

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR OCTOBER 27, 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**

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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 13, 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.

None

- IX. PUBLIC HEARING**

**IX-1 GENERAL PLAN AMENDMENT NO. GP07-0002, ZONING AMENDMENT NO. ZA07-0001, SITE DEVELOPMENT PERMIT NO. SZ07-0001, CONDITIONAL USE PERMIT NO. UP09-0035, and DEVELOPMENT AGREEMENT NO. DA09-0003, MILPITAS SQUARE MASTER PLAN:** A request to allow a master plan that would accommodate phased future development of an existing regional commercial site that would ultimately include six buildings, a maximum of 900 dwellings and 175,000 sq. ft. of retail, shared parking and site improvements over a twenty-five year period. The project includes a General Plan and Zoning Amendment to consider a change in the underlying site land use designation from commercial to mixed use; a Site Development Permit to consider the site layout, phasing plan and design guidelines; a Conditional Use Permit to consider shared parking, height above 12 stories, deviations from setbacks; and a Development Agreement to address timing and obligations by the developer. A Final Environmental Impact Report will also be considered with the project. The project is located at 198 Barber Court (APN: 086-01-043). Applicant: Ben Chuaqui. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. *(Recommendation: Adopt Resolution Nos. 10-042 and 10-043 recommending approval of the master development plan, the development agreement and certification of the EIR to the City Council.)*

**IX-2 GENERAL PLAN AMENDMENT NO. GP10-0003 AND SPECIFIC PLAN AMENDMENT NO. ST10-0001:** A request to consider proposed text amendments to the General Plan and Midtown Specific Plan. Proposed text amendments consist of changes to integrate the City's Park and Recreation Master Plan and Milpitas Bikeway Master Plan as well as other updates to exhibits, tables, and figures, which includes land use designation changes to several creek channels and public right-of-ways. Applicant: City of Milpitas. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Adopt Resolution No. 10-022 recommending approval to the City Council.)*

## **X. NEW BUSINESS**

**X-1 ADMINISTRATIVE APPEAL:** Appeal of staff's decision for automobile repair at 22 Sinnott Lane zoned Mixed Use with Site and Architectural Overlay (MXD-S). Staff Contact: Sheldon S. Ah Sing (408) 586-3278. *(Recommendation: Uphold staff's decision to deny the request based on the existing zoning code language.)*

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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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## **XI. ADJOURNMENT**

***THE NEXT PLANNING COMMISSION MEETING IS November 17, 2010***

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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 Larry Ciardella - regular member, Gurdev Sandhu - regular member, Steve Tao - 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. MS10-0027:** A request for a three day religious festival (Celebration of Diwali) held on November 5, 2010 to November 7, 2010 between the hours of 5:00 p.m. to 11:00 p.m. located at 1180 Cadillac Court (APN: 022-57-034) zoned Industrial Park with Site and Architectural Overlay. Applicant: Sikh Foundation of Milpitas. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approve Minor Site Development Permit No. MS10-0027 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.*