

APPROVED

PLANNING COMMISSION MINUTES

June 24, 2009

- I. PLEDGE OF ALLEGIANCE** Vice-Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, Alex Galang, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, and Mark Tiernan
Absent: Aslam Ali and Cliff Williams
Staff: AhSing, Andrade, Brown, Gilli, Otake
Alternate Commissioner Mark Tiernan was seated as a member of the voting body.
- III. PUBLIC FORUM** Vice-Chair Mandal 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 agendaize the matter for a future meeting.
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
June 10, 2009 Vice-Chair Mandal called for approval of the minutes of the Planning Commission meeting of June 10, 2009.
There were no changes to the minutes.
Motion to approve the minutes of June 10, 2009 as submitted.
M/S: Tabladillo, Galang
AYES: 6
NOES: 0
ABSENT: 2 (Aslam Ali and Cliff Williams)
ABSTAIN: 0
- V. ANNOUNCEMENTS** Sheldon AhSing, Senior Planner announced that this was Judi Gilli's last report to the Planning Commission. Vice-Chair Mandal thanked Judi Gilli for all her help and support.
Commissioner Tiernan stated he would not be at the July 22nd PC meeting.
- VI. CONFLICT OF INTEREST** Assistant City Attorney Bryan Otake asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Vice-Chair Mandal asked whether staff or the Commission have any changes to the agenda.
There were no changes to the agenda.
Motion to approve the agenda as submitted.
M/S: Tabladillo, Galang
AYES: 6
NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

VIII. CONSENT CALENDAR

Vice-Chair Mandal asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

Commissioner Tabladillo requested that Item No. 1 be placed on the Consent Calendar.

Motion to place Item No. 1 on the Consent Calendar.

M/S: Tabladillo, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

Motion to approve Item No. 1 and Item No. 4 on the consent calendar.

M/S: Tiernan, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

Vice-Chair Mandal opened the public hearing on Item No. 1.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Galang

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

Motion to adopt Resolution 09-027 approving the project subject to conditions of approval.

M/S: Ciardella, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

***1 CONDITIONAL USE PERMIT NO. UP09-0013:** A request to allow four temporary tract signs for the Town Center Villas project. The signs are located in the vicinity of the Town Center Villas between N. Milpitas Blvd., E. Calaveras Blvd. and N. Hillview Drive. Applicant: Marketshare Inc. Staff Contact: Judie

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Gilli (408) 586-3280. PJ # 2587. (*Recommendation: Adopt Resolution No. 09-027 approving the project subject to conditions of approval.*)

Vice-Chair Mandal opened the public hearing on Item No. 4.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

Motion to table Item No. 4.

M/S: Tabladillo, Galang

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

***4 CONDITIONAL USE PERMIT NO. UP08-0046, ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005, SITE DEVELOPMENT PERMIT NO. SZ07-0004, AND MAJOR TENTATIVE MAP NO. MT08-0002:**
Integral/McCandless Mixed Use Project: New mixed use project containing 1,800 dwelling units (73.6/gross acre), 70,000 sq. ft. commercial located at 1315 McCandless Dr. (APN: 086-33-092) Applicant: Glen Brown. Staff Contact: Sheldon AhSing (408) 586-3278. PJ # 3222. (*Recommendation: Close the public hearing and table the item.*)

IX. PUBLIC HEARING

2. TWELVE MONTH REVIEW FOR CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0010

Tiffany Brown, Junior Planner, presented a review of the approval which allows seating on the dance floor during restaurant/dining hours and allows the service of a full range of alcoholic beverages for the existing restaurant located at 78 Dempsey Road. Ms. Brown stated that staff returned to the Commission on April 8, 2009 and reported that after the compliance review was complete, it was found that the restaurant is in compliance with all the conditions of approval. Ms. Brown recommended closing the public hearing; note receipt and file.

Vice-Chair Mandal asked if the applicant was present. Ms. Brown stated the applicant could not make it due to other commitments.

Commissioner Tabladillo asked what the Commission's options were. Bryan Otake, Assistant City Attorney, stated the Commission could either revoke, suspend, modify, or sustain (take no action) of the Conditional Use Permit.

Commissioner Tiernan asked if there is any issue with the restaurant how would the City know. Ms. Brown stated Code Enforcement would be called if there were any issues or complaints.

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Vice-Chair Mandal asked about the report of calls that were given to staff. Ms. Brown stated that these were normal service calls. Commissioner Tabladillo asked where the calls came from. Ms. Brown stated the Police Department does normal patrolling of the restaurant and area.

Commissioner Tabladillo asked staff if the Commission opted to do another 12 month review is that possible. Mr. AhSing stated yes that is a possibility.

Vice-Chair Mandal opened the public hearing.

There were no speakers in the audience.

Motion to close the public hearing.

M/S: Sandhu, Galang

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

Commissioner Tiernan stated he feels that the restaurant has been in compliance, a good citizen, and a good business partner. He feels if the Commission should burden the restaurant with another 6 to 12 month review he feels the City is not treating them the same as they do other businesses. He supports the recommendation of staff.

Commissioner Ciardella asked how long the restaurant has had the alcoholic and dance permits. Ms. Brown stated the restaurant has had the entertainment permit and the sell of beer and wine permit since 1992. The recent amendment in 2008 is to allow all types of alcohol.

Motion to place another 12 month review for the conditional use permit.

M/S: Tabladillo, Ciardella

AYES: 5

NOES: 1 (Mark Tiernan)

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

**3. TIME EXTENSION NO.
TE09-0002**

Sheldon AhSing, Senior Planner, presented a request for a one-time eighteen month time extension for a previously approved 387 unit multi-family project that include studio, one and two bedroom units in four story buildings. The purpose of the extension is to allow for additional time to secure financing. The project is located at 1504 -1620 S. Main Street. Mr. AhSing recommended adopting Resolution No. 09-028 approving the project subject to conditions of approval.

Commissioner Ciardella asked if this was the old Ooh La La Lodge property. Mr. AhSing said yes it was. Commissioner Ciardella also asked when the demolition will begin on the property. Bryan Otake, Assistant City Attorney, stated the demolition would begin in Mid July.

Vice-Chair Mandal opened the public hearing.

There were no speakers in the audience.

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Motion to close the public hearing.

M/S: Galang, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

Vice-Chair Mandal asked what are the City's options at this point on clearing this area. Mr. Otake stated the City could abate the public nuisance such as weeds, solid waste, etc. The property owner has agreed to voluntarily allow the City to begin demolition on this property with the assurance that the City will be reimbursed for their services.

Motion to Adopt Resolution No. 09-028 approving the project subject to conditions of approval.

M/S: Tabladillo, Galang

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Cliff Williams)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 7:35 p.m. to the next regular meeting of July 8, 2009.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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