



ECONOMIC DEVELOPMENT COMMISSION Meeting Minutes

Date/Time: Monday, February 6, 2017 at 4:01 pm

Where: Milpitas City Hall, Committee Conference Room

Attendees: Chair Ablaza; Vice Chair Wettenstein; Commissioners Chen, Tsao, Peoples, Reddy, M. Nguyen, Wang; Councilmember Phan

Excused Absence: Commissioner Brahmbhatt

Unexcused Absence: Commissioners C. Nguyen, and Holthaus

Staff: Economic Development Director Edesa Bitbadal, Economic Development Specialist Daniel Degu

I. **Flag Salute**

Chair Ablaza called the meeting to order at 4:01pm and led the Pledge of Allegiance.

II. **Roll Call and Seating of Alternates**

Chair Ablaza called for Roll. Commissioner Brahmbhatt, C. Nguyen, and Holthaus were not present. Alternate Commissioner Reddy was seated.

III. **Public Forum (Please *limit comments to 3 minutes*) – None.**

IV. **Approval of Agenda**

Motion: to approve the agenda as submitted.

Motion/Second: Commissioner M. Nguyen / Vice Chair Wettenstein

Motion carried by a vote of:

Ayes:	8
Noes:	0
Absent:	Brahmbhatt, C. Nguyen, Holthaus
Abstain:	0

V. **Approval of Minutes – January 9, 2017 Commission minutes**

Motion: to approve the January 9, 2017 Economic Development Commission Minutes as submitted.

Motion/Second: Commissioner Tsao / Commissioner M. Nguyen

Motion carried by a vote of:

Ayes:	7
Noes:	0
Absent:	Brahmbhatt, C. Nguyen, Holthaus
Abstain:	Wang

VI. **New Business**

A. **General Plan Amendment and Conditional Use Permit for Operation of the Al-Hilaal Mosque and Community Center at 372-374 Turquoise Street; and, Introduce Ordinance No. 38.827 to Amend Title XI, Chapter 10, Section 7.02, Table XI-10-7.02- 1 of the Milpitas Municipal Code to Allow Places of Assembly to Locate Within Industrial Zones with a Conditional Use Permit and Amend Section 7.04 for Special Development and Performance Standards (Staff Contact: Bradley Misner, 408-586-3279) (Action Item)**

Economic Development Director Edesa Bitbadal introduced Planning & Neighborhood Services Director Bradley Misner.

Mr. Misner opened his presentation by providing a background overview of the current request to amend the City general plan and zoning ordinance to allow places of assembly within industrial zoned districts through a conditional use permit. Mr. Misner informed the Commission that in 2009 places of assembly were prohibited from industrial zoning districts to preserve, ensure, and improve compatibility of uses in the industrial districts. Mr. Misner also informed the Commission that in 2013 social organizations were prohibited in the Industrial Land Use Designation of the City's General Plan to further preserve and ensure compatibility of uses in industrial land use designations. Furthermore, on July 8, 2015, the Planning Commission considered a Zoning

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Text Amendment application to allow places of assembly to locate within Industrial Zoned lands. At that hearing, the Commission recommended that planning staff move forward with appropriate California Environmental Quality Act, commonly referred to as CEQA, review and return to the Planning Commission with a resolution supporting the applicant's request. On December 14, 2016, the Milpitas Planning Commission voted unanimously 7-0 to recommend that the City Council amend the City general plan and zoning ordinance to allow places of assembly within industrial zoned districts through a conditional use permit. Mr. Misner concluded his presentation by sharing with the Commission that presently in the zoning code places of assembly are conditionally permitted in the following zones: Residential Zones (R1, R2, R3, R4, R5), Commercial Zones (C0, C1, C2, HS, TC), and Mixed Use Zones (MXD, MXD2, MXD3); and approximately 47 assembly uses exist in the City.

Commissioner Peoples spoke against an amendment to the City general plan and zoning ordinance to allow places of assembly within industrial zoned districts through a conditional use permit because it's dangerous to the City's economic vitality.

Vice Chair Wettenstein spoke against an amendment to the City general plan and zoning ordinance to allow places of assembly within industrial zoned districts through a conditional use permit because the City already allows places of assembly in residential, commercial, and mixed use zones; and recommending an amendment will take away industrial space and the associated jobs that it would create.

Chair Ablaza asked how many places of assembly exist in the City, to which Mr. Misner replied that there are approximately 47 assembly uses.

Ms. Bitbadal shared with the Commission that many of our neighboring cities, such as San Jose and Fremont, have strong policies that prohibit places of assembly within industrial zoned districts.

Commissioner Peoples suggested that the City update the Floor Area Ratio (FAR) in industrial zones to a much higher FAR, similar to (North) San Jose.

Commissioner Reddy asked what percentage of City land is zoned as industrial use, to which Mr. Misner replied that there is about 16-20% zoned for industrial use.

Councilmember Phan asked if there was a cap on the number of conditional use permits that the City can allow, to which Mr. Misner replied not presently. Councilmember Phan then asked if a cap on conditional use permits was something pursuable and legal by the City, to which Mr. Misner replied that is something he would need to research and discuss with the City Attorney Office.

Councilmember Phan asked how many mosques currently exist in the City, to which both Ms. Bitbadal and Mr. Misner replied at least two, if not three.

Councilmember Phan asked which governing body approves a conditional use permit, to which Ms. Bitbadal replied the Planning Commission. Mr. Misner added that a conditional use permit can be appealed up to City Council.

Commissioner Peoples stated that he is of the understanding that residential use can be converted to religious use, and asked if something converts from industrial to religious use can that then be converted at a later time to residential, or some other use, without amending the general plan. Mr. Misner replied that it all depends on the zoning ordinance and what the ordinance states as permissible.

Commissioner Chen spoke against an amendment to the City general plan and zoning ordinance to allow places of assembly within industrial zoned districts through a conditional use permit because it does not optimize economic development within Milpitas.

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Commissioner Peoples made a motion to recommend to City Council not to revise the industrial zoning to allow religious uses.

Vice Chair Wettenstein provided a friendly amendment to Commissioner Peoples's original motion, and said "Recommend to City Council not to make changes to the City general plan and zoning ordinance that would allow places of assembly thereby reducing the industrial base".

Commissioner Peoples accepted the friendly amendment.

Motion: Recommend to City Council not to make changes to the general plan and zoning ordinance that would allow places of assembly thereby reducing the industrial base.

Motion/Second: Commissioner Peoples / Vice Chair Wettenstein

Motion carried by a vote of:	Ayes:	8
	Noes:	0
	Absent:	Brahmbhatt, C. Nguyen, Holthaus
	Abstain:	0

VII. Announcements

A. Council Liaison Update

Councilmember Phan shared his excitement with the commission to be serving as the new City Council Liaison, and looks forward to his time as liaison. Councilmember Phan also shared that the City Council will be voting on Minimum Wage on Tuesday, February 7, 2017, and that both Vice Mayor Grilli and Councilmember Phan served on a City Council Minimum Wage Subcommittee to explore and present options and exemptions for small businesses. Councilmember Phan informed the Commission that the City Council Subcommittee made recommendations to the City Council to consider a two tier system where those with 25 employees or less will raise their minimum wage to \$15 by July 1, 2020; businesses with 11 locations worldwide are excluded from tier two system of \$15 by 2020. However, franchise owners who have 25 or less employees within the City would qualify as a small business. Also, a waiver for collective bargaining will be in place with the exemption of employees in the property industry such as janitors, landscapers, groundskeepers, and security guards.

B. Commissioners Update

Both Commissioner Tsao and Commissioner Wettenstein announced the following upcoming Milpitas Chamber of Commerce events: Business Breakfast (February 14), Monthly Mixer (February 16), and Crab Feed (March 3). Commissioner Wettenstein also announced that the "Monday Blast" email from the Chamber is now available to non-members, and commissioners interested in receiving this weekly email can sign up at the Chamber website.

C. Staff Report

Economic Development Director Bitbadal announced the appointment of Councilmember Phan, as the new City Council Liaison. Ms. Bitbadal also announced that on Tuesday, February 7, 2017, the City of Milpitas Economic Development Department, together with Milpitas Unified School District, NextFlex, Flex, and Evergreen Valley College will launch an unprecedented month-long entrepreneurship program that exposes Calaveras Hills High School students to the vast range of professional opportunity within advanced manufacturing. Ms. Bitbadal also reminded the Commission that Joint Venture Silicon Valley will host its annual State of the Valley Conference on Friday, February 17, 2017, at the San Jose McEnery Convention Center. The following commissioners confirmed their interest in attending this year's conference: Chair Ablaza; Commissioners Wettenstein, Tsao, Peoples, and Reddy. Additional announcements made by Ms. Bitbadal included her presentation to over 70 brokers at SVEDA's Broker Breakfast on Thursday, February 2, 2017.

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VIII. Adjournment

Commissioner Tsao motioned, and seconded by Commissioner Wang to adjourn the meeting at 6:03pm to the regularly-scheduled commission meeting on Monday, March 13, 2017, at 4:00pm. The motion carried unanimously.