



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00pm

Wednesday, June 26, 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 7:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Medina-Ashby led the pledge of allegiance.

ROLL CALL

Recording Secretary Medina called the roll.

PRESENT: Chair Albana, Vice Chair Medina-Ashby, Galang, Gupta, and Kong.

ABSENT: Caulkins, Awasthi

STAFF: Jay Lee, Christopher Creech, Michael Fossati, Kristina Phung, Avery Stark, 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 June 26, 2024.

Motion/Second Galang/Medina-Ashby

Motion carried by a vote of AYES: 5 NOES: 0

APPROVAL OF THE MEETING MINUTES

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

Motion/Second Gupta/Galang

Motion carried by a vote of AYES: 5 NOES: 0

ANNOUNCEMENTS

Planning Director Lee shared that there are no meetings in July; next meeting on August 14th.

Assistant City Attorney Creech reminded the commission that the State of the City address will be tomorrow, Wednesday, June 27th at 5:30 p.m. in the chambers.

PUBLIC FORUM

Chair Albana invited members of the public to address the commission, and one community member was present to speak: Oswaldo Ocegueda (Carpenters Union 405).

Motion to close the Public Forum.

Motion/Second Medina-Ashby/Kong
Motion carried by a vote of AYES: 5 NOES: 0

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).

[\(13:44\)](#) Project Planner Michael Fossati and and applicant team members, Jenny and Alan Truong [*applicants/owners*] and Todd Lee [*project lead*] addressed commissioners' clarifying questions related to other Lee Supermarket location and if it holds a ABC Type 21 license, hours of operation, if alcohol for sale will be displayed on shelves and manned by a designated employee, transfer of alcohol license from Me-Kong Grocery to Lee Grocery, location of where Me-Kong Grocery displayed alcoholic beverages, which jurisdiction is responsible for public safety response for this location, video surveillance to monitor drinking in the park lot, and access/parking spaces on E. Capitol Ave. (in Milpitas).

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: 5 NOES: 0

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.

Motion/Second Galang/Kong
Motion carried by a vote of AYES: 5 NOES: 0

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).

[\(34:48\)](#) Project Planner Michael Fossati and and applicant team members, David Penny [*applicant*], and Cheryl Pearson and Karen Talley [*property owners*] addressed commissioners' clarifying questions related to the timing of the permit process for this project (60 days), company vehicle traffic during hours of operation, size/weight of commercial vehicles used, color choices, number of off-site employees, parking, and fence/gate for perimeter of the property.

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: 5 NOES: 0

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.

Motion/Second Gupta/Medina-Ashby

Motion carried by a vote of AYES: 5 NOES: 0

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).

[\(57:59\)](#) Project Planner Kristina Phung and and applicant team members, Thomas Jajeh [*Shapell Properties, applicant*], Greg James [*architect*], Chuck Gardella [*landscape architect*], Jon Romaguera [*civil engineer*], Eric Tse and Brett Walinski [*traffic consultants*], and Heather Bruce [*noise/air quality consultant*] addressed commissioners' clarifying questions related to plans to update the other buildings on the project site, tenants for other spaces, hours of operation during construction, flow of traffic for drive-thru, height of building, back doors for each suite, reasons why Starbucks across the street may have closed, possible amendments to project plans in the future should the proposed coffee shop not operate in the proposed project, pedestrian safety for designated outdoor dining space,

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

Motion to close the Public Forum.

Motion/Second Gupta/Medina-Ashby

Motion carried by a vote of AYES: 5 NOES: 0

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.

Motion/Second Gupta/Kong

Motion carried by a vote of AYES: 5 NOES: 0

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.

[\(1:42:16\)](#) Project Planner Avery Stark and and applicant team members, Sean Morley [*applicant*], Kelly Woods [*Stratford Schools*] Jeremy Theodore [*architect*], and Mark Philpott [*contruction*] addressed commissioners' clarifying questions related to being a transition site for the elementary Stratford students at the adjacent site, parking concerns based on student enrollment and number of teachers/staff, pick-up/drop-off schedule and process, hours that security guards are on duty, clarification of layout of first and second floors, emergency exit locations, maximum capacity of Stratford Blackford campus (San Jose) vs. the proposed campus in Milpitas, pursued this particular site to meet the demand, does later start time for high school conform with state law, Stratford's offerings differentiate from Milpitas public school system, and will there be an economic impact in property taxes (as revenue) as this project site gets redeveloped.

Chair Albana invited members of the public to address the commission and the following representatives from Milpitas Unified School District spoke:

- Cheryl Jordan, Superintendent
- Minh Ngo, MUSD School Board President
- Robert Jung, MUSD School Board Trustee
- Dorothy Reconose, MUSD Chief Business Officer

Also, community member Joe Maraspini (Carpenters Union 405) addressed the commission.

Motion to close the Public Forum.

Motion/Second Kong/Gupta

Motion carried by a vote of AYES: 5 NOES: 0

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. **With a request for City*

Council to consider projected enrollment data provided by Milpitas Unified School District.

Motion/Second Albana/Kong

Motion carried by a vote of AYES: 5 NOES: 0

NEW BUSINESS

NO ITEMS

ADJOURNMENT

Chair Albana adjourned the meeting at 9:58 pm

Motion/Second Galang/Gupta

Motion carried by a vote of AYES: 5 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina