

APPROVED

PLANNING COMMISSION MINUTES

December 14, 2011

- I. PLEDGE OF ALLEGIANCE** Vice-Chair Tabladillo called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** Present: John Luk, Gurdev Sandhu, Noella Tabladillo, and Steve Tao
Absent: Larry Ciardella, Sudhir Mandal, and Zeya Mohsin
Staff: Ah Sing, Andrade, Barnhart, Brown, Hom, and Otake
Alternate Commissioner John Luk was seated as a member of the voting body.
- III. PUBLIC FORUM** Vice-Chair Tabladillo 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**
November 9, 2011 Vice-Chair Tabladillo called for approval of the minutes of the Planning Commission meeting of November 9, 2011.
There were no changes to the minutes.
Motion to approve the minutes of November 9, 2011 as submitted.
M/S: Tao, Sandhu
AYES: 4
NOES: 0
ABSENT: 3 (Larry Ciardella, Sudhir Mandal, and Zeya Mohsin)
ABSTAIN: 0
- V. ANNOUNCEMENTS** Diana Barnhart, Planning Director, announced that the second Planning Commission meeting in December will not be held. Vice-Chair Tabladillo wished everyone a Happy Holiday season.
- 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** Vice-Chair Tabladillo asked whether staff or the Commission have any changes to the agenda.
Diana Barnhart, Planning Director, requested Consent Calendar Item No. VIII-1 be removed from the Consent Calendar and Commissioner Tao requested that Item No. VIII-2 be removed from the Consent Calendar.
Motion to approve the agenda with the removal of Item No. VIII-1 and VIII-2 from the Consent Calendar.
M/S: Sandhu, Tao
AYES: 4

NOES: 0

ABSENT: 3 (Larry Ciardella, Sudhir Mandal, and Zeya Mohsin)

ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

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

Diana Barnhart, Planning Director, requested Consent Calendar Item No. VIII-1 be removed from the Consent Calendar and Commissioner Tao requested that Item No. VIII-2 be removed from the Consent Calendar.

Motion to approve the Consent Calendar on Item No. VIII-3 and Item No. VIII-4.

M/S: Sandhu, Tao

AYES: 4

NOES: 0

ABSENT: 3 (Larry Ciardella, Sudhir Mandal, and Zeya Mohsin)

ABSTAIN: 0

3. CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0010: A request to increase seating in an existing restaurant with a shared parking agreement located at 1466 North Milpitas Blvd. (APN: 026-13-056) zoned Neighborhood Commercial with Site and Architectural Overlay District (C1-S). Applicant: Ricky and Pam Tejada. Staff Contact: Diana Barnhart (408) 586-3059. (*Recommendation: Table the item.*)

4. CONDITIONAL USE PERMIT NO. UP11-0040: A request to locate a new gym with a shared parking agreement located at 631 South Milpitas Blvd. (APN: 086-42-029) zoned Heavy Industrial with Site and Architectural Review Overlay District (M2-S). Applicant: Eastern Capital Corporation. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2783. (*Recommendation: Adopt Resolution No. 11-056 approving the project subject to conditions of approval.*)

**Consent Calendar Item No.
VIII-1 – PERMIT REVIEW
NO. PR11-0006**

This item was removed from the Consent Calendar for discussion.

Cindy Hom, Assistant Planner, presented a permit review of a Conditional Use Permit (UA08-0004) for a 2,400 square foot karaoke establishment located at 788 Barber Lane. Ms. Hom stated according to a recent Police patrol of the establishment, the business was found operating beyond 2:00 a.m. and persons were found consuming alcoholic beverages on the premises. Both instances are violations of conditions of approval (Condition No. 10 and 12) for the establishment. Ms. Hom recommends that the Planning Commission require a three-month review to allow staff additional time to work on a program with the applicant on improving compliance with the conditional use permit approval.

Commissioner Tao asked the number of violations. Ms. Hom stated for the past year there have been multiple violations. Commissioner Tao asked was the applicant cited. Ms. Hom stated they have not received that report yet.

Joe Zheng, 2656 Sommersville Road, Antioch, stated the business has been opened for four years and no incidents. He stated they do not sell alcohol at his establishment.

Vice-Chair Tabladillo stated the recommendation on this item is Note, Receipt, and

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File.

**Consent Calendar Item No.
VIII-2 – CONDITIONAL
USE PERMIT NO. UP11-
0039**

This item was removed from the Consent Calendar for discussion.

Diana Barnhart, Planning Director, presented a request to add sales of beer and wine for an existing restaurant located at 660 Barber Lane. Ms. Barnhart recommended adopting Resolution No. 11-055 approving the project subject to conditions of approval.

Commissioner Tao asked the maximum seating in the restaurant. Ms. Barnhart did not have that information. Commissioner Tao is requesting a three-month review. Ms. Barnhart stated they will work with the applicant on the seating requirements.

Dianxun Wang, 405 Calderon Avenue, Mountain View, stated business has been slow. He stated the beer and wine license would help their business.

Commissioner Tao is concerned with the seating capacity.

Commissioner Luk asked the type of business this is. Mr. Wang stated they are a BBQ restaurant. Commissioner Luk asked the size of the restaurant. Mr. Wang stated 1,200 sq ft. Commissioner Luk asked how long has the restaurant been opened. Mr. Wang stated they have been opened for a month.

Motion to adopt Resolution No. 11-055 with the following amendment:

1. The owner or designee shall be subject to a 3-month staff level review to ensure that seating capacity is maintained in conformity with permitted levels under the Fire Code, Zoning Code, and other legal restrictions.

M/S: Tao, Sandhu

AYES: 4

NOES: 0

ABSENT: 3 (Larry Ciardella, Sudhir Mandal, and Zeya Mohsin)

ABSTAIN: 0

IX. PUBLIC HEARING

**1. SITE DEVELOPMENT
PERMIT NO. SD11-0014**

Tiffany Brown, Assistant Planner, presented a request to modify the façade to the approved Centria West project located at 1102 South Abel Street. Ms. Brown recommended adopting Resolution No. 11-057 approving the project subject to conditions of approval.

Peter Zak, 4901 Brich Street, Newport Beach, gave a presentation on the project.

Commissioner Tao stated he received a call from the applicant and met with him. Commissioner Tao asked the concept of the architecture. **Chris Coe, Architect**, stated the concept for this project is clarity and calmness. Commissioner Tao asked what type of materials will be used. Mr. Coe stated brick and metal trim. Commissioner Tao asked what the building maintenance timeframe is. **Mr. Eric Donnelly** stated maintenance is done constantly. They have an on-site maintenance team.

Vice-Chair Tabladillo asked about lighting. Mr. Donnelly stated the project will have sidewalk lighting, bollard lights, and door entry lighting. Wall fixture and down light fixtures.

Commissioner Tao asked about window treatments. Mr. Coe stated they will have extra trim around the windows.

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Vice-Chair Tabladillo opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Tao

AYES: 4

NOES: 0

ABSENT: 3 (Larry Ciardella, Sudhir Mandal, Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 11-057 approving the project subject to conditions of approval.

M/S: Sandhu, Luk

AYES: 4

NOES: 0

ABSENT: 3 (Larry Ciardella, Sudhir Mandal, Zeya Mohsin)

ABSTAIN: 0

X. NEW BUSINESS

1. OPEN GOVERNMENT ORDINANCE

Diana Barnhart, Planning Director, stated this is the semi-annual refresher presentation of transparent government laws and requirements, including the Planning Commissioner calendars.

Bryan Otake, Assistant City Attorney, gave a brief update on the City Calendar for the Planning Commission. He stated there is a provision in the Open Government Ordinance that requires the Planning Commission to maintain a public accessible electronic calendar of all City events. No personal events should be stated on this calendar.

Vice-Chair Tabladillo asked should the Commission delete any events from the calendar if they do not attend. Mr. Otake stated it is up to each individual. Vice-Chair Tabladillo asked should they note on the calendar if they meet with a developer. Mr. Otake stated City related appointments should be noted.

Commissioner Tao asked the platform used for the City calendar. Mr. Otake stated it is used through Google.

Ms. Barnhart stated staff will work with the Commission on the City calendar.

2. PC ACCOMPLISHMENTS FOR 2011

Sheldon Ah Sing, Senior Planner, presented a report on the major accomplishments by the Planning Commission for 2011.

List of Accomplishments

1. Los Coches Residential Project
2. Electronic Freeway Sign near Montague Expressway
3. Tour of Commercial Sites
4. Citation Residential Project
5. Shea Residential Project
6. Harmony Residential Project
7. Countour Residential Project

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8. Streamlining Conditional Use Permit Process

Mr. Ah Sing recommended the Commission consider the list of accomplishments and direct staff which ones to post on the Commission's web page.

Vice-Chair Tabladillo stated the tour of commercial sites in her opinion wasn't a major accomplishment. The rest were great accomplishments.

Commissioner Tao thanked staff for their hard work. Commissioner Luk also thanked staff for all their hard work.

The meeting was adjourned at 8:10 p.m. to the next meeting of January 11, 2012.

Respectfully Submitted,

Sheldon S. Ah Sing
Senior Planner

Yvonne Andrade
Recording Secretary

**XI.
ADJOURNMENT**

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