

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR MAY 27, 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**

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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.

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- IV. APPROVAL OF MINUTES:** May 13, 2009
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk \*)**

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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.

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**IX. PUBLIC HEARING**

- 1. GENERAL PLAN HOUSING ELEMENT AMENDMENT No. GP 09-0002 and DRAFT NEGATIVE DECLARATION No. EA 09-0009:** The General Plan Housing Element Amendment identifies the City's goals, policies, programs and housing objectives over the next five years (2009-2014). The Negative Declaration includes the environmental assessment of the proposed General Plan Housing Element Amendment pursuant to the California Environmental Quality Act (CEQA). Staff Contact: Felix Reliford (408) 586-3071. *(Recommendation: Approve the Conceptual General Plan Housing Element Amendment Update and forward recommendation to the City Council.)*
- \*2. GENERAL PLAN AMENDMENT NO. GP08-0005, ZONING AMENDMENT NO. ZA08-0012, ENVIRONMENTAL ASSESSMENT NO. EA08-0008:** McCarthy Ranch Mixed Use Project: A request to change the General Plan and Zoning designations for a 9.34 acre site from Industrial Park (MP) to General Commercial (C2) and provide environmental clearance for 49.2 acres of MP properties to develop at 0.50 Floor Area Ratio. The project includes a zoning text amendment to allow certain "industrial uses" as conditionally permitted in the C2 district. The project also proposes a modification to the existing Development Agreement for the sites. The project is located at North McCarthy Boulevard (APNs: 022-29-036, 022-30-037, 022-30-039 and 022-30-048) Applicant: Joey McCarthy. Staff Contact: Sheldon S. Ah Sing, (408) 586.3278. PJ#: 3221. *(Recommendation: Adopt Resolution No. 09-026 recommending approval and certification of the project and project EIR, subject to conditions of approval, to the City*

Council.)

- \*3. **MAJOR TENTATIVE MAP NO. MT08-0002, CONDITIONAL USE PERMIT NO. UP08-0046, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005:** McCandless Mixed Use Project: A request to develop a 23 acre site with three mixed use buildings and five residential buildings, including improvements to the existing adjacent roads, the construction of a new local street, and the dedication of an urban plaza and public trail along Penetencia Creek. The project contemplates 1,573 dwelling units, which include a transit oriented density bonus (25%) increase of the maximum density allowed for the site and 92,757 square feet of retail/commercial space. The project includes a Development Agreement and Owners Participation Agreement. This project does not include any architectural review. The project is located on McCandless Dr. (APNs: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101) and zoned Retail High Density Mixed Use (MXD2) and High Density Transit Oriented Residential (R3) with Site and Architectural Overlay and Transit Oriented Development Overlay on certain properties (S-TOD). Applicant: Integral Communities. Staff Contact: Sheldon S. Ah Sing, (408) 586.3278. PJ#: 3222. (*Recommendation: Open the public hearing and continue the public hearing to the June 24, 2009 Planning Commission meeting.*)

## X. NEW BUSINESS

4. **DISCUSSION OF A PLANNING COMMISSION WALKING TOUR OF RECENTLY CONSTRUCTED RESIDENTIAL PROJECTS:** A discussion of logistics and potential sites for a walking tour of recently constructed residential projects. Staff Contact: Sheldon S. Ah Sing (408) 586.3278.

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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.

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## XI. ADJOURNMENT

***THE NEXT PLANNING COMMISSION MEETING IS June 10, 2009***

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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.

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### **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](mailto: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](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*