



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00pm

Wednesday, March 13, 2024
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Albana called the meeting to order at 7:03pm.

PLEDGE OF ALLEGIANCE

Commissioner Awasthi led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Chair Albana, Galang, Awasthi, Gupta, Caulkins, and Kong

ABSENT: Vice Chair Medina-Ashby

STAFF: Jay Lee, Christopher Creech, Randy Baez, Lt. Kyle Sanchez, 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.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for March 13, 2024.

Motion/Second Galang/Awasthi

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

APPROVAL OF THE MEETING MINUTES

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

Motion/Second Caulkins/Kong

Motion carried by a vote of AYES: 5 NOES: 0 ABSTAIN: 1 Awasthi

ANNOUNCEMENTS

There were no announcements from Planning Commissioners or Planning Director.

PUBLIC FORUM

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

PUBLIC HEARING

IX-1 HEAD/SMOKE/TOBACCO SHOP – 1225 JACKLIN ROAD – P-UP23-0013: An application for a Conditional Use Permit to allow for the retail sales of tobacco products within an existing 870-square foot tenant space of a 9,960-square foot multi-tenant commercial building, located on a 0.9-acre lot within the C1 Neighborhood Commercial zoning district at 1225 Jacklin Road. The project is categorically 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).

[\(57:09\)](#) Project Planner Randy Baez, Planning Director Jay Lee, and the business owner Kareem Al Salahi addressed commissioners' clarifying questions related to zoning conformance/development standards, identification verification process to ensure no sales to minors, number of responses received from QR code petition in favor of business opening in Milpitas, the shop's responsibility to police smokers in the parking lot, marijuana and CBD sales, definition of "head" shop, location of other shops that sell CBD in Milpitas, description/examples of paraphernalia items sold, limitations on how many products can be sold to customers, if smoking allowed in store, concerns of shop location being so close to residential area, Golf Land and schools, location of business owner's other store, why the City of Milpitas was chosen for business location, companies where business owner purchases products for sale, paraphernalia uses (tobacco vs. marijuana), number of other smoke shops and tobacco retailers in Milpitas, City's definition of a smoke shop, police reports of criminal activity related to smoke shops in Milpitas, violations/citations issued prior to receiving permit to operate, influence of smoke shop business on minors in the community, date of first day of business, permit needed for signage-smoke shop banner, justification of long business hours, layout of store (one entrance/exit) and possible fire hazards, number of employees, minimum age of customer, max of customers allowed in store, if City has a tobacco retail permit and enforcement, process of business license issuance, and possible name change.

Chair Albana invited members of the public to address the commission and there were seven community members who spoke in *opposition* of the project:

- Anthony Tobacco
- Senkadir R.
- Kuljinder Kaur Bariana
- Peter Pham
- Loc Nguyen
- Venkat Vankayalapati
- Kevin Ly

Motion to close the Public Forum.

Motion/Second Kong/Gupta

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

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 24-005, recommending City Council approve Site Development Permit No. SD21-0002, subject to the Conditions of Approval.

Motion to **DENY**/Second Galang/Awasthi

Motion carried by a vote of AYES: 5 NOES: 0 ABSTAIN: 1 Gupta

~~**IX-2 NEW MULTI-FAMILY HOUSING – 1905 TAROB COURT – P-SD23-0011, P-UP23-0007, P-MT23-0001, P-DB23-0002, P-TR23-0015, AND P-EA23-0002:**~~
~~A Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to remove and replace 21 ordinance-sized trees and develop a multi-family residential project with 43 townhomes and 13 accessory dwelling units. The residential development will consist of eight multi-family residential buildings up to 39 feet in height (three stories), with 104 vehicle parking spaces and associated site improvements on a 2.3-acre site located in the High Density~~

~~Residential Zoning District with a Transit Oriented Development Overlay (R3-TOD) at 1905 Tarob Court. The Project is located within the Milpitas Metro Specific Plan (MMSP) area and submitted under California Senate Bill 330 (Housing Crisis Act of 2019).~~

~~Project Planner: Michael Fossati, (408) 586-3274, mfossati@milpitas.gov.~~

~~*Recommendation:* Staff recommends that this item be moved to a date uncertain.~~

~~*Item withdrawn.*~~

NEW BUSINESS

NO ITEMS

ADJOURNMENT

Chair Albana adjourned the meeting at 8:37 pm

Motion/Second Galang/Caulkins

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

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina