

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR APRIL 8, 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: March 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. ZONING ORDINANCE AMENDMENT NO. ZA09-0001, CONVERSION OF MOBILE HOME PARKS TO OTHER USES:** A request to amend the City of Milpitas Zoning Ordinance Title XI, Chapter 20 regarding the conversion of mobilehome parks to other uses and Title XI, Chapter 10-64 establishing mobilehome park conversion permit process. The section would affect existing mobilehome parks within the City. The proposed changes would affect the requirements to convert, close or cease to use land as a mobilehome park. Staff Contact: Felix Reliford (408) 586-3071. *(Recommendation: Adopt Resolution No. 09-017 recommending approval of the amendments to the City Council.)*
- 2. CONDITIONAL USE PERMIT NO. UP08-0019 and ENVIRONMENTAL ASSESSMENT EA09-0007:** A request to operate a religious services facility and to allow joint use parking. The project is located at 513 Los Coches Street. (APN: 086-28-031), zoned Industrial Park with Site and Architectural Overlay (MP-S). A new exit door is proposed in the rear with no other exterior changes to the site or building being proposed. An environmental assessment was prepared for this project. An Initial Study dated March 2, 2009, a notice of intent and mitigated negative declaration were prepared and circulated. The proposed project, once mitigated, will not have a significant effect on the environment. Applicant: Chitra Hariharan. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2530. *(Recommendation: Adopt Resolution No. 09-016 approving the project and the Mitigated Negative Declaration, subject to the conditions of approval.)*

3. **PRESENTATION OF THE 2009-14 CAPITAL IMPROVEMENT PROGRAM (CIP):** Presentation of the CIP program, providing an overview of the Proposed 2009-14 CIP Annual Report. Staff Contact: Greg Armendariz (408) 586-3317. *(Recommendation: Find the proposed 2009-14 Capital Improvement Program in conformance with the General Plan and recommend the proposed Capital Improvement Program to the City Council.)*

* 4. **CONDITIONAL USE PERMIT NO. UP09-0001:** A request to operate a martial arts studio. The project is located at 106 South Park Victoria. (APN: 088-04-078), zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). No exterior changes to the site or building are proposed. Applicant: Tony Tran. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2572. *(Recommendation: Adopt Resolution No. 09-018 approving the project, subject to the conditions of approval.)*

X. OLD BUSINESS

* 5. **SIXTY-DAY COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0010:** Review of the approval, which allows seating on the dance floor during restaurant/dining hours and allows the service of a full range of alcoholic beverages for the existing restaurant located at 78 Dempsey Road. (APN: 088-04-001), zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). Applicant: Maria De Jesus Zauala. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Note, receipt and file the report)*

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 April 22, 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, Alex Galang-regular member, Noella Tabladillo-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. There being no items for consideration, the Planning Commission Subcommittee meeting is canceled.

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.