CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR FEBRUARY 25, 2009
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. PUBLIC FORUM

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

IV. APPROVAL OF MINUTES: February 11, 2009

V. ANNOUNCEMENTS

VI. ANNOUNCEMENT OF CONFLICT OF INTEREST

VII. APPROVAL OF THE AGENDA

VIII. CONSENT CALENDAR (Items with an asterisk *)

The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

IX. PUBLIC HEARING

***1. SITE DEVELOPMENT PERMIT NO. SD08-0006, CONDITIONAL USE PERMIT NO. 7908-0028, AND ENVIRONMENTAL ASSESSMENT NO. EA09-0003:** A request to redevelop an existing 80,704 square foot commercial building into a retail center. The project proposal entails site and building modifications that includes a 26,669 square foot two-story addition, exterior upgrade of the building façade, a new 30-foot pylon sign, and installation of associated site improvements. The project also requires a Conditional Use Permit for the proposed 32,975 square foot food market and for various restaurant/food service establishments. The project site is located at 1535 Landess Avenue (APN: 088-35-017), zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Dinna Bayangos, Ayafafil Management LLC. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Open the public hearing and continue the item to the March 11th meeting.)*

***2. ZONING AMENDMENT NO. ZA08-0001:** A consideration of amendments to the zoning ordinance text. The City proposes to amend the zoning ordinance by 1) combining the separate Commercial District sections (CO, C1, C2, TC and HS) into one section; combining the separate Industrial District sections (M1, M2 and MP) into one section; and 2) reformatting the Institution District section, Agricultural District section and Exceptions sections. The purpose of the project is to consolidate and streamline the zoning ordinance to make it easier to understand and implement. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. *(Recommendation: Close the public hearing and table the item, staff will re-notice the public hearing.)*

3. **CONDITIONAL USE PERMIT NO. UP08-0029, SITE DEVELOPMENT PERMIT NO. SD08-0007 AND PLANNED UNIT DEVELOPMENT PERMIT NO. PD09-0001:** An application to construct a 7,670 square foot church and on-site monument sign located at 1230 Piedmont Road (APN: 088-44-099). The project is located in the Single Family Residential with Hillside Combining District and Site and Architectural Overlay (R1-H-S). Staff Contact: Judie Gilli (408) 586-3280. PJ # 2544. *(Recommendation: Adopt Resolution No. 09-013 approving the project subject to conditions of approval.)*

4. **CONDITIONAL USE PERMIT NO. UP08-0044:** A request to allow for the operation of a Large Family Child Care home within an existing 1,620 square foot single family home located at 689 Clauser Drive (APN: 028-06-045), zoned Single Family Residential minimum 6,000 square foot lot (R1-6). Applicant: Yu Ying Lai. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Adopt Resolution No. 09-010 approving the project subject to conditions of approval.)*

5. **ZONING AMENDMENT NO. ZA08-0010, SPECIFIC PLAN AMENDMENT NO. ST08-0003, PARKING ORDINANCE AMENDMENTS:** A request to amend the City of Milpitas Zoning Ordinance Section 53 regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses within the City, including those within the Midtown and Transit Area Specific Plans. The proposed changes would affect new or remodel projects. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. *(Recommendation: Adopt Resolution No. 09-007 recommending approval of the amendments to the City Council.)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

XI. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS March 11, 2009

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Gurdev Sandhu-regular member, Larry Ciardella-regular member, Alex Galang - alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

a. **MINOR SITE DEVELOPMENT PERMIT NO. MS08-0016:** A request to construct a wind break near the outdoor seating area for the existing Banana Leaf restaurant located at 182 Ranch Drive. (APN: 022-54-011) Zoned General Commercial with 'S' Zone Overlay District. Applicant: Banana Leaf Restaurant. Staff Contact: Tiffany Brown, 408-586-3283. *(Recommendation: Approve MS08-0016 subject to the conditions of approval)*

b. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0003: A request to install site modifications that include new security fencing at the rear of the building and landscape modifications for the site located at 1210 California Circle (APN: 022-37-017), zoned Industrial Park. Applicant: Anthony Matisi. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approve MS09-0003 subject to the conditions of approval)*

KNOW YOUR RIGHTS UNDER THE **OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
E-mail: mogaz@ci.milpitas.ca.gov
Phone (408) 586-3040
Fax (408) 586-3030

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.