

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, January 22, 2014

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:03 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Chair Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, Rajeev Madnawat, Garry Barbadillo, Demetress Morris and Alternate Member Hon Lien
Absent: Commissioner Luk
Staff: Steve McHarris, Johnny Phan, Scott Ruhland, Jocelyn Puga
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were none.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the January 8, 2014 meeting minutes of the Planning Commission.
Motion to approve Planning Commission meeting minutes, as submitted
Motion/Second: Commissioner Madnawat/Commissioner Barbadillo
AYES: 6
NOES: 0
ABSTAIN: 1
- V. ANNOUNCEMENTS** Planning Director Steven McHarris reminded the commissioners of the Milpitas 60th Anniversary event being held on the upcoming weekend. He showed a short video sample by Cal Poly students on the California Circle and Main Street Vision Plans which will be shown at the anniversary event.
Commissioner Morris informed the commission that there will be a Black History Month breakfast on February 1, at 8:30 am, at the Sunny Hills Methodist Church.
Chair Mandal welcomed Alternate Member Lien to the Planning Commission.
- VI. CONFLICT OF INTEREST** **Assistant City Attorney Johnny Phan** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
No Commissioners identified a conflict of interest.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked whether staff or Commissioners had any changes to the agenda.
Motion to approve the January 22, 2014 agenda as submitted

Motion/Second: Vice Chair Ciardella/Commissioner Sandhu

AYES: 7

NOES: 0

**VIII. CONSENT
CALENDAR**

No items

IX. PUBLIC HEARING

IX-1

VEDAS INDIAN RESTAURANT CONDITIONAL USE PERMIT - 560 N. Abel Street – UP13-0022 - A request for a Conditional Use Permit for the sale of distilled spirits (liquor), beer and wine to an existing 3,480 square feet restaurant. This project is categorically exempt from further review under CEQA pursuant to Section 15301, Existing Facilities.

Senior Planner Scott Ruhland introduced Planning Intern Jocelyn Puga, who gave a short presentation and description of the project.

Commissioner Madnawat asked how many other restaurants nearby sell alcohol and Planning Intern Puga answered that there was a nearby 7-Eleven store and also Taiwan Café. Commissioner Madnawat asked about the concentration of locations serving alcohol and Planning Intern Puga responded that she had a conversation with the Department of Alcoholic Beverage Control who produced this information for the census tract and their information is that it is in an undue concentration area. Current regulations for census tract 5045.07 permit seven onsite licenses and in this area there are 10 active onsite licenses. Commissioner Morris questioned this, asking if they are over the limit with 10 licenses granted and Planning Intern Puga answered yes.

Commissioner Madnawat asked if there will be a segregated area where alcohol will be served. Senior Planner Ruhland said that according to the floor plan there is a small bar but it is anticipated that most of the alcohol will be served at tables.

Chair Mandal asked what the operating hours will be. Lunch hours will be from 11:30 am – 2:30 pm and dinner hours will be 5:00 pm – 9:30 pm Tuesday through Sunday but they will stay open until 10:00 pm on Friday and Saturday. They also plan to be open for happy hour from 4:00 pm – 7:00 pm.

Chair Mandal asked about incidents in the area and Senior Planner Ruhland replied that it is not located within a crime reporting district, there is not a large number of incidents in that area, and that since the restaurant was established in 2010 there have been no police calls at the restaurant.

Commissioner Barbadillo referenced an email from a resident whose child attends preschool near the restaurant and is opposed to the permit. He asked if staff responded to the email and Planning Intern Puga said that she explained what the conditional use permit was for and invited them to attend the Planning Commission meeting but she did not get a response.

The spouse of Applicant Pradeep Kumar, Ms. Rodriguez, said that she and her husband have 25 years' experience working in the restaurant business and they have been working hard to make Vegas an upscale restaurant. She also said they have the support of surrounding companies.

Commissioner Madnawat asked Ms. Rodriguez about employee training and she answered that she did plan to train her employees and ensure they are of age to serve alcohol. She said that the bar capacity is about eight people.

Chair Mandal opened the public hearing and no comments were heard.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-003 approving Conditional Use Permit UP13-0022 for the sale of distilled spirits (liquor), beer, and wine at an existing restaurant subject to the conditions of approval.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 7

NOES: 0

IX-2

DISH DASH RESTAURANT CONDITIONAL USE PERMIT AMENDMENT– 181 Ranch Drive – UA13-0007 - A request for an amendment to an existing Conditional Use Permit No. 1602 for the sale of distilled spirits (liquor) in addition to existing beer and wine sales at an existing 2,900 square feet restaurant. This project is categorically exempt from further review under CEQA pursuant to Section 15301, Existing Facilities.

Planning Intern Jocelyn Puga gave a short presentation and description of the project.

Commissioner Madnawat noted that this is an amendment to an existing conditional use permit and asked about the existing permit. Planning Intern Puga answered that the existing permit was approved for a former restaurant in 2001 for a full service restaurant with ancillary sales of beer and wine. The new tenant Dish Dash restaurant would like to add the sale of distilled spirits (liquor) in addition to existing beer and wine sales.

Vice Chair Ciardella asked how long Dish Dash Restaurant has been in their location and Intern Planner Puga answered that they signed a lease with their landlord in October, 2012 and after six months of remodeling their first day of business was May 28, 2013.

Chair Mandal asked if the structure would be affected by the Pacific Mall and Planning Director Steven McHarris answered that side of the mall stays the same and the restaurant would remain intact.

Chair Mandal opened the public hearing and no comments were heard.

Motion to close the public hearing.

Motion/Second: Chair Mandal/Commissioner Sandhu

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-004 amending Conditional Use Permit No. 1602 authorizing the sale of distilled spirits (liquor) in addition to existing beer and wine sales at an existing restaurant, subject to the conditions of approval.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

IX-3

ALDER MASTER SIGN PROGRAM – 540 Alder Drive – SD13-0019 - A request for a Site Development Permit to allow for a master sign program including new attached signage and existing monument signs for an existing industrial business park. This project is categorically exempt from further review under CEQA pursuant to Section 15301, Existing Facilities.

Planning Intern Jocelyn Puga gave a short presentation and description of the project.

Commissioner Madnawat suggested that the applicant name be included with the submittal as he feels it is important.

Chair Mandal asked the occupancy rate of the buildings and Planning Intern Puga did not know. Chair Mandal stated that many of the buildings are not utilized and wanted to know the reason behind the sign change and Planning Intern Puga replied that it is to provide uniform address signs for all of the buildings to make it easier to identify.

Chair Mandal opened the public hearing and no comments were heard.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-005 approving Site Development Permit No. SD13-0019 for a new Master Sign Program at the existing Tasman Technology Business Park subject to conditions of approval.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

X. NEW BUSINESS

X-1 PLANNING COMMISSION ACCOMPLISHMENTS FOR 2013

Steven McHarris, Director of Planning and Neighborhood Services, presented a list of the Planning Commission Accomplishments for 2013.

Vice Chair Ciardella questioned including project denials in the list. Assistant City Attorney Johnny Phan stated that there are no legal issues with including them, it is a list of accomplishments for the commission for the last year, that the purpose of the discussion was to gather their input and if they are

uncomfortable with any items they can be removed.

Vice Chair Ciardella was concerned with including the denial items as he does not feel they are accomplishments, and Commissioner Madnawat said he would like to focus on the positive aspects of their work and projects that the commissioners believe were outstanding accomplishments.

Chair Mandal asked the commissioners which items they felt should be removed and Commissioner Madnawat suggested deleting the KB Home single-family residential project at the Preston Pipelines property and the Trumark single-family residential project at California Circle. The commissioners agreed to those deletions and to the addition of Main at Serra on the accomplishments list.

X1. ADJOURNMENT

The meeting was adjourned at 8:00 PM to the next meeting of February 26, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioners Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

ABSENT: 1

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*