

**APPROVED**

**PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**July 25, 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. PUBLIC HEARING**

**MINOR  
CONDITIONAL  
USE PERMIT NO.  
MC12-0001**

**Cindy Hom, Assistant Planner**, presented MINOR CONDITIONAL USE PERMIT NO. MC 12-0001 - a request to add beer and wine service to an existing restaurant located at 1708 N. Milpitas Blvd. (APN 26-06-003), zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). Applicant: Peng Gao.

The project falls within an undue concentration area for liquor licenses and is not disruptive to the surrounding area based on the City's findings. The project is consistent with the Milpitas General Plan and conforms to Milpitas zoning. *(Recommendation: Adopt Resolution No.12-033 approving the project subject to conditions of approval)*

**Motion** to close the public hearing

M/S: Ciardella / Sandhu

AYES: 2

NOES: 0

ABSTAIN: 0

**Motion** to approve the project.

M/S: Ciardella / Sandhu

AYES: 2

NOES: 0

ABSTAIN: 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, Steve Tao and Garry Barbadillo  
Absent:      John Luk and Zeya Mohsin  
Staff:        Ah Sing, Hom, DeHerrera  
  
Commissioner Barbadillo is seated as regular member.
- 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.
- IV. APPROVAL OF MINUTES**      **Chair Mandal** called for approval of the minutes of the Planning Commission meeting of July 11, 2012.  
  
There were no changes to the minutes.  
**Motion** to approve the minutes of July 11, 2012 as submitted.  
  
M/S:      Madnawat / Tao  
  
AYES:     6  
  
NOES:     0  
  
ABSENT:   2 (John Luk, Zeya Mohsin)  
  
ABSTAIN: 0
- V. ANNOUNCEMENTS**      **Senior Planner, Sheldon Ah Sing** – Announced that the Assistant City Attorney is attending a special City Council hearing tonight and will not be in attendance this evening. For the next scheduled Planning Commission meeting on 8/8/12, there are no public hearing items to discuss. The Commission will decide whether to cancel the meeting or hear an informational topic from staff.  
  
**Chair Mandal** – Asked staff to poll the Commissioners for interest to participate in a walking tour of some of the current City’s projects to be held on the weekend. Staff will follow up.  
  
**Vice-Chair Ciardella** – Mentioned that the City’s MCTV 26 would like to do a news segment on the different commissions and how they service the community. They would also like to show how some of the building sites throughout the City have changed (then and now) so the public can be aware of how the City has changed over time.  
  
**Commissioner Madnawat** – By using the MCTV we could provide information to the

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public about how the Planning Commission operates and encourage the public to come to the Planning Commission meetings to give their input on public hearing items.

**Commissioner Tao** – Recommended consideration to cancel the 8/8/12 Planning Commission Meeting due to the light schedule of agenda items for the 8/22/12 meeting. The Commissioners all agreed to cancel the 8/8/12 Planning Commission Meeting.

**VI. CONFLICT OF INTEREST**

**Chair Mandal** announced he would excuse himself from the discussion and voting on the Conditional Use Permit No. UP12-0014.

**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/Tao

AYES: 6

NOES: 0

ABSENT: 2 (John Luk, Zeya Mohsin)

ABSTAIN: 0

**VIII. CONSENT CALENDAR**

**1. SITE DEVELOPMENT PERMIT NO. SA12-0006**

A request to construct a 5,934 square foot hillside home with detached four car garage at 898 Calaveras Ridge Drive (APN: 29-06-038), zoned Single Family Residential with Hillside Combining District and Site and Architectural Review Overlay District (R1-H-S). The project was previously approved; however, the permits have expired. Applicant: Haresh Panchal, 134 Sweetberry Ct. San Jose, CA 95136. For clarification – The Permit No. is SA12-0006 and not SA12-0007. *(Recommendation: Withdraw the item pursuant to applicant's request)*

**Motion** to close the public hearing and withdraw applicant's item as requested.

M/S: Ciardella/Madnawat

AYES: 6

NOES: 0

ABSENT: 2 (John Luk, Zeya Mohsin)

ABSTAIN: 0

**IX. PUBLIC HEARING**

**1. CONDITIONAL USE PERMIT NO. UP12-0014**

**Assistant Planner, Cindy Hom** – Presented to the Commission a request to operate a 3,663 square foot Montessori preschool school at 1146 Jacklin Road (APN 29-09-037) zoned Commercial Office. Applicant: Nagamani Yelam. The project consists of approximately 2,847 sq ft of classroom space, 341 sq ft of office space and 1,765 sq ft outdoor play area at the rear of the building. The school will have a capacity for 69 preschool children from ages 2-6 and seven staff members.

Staff recommends the applicant install a solid wooden gate and install protective covering around the mature tree trunks to help prevent potential injuries. Based on all the various tenant uses at this site, the project complies with the parking requirements. The project is consistent with the General Plan and in conformance with Milpitas

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Zoning. (Recommendation: Adopt Resolution No.12-032 approving the project subject to conditions of approval)

**Commissioner Tao** – There are several areas of concern for the safety of the children – What type of protection would there be in the small play area and is there any proposed treatment to the building and wall surfaces to prevent possible injury? How much shading will there be in the play area which faces south and would the children be protected from the shedding bark of the type of trees there? How can the children safely be dropped off and picked and since there is only one way in and out?

**Planner, Cindy Hom** – Stated that the applicant is proposing to install “padding” along the wall. They will submit a description of the padding along with their tenant improvements. The play equipment will be age-appropriate and non-toxic. The mature trees do provide sufficient shading. Staff can consult with an arborist to verify that wrapping the trees with protective material will not cause injury to the trees and further determine how maintenance of tree debris droppings will be taken care of. Staff is requiring the applicant to provide a controlled drop off and pick up procedure.

**Commissioner Madnawat** – Asked if it would be valid to require in the parents’ contract that they agree to hold their child’s hand as they drop off and pick up. Staff agreed that this is possible, however, procedure manuals are amended from time to time and the City will not be a party to those changes

Senior Planner, Sheldon Ah Sing – Indicated that staff will work with the applicant and incorporate the recommended conditions of approval: Illumination of the side parking area. Provide a drop-off / pick-up plan. Augment the parking arrangement. Provide soft covering on the walls. Have applicant return and report back to staff in 6 months

**Motion** to open the public hearing.

M/S: Tao / Sandhu

**Nagamani Yelam and Hem Korubilli** - applicants for 1146 Jacklin Road Montessori Preschool – Introduced herself and the goals of the proposed preschool curriculum. The school will provide a positive learning environment to stimulate and challenge the children. Teachers will be Montessori and CPR trained. Staffing will start with three (3) teachers and progress up to nine (9). There will be an age-appropriate play area and events to encourage parent participation. The applicant selected Milpitas because of the growing population and the site is complimentary to local businesses and residences. Also there is an unmet demand for early childhood education and bi-lingual education.

**Commissioner Tao** – Asked about the outdoor play time schedules and to take into consideration lighting during the afternoon playtime. It would be appropriate to have additional outdoor lighting in the back play area set on a timer and prevent light spillage to neighboring properties and lighting at exit areas. There is concern about exit doors having access to unauthorized people and if the doors are alarm equipped.

The hard building surface and wall at the back play area need to be dense soft material to provide protection during play times.

**Hem Korubilli, applicant** – Stated that the school will have three different play

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sessions for each of the three classes starting at 9:30 to 11:30 am and again in the afternoon starting at 3:00 to 4:30 pm. They will make the recommended changes to provide the extra lighting. The applicant is evaluating delayed audible door alarm systems for the exit doors and the exit procedure from each classroom to outside. The applicant will provide the protection on the hard surfaces as requested and agreed to have a contract with parents to follow the drop off and pick up arrangement.

**Commissioner Tao** – Emphasized a planned pickup arrangement for parents is necessary to safely transport the children in and out. With only one driveway to the back, any drop off and pick up in that area will cause traffic congestion and it is not safe. Preference is to mandate a contract be signed with the parents to hold the child's hand to avoid running through the parking lot. In addition, a school staff person should be in the parking lot to ensure parents follow the arrangement.

**Conditions of Approval:** Staff will work with the applicant to augment their pickup arrangements such as: require parents to enter the facility to sign in and sign out their children, place signage outside to remind parents about the safety of the parking lot, require parents to sign a contract to safely drop off their children. Applicant will provide additional exterior lighting and also soft treatment of hard surfaces in the play area. The project will require a 6-month review through the public hearing process.

City staff will check if the planned exiting and pickup path at the side of the building meets the ADA standards and check with the Fire Department for the safety of having only one controlled exit.

**Motion** to adopt Resolution No. 12-032 approving the project subject to conditions of approval mentioned above.

M/S: Tao/Sandhu

AYES: 5

NOES: 0

ABSENT: 2 (John Luk, Zeya Mohsin)

ABSTAIN: 1 (Sudhir Mandal)

## **X. ADJOURNMENT**

The meeting was adjourned at 8:15 p.m. to the next meeting of August 22, 2012.

Respectfully Submitted,

**Motion** to adjourn

M/S: Tao/Sandhu

Sheldon S. Ah Sing

Senior Planner

Joann DeHerrera

Recording Secretary

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