

# APPROVED

## PLANNING COMMISSION MINUTES

February 9, 2011

- I. ROLL CALL/SEATING OF ALTERNATE** Present: John Luk, Sudhir Mandal, Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Mark Tiernan  
Absent: Larry Ciardella and Steve Tao  
Staff: Andrade, Brown, Hom, Lacey, Lindsay, and Otake  
Alternate Commissioner John Luk was seated as a member of the voting body.
- II. PLEDGE OF ALLEGIANCE** Chair Tiernan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- III. PUBLIC FORUM** Chair Tiernan 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**  
January 26, 2011  
Chair Tiernan called for approval of the minutes of the Planning Commission meeting of January 26, 2011.  
There were no changes to the minutes.  
**Motion** to approve the minutes of January 26, 2011 as submitted.  
M/S: Sandhu, Mandal  
AYES: 5  
NOES: 0  
ABSENT: 2 (Larry Ciardella and Steve Tao)  
ABSTAIN: 1 (Noella Tabladillo)
- V. ANNOUNCEMENTS** There were no announcements from staff or the Commission.
- 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 Tiernan 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, Tabladillo  
AYES: 6  
NOES: 0  
ABSENT: 2 (Larry Ciardella and Steve Tao)  
ABSTAIN: 0

**VIII. CONSENT  
CALENDAR**

Chair Tiernan 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 approve the Consent Calendar as submitted.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Steve Tao)

ABSTAIN: 0

- 1. PERMIT REVIEW NO. PR11-0001:** A six-month permit review of Conditional Use Permit No. UP08-0028 which allows for the operations of a 32,975 square foot food store located within the Seasons Marketplace Shopping Center located at 1535 Landess Avenue (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Dinna Bayangos. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2545. (*Recommendation: Note receipt and file.*)
- 2. SITE DEVELOPMENT PERMIT NO. SD10-0010:** A request to construct a six-foot tall monument sign for the Landess Center shopping center located at 1455 Landess Ave. (APN: 088-35-011) zoned General Commercial with Site and Architectural Overlay (C2-S) Applicant: Steve Peterson. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2684. (*Recommendation: Adopt Resolution No. 11-007 approving the project subject to conditions of approval.*)

**IX. PUBLIC HEARING**

**1. SITE DEVELOPMENT  
PERMIT NO. SD10-0013**

Tiffany Brown, Junior Planner, presented a request to construct a new 5,801 square foot single family home located within the hillside of Milpitas at 814 Calaveras Ridge Drive. Ms. brown recommended adopting Resolution No. 11-006 recommending approval to the City Council.

Vice-Chair Mandal asked for clarification on lighting restriction. Ms. Brown stated lighting is not allowed in the play court or garden area. Vice-Chair Mandal asked if a light can be installed outside of the home. Ms. Brown stated they are trying to avoid bright lights from tennis courts.

Chair Tiernan asked if this development was grandfathered in from 1981. Ms. Brown stated that it is consistent with the hillside ordinance. Chair Tiernan asked about the water supply and who would service this development. Mr. Lindsay stated the Calaveras Ridge Estates area is on City water systems.

**T.C. Chen, Architect, 102 York Drive, Piedmont**, stated he was available for any questions from the Commission.

Chair Tiernan opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Tabladillo, Mandal

AYES: 6

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NOES: 0

ABSENT: 2 (Larry Ciardella and Steve Tao)

ABSTAIN: 0

**Motion** to adopt Resolution No. 11-006 recommending approval to the City Council.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Steve Tao)

ABSTAIN: 0

**X. PRESENTATION ON  
THE OPEN  
GOVERNMENT  
ORDINANCE**

Bronwen Lacey, Deputy City Attorney, gave a presentation on the Open Government Ordinance.

A copy of the Brown Act and the Open Government Ordinance was distributed to the Commission.

Vice-Chair Mandal asked if posting a comment on Facebook considered a meeting. Ms. Lacey stated no as long as it is a personal comment, nothing pertaining to the Planning Commission.

Commissioner Luk asked if the whole purpose of the Brown Act and Open Government Ordinance is to restrict communication among each other. Ms. Lacey stated the purpose of the Brown Act and Open Government Ordinance is to allow the public to witness and participate in the Commission's discussions and deliberations.

Chair Tiernan asked if local City politics were discussed at a social gathering what would be the guidelines. Ms. Lacey stated if the topics were going to be discussed at a future Planning Commission meeting then you would not talk about those topics with three other Planning Commissioners.

Commissioner Tabladillo asked if the Public Officials calendar has the capability to be pre-populated with the Planning Commission meetings. Mr. Lindsay stated it can be pre-populated. The Commissioners can add all the Planning Commission meetings at the beginning of the calendar year.

Chair Tiernan asked if staff update the calendars. Mr. Lindsay stated the Planning Commissioners update their own calendars.

Vice-Chair Mandal asked if the calendar is pre-populated with the meetings, it is up to the Commissioner to remove that meeting if he/she is unable to attend. Mr. Lindsay stated yes.

Commissioner Luk asked if the Open Government Ordinance applies to all cities in the Bay Area. Ms. Lacey stated the Brown Act applies to all cities within the state of California; however, the Open Government Ordinance applies only to the City of Milpitas.

**XI.  
ADJOURNMENT**

The meeting was adjourned at 8:00 p.m. to the next meeting of February 23, 2011.

Respectfully Submitted,

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James Lindsay  
Planning & Neighborhood  
Services Director

Yvonne Andrade  
Recording Secretary

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