



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00 PM

Wednesday, May 27, 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 Albana led the pledge of allegiance.
ROLL CALL	PRESENT: Chair Tao, Vice Chair Alcorn, Commissioner Albana, Chua, Chuan, Belong; Commissioner Ablaza (late) ABSENT: STAFF: Ned Thomas, Jessica Garner, Martin de los Angeles, Avery Stark, Lillian VanHua, Steve Chan, 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	Motion/Second Commissioner Chuan/Commissioner Chua Motion carried by a vote of AYES: 6 NOES: 0
ANNOUNCEMENTS	None
PUBLIC FORUM	Chair Tao invited members of the audience to address the commission and there were none.
APPROVAL OF MINUTES	Chair Tao called for the approval of the May 13, 2020 meeting minutes. Recording Secretary noted two changes that need to be made to the motion for the Approval of Meeting Minutes for February 26 and March 11. Both stating the Motion was carried by Vice Chair Belong but should be "Commissioner" Belong. Motion to approve Planning Commission meeting minutes as amended Motion/Second Commissioner Chua/Vice Chair Alcorn Motion carried by a vote of AYES: 6 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.

**The applicant has requested that the item be continued to a date certain, June 24, 2020.*

Motion to continue this item at the applicant's request to date certain being June 24, 2020.

Motion/Second Vice Chair Alcorn/Commissioner Belong
Motion carried by a vote of AYES: 6 NOES: 0

2. MOBILE FOOD SERVICE AREA (FOOD TRUCK PARK) – 25 S. ABBOTT AVE. – P-UP18-0009 and P-SD20-0005: A request for a Site Development Permit and Conditional Use Permit to allow development of a mobile food service area (food truck park) on a vacant approximately 0.35-acre lot in the Neighborhood Commercial (C1) Zoning District within the Milpitas Midtown Specific Plan area. This project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c) (New Construction of Small Structures) and; as separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Avery Stark, (408) 586-3288, astark@ci.milpitas.ca.gov.

Project Planner Avery Stark showed a presentation and discussed the project.

Commissioner Chua said she was excited about this project because it would be the first (food truck park) in Milpitas. Referencing the presentation slide, Commissioner Chua asked which items in the figure displayed would be permanent. Mr. Stark noted that the three beige rectangles on the slide would be permanent containers used for pre-packaged/convenience food sales onsite. Mr. Stark continued to answer clarifying questions regarding the lay out of the project, seating, tables, parking spaces, placement of food trucks, traffic flow and landscaping. Commissioner Chua asked about street parking. Mr. Stark said there would be no street parking. Commissioner Chua stated that to have this project from what it is now (an empty lot with mud and weeds), is very good; also sharing that she liked the conditions MPD added for the applicant to make sure the area is safe during hours of operation.

Commissioner Chuan asked where the restrooms would be located. Mr. Stark noted they would be located on the southern part of the site in the image. Commissioner Chuan inquired about the public comments provided online and verified if more were received. Mr. Stark shared that additional public comments came in after the project material was posted to the website and would be read aloud by the Recording Secretary during the public hearing for portion of the item's presentation. Commission Chuan asked if the City's Traffic Engineer had any concerns of traffic headed northbound during school hours on Abbott Ave. Transportation and Traffic Manager, Steve Chan stated that given that the food truck park opens at 9am and school drop off hour is

before 9am, he did not foresee any conflict with the drop-off and activity at the propose project site.

Commissioner Belong asked if there will be any sales of alcohol on the property. Mr. Stark said that the current application does not include any provisions for the sale of alcohol; applicant would have to come back separate permit to obtain an alcohol license to sell alcohol on premise. Commissioner Belong asked if a person would be able to purchase alcohol from the store next door and bring it onto the site. Mr. Stark said nobody would be able to consume alcohol onsite. Commissioner Belong about the site attendant mentioned in the presentation; would the "attendant" be a security guard. Mr. Stark said this is an operational question that should be directed to the applicant. After recently passing the property site, Commissioner Belong shared his concerns of seeing transients, worried of possible loitering and lack of security. Commissioner Belong also asked if food trucks are held to the same standards as restaurants. Mr. Stark noted that food trucks are held to the standards of the Santa Clara County permitting processes for mobile food vendors and then need to be licensed by the City to conduct business in Milpitas. Commissioner Belong asked how applicant will determine which food trucks are on site. Mr. Stark said this is another operational question that can be answered by the applicant.

Commissioner Albana said she had concerns with the traffic from those turning onto South Abbott from the 237 into the driveway of the project site, especially during the lunch hour and asked what the flow would be to get onto the proposed food truck site. Mr. Stark said similar to how the 7-11, Arco gas station and the commercial centers along South Abbott with a 90 degree turn. Mr. Stark also mentioned that this lot is permitted by right use for a restaurant and has satisfied the parking code onsite; per the analysis of City's Traffic Engineer, the impact on traffic does not have a significant affect.

Commissioner Ablaza asked who will be maintaining the area. Mr. Stark said it would be maintained by a site attendant that is required to be there all hours of operation and would be responsible for trash pickup, restrooms, assist with arrival of food trucks, etc. Commissioner Ablaza asked about the exit and if it will be on Valley Way. Mr. Stark noted that is correct and there will be seven bollards that will be installed and removable. Commissioner Ablaza asked if there will be any parking spaces added to that area. Mr. Stark said Valley Way does not have enough width to accommodate parking.

Chair Tao asked if the proposed construction will go all the out to the curb of one-way driveway. Mr. Stark said the paved drive aisle will extend all the way to Valley Way with standard curb detail. Chair Tao asked if it will be a standard black top. Mr. Stark said it will be a standard paver brick that will also be installed in the parking space aisles. Chair Tao asked if the site will have grease interceptors. Mr. Stark said the plan does detail a grease receptor and all the utilities that will be installed onsite. Chair Tao asked for deliveries, will we see the large extended delivery (40-foot) trucks, and if so, how will they circulate on the property. Mr. Stark noted he wouldn't anticipate a 40-foot truck needing to enter onto the site; the permanent containers are to house a small amount of convenience supplies that would be manageable on a vehicle or truck. Chair Tao asked if the parking spaces are all occupied, and there is no hammerhead where the seven bollards are, how would vehicles 3-point turn their way out. Mr. Stark said that as a take-out establishment there will customers who will stay and others that will take their food and leave; and, is

not sure that all seventeen parking spots will be full during peak times. Transportation and Traffic Manager, Steve Chan said if all the parking spaces are full, there is space near the trash enclosure where customers can potentially do the hammerhead turn or the follow-up location can be adjusted to push it further north to allow for turns. Chair Tao asked if the site attendant will be during the entire hours of operations. Mr. Stark stated that was correct, that there will always be a site attendant, noting it could several site attendants splitting the entire day shift. Chair Tao asked if the applicant shared their operational details for marketing (i.e. social media). Mr. Stark said the applicant did not share that information to the fullest extent of their marketing plan; noting that the applicant is a participant in this meeting and can best answer that. Chair Tao asked if the site will be well illuminated. Mr. Stark said based on the Planning's review and comments provided by MPD, they do believe there is sufficient lighting to provide accurate security and illumination of the site. Chair Tao asked if two security cameras sufficient to cover the entire lot. Mr. Stark said based on the review MPD's requirement of installation of the surveillance system, two cameras would be sufficient.

Vice Chair Alcorn said he agrees with Chair Tao, that if this project is approved, one of the conditions of approval should be to have sufficient space at the end of the driveway to turn around if the parking lot is full.

Applicant, Varun K. Gariney addressed questions from commissioners related to project:

- Project completion date will approximately be in 5-6 months; possibly end of year.
- Clarification of number of "attendants" and their work hours. There will be one full-time attendant and food trucks will have their own attendant. As for a security guard in addition to the attendant, applicant will add if need be, as it was not submitted in the operations of the application. Designate "attendant" will be family members who will rotate, not one person having to work open to close hours of food truck park; will make sure all is aligned with labor laws.
- Selection of food trucks will be based on a survey sent to community; starting with three different cuisines; thereafter will plan for rotation of food trucks. Rotation/space rent of food trucks will be monthly. Insurance will be carried by each food truck; where, applicant will carry insurance for the site.
- The (3) permanent containers will be used to sell pre-packaged foods/beverages, and could be three separate operations based on the demand. No perishable foods will be stored in the containers.
- Restrooms onsite are to be used by customers and will have a smart key-code door handle. The restroom area will be well lit and there will be a surveillance camera. Attendant will survey the area for cleanliness and that the restroom is stocked with supplies.
- Shared his vision/motivation of his project being a friendly outdoor environment where families can have many cuisine options in one area.
- Shared he has never ran any concepts of a food truck park before.
- Advertisements/marketing will be done via social media, coupon mailers and radio.
- Aside from pre-packaged food and beverages, clarified he will not be selling his own food, as he is not a restaurant owner; he will be managing the project.

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

Date	May 13, 2020
Name	Helen Hoggo
Address:	227 s main street
Agenda Item:	1) NEW PRE-SCHOOL AND DAYCARE – 210 SOUTH MAIN STREET – UP19- 0013, MS20-0052:

Comments:

1. The potential preschool with current preschool facing to each other, it will create more heavy traffic during drop off and pick up time.
2. Create more difficulty time for current day care center and preschools; on Main Street from Curtis ave to Weller Ln only about 1.5 miles 7 large preschool and day care center already. And during covid19, most of the preschool or day cares are facing to lose customers--because most of parents choose to keep their children at home for safety concerns and government shelter in place order. And more new day cares will add more pressures added to current day cares and schools

we would like to bring these 2 concerns to the public hearing.. and hope the good decision to be made by building department

Date	May 26, 2020
Name	Richard Castro
Address:	177 park ave suite 200
Agenda Item:	PUBLIC FORUM

Comments:

RE: MOBILE FOOD SERVICE AREA (FOOD TRUCK PARK) –
25 S. ABBOTT AVE. – P-UP18-0009 and P-SD20-0005

Tasty Mob based in San Jose represents 10 Mobile Food Creators and we would like to show support to this project.

The space will assist in creating a mobile food service area for Food Trucks and a community center of sorts for Foodies, Eaters and community members of Milpitas and the County.

Please approve Mr. Gariney permit request as we all support his endeavors to create more community private space.

Tasty Mob General Manager Richard Castro

Tue 5/26/2020 11:25 AM
Mark Craddick <markcraddick@gmail.com>
[BULK] Mobile Food Service Area (Food Truck Park)

Hello Avery Stark:

I am very concerned about the proposed Mobile Food Service Area (Food Truck Park). This has to be the worst possible location for this type of business. This lot is near one of the busiest intersections in Milpitas. I have seen traffic backed up on Abbott Street to Anthony Spangler Elementary School and also lined up blocks down Heath Street waiting to get on to Calaveras Boulevard. There has already been a problem with the overflow of vehicles patronizing the 7 Eleven store next door. They had to line up tree stumps in order to prevent vehicles from parking in the empty lot. This venue would also create more litter in the area because people would be taking their food and drink back to their vehicles to consume or walking away with trash needing disposal later. It would also add to the number of people loitering in that area, as

the number of homeless have been increasing outside the liquor store just yards away from the site. The rise in noise and air pollution would also be of a concern since there might not be adequate parking or seating spaces for this type of business. Anytime you have a large amount of people gathering in a congested area, there is also the possibility of a surge in criminal activity.

I have given you a number of reasons why this business should not be located at 25 S. Abbott Avenue. Unfortunately, I can't see any benefit this business would bring to the residents in this area. This looks like a non-starter or what most people call a no-brainer when deciding the outcome.

This type of business would be much more appropriate near an office park where the diners have plenty of space for walking or driving to the establishment. This business would be ideally located along McCarthy Boulevard where there is the clientele to support it.

Please keep me informed and let me know if you need any pictures or more information showing how bad of an idea this is. I would advise anyone deliberating on this issue to take a tour of the area before going ahead with this venture. Thanks.

Resident of 51 Heath St.,
Marcus Craddick

Date	May 27, 2020
Name	Gooch Patel
Address:	326 Commercial St
Agenda Item:	PUBLIC FORUM
Comments:	I support the foodtruck park on Abbot Ave. It will be a great unique addition to outdoor dining.

Date	May 27, 2020
Name	UMESH PATEL
Address:	37100 Fremont Blvd, SUIT A
Agenda Item:	PUBLIC FORUM
Comments:	Such food truck park is so useful for food truck owners like me, because right now all gas stations are charging a big amount and parking is an issue. Besides, with such food truck park it'll be a hub for many different cuisine at the same place which servers entire family need or groups eating out.

Wed 5/27/2020 3:23 PM
Mary Egan <MCEgan@cilker.com>
Food Truck Park 25 S. Abbott Avenue

Avery,

I manage Milpitas Center shopping center across the street from this proposed project. We have five (5) restaurant tenants in that center that are struggling to survive, including Pinoy BBQ, Tayyibaat, Biryani, Milpitas Buffet and Mil's Diner. Three (3) are currently open for take-out only and two have been closed since the stay at home order. All have been granted dramatic rent relief by the landlord. These restaurants cannot possible compete with food trucks who have little or no rent to pay. It would be the death knell for these tenants. It would also become impossible for us to rent to any future restaurant tenants when they can go across the street and pay no rent.

Let's not kick these restaurant tenants when they are down.

We ask that you consider our comments and the effect it will have on existing tenants in our center.

Thank you,
Mary

Date	May 27, 2020
Name	James G
Address:	Anacapa Ct
Agenda Item:	PUBLIC FORUM
Comments:	Regarding the Chick-Fil-A project at Town center: Between the fitness center at that site and the IHOP across the street the parking at the proposed site is typically full (pre-pandemic). Traffic going in and out of the town center via Hillview Dr can be congested at peak times. For the residents living off of Hillview Dr, this is our main artery to get to the freeways 237 and 680. What is the plan to manage the traffic flow onto Hillview Dr and not create additional traffic heading north on Hillview or thru the residential area via Paseo Refugio past Gill Park?

Date	May 27, 2020
Name	Mary Egan
Address:	San Jose
Comments:	The food truck park would severely impact our restaurant tenants in Milpitas Center across the street. This provides an unfair advantage to the food trucks. Our tenants are barely scaping by since the shelter in place order. This will be disaster for the current tenants in our center. We strongly disapprove of this project.

Date	May 27, 2020
Name	Urvishkumar Mehta
Address:	POBOX 362116 CA 95035
Agenda Item:	PUBLIC FORUM
Comments:	To Milpitas Planning Commission and Members, I would like Milpitas Planning Commission Member to consider that the Food Truck should be having Site placement and allotment within specific Business Zoning. Also, to consider that the Food truck also have appropriate US Food and Drug department certifications. Thanks, Urvish Mehta

Motion to close the public hearing.

Motion/Second: Vice Chair Alcorn/Commissioner Chuan

AYES: 7

NOES: 0

Vice Chair said he would like to see a condition be added that there is sufficient space at the end of the driveway to make a U-turn, aside from the space in front of the trash enclosure.

Commissioner Chua addressed the concern of Ms. Egan stating that the Planning Commission cannot look at the financial side of it; but do understand and empathize with the struggle of the City's businesses. Commissioner Chua said they cover land-use. Commissioner Chua also said that this food truck park would be an upgrade and welcomes this business to Milpitas.

Commissioner Belong said if a decision is made, he would also like to see the turnabout spacing be addressed. Commissioner Belong shared his concern of it being a family-oriented site, there being a lack of security and would like to see signs of no loitering and a designated security guard.

Commissioner Albana stated, aside from the shifting attendance, she would also like to see a designated security personnel assigned to the site.

Chair Tao shared that he loves the concept that will add to the City's food scene but noted his concerns of surge of traffic during peak hours, parking (because of the location of project site and it being constraint), and that the owner has not previously ran such business before.

Traffic Engineer Steve Chan closed with their standard assessment based on the applicant's information, he did not foresee the traffic condition being significantly bad. Mr. Chan noted that their assessment was not based on worst case scenario as Chair Tao mentioned.

Motion to consider the exemptions in accordance with CEQA and Adopt Resolution No. 20-007 approving Site Development Permit No. SD20-005 and Conditional Use Permit No. UP18-0009 to allow the development of a new food truck park on a vacant .347-acre lot at 25 South Abbott Ave., subject to the Findings and Conditions of Approval. **With an additional of a condition of sufficient space for a turnabout/U-turn for larger vehicles (SUV) and a recommendation of having a security guard along with the one attendant on the project site during hours of operation.*

Motion/Second Commissioner Chua/Commissioner Ablaza
Motion carried by a vote of AYES: 5 NOES: 2 (Belong, Tao)

3. TIME EXTENSION FOR PUBLIC STORAGE – 1600 WATSON CT. - P-

TE20-0003: A request for a two-year time extension for a Site Development Permit Amendment (SD17-0018) and Conditional Use Permit Amendment (UP17-0013) to modify SD14-0004 and UP14-0007 to remove the construction of one self-storage building at 1601 Watson Court and create a phased construction plan for one five-story self-storage building and one four-story self-storage building, totaling 456,335 square feet, and to allow an increase in the Floor Area Ratio (FAR) at 1600 Watson Court from 0.4 to 2.12. As Lead Agency, the City prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for this project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further environmental review under CEQA pursuant to Section 15164 (Addendum to a Mitigated Negative Declaration). Project Planner: Lillian VanHua (408) 586-3073, lhua@ci.milpitas.ca.gov.

Project Planner Lillian showed a presentation and discussed the project.

Commissioner Belong asked what the reason for the delay and why is applicant looking for an extension. Ms. VanHua said the applicant applied for their building permits, but the foundation will not be built in time which is required to vest any sort of entitlement.

Commissioner Chua verified that there are no changes to the project. Ms. VanHua said that was correct, but a condition was added for the applicant to pay the affordable housing linkage fee. Ms. Chua said she feels that this project will add ambiance to the lot and supports the project.

Chair Tao confirmed that this will be the one and only extension for this project. Ms. VanHua noted that was correct, if this extension approved and expires 24 months from now, then the applicant would have to reapply for a brand-new site development permit, conditional use permit and come before the Planning Commission once again.

Applicant, Bryan Miranda addressed questions from commissioners related to project:

- Presuming the construction would start later in the year, projected completed date is in 12 months, end of 2022.
- Confirmed that Public Storage owns all three facilities along Montague Expressway.
- Public Storage logo will have no color changes.

Chair Tao invited members of the public to address the commission and there was one.

Date	May 27, 2020
Name	Urvishkumar Mehta
Address:	POBOX 362116
Agenda Item:	TIME EXTENSION FOR PUBLIC STORAGE – 1600 WATSON CT. - P-TE20- 0003:
Comments:	To Milpitas City Planning Commission Members, I would like to Planning Commission Members to consider that Public Storage Sites be placed in different areas of Milpitas City as there is Public Storage availability in Northwood areas. So, having Public Storage facility in different Zoning area with Business perspective would benefit the City. Also, change in structure be evaluated as City Engineer as well. Thanks, Urvish Mehta

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 adopt Resolution No. 20-011 approving an Extension of Time for Site Development Permit Amendment SD17-0018 and Conditional Use Permit Amendment UP17-0013 to modify SD14-0004 and UP14-0007 to remove the construction of one self-storage building at 1601 Watson Court and create a phased construction plan for one five-story self-storage building and one four-story self-storage building, totaling 456,335 square feet, and to allow an increase in the Floor Area Ratio (FAR) at 1600 Watson Court from 0.4 to 2.12.

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

NEW BUSINESS

Commissioners discussed earlier start time for future virtual meetings, possibly at 6pm. City Attorney Martin de los Angeles noted that per the Brown Act, an earlier start time would prompt a Special Meeting noticing. City Attorney de los Angeles noted that a permanent change to the time of the Planning Commission meetings would require an amendment to the By-Laws. Regular Planning Commission meetings will continue to start at 7pm unless the volume of the projects is large and where the commission can elect to start earlier on a case-to-case bases.

ADJOURNMENT

Chair Tao adjourned the meeting at 9:40pm.

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