

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR MARCH 11, 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 25, 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. UP08-0028, 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 conditional Use Permit for the proposed 32,975 square foot food market, and installation of associated site improvements. The applicant is also requesting preliminary comments on a proposed 30-foot pylon sign. 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: Adopt Resolution No. 09-010 approving the project subject to conditions of approval.)*

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 separate Commercial District sections (CO, C1, C2, HS, and TC) into one section; combining the separate Industrial District sections (M1, M2 and MP) into one section; 2) reformatting the Institutional District section, Agricultural District section and Exceptions Section; and 3) prohibiting places of assembly uses that are not associated with industrial or business uses within Industrial Districts. Ancillary text changes to the zoning ordinance are also proposed to ensure internal consistency. Staff Contact: Sheldon S. Ah Sing (408) 586-3278 (*Recommendation: Adopt Resolution No. 09-015 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 25, 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. MS09-0006:** A request for a 1,522 square foot addition and new deck for an existing hillside home located at 1658 Pebble Beach Court. (APN: 029-55-022), zoned Single Family Residential with Hillside and Site and Architectural Overlays (R1-H-S). Applicant: C.C. Chin. Staff Contact: Tiffany Brown, 408-586-3283. (*Recommendation: Approve MS09-0006 subject to the conditions of approval*)
- c. **MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MA09-0001:** A request to add a new entryway and creating new walkways to the parking lot from the entryway at 800 Tasman Drive (APN: 086-02-053), zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Elizabeth Yeung. Staff Contact: Cindy Hom (408) 586-3284. (*Recommendation: Approve MA09-0001 subject to the conditions of approval*)

d. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0001: A request to remove 21 parking spaces to accommodate two garage buildings and re-stripe parking lot area to include compact spaces at an existing apartment complex located at 555 S Park Victoria Drive (APN: 088-02-027), Multi-family Residential with Site and Architectural Overlay (R3-S). Applicant: Mindy Anderson. Staff Contact: Cindy Hom (408) 586-3284. (*Recommendation: Approve MS09-0001 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.