



MEETING MINUTES

MILPITAS PLANNING COMMISSION

February 26, 2020 7:00 PM

CITY HALL COMMITTEE ROOM

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

- I. CALL MEETING TO ORDER** **Chair Tao** called the meeting to order at 7:01 P.M.
- II. CITY CLERK, Mary Lavelle swears in newly appointed Planning Commissioner, Steve Belong**
- III. PLEDGE OF ALLEGIANCE** **Commissioner Alcorn** led the Pledge of Allegiance.
- IV. ROLL CALL** **Present:** Chair Tao, Commissioner Alcorn, Chuan, Chua, Mandal, Ablaza, Belong
- Absent:**
- Staff:** Ned Thomas, Jessica Garner, Ethan Walsh, Adrienne Smith, Fire Marshall Albert Zamora, Elizabeth Medina, Lt Abbie Serrano
- V. CONFLICT OF INTEREST DECLARATION** **City Attorney Ethan Walsh** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
- There were no reported conflicts.
- VI. ELECTION OF VICE CHAIR** **Attorney Ethan Walsh** facilitated elections for Vice Chair.
- Commissioner Chuan nominated Commissioner Alcorn for Vice Chair; Chua second.
- Vote for Commissioner Alcorn to serve as Vice Chair:
- AYES: 7
- NOES: 0
- City Attorney Walsh stated that by a 7-0 vote, Timothy Alcorn has been elected Vice Chair for the 2020 year.*

VII. APPROVAL OF AGENDA

Chair Tao asked if Staff or Commissioners had changes to the agenda.

Director Thomas noted that Item #X-2 Automatic Carwash has been moved to March 11, 2020.

Motion to approve the February 26, 2020 agenda as amended.

Motion/Second: Commissioner Chuan/Commissioner Mandal

AYES: 7

NOES: 0

ABSTAIN: 0

VIII. ANNOUNCEMENTS

Commissioner Chua mentioned she attended Congressman Ro Khanna's townhall meeting on Census 2020 and shared details she learned at the meeting. April 1st will be Census Day and she urges everyone to participate.

Planning Director Ned Thomas provided departmental updates to the commission regarding:

- A new text feature communication tool being tested by Planning Department, also known as the Planning Pipeline. Subscription information is on Planning website or by texting "Planning" to 855-402-1400

IX. PUBLIC FORUM

Chair Tao invited members of the audience to address the commission.

Frank DeSchmidt invited everyone to the 27th Annual Auction and Crab Feed on March 6, 2020, hosted by the Milpitas Chamber of Commerce.

Motion to close Public Forum.

Motion/Second: Commissioner Chuan/Vice Chair Alcorn

AYES: 7

NOES: 0

ABSTAIN: 0

X. APPROVAL OF MEETING MINUTES

Chair Tao called for approval of the January 15, 2020 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as presented.

Motion/Second: Commissioner Chuan/Commissioner Alcorn

AYES: 6

NOES: 0

ABSTAIN: 1 (Belong)

XI. PUBLIC HEARING

X-1 ENTERTAINMENT USE – 60 DEMPSEY ROAD – UP19-0008: An application for a Conditional Use Permit to allow an entertainment facility (Celia’s Event Center) in an existing 15,198-square foot building in the C1 Neighborhood Commercial Zoning District. This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Adrienne Smith, (408) 586-3287, asmith@ci.milpitas.ca.gov.

Project Planner Adrienne Smith showed a presentation and discussed the project.

Commissioner Chuan asked about the two public comments received regarding noise and wanted to be furnished copies of email. Ms. Smith noted that one comment was received on the phone, the other was received at the counter.

Commissioner Ablaza asked if there will there be additional lights in the area. Ms. Smith said that it is a Condition of Approval by PD; that all exterior buildings and parking area be properly lit. Commissioner Ablaza noted that the building is very blighted and asked if there will be any improvements to the exterior of the building. Ms. Smith said one of the biggest eye sores of the building is where the loading dock and metal fencing is and that will all come down and clean things ups quite nicely; there will also be exterior painting.

Commissioner Chua asked about the 103 parking spaces. Ms. Smith said the code for “entertainment use” parking is calculated by dining area [one parking space for every 39-square feet of dining area]. Commissioner Chua asked about maximum occupancy vs. parking space calculation. Ms. Smith said that maximum occupancy is a calculation allowed by the Building Code and Planning Zoning Code determines minimum parking which Ms. Smith agreed was conflicting. Commissioner Chua was concerned that once the project area is rehabilitated, that parking may overflow into neighborhoods. Director Thomas said that once the use is operational and should there be an issue with parking, this use permit can come back to the commission to be reviewed again; and, conditions can be added. Director Thomas also noted that parking was calculated by the zoning ordinance, intended to accommodate the employees as well. Commissioner Chua wanted to add the condition that once operational and if there is a parking issue, that the permit be reviewed by the commission again to reassess. Chair Tao noted that the condition which Commissioner Chua would like to add is already stated in the Resolution.

Commissioner Ablaza noted that there is so much more parking to the south of the site near vacant suites. Commissioner Ablaza asked if the business will be operational every day. Ms. Smith said the permit allows for everyday operation; however, the applicant said their core activity will be on Friday through Sunday.

Commissioner Mandal mentioned his observation of the parking area having holes and asked to define “resurfacing” the parking lot. Ms. Smith said that the parking lot will be reconfigured and restriped to accommodate more parking spaces; as for resurfacing, she deferred that inquiry to applicant. Commissioner Mandal shared that that area needs to be enhanced, adding that the parking lot is not in good shape.

Vice Chair Alcorn asked if applicant has a fire safety plan when operational. Ms. Smith said that is the prevue of the Fire Department. Deputy Chief Fire Marshall Albert Zamora said this project for assembly use and does not necessarily need a fire safety plan in terms of being located within a hazardous materials facility; however, Fire Code does address

fire life safety, fire protection systems, maximum occupancy load, fire alarms, etc. Vice Chair Alcorn asked what the material of the current roof is. Ms. Smith was unsure. Ramiro Torres, Project Architect, said it is single ply roofing.

Ramiro Torres, Project Architect and Celia Madriz, Business Owner came to podium to discuss the project and answer questions.

Chair Tao asked if building is at maximum occupancy, where would caterers park on site to drop off food. Owner's representative, Farouk Barakat said caterers park on the side taking up two parking stalls and/or caterers can also drop off and pick up at the end of each event. Chair Tao asked many employees will need parking. Ms. Madriz said she normally has eight staff members which includes security and could take up to eight parking spots. Chair Tao asked if security guards are direct hires. Ms. Madriz said she has licensed security guards that work for her, not a third party. Chair Tao asked if applicant will have an alcohol permit for each event. Ms. Madriz said she gets alcohol permits for the day of the event. Chair Tao asked if the applicant see many instances where families bring their own alcohol to events. Ms. Madriz said no. Chair Tao asked if they host concerts. Ms. Madriz said they only host wedding/quincenera receptions and church fundraisers. Lastly, Chair Tao asked if music is provided by professionals and will there be karaoke. Ms. Madriz said yes to having hired professionals, no to karaoke.

Commissioner Chua thanked applicants for selecting Milpitas for her place of business and asked when they will open. Ms. Madriz said the target opening date is June. Lieutenant Abbie Serrano clarified questions regarding calculation of security guards needed at an event center.

Vice Chair Alcorn asked Ms. Madriz if she usually has a staff liaison to communicate between customer and staff. Ms. Madriz said yes; it is normally her but has an assigned supervisor should she need to leave the site. Vice Chair Alcorn asked if the security guards are armed. Ms. Madriz said security guards are unarmed and licensed.

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

Motion to close the public hearing.

Motion/Second: Commissioner Chuan/Commissioner Ablaza

AYES: 7

NOES: 0

Commissioner Mandal said there has been lack of attention in that area and appreciates applicant bringing an event center here. Commissioner Mandal asked applicant to define the "resurfacing" of parking lot. Mr. Torres said they will do pot filling, fill the cracks, seal the surface and restripe; it will look refreshed.

Commissioner Ablaza said the parking lot is warped and if applicant plans to address that. Mr. Torres said they will leave it alone as there is not a budget to address the warped cement. Mr. Barakat noted that there are two parcels and the warped area is between the two parcels. Mr. Barakat said he feels the parking lot will be in good shape after they fill and seal the parking lot surface; noting that the adjacent shopping center does not belong to them.

Commissioner Belong asked will construction be subcontracted. Mr. Torres said yes. Commissioner Belong asked if it will be local hires. Mr. Torres said no.

Director Thomas noted that the applicant met parking by restriping.

Motion to adopt Resolution 20-005 approving Conditional Use Permit No. P-UP19-0008 to allow the operation of an entertainment use at 60 Dempsey Road, subject to the findings and Conditions of Approval.

Motion/Second: Commissioner Chua/Vice Chair Alcorn

AYES: 7

NOES: 0

ABSTAIN: 0

- X-2 AUTOMATIC CARWASH – 554 SOUTH MAIN STREET – P-SD18-0010 and P-UA18-0020:** A Site Development Permit and Conditional Use Permit Amendment to allow demolition of an existing manual car wash and development of a new 3,189-square foot fully automatic car wash with an adjacent 2,301-square foot canopy area on a .46-acre site in the Mixed-Use (MXD) Zoning District and Conditional Use Permit Amendment to allow an exception to the maximum front setback of 15 feet from back of sidewalk pursuant to the Midtown Specific Plan. The exception would allow a front setback of 37 feet and seven inches. The project is 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, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Rozalynne Thompson, (408) 586-3278, rthompson@ci.milpitas.ca.gov

Recommendation: *Staff recommends the Planning Commission continue the item to a date certain being March 11, 2020.*

XI. NEW BUSINESS

- XI-1 VERIFICATION OF EXISTING CONDITIONAL USE PERMIT CONDITIONS – 658 Gibraltar – PR20-0001:** A Permit Review application to verify compliance with the conditions of approval of existing Conditional Use Permit No. UP07-0001. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Project Planner: Adrienne Smith, (408) 586-3287, asmith@ci.milpitas.ca.gov.

Recommendation: *Staff recommends that the Planning Commission review Conditional Use Permit No. UP07-0001 and confirm conformance with Permit Review No. PR20-0001.*

Project Planner Adrienne Smith and Fire Chief Zamora showed a presentation and discussed the project.

Vice Chair Alcorn asked when doing their inspection, if Fire recommended that the applicant upgrade their chemical monitoring system or was it something the

applicant had to do to be up to code. Fire Chief Zamora said since the applicant is creating a new space, they will have to put a chemical detection system in that area.

Commissioner Mandal asked how do chemical detection systems work. Fire Chief Zamora said that a siren will sound, the fire department will be notified, and the supply/return of HVAC vents will automatically close to prevent spread of chemical throughout building. Commissioner Mandal asked when Fire Department does an inspection, do they all verify that their monthly drills are completed. Fire Chief Zamora said occupant must keep a log of all drills.

Chair Tao asked how often a drill is recommended for chemical detection. Fire Chief Zamora said drills are to be done every month to practice what is in their Emergency Action Plan (EAP) so should an emergency happen, all occupants in building should respond accordingly. Chair Tao asked Staff if they are in conformance now with their current facility uses. Project Planner Ms. Smith they are in conformance since they are not proposing any alterations to the building or operations.

Applicant Steve Ng said he is proud to be a part of the Milpitas community. Mr. Ng confirmed that they do monthly drills with office staff and annual drills with Fire Department personnel with fire truck on site.

Director Ned Thomas recommended that the Commission take a vote that they acknowledged that they, as Commissioners, verified Applicant is in compliance with the Conditions of Approval of the original permit. City Attorney Ethan Walsh agreed that would be appropriate.

Vice Chair Alcorn made a motion that the Planning Commissioners reviewed the existing conditional use permit and they acknowledge that the Applicant is in compliance; Commissioner Mandal second. AYES: 7 | NOES: 0

XII. ADJOURNMENT

The meeting was adjourned at 8:21pm.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Alcorn/Commissioner Mandal

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*