

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR FEBRUARY 10, 2010
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**

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.

- IV. APPROVAL OF MINUTES:** January 27, 2010
- 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.

VIII-1. CONDITIONAL USE PERMIT NO. UP09-0037: A request to operate two takeout restaurants, one restaurant with drive through and one without drive through, within an existing commercial building at 1785 Landess Ave. (APN: 088-43-028) zoned General Commercial with Site and Architectural Review Overlaying District (C2-S). Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2605. *(Recommendation: Adopt Resolution No. 10-009 approving the project subject to conditions of approval.)*

VIII-2. MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MS10-0001: A request for landscaping modifications consisting of the removal and replacement of one protected tree to accommodate a new storm water filtration unit along the rear property line at 1535 Landess Avenue (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Dinna Bayangos. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2545. *(Recommendation: Adopt Resolution No. 10-010 approving the project subject to conditions of approval.)*

- IX. PUBLIC HEARING**

IX-1. CONDITIONAL USE PERMIT NO. UP09-0053: A request to operate a 2,750 square foot child care facility at 550 N. Abel Street (APN: 022-07-004) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Vijay and Rupa Sethna. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2625. (*Recommendation: Adopt Resolution No. 10-011 approving the project subject to conditions of approval.*)

IX-2. SITE DEVELOPMENT PERMIT NO. SD10-0001: A request to allow for an exception from the Milpitas Municipal Code Title XI, Chapter 10, Section 4.05 B. for the front yard coverage of a residence at 1962 Everglades Drive (APN: 088-26-97) zoned Single Family Residential (R1-6). Applicant: Surinder, Santokh, and Baljit Gill. Staff Contact: Tiffany Brown (408) 586-3283. (*Recommendation: Adopt Resolution No. 10-012 approving the project subject to conditions of approval.*)

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.

X. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS February 24, 2010

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 Cliff Williams-regular member, Mark Tiernan-regular member, Sudhir Mandal-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. MA10-0001, CHANG RESIDENCE:** A request to allow a single story addition to the rear of a single-family residence. The request also includes an attached second dwelling unit. Applicant: Mr. Chang. Staff Contact: Sheldon Ah Sing (408) 586-3278. (*Recommendation: Approve Minor Site Development Permit No. MA10-0001 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

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.