



CITY OF MILPITAS PLANNING COMMISSION MEETING AGENDA

JUNE 26, 2024 7:00 PM
CITY COUNCIL CHAMBERS,
455 E CALAVERAS BLVD, MILPITAS, CA



The Planning Commission meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

You may watch the meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

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** To access written translation during the meeting, scan the QR Code*

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may only be provided live during the Planning Commission meeting in person. All comments provided shall be limited to three minutes or less as determined by the Chair. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items. Members of the public may submit written comments by email to PlanningDepartment@milpitas.gov

The meeting will be streamed via Zoom for viewing purposes only. To watch via Zoom, please register at: https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_aBhENZ6jQ4abgLyOswBIQ

I. CALL MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE (Commissioner Kong)

III. ROLL CALL

IV. CONFLICT OF INTEREST DECLARATION

V. APPROVAL OF THE AGENDA

By motion, approve the meeting agenda for June 26, 2024.

VI. APPROVAL OF THE MEETING MINUTES

By motion, approve the meeting minutes for May 22, 2024.

VII. ANNOUNCEMENTS

1. Planning Commissioners
2. Planning Director

VIII. PUBLIC FORUM

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Chair's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the Planning Commission may instruct the staff to place the item on a future meeting agenda.

IX. PUBLIC HEARING

IX-1 ALCOHOL SALES – 777 E. CAPITOL AVE. – P-UP24-0001: A Conditional Use Permit to sell beer, wine, and spirits for off-site consumption (ABC Type 21 License) within an existing grocery store in the General Commercial (C2) Zoning District and Milpitas Metro Specific Plan area at 777 E. Capitol Avenue. The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

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

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, and adopt Resolution 24-019, approving Conditional Use Permit No. UP24-0001, subject to the Conditions of Approval.

IX-2 CONTRACTORS YARD – 897 AMES AVE – P-UP24-0003 / MS24-0146: A Conditional Use Permit and Minor Site Development Permit to operate a contractor's yard in the Heavy Industrial (M2) Zoning District, on a 2.30-acre lot located at 897 Ames Ave. The Project includes site improvements, such as repainting and restriping. The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

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

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, and adopt Resolution 24-024, approving Conditional Use Permit No. UP24-0003 and Minor Site Development Permit No. MS24-0146, subject to the Conditions of Approval.

IX-3 NEW PAD BUILDING - 125 N. MILPITAS BLVD. - P-SD22-0011, P-UP22-0005, P-SA23-0005, and P-MS24-0145: A Site Development Permit, Conditional Use Permit, Site Development Permit Amendment, and Minor Site Development Permit to develop a new, 6,245-square foot commercial pad building within the existing Beresford Square North Shopping Center with up to three retail tenants and a drive-thru for one tenant, a replacement monument sign at the intersection of N. Milpitas Boulevard and E. Calaveras Boulevard with a maximum height of 16-feet above grade level, an amended Beresford Square Master Sign Program, shared parking, outdoor dining, and associated site improvements on an existing 5.67-acre parcel located in the Town Center (TC) Zoning District at 125 North Milpitas Boulevard. 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: Kristina Phung, (408) 586-3278, kphung@milpitas.gov

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, and adopt Resolution 24-022, approving Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment No. SA23-0005, and Minor Site Development Permit No. MS24-0145 subject to the Conditions of Approval.

IX-4 NEW PRIVATE HIGHSCHOOL SCHOOL – 1323 GREAT MALL DR. —UP23-0008, SD23-0012, EA24-0001, and DA24-0001: A request for a Conditional Use Permit, Site Development Permit, Environmental Assessment, and Development Agreement to allow the operation of a new private high school (Stratford Preparatory School) in an existing 51,740 square foot, two-story office building, allow the development of a new 7,883-square foot, 35 feet tall gymnasium building and other site improvements on a 3.0-acre lot located at 1323 Great Mall Dr, Milpitas CA 95035. In accordance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Mitigated Negative Declaration for the proposed project pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d), and a Development Agreement to provide certainty to the applicable development standards.

Project Planner: Avery Stark, (408) 586-3288, astark@milpitas.gov

Recommendation: Staff recommends that the Planning Commission conduct a public hearing and adopt resolution No. 24-021, recommending that the City Council approve SD23-0012, EA24-0001, and DA24-001 and resolution No. 24-023, recommending that the City Council approve UP23-0008 based on the findings and subject to the Conditions of Approval.

X. NEW BUSINESS

NO ITEMS

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within 12 calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

XI. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

e-mail: mmutalipassi@milpitas.gov / Phone: 408-586-3040

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035 Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.milpitas.gov by selecting the Milpitas Municipal Code link.

The Planning Division will provide a recorded agenda or minutes printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities Act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at 408-586-3279.