

**City of Milpitas**

455 E. Calaveras Blvd.  
Milpitas, CA 95035

**City Clerk's Office**

NOV 21 2007

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File with: *Milpitas City Clerk*  
*455 E. Calaveras Blvd.*  
*Milpitas, CA 95035*

PLANNING: (408) 586-3271  
CITY CLERK: (408) 586-3001

# APPEAL FORM

1. APPELLANT(S):

Name Wayne Martinez, NAVAJO Company

Address: 1164 Cadillac Ct.

City, Zip Milpitas, CA 95035

2. DECISION BEING APPEALED:

I (we), the Undersigned, do hereby appeal a decision of the Planning Commission's approval of: Conditional User Permit No. UP2007-23, Zone Amendment No. SA2007-52 and Environmental Assessment No. EA 2007-9

PROJECT: Sikh Foundation of Milpitas

LOCATION: 1180 Cadillac Ct., Milpitas, CA

DATE OF DECISION BEING APPEALED:

November 14, 2007

3. STATE THE SPECIFIC RELIEF WHICH THE APPLICANT SEEKS:

Denial of the above conditional use permits.

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4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT:

1. The Venture Commerce Center Milpitas was developed, marketed and sold as a professional business facility for small business owners interested in an alternative to leasing property. Having purchased one of the free-standing buildings in the complex, I'm concerned that allowing non-business uses will adversely affect the resale value of my property to other business owners.
2. The parking requirements, traffic and special needs commonly associated with a religious facility would likely overwhelm the business complex thereby adversely impacting our business and usage rights to the facility. It is our opinion that the usage would violate finding number 3 of the Milpitas Municipal Code (MMC) Section XI-10-57.03-5. The applicant currently has usage rights for 13 parking spaces; the membership request is for 50-60. Permission to reassign use of 4 parking spaces has been provided by 2 property owners, however, their property units are located a considerable distance from the applicant's property. Therefore, in our pinion, it is highly unlikely that visitors to the religious facility would choose to use them thus placing an unreasonable hardship on those property owners located next to the applicant's property.
3. Incomplete Public Report: The report did not include interviews or findings from the existing property owners of Venture Commerce Center Milpitas. In fact, the vast majority of property owners have expressed their concern regarding the usage permit as demonstrated by the petition delivered to the Milpitas Planning Commission on 11/14/07.
4. Notification: None of the signers of the petition received notification of the public hearing by mail.
5. Conflict of Interest: The applicant includes a current Milpitas Planning Commission board member and therefore we believe the application review process warrants special consideration to ensure open and fair policy making for all interested parties. Further, two other Board members have communicated past dealings or social interactions with applicant. We request that such relationships be fully disclosed in writing and made public.

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If more space is needed, attach additional sheets.

DATE: 11/21/07

SIGNATURE Wayne Harting

ADDRESS 1164 Cadillac Ct.

Filing Fee \$100.00

CITY Milpitas

PHONE 408-593-6709

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

# MEMORANDUM

## Planning Division

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**Date:** December 20, 2007  
**To:** Tom Williams, City Manager  
**Through:** James Lindsay, Planning Director  
**From:** Cindy Hom, Jr. Planner  
**Subject:** **APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVAL CONDITIONAL USE PERMIT NO. UP2007-23, SIKH FOUNDATION OF MILPITAS**

This memo discusses the five issues cited by the appellant, which is followed by Staff's analysis and response to each of the issues.

1. *"Incompatible land use - The religious facility would not be compatible with the other businesses within the Venture Commerce Center because it was developed, marketed, and sold as a professional business center and the potential impact affecting the resale value."*

Staff Analysis: The operations of the church facility is considered a complementary use because it operates mainly in the evenings and weekends and would not conflict with the normal weekday business hours of 8 AM to 5 PM of the neighboring tenants. The project site is located within proximity of three other existing religious facilities (1430, 1494, and 1600 California Circle), residential homes, and Interstate 880. Based on surrounding land uses, the location would be suitable because it would serve local residents and the region. Any change in the hours of operation would result in an amendment to the CUP and a subsequent public hearing.

2. *"Negative parking impacts – The parking needs of the religious facility would likely overwhelm the existing parking capacity and adversely impact neighboring businesses. Although, the religious facility would have secured joint parking agreements with two property owners within the Venture Commerce Center, it is unlikely church members will utilize those shared parking spaces because they are not directly adjacent to the site."*

Staff Analysis: The religious facility requires 17 parking spaces based on the Milpitas Parking Ordinance. The CUP approval granted a reduction of four parking spaces. To mitigate the parking reduction, the applicant proposed joint parking arrangements with two property owners within the Venture Commerce Center, providing seven parking spaces in addition to the 13 parking spaces that were originally allotted to the building for the suite. The religious facility proposes a shuttle service that would also help reduce the demand on parking. As conditioned, the congregation is limited to 68 people within the suite at any one time as a direct result of the amount of parking provided for the facility. As approved and conditioned, the project complies with the zoning requirement for parking.

3. *“Incomplete public report – the report did not include interviews or findings from the existing property owners from the owners of the Venture Commerce Center.”*

Staff Analysis: The project held a public hearing in accordance with the Milpitas Municipal Code and State Law that enabled the public to provide testimony and comments regarding the project. The appellant’s comment regarding the project was part of the administrative record and was provided during the public hearing. The required findings for the CUP include conformance with the General Plan, and Zoning Ordinance, and that the proposed use and location will not be detrimental or injurious to property, improvements, public health, safety and general welfare. The Planning Commission found that the project, as conditioned met these findings, which are included as an attachment to this report (Planning Commission report).

4. *“Insufficient public notification – None of the signs of the petition received notification of the public hearing by mail.”*

Staff Analysis: Staff sent public hearing notices to properties within 300 feet of the subject as required by the Milpitas Zoning Ordinance and State Law. The mailing list is based on the current County Assessor’s data at the time of the planning application submittal. Five of the ten petitioners were listed on the mailing address list provided by the applicant. Per California Government Code Section 65093 failure to receive by any person or entity pursuant to this title, or pursuant to the procedures established by the city, shall not constitute grounds to invalidate the actions of a local agency for which the notice was given.

5. *“Conflict of Interest – The applicant includes a current Milpitas Planning Commission board member. Two other board members have communicated past dealings or social interactions with the applicant.”*

Staff Analysis: At the time of the public hearing any conflict of interest are disclosed in accordance with State Law. Planning Commission Sandhu is a board member of the Sikh Foundation of Milpitas and recused himself from participating on the item.

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

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Category: Public Hearing

Report prepared by: Cindy Hom

Public Hearing: Yes:  X  No: \_\_\_\_\_

Notices Mailed On: 11/2/07

Published On: 11/1/07

Posted On: 11/2/07

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**TITLE:** **CONDITIONAL USE PERMIT NO. UP2007-23, 'S' ZONE AMENDMENT NO. SA2007-52, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-9**

**Proposal:** A request to locate a 4,030 square foot religious facility within an existing R&D building, installation of minor site modifications, and a parking reduction of four parking spaces.

**Location:** 1180 Cadillac Court (APN: 022-38-025)

**RECOMMENDATION:** **Approval subject to Findings and Conditions of Approval.**

**Applicant:** Sikh Foundation of Milpitas.

**Property Owners:** Venture Commerce Corporation, 600 Miller Avenue, Mill Valley, CA 94941.

**Previous Action(s):** PUD, Rezone, "S" Zone Approvals, Minor and Major Tentative Map Approvals

**Environmental Info:** Initial Study and Mitigated Negative Declaration No. EA2007-9

**General Plan Designation:** Industrial Park

**Present Zoning:** Industrial Park (MP-S)-PUD 31

**Existing Land Use:** Vacant R&D Building

**Agenda Sent To:** Applicant/owner

**Attachments:** Plans, Project Description, Initial Study and Mitigated Negative Declaration, Parking Study, Parking Agreement Exhibits

**PJ No.** 2505

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**BACKGROUND**

On October 15, 1981 and November 17, 1981, the Planning Commission and City Council, approved Planned Unit Development (PUD) 31 and Zone Change for the Cadillac-Fairview

Business Park and Villages, a 131-acre mixed-use industrial and residential project located at the former Milpitas Golf Course site. Subsequent Planning Commission approvals included:

- An ‘S’ Zone Approval for two (2) R&D buildings on the southeast corner of California Circle and Fairview Way for Sun-Microsystems in September 1987.
- A Minor Tentative Map (MI4004-) for a two-lot subdivision of the parcel with the condition of a recorded shared access agreement for the driveway between the two (2) parcels (380 Fairview Way and 1100 Cadillac Court) in January 2005.
- An “S” Zone Approval (SZ2005-9), Major Tentative Map (MA2005-9), and Environmental Assessment (EA2005-11) for the Venture Commerce Center business park which entailed demolition of the existing industrial building on 1100 Cadillac Court and redevelopment of the site with twelve (12) new R&D condominium buildings and related site improvements in February 2006.

### **Site Description**

The project site is located on a 12-acre parcel located at the southeast corner of Cadillac Court and Fairview Way, in the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The site is bound by Cadillac Court on the west, Fairview Way on the north, Penitencia Creek to the east and a manmade drainage lagoon immediately south of the site.

Surrounding land uses include light industrial (M1) and R& D uses to the north and west, and condominium residential uses (R2) to the south and southeast. Direct vehicular access to the project site would remain off Cadillac Court and Fairview Drive, provided by four (4) 2-way driveways. Circulation and parking throughout the site is provided by a surface driveway along the perimeter of the parcel, as well as an aisle transecting the site. Pedestrian pathways are provided with access between all buildings and fronting streets.

The project site is currently developed with the first phase of the Venture Commerce Center business park. Phase I consists of buildings A through H (totaling 69,892 square feet) on the south/southeast portion of the parcel. The second phase of the business park is currently under construction and consists of buildings I through L (totaling 59,555 square feet) located on the northern portion of the parcel.

The applicant is requesting to locate a 4,030 square foot religious facility consisting of a sanctuary area, storage, and office space in Building E as depicted in the aerial photo below:



## **APPLICATION**

The application is submitted pursuant to Title XI, Chapter 10, Section 35.04-4 (Industrial Park District, Conditional Uses – Churches), Section 42 (Site and Architectural Review), Section 53 (Off-street Parking Regulations – Joint Use), and Section 57 (Conditional Uses Permitted by Commission) of the Milpitas Zoning Ordinance. The applicant is requesting approval of a conditional use permit amendment to locate a 4,030 square religious facility, install site modifications, and to permit a parking reduction of four parking spaces.

## **Project Description**

The applicant is requesting a Conditional Use Permit to operate a 4,030 square foot religious facility within a newly construction R&D shell building. The project proposes removal of approximately 40 square feet of landscaping to accommodate a widened walkway to meet existing code requirements. The applicant is also requesting a parking reduction of four parking spaces, which is further discussed later in the SPECIAL CONDITIONS section of the staff report.

## Hours of Operation

The religious facility is proposing to operate Monday through Friday between 6pm and 8pm and Saturday through Sunday between 11am and 8pm.

The religious facility is offering worship services only to a congregation of fifty to sixty (50-60) members. The applicant also notes in the Project Description letter (Attachment B to this report), Saturday services will not be held on a regular basis.

### Floor Plan

The proposed floor plan layout of the religious facility includes a worship area that is separated into a men's and women's congregation area that are both approximately 238 square feet in size; a main altar where worship services entails reading and interpreting the scriptures are preformed; and a seating area for the Kirtan Jatha which consist of musicians that play music to accompany the service. The religious facility will also have approximately 53 square feet of office and 1,092 square feet of storage space. The project does not propose any caretaker's unit or kitchen facilities.

### Site Layout and Building

The proposed location of the religious facility is within Building E, which is located on the southwest portion of the parcel, next to the Cadillac Court driveway entrance. Access is provided by four driveway entrances from Fairview Way and Cadillac Court. Vehicle and pedestrian circulation within the development is provided by internal drive aisles that transect the property as well as pedestrian sidewalks that are provided along the building perimeters and along internal courtyards between buildings.

The proposed religious facility will be located within an existing one-story concrete tilt up R&D building. The existing building architecture consists of concrete tilt-up panels, horizontal recesses at roof line panels, vertical scored reveals, arched entrance metal canopies, foam trim accents, and storefront glazing. The project proposes no exterior elevation or site changes.

### Parking

The Venture Commerce Center project was approved with a total of 430 parking spaces onsite. The number of required parking spaces was based the parking ratio of one space per 300 square feet of R&D use. As such, 13 of the 430 parking spaces is allocated to Building E. A Parking Study was submitted with this application and enclosed as Attachment C to this report. The findings and discussion of the parking impacts are discussed later in the staff report. Also included with this staff report are copies of a joint parking agreements with neighboring tenants located at 1134 Cadillac Court and 362 Fairview Way (Attachment D).

### **CONDITIONAL USE PERMIT FINDINGS**

Milpitas Municipal Code (MMC) Section XI-10-57.03-5 states that approval of the Conditional Use Permit may be granted by the Planning Commission if all of the following findings can be made:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use and location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how the project relates to these findings.

## CONFORMANCE WITH THE GENERAL PLAN

The project conforms to the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Guiding Principle.

*Guiding Principle 2.d-G-2    Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth*

Comment: The proposed religious facility is for the Sikh Foundation of Milpitas and provides diverse cultural opportunities for both the local community and the region given its location and proximity to residential land uses and Interstate 880. Although the proposed religious facility is proposed within the Industrial Park Zoning District, the applicant is proposing to occupy a newly constructed R&D building located with the Venture Commerce Center. The project does not propose an exterior elevation changes and therefore maintain the architectural design and character of the Venture Commerce Center development which will be aesthetic and harmonious with the surrounding development.

## CONFORMANCE WITH THE ZONING ORDINANCE

The project conforms to the Milpitas Zoning Ordinance in terms of land use and development standards. The project proposes a religious facility located in the Industrial Park (MP) zoning Per Milpitas Municipal Code (MMC) Section XI-10-35.04-4, churches are permitted subject to Planning Commission review and approval of a conditional use permit.

Analysis: As proposed, the proposed religious facility does not propose any modifications that effect setbacks, building height, FAR coverage, or required landscaping. The project will not be detrimental or injurious to property, public health, safety and general welfare given the surrounding lands uses which include three other religious facilities located at 1430, 1494, and 1600 California Circle as well residential uses located to the south and southeast of the project site. The proposed religious facility will be operated during off-peak hours of 6:00 PM to 8:00 PM Monday thru Friday and 11:00 AM to 8:00 PM Saturday and Sundays and therefore, will not conflict with surrounding businesses that typically operate between the 8 AM to 5 PM. In addition, as a condition of approval, the applicant will be required to implement the mitigation measures described in the Environmental Assessment (EA2007-9) that includes an evacuation/shelter-in-place program and Emergency Action Plan that is review and approved by the Fire Department prior to occupancy. Therefore the proposed project is consistent with the Zoning Ordinance in terms of public health and safety as well as promotes peace, morals, comfort and welfare consistent with Section 57 of the Milpitas Zoning Ordinance.

## Parking

The minimum parking standards for religious facilities are based on seating or occupancy of the sanctuary or main assembly area including other uses such as office and storage space. The parking requirements for the proposed uses for the building are shown in Table 1 below:

**Table 1: Parking Requirement based on Mixed Occupancy**

Uses	Parking Ratio	Seats	Sq. Ft.	Required Parking
Religious Assembly *	1 space per 5 seats		476	14
Office	1 space per 200 GFA		78	1
Storage	1 space per 1500 GFA		1092	2
<b>Total</b>				<b>17</b>

\* Per the City's Parking Ordinance, parking for places of meeting or assembly that do not include fixed seating, 7 sq. ft. equals 1 seat.

The proposed religious facility requires 17 parking spaces, which exceed the 13 spaces originally allotted to the Building E. The applicant is requesting a parking reduction of four spaces and is proposing shared parking agreements with two neighboring tenants at 1134 Cadillac Court and 362 Fairview Way that would allow the Sikh Foundation to utilize seven (7) parking spaces. Per Milpitas Municipal Code Section XI-10-53.07, the Planning Commission may authorize the joint use of parking facilities for churches provided the following:

- The off-street parking facility is provided by another building or use is within 300 feet of the facility
- There are no substantial conflict in the principal operating hours of the two buildings or uses
- The Joint Parking Agreement is approved as to form and manner of execution by the City Attorney and recorded with the County Recorder.

Staff's position is that the joint parking facilities provided by 1134 Cadillac Court and 362 Fairview Way comply with the above requirements because both parking areas are located within the Venture Commerce Center business park. The religious facility operates during the evening and weekends and will not conflict with the daytime business operations for G Spann Technologies located at 362 Fairview and E Purchasing Solution located at 1134 Cadillac Court. Staff *recommends* as a condition of approval, that the applicant shall submit and obtain City Attorney review and approval of an irrevocable and in-perpetuity joint parking agreement between the owners of 1180 Cadillac, 1134 Cadillac, and 362 Fairview prior to any occupancy.

The applicant also submitted a parking study that was conducted between June and September 2007. Based on the results of the parking study, the maximum number of vehicles parked was 12 and 62 occupants were observed in the building. The report also notes the Sikh Foundation provide a shuttle service for members who need assistance or do not drive. To ensure that

adequate parking is maintained, staff recommends as a condition of approval that the congregation membership shall not exceed 68 members as specified on the approved plans dated November 14, 2007.

Based on the above, staff does not anticipate a negative impact on parking.

## **CONFORMANCE WITH CEQA**

An Initial Study (EA2007-9) and a Mitigated Negative Declaration have been prepared for this project. The twenty-day public review period was from October 17, 2007 to November 6, 2007. Potential environmental impacts are related to potential exposure of sensitive receptors to hazardous materials.

The Mitigated Negative Declaration contains three mitigation measures addressing the hazardous materials to reduce the potential for significant impact related to an accidental spill or leak. The mitigation measures include:

- Installation of a wind directional sock, in-place communication system, and manual shutoff ventilation system
- An emergency response plan (Plan) for the religious facility to be prepared and approved by the City's Fire Department, which must include provisions for on-site sheltering and evacuation of the proposed religious facility
- An annual update of the emergency response plan with the Milpitas Fire Department

The implementation of the above mitigation measures, which have been incorporated as Conditions of Approval, will reduce the potential impacts to less than significant.

At the time of the preparation of the staff report, no comments were received by the public regarding the environmental document. Any additional comments received will be presented at the Planning Commission hearing. Staff recommends adoption of the Mitigated Negative Declaration with the mitigation measures incorporated therein.

## **Neighborhood/Community Impact**

Based on the analysis and conclusions of this report, the proposed project is not anticipated to have any adverse impacts on parking, traffic, noise, odors, or be detrimental to the health and safety of the public. As conditioned, the church is not anticipated to create a negative community impact and is well suited to the site in that it will provide religious services to the community.

## **RECOMMENDATION**

Close the public hearing. Adopt the Initial Study and Mitigated Negative Declaration No. EA2007-9 and approve Conditional Use Permit No. UP2007-23 and “S” Zone Amendment No. SA2007-52 subject to the Findings and Special Conditions of Approval below.

## **FINDINGS**

- 1) The proposed project, as conditioned, does not conflict with the General Plan and is consistent with Guiding Principle 2.d-G-2 which encourage development of adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth. The proposed religious facility for the Sikh Foundation of Milpitas provides diverse cultural opportunities for both the local community and the region given its location and proximity to residential land uses and Hwy 880
- 2) The proposed project does not conflict with the Zoning Ordinance in terms of land use and development standards. The proposed religious facility is a conditionally permitted use in the Industrial Park Zoning District. As condition, the project satisfies the parking requirements of the Milpitas Zoning Ordinance with use of joint parking agreements.
- 3) The proposed project will not be detrimental or injurious to property, improvement, public health, safety, and general welfare. As conditioned, the project will be require to implement mitigation measures that include an evacuation/shelter-in-place program, Emergency Action Plan and annual reviews by the Fire Department.
- 4) An Initial Study and Mitigated Negative Declaration was prepared in Accordance with the California Environmental Quality Act. The project is required to implement mitigation measure that shall reduce environmental impact to less than significant.

## **SPECIAL CONDITIONS**

1. Planning approval is for a 4,030 square foot religious facility, installation of minor site modifications and to permit a parking reduction of four parking spaces as shown on approved plans dated November 14, 2007. Any modifications to the operations or approved plans shall be subject to Planning Commission review and approval of a conditional use permit amendment.
2. Conditional Use Permit UP2007-17 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UP2007-17 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.
3. To maintain adequate parking, the congregation membership shall not exceed (68) members as specified on the approved plans dated November 14, 2007.
4. The applicant shall maintain permission for the seven (7) parking spaces otherwise assigned to other condominium owners in the vicinity, which spaces shall be no more than 300 feet from the subject site’s property, by means of parking agreement(s) executed

by both the applicant and other property owner(s) which are approved by the City Attorney's office.

The agreements shall specify the applicant and its guest and invitees are entitled to use said assigned spaces during the hours of operation for the Sikh Foundation of Milpitas. If the applicant loses permission to use some or all said parking spaces, and is unable within 30 days thereafter, to secure permission to use a like number of parking spaces within 300 feet of its property by means of a parking agreement of the type described above, this Conditional Use Permit shall be considered in violation of this approval and subject to Section 10.63.06, Revocation, Suspension, Modification, of the Milpitas Zoning Ordinance. (P)

5. **Mitigation Measure 1 [HH(b)]**: The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy. (P) (F)
6. **Mitigation Measure 2 [HH(b)]**: The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (P) (F)
7. **Mitigation Measure 3 [HH(b)]**: The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an
8. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
9. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)

10. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
11. Any occupancy of the tenant space shall not occur until all conditions of approval have been satisfied and verified by the City. (P)
12. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers including construction activities, to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
13. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
14. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)
15. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:
  - a. Maintain an adequate level of service for trash collection.
  - b. Maintain an adequate level of recycling collection. (E)
16. After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
17. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in A Special Flood Hazard Area, Zone AH. The proposed work is considered a non-substantial improvement and the zone designation is given for information only. (E)

(P) = Planning Division

(F) = Fire Department

(E) = Engineering Division

# UNAPPROVED

## PLANNING COMMISSION SUBCOMMITTEE MINUTES

November 14, 2007

### **I. ROLL CALL**

Present: Mandal and Williams  
Absent: Azevedo and Tabladillo  
Staff: Ah Sing, Bejines, and Lindsay

### **1. "S" AMENDMENT 0001)**

#### **ZONE (SA07-**

Sheldon Ah Sing, Senior Planner, presented a request to allow the replacement of existing signs with new signs, including new lighting elements along the existing canopy at a service station located at 367 Cypress Drive. Mr. Ah Sing recommended approval subject to findings and conditions of approval.

Chair Williams asked if the applicant would have electronic billboards.

**Jim Southward, RHL Design Group**, said no.

Mr. Ah Sing pointed out that the applicant originally proposed silver cladding material over the existing columns of the canopy. However, staff cannot support the request, because the color of the columns does not complement the design and colors of the building. In addition, the silver cladding does not complement the red clay tile used on the canopy and the building.

Mr. Southward said that the silver cladding material is part of the company's image and is consistent with the other stations.

Chair Williams asked Mr. Southward if the cladding were to get damage, could it be easily replaced and Mr. Southward said yes.

Chair Williams said he does not see a problem with the silver cladding and asked staff to remove the proposed condition.

**Motion** to approve "S" Zone Amendment (SA07-0001) with the approval of the silver cladding material.

M/S: Williams/Mandal

AYES: 2

NOES: 0

### **II. ADJOURNMENT**

This meeting was adjourned at 6:45 p.m.

UNAPPROVED

## PLANNING COMMISSION MINUTES

November 14, 2007

**I.**  
**PLEDGE OF ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.**  
**ROLL CALL**

Present: Ali-Santosa, Ciardella, Mandal, Sandhu and Williams  
Absent: Azevedo and Tabladillo  
Staff: Ah Sing, Bejines, Gilli, Kunsman, Lindsay and Ogaz

**III.**  
**PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.**  
**APPROVAL OF MINUTES**

Chair Williams called for approval of the minutes of the Planning Commission meeting of October 24, 2007

There were no changes to the minutes

**Motion** to approve the minutes of October 24, 2007.

M/S: Sandhu/Mandal

AYES: 5

NOES: 0

**V.**  
**ANNOUNCEMENTS**

Chair Williams introduced James Lindsay, the new Planning & Neighborhood Services Director and Mike Ogaz, the new City Attorney.

Commissioner Sandhu congratulated the whole world and the Sikh community on the 539<sup>th</sup> birthday of Guru Nanak Dev Ji, founder of Sikh Religion, which birthday falls on November 25<sup>th</sup>.

UNAPPROVED  
Planning Commission Minutes  
November 14, 2007

**VI.  
CONFLICT  
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest on tonight's agenda.

Commissioner Sandhu said he has conflict of interest on Agenda Item No. 3 (Conditional Use Permit No. UP2007-23, "S" Zone Amendment No. SA2007-52, and Environmental Assessment No. EA2007-9) because he is the founding President of the Sikh Foundation of Milpitas.

City Attorney Ogaz asked if Commissioner Sandhu would be excusing himself during the discussion? Commissioner Sandhu said yes however he requests to sit in the audience.

City Attorney Ogaz said that it is part of procedures that Commissioner Sandhu would have to leave the Council Chambers for that item only and Commissioner Sandhu agreed.

Chair Williams said he has attended functions of the Sikh Foundation however he is not a member and felt he could vote on the item objectively.

Vice Chair Mandal said he has attended Sikh prayer breakfasts however he does not have a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

**Motion** to approve the Agenda.

M/S: Sandhu/Ciardella

AYES: 5

NOES: 0

**VIII.  
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

**Motion** to approve the consent calendar.

M/S: Mandal/Sandhu

AYES: 5

NOES: 0

Chair Williams opened the public hearing on Consent Item Nos. 4, 5, 6, and 7.

There were no speakers from the audience.

**Motion** to close the public hearing on Consent Item Nos. 4, 5, 6 and 7.

M/S: Mandal/Sandhu

AYES: 5

NOES: 0

**Motion** to approve Consent Item Nos. 4, 5, 6 and 7.

M/S: Ciardella/Mandal

AYES: 5

NOES: 0

**\*4 "S" ZONE NO. (SZ2007-19), "S" ZONE AMENDMENT NO's. (SA2007-62) AND (SA2007-63) AND CONDITIONAL USE PERMIT NO's. (UP2007-22), (UP2007-31) AND (UP2007-32):** A request for approval of a sign program for Cisco (office use) on three separate adjacent properties located at 725 Alder Drive, 800 Barber Lane and 707 Tasman Drive. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

**\*5 "S" ZONE AMENDMENT NO. (SA2007-66):** A request for approval of a sign program for an existing office building located at 1221 California Circle. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

**\*6 CONDITIONAL USE PERMIT AMENDMENT NO. UA2007-16 AND "S" ZONE AMENDMENT NO. SA2007-65:** A request to modify the Conditions of Approval for Conditional Use Permit No. UP2006-5 and Site and Architecture Review No. SZ2006-4 for the construction of two buildings containing a total of 464 multi-family residential units located at the Corner of Great Mall Parkway, Main, and Abel Streets. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

**\*7 CONDITIONAL USE PERMIT AMENDMENT NO. UA2007-14:** A request to amend a previously approved Conditional Use Permit to allow for the relocation of the Paragon Sales Office from the existing sales trailer to the garage area of the 3-unit model home building. The application also includes the installation of a temporary freestanding sign and flag signs. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

## **IX. PUBLIC HEARING**

### **1. PERMIT REVIEW (PR2007-3) (Continued from October 24, 2007)**

Sheldon Ah Sing, Senior Planner, presented a nine-month review of Conditional Use Permit (UP2006-18) that allows for a 2400 sq. ft. KTV Musicland karaoke establishment without food or alcohol service located at 788 Barber Lane. Mr. Ah Sing recommends approve the modifications subject to the findings and conditions of approval and also pointed out that the project will come back again in February.

Commissioner Ciardella asked if it is normal to conduct surprise inspections and Mr. Ah Sing said yes.

Commissioner Ciardella asked if it is common for an applicant not to follow the conditions of approval? Mr. Ah Sing said that this applicant has three outstanding issues and he cannot speak for previous reviews. The three issues are:

- *SC #7: The applicant shall maintain signs stating “No loitering or consumption of alcoholic beverages” on the exterior of the building and within the establishment. (P) – Only “No Loitering” is posted on the exterior of the Building and “No Alcohol” sign is posted within the premises which does not substantial conform to the condition.*
- *SC #11: The front exterior windows shall be maintained free and clear. No tinting or blinding of the exterior windows shall be allowed. (P) – Drapes are installed in the VIP room and in the front lobby area.*
- *SC #23: All conditions applicable to patrons, particularly the stated prohibitions included in these “Conditions of Approval”, of the facility incorporated herein shall be conspicuously posted in the front lobby area in a sign at the entrance with lettering of at least two (2) inches in size. (P) – No signage was posted on the premise.*

Mr. Ah Sing explained that the applicant is not in compliance with Condition No. 2 because he has drapes in his front windows. The applicant claims that the reason for the drapes is because the computer equipment overheats during the daytime.

Commissioner Ciardella asked if there was one police incident and Mr. Ah Sing said yes.

Vice Chair Mandal is surprised that the business does not serve food and drinks and asked why? Mr. Ah Sing deferred the question to the applicant.

Commissioner Sandhu asked why is staff proposing another review in three months? Mr. Ah Sing said at this point, since they are not complying, staff is recommending that the permit be reviewed in three months so the applicant can rectify the issues.

Chair Williams said he visited the business and he saw snack foods at the reception desk and asked if they are selling food? Mr. Ah Sing deferred the question to the applicant.

Chair Williams said he also noticed that the receptionist was unclear about her duties and asked if she is informed of what to do in an emergency situation? Mr. Ah Sing deferred the question to the applicant.

Chair Williams introduced the applicant.

**Joe Zheng, 4704 Pacific Ave., Stockton,** is available to answer questions.

Chair Williams asked if employees are given a training program on what to do in case of an emergency. Mr. Zheng said that the receptionist has a list of emergency contacts and knows to dial 911 in case of an emergency.

Chair Williams asked Mr. Zheng if he is providing food snacks and Mr. Zheng said that patrons could bring food their own food inside the business to eat.

Vice Chair Mandal asked if Mr. Zheng plans on serving food or alcohol in the future? Mr. Zheng said they would normally consider serving food and alcohol however the center already has too many food facilities and they do not want to be in conflict with their neighbors.

Vice Chair Mandal asked if people having a private party could bring food? Mr. Zheng said yes and noted that customers usually bring a birthday cake.

Vice Chair Mandal asked who manages the food situation? Mr. Zheng said he has three employees to clean up.

Vice Chair Mandal asked Mr. Zheng how would he handle the alcohol situation and Mr. Zheng said they make everyone sign a paper stating that alcohol is not allowed.

Commissioner Ciardella asked what is the issue with the drapes? Mr. Zheng said that drapes on the windows are not allowed because some people think it is an illegal business however, the sun hits the windows everyday which is causing damage to the computer equipment and that is why the drapes were added. He pointed out that they do have cameras in each room.

Commissioner Ciardella asked Mr. Zheng if he complied with the other two conditions and Mr. Zheng said yes and showed proof with pictures he took from his establishment.

Commissioner Sandhu asked Mr. Zheng if he understands and agrees to all of the conditions of approval and Mr. Zheng said yes.

Chair Williams asked if the applicant is requesting to maintain the drapes and Mr. Lindsay said that the applicant is requesting to continue working with staff to address the issue and work through other solutions.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Mandal/Sandhu

AYES: 5

NOES: 0

Chair Williams suggested that staff add the following condition of approval:

- *The operator or designee shall develop a training manual that ensures that staff is properly trained on how to effectively handle emergency situations. A copy of this procedure manual shall be submitted to the Planning Division. Adequacy of the manual shall be determined by Planning staff. Any revisions to the manual shall be submitted to the Planning Division. (P, PC)*

Chair Williams also encouraged staff to continue working with the applicant on the drapes issue.

Commissioner Ciardella asked if staff has come up with other solutions besides drapes? Mr. Ah Sing suggested permanent blinds however it would have to be worked out with the police department.

**Motion** to approve Permit Review (PR2007-3) with the modifications subject to the findings and conditions of approval, with the intention that the applicant will continue to work with staff and the added special condition:

- *The operator or designee shall develop a training manual that ensures that staff is properly trained on how to effectively handle emergency situations. A copy of this procedure manual shall be submitted to the Planning Division. Adequacy of the manual shall be determined by Planning staff. Any revisions to the manual shall be submitted to the Planning Division. (P, PC)*

M/S: Mandal/Sandhu

AYES: 5

NOES: 0

**2. “S”  
AMENDMENT  
(SA2007-3)**

**ZONE  
NO.**

Judie Gilli, Project Planner, presented a request for approval of a new one-story (4,140 s. f.) hillside home located at 826 Calaveras Ridge Drive. Ms. Gilli recommended approval subject to findings and conditions of approval.

Chair Williams asked if the applicant would be expanding their exterior amenities? Ms. Gilli deferred the question to the applicant.

Vice Chair Mandal asked how will the outside lights be mitigated? Ms. Gilli said staff would check to make sure that the lights are not too excessive when the applicant applies for permits.

Commissioner Ciardella pointed out the storage room in the basement floor plan and asked what is it going to be used for? Ms. Gilli deferred the question to the applicant.

Commissioner Ciardella said he wants to make sure that the storage room is not used as a retail office. Ms. Gilli said that retail space would not be allowed by right and if the applicant were to submit an application, it would have to come back to the Commission.

Chair Williams introduced the applicant.

**Pete Vararoutsos, 3441 Cedardale Dr., San Jose, CA**, said the storage room would be used for extra storage space and possible space for family members. He also plans on installing low glare lighting and using impervious materials wherever he can.

Chair Williams asked if Mr. Vararoutsos is aware that he is near the limits of impervious surface area? Mr. Vararoutsos said he is actually 2,000 sq. ft. under the limit and all the decking is impervious surface.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Sandhu/Mandal

AYES: 5

NOES: 0

**Motion** to approve "S" Zone Amendment No. (SA2007-3) approval subject to findings and conditions of approval.

M/S: Ciardella/Mandal

AYES: 5

NOES: 0

Commissioner Sandhu excused himself for Item No. 3 and left the Council Chambers.

**3. CONDITIONAL USE  
PERMIT NO. UP2007-23,  
"S" ZONE  
AMENDMENT NO.  
SA2007-52, AND  
ENVIRONMENTAL  
ASSESSMENT NO.  
EA2007-9**

Sheldon Ah Sing, Senior Planner, presented a request to locate a 4,030 square foot religious facility within an existing R&D building, to install minor site modifications, and to allow a parking reduction of four parking spaces located at 1180 Cadillac Court. Mr. Ah Sing recommended approval subject to findings and conditions of approval.

Vice Chair Mandal asked if a formal parking agreement would be submitted to the City? Mr. Ah Sing said that a formal parking agreement would have to be reviewed by the City Attorney and would have to be recorded at the County.

Commissioner Ciardella asked if there are any hazardous materials generated near the proposed project since it is located in an industrial park? Mr. Ah Sing said nothing has been identified but there is a potential because they are within an industrial zoning district. By right, R&D businesses could locate there so that is why through the mitigation process the applicant could mitigate those concerns.

Commissioner Ciardella asked what are the mitigation measures? Mr. Ah Sing said the applicant is to provide an emergency plan, communication system and install a wind sock.

Commissioner Ciardella asked if there is a type of monitoring system that would be installed to detect hazardous materials? Mr. Ah Sing said he is not certain however staff could add that as a condition of approval.

Chair Williams introduced the applicant.

**Rouble Claire, 712 Mente Linda Loop, Milpitas**, said he is available to answer any questions, and introduced congregation members and Tracy Wong, Civil Engineer.

City Attorney Ogaz asked the applicant if it is his intention to continue shuttle service? Mr. Claire stated that the church will have two shuttles and they will not be parked on site, rather at the volunteer's homes and will only be picked up when required.

Chair Williams opened the public hearing.

**Brad Hall, 1161 North Abbott Avenue, Milpitas**, lives 300 feet from the project, said he has no problems with the temple however when the new building was built, he never new that he was going to be exposed to hazardous materials. He asked what kind of safety measures is in place for people that work and live in the area. He also was not aware that there were going to be changes to the building and asked what reassurances does he have that the residents will be safe.

Chair Williams asked Mr. Hall to get in touch with staff so they could answer his questions and if his questions will affect the community as a whole, then it could be agendaized at a future meeting.

**Wayne Martinez, 1164 Cadillac Court, Milpitas**, said he is opposing the project for the reasons stated on the petition that was signed by ten business owners. The petition states the following:

- **Parking:** The parking facility is not adequate to accommodate the needs usually associated with religious gatherings nor is there a control system in place to effectively police the business park to ensure fair usage of the parking resources.
- **Safety:** the development was not designed to accommodate large social gatherings that may include children and other large numbers of pedestrians.
- **By definition,** the Venture Commerce Center of Milpitas was marketed and sold as a business center. Incorporating other, non-business uses may adversely impact the salability of the property as a professional place of business thereby adversely impacting the property value to current owners.

**Ms. Harmeet K. Dhaliwal, 517 Bryce Court, Milpitas**, said there are many benefits to having the temple in Milpitas such as convenience of the location because it is only five to ten minutes away from home for most seniors and people that work. She also pointed out that the temple does not attract large crowds like San Jose and Fremont, rather close knit family groups. She said the temple is expecting about 50 to 60 people so parking should not be a problem because families usually car-pool in one car. She is in support of the project.

Chair Williams asked if there would be any special events and Mr. Claire said they do not expect any large gatherings and would not cause any parking issues.

**Harsimrit Kaur Khalsa aka Nancy Tobison, wife of the head priest**, said they consider the Sikh Temple God's business, because they are dedicated to share what God teaches which is the Sikh scriptures. They believe that all people are created equal and want everyone to be healthy, happy and successful. As far as too many people coming in the future, there is always the option of buying out other areas close by or moving to another location.

**Motion** to close the public hearing.

M/S: Mandal/Ali-Santosa

AYES: 5

NOES: 0

Chair Williams proposed a double six-month review on the project to review any issues or complaints and to protect everyone's vested interest in the project.

City Attorney Ogaz said the parking study seems to be dependent to the continuation of the shuttle service and would like to add this as a condition of approval so he could include it in the parking agreement.

Commissioner Ciardella did not agree with the following special condition and asked staff to revise:

- *To maintain adequate parking, the congregation membership shall not exceed (68) members as specified on the approved plans dated November 14, 2007.*

Mr. Lindsay clarified that any assembly is required to post occupancy limits to meet fire code. He also said that if the congregation grows, the applicant could come back with a use permit amendment and the condition could be modified.

Mr. Ah Sing recommended that the condition be revised to the following:

- *To maintain adequate parking, the occupancy of the building suite shall not exceed (68) persons at any one time.*

Vice Chair Mandal asked if a company locates with harmful chemicals and it has to be mitigated, does the City post notices to the surrounding areas? Mr. Ah Sing said that the Fire Department would determine the required mitigation measures.

Mr. Lindsay said the Fire Prevention Bureau reviews applications to use hazardous materials and there is no notification process that occurs for surrounding businesses when a place of assembly chooses to locate within an industrial area. Staff and the Fire Dept. do everything to ensure they are moving into this area under full knowledge that there could be future users of hazardous materials and there is a right for those businesses to use those as long as they are compliant with fire code and state law.

Chair Williams asked if a business moved in with hazardous materials, would they have a greater impact on the residents and Mr. Lindsay said the probability of a release is small and said the residents are more concerned with parking.

**Motion** to approve Conditional Use Permit No. UP2007-23, "S" Zone Amendment No. SA2007-52, and Environmental Assessment No. EA2007-9 subject to findings and conditions of approval and with the following modified conditions:

- *The project is subject to two (2) subsequent six (6) month Permit Reviews. The applicant shall be responsible to complete and file an application with the Planning Department in the same measures as a Conditional Use Permit Application. The Permit Review process will also be conducted in a manner similar to a Conditional Use Permit. (P, PC)*
- *To maintain adequate parking, the occupancy of the building suite shall not exceed (68) persons at any one time. (P, PC)*
- *The applicant or designee shall continue to utilize a shuttle service for its members to and from services (P, PC)*

M/S: Mandal/Ali-Santosa

AYES: 5

NOES: 0

Commissioner Sandhu returned to the Council Chambers.

**X.  
NEW BUSINESS**

**4. "S" ZONE  
AMENDMENT NO.  
(SA2007-60)**

Tiffany Kunsman, Project Planner, presented a request to modify the conditions of approval to remove a 144" protected California Pepper Tree located at 2016 Calaveras Blvd. Ms. Kunsman recommended Approval Subject to Findings and Conditions of Approval.

Vice Chair Mandal asked if the applicant could plant other trees on the property? Ms. Kunsman said the site is a constrained site and it would look cluttered if the applicant were to add more trees.

Chair Williams invited the applicant to speak.

**Sylvia Leung, 968 Hanson Court, Milpitas**, said her company believes in protecting the environment. They have relocated five olive trees at their expense and felt they have cooperated fully with the City. They paid for an arborist report and were unable to save this particular tree.

**Motion** to approve "S" Zone Amendment No. (SA2007-60) subject to Findings and Conditions of Approval.

M/S: Mandal/Sandhu

AYES: 5

NOES: 0

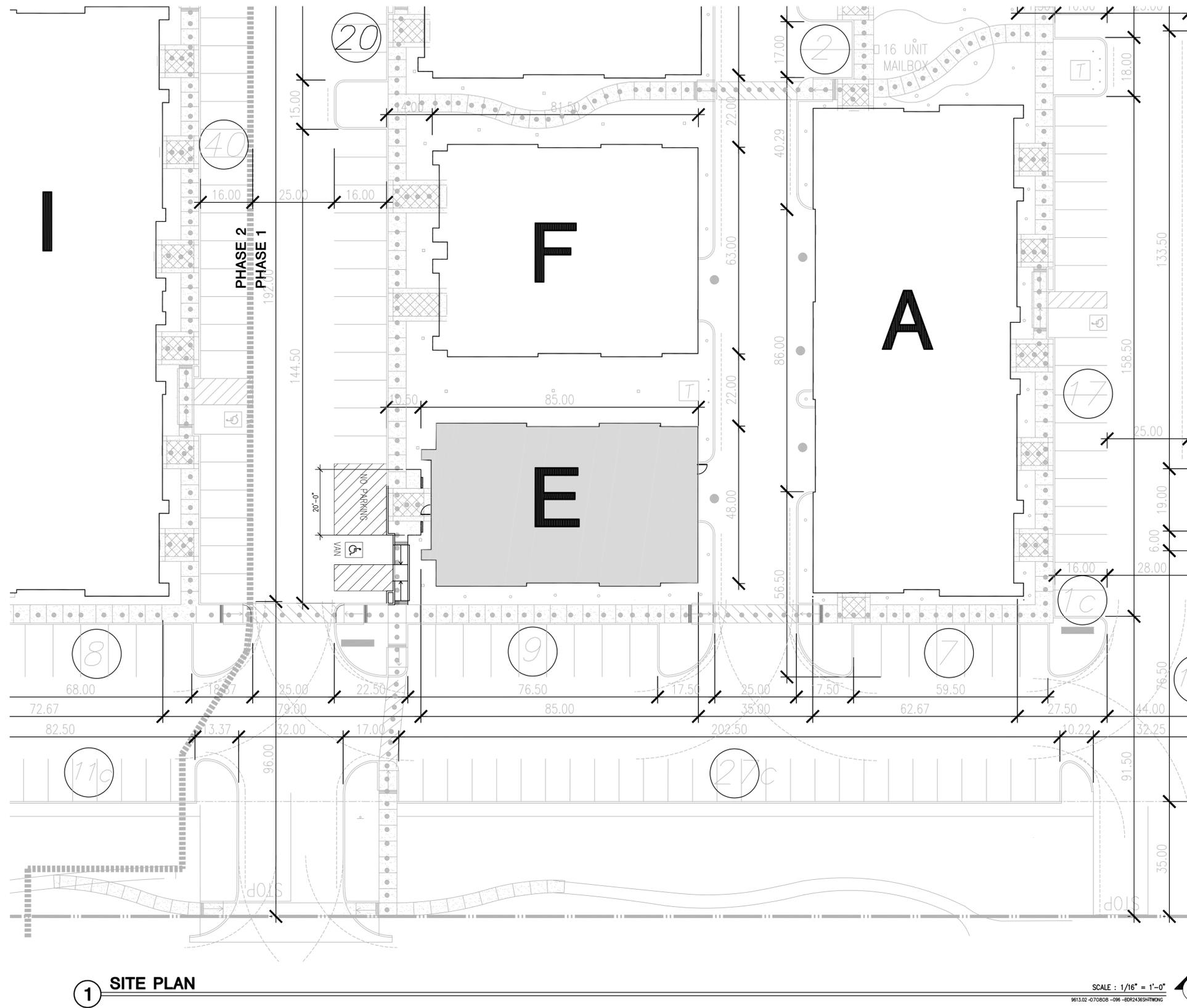
**XI.  
ADJOURNMENT**

The meeting was adjourned at 8:35 p.m. to the next regular meeting of December 12, 2007.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Veronica Bejines  
Recording Secretary



**PARKING CALCULATION**

ASSEMBLY SEATING = 476 SF  
 476 SF / 75 SF/SEAT = 68 SEATS  
 68 SEATS / 5 SEATS/1 SPACE = 14 SPACES

OFFICE = 86 SF  
 78 SF / 200 SF/1 SPACE = 1 SPACE

STORAGE = 1092 SF  
 1092 SF / 500 SF/1 SPACE = 2 SPACE

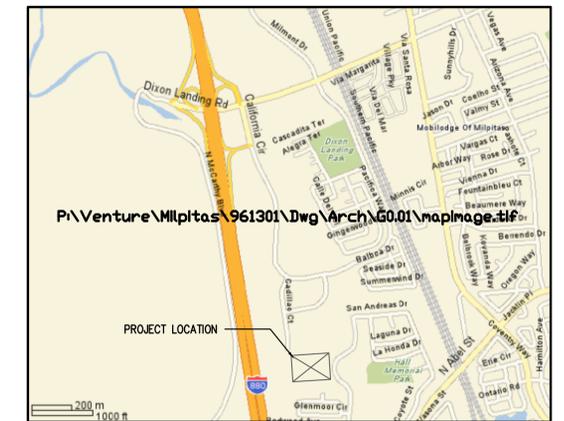
TOTAL SPACES REQUIRED = 17 SPACES  
 TOTAL SPACES PROVIDED = 10 SPACES  
 TO MITIGATE SHORTAGE OF PARKING SPACES FOUNDATION PROPOSES TO HAVE A SHUTTLE SERVICE FOR CHURCH MEMBERS.

TOTAL ACCESSIBLE SPACES REQUIRED = 1 SPACE  
 TOTAL ACCESSIBLE SPACES PROVIDED = 1 SPACE

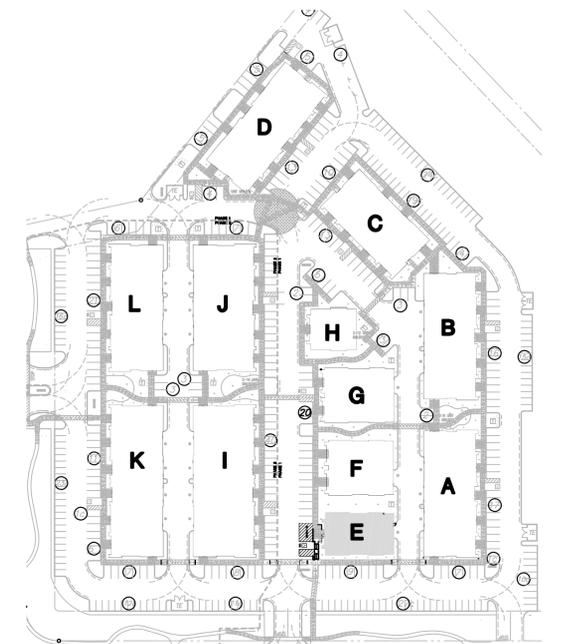
**RISK ASSESSMENT**

THE RISK ASSESSMENT IS NOT REQUIRED

**MAP**



**KEYPLAN**



**MILPITAS GURDWARA**

1180 CADILLAC COURT, MILPITAS, CA.

SIKH FOUNDATION OF MILPITAS

Project Number: 9613.02

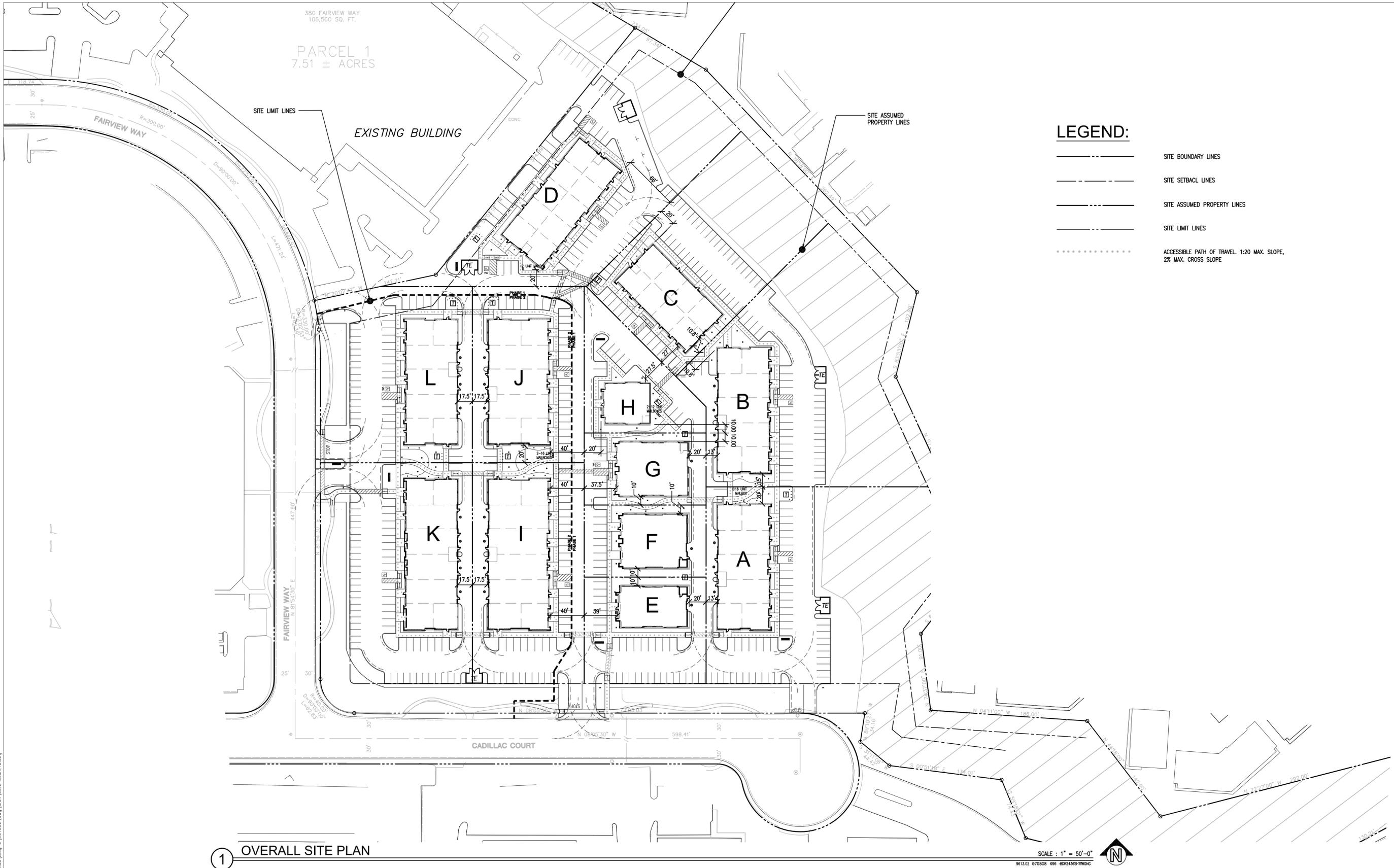
SITE PLAN - OPTION 1

8/16/07  
 10/1/07

1



© 2007



380 FAIRVIEW WAY  
106,560 SQ. FT.  
PARCEL 1  
7.51 ± ACRES

**LEGEND:**

- · — · — SITE BOUNDARY LINES
- - - - - SITE SETBACK LINES
- · - · - · - SITE ASSUMED PROPERTY LINES
- · — · — SITE LIMIT LINES
- · · · · ACCESSIBLE PATH OF TRAVEL: 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE

1 OVERALL SITE PLAN

SCALE : 1" = 50'-0"



# MILPITAS GURDWARA

1180 CADILLAC COURT, MILPITAS, CA.

SIKH FOUNDATION OF MILPITAS

Project Number: 9613.02

OVERALL SITE PLAN - OPTION 1

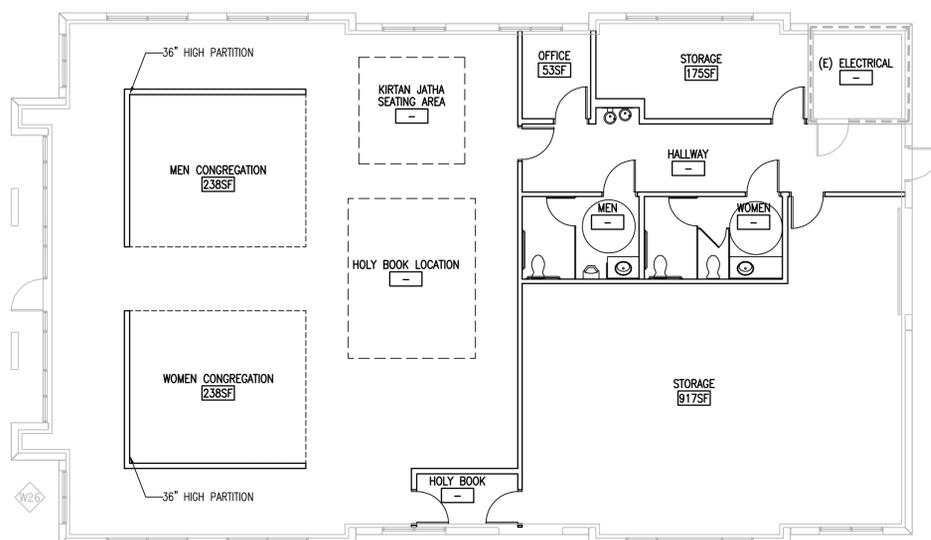
# 1B

10/1/07



© 2007

Oct 01, 2007 - 10:53am F:\Ventures\Milpitas\Bldg\_E\961302\DWG\arch\10724368h1B.dwg



**PROJECT INFORMATION**

TYPE OF CONSTRUCTION: TYPE V-N FIRE SPRINKLER THROUGHOUT

OCCUPANCY GROUP: A3

**EXITING REQUIREMENTS**

SQUARE FOOTAGE OF ASSEMBLY AREA: 2053 SF  
OCCUPANT LOAD FACTOR: 7  
OCCUPANT LOAD: 293

SQUARE FOOTAGE OF OFFICE AREA: 53 SF  
OCCUPANT LOAD FACTOR: 100  
OCCUPANT LOAD: 1

SQUARE FOOTAGE OF STORAGE AREA: 1092 SF  
OCCUPANT LOAD FACTOR: 300  
OCCUPANT LOAD: 4

TOTAL OCCUPANT LOAD: 298

REQUIRED EXIT WIDTH: 298 X .2 = 60"  
PROVIDED EXIT WIDTH: 72"

**PLUMBING REQUIREMENTS (2001 CPC)**

OCCUPANT LOAD: 298

WATER CLOSET:  
MALE: 1 PER 150 = 1 REQUIRED  
1 PROVIDED  
FEMALE: 1 PER 75 = 2 REQUIRED  
2 PROVIDED

URINAL:  
MALE: 1 PER 150 = 1 REQUIRED  
1 PROVIDED

DRINKING FOUNTAIN:  
1 PER 150 = 2 REQUIRED  
2 PROVIDED

1 FIRST LEVEL PLAN

SCALE : 1/8" = 1'-0"



9613.02-070808-096-00124369HWG

Oct 01, 2007 - 12:44pm P:\Venture\Milpitas\Bldg\_E\961302\DWG\Arch\brdrz4369HWG.dwg twong

# MILPITAS GURDWARA

1180 CADILLAC COURT, MILPITAS, CA.

SIKH FOUNDATION OF MILPITAS

Project Number: 9613.02

FIRST LEVEL PLAN - OPTION 1

8/7/07  
10/1/07

2



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**TITLE: PARKING STUDY**  
**PURPOSE: THE CITY OF MILPITAS BUILDING USE PERMIT**  
**APPLICANT: SIKH FOUNDATION OF MILPITAS**  
**RE: 1180 CADILLAC COURT, BUILDING E**  
**MILPITAS, CA 95035**  
**VCC-Milpitas**

**RECEIVED**

OCT 01 2007

CITY OF MILPITAS  
 PLANNING DIVISION

DAY	DATE	TIME				
		10:00	11:00	12:00	1:00	2:00
<b>June, 07</b>						
Sunday	6/10/2007	3 (10) *	5 (22)	9 (48)	8 (42)	7 (39)
Sunday	6/24/2007	3 (12)	7 (28)	11 (52)	9 (41)	9 (47)
<b>July, 07</b>						
Saturday	7/7/2007	4 (16)	6 (29)	7 (38)	8 (42)	8 (42)
Sunday	7/15/2007	3 (12)	4 (21)	11 (48)	10 (50)	7 (38)
Sunday	7/22/2007	2 (8)	5 (23)	12 (56)	8 (44)	8 (44)
Saturday	7/28/2007	3 (11)	6 (24)	11 (54)	11 (56)	10 (53)
<b>Aug, 07</b>						
Sunday	8/5/2007	4 (17)	6 (32)	10 (52)	12 (62)	9 (50)
Sunday	8/12/2007	2 (11)	4 (27)	8 (46)	11 (56)	10 (58)
<b>Sep, 07</b>						
Sunday	9/9/2007	3 (13)	5 (27)	10 (56)	10 (53)	9 (50)
Saturday	9/15/2007	4 (15)	6 (32)	11 (55)	9 (49)	7 (43)
Sunday	9/23/2007	3 (12)	4 (24)	11 (62)	10 (56)	10 (54)

**Notes:**

\* Figures in black represent number of cars parked in the parking lot of San Cracolice building on south Able street or Jose Higuera Adobe building in the city of Milpitas.

\* Figures in blue represent the number of people present on the building premises.

\* These figures vary and are dependent on the time of the day during the religious services. Sikh Foundation of Milpitas rents only one of these buildings based on availability from the city of Milpitas to hold weekend religious services for the Sikh community of Milpitas.

**ADDENDUM TO THE PARKING STUDY:**

Building E on Cadillac court has 10 parking spaces assigned to it. Foundation expects the congregation to to exceed 55 persons only occasionally. Two shuttle vans will be used to shuttle congregation members particularly senior citizens to and from the church building. The shuttle vans will not be parked in the building parking lot during the religious services and will only be parked briefly for loading/unloading of passengers. This in turn help preserve the allotted parking spaces for the regular vehicles.

# MEMORANDUM

*Economic Development Department – City Manager’s Office*

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**To:** Cindy Hom, Planning Division  
**From:** Joseph J. Oliva III, Principal Transportation Planner  
**Subject:** 1180 Cadillac Court Use Permit  
**Date:** October 12, 2007

---

This memorandum is in regards to the Sikh Foundation of Milpitas application to occupy an industrial building located at 1180 Cadillac Court for assembly and religious services. The applicant is proposing a 475 square foot assembly area for Sunday services. According to the Milpitas Zoning Ordinance, the use would require 17 parking spaces (1 space per 35 square feet for the assembly area plus office space).

The site currently provides 13 parking spaces on-site. The Industrial Park owners have submitted a letter authorizing an additional 7 parking spaces for use on Sundays for a total of 20 parking spaces. The Sikh Foundation currently leases the Milpitas Senior Center on South Abel Street for services and has conducted a parking survey for their existing uses. Their parking study was conducted between June and September 2007 and measured number of vehicles parked and number of occupants in the Senior Center building. The maximum number of vehicles parked was 12 and 62 occupants were observed in the building. It should be noted the Sikh Foundation provides a shuttle service for members who need assistance or do not drive.

Therefore, since the Use Permit requires 17 parking spaces per City code and they will have legal access to 20 spaces, Staff does not anticipate any parking impacts at this site on Sundays during religious services. To insure this, the Sikh Foundation of Milpitas should continue to provide shuttle services to those members who require it and encourage carpooling among its congregation.

Attachment: Sikh Foundation of Milpitas Parking Survey

Cc: Diana Whitecar, Economic Development Director  
Felix Reliford, Acting Planning and Neighborhood Services Director  
Sheldon Ahsing, Senior Planner  
Janice Spuller, Assistant Transportation Planner



48321 Warm Springs Blvd., Ste. 313  
Fremont, CA 94539  
t: 510.413.0012  
f: 510.413.0013

September 30, 2007  
City of Milpitas  
Planning Department

To Whom it May Concern,

This letter is to advise you that I am the owner of E Purchasing Solutions Inc. located at 1134 Cadillac Court, Milpitas, CA 95035 and we are willing to allocate four parking spaces on our property to be used by The Sikh Foundation of Milpitas. If you have any questions, please feel free to call me at (510) 792-4744 or (408) 209-3163.

Sincerely,

Gurmukh Singh Matharu  
Owner

**RECEIVED**

OCT 01 2007

CITY OF MILPITAS  
PLANNING DIVISION



October 1, 2007  
City of Milpitas  
Planning Department

To Whom It May Concern:

This letter is to advise you that I am a director at GSPANN Technologies Inc. located at 362 Fairview Way, Milpitas, CA 95035 and we are willing to allocate three parking spaces on our property to be used by The Sikh Foundation of Milpitas. If you have any questions, please feel free to call me at (408) 263-3435 ext 106 or (408) 569-2787.

Sincerely

A handwritten signature in blue ink, appearing to read 'A. Grover', is written over the word 'Sincerely'.

Amarpreet Singh Grover  
Director Solutions

**RECEIVED**

OCT 01 2007

CITY OF MILPITAS  
PLANNING DIVISION