnawat asked if security cameras will be installed and Mr. Renshaw said they have not been discussed. Vice Chair Madnawat would like a condition requiring security cameras.

Chair Mandal opened the public hearing and there was one speaker.

Don Peebles said the city should promote child care facilities due to the high demand but it is an older building and accurate safety should be provided. He does not know if the building has fire sprinklers but it would be wise for all child care facilities to have them, he is not sure how old the building is but it could have seismic deficiencies and the Building code may not require it to be updated, and the applicant should evaluate the building. He also said the play area is on a noisy, busy street and the applicant should measure the noise level.

Motion to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 7

NOES: 0

Chair Mandal asked if the building will have fire sprinklers. Mr. Renshaw said the existing building is not sprinklered and it is not required by the Milpitas Fire Department (MFD) or the Zoning Code. It was discussed with the MFD and reviewed with Building staff and the Fire Marshall and sprinklers are not required because of the modest size of the building. Mr. Renshaw added that the age of the building does not require seismic upgrades.

Vice Chair Madnawat said Calaveras Blvd is one of the noisiest streets in the city and he is concerned with the effect of the noise on the children.

Chair Mandal motioned to approve the resolution with a condition to add hedges to mute the noise of the traffic.

Vice Chair Madnawat asked Char Mandal if he was amenable to requiring that the hedges cover the entire wall on the Calaveras side and adding a condition for three

cameras, one each in the play area, entrance, and common area. He was also interested in a condition to perform measurements on sound and air quality.

Ms. Wisinski said the commission should first address the willingness of the applicant to install hedges and security cameras. With regards to requiring further studies for noise and air quality, the zoning ordinance does allow this use as a conditionally permitted use in this zoning district without the requirement for any further studies being done. Without there being some basis for the commission being particularly concerned that this location is substantially different than other similarly zoned locations, there is not a good basis for imposing the additional expense and requirement on them.

Vice Chair Madnawat said he believes this is a unique site and the commission can make decisions based on health and safety and require additional studies.

Ms. Wisinski suggested the commission ask the applicant where he stands on those issues before taking a vote.

Mr. Renshaw said adding hedges on the fence around the perimeter of the play area is simple, and adding security cameras is not difficult either, and they are happy to do both. In terms of a sound study, the State provides some data and it is easy to collect but, as an applicant, they are not well equipped to do an air quality study.

Motion to Adopt Resolution No. 16-033 approving Conditional Use Permit No. UP16-0008 subject to the attached Conditions of Approval with added conditions to add hedges along Calaveras to help mitigate sound and install three security cameras, one each in the play area, entrance, and common area.

Motion/Second: Chair Mandal/Commissioner Ciardella

AYES: 7

NOES: 0

IX-2

749 E. CALAVERAS BLVD. – Milpitas Town Center Shared Parking – P-UP16-0015: A request for approval to allow shared parking for a 24 hour fitness center to occupy an existing building, located at 749 E. Calaveras Blvd.

Project Planner Michael Fossati showed a presentation describing the shared parking exception.

Vice Chair Madnawat asked if there is a way to track shared parking agreements to ensure that an agreement does not already exist on a parcel.

Mr. Fossati said there is a difference between a shared parking agreement and a shared parking exception. A shared parking agreement can typically have between two and three property owners sharing parking. This request is for a shared parking exception. Shapell Properties owns all three of the parcels, and an analysis shows there will be ample parking at peak hours.

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

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

Motion to Adopt Resolution No. 16-036 approving Conditional Use Permit No. P-UP16-0015 subject to the attached Conditions of Approval.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 7

NOES: 0

X. NEW BUSINESS

X-1 INFORMATIVE REPORT ON GENERAL PLAN UPDATE PROJECT

Senior Planner Sarah Fleming said the General Plan Update is an important endeavor and very exciting project and she is happy to be part of the process.

Ms. Fleming showed a PowerPoint presentation and discussed what the General Plan is, a summary of the process, an overview of public outreach and community involvement, and the role of the Planning Commission.

General Plans are long-range planning documents, projecting 20+ years, and the State requires every city and county in California to adopt a General Plan. Ms. Fleming said it takes approximately two years to complete the process.

Commission Maglalang indicated that looking at property rights as a part of the General Plan process is important and expressed concerns about the TASP buildout, such as hotels and office space.

Mr. Misner said this is an exciting time for the city, it is an important process that takes a lot of commitment, and he thanked the commission for their participation.

Commissioner Ciardella would like to remain updated during the process.

Vice Chair Madnawat said the public should know the importance of the General Plan and would like information to be clear and simple to understand.

XI. ADJOURNMENT The meeting was adjourned at 8:43 PM.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Mohsin/Vice Chair Madnawat

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*