

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR JULY 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:** June 24, 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. MAJOR TENTATIVE MAP NO. MT09-0001, SITE DEVELOPMENT PERMIT AMENDMENT SA09-0007, CONDITIONAL USE PERMIT NO. UP09-0009, AND ENVIRONMENTAL IMPACT ASSESSMENT EA09-0010:** A request to record a new tentative map to allow for the addition of 54 units, a conditional use permit to set the development standards, and a site development permit amendment to allow for the façade changes to the originally approved façade for Centria West. An Initial Study was prepared for the project and it was determined that this project is within the scope of the Midtown program EIR and the program EIR adequately describes the activity for the purposes of CEQA. (APN: 086-12-021) zoned Multi-Family Very High Density with Site and Architectural Overlay and is within the Midtown Specific Plan. Applicant: LYON Inc. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2583. *(Recommendation: Adopt Resolution No. 09-032 recommending approval of the project to the City Council, subject to the conditions of approval.)*
- 2. CONDITIONAL USE PERMIT NO. UP09-0012:** A request to locate a children's indoor recreation facility, Pump It Up, at 164 North Abel Street. (APN: 022-08-036) zoned Mixed Use Development with Site and Architectural Overlay District (MXD-S). Applicant: Walter Friedrich. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Adopt Resolution No. 09-029 recommending approval of the project, subject to the conditions of approval.)*

- * **3. SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0009:** A request for modifications to the Owner's Participation Agreement and approved floor plan to reflect changes in the unit mixes for Apton Plaza Apartments located at 230 N. Main Street (APN: 028-34-001 to 093) zoned Mixed Use with Site and Architectural Overlay (MXD-S). Applicant: Steve Gall, USA Properties Funds. Staff Contact: Cindy Hom (408) 586-3284. PJ # 3144. *(Recommendation: Adopt Resolution No. 09-031 recommending approval of the project, subject to the conditions of approval and Owner's Participation Agreement to the City Council.)*

- * **4. LANDMARK TOWER DEVELOPMENT AGREEMENT:** An agreement addressing extension of permit timelines, park dedication requirements, and other public benefits. The Landmark Tower is an approved mixed use project for 375 units and 148,805 square feet of commercial space to be located at 600 Barber Lane (APN: 086-01-034) zoned Very High Density Mixed Use with High Rise and Site and Architectural Overlays (MXD3-H-S). Applicant: TP Pham LLC. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3214. *(Recommendation: Adopt Resolution No. 09-030 recommending authorization of execution of the development agreement to the City Council.)*

- * **5. TWO MONTH REVIEW OF CONDITIONAL USE PERMIT NO. UP08-0042 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0006:** Review of the approval for a certified Farmers' Market located within the Great Mall parking lot on Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Sunday prior to Thanksgiving. (APN: 086-24-060) zoned General Commercial with Site and Architectural Overlay District (C2-S). Applicant: Chang B. Yang. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Close the public hearing; note, receipt, and file until the next review.)*

X. NEW BUSINESS

- 6. PUBLIC NOTICING PROCEDURES:** Staff presentation on public noticing procedures. Staff Contract: James Lindsay (408) 586-3273.

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 July 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 Alex Galang-regular member, Noella Tabladillo-regular member, Cliff Williams-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.