

# APPROVED

## PLANNING COMMISSION SUBCOMMITTEE MINUTES

September 23, 2009

### I. ROLL CALL

Present: Alex Galang and Noella Tabladillo  
Staff: Ah Sing, Andrade, and Hom

#### 1. MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MA09-0002

Cindy Hom, Assistant Planner, presented a request for a five day socio-cultural event at the India Community Center that will be held on September 24, 2009 to September 28, 2009. The proposed event will be located in the west parking lot and consist of a 180-foot by 40-foot tent structure that consist of a stage and seating area as well as a vendor area located at 525 Los Coches Street. Ms. Hom recommended approving Minor Site Development Permit Amendment No. MA09-0002 subject to the conditions of approval.

The Subcommittee added two conditions of approval:

The applicant shall perform outreach to the Kaiser facility regarding the event; and shall perform nightly sweeps of the vicinity ensuring cleanliness.

**Motion** to approve Minor Site Development Permit Amendment No. MA09-0002 subject to the conditions of approval.

M/S: Galang, Tabladillo

AYES: 2

NOES: 0

### II. ADJOURNMENT

This meeting was adjourned at 6:55 p.m.

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- 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: Aslam Ali, Larry Ciardella, Alex Galang, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Mark Tiernan, and Cliff Williams  
Staff: Ah Sing, Andrade, 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 agendize the matter for a future meeting.  
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**  
September 9, 2009 Chair Williams called for approval of the minutes of the Planning Commission meeting of September 9, 2009.  
There were no changes to the minutes.  
**Motion** to approve the minutes of September 9, 2009 as submitted.  
M/S: Mandal, Sandhu  
AYES: 4  
NOES: 0  
ABSENT: 0  
ABSTAIN: 3 (Aslam Ali, Alex Galang, and Cliff Williams)
- V. ANNOUNCEMENTS** Bryan Otake, Assistant City Attorney, announced he would not be at the October 28, 2009 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** 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, Ali  
AYES: 7  
NOES: 0  
ABSENT: 0

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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.

There were no changes to the consent calendar.

**Motion** to note receipt and file the review for Item No. 1.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

\*1 **SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. UP08-0021 WING STOP:** Review of operations of a new 1,486 square foot take-out restaurant with the indoor service of beer and wine located at 80 North Milpitas Blvd. (APN: 028-12-021). Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2533.  
*(Recommendation: Note receipt and file the review.)*

**IX. NEW BUSINESS**

**2. CONSENT  
CALENDAR  
PROCEDURE**

Sheldon Ah Sing, Senior Planner, gave a brief background on the Consent Calendar procedure. He stated this item was placed on the agenda at the request of the Planning Commission. Regarding any legal requirements, the adopted Planning Commission By-Laws do not provide any direction as well as the recognized Robert's Rules of Order do not provide any guidance to this issue. A couple of suggestions from staff are: 1) to keep it as status quo, which does lengthen the amount of time spent on the consent calendar, however, it does provide the most opportunity for the public to address the Commission; or 2) have a one motion approach, where the Chair can provide a reasonable amount of time for people to comment on the items and then simply having a motion to open and close the public hearing and move the consent items. Mr. Ah Sing recommended the Commission direct staff as to the format for the Consent Calendar on future Planning Commission agendas.

Chair Williams asked staff if there was a possibility to generate a script so the Chair and Vice-Chair can go by.

Commissioner Ciardella wanted to keep the Consent Calendar as status quo. Vice-Chair Mandal also wanted to keep the Consent Calendar as status quo.

Chair Williams asked if the script that is read to the public confusing. Mr. Ah Sing said what the Commission does really well is right up front reading the script regarding the Consent Calendar and it does mention about adopting one motion and what is confusing to people is that each item is then opened separately.

Commissioner Tiernan feels the Commission should get as much public input and public comment as possible on each item. He feels there should be no Consent Calendar. He thinks having a Consent Calendar and regular agenda is confusing the public. He stated the Consent Calendar items should be grouped in one area and the regular items be grouped in another area. The items should not be mixed and matched.

Commissioner Tabladillo suggested that the Consent Calendar should have their items right under that heading. She feels it's up to the Chair how the meeting should be run.

Chair Williams stated it might be a case of format. Bryan Otake, Assistant City Attorney, stated that staff would create a format according to the Commission's

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direction. Commissioner Tiernan agreed with Commissioner Tabladillo by adding the items for consent under the heading of the Consent Calendar. Commissioner Tabladillo stated it is up to the Chair the order of the consent calendar and agenda.

Chair Williams said to keep the Consent Calendar as Item VIII but with the items corresponding to it as a., b., c., etc. Commissioner Tabladillo agreed and said to do the same for all other items and be consistent.

Commissioner Tabladillo feels the agenda should be status quo and also understand every situation is going to be different nothing is going to be set in stone.

**Motion** to continue Item VIII Consent Calendar as a separate category with the paragraph underneath it; underneath the paragraph list all items; then at the Chair's discretion, either handle those items separately or with one motion.

M/S: Tiernan, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**X.  
ADJOURNMENT**

The meeting was adjourned at 8:06 p.m. to the next meeting of October 14, 2009.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Yvonne Andrade  
Recording Secretary

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