

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR SEPTEMBER 9, 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 fewer than three minutes. As a 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:** August 26, 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. PRESENTATION**

- 1. MILPITAS SVUNWIRED:** Promotion of Milpitas SVUnwired internet access project by Karl Garcia/Andrew Gold. Staff Contact: Diana Barnhart (408) 586-3059. *(Recommendation: Receive presentation.)*

**X. PUBLIC HEARING**

- 2. CONDITIONAL USE PERMIT NO. UP09-0002:** A request to establish an auto wash service within the Great Mall's parking structure located at 1100 S. Main Street (APN: 086-24-060) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Pronto Wash. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2571. *(Recommendation: Adopt Resolution No. 09-040, approving the project subject to conditions of approval.)*
- 3. CONDITIONAL USE PERMIT NO. UP09-0006 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0015:** A request to locate a 3,200 square foot child care facility and installation of minor site modifications to allow for approximately 3,000 square feet of outdoor play area located at 301 S. Abbott Avenue (APN: 086-06-013) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Achieving Star Academy. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2577. *(Recommendation: Adopt Resolution No. 09-042, approving the project subject to conditions of approval.)*

4. **PERMIT REVIEW NO. PR09-0003 ICC REVIEW:** A permit month review of the India Community Center operations located at 525 Los Coches Street (APN: 086-28-052) zoned Industrial Park with Site and Architectural Overlay. Applicant: India Community Center. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2405. *(Recommendation: Close the public hearing following public testimony; note receipt and file.)*
- \* 5. **PERMIT REVIEW NO. PR09-0002 ICC FARMERS MARKET:** A (3) month review of the India Community Center Farmer's Market located at 525 Los Coches Street (APN: 086-28-052) zoned Industrial Park with Site and Architectural Overlay. Applicant: Pacific Coast Farmer's Market. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2405. *(Recommendation: Close the public hearing following public testimony and note receipt and file.)*
- \* 6. **CONDITIONAL USE PERMIT AMENDMENT NO. UA09-0005:** A request to add the sale of beer and wine to an existing restaurant located within the Calaveras Plaza Shopping Center at 217 W. Calaveras Blvd. (APN: 022-25-048) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Norris Mitchell. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2596. *(Recommendation: Adopt Resolution No. 09-041, approving the project subject to conditions of approval.)*

## XI. NEW BUSINESS

7. **REDEVELOPMENT PRELIMINARY PLAN FOR ADDED AREAS TO PROJECT AREA NO. 1:** A Preliminary Plan is required to be approved by the Planning Commission in order to further evaluation of potential redevelopment project areas. The attached Preliminary Plan includes the proposed boundaries of the new areas proposed to be added to Redevelopment Project Area No. 1. Staff Contact: Diana Barnhart (408) 586-3059. *(Recommendation: Adopt a Resolution selecting the boundaries of the Area proposed to be Added to the Redevelopment Project Area No. 1 and approve the Preliminary Plan for the proposed Added Area.)*
8. **CONSENT CALENDAR PROCEDURE:** A discussion on procedures relating to the Consent Calendar and the preferred format. Staff Contact: Sheldon Ah Sing (408) 586-3278 and Bryan Otake (408) 586-3042. *(Recommendation: Direct staff as to the format for the Consent Calendar on future Planning Commission agendas.)*

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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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## XII. ADJOURNMENT

***THE NEXT PLANNING COMMISSION MEETING IS September 23, 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 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](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.*