

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

September 14, 2011

I. ROLL CALL

Present: Mohsin and Tabladillo
Staff: Andrade, Brown, Lindsay, and Spuller

1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0027

Janice Spuller, Assistant Transportation Planner, presented a request to allow a three day outdoor event located at St. James Orthodox Church 195 No. Main Street. Ms. Spuller recommended approving Minor Site Development Permit No. MS11-0027 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0027 subject to the conditions of approval.

M/S: Mohsin, Tabladillo

AYES: 2

NOES: 0

2. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0028

Janice Spuller, Assistant Transportation Planner, presented a request to remove two protected coast Redwood Trees 'diseased' located at 1840 McCarthy Blvd. Ms. Spuller recommended approving Minor Site Development Permit No. MS11-0028 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0028 subject to the conditions of approval.

M/S: Mohsin, Tabladillo

AYES: 2

NOES: 0

3. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0035

Tiffany Brown, Assistant Planner, presented a request to allow a 10 day pumpkin patch event located at 1331 E. Calaveras Blvd. Ms. Brown recommended approving Minor Site Development Permit No. MS11-0035 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0035 subject to the conditions of approval.

M/S: Mohsin, Tabladillo

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:45 p.m.

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- I. PLEDGE OF ALLEGIANCE** Chair Mandal 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, Sudhir Mandal, Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, Steve Tao, and Mark Tiernan
Absent: John Luk
Staff: Andrade, Brown, Hom, Lindsay, and Otake
- III. PUBLIC FORUM** Chair Mandal 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**
August 24, 2011
Chair Mandal called for approval of the minutes of the Planning Commission meeting of August 24, 2011.
There were no changes to the minutes.
Motion to approve the minutes of August 24, 2011 as submitted.
M/S: Tabladillo, Ciardella
AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Commissioner Tiernan stated he spoke with the Assistant City Attorney and he need not be excused from Item IX-2 Massage Establishment.
- 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 Tabladillo stated she had an interest in Item VIII-2. Her children attend that class. There were no other Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Mandal 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: Ciardella, Tabladillo
AYES: 7

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NOES: 0
ABSENT: 0
ABSTAIN: 0

VIII. CONSENT CALENDAR

Chair Mandal 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: Ciardella, Tiernan

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Noella Tabladillo)

- 1. CONDITIONAL USE PERMIT NO. UA11-0006:** A request to allow the sale of beer and wine for on-site consumption in conjunction with an existing restaurant located at 57 No. Milpitas Blvd. (APN: 028-22-132) zoned Town Center with Site and Architectural Overlay. Applicant: Nick Poopat. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2746. (*Recommendation: Adopt Resolution No. 11-044 approving the project subject to conditions of approval.*)
- 2. CONDITIONAL USE PERMIT NO. UP11-0029:** A request to operate a martial arts studio within the Seasons Marketplace Shopping Center located at 1535 Landess Ave. (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Christina Cruz. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2761. (*Recommendation: Adopt Resolution No. 11-043 approving the project subject to conditions of approval.*)

IX. PUBLIC HEARING

1. SITE DEVELOPMENT PERMIT NO. SD11-0004

Tiffany Brown, Assistant Planner, presented a request to allow a 1,178 square foot two story addition for an existing hillside home located at 1722 Pebble Beach Court. Ms. Brown recommended adopting Resolution No. 11-046 recommending approval to the City Council.

James and Christine Hsia, 1722 Pebble Beach Court, was present to answer any questions from the Commission. There were no questions from the Commission.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Tiernan

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

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Motion to adopt Resolution No. 11-046 recommending approval to the City Council.

M/S: Tabladillo, Tiernan

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UP11-0027**

Cindy Hom, Assistant Planner, presented a request to operate a massage establishment within the Serra Shopping Center located at 200 Serra Way, Suite 4. Ms. Hom recommended adopting Resolution No. 11-045 approving the project subject to conditions of approval.

Vice-Chair Mandal asked what the vacant building was. Ms. Hom stated it was the Oak Leaf Furniture store. Vice-Chair Mandal asked when it was vacated. Ms. Hom stated five years go.

Commissioner Tao asked if the doors at the body massage rooms are see through doors. Ms. Hom stated they are solid doors.

Commissioner Ciardella asked if the lounge room for employees only or for customers also. Ms. Hom stated the lounge is for employees only. Commissioner Ciardella asked if there will be cooking facility. Ms. Hom stated no.

Minh Duong, 200 Serra Way, Suite #4, Milpitas, stated he was available to answer any questions from the Commission.

Commissioner Ciardella asked if there is a wall in the reception area. Mr. Duong stated it is a partition not a wall. Commissioner Ciardella asked if there will be a refrigerator in the lounge area. Mr. Duong stated there will be a refrigerator and microwave.

Vice-Chair Tabladillo asked what kind of body massage would there be. Mr. Duong stated the body massage would be European or Hawaiian style body massage. Vice-Chair Tabladillo asked if the clients would disrobe in the room. Mr. Duong stated the clients would disrobe in the same room.

Commissioner Tao asked about the walls. Mr. Duong stated the walls are partition walls. Commissioner Tao asked the number of employees. Mr. Duong stated maybe 5 to 7 staff depending on business. Commissioner Tao asked if there is laundry facility on site. Mr. Duong stated they have a washer and dryer in the staff lounge for washing the towels. Commissioner Tao asked the hours of operation. Mr. Duong stated the hours are 10:00 am to 10:00 p.m.

Commissioner Tao asked who does the foot massages on the clients. Mr. Duong stated the employees do the foot massage on the clients. Commissioner Tao asked if there is adequate parking on that site. Ms. Hom stated yes.

Commissioner Tiernan stated this project would benefit the other tenants.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tiernan, Sandhu

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AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to adopt Resolution No. 11-045 approving the project subject to conditions of approval.

M/S: Ciardella, Tiernan

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 7:48 p.m. to the next meeting of September 28, 2011.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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