C I T Y O F M I L P I T A S
APPROVED

PLANNING COMMISSION MINUTES

October 22, 2003

I.
PLEDGE OF ALLEGIANCE

Chair Nitafan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II.
ROLL CALL

Present: Nitafan, Williams, Galang, Giordano, Hay, Lalwani and Sandhu
Absent: None
Staff: Heyden, Lindsay and Rodriguez

III.
PUBLIC FORUM

Chair Nitafan invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

IV.
APPROVAL OF MINUTES
October 8, 2003

Chair Nitafan called for approval of the minutes of the Planning Commission meeting of October 8, 2003.

There were no changes from staff.

Commissioner Lalwani revised the paragraph on Page 7 to read the following:

Commissioner Lalwani pointed out to Mr. McNeely that she found a picture along with the address of the Montague Court buildings rented by South Bay Development Company and showed the picture to Mr. McNeely.

Commissioner Giordano revised the paragraph on Page 7 to read the following:

Commissioner Giordano is concerned about the budget for the Adobe project and asked how long the project has been on hold.

Motion to approve the minutes as amended.

M/S: Lalwani/Giordano

AYES: 7

NOES: 0

V.
ANNOUNCEMENTS

James Lindsay, Acting Planning Manager, noted that the resignation of Commissioner Hay creates an opening on the Planning Commission Subcommittee and the new alternate is Commissioner Lalwani for the rest of the term.

Commissioner Hay asked if he could have two minutes to speak at the end of the meeting and the Commission agreed.

Commissioner Giordano announced that she attended the very informative BART Land Use Tour and thanked staff for allowing her to go. She also commended Mayor Esteves who was part of the steering group that put the tour together.

VI.
APPROVAL OF AGENDA

Chair Nitafan called for approval of the agenda.

There were no changes from staff.

Motion to approve the agenda as submitted.

M/S: Lalwani/Williams

AYES: 7

NOES: 0

VII.
CONSENT CALENDAR
Item Nos. 2, 3, 4, 5, 6 and 7

Chair Nitafan asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes from staff.

Commissioner Giordano asked to remove Item No. 4 (Use Permit No. P-UP2003-33) and Item No. 7 ("S" Zone Approval Amendment No. P-SA2003-128) from consent and the Commission agreed.

Chair Nitafan opened the public hearing on Consent Item Nos. 2, 3, 5 and 6.

There were no speakers from the audience.

Close Public Hearing on Item Nos. 2, 5 and 6

Keep Public Hearing open on Item No. 3

Motion to close the public hearing on Item Nos. 2, 5 and 6 keep the public hearing open and continue consent Item No. 3 to November 12, 2003.

M/S: Williams/Giordano

AYES: 7

NOES: 0

Motion to approve the consent calendar on Consent Item Nos. 2, 3, 5 and 6.

***2 USE PERMIT NO. P-UP2003-36:** Request to operate an automotive smog test center located at 1358 Minnis Circle, zoned HS-Highway Services (APN: 022-02-040). Applicant: Kevin Wong. Project Planner: Kim Duncan, (408) 586-3283. (PJ# 2347) *(Recommendation: Approval with conditions)*

***3 SIX-MONTH REVIEW OF USE PERMIT NO. 1488:** Verification of compliance with conditions of approval for Ola's Corner Restaurant at 167 S. Main Street (APN: 086-08-049) Applicant: Ola Hassan. Project Planner: Staci Pereira, (408) 586-3278. (PJ #2349) *(Recommendation: Continue to November 12, 2003)*

***5 SIX-MONTH REVIEW OF USE PERMIT AMENDMENT NO. P-UA2002-21:** *(Continued from October 8, 2003)* Verification of compliance with all conditions of approval including maximum number of seats and ensuring trash bins are kept within the existing enclosures at 89 S. Park Victoria Drive (APN: 088-04-048). Applicant: Manuel Montono. Project Planner: Staci Pereira, (408) 586-3278. (PJ #2334) *(Recommendation: Approve modified condition of approval)*

***6 TIME EXTENSION (P-TE2003-4):** A request for a one time, 18-month time extension of a previously approved Hillside Site and Architecture Review and Use Permit for a 1,100 square foot hillside guest house at 461 Vista Ridge Drive, zoned R1-H, Single Family Hillside (APN: 042-30-007). Applicant: Javier Mercado. Project Planner: Troy Fujimoto, (408) 586-3287. *(Recommendation: Recommend approval to City Council with approved conditions)*

M/S: Giordano/Williams

AYES: 7

NOES: 0

VIII.
PUBLIC HEARINGS

Chair Nitafan opened the public hearing on Agenda Item No. 1

1. SIX MONTH REVIEW OF USE PERMIT NO. 1532 (P-UA2003-17): *Verification of compliance with all conditions of approval for Use Permit No. 1532 for a cafe (Q-Cup) at 1679 N. Milpitas. Blvd. Applicant: Ted Chen, Q-Cup.*

James Lindsay, Acting Planning Manager, presented a six-month review of Use Permit No. P-UA2003-17; verification of compliance with all conditions of approval for Use Permit No. 1532 for a cafe (Q-Cup) at 1679 N. Milpitas. Blvd.

Mr. Lindsay noted that the Use Permit was granted 3 years ago, and now a new tenant is operating the business and not serving alcoholic beverages. Staff discovered that the six- month review for the Use Permit was never performed and that the applicant was not in compliance with special condition no. 1. Staff also found that the patrons are creating excessive noise after 9 p.m., which is affecting the adjacent mobile home park. Mr. Lindsay recommended approval of new conditions based on the findings and conditions noted in the staff report.

Commissioner Hay noted that on April 7th, code enforcement received a complaint about noise and was concerned that the property owner wasn't notified until July 11th. He asked if staff missed something in the process. Mr. Lindsay replied that a response to the applicant was initiated once the complaint was verified and validated.

Commissioner Hay wanted to know if a changeover in ownership occurred during that time and Mr. Lindsay replied that the noise complaint came with the new tenant.

Vice Chair Williams asked if staff had an opportunity to visit the site during the evening when the chairs and tables were outside. Mr. Lindsay replied that the seats were outside when staff observed excessive noise but a count was not made on the exact number of tables.

Commissioner Lalwani noted that on page 3 of 5, Planning and Police staff concluded that the noise complaints came from the exterior activity attributable to Q-Cup patrons, including the outdoor seating, the open doors and from people loitering in the parking lot. She asked if the owner is liable for the noise activity. Mr. Lindsay stated that staff believes the owner is liable because the patrons are consuming the beverages in the parking lot and the car activity is attributable to the patrons and the applicant should be held responsible.

Commissioner Lalwani asked if the business owner is held responsible for anything that happens in the parking lot and Mr. Lindsay replied that the activity that is occurring in the parking lot is from patrons of the business and the same conclusion can't be made for general activity that can't be attributable to the business.

Commissioner Galang noted that on page 3 of 5, staff received a comment letter on the application regarding the housekeeping of the parking lot and asked what does the housekeeping refer to. Mr. Lindsay replied that the housekeeping refers to trash accumulation that occurred in the parking lot such as cups, straws and pearls. He also mentioned that upon staff's review, the business owner did not have time to clean up and that these are some of the items that staff will be looking at for the three-month review.

Regarding added special condition no. 16, Commissioner Galang wanted to know why staff is recommending a three-month review versus six months. Mr. Lindsay explained that due to the noise impacts to the residential neighborhoods, six months is a long time to wait to reduce noise levels and staff felt three months to be more appropriate to rectify any non-compliance issues sooner.

Commissioner Galang asked if staff is going to require a three or six month review if there are no complaints and Mr. Lindsay replied that if the conditions are effective, staff would re-evaluate them and determine their applicability.

Vice Chair Williams commented that with the winter months coming up, there is a possibility that outdoor activity would be curtailed. He questioned whether three months would be the proper time to do an assessment of outdoor activity. Mr. Lindsay replied that the café is a very popular establishment and with school being out during that time, a three-month review could be done.

Vice Chair Williams replied that he wants to be fair to the applicant and respects that young people need a place to meet and talk and any place operating late in the evening could be volatile.

Chair Nitafan noted that the business owner was notified twice (both in April and in October) that outdoor seating was not allowed and asked if the reason for non-compliance was due to the change in ownership. Mr. Lindsay replied that the applicant stated they were unaware of the restriction of the outdoor seating.

Chair Nitafan asked how staff plans to enforce condition no. 13 which reads the following:

13. *Regarding added condition no. 13, "No Loitering" and "Parking for Crescent Square Patrons Only, All Others Will Be Towed" signs shall be installed in the Crescent Square parking lot. The applicant shall submit a site plan to the Planning Division indicating the location of all signage.*

Mr. Lindsay replied that staff is asking that the business owners enforce this. He explained that Condition no. 15 speaks to the business owner giving them the authority to tow patrons and that the applicant felt that some of the customers are coming from across the street and meeting with their patrons. Condition no. 15 reads as follows:

15. *During all hours of operation for the business at the said location, the business owners shall be responsible for enforcing the no loitering and no parking provisions established by the signs required in condition of approval No. 13 and controlling the noise generated by their patrons on the site. The Milpitas Police shall be contacted when additional enforcement is necessary.*

Chair Nitafan invited the applicant to speak.

Ted Chen, Applicant of Q-cup café, gave a background description of the business and mentioned that the business has been opened since December 1, 2002 and provides lots of employment opportunities and is a safe and clean environment for teenagers. He mentioned there have been no major incidents for the past 10 months involving customers or the business and that Q-cup was voted the best place to hang out by Milpitas High students.

Mr. Chen acknowledged that the City notified him that he did not have permits for outdoor seating, in which he called the landlord and the landlord claimed that they did have the outdoor seating on the original plans for the use permit. He explained that staff called him and said that the business requires a six-month review and that he didn't understand since the original use permit stated that a review is required for the sale of alcohol. He explained that the business does not even serve alcohol. Mr. Chen explained that he has been meeting several times with the City and felt that it wasn't fair to have a six month review because it does not apply to his business.

Regarding the garbage issues, Mr. Chen explained that Q-cup employees are responsible to pick up garbage during closing time and the landlord cleans twice a week. Employees are told not to pick up non Q-cup litter that is generated from other businesses.

Regarding complaints and police reports, Mr. Chen felt that staff implied that there were twenty complaints from residences, when he was told there were only four complaints. He felt that it was ridiculous and that the City was blowing the whole thing out of proportion. He also felt that the City is hassling him with new conditions.

David Do, Applicant of Q-cup café, also felt that the Planning department never tried to help him solve the problems and made him feel like he had a number of complaints. He said that out of the blue, staff required a six-month review and he didn't understand why. Mr. Do is questioning the fairness of the situation and added that Q-cup should not be responsible for all of the noise in the parking lot.

In reviewing the staff report, Commissioner Hay noted his confusion that he thought the six-month review was for the commencement of sales of beer and wine and asked the City Attorney to further explain this.

Attorney Kit Faubion explained that the six-month review was intended only for beer and wine sales and the words that state six months or the sale of beer and wine, whichever comes first, suggests that if the six months should have passed before the beer and wine sales, the applicant would have to of had a review. She explained that it is unclear that if the commencement of beer and wine sales would have begun the review would have been triggered, and the wording suggests that it would have happened that way. She also stated that the Planning Commission could consider this a code enforcement issue.

Commissioner Hay was confused since he felt that the six-month review is being brought forward because of alcohol sales, not code enforcement issues.

Mr. Lindsay explained that code violations are handled at staff level with violations to the municipal code, and staff has a history of trying to resolve the non-compliance issues of conditions such as outdoor seating and noise. He explained that the purpose of the review is to review compliance of the conditions. In this case, staff determined that the applicant was not in compliance with condition no. 1 and took this opportunity to address the noise complaints.

Commissioner Hay asked if the outdoor seating was the issue and Mr. Lindsay replied that regardless if the business was not in violation of the seating, and not subject to any noise complaints, the Commission would still be reviewing the issues.

Commissioner Hay asked what is the alternative for the City to address the noise problem and the loitering. Attorney Faubion explained that there appears to be a connection with the outdoor seating and the noise problem, it could be separate, but it does seem like there is a connection. The Commission has an option to keep them together through the conditions, or to keep them separate as well.

Commissioner Hay asked if the Commission chose to take away the outdoor seating and close the doors and the problem continues, how would the City address the problem. Mr. Lindsay commented that staff supports two alternatives - 1) The applicant hire a security guard to control the patrons or 2) reduction of hours.

Commissioner Hay asked if the conditions that staff has suggested include the reduction of hours or the security guard. Mr. Lindsay replied, “No” and that staff was hoping that less stringent measures would be able to solve the problems.

Commissioner Hay asked the applicant if they are o.k. with staff’s added special conditions and Mr. Do replied that the main problem with him is the three-month hearing, but he does not have a problem with the other conditions.

Mr. Do explained that every hearing costs a lot of money and he is already having trouble making money in this economy. In regards to what the City Attorney pointed out about the connection with outdoor seating and noise, Mr. Do explained that the patrons do talk, but not that loud and the noise comes from car engines from the parking lot and from the street.

Commissioner Hay asked if the parking spaces are shared by the whole center and Mr. Do said, “Yes” and added that the City should have approved a sound proof wall in the shopping center.

Commissioner Galang asked what type of food and drinks are served. Mr. Do replied that coffee, tea, fish bowl, chicken and squid and crepes are served. He added that they have Caucasian clientele during the day but mostly Asian teenagers at night.

Commissioner Galang asked if the applicant sells beer and wine and Mr. Do replied “No”.

Commissioner Galang was concerned that the applicant would be allowed to serve beer and wine when most of their customers are students. Mr. Do explained that the previous owner had a permit to sell beer and wine. He added that the whole process has been unfair and noted that Q-cup is a well-lit place for kids to just talk and hang out and that Q-cup has a free wireless internet and is free for use for customers.

Commissioner Sandhu referenced the handout that the applicant passed out, and noted that in the second page, there is a statement that the applicant felt unfairly harassed by the City. Commissioner Sandhu asked the applicant if they base their opinion due to the hearing or about a specific complaint. Mr. Do responded that he felt that the City did not try to work with him to come up with a solution and felt it was a hassle attending the hearing when the planning department could of just explained the conditions.

Commissioner Sandhu asked the applicant if they felt that it is part of the City's responsibilities to get the issues resolved. Mr. Do agreed with Commissioner Sandhu but still contended that the process was a hassle and felt that this should have been a code enforcement issue, not a public hearing.

Regarding Mr. Chen's earlier statement about litter in the parking lot, Vice Chair Williams asked if the applicant was aware of whom the litter belonged to. Mr. Chen replied that the litter belonged to Tokyo Express, Quizno's and Starbucks.

Vice Chair Williams commented that young people want to attract others and Q-cup may bring others from other businesses, which may cause excess litter and noise.

Mr. Chen explained that he wrote a letter to staff regarding cars that are loitering in the parking lot from across the street during lunchtime and dinnertime and it is a parking problem because a lot of customers that go to the business are walking from across the street.

Commissioner Lalwani asked staff how they found out that the applicant did not sell beer and wine and Mr. Lindsay replied that staff found out after a site visit.
Commissioner Lalwani stated that condition no. 12 should be voided since the applicant does not sell beer and wine. Mr. Lindsay replied that if the condition were worded differently, then it would be correct.

Regarding the nature of the complaints, Commissioner Giordano asked if staff knows who made the complaints and how many were there. Mr. Lindsay replied that the applicant had the perception that there were over twenty complaints, but in looking at the memo, there were five complaints.

Mr. Do stated that after 9 p.m., there is a lot of traffic of Milpitas Boulevard, which generates a lot of noise. He explained that one of the main complaints is noise from the parking lot and claims that it is not related to his business.

Commissioner Giordano asked if the complaints were from one individual or five different individuals. Mr. Lindsay replied that he was not aware of the actual numbers of people, but clearly they came from the mobile home park.

Chair Nitafan asked the applicant if they are at the premises at all times since they are held responsible. Mr. Do replied that he is there most of the time and has a video camera that is monitored through the internet and Mr. Chen lives about one minute away and is there on most days.

Chair Nitafan asked about the frequency of complaints and Mr. Lindsay replied that the he does not know since information is anonymous.

In regards to condition no. 12, Chair Nitafan commented that since the clientele of this business has changed, he would like staff to revoke their permits for sales of beer and wine. Mr. Lindsay replied that the conditions could be modified that removes their ability to have beer and wine sales and therefore be stricken from the Use Permit.

Chair Nitafan asked the applicant if they were o.k. with that and they replied yes. Mr. Lindsay – after consulting with the city attorney- said it would be better to remove the beer and wine sales at a future hearing, such as the three-month hearing.

Chair Nitafan opened the public hearing.

Dolores Huvey, 120 Dixon Landing Road, commented that she has made twelve calls to the police about noise at Q-cup. She stated that as winter approaches, there would be less outside activity. She explained that the noise is not just at night but also during the afternoon. When she has called police, they came and the noise stopped, but as soon as the police leave, the noise comes back. She explained that the noise is mostly boom boxes and she has seen kids and adults coming with food from other places and getting coffee and tea and coming back outside.

Hermilo Isla, 4070 Dundee, commented that he has eaten at Q-cup before and has seen a lot of kids that just hang out there after school. He explained that in the Midwest, they have noise ordinances that that say "noise free zone". He recommended that the Planning Commission display a noise ordinance sign to limit the noise.

Close Public Hearing

Motion to close the public hearing.

M/S: Giordano/Sandhu

AYES: 7

NOES: 0

Commissioner Giordano asked Mrs. Huvey how close is her home to the business and Mrs. Huvey explained that her home is on the other side of the wall, about two homes back.

Commissioner Hay commented that the City strongly endorses that businesses be good neighbors and tries to find ways to co-exist peacefully in the various neighborhoods. Given that philosophy, he urges the applicant to address the problem to the extent that they can. His belief is that the intent was to expand the six-month review to include conditions that were previously approved in January of 2000 that didn't have a six-month condition. He felt that the problem needs to be addressed as a code enforcement issue at staff level and he is not going to support staff's recommendation. He also felt that an amendment to the use permit be brought forth at another time to remove the alcohol permit.

Vice Chair Williams agreed with Commissioner Hay, and suggested that staff initiate some kind of agendized meeting with the property owner and use the Midwest placards to address a noise free zone just like San Jose used for a cruise free zone.

Chair Nitafan agreed with his fellow Commissioners.

Motion to deny the Six-Month Review of Use Permit No. 1532 (P-UA2003-17).

M/S: Hay/Lalwani

AYES: 7

NOES: 0

Commissioner Hay asked what would happen if the problems continue and Mr. Lindsay responded that staff would use the municipal code to enforce the noise complaints that are being generated from the business.

Vice Chair Williams asked if staff will follow up and look at the noise issue in the future and Mr. Lindsay replied that staff would work with both the applicant and the property owner.

Vice Chair Williams commented that a lot of the time, it is the property owner that seems to be the root of the problem when opportunities of improvement take place. He suggested again that staff address issues with the owner and not just with the applicant.

Frank De Schmidt, Milpitas Chamber of Commerce, commented that several years ago, he had a restaurant in town where people would loiter in the parking lot and had their boom boxes on. He worked with a couple of City Attorney's and they suggested posting signs by the property owner that state there is no loitering. The landowner empowers someone in the shopping center, usually a manager or tenant, to evoke it. Mr. De Schmidt added that this worked well at his restaurant.

Chair Nitafan opened the public hearing on Agenda Item No. 4.

2. USE PERMIT NO. P-UP2003-33: *A request to operate a computer learning center/arcade at 1319 Jacklin Road. Applicant: Hermilo Isla & Edgar Rondez.*

Mr. Lindsay presented Use Permit No. P-UP2003-33, a request to operate a computer learning center/arcade without providing three (3) required parking spaces at 1319 Jacklin Road, zoned C1-Neighborhood Commercial district. He explained that the zoning code doesn't have an exact description of a computer-learning center or Internet café, so staff has been using a section of the ordinance that refers to a coin operated arcade. Staff is recommending approval with conditions.

Commissioner Giordano noted that the shopping center is commercial with professional offices and when she saw the word "arcade", it immediately brought up a red flag. She didn't think the use would mix well with those establishments there now and is also concerned with what kind of noise level is generated with this type of use. She felt that staff may want to look at the ordinance to change and allow for this type of use since it probably will be something that staff is going to see more of in the future.

Commissioner Hay asked what is the ratio of parking for this type of business. Mr. Lindsay replied that staff has taken the direction of the Planning Commission and has used three parking spaces per station.

Commissioner Hay asked if staff is changing the ratio and Mr. Lindsay replied, "No", staff has been consistent and there is nothing unique about the application.

Vice Chair Williams asked staff if they have observed what type of clientele would be utilizing the service. Mr. Lindsay replied that staff has not made any observations of clientele. In regards to parking, Mr. Lindsay noted that as applicants continue to come in for this type of use, surveying the parking lot would help to revise future applications.

Chair Nitafan commented that the word "arcade" triggers him to think of an arcade like Dave and Busters that is so full of noise. He asked if the establishment would be providing food.

Mr. Lindsay replied that there would be very little noise generated from gaming because it is done on computers and the customers wear headphones. This facility is different then walking through a regular coin operated arcade. He added that some internet cafes provide snacks, but it doesn't seem that the applicant will be providing food sales. If the applicant wanted, clearly they could put in a vending machine. He added that the applicant would be having retail sales of computer software.

Chair Nitafan opened the public hearing.

Hermilo Isla, Applicant of Mission Control, explained that the business is a computer-learning center, and the clientele ranges from age 4 to 100. The goal is to encourage children and to educate them on how to increase their knowledge on the computer and learning how to use the latest operating system and keyboard. Mr. Isla explained that there will be no speakers in the room, and it will be quiet as far as headphone use. The program that will be used is a reading comprehension program called IQ, which flashes one sentence on screen and gets faster and faster using video graphics. The idea is to improve the reading comprehension of students. Mr. Isla, who worked with Verisoft for 8 years, used to do administrative training with companies, explained that there would be no more than 30 students.

After Mr. Isla's explanation, Commissioner Giordano felt that the business would be a right fit for the center. She asked Mr. Isla what he thought about the parking in terms of traffic flow. Mr. Isla commented that he and his partner observed the area from 8 to 12 p.m. and doesn't see the parking as a problem. He said that there is plenty of parking on the other side where restaurants are not located. He also added that most customers attending do not have a driver's license.

Commissioner Hay agreed with Commissioner Giordano that the business is a good fit for the shopping center.

Close Public Hearing

Motion to close the public hearing.

M/S: Hay/Giordano

AYES: 7

NOES: 0

Motion to approve Use Permit No. P-UP2003-33 with special conditions and findings in the staff report. Commissioner Giordano also recommended that staff evaluate this type of use and redesign the parking applicable to this type of use and using different verbiage instead of calling it an arcade.

M/S: Galang/Giordano

AYES: 7

NOES: 0

IX.
NEW BUSINESS

3. "S" ZONE APPROVAL AMENDMENT NO. P-SA2003-128: *Request to remove nine (9) protected trees at 1485 Country Club Drive located in the hillside zoning district (APN: 029-03-018). Applicant: Frank Houghton.*

Chair Nitafan opened Agenda Item No. 7 for discussion under New Business.
Mr. Lindsay presented "S" Zone Approval Amendment No. P-SA2003-128, a request to remove nine (9) protected trees at 1485 Country Club Drive located in the hillside zoning district and recommended approval with conditions.

Commissioner Giordano asked if the applicant was going to replace the trees, why did they have to hire a city arborist to inspect the trees since the majority of the trees were dead.

Mr. Lindsay replied that it is a normal process of the tree removal process and the applicant didn't pay for the City Arborist. The City Arborist's job is to visit the trees and make an assessment and sometimes will request that the trees should be removed.

Commissioner Giordano asked if the trees were to be considered alive and not dead, would that road block the process. Mr. Lindsay replied that given the nature of this application, it was approved so it would not have affected staff's decision.

Commissioner Hay asked if the application is being brought forward by staff or by the applicant. Mr. Lindsay explained that before staff could approve the building permit, staff asked the applicant to provide the application they needed for approval to remove the trees. He noted that one thing of value it that the Arborist identified that one of the oak trees was valuable and there is a high probability that it will be saved.

Motion to approve "S" Zone Approval Amendment No. P-SA2003-128 with special conditions and findings noted in the staff report.

M/S: Giordano/Hay

AYES: 7

NOES: 0

Chair Nitafan recognized Commissioner Hay.

Commissioner Hay noted that this would be his last meeting as he goes into retirement of public service. He noted that the Commission has had their ups and downs, and has agreed and disagreed and through it all, the Commission has kept the best interest of Milpitas in the quality of life in the forefront. He applauded and thanked everyone for the opportunity to serve as Chair for four years. He thanked staff, Tambri Heyden, James Lindsay and Kit Faubion, and the Commission. He noted that the City would be enjoying some exciting challenges ahead in the next few years and there will be major projects coming forward to develop the midtown plan. He thanked the citizens of Milpitas for giving him the opportunity to serve as Chair on the Planning Commission for 7 years.

X.
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:10 p.m. to the next regular meeting of November 12, 2003.

Respectfully Submitted,

James Lindsay
Planning Commission
Secretary

Veronica Rodriguez
Recording Secretary