

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

June 13, 2012

- I. ROLL CALL** Present: Mandal and Ciardella
Staff: Hom and Casagrande
- 1. MINOR SITE DEVELOPMENT PERMIT NO. MS12-0012** Cindy, Assistant Planner, presented **MINOR SITE DEVELOPMENT PERMIT NO. MS12-0012; ROTARY CARNIVAL**, a request to host an annual outdoor event, June 21-24 located at 301 Ranch Drive zoned General Commercial with Site and Architectural Overlay (C2-S).
Motion to approve Minor Site Development Permit No. MS12-0012 subject to conditions of approval.
M/S: Ciardella, Mandal
AYES: 2
NOES: 0
- 2. MINOR SITE DEVELOPMENT PERMIT NO. MS12-0015** Cindy, Assistant Planner, presented **MINOR SITE DEVELOPMENT PERMIT NO. MS12-0015**: A request for a one day outdoor special event for the SanDisk International Festival event located at 601 McCarthy Blvd. (APN: 086-02-039) zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Helen Gettinger.
Motion to approve Minor Site Development Permit No. MS12-0015 subject to conditions of approval.
M/S: Mandal, Ciardella
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: Sudhir Mandal, Garry Barbadillo, Larry Ciardella, Rajeev Madnawat, Gurdev Sandhu, John Luk and Steve Tao
Absent: Zeya Mohsin
Staff: Ah Sing, Casagrande, Hom, Otake, and Brown
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 agendaize the matter for a future meeting.
- IV. APPROVAL OF MINUTES**
May 9, 2012
Chair Mandal called for approval of the minutes of the Planning Commission meeting of May 9, 2012.
There were no changes to the minutes.
Motion to approve the minutes of May 9, 2012 as submitted.
M/S: Tao, Sandhu
AYES: 7
NOES: 0
ABSENT: 1 (Zeya Mohsin)
ABSTAIN: 1 (Mandal)
- V. ANNOUNCEMENTS** Vice Chair Ciardella and Chair Mandal congratulated all Milpitas graduates
- VI. CONFLICT OF** Assistant City Attorney, Bryan Otake, asked if any member of

INTEREST

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: Ciardella/Sandhu

AYES: 8

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the Consent Calendar.

IX. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UA12-0005

Assistant Planner Tiffany Brown made a presentation of a request to replace existing antennas with the addition of ancillary rooftop mounted equipment located at 15 Wilson Way; 33 feet tall zoned Neighborhood Commercial with Site and Architectural Review Overlay (C1-S). Applicant: Sprint, Liz Johnson.

Chair Mandal: Asked what the difference is between a pole and monopole, is there anything new about this? Tiffany Brown: Stated that the look is changing however the pole is same height, the applicant will describe the difference in types of poles.

Commissioner Madnawat: Asked if the pole is for sprint use only. Tiffany Brown stated that it is for the use of Sprint Nextel. Commissioner Tao: Asked if we are in the federal guidelines of emission standards with two poles. Cindy Hom: Stated yes.

Liz Johnson, 44632 Highway 49, Awanee, CA. Stated for Clarification that the pole and monopole are one in the same. The reason for replacement is to introduce 4G LTE voice and data technology to this location. Commissioner Tao: Asked if the building department will receive structural calculations.

Liz Johnson: Stated yes

Motion to close the public hearing.

M/S: Sandhu, Ciardella

AYES: 8

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. **NO. 12-025** approving the project subject to conditions of approval.

M/S: Tao, Sandhu

AYES: 8

NOES: 0

ABSENT: 1 (Sudir Mandal and Zeya Mohsin)

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UA12-
0006**

Cindy Hom:**Conditional Use Permit Amendment No. UA12-0006:** A request to add the sale of all types of liquor to an existing restaurant within the Best Western Hotel located at 400 Valley Way zoned Neighborhood Commercial with Site and Architectural Overlay. Applicant: West coast Property Management, Inc.

Vice Chair Ciardella: Asked where is 5044.12 on the map?

Cindy Hom: Stated these numbers represent the census tract numbers. Commissioner Tao: Asked of the 11 current licenses

in this census tract are they all type 47 licenses or a combination? Cindy Hom: Stated she believes it is a combination but will defer to the applicant Commissioner Tao:

Asked are there any plans to increase seating in the dining or bar area's? Cindy Hom: no proposed floor plan changes.

Commissioner Tao: Asked if alcohol is ancillary to the food service? Cindy Hom: Stated yes that alcohol is ancillary to the dining. Commissioner Madnawat: Asked if the 11 current

licenses include this new license? Cindy Hom: Stated no.

Commissioner Madnawat: Asked in understanding the license type 41, is there any thing lower than type 41? Cindy Hom: Stated type 41 is beer and wine and type 47 is all alcohol.

Commissioner Madnawat: Asked is there anything in between? Cindy Hom: Stated she did not believe so but there is another license for a bar. Sheldon Ah Sing: Stated the ABC has many types of licenses and that type 41 and 47 are typical for restaurants. Chair Mandal: Asked if the 11 included a convenience store in the area. Sheldon Ah Sing: Stated no that would be an off sale license. Chair Mandal: Asked when this

type of plan is prepared does it go to Fire and PD? Cindy Hom: Stated yes. Chair Mandal: Asked if there were any incidents reported over the last year Cindy Hom: Stated the department has received no complaints.

Greg Kays, 1060 Minnesota Ave Suite 2, San Jose, CA.

Stated that he is a Permit Agent assisting the applicant. He clarified the types of alcohol license and the one being applied for is on premises only. This restaurant already has a 41 and wants to upgrade to a 47 which has a condition that you must have a full food service kitchen and menu with 50% food sales. This is to improve revenue and the hotel has been asked by patrons to offer full alcohol services. The license 41 will be canceled when the 47 is issued keeping the total census number to 11. Commissioner Tao: Asked if the venue is offering any live entertainment or music? Greg Kays: Stated no, they aren't asking for extended hours either.

Motion to close the public hearing.

M/S: Sandhu, Tao

AYES: 8

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. **12-026** approving the project subject to conditions of approval with the following conditions: Change condition #7 to comply with all department of alcohol beverage control licensing requirements related to sales of all types of alcohol.

M/S: Tao, Madnawat

AYES: 8

NOES: 0

ABSENT: 1 (Sudir Mandal and Zeya Mohsin)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 7:27 p.m. to the next meeting of July 11, 2012.

Respectfully Submitted,

Sheldon S. Ah Sing

M/S:Tao, Madnawat Senior Planner

Lori Casagrande
Recording Secretary