

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR NOVEMBER 13, 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**

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 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:** October 23, 2013 and October 26, 2013
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA:** November 13, 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. UP13-0019:** A request to re-establish a discontinued auto repair use within the existing non-conforming building at 1636 South Main Street, (APN: 086-22-024) Zoned Multi-Family Residential with Site and Architectural Overlay (R3-S), and is located within the Midtown Specific Plan. Applicant: Vu Doan. Staff Contact: Tiffany Brown (408) 586-3283.

Recommendation: Adopt Resolution No. 13-033 approving Conditional Use Permit No. UP13-0019 re-establishing a discontinued non-conforming auto repair use located at 1636 South Main Street, subject to conditions of approval.

VIII-2 SITE DEVELOPMENT PERMIT NO. SD13-0015 AND CONDITIONAL USE PERMIT AMENDMENT NO. UA13-0005: A request for façade modifications to the Great Mall incorporating the new Red Robin restaurant, along with amending Conditional Use Permit (UP1167.2) for the addition of a full service bar located at 248 Great Mall Drive, (APN: 86-24-060) Zoned General Commercial with Site and Architectural Overlay (C2-S), and is located within the Transit Area Specific Plan. Applicant: Red Robin International. Staff Contact: Tiffany Brown (408) 586-3283. PJ2958

Recommendation: Adopt Resolution No. 13-031 approving Site Development Permit No. SD13-0015 and Amending Conditional Use Permit No. 1167.2 authorizing the façade modifications and a full service bar for the Red Robin Restaurant located at the Great Mall, subject to conditions of approval.

VIII-3 GENERAL PLAN AMENDMENT NO. GP13-0001, ZONING AMENDMENT NO. ZA13-0001, SITE DEVELOPMENT PERMIT NO. SD13-0001, CONDITIONAL USE PERMIT NO. UP13-0001, TENTATIVE MAP NO. MT13-0001, VARIANCE NO. VA13-0001, PACIFIC MALL & HOTEL: A request to create a Freeway Corridor Overlay for increasing the Floor Area Ratio; to subdivide the property; to allow demolition of a portion of the McCarthy Ranch Marketplace, and to construct 284,587 square feet of retail, including a 240 room hotel. An Environmental Impact Report has been drafted and circulated for the project. Location: 11-111 Ranch Drive (APN: 22-053-002, -003, -006, and -007.) Applicant: TMS McCarthy, Inc. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ#2824

Recommendation: Continue the item to the December 11, 2013 Planning Commission Meeting.

VIII-4 SUMMARY VACATION OF UNNECESSARY PORTION OF OLD CAPITOL AVENUE PUBLIC RIGHT-OF-WAY (KNOWN AS “WHITE HOLE”) FOR ROADWAY PURPOSES PURSUANT TO STATE STREETS AND HIGHWAY CODE SECTION 8333(a): Finding that the Summary Vacation of the unnecessary portion of Old Capitol Avenue Right-Of-Way (known as “White Hole”) is in conformance with the State Streets and Highway Code Section 8333(a), and that the disposition of the property (“White Hole”) for the Integral McCandless Mixed Use Project (District 1 Building 1) is in conformance with the General Plan and Transit Area Specific Plan. Location: Adjacent to 1315 McCandless Drive. Applicant: City of Milpitas. Staff Contact: Sheldon S. Ah Sing (408) 586-3278.

Recommendation: Adopt Resolution No. 13-035 finding the summary vacation and disposition of 0.7 acres of Old Capitol Avenue Right-Of-Way to be in conformance with the Transit Area Specific Plan and General Plan.

VIII-5 CONDITIONAL USE PERMIT NO. UP13-0015: A request to operate a farmers’ market within the Kaiser Permanente parking lot located at 770 E. Calaveras Blvd. (APN 86-29-060), zoned Town Center with Site and Architectural Overlay on Sundays between the hours of 6:00AM to 2:00PM and a request for a shared parking agreement for overflow parking. Applicant: Pacific Coast Farmers’ Market Association. Staff Planner: Cindy Hom (408) 586-3284. PJ#2997

Recommendation: Continue the item to the December 11, 2013 Planning Commission Meeting.

IX. PUBLIC HEARING

- IX-1 SITE DEVELOPMENT PERMIT NO. SD13-0018:** A request to construct a new 6,000 square foot home with a three car garage on the hillside at 826 Calaveras Ridge Drive. (APN: 029-6-031) The site is within a Planned Unit Development (PUD25.5) and zoned Single Family Residential with Site and Architectural Overlay, along with Hillside Combining District (R1-S-H). Applicant: Nadia Pichko. Staff Contact: Tiffany Brown (408) 586-3283. PJ#2884

Recommendation: Adopt Resolution No. 13-032 recommending approval to the City Council of Site Development Permit No SD13-0018 to construct a new 6,000 square feet home in the hillside, 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.

XI. ADJOURNMENT – The next Planning Commission Meeting is December 11, 2013

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.

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.