

# APPROVED

## PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 14, 2009

### I. ROLL CALL

Present: Noella Tabladillo and Cliff Williams  
Staff: Andrade, Brown, and Lindsay

#### 1. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0010

Tiffany Brown, Junior Planner, presented a request to locate two new chain link gates on the rear portion of the property at 1801 McCarthy Blvd. Ms. Brown recommended approving Minor Site Development Permit No. MS09-0010 subject to the conditions of approval.

**Motion** to approve Minor Site Development Permit No. MS09-0010 subject to the conditions of approval.

M/S: Tabladillo, Williams

AYES: 2

NOES: 0

#### 2. ADMINISTRATIVE PERMIT NO. AD09-0007

Tiffany Brown, Junior Planner, presented a request to locate a pumpkin patch sponsored by the Milpitas Rotary Club starting Friday, October 16, 2009 through Friday, October 30, 2009 within the Milpitas Unified School District's parking lot at 1331 E. Calaveras Blvd. Ms. Brown recommended approving Administrative Permit No. AD09-0007 subject to the conditions of approval.

**Motion** to approve Administrative Permit No. AD09-0007 subject to the conditions of approval.

M/S: Tabladillo, Williams

AYES: 2

NOES: 0

### II. ADJOURNMENT

This meeting was adjourned at 6:38 p.m.

**APPROVED**

**PLANNING COMMISSION MINUTES**

**October 14, 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: Aslam Ali, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Mark Tiernan, and Cliff Williams  
Absent: Larry Ciardella and Alex Galang  
Staff: Andrade, Brown, Hom, Lindsay, and Otake  
Alternate Commissioner Mark Tiernan was seated as a member of the voting body.
- 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 23, 2009 Chair Williams called for approval of the minutes of the Planning Commission meeting of September 23, 2009.  
There were no changes to the minutes.  
**Motion** to approve the minutes of September 23, 2009 as submitted.  
M/S: Mandal, Tabladillo  
AYES: 6  
NOES: 0  
ABSENT: 2 (Larry Ciardella and Alex Galang)  
ABSTAIN: 0
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, stated included in the agenda packets is a memo of future forecasting agenda items that staff expects the Commission to be considering in the coming months. Commissioner Tiernan stated he will be the campaign manager for Vice-Mayor McHugh when he runs for Mayor in November 2010.
- 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. Vice-Chair Mandal asked to be excused from Item No. IX – 2.
- 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, Tiernan

**APPROVED**

**Planning Commission Minutes**

October 14, 2009

AYES: 6  
NOES: 0  
ABSENT: 2 (Larry Ciardella and Alex Galang)  
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.

Chair Williams opened the public hearing on Items No. VIII – 1. and VIII – 2.

There were no speakers from the audience.

**Motion** to close the public hearing on Items No. VIII – 1. and VIII – 2.

M/S: Mandal, Tiernan

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

**Motion** to approve Item No. VIII – 1. and Item No. VIII – 2. subject to conditions of approval.

M/S: Mandal, Tiernan

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

1. **SITE DEVELOPMENT PERMIT NO. SD09-0003, SOUTH BAY HONDA SIGN PROGRAM:** A request to consider a new sign program that includes 13 on-site signs (nine wall illuminated/non-illuminated and four freestanding non-illuminated) for the purposes of advertising the new automobile dealership. The project is located at 920 Thompson Street (APN: 085-05-026). Staff Contact: James Lindsay (408) 586-3273. PJ # 2592. (*Recommendation: Adopt Resolution No. 09-044 approving the project subject to conditions of approval.*)
2. **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013:** A request to construct a 314 square foot room addition and two attached patio covers at rear of an existing hillside home located at 2018 Wellington Drive, zoned Single Family Residential with the Hillside Combining District and Site and Architectural Overlay (R1-H-S). Applicant: Hai Nguyen. Staff Contact: Cindy Hom (408) 586-3284. (*Recommendation: Adopt Resolution No. 09-045 approving the project subject to conditions of approval.*)

**IX. PUBLIC HEARING**

**1. CONDITIONAL  
USE PERMIT NO.**

Tiffany Brown, Junior Planner, presented a request to locate a new church facility with tutoring center and after school family oriented programs to locate within the existing 20,000 square foot Industrial Park building at 555 Los Coches Drive. Ms. Brown recommended adopting Resolution No. 09-049 approving the project subject to

**APPROVED**  
**Planning Commission Minutes**  
October 14, 2009

conditions of approval.

Commissioner Tiernan asked if the existing offices in that business park use toxic materials. Ms. Brown stated there are no facilities in the area that use toxic materials.

Vice-Chair Mandal asked how long the building been vacant. Ms. Brown stated 2 years.

Commissioner Tabladillo asked if the church and India Community Center have events at the same time. Ms. Brown stated parking will be marked for both facilities and should be no problem. Commissioner Tabladillo asked if there is going to be an outside play area for the children. Ms. Brown stated no there is not an outside play area.

**Hung Pham, 1830 Blackmoore Court, San Jose** – stated he is the pastor of Second Vietnamese Alliance Church. Their vision to become a Christian community. He said the owners have been very gracious with the church. The church will have worship on Sundays, Friday evenings there will be various classes, week nights will be bible classes and some recreational classes.

Chair Williams asked if the church will invite people besides the membership to special events. Pastor Pham stated the attendees for special events would be 200 – 250 people. These events only happen twice a year. They expect to have volunteers at special events for parking and traffic control.

Vice-Chair Mandal asked if the events at the church on Sundays going to be in the morning or evening. Pastor Pham said the events are in the morning. Vice-Chair Mandal asked if the members will be carpooling. Pastor Pham said the church averages about 55 cars on Sundays and that the 150 people that attend are mostly families that do carpool.

Commissioner Sandhu asked the number of children attending the tutoring center. Pastor Pham said the tutoring center is for middle school and high school students.

Chair Williams opened the public hearing.

**Andrew Nguyen, Saratoga Citizen** – feels this is a wonderful mission. He said the church has volunteers to control the traffic. He is requesting the Commission grant the permit.

**Lindsay Nguyen, 657 So. 22<sup>nd</sup> St., San Jose** – works on Gibraltar and feels there is no problem with traffic or parking.

**Hahn, San Jose Resident** – is happy to be with church community. Wants to help and service others. She is a 15 year student who supports the church.

**Speaker #4** – wants to come to worship at this church as a community and have peace of mind.

**Anil Godhwani, Co-Founder of ICC** – is excited to have the Church as a neighbor. ICC has not used any parking spaces of 555 Los Coches on Sunday mornings.

**Barry Fernald, Owner 555 Los Coches** – have been in the area for over 20 years and have not had any situations with hazardous materials. The church does have adequate parking.

**Lynn Hahn, Santa Clara Resident** – stated the church gives rides to the elderly. The church builds the community to better youth. She said the church is flexible in scheduled events other than Sundays. The church plans on having activities indoors for their youth.

APPROVED

Planning Commission Minutes

October 14, 2009

**Phoung Nguyen, San Jose Resident** – has been a member of the church for 7 years. She stated the church changed her life and now has a better positive life style. She believes the church can create a positive life style for the youth of today. She supports the church and asks that the Commission grant the permit.

**Mr. Ho, Pleasanton Resident** – supports the conditional use permit. Most members live within 10 miles of the new church. He said their biggest event is Christmas and they normally celebrate on a Saturday and they carpool to the church.

**Motion** to close the public hearing.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

Chair Williams said he expressed his sincere appreciation to India Community Center for speaking on behalf of the church. He recommends that the applicant work with staff on a parking plan, parking agreement, and have a six to twelve month review.

Vice-Chair Mandal recommended the church management team speak with Berg and Berg and try to mitigate any issues they might have.

Commissioner Tiernan feels there is a very successful collaboration between India Community Center and the church.

Commissioner Tabladillo believes this church will be a great asset for the Milpitas community.

**Motion** to adopt Resolution No. 09-049 approving the project subject to conditions of approval.

M/S: Sandhu, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

**2. CONDITIONAL  
USE PERMIT NO.  
UP09-0032 AND  
ENVIRONMENTAL  
ASSESSMENT NO.  
EA09-00011**

Cindy Hom, Assistant Planner, presented a request to locate a 2,406 square foot church within an existing space within the Jacklin Corner Business Park located at 966 Jacklin Road. Ms. Hom recommended adopting Resolution No. 09-046 approving the project subject to conditions of approval.

Vice-Chair Mandal was excused from this item.

Chair Williams asked staff if this item was affected by the current zone change set by the City Council. Mr. Lindsay stated no it was not affected by the current zone change.

**Henry Cord, 42 No. 1<sup>st</sup> Street, San Jose** – said this church is a very small congregation with about 45 members, 1/5 size of a regular church. Saturday activity is the busiest time for the church. This church operates on a non-peak hour.

Chair Williams asked if there will be any special events that would invite others to

**APPROVED**  
**Planning Commission Minutes**  
October 14, 2009

attend. Mr. Cord stated no.

Commissioner Tabladillo asked if there was possibility of growth to the church. Mr. Cord said there was a possibility but they would be putting caps on what can occur.

Chair Williams opened the public hearing.

**Mike Blansit, Wellspring Church** – said the church is very small and have lost members in the last couple of years and now have about 30 – 40 members. The church hours will not clash with any of the businesses.

**Robert Robinson, 822 De Anza Court** – is concerned with the parking situation.

**Mary Stewart, San Jose** – stated the health club has their own parking. There is no cross parking arrangement or easement.

**Speaker #4** – stated she is a member of the church and wants to serve the community and the homeless.

**Motion** to close the public hearing.

M/S: Tabladillo, Sandhu

AYES: 5

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 1 (Sudhir Mandal)

Chair Williams recommended having a six and twelve month review. Commissioner Tabladillo also agreed on the six and twelve month review plus she wanted the applicant to work with the HOA to have an open dialog.

Commissioner Tiernan recommended the church to reach out to the neighbors and discuss any issues.

**Motion** to adopt Resolution No. 09-046 approving the project subject to conditions of approval.

M/S: Tabladillo, Sandhu

AYES: 5

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 1 (Sudhir Mandal)

**3. CONDITIONAL  
USE PERMIT  
AMENDMENT NO.  
UA08-0012 AND  
SITE  
DEVELOPMENT  
PERMIT  
AMENDMENT NO.  
SA09-0018**

Cindy Hom, Assistant Planner, presented a request to amend an existing conditional use permit for the Living Word Church to allow for the consolidation of the church and seminary uses into the building at 1494 California Circle. The project entails modifications to the existing church sanctuary, relocation support areas, and installation of minor site improvements. Ms. Hom recommended adopting Resolution No. 09-047 approving the project subject of conditions of approval.

**Eugene Sim, Sim Architects Inc., 111 Sutter St., Suite 100, San Francisco** – stated they are trying to consolidate the existing building.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**APPROVED**

**Planning Commission Minutes**

October 14, 2009

**Motion** to close the public hearing.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

**Motion** to adopt Resolution No. 09-047 approving the project subject to conditions of approval.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

**X.  
ADJOURNMENT**

The meeting was adjourned at 8:58 p.m. to the next meeting of October 28, 2009.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Yvonne Andrade  
Recording Secretary

APPROVED  
Planning Commission Minutes  
October 14, 2009