

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR NOVEMBER 18, 2009  
CITY HALL COUNCIL CHAMBERS 7:00 P.M.  
455 E. CALAVERAS BLVD., MILPITAS, CA 95035  
(408) 586-3279**

- I. ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- 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:** October 28, 2009
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR**

**Consent calendar items are considered to be routine and may be approved in one motion at the discretion of the Chair.** For public hearing items, prior to actual Commission consideration, the Chair may open the public hearing and ask if anyone present wishes to discuss any consent calendar items. There will be no discussion of consent calendar items unless a member of the audience or the Commission asks to have the item removed from the consent calendar. **Persons who want to speak on any item on the consent calendar should come forward now and ask to have that item removed from the consent calendar.** Any items removed will be discussed in the order arranged by the Chair.

- 1. FOUR MONTH REVIEW FOR CONDITIONAL USE PERMIT NO. UP08-0042:** A review of a recently approved certified Farmers' Market within the Great Mall parking lot that operates on Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Sunday prior to Thanksgiving. The site is zoned General Commercial with Site and Architectural and Transit Oriented Development Overlays. The site is also located within the Transit Area Specific Plan. Applicant: Chang B. Yang. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2559. (*Recommendation: Note receipt and file.*)
- 2. CONDITIONAL USE PERMIT NO. UP09-0039:** A request to locate an 800 square foot dental laboratory at 410 S. Main Street (APN: 086-26-020) zoned Mixed Use with Site and Architectural Overlay (MXD-S) and located within the Midtown Specific Plan. Applicant: Voltaire Guzman. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2608. (*Recommendation: Adopt Resolution No. 09-052 approving the project subject to conditions of approval.*)

**IX. PUBLIC HEARING**

None

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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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## **X. ADJOURNMENT**

***THE NEXT PLANNING COMMISSION MEETING IS December 9, 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 Noella Tabladillo-regular member, Cliff Williams-regular member, Aslam Ali-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. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0013:** A request to have a temporary Christmas Tree lot to raise money for Boy Scouts Camp at 62 Serra Way. (APN: 086-80-045) zoned Mixed Use Residential (MXD-S). Applicant: Boy Scouts of America. Staff Contact: Tiffany Brown (408) 586-3283. (*Recommendation: Approve Minor Site Development Permit No. MS09-0013 subject to conditions of approval.*)

### **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.*