

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

July 11, 2012
6:30 pm

I. ROLL CALL

Present: Larry Ciardella, Gurdev Sandhu and Rajeev Madnawat
Staff: Sheldon Ah Sing, Cindy Hom and Joann DeHerrera

1. MINOR SITE DEVELOPMENT PERMIT NO. MS12-0021

Cindy Hom, Assistant Planner, presented MINOR SITE DEVELOPMENT PERMIT NO. MS12-0021 - a request for exterior modifications that includes installation of a new metal canopy, wood cladding, replacement of existing signage, updating the site lighting and landscaping as well as repainting of the restaurant building located at 120 W. Calaveras Blvd. The purpose is to convert the previous Carl's Jr Restaurant into a Starbuck's Café maintaining the current drive-thru service. The main entrance will be enhanced and the building will maintain a secondary entrance.

Staff recommended a few conditions to ensure good design quality and consistency. The application was submitted per Municipal code for minor building changes. Staff conducted an environmental assessment and deemed this project categorically exempt. Staff also completed a parking analysis and found they meet the parking requirements.

Motion to approve Minor Site Development Permit No. MS12-0021 subject to conditions of approval.

M/S: Ciardella, Sandhu

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:35 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, Larry Ciardella, Rajeev Madnawat, Gurdev Sandhu and Steve Tao
Absent: John Luk, Zeya Mohsin and Garry Barbadillo
Staff: Ah Sing, Hom, Otake & DeHerrera
- 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** Chair Mandal called for approval of the minutes of the Planning Commission meeting of June 27, 2012.
- There were no changes to the minutes.
- Motion** to approve the minutes of June 27, 2012 as submitted.
- M/S: Sandhu/Ciardella
- AYES: 5
- NOES: 0
- ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)
- ABSTAIN: 0
- V. ANNOUNCEMENTS** Chair Mandal mentioned that the City's MCTV 26 is planning to hold a program for different commissions. Chair Mandal sent an e-mail out to all commissioners for their input but still need more feedback and what topics could be covered. Please provide any feedback to Chair Mandal by this Friday.
- A volunteer is needed to represent the Planning Commission for a spot to represent the commission on 7/19/12 from 7:30 – 8:30 pm. Please notify Chair Mandal of your interest.
- The 7/25/12 Planning Commission Meetings will be held in the Committee Meeting Room due to renovations of the Council Chambers.
- VI. CONFLICT OF INTEREST** None

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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: Madnawat/Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

VIII. ELECTION OF OFFICERS

Nominations were made by the Planning Commissioners for the election of officers to the Planning Commission seats of Chair and Vice-Chair.

The nomination for Chair was Commissioner Sudhir Mandal

Motion to approve the nomination for Chair.

M/S: Madnawat/Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

Commissioner Mandal was elected Chair of the Planning Commission for the next year.

The nomination for Vice-Chair was Commissioner Larry Ciardella

Motion to approve the nomination of Vice-Chair.

M/S: Mandal/Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

Commissioner Ciardella was elected Vice Chair of the Planning Commission for the next year.

IX. CONSENT CALENDAR

1. CONDITIONAL USE PERMIT NO. UA12-0004

At the request of Commissioner Tao, Chair Mandal indicated that this item will be removed from the Consent Calendar and it will be the first item for discussion under Public Hearings.

(Removed from Consent to Public Hearing Item X-1)

X. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UA12-0004

Senior Planner, Sheldon Ah Sing – Presented to the Commission a request to amend a 1996 conditional use permit for the private school to increase the maximum number of students allowed at 200 N Abbott Ave. zoned Single Family Residential (R1-6). At that time the number of students was limited because the parking ordinance necessitated that limit. Applicant: St Thomas Catholic School. There are no physical changes proposed to the site. Various City departments and Planning staff have reviewed the project and have found no conflicts with building & safety or parking codes. Staff recommended approval of this project.

Commissioner Tao – Stated that about 1-2 months ago this particular project site came before the Planning Commission as a separate application to expand the church. At that time the Commission had expressed concern about the use of the school district’s parking lot and congestion to neighboring public streets. Does staff know if the property owner did outreach to the neighborhood and to the school district to use their parking lot as was suggested?

Lebon Matthew, Trustee at St Thomas School – Clarified that the prior application was to expand the church building and church parking lot. This current application is for the secondary school building to increase the capacity of students to study in the school building. The church did reach out to the school district and they are willing to allow the church to use additional parking spaces. The church is also working towards reaching out to the neighborhood.

Roby Jacob, St Thomas school board member – The timing of church functions is on a different time schedule from the school. During the school schedule there is plenty of available parking. The old conditional use permit was based on 8 available parking spots for 44 students. The new limit was determined by Child Care Licensing who came and measured their space.

Marsha Tran, 387 Rudyard Dr – Ms Tran supports the church and their child care services. However, she is a neighbor and has concern over the parking issue and lack of outreach to the neighbors.

Chair Mandal and Commissioner Madnawat – Encouraged the church to make top priority the outreach to their immediate neighbors. Also, since a neighbor is here present, the Church could take this opportunity to speak with them tonight. It is important for people to know you care about them and their opinions.

Motion to close the public hearing.

M/S: Ciardella/Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

Motion to adopt Resolution No. 12-030 approving the project subject to conditions of approval.

M/S: Tao/Madnawat

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AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UA12-
0007**

Assistant Planner Cindy Hom – Presented to the Commission a conditional use amendment to expand an existing child care center and installation of related site improvements at @ 301 S Abbott Ave. The child care center is situated on 1.32 acre parcel. This is an expansion of approximately 1,397 sq. ft. classroom space, for an overall total 4,597 sq ft. facility. The applicant also proposes to relocate an existing fence line to increase the outdoor play area by 2,470 sq. ft., for a total of 5,470 sq. ft. This expansion allows the center to increase their current capacity from 60 to 96 children.

The project site is a multi-tenant commercial center. The center requires 139 parking spaces, and currently provides 147 spaces. Therefore it meets the required parking for the project and other uses. The project is consistent with the General Plan and conforms to the zoning ordinances. Staff recommended approval of this project.

Vice-Chair Ciardella – Asked if parking requirements will max out if the one vacant tenant space is occupied? Staff clarified that the vacant tenant space is already allocated its share of parking based on commercial retail. Parking would need to be re-evaluated if the use differs.

Commissioner Tao – Expressed concern over toxic air contaminants to the expanded outdoor playground due to the close proximity to the Highways 880 and 237; or if the City would have any legal liability issues?

Senior Planner, Sheldon Ah Sing – Clarified that the toxic air contaminants thresholds standard is currently not being implemented because of a court case ruling.

Assistant City Attorney, Bryan Otake -- The requirement of the City is to apply the law as it is today at the time of the permit application.

Planner, Cindy Hom – Indicated that the original conditional use permit will be applicable to the expanded play area that the applicant provides age-specific non-toxic play material. From the time the business began in 2009, there have not been any reported Fire or Police incidents. There are two additional parking spaces that staff is working with the applicant to include in the lease.

Wayne Renshaw, Architect for Achieving Stars Academy – Briefly covered the details of the expansion, play area and parking. The project does not propose to change any other conditions associated with the original condition of use permit – only the capacity of the center and to add one more teacher. The outdoor play area will have age-appropriate play structures and receives plenty of shade. The expansion space will have two additional children’s toilets in place of regular toilets.

Lalani Kamera, Partner/Owner/Director of Achieving Stars Academy – In case of an emergency, there is an emergency access sliding gate. Emergency procedures for the school are in place and drills are practiced.

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Motion to close the public hearing.

M/S: Ciardella/Sandhu

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

Motion to adopt Resolution No. 12-031 approving the project subject to conditions of approval.

M/S: Madnawat/Tao

AYES: 5

NOES: 0

ABSENT: 3 (John Luk, Zeya Mohsin and Garry Barbadillo)

ABSTAIN: 0

XI. ADJOURNMENT

The meeting was adjourned at 7:55 p.m. to the next meeting of July 25, 2012, which will be held in the Committee Meeting Room instead of the Council Chambers.

Respectfully Submitted,

Motion to adjourn
M/S: Tao/Ciardella

Sheldon S. Ah Sing
Senior Planner

Joann DeHerrera
Recording Secretary