



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00pm

Wednesday, February 28, 2024
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Commissioner Galang called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

Commissioner Albana led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Commissioners Galang, Albana, Medina-Ashby, Gupta, Caulkins, and Kong

ABSENT: Commissioner Awasthi

STAFF: Jay Lee, Christopher Creech, Randy Baez, Lillian VanHua and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech 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.

ELECTION OF CHAIR AND VICE CHAIR FOR 2024

Assistant City Attorney Christopher Creech facilitated elections for Chair and Vice Chair.

Assistant City Attorney Creech invited members of the public to speak on this item and there were none.

Commissioner Medina-Ashby nominated Commissioner Albana for Chair. Commissioner Albana accepted nomination.

Motion/Second Gupta/Galang
Motion carried by a vote of AYES: 6 NOES: 0

Commissioner Albana nominated Commissioner Medina-Ashby for Vice Chair. Commissioner Medina-Ashby accepted nomination.

Motion/Second Caulkins/Galang
Motion carried by a vote of AYES: 6 NOES: 0

*BRIEF RECESS

Rearranged chamber to seat newly appointed Chair and Vice Chair appropriately.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for February 28, 2024.

Motion/Second Kong/Caulkins

Motion carried by a vote of AYES: 6 NOES: 0

APPROVAL OF THE MEETING MINUTES

By motion, approve the meeting minutes for January 10, 2024.

Motion/Second Caulkins/Gupta

Motion carried by a vote of AYES: 4 NOES: 0 ABSTAIN: 2 (Kong, Medina-Ashby)

By motion, approve the meeting minutes for January 24, 2024.

Motion/Second Caulkins/Medina-Ashby

Motion carried by a vote of AYES: 4 NOES: 0 ABSTAIN: 2 (Kong, Galang)

ANNOUNCEMENTS

Chair Albana expressed her gratitude on her appointment and opportunity to continue to serve the City. She thanked former commission members (Chuan, Ciardella, and Mohsin) for their services to our community and appreciate how they worked well together in previous years. Chair Albana also welcomed newest commissioners Kong, Caulkins, and Gupta.

PUBLIC FORUM

Chair Albana invited members of the public to address the commission and there were none.

PUBLIC HEARING

X-1 NEW HILLSIDE RESIDENCE – 500 VISTA SPRING CT. – SD23-0005: A Site Development Permit to develop a 5,963-square foot, two-story single-family residence with two-car garage and a 183-square foot detached pool house on a 2.3-acre lot in the R1-H Single-family Residential Hillside Combining District located at 500 Vista Springs Ct. The maximum height of the new residence will be 27 feet and 5.5 inches above grade level. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 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).

(1:26) Project Planner Randy Baez, Planning Director Jay Lee, and the applicant's team members addressed commissioners' clarifying questions related to the location of the second two-car garage, any challenges in meeting City code in regards to design, the maximum weight for the outdoor patio area, structural material to be used for the patio area, durability/maintenance/concerns of fence material proposed, excavation/grading plan and retaining walls, allowable percentage to build/develop (pervious vs. impervious), stability of soil with grading, security measures for the open pool area, and fault lines near project site.

Chair Albana invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Galang/Kong

Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution 24-008, recommending that the City Council approve Site Development Permit No. SD23-0005, subject to the findings and attached Conditions of Approval.

Motion/Second Caulkins/Medina-Ashby

Motion carried by a vote of AYES: 6 NOES: 0

X-2 76 GAS STATION REMODEL AND BEER AND WINE SALES REQUEST

– 27 S. PARK VICTORIA DR. – UP23-0014 and SD22-0010: A Site Development Permit and Conditional Use Permit to allow the redevelopment of an existing 1,138-square foot gas station with a new 2,460-square foot convenience store, sale of alcoholic beverages Type-20 (Beer and Wine) for off-site consumption, and associated site improvements on a 0.4-acre parcel located at 27 S. Park Victoria Dr. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15302 (Replacement or Reconstruction), and as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

(1:55) Project Planner Randy Baez, Planning Director Jay Lee, property owner, and the applicant's team members addressed commissioners' clarifying questions related to location of propane tanks for sale, possible expansion of additional gas pumps, consideration of schools in the area when applying for beer and wines sales license, standard code's minimum distance to schools for sale of alcoholic beverages Type-20 (Beer and Wine), DUI trends in the City, whereabouts of taco truck business currently on-site, the removal of auto shop, driveway entrance locations, numbers of parking spaces, restroom requirements, area of entire lot, shared parking requirements, if MUSD was contacted directly about the project, availability of crime data for the last five years in the area, how applicant will be a partner in the community to make sure that alcohol sales do not occur toward minors (training to appropriately check ID), concern of precedence for other gas stations to sell alcohol, and how is selling liquor an important aspect of the owner's business.

Chair Albana invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Kong/Gupta

Motion carried by a vote of AYES: 6 NOES: 0

Motion to re-open the Public Forum.

Motion/Second Caulkins/Gupta

Motion carried by a vote of AYES: 6 NOES: 0

Motion to close the Public Forum.

Motion/Second Medina-Ashby/Caulkins

Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends that the Planning Commission open and close the public hearing and adopt Resolution 24-009, approving Site

Development Permit No. SD22-0010 and Conditional Use Permit No. UP23-0014, subject to the findings and attached Conditions of Approval.

Motion/Second Caulkins/Galang

Motion carried by a vote of AYES: 6 NOES: 0

X-3 THE ESCAPE GAME – 123 GREAT MALL DR. - UP23-0012: A

Conditional Use Permit to operate a 4,513-square foot entertainment facility (The Escape Room) within an existing commercial space in the General Commercial (C2) zone, located at 123 Great Mall Drive. The project is also located within the Milpitas Metro Specific Plan Area. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the 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).

(2:41) Project Planner Lillian VanHua and the applicant's team members addressed commissioners' clarifying questions related to the entrance/exit locations, how games rooms are chosen and paid for, number of employees and their job duties, customer age group, mandatory that at least (1) adult accompany a group of minors, emergency procedure, how situations are handled when customers have panic attacks, game room puzzles considered as a brain development tool as well as a fun activity, any risks of addiction, other business locations in the area, why applicant chose Milpitas, and number of restrooms.

Chair Albana invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Gupta/Caulkins

Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution No. 24-010, approving Conditional Use Permit No. UP23-0012 subject to the findings and attached Conditions of Approval.

Motion/Second Galang/Medina-Ashby

Motion carried by a vote of AYES: 6 NOES: 0

NEW BUSINESS

- Planning Commission Metrics discussion by Planning Director Jay Lee.

Various topics were discussed that included Planning Commission accomplishments, work plan, and average applicant response times for permit submittals presented to Planning commission.

- Planning Commission and City Attorney discussed the concerns of alcohol sales licenses being issued in the proximity of schools and other sensitive areas (i.e. daycare centers), and alcohol sales at gas stations in the City.

The Planning Commission requested a presentation from Staff at a future meeting about the number of alcohol permits at gas stations, criminal statistics about use and alcohol related crimes around gas stations, and proposals Staff can bring upon similar alcohol related permitted entitlements to help address Planning Commission's concerns about alcohol related crimes at sensitive places (i.e., schools, daycares).

Motion/Second Gupta/Albana

Motion carried by a vote of AYES: 6 NOES: 0

ADJOURNMENT

Chair Albana adjourned the meeting at 9:45 pm

Motion/Second Caulkins/Medina-Ashby

Motion carried by a vote of AYES: 6 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina