

**APPROVED**

**PLANNING COMMISSION MINUTES**

**August 12, 2009**

- 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/SEATING OF ALTERNATE** Present: Larry Ciardella, Alex Galang, Sudhir Mandal, Gurdev Sandhu, Mark Tiernan, and Cliff Williams  
Absent: Aslam Ali and Noella Tabladillo  
Staff: AhSing, Andrade, Casagrande, Hom, and Otake
- 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 agendaize the matter for a future meeting.  
  
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**  
July 22, 2009 and August 2, 2009  
Chair Williams called for approval of the minutes of the Planning Commission meeting of July 22, 2009 and August 2, 2009.  
There were no changes to the minutes.  
**Motion** to approve the minutes of July 22, 2009 as submitted.  
M/S: Mandal, Sandhu  
AYES: 5  
NOES: 0  
ABSENT: 2 (Aslam Ali and Noella Tabladillo)  
ABSTAIN: 1 (Mark Tiernan)  
**Motion** to approve the minutes of August 2, 2009 as submitted.  
M/S: Mandal, Sandhu  
AYES: 5  
NOES: 0  
ABSENT: 2 (Aslam Ali and Noella Tabladillo)  
ABSTAIN: 1 (Larry Ciardella)
- V. ANNOUNCEMENTS** Chair Williams stated the August 2<sup>nd</sup> Walking Tour was amazing. He stated there might be another tour in the future and the public was invited to attend.
- 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** Chair Williams 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: Mandal, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

## VIII. CONSENT CALENDAR

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

Chair Williams removed Item No. 3 from the consent calendar.

Chair Williams opened the public hearing on Item No. 2.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Mandal, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

**Motion** to adopt Resolution No. 09-038 approving the project subject to conditions of approval.

M/S: Ciardella, Galang

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

**\*2 CONDITIONAL USE PERMIT AMENDMENT NO. UA09-0006:** A request to add live entertainment and sale of all types of alcohol in conjunction with an existing restaurant located at 174 W. Calaveras Boulevard (APN: 022-24-036) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Zahir Quddus. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2598. (*Recommendation: Adopt Resolution No. 09-038 approving the project subject to conditions of approval.*)

Chair Williams opened the public hearing on Item No. 4.

There were no speakers from the audience.

**Motion** to open the public hearing and continue to the August 26, 2009 Planning Commission meeting.

M/S: Mandal, Galang

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AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

**\*4 SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0010:** A request for a home addition to enclose an existing balcony/patio, located at 461 Vista Ridge Drive (APN: 042-30-007) zoned Single Family Residential with Hillside Combining and Site and Architectural Overlay Districts (R1-H-S). Applicant: Javier Mercado. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Open the public hearing and continue to the August 26, 2009 Planning Commission meeting.)*

## IX. PUBLIC HEARING

### 1. SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0012

Cindy Hom, Assistant Planner, presented a request to change roofing material from previously approved concrete tiles to dimensional asphalt composition shingle and to allow minor building modifications for the Christ Community Church building located at 1000 So. Park Victoria Drive. Ms. Hom recommended adopting Resolution No. 09-037 recommending approval of the project subject to the conditions of approval.

Vice-Chair Mandal asked the purpose of the modification. Ms. Hom stated the purpose for the modification is to allow future installation of solar panels that is planned in Phase 2. Staff has recommended a condition that provides a timeframe for the applicant it is either within 5 years or prior to building permit issuance for Phase 2, which ever is sooner.

**Dave Kupitz, Executive Pastor, Christ Community Church, 2124 Caribou Lane, San Jose,** stated he cannot commit to reroofing within the 5 year timeframe due to financial situation. He is requesting the wording be changed in the Condition of Approval to "Reroof in conjunction with the next phase of the building project" as a financial consideration.

Vice-Chair Mandal asked clarification of the wording Mr. Kupitz is requesting. Mr. Kupitz stated in Phase 1 the church didn't have enough space for the solar panels but in Phase 2 they would have enough space to do the solar panels all at one time.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Mandal, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

Commissioner Ciardella asked the Assistant City Attorney, Bryan Otake, can an applicant with a 7 year timeframe come in at 6 years and request a 5 year extension. Mr. Otake stated there are several procedures that could occur either on the staff level or the Planning Commission Subcommittee level.

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**Motion** to revise the 5 year staff recommendation to a 7 year recommendation with the understanding that the applicant can come in and seek relief after 6 years to the Planning Commission Subcommittee and Adopt Resolution No. 09-037 approving the project subject to conditions of approval.

M/S: Tiernan, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

**3. CONDITIONAL USE  
PERMIT NO. UP09-0029**

Cindy Hom, Assistant Planner, presented a request to locate a 50-foot tall receive only satellite dish on an existing industrial site located at 1 Hanson Court. The antenna is used to test tracking technology for deep space satellites for a period of 12 months. Ms. Hom recommended adopting Resolution No. 09-034 recommending approval of the project subject to the conditions of approval.

Commissioner Ciardella asked if the Telecommunication Commission had any problems with this project. Ms. Hom stated the Telecommunication Commission did not have any concerns.

Chair Williams opened the public hearing.

**Hue Ne, 253 Summerfield Drive**, is concerned with health hazard, location, and contingency plans.

**Hung Nguyen, 285 La Honda Drive**, wanted to know the timeframe of the project.

**Kevin Niedzielski, General Dynamics, 433 Torres Avenue, Fremont**, stated there is no impact to the public for the installation of the dish. The period of the lease is 12 months. They are hoping to start next week. There are no contingency plans. The site will be operated only by their employees.

Vice-Chair Mandal wanted clarification of the project. Mr. Niedzielski stated the dish is a receiving dish to track satellite dishes in deep space. The period of testing is only for 5 months the rest of the time is for setup and break down of the site a total of 12 months.

**Motion** to close the public hearing.

M/S: Mandal, Ciardella

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

Vice-Chair Mandal asked if there was an emergency in that area would there be any harm to people or property in that area. Ms. Hom stated due to the location it is unlikely to cause any damage to any residential property surrounding the area.

**Motion** to Adopt Resolution No. 09-034 approving the project subject to conditions of approval.

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M/S: Williams, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Aslam Ali and Noella Tabladillo)

ABSTAIN: 0

**X.**  
**ADJOURNMENT**

The meeting was adjourned at 7:40 p.m. to the next meeting of August 26, 2009.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Yvonne Andrade  
Recording Secretary

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