

MEETING MINUTES

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

Wednesday, June 11, 2014

- 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 Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, Rajeev Madnawat, Garry Barbadillo, Demetress Morris, and Alternate Member Hon Lien
Absent: John Luk
Staff: Steven McHarris, Johnny Phan, Scott Ruhland, Jocelyn Puga
- 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 28, 2014 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes, as submitted.
 Motion/Second: Commissioner Sandhu/Vice Chair Ciardella
 AYES: 7
 NOES: 0
 ABSTAIN: 0
- V. ANNOUNCEMENTS** Planning and Neighborhood Services director Steven McHarris announced the cancelation of the July 9, 2014 Planning Commission meeting due to lack of agenda items.
 Commissioner Morris announced the Juneteenth celebration occurring this weekend, June 14 and 15, in downtown San Jose.
- VI. CONFLICT OF INTEREST** **Assistant City Attorney Johnny Phan** 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.
Motion to approve the June 11, 2014 agenda as submitted.
 Motion/Second: Commissioner Madnawat/Commissioner Sandhu
 AYES: 7
 NOES: 0

**VIII. CONSENT
CALENDAR**

VIII-1

DEVCON MONUMENT SIGN – 690 Gibraltar Drive—SD14-0009: A request for a Site Development Permit for a new free standing sign over 6 feet in height located at 690 Gibraltar Drive. This project is exempt from further CEQA review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

Motion to adopt Resolution No. 14-026 approving Site Development Permit No. SD14-0009 for a new freestanding sign over 6 feet in height.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

IX. PUBLIC HEARING

IX-1

GOODWILL ZONING AMENDMENT - 311 W Calaveras Blvd – ZA14-0002, SD14-0008, UP14-0010: A request for a Zoning Text Amendment to conditionally permit thrift store uses in C-1 Neighborhood Commercial, a Site Development Permit and Conditional Use Permit for a new Goodwill retail store and associated site improvements located in an existing shopping center. This project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities).

Vice Chair Ciardella disclosed that he had spoken with the owner of Mil's Diner.

Steven McHarris referenced a staff memo and updated site plan due to changes to the parking spaces and landscape plan, and introduced Planning Intern Jocelyn Puga who gave a short presentation and description of the project.

Vice Chair Ciardella asked about large trucks dropping off merchandise and Ms. Puga replied that Goodwill does not plan to have large trucks but instead smaller trucks making intermittent deliveries.

Commissioner Barbadillo expressed concern with the zoning amendment and questioned why the store does not relocate to a location where it is already an allowable use. Senior Planner Scott Ruhland said the proposed code amendment with new performance standards and necessary conditions of approval is at the request of the applicant working with staff.

Chair Mandal expressed concerned for the aesthetics and upkeep of the area and asked what Goodwill plans to do at this particular location to keep the area presentable.

Chris Baker, the applicant representing Goodwill, said that Goodwill has invested over \$5 million and has partnered with the Gap to create a new modern look for the store. He said they are relocating as their current location is too small and is in a very old building, and they want a new building that represents their new look. He said their store will have donation greeters and their goal is to greet donors within 10 seconds.

Chair Mandal opened the public hearing and a gentleman from Mil's Diner expressed concern about parking. He said there is already a parking problem and he has signs

posted in front of his restaurant but they do not deter cars from parking there, and he believes the lack of parking is affecting his restaurant.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 7

NOES: 0

Commissioner Madnawat said that he has frequented the shopping center for many years and has always been able to find parking but believes that people want to park up front and proper signage is necessary.

Commissioner Morris is concerned that rezoning of the area to accommodate thrift stores sets a poor precedence.

Commissioner Barbadillo referenced the General Plan and Midtown Specific Plan and the vision set for the city and does not believe the commission should deter from the plan.

Vice Chair Ciardella has concerns with parking and would like to see a parking agreement between the two shopping centers.

Chair Mandal repeated his concerns related to appearance and cleanliness and how the store is presented to the community and said he would feel more comfortable with a six month review.

Commissioner Madnawat believes the applicant should continue working with staff on a detailed parking plan and consider studying peak hours related to the parking situation.

Motion to continue the item to a future meeting.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 7

NOES: 0

ABSTAIN: 0

IX-2

PARKING ORDINANCE AMENDMENT II - 455 E. Calaveras Boulevard – ZA14-0006: A City-initiated request to consider a Zoning Amendment to Title XI, Chapter 10, Section 53, Off-Street Parking Regulations, of the Milpitas Municipal Code to clarify development standards for parking garages/structures; and, to clarify that on-street parking on public streets is not counted towards a residential projects' parking requirement. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

Senior Planner Scott Ruhland gave a short presentation and description of the project.

Commissioner Madnawat said the ordinance is unclear in regards to the parking requirement distance for residential units, and where the 300 feet is measured from, and said it should be clarified. Assistant City Attorney Johnny Phan said the criteria states

that the parking spaces have to be on the development site, within 300 feet from the residential unit, and not on a city street. He agreed that the existing language may be unclear and said it can be updated to state “from the residential unit it serves.” He added that there has been some misinterpretation in the past and the intent is to make it clear in this ordinance.

Chair Mandal opened the public hearing and no comments were heard.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-025 recommending the City Council adopts an amendment to the Zoning Code to provide flexibility with development standards for parking structures; and, to clarify that residential uses shall not be able to meet their parking requirements with on-street parking on public streets.

Motion/Second: Commissioner Madnawat/Commissioner Barbadillo

AYES: 7

NOES: 0

ABSTAIN: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT The meeting was adjourned at 8:40 PM to the next meeting of June 25, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

ABSENT: 1

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*

MEETING MINUTES

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

Wednesday, July 23, 2014

- 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 Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, Rajeev Madnawat and Garry Barbadillo
Commissioners John Luk and Hon Lien were absent at Roll Call and arrived at 7:10 PM
Absent: Demetress Morris
Staff: Steven McHarris, Johnny Phan, Scott Ruhland, Jocelyn Puga, Tracy Tam
- 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 June 25, 2014 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes, as submitted.
Motion/Second: Commissioner Sandhu/Vice Chair Ciardella
AYES: 5
NOES: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** No announcements
- VI. CONFLICT OF INTEREST** **Assistant City Attorney Johnny Phan** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

Commissioners Madnawat and Barbadillo both stated conflicts with Item VIII-1 due to the location of their offices and recused themselves from voting on the item.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda.
Item VIII-1 Sunset Provision Zoning Amendment was deleted from the agenda due to lack of a quorum.
Motion to approve the July 23, 2014 agenda with changes.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

VIII. CONSENT CALENDAR

VIII-1

SUNSET PROVISION ZONING AMENDMENT – 1504-1666 Centre Pointe Drive - ZA14-0008 – A request for a Zoning Text Amendment to Section XI-10-56.03 Nonconforming Uses of Buildings and Structures (B.2) to amend the sunset provision in the specific plan areas that allow non-conforming uses to apply for a CUP from June 16, 2014 to June 16, 2016. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

Item continued to the next meeting due to lack of a quorum.

IX. PUBLIC HEARING

IX-1

GOODWILL ZONING AMENDMENT - 311 W Calaveras Blvd – ZA14-0002, SD14-0008, UP14-0010: A request for a Zoning Text Amendment to conditionally permit thrift store uses in C-1 Neighborhood Commercial, a Site Development Permit and Conditional Use Permit for a new Goodwill retail store and associated site improvements located in an existing shopping center. This project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities).

Project Planner Jocelyn Puga gave a presentation and description of the project.

Chair Mandal asked about the attendants that will be available during the hours of 11:30 AM and 1:30 PM and Project Planner Puga explained that they will be identifiable as Goodwill employees and will stay on the property and let people know when they need to move their cars.

Chair Mandal invited the applicant to present.

Mike Fox, CEO of Goodwill Silicon Valley, urged the Planning Commission to approve this project. He talked about the programs offered by Goodwill and how they provide employment in Silicon Valley.

Jim Cunneen, Vice Chair of the Board of Directors, asked for the commission's support. He said they have transformed the look and feel of Goodwill and believes they will be proud of the store when it is complete. He added that Goodwill helps people to establish employment history.

Reid Lerner, the architect working with Goodwill on this application, feels that Goodwill is a good fit for this location. He said the property has the required parking spaces and they also plan to mark three spaces for Goodwill loading so there is no confusion.

Scott Walker, a consultant for Goodwill, said he met with Walker Parking Consultants and described the parking issues and said a fence was suggested but not permissible for several reasons. He said that Goodwill will have a parking attendant and also tow trucks available between 11:30 AM – 1:30 PM. He added that they will have security cameras in case of illegal dumping and explained that a truck arrives each morning to make

deliveries and pick-ups and will clean up any debris left overnight.

Chair Mandal asked the applicant how they plan to train the parking attendants and CEO Fox answered that they have been in the training business since 1927 and that customer service is important to them.

Commissioner Madnawat asked to see the drop box locations on the plans. Mr. Walker explained that loading will be done between 8:30 AM – 9:30 AM, takes one hour, and staff has added a condition that the delivery truck cannot be present during the hours of 11:30 AM – 1:30 PM. The general public coming to donate can come any time during business hours and the Goodwill has a 10 second rule that when someone comes to make a donation a greeter will come out and assist with the donation within 10 seconds.

Chair Mandal opened the public hearing and over 40 people spoke in support of the Goodwill store. Many spoke about the re-entry program and training classes offered by Goodwill, including resume writing classes, and how the programs have had positive impacts on their lives.

Bill Cilker owner of the adjacent property, said the center has struggled with parking issues for years.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 7

NOES: 0

Commissioner Madnawat asked about the ownership of the parcels and Planning Director McHarris explained the parking lot and separate properties. Commissioner Madnawat feels there is not enough parking to accommodate the restaurants in the center and that the parking issues may be with the other tenants, not Goodwill as they are in compliance with parking. He feels they are not generating the parking problem but it is others in the center who do not meet the requirements based on the municipal code.

Vice Chair Ciardella said he is still concerned about parking and suggested that the Conditions of Approval include a condition that parking attendants wear uniform shirts that identify them as Goodwill employees.

Motion to adopt Resolution No. 14-024 recommending the City Council adopt Zoning Text Amendment No. ZA14-0002 to conditionally permit thrift stores uses in the Neighborhood Commercial (C1) Zoning District with performance standards; and approve Site Development Permit No. SD14-0008, and Conditional Use Permit No. UP14-0010, to permit the operation of a Goodwill retail store and associated site improvements at this location without a proposed fence along the property line with an amendment requiring the parking attendants to be properly identifiable.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 6

NOES: 1 Ciardella

ABSTAIN: 0

IX-2

PARKING ORDINANCE AMENDMENT III - 455 E. Calaveras Boulevard – ZA14-0009: A City-initiated request to consider a Zoning Text Amendment to Section XI-10-53.13 Off-Street Parking Regulations, Location of Parking (A.1) to clarify when on-street parking can be allocated to a retail/commercial project’s parking requirement. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

Project Planner Tracy Tam gave a presentation and description of the project.

Commissioner Madnawat asked for clarification of the allotted time in the limited time parking spots and Senior Planner Scott Ruhland said there will be a designated time which will be determined by the traffic study. Commissioner Madnawat also recommended considering parking meters.

Chair Mandal opened the public hearing and Milpitas resident Frank DeSchmidt spoke about parking and the new Levi’s Stadium.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-029 recommending the City Council adopt an amendment to the Zoning Code to clarify when on-street parking can be allocated to a retail/commercial project’s parking requirement in the Midtown and Transit Area Specific Plan Areas.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

ABSTAIN: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 9:45 PM to the next meeting of August 13, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Commissioner Luk

AYES: 7

NOES: 0

ABSENT: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*