



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 12, 2009

APPLICATION: **CONDITIONAL USE PERMIT AMENDMENT NO. UA09-0006,
ZAHIR'S RESTAURANT**

APPLICATION
SUMMARY:

A request to add sales of all types of liquor and live entertainment in conjunction with an existing restaurant.

LOCATION:
APPLICANT:
OWNER:

174 W. Calaveras Blvd. (APN: 22-24-036)
Zahir Quddus, 174 W. Calaveras Blvd., Milpitas, CA 95035
Marie Lacorte Trustee et al., C/O Calaveras Square, 3645 Warner Drive,
San Jose, CA 95127

RECOMMENDATION:

Staff recommends that the Planning Commission:
1. Close the public hearing; and
2. Adopt Resolution No. 09-038 approving the project subject to conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation:

Overlay District:

Specific Plan:

General Commercial (GNC)/General Commercial (C2)
Office Overlay and Site and Architectural Overlay (OO-S)
Midtown Specific Plan Area

Site Area:

Building Square footage:

Number of seats:

Parking Spaces Provided:

Parking Spaces Required:

0.92 Acres
5,445 square feet
166
52
47

CEQA Determination:

Categorically Exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

PLANNER:

Cindy Hom, Assistant Planner

PJ:

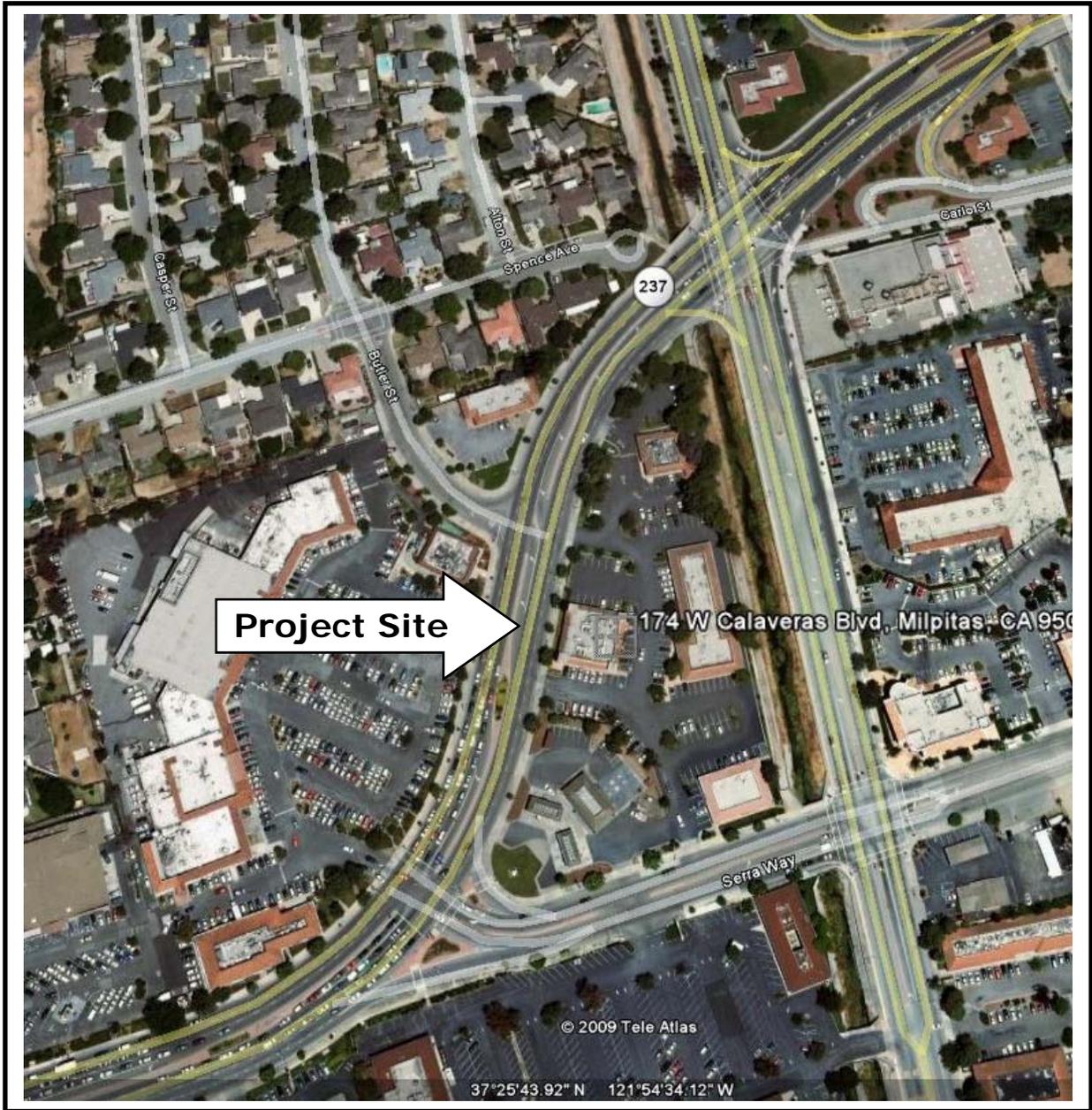
2598

ATTACHMENTS:

A. Resolution No. 09-038

- B. Plans
- C. Project Letter
- D. Letter of Opposition

LOCATION MAP



No scale

BACKGROUND

On June 27, 1990, the Planning Commission approved a 909 square foot restaurant expansion for the former Baker's Square Restaurant. The additional dining area increased the total number of seats from 94 seats to 166 seats. In October 2008, the restaurant was re-opened as Zahir's Restaurant that serves California and European cuisine in a fine dining atmosphere.

On July 17, 2009, Zahir Quddus, of Zahir's Restaurant submitted an application to add sales of all types of liquor for on-site consumption and live entertainment to an existing restaurant. The application is submitted pursuant to Milpitas Municipal Code XI-10-5.02-1 (8) (Live Entertainment, Restaurant with on-site service of alcohol).

PROJECT DESCRIPTION

The project site is a 0.92 acre parcel that is bounded by West Calaveras Boulevard to west and north, Serra Way to the south, and S. Abel Street to the east. The parcel is developed with a 5,445 square foot one-story restaurant building, 52 parking spaces, and associated site improvements.

The project site is located within the Milpitas Midtown Area and is zoned General Commercial with an Office Overlay and Site and Architectural Overlay (C2-OO-S). Surrounding land uses includes a Calaveras Plaza Shopping Center to west, a gas service station to the south, multi-tenant commercial buildings to the south and east, and a Carl's Jr. fast food restaurant to the north. A vicinity map of the subject site location is included on the previous page.

The site currently operates as a fine dining establishment that currently serves beer and wine. The applicant is requesting to add sales of all type of alcohol with meal service and to add live musical performances with no changes to the floor plan or operating hours.

Development Standards

There are no proposed changes to the site or building. The site maintains compliance with the C2 development standards and parking standards.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 1
General Plan Consistency

| Policy | Consistency Finding |
|--|--|
| <i>2.a-1-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.</i> | Consistent. The project provides the city with a fine dining destination within one of Milpitas Commercial gateway locations. |
| | |

| Policy | Consistency Finding |
|--|---|
| <p>2.a-I-7 <i>Provide opportunities to expand employment, participate in partnerships with local businesses to facilitate communication, and promote business retention.</i></p> | <p>Consistent. The project would promote business retention in that it would allow the restaurant to capture a larger customer base that desires fine dining and it would increase the vitality of the retail strip center</p> |

Zoning Ordinance

The project is consistent with the Milpitas Zoning Ordinance in terms of land use and development standards. Restaurants with alcohol service and live entertainment are conditionally permitted in the General Commercial Zoning District. The project proposed no site or building modifications maintains compliance with development standards in terms of setbacks, height, floor area coverage, and parking.

The proposed service of all types of alcohol and live music performances will not be detrimental or injurious to property, improvements, public health, safety, and general welfare. According to the Department of Alcoholic Beverage control, the project site is located in Census Tract No. 5045.04 which allows seven on-sale licenses. Currently, there is one active license. The project is not located in an over concentration area. Furthermore, the project site is not located near any residential uses. *Staff recommends* as a condition, that the Liquor License type be limited to a Type 47, in which service of alcohol shall be in conjunction with a licensed bona fide restaurant and that live entertainment will be ancillary to the sit-down dining experience. Furthermore, staff recommends as a condition of approval the restaurant shall keep doors and windows closed during those hours amplified music is played. Any amplified sound playing throughout the day shall be at a level not to disturb neighboring tenants. To ensure responsible serving of alcohol, staff recommends as a condition of approval that the restaurant operator and its employees shall received responsible alcohol beverage training.

Midtown Specific Plan

The table below outlines the project's consistency with applicable Midtown Specific Plan Implementing Policies:

Table 2
Midtown Specific Plan Consistency

| Policy | Consistency Finding |
|---|---|
| <p>3.16 <i>Provide for the continuation of retail development along the Calaveras Boulevard Corridor.</i></p> | <p>Consistent. The project is located within the Calaveras Boulevard corridor and would further support the continuation of existing and future commercial development</p> |

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of

the California Environmental Quality Act. The addition of on-site consumption of a full range of alcoholic beverages and live entertainment in conjunction with food service is considered a negligible expansion beyond the existing restaurant use.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there were two inquiries from the public. One inquiry was a call for more information. The second is a letter opposing the project that was received from a nearby resident. The opposition letter cited that the proposed sale of all types of alcohol and live entertainment use would be inappropriate to the area consider the proximity to Spangle Elementary School and that it would disrupt the peacefulness and safety in this area. A copy of the letter is included as an attachment.

Based on staff's analysis, the proposed use would not be detrimental considering the project site is located approximately 890 feet away from the nearest school property line and is physically separated by Calaveras Boulevard and Calaveras Plaza Shopping Center. According the Department of Alcohol Beverage Control (ABC), the project is not within an "over-concentration" area for liquor licenses. As conditioned, the sale of alcohol would be part of the meal service and the live entertainment is ancillary to the dining experience. In addition, the operator will also be required to ensure that servers receive responsible alcohol beverage training in accordance with the ABC.

CONCLUSION

The service of all types of alcohol and live entertainment to the existing restaurant is consistent with the Milpitas General Plan and Midtown Specific Plan policies in that it encourages economic pursuits, business retention, and continuation of commercial development in the Calaveras Boulevard Corridor. The project conforms to the General Commercial Zoning in terms of land use and development standard. As conditioned, the project will not be detrimental to property, improvements, or public health, safety, and general welfare.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 09-038 approving Conditional Use Permit Amendment No. UA09-0006, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 09-038
- B. Project Letter
- C. Plans
- D. Letter of Opposition

RESOLUTION NO. 09-038

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS,
CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT NO.
UA09-0006, ZAHIR'S RESTAURANT, A REQUEST TO ADD SERVICE OF ALL
TYPES OF ALCOHOL AND TO ADD LIVE ENTERTAINMENT AT AN EXISTING
RESTAURANT LOCATED AT 174 W. CALAVERAS BLVD.**

WHEREAS, on July 17, 2009 an application was submitted by Zahir Quddus, 174 W. Calaveras Blvd., Milpitas, CA 95035, to allow for the sale of all types of alcohol with meal service and to add live entertainment consisting of only live musical performances in conjunction with the restaurant. The property is located within the General Commercial Zoning District (22-24-036); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act. The addition of on-site consumption of a full range of alcoholic beverages and live entertainment in conjunction with food service is considered a negligible expansion beyond the existing restaurant use.

WHEREAS, on August 12, 2009 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act. The addition of on-site consumption of a full range of alcoholic beverages and live entertainment in conjunction with food service is considered a negligible expansion beyond the existing restaurant use.

Section 3: The service of all types of alcohol and live entertainment in conjunction with the existing restaurant is consistent with the Milpitas General Plan and Midtown Specific Plan policies in that it encourages economic pursuits, business retention, and continuation of commercial development in the Calaveras Boulevard Corridor.

Section 4: The project conforms to the General Commercial Zoning in that the restaurant with liquor service and live entertainment is a conditionally permitted use.

Section 5: The project will not be detrimental or injurious to property, improvements, public health, safety and general welfare in that the use is not adjacent to any residential uses or located within an over concentration area for on-sale liquor licenses.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UA09-0006, Zahir's Restaurant, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 12, 2009.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 12, 2009, and carried by the following roll call vote:

| COMMISSIONER | AYES | NOES | ABSENT | ABSTAIN |
|---------------------|-------------|-------------|---------------|----------------|
| Cliff Williams | | | | |
| Aslam Ali | | | | |
| Lawrence Ciardella | | | | |
| Alexander Galang | | | | |
| Sudhir Mandal | | | | |
| Gurdev Sandhu | | | | |
| Noella Tabladillo | | | | |
| Mark Tiernan | | | | |

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT AMENDMENT NO. UA09-0006,
ZAHIR'S RESTAURANT**

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on August 12, 2009, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

- a. All previous conditions of approval for the project site remain in full force and effect except as amended here. (P)
2. Conditional Use Permit Amendment No. UA09-0006 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed.

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UA09-0006 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

Conditional Use Permit

3. The live entertainment shall be ancillary to the sit-down dining experience. (P)
4. Approval is for a Type 47 Liquor license, which permits the sale of beer, wine and distilled spirits for consumption on or off the licenses premises. The premises must operate and maintain the licensed premises as a bona fide eating place. The premises must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. (P)
5. If at the time of Department of Alcoholic Beverage Control license authorization 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)

6. The operator shall be responsible for ensuring that all doors and windows remain closed during live entertainment or amplified sound performances. (P)
7. The operator shall be responsible for ensuring that all employees receive 'Responsible Alcoholic Beverage Service' training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request. (P)
8. Prior to any issuance of building permits or approval of the liquor license, or within one month of this approval, whichever is sooner, the applicant shall remove one of the two freestanding signs on the premises advertising the business, in order to conform to the City's Sign Ordinance. (P)

(P) = Planning

Project Location: 174 W. Calaveras Blvd.

APN 22-24-036

Scope of Project: A request to add sales of all type of liquor and live entertainment at an existing restaurant.

No exterior or site modifications.



EQUIPMENT ATTACHMENT B

| NO. | TYPE | MANUFACTURER | MODEL | DATE | STATUS | NO. | TYPE | MANUFACTURER | MODEL | DATE | STATUS |
|-----|-------------------------|--------------|-------|----------|--------|-----|-------------------------|--------------|-------|----------|--------|
| 1 | 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 11 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 2 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 12 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 3 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 13 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 4 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 14 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 5 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 15 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 6 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 16 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 7 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 17 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 8 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 18 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 9 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 19 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 10 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 20 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 11 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 21 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 12 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 22 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 13 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 23 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 14 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 24 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 15 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 25 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 16 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 26 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 17 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 27 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 18 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 28 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 19 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 29 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 20 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 30 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 21 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 31 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 22 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 32 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 23 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 33 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 24 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 34 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 25 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 35 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 26 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 36 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 27 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 37 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 28 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 38 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 29 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 39 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |
| 30 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK | 40 | 2 1/2" dia. ceiling fan | Hubert | 40-1 | 11/19/41 | OK |

WALL LEGEND:

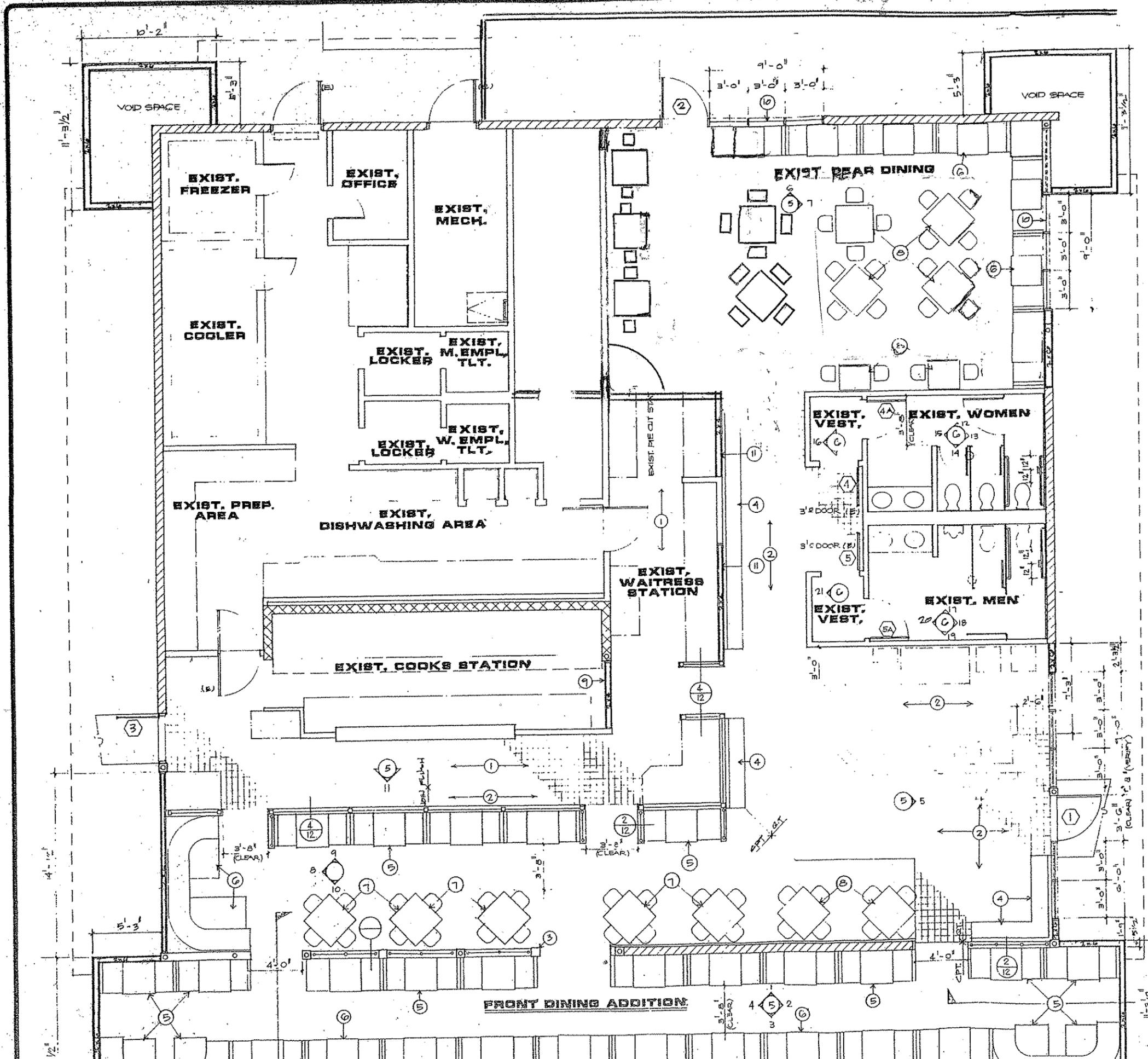
- EXIST'S 8" MASONRY (BLOCK WALL TO REMAIN CLEAN & PREP EXTERIOR SURFACE AS NECESSARY FOR EXIST. PLASTER (G/1000)
- EXIST'S STUD WALL TO REMAIN
- EXIST'S NONSTRUCTURAL WALL TO BE REMOVED. PATCH WALLS, CEILING & FLOORS AS NECESSARY.
- NEW 2X4 STUDS AT 24" O.C. WALL W/ 5/8" GYP. BD. ON INSIDE SURFACE FINISH SMOOTH. PROVIDE 3/4" FULL PLYWOOD PART INSULATION IN ALL EXT. WALLS (TOWER WALLS ARE 2X6 STUDS AT 16" O.C.)
- NEW 2X4 STUDS AT 24" O.C. WALL W/ 5/8" GYP. BD. ON EA. SIDE AND F.P.P. FINISH AT COOK LINE. (EXT. WALL W/ 5/8" GYP. BD. ON INSIDE SURFACE FIN. SMOOTH)

CONSTRUCTION NOTES:

- 1 EXIST'S QUARRY TILE W/ 3/8" R. COVERED BASE AT WALLS & FIXTURES NEW & REPAIRED TILE AREAS TO MATCH EXIST'S. PROVIDE ABRASIVE TILE. PROVIDE NEW QT. AD. BASE AS DIRECTED BY OWNER.
- 2 NEW DOUBLE ABRASIVE QUARRY TILE (FLASHED) FLOOR COVERING
- 3 WRAP EXIST'S COLUMNS W/ 5/8" GYP. BD. SEE INTERIOR ELEVATION FOR FINISHES.
- 4 NEW SEATERS BY R.S.E. CONTR.
- 5 NEW BOOTHS BY R.S.E. CONTR.
- 6 EXIST'S/RELOCATED BOOTHS
- 7 NEW TABLES & CHAIRS BY R.S.E. CONTR.
- 8 EXIST'S/RELOCATED TABLES & CHAIRS
- 9 CONSTRUCT NEW STUD WALL. PROVIDE F.P.P. BOARD TO MATCH EXIST'S ON "COOKSIDE LINE"
- 10 CONSTRUCT NEW 3'-0" X 0'-6" FRENCH WINDOWS
- 11 CONSTRUCT NEW STUD WALL TO FULL CEILING HEIGHT, WALL FINISH TO MATCH EXIST'S.

DOOR NOTES:

- 1 NEW 3'-0" X 0'-8" X 1 3/4" FRENCH GLAZED (TEMP.) DOOR & WINDOW TO MATCH. PROVIDE 1/2" HIGH ALUM. THRESHOLD W/ 1/4" AS BEVE EDGE. PROVIDE PANIC HORN AND OVERHEAD DOOR CLOSER W/ MAX. OPERATING PRESSURE OF 5.0 & POST SIGN ABOVE DOOR. THIS DOOR TO REMAIN OPEN DURING BUSINESS HOUR. POST MAX. OCCUPANCY SIGN.
- 2 EXIST'S 3'-0" X 0'-8" S.C. DOOR. VERIFY PROPER OPERATION OF EXIST'S PANIC HORN & DOOR CLOSER W/ MAX. OPERATING PRESSURE OF 5.0
- 3 EXIST'S S.C. DOORS. VERIFY OVERHEAD DOOR CLOSER W/ MAX. 3-1/2 LB OPERATING PRESSURE. VERIFY FULL BAR AND PUSH PLATES. INSTALL OPERATING PRESSURE VERIFY FULL BAR AND PUSH PLATES. INSTALL OPERATING PRESSURE VERIFY FULL BAR AND PUSH PLATES. INSTALL OPERATING PRESSURE VERIFY FULL BAR AND PUSH PLATES.



ZAHIR'S California & European Cuisine

174 West Calaveras Blvd.

MILPITAS, CA 95035

Tel: (408) 262-2200 / Fax: (408) 262-2226

Email: zahirsq@yahoo.com

From: ZAHIR'S California & European Cuisine
174 W. Calaveras Boulevard
Milpitas, CA 95035

TO: MILPITAS CITY HALL
PLANING Department

To whom it may concern;

This letter serves as notification of our proposed business plan to extend our hours of operation from 10:00pm to 2:00am. During the extended hours we will serve all varieties of alcoholic beverages along with providing live musical entertainment.

We respectfully request your approval on this matter.

Best regards,



Zahir Quddus

Proprietor

Dear Cindy Hom,

After receiving the Notice of Public Hearing for the Zahir Quddus, Conditional Use Permit Amendment request, I have to admit that I am very concerned. I strongly oppose Zahir Quddus' "request to add live entertainment and sale of all types of alcohol." This is an extremely selfish request as there is a Milpitas elementary school close by; it is only two blocks away! Students at Spangler Elementary School learn to say "no" to drugs, alcohol, and violence. As adults in our community, how can we approve selling of the same substances that we teach our children to avoid as much as possible? It is true that selling alcohol is allowed, but do we really need more? Imagine what would happen if a customer of said restaurant were to leave intoxicated and somehow wandered too close to the school. Not only do we need to consider what is good for our children's welfare, what about the nearby households? Most of the residents near this restaurant have lived long enough there to appreciate the peacefulness and safety in this area.

I can imagine that Zahir Quddus means no harm in sending in such a request, but I do not feel that he has thoroughly thought about the overall negative consequences of his request. Though I cannot personally attend the Public Hearing to voice my strong opposition, this message will represent my opinion. On a last note, I know that business is business. But, there is a point where the lines blur and we become more hypocritical than usual and we ignore our common sense. In the context of this situation, it would be extremely foolish to approve such a request.

Thank you for your time and allowing all opinions to be voiced, heard, and considered in this decision.

Sincerely,

A Concerned Neighbor

RECEIVED

AUG 07 2009

**CITY OF MILPITAS
PLANNING DIVISION**