



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: July 8, 2009

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**APPLICATION: TWO MONTH REVIEW FOR CONDITIONAL USE PERMIT NO. UP08-0042**

APPLICATION SUMMARY:

A review of a recently approved certified Farmers' Market within the Great Mall parking lot that operates on Sundays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving.

LOCATION:  
APPLICANT:  
OWNER:

1100 S Main Street (APN: 86-24-060)  
Chang B. Yang, 2343 South Hughes Avenue, Fresno, California 93706  
Richard Gallagher, 477 Great Mall Drive, Milpitas, CA 95035

**RECOMMENDATION: Staff recommends that the Planning Commission:**  
**1. Close the public hearing; and**  
**2. Note receipt, and file until the next review.**

PROJECT DATA:  
General Plan/  
Zoning Designation:

General Commercial / General Commercial (C2)

Overlay District:  
Related Permits:

Site and Architectural Overlay District (-S)

CEQA Determination:

A negative declaration was adopted in accordance with the California Environmental Quality Act for the approved project.

PLANNER:

Tiffany Brown

PJ: 2559

ATTACHMENTS:

None

# LOCATION MAP



**BACKGROUND**

On October 13, 2008, Chang B. Yang submitted an application requesting to operate a farmers market at the Great Mall. On February 11, 2009 the Planning Commission approved a conditional use permit which allows the operation of a certified farmers market and added a condition of a two month and six month review of the market. The Planning Commission also adopted a Negative Declaration in accordance with the California Environmental Quality Act for the project. This report is the two month review of the approved farmers market.

**PROJECT DESCRIPTION**

The conditional use permit allows for the operation of a certified Farmers' Market within the parking area closest to McDonalds/Chevron. The hours of operation are on Sundays from 8:00a.m. until 1:00p.m. during the months of April through the first Sunday prior to Thanksgiving in November.

*Issues*

On Sunday, June 21, 2009, Planning Staff observed the Farmers market operations to check compliance with the traffic control plan and other conditions of approval. The market appeared to be running smoothly and all the conditions of approval were met. Staff contacted the Police Department and Code Enforcement and there were no issues recorded at the time of writing this report.

**PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

**CONCLUSION**

Since the market opened two months ago, no complaints, issues, or concerns have been received and the market is in compliance with all of their conditions of approval. The next review will be scheduled in six months in accordance with the adopted conditions of approval.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission note receipt, and file this review.

Attachments:

None