

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR OCTOBER 23, 2013  
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:** September 25, 2013
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA:** October 23, 2013

**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. UP13-0018:** A request to operate a testing, and assembly processing business within an existing tenant space at 1677 South Main Street. (APN: 86-21-073) zoned General Commercial with Site and Architectural Review Overlay (C2-S) and is located within the Midtown Specific Plan. Applicant: Ayala Material Services. Staff Contact: Tiffany Brown (408) 586-3283. PJ 1006

***Recommendation: Adopt Resolution No. 13-029 approving Conditional Use Permit No. UP13-0018 subject to conditions of approval.***

**IX. PUBLIC HEARING**

**IX-1 GENERAL PLAN AND ZONING TEXT AMENDMENT NO. GP13-0004, & ZA13-0005:** A request for a General Plan and Zoning text amendment to the Town Center land use and zoning district development standards to adjust the allowable residential density range from 0-40 housing units per gross acre to 21-40 housing units per gross acre. A Negative Declaration was prepared for this project. Location: Town Center Land Use Designation and Zoning District. Applicant: City of Milpitas. Staff Contact: Scott Ruhland (408) 586-3274.

*Recommendation: Adopt Resolution No. 13-028 recommending the City Council adopt General Plan Amendment No. GP-13-0004 and Zoning Amendment No. ZA-13-0005 to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre for the Town Center.*

**IX-2 ZONING TEXT AMENDMENT NO. ZA13-0004:** A request to amend the City's Zoning Code to add provisions regarding "emergency shelters", "single room occupancies", "supportive housing", "transitional housing", and reasonable accommodations to be consistent with California Law. Definitional entries, and operational and development standards are proposed. Other ancillary amendments as necessary to implement the changes are proposed. A Negative Declaration is proposed for the project. Applicant: City of Milpitas. Staff Contact: Felix Reliford (408) 586-3071.

*Recommendation: Adopt Resolution No. 13-023 recommending the City Council adopts an ordinance amending the Zoning Code to include provisions relating to emergency shelters, single room occupancy residences, supporting housing, transitional housing, and reasonable accommodation based on the findings set forth herein and adopt a Negative Declaration for the project.*

**IX-3 DEVELOPMENT AGREEMENT NO. DA13-0001:** A request for a Disposition and Development Agreement between the Milpitas Housing Authority and South Main Street Senior Lifestyle LLC, involving the purchase of 5.94 acres and the development up to 389 housing units (Senior Congregate Care and Independent Living), located at 1504-1620 South Main Street (APNs 86-22-027, -028, -033, -041, and -042) zoned Multi-family Residential, Very High Density with Site and Architectural Overlay (R4-S). Applicant: Joseph Callahan. Staff Contact: Felix Reliford (408) 586-3071. PJ 2593

*Recommendation: Adopt Resolution No. 13-027 finding that the disposition of the property for the development of 389 senior rental housing units are in conformance with the General Plan and Midtown Specific Plan.*

**IX-4 GENERAL PLAN AMENDMENT NO. GP12-0003, ZONING AMENDMENT NO. ZA12-0004, SITE DEVELOPMENT PERMIT NO. SD12-0002, PLANNED UNIT DEVELOPMENT NO. PD12-0001, MAJOR VESTING TENTATIVE MAP NO. TM12-0001 AND ENVIRONMENTAL ASSESSMENT NO. EA13-0003:** A request to (i) change the General Plan and Zoning Land Use Designations from Industrial Park to Residential for subdivision and construction of an 84-single-family detached residential development on 10.7 acres, (ii) construct a Penitencia Creek pedestrian bridge, (iii) and change the General Plan and Zoning Land Use Designations on six other parcels from Industrial Park to General Commercial and Residential for 18.5 acres of developed property. The project includes an Environmental Impact Report. Applicant: Trumark Homes. Staff Contact: Cindy Hom (408) 586-3284. PJ 2830.

*Recommendation: Adopt Resolution No.13-025 recommending to the City Council denial of General Plan Amendment No. GP12-0003, Zoning Amendment No. ZA12-0004, Site Development Permit No. SD12-0002, Planned Unit Development No. PD12-0001, and Major Vesting Tentative Map No. TM12-0001 based on the finding set forth in this Report.*

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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 October 26, 2013**

**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 1 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.*

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The Planning Division will provide a recorded agenda or minutes on standard disc 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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