



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00 PM

Wednesday, June 24, 2020

via Teleconference (Virtual Meeting)

CALL TO ORDER

Chair Tao called the meetings to order at 7:00 PM. Recording Secretary Elizabeth Medina called the roll.

PLEDGE of ALLEGIANCE

Commissioner Chua led the pledge of allegiance.

ROLL CALL

PRESENT: Chair Tao, Vice Chair Alcorn, Commissioner Albana, Ablaza, Chua, Chuan, Belong

ABSENT:

STAFF: Ned Thomas, Jessica Garner, Martin de los Angeles, Michael Fossati, Elizabeth Medina

CONFLICT OF INTEREST DECLARATION

City Attorney Martin de los Angeles asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda and there were none.

APPROVAL OF AGENDA

Commission Chuan noted that per the Recording Secretary, meeting minutes from May 27 will not be ready to review.

Motion/Second Commissioner Chuan/Vice Chair Alcorn
Motion carried by a vote of AYES: 7 NOES: 0

ANNOUNCEMENTS

Vice Chair Alcorn wanted to put in the record that he, Chair Tao and City Staff had a meeting on Monday, as a part of training as Vice Chair and Chair. Vice Chair Alcorn also mentioned that they did discuss some items related to tonight's project.

Commissioner Chua thanked Planning Manager Jessica Garner for sending out a Q&A prior to the meeting.

Planning Director Ned Thomas shared that the City Council will have a Special Meeting on Tuesday, June 30th at 6pm – the consultants for the Milpitas Metro (formerly TASP) Plan will be doing a presentation; this item will eventually come to Planning Commission.

PUBLIC FORUM

Chair Tao invited members of the audience to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Commissioner Chuan/Commissioner Chua
Motion carried by a vote of AYES: 7 NOES: 0

PUBLIC HEARING

1. CHICK-FIL-A RESTAURANT – 755 E. CALAVERAS BLVD. – SD19-0009 / UP19-0010: A request for a Site Development Permit and Conditional Use Permit to allow the demolition of an existing 11,912-square foot commercial building (Big 5 Sports, Jenny Craig) and development of a new 4,962-square foot convenience food restaurant (Chick-fil-A) with drive-through service, outdoor seating, and associated site improvements on an existing 1.17-acre parcel located in the Town Center (TC) Zoning District at the northwest corner of North Hillview Avenue and East Calaveras Blvd. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov.

Project Planner Michael Fossati showed a presentation and discussed the project.

Commissioner Chua shared her concerns about entering the project parking lot from Hillview Drive after turning in from Calaveras Boulevard. Project Planner Fossati noted that conditions from Hexagon Transportation Consultants made recommendations to add a second lane to allow a right turn only so there will be three lanes leaving onto Hillview Drive instead of one.

Commissioner Chuan asked to hear from Traffic Engineer Steve Chan. Mr. Chan shared that the applicant's site designs did address Staff recommendations of proposing a keep clear of pavement marking at that intersection to allow traffic to turn into the Chick-Fil-A area without being blocked by traffic; also finding that this new business will not impede traffic coming to the rest of Town Center. Hexagon Traffic Consultant, Brett Walinski shared traffic impact analysis procedures and data found, noted that with over 40 hours work of surveys, came up with recommendations with regards to the signage, ingress and egress, conducted a parking study, all while working very closely with City staff to come up with a design for traffic flow. Chair Tao had a few clarification questions regarding flow of traffic from Hillview Drive into the drive thru lane.

Commissioner Chua asked Hexagon Traffic Consultant Walinski if he had any statistics of surveys of one drive thru lane vs. two drive thru lanes. Mr. Walinski said he didn't have that data because what they surveyed was both one and two lanes collectively not versus.

Commissioner Belong asked if the two current businesses at the project location are moving to open spaces within Town Center. Project Planner Fossati said he was unable to get in contact with Jenny Craig, however, knows that Big 5 does desire to stay in Milpitas and they are looking for a new location.

Commissioner Albana, as a 24-Hour Fitness member has observed speeding going in and out of the parking lot, asked if the speed will be controlled now with Chick-Fil-A being there. Hexagon Traffic Consultant Walinski said they didn't propose any changes to the Town Center circulation but if something like that became an issue, something like speed bumps in location where the speeding is occurring most, can be looked into. Traffic Engineer Chan addressed Commissioner Albana's clarification questions regarding traffic and circulation once exiting the drive thru.

Chair Tao asked about the proposed and additional signage that assist the assistant patrons or other site users. Project Planner said there is additional signage proposed that will mimic the pavement strikings, the arrows associated that on the ground to efficiently get cars to and from the site and just promote safety associated with pedestrians walking around the site. Chair Tao asked if the parking, with respect to the Town Center are under same ownership. Project Planner Fossati shared that typically we don't have that luxury where there's two separate properties with the same property owner for both parcels; a condition of the lease itself for all tenants, Safeway, BevMo, 24-Hour Fitness, etc. are required to allow shared parking. Chair Tao asked if the markings on the on the ground (the arrows and the movement) are glued onto the flat surface. Traffic Engineer Chan said typical pavement marking are either by paint or thermal plastic, the applicant has not indicated which preferred method or material they going to use but have the option of using paint or plastic. Chair Tao asked if Hexagon Traffic Consultant included data for high peak occasions, like Opening Day, holidays, etc. Hexagon Traffic Consultant Walinski said they do not build their models from the worst day scenario, it's not economical to build infrastructure for sort of the worst-case traffic scenario; they look at the average setting steady state keeping in mind there's going to be variability in that sometimes.

Commissioner Albana asked what the seating capacity will be for Chick-Fil-A. Project Planner Fossati said there will be ninety-four seats.

Commissioner Chuan asked clarifying questions in regard to the traffic flow should a customer find an error with their order. Hexagon Traffic Consultant said the customer could straight and go turn left again in park at one of the designated parking spaces.

Applicants, Ed Hale with 4G Development and Keith Gilbert with Chick-Fil-A discussed project and the addressed the Commissioners questions regarding the project:

- Having the minimum for bike rack for four bikes and will add as the demand increases
- Dining room will be designed with current codes; not based on current Covid mandates.
- An innovative new system at the drive through window; crew members deliver to car if food is order is not ready when arrive at window.
- Most state the United States flag is displayed on flagpole, some operators may put up a state flag. Chick-fil-A is well aware of the US flag code with respect to the display of the hours lighting as well as the maintenance of the flag, etc.
- Exterior lighting requirements will be in accordance with City standards.
- Hours of operations will be 6:00 AM to 11:00 PM; in terms of delivery hours, those range but try to arrange for delivery in the off hours. Peak hours are from 11am-1pm.
- Will be a franchised operator
- The fresh flower landscape will be purchased by the store operators and are not sure if they are locally sourced; produce is locally sourced.
- In regard to employment, Chick-fil-A offers competitive pay, benefits, in terms of other benefits, there are a lot of scholarships that store operators hand out.
- There is no loitering policy, Chick-fil-A just wants to make it a good experience for the customers and by providing those kind of ports (USB/electricity ports) is one of those little things that we can do just make that stay there better.

Economic Director Alex Andrade shared that the Economic Development Department strongly supported the project and the many ways it will benefit Milpitas' local economy:

- The store will create approximately 60 to 80 part time jobs.
- Chick-fil-A has been listed as one of three restaurants on Glassdoor's Best Places to Work
- It's been estimated that about 100 construction jobs will be generated from this project.
- While Chick-fil-A representatives do not know exactly how the store will do in revenues, their annual average revenues equal 4.2 million dollars
- The location is so prominently

Chair Tao invited members of the public to address the commission and there were several emails that were received:

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
Name	Tony
Agenda Item:	CHICK-FIL-A RESTAURANT – 755 E. CALAVERAS BLVD. – SD19-0009 / UP19- 0010

Comments:

I do not think that chick-fil-a should be allowed to open shop here in Milpitas. In these trying times where so many are striving in search of justice and equality they have shown that they do not agree with such sentiments with their actions and affiliations. If they do build here I will be boycotting their business and asking everyone I know to do the same.

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
Name	Urvishkumar Mehta
Address:	POBOX 362116
Agenda Item:	PUBLIC FORUM

Comments:

To Milpitas City Planning Commissioners and Staff,

It is request that Planing Commission consider the plan to evaluate the Grocery Vendors within City of Milpitas (e.g Whole Foods, Sprouts and 99 Ranch) as the neighborhood is expanding.

Having Grocery Stores in different Zones would allow Citizens to have Grocery done at Local Store.

Your consideration to matter Is appreciated.

Thanks,
Urvish Mehta

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
Name	Urvishkumar Mehta

Address:	POBOX 362116 Milpitas CA 95036
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Agenda Item:	PUBLIC FORUM
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Comments:

To Milpitas Planning City Commissioners,

City of Milpitas has commercial, industrial, consumer and Corporate Business. There is a growing need of having Commercial and Residential Parking Permit Program within City of Milpitas.

It is important that City of Milpitas Planning Commission consider proposal for the Parking Program.

Your consideration to this matter is appreciated.

Thanks,
Urvish Mehta

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
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Name	Kevin K.
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Agenda Item:	CHICK-FIL-A RESTAURANT – 755 E. CALAVERAS BLVD. – SD19-0009 / UP19- 0010
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Comments:

I am an ex-employee at Milpitas Big 5 and worked there for 7 years. I can say after seeing the blue prints of the Chik-Fil-A that you are making a mistake. North Hillview can be a dangerous road to turn onto from the parking lot. The cars driving down North Hillview are rarely driving the speed limit and while not a complete blind turn it can be difficult for drivers to react if they take the turn fast while some one else is exiting the parking lot.

Not only that but once 24-Hour fitness and Bevmo were put into the parking lot the traffic, both foot and vehicle became clustered and dangerous, cars and people very rarely following any kind of safe. Adding a constant flow of traffic with the drive through will do nothing but congest the area even more.

I heard on the meeting that people would only have to wait 1 rotation at that intersection, I have been stuck at that intersection for over 5 minutes before, I want to know what they would consider a normal rotation time so we do not have to worry about impatient drivers running reds for food.

This isn't even taking into consideration the black stain Chik-Fil-A has on it's own, having a bigot for an owner, do we want a business run by some one out outspokenly anti-LGBT in our community?

I also heard in the meeting some one state that Big 5 was looking for other opportunities in Milpitas, and to my knowledge, with the people I still know in the company, that is false or hasn't been given knowledge to any one at the store level. I just want to make sure those claims are backed up before we lose another sporting goods store in the area.

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
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Name	Urvishkumar Mehta
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Address:	Pobox 362116 milpitas Ca 95036
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Comments:

Request to have two chick-fill a also on west side of Milpitas as wel.

Thanks,
Urvish Mehta

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
Name	Urvishkumar Mehta
Address:	Pobox 362116 milpitas ca
Agenda Item:	CHICK-FIL-A RESTAURANT – 755 E. CALAVERAS BLVD. – SD19-0009 / UP19- 0010
Comments:	Request tonhave another chick foll a on west side Of City of Milpitas.

CITY OF MILPITAS PLANNING COMMISSION MEETING- June 24, 2020

Date	Jun 24, 2020
Name	Urvishkumar Mehta
Address:	Pobox 362116 milpitas ca 95036
Agenda Item:	CHICK-FIL-A RESTAURANT – 755 E. CALAVERAS BLVD. – SD19-0009 / UP19- 0010
Comments:	Please consider to have another Chick fill A Store on west side Of city of Milpitas.

City Attorney Michael de los Angeles clarified with the commissioners that their role is looking at the use of site, knowingly that Chick-fil-A may not always be located there. Mr. de los Angeles also reminded the commissioners that they are to look at the operation and not the operators involved using the General Plan and Zoning standards.

Motion to close the Public Hearing.

Motion/Second Commissioner Belong/Vice Chair Alcorn

Motion carried by a vote of AYES: 7 NOES: 0

Motion to Consider the exemption in accordance with CEQA Guidelines Section 15332 (In-Fill Development Projects) and Section 15183 (Projects consistent with a Community Plan or Zoning).and Adopt Resolution No. 20-006, approving Site Development Permit No. SD19-0009 and Conditional Use Permit No. UP19-0010 to allow demolition of an existing 11,912-square foot commercial building and development of a new 4,962-square foot convenience food restaurant (Chick-fil-A) with drive-through service, outdoor seating, associated site improvements, and shared parking on an existing 1.17-acre parcel located in the Town Center (TC) Zoning District at the northwest corner of North Hillview Avenue and East Calaveras Blvd., subject to the attached Conditions of Approval.

Motion/Second Commissioner Belong/Vice Chair Alcorn

Motion carried by a vote of AYES: 7 NOES: 0

NEW BUSINESS

No items.

ADJOURNMENT

Chair Tao adjourned the meeting at 9:09pm.

Motion/Second Vice Chair Alcorn/Commissioner Chuan
Motion carried by a vote of AYES: 7 NOES: 0