

APPROVED

PLANNING COMMISSION MINUTES

March 28, 2012

- 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: Garry Barbadillo, John Luk, Rajeev Madnawat, Sudhir Mandal, Gurdev Sandhu, and Steve Tao
Absent: Larry Ciardella and Zeya Mohsin
Staff: Ah Sing, Andrade, Otake, and Spuller
Alternate Commissioner Garry Barbadillo was seated as a member of the voting body.
- 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**
March 14, 2012
Chair Mandal called for approval of the minutes of the Planning Commission meeting of March 14, 2012.
There were no changes to the minutes.
Motion to approve the minutes of March 14, 2012 as submitted.
M/S: Sandhu, Tao
AYES: 6
NOES: 0
ABSENT: 2 (Larry Ciardella and Zeya Mohsin)
ABSTAIN: 0
- V. ANNOUNCEMENTS** Sheldon Ah Sing, Senior Planner, announced the Commissioners Recognition event to be held on April 17, 2012 at 6:00 pm at the City Council Chambers. Commissioner Tao announced he attended the Planners Institute and Mini Expo which was a great experience for him. Commissioner Luk stated he attended the Indian Community Federation event in Fremont.
- 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 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: Sandhu, Tao
AYES: 6
NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

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.

Commissioner Tao requested Item No. VIII-1 and Item No. VIII-2 be removed from the Consent Calendar.

**Consent Calendar Item No.
VIII-1 – CONDITIONAL
USE PERMIT NO. UP12-
0005**

This item was removed from the Consent Calendar for discussion.

Janice Spuller, Assistant Transportation Planner, presented a request to add sales of beer and wine at an existing restaurant located at 127 Dixon Road. Ms. Spuller recommended adopting Resolution No. 12-014 approving the project subject to conditions of approval.

Commissioner Tao asked the current occupancy. Ms. Spuller stated the current occupancy is 48.

Chair Mandal asked if the occupancy of the restaurant changes, does the project come back to the Commission. Mr. Ah Sing stated there would be an amendment to the CUP and depending if there is public concern the amendment may come back to the Planning Commission.

Rui Wang, 127 Dixon Rd., Milpitas, stated she was available for 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: Sandhu, Madnawat

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 12-014 approving the project subject to conditions of approval with the following condition:

1. Prior to the owner or designee seeking a change in building occupancy classification for the restaurant, the Planning Commission shall review an amendment to the application.

M/S: Tao, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Consent Calendar Item No.

This item was removed from the Consent Calendar for discussion.

APPROVED
Planning Commission Minutes

March 28, 2012

**VIII-2 – CONDITIONAL
USE PERMIT
AMENDMENT NO. UA12-
0002**

Janice Spuller, Assistant Transportation Planner, presented a request to add sales of beer and wine at an existing restaurant located at 1818 Milmont Drive. Ms. Spuller recommended adopting Resolution No. 12-015 approving the project subject to conditions of approval.

Commissioner Tao stated the comments would be the same as the previous item.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Madnawat

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 12-015 approving the project subject to conditions of approval with the following condition:

1. Prior to the owner or designee seeking a change in building occupancy classification for the restaurant, the Planning Commission shall review an amendment to the application.

M/S: Tao, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

IX. PUBLIC HEARING

**1. SITE DEVELOPMENT
PERMIT NO. UP12-0001**

Janice Spuller, Assistant Transportation Planner, presented a request to amend existing sign program to allow for a new tenant monument sign located at 660-820 No. McCarthy Blvd. Ms. Spuller recommended adopting Resolution No. 12-016 approving the project subject to conditions of approval.

Chair Mandal asked about the height of the sign. Ms. Spuller stated the height of the sign is 30 ft.

Randall McClune, 1014 Timothy Drive, San Jose, CA stated he was available for questions from the Commission.

Chair Mandal asked what the structure is built of. Mr. McClune stated it is an aluminum structure with steel support pipes inside the structure. Chair Mandal asked the number of signs. Mr. McClune stated there will only be one sign. Chair Mandal asked where the closest residence in that area is. Ms. Spuller stated at the tip of I-880 near Heath Street.

Commissioner Madnawat asked why the sign needs to be 30 ft. high. Mr. McClune stated the sign needs to be large enough to be quickly readable from the freeway.

Commissioner Tao asked the number of signs. Ms. Spuller stated there will be only one sign to be modified.

APPROVED
Planning Commission Minutes
March 28, 2012

Chair Mandal opened the public hearing.
There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Luk

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Commissioner Luk stated this sign would be beneficial for identification.

Motion to adopt Resolution No. 12-016 approving the project subject to conditions of approval.

M/S: Tao, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 7:50 p.m. to the next meeting of April 11, 2012.

Respectfully Submitted,

Sheldon S. Ah Sing
Senior Planner

Yvonne Andrade
Recording Secretary

APPROVED
Planning Commission Minutes
March 28, 2012