

MEMORANDUM

Planning Department



Date: June 19, 2025
To: Zoning Administrator
From: Sean Manalo, Associate Planner

Subject: **PSI QUANTUM EXTERIOR EQUIPMENT ENCLOSURE – 275 S. HILLVIEW DR. - P-MS25-0053:** A Minor Site Development Permit request to construct an approximately 1,470 square-foot equipment enclosure at the rear of an existing 115,935 square-foot building (PsiQuantum) on a 6.40-acre site in the Heavy Industrial (M2) Zoning District, located at 275 S. Hillview Drive. 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).

Location: 275 S. Hillview Drive (APN: 086-38-030)

Zoning/GP: Heavy Industrial (M2) / MFG - Manufacturing

APPLICATION

In April 2025, Marc Marzane of Technical Builders Inc. (on behalf of PsiQuantum) submitted a Minor Site Development (MSD) Permit application to construct a 1,470 sq.ft, equipment enclosure, approximately seven feet in height, to accommodate industrial equipment required for operations on the site. The equipment includes two 9,000-gallon LN2 tanks located behind an existing 115,935-square-foot industrial building. Per Milpitas Municipal Code (MMC) Table XI-10-57.03-1, applicants proposing to develop equipment enclosures exceeding 200 square feet must obtain an MSD Permit.

BACKGROUND

PsiQuantum is a quantum computing company based in Palo Alto, California focused on building the world’s first useful quantum computer for applications in medicine, energy, and finance among other industries. The company has recently secured a long-term lease for the subject site at 275 S. Hillview Dr. to expand their manufacturing, and research and development operations. The 6.40-acre site contains one existing vacant building that is approximately 115,935 sq.ft.



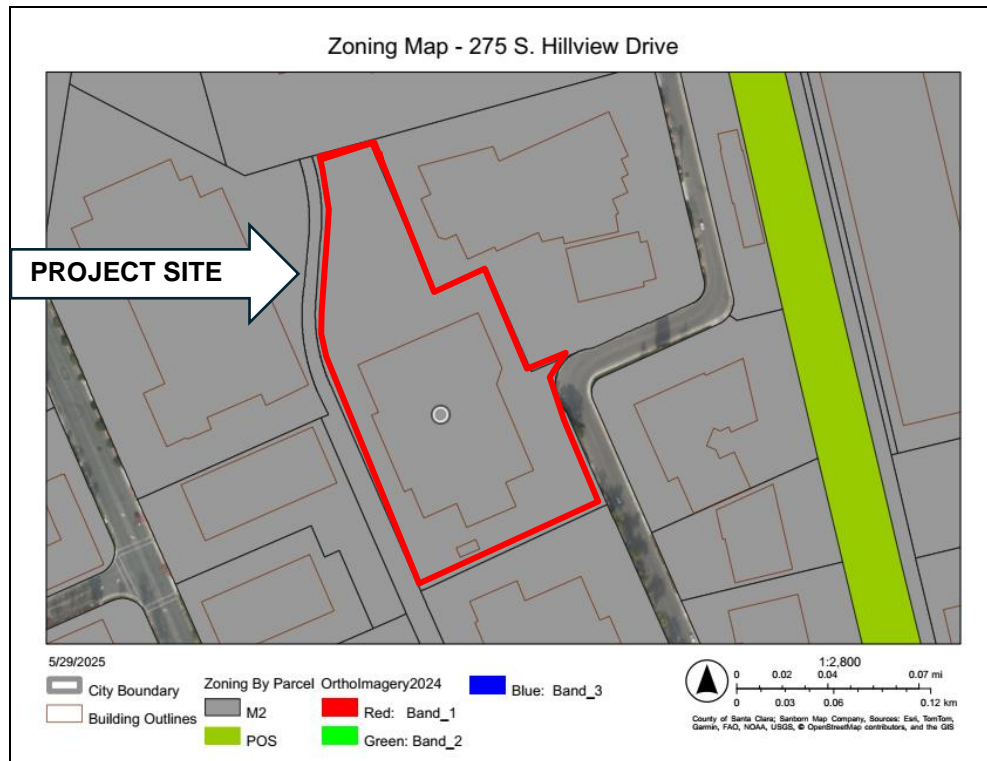
The applicant, on behalf of PsiQuantum, initiated a building permit for limited improvements to the existing site. Interior improvements to the building include new lighting, ADA restroom improvements, and the creation of a new cryostat room and mothers' room within the existing space. Exterior improvements to the site involve the construction of a new concrete pad with an enclosure for associated equipment and the installation of a new connecting trench to the main building (Attachment B). Prior to obtaining a building permit to construct the equipment enclosure and perform necessary tenant improvements on the lot, the Applicant must obtain a MSDP. A letter of support from Cannae Partners representing the ownership for the property, is provided as Attachment C.

The following is a summary of the Applicant's request:

- *Minor Site Development Permit* to construct a new 1,470-sq.ft. chain-link equipment enclosure and associated concrete pad, approximately seven feet in height, protected by bollards for two (2) new 9,000 gallon LN2 Tanks.

The Project site is surrounded by industrial uses to the north, east, and south, and rail tracks operated by Union Pacific to the west as demonstrated in Map 1: Project Zoning, Map 2: Aerial View, and Table 1: Surrounding Zoning and Land Uses

Map 1: Project Zoning – 275 S. Hillview Drive



Map 2: Aerial View – 275 S. Hillview Drive

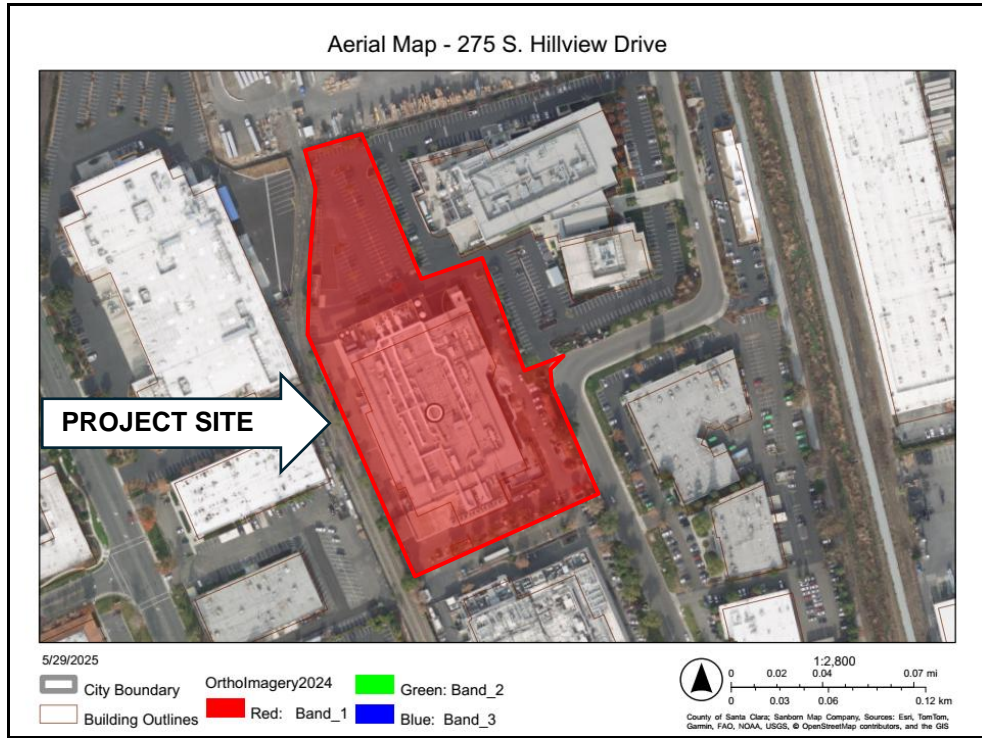


Table 1: Surrounding Zoning and Land Uses

	General Plan	Zone	Uses
Subject Site	Manufacturing (MFG)	Heavy Industrial (M2)	Industrial Use, Manufacturing (PsiQunatum)
North	Manufacturing (MFG)	Heavy Industrial (M2)	Warehousing and Wholesale
South	Manufacturing (MFG)	Heavy Industrial (M2)	Business Support Services, Manufacturing
East	Manufacturing (MFG)	Heavy Industrial (M2)	Business Support Services
West	Manufacturing (MFG)	Heavy Industrial (M2)	Union Pacific Rail Line

PROJECT DESCRIPTION

The proposed 1,470-square-foot enclosure would be installed on a new concrete pad located along the rear side (west) property line of the subject lot and behind the existing building. The seven-foot-tall enclosure would be within an existing service yard that is accessed from two nine-foot-tall sliding gates with privacy slats located to the north and south. The proposed project would also be bound by 26 metal bollards measuring four-foot-tall to provide protection from vehicular traffic and offer a secured area for authorized personnel only. Figure 1: Site Plan demonstrates the location of the proposed enclosure. Figure 2 provides an enlarged site plan view and demolition plan of the proposed project.

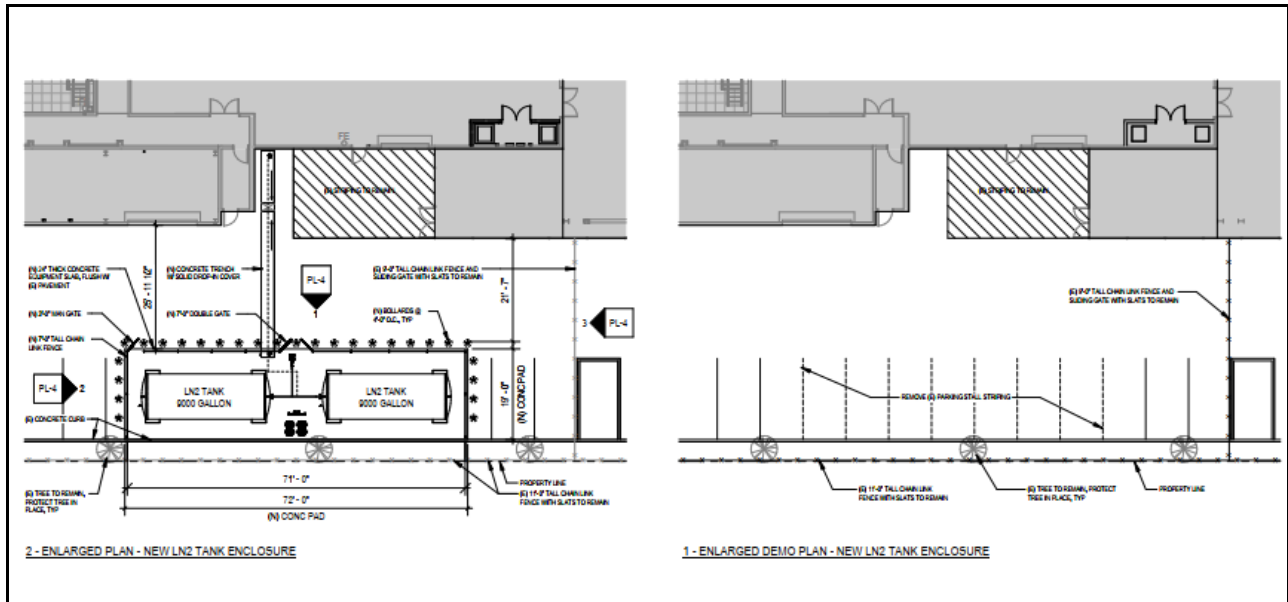
The enclosure would feature one (1) three-foot-wide man gate, and one (1) seven-foot-wide double gate to access the LN2 tanks within. These gates will remain shut and locked the majority of the time and only will be accessed when the equipment needs to be maintained.

Three (3) existing trees near the project location will remain and will not be impacted by the proposed project. The proposed project would further result in the removal of nine (9) existing standard-sized surface parking spaces.

Figure 1: Site Plan



Figure 2: Enlarged Site Plan (Proposed Plan / Demolition Plan)



ANALYSIS

The project site is located in the Heavy Industrial (M2) Zoning District and complies with all applicable development standards of that district, as shown in Table 2:

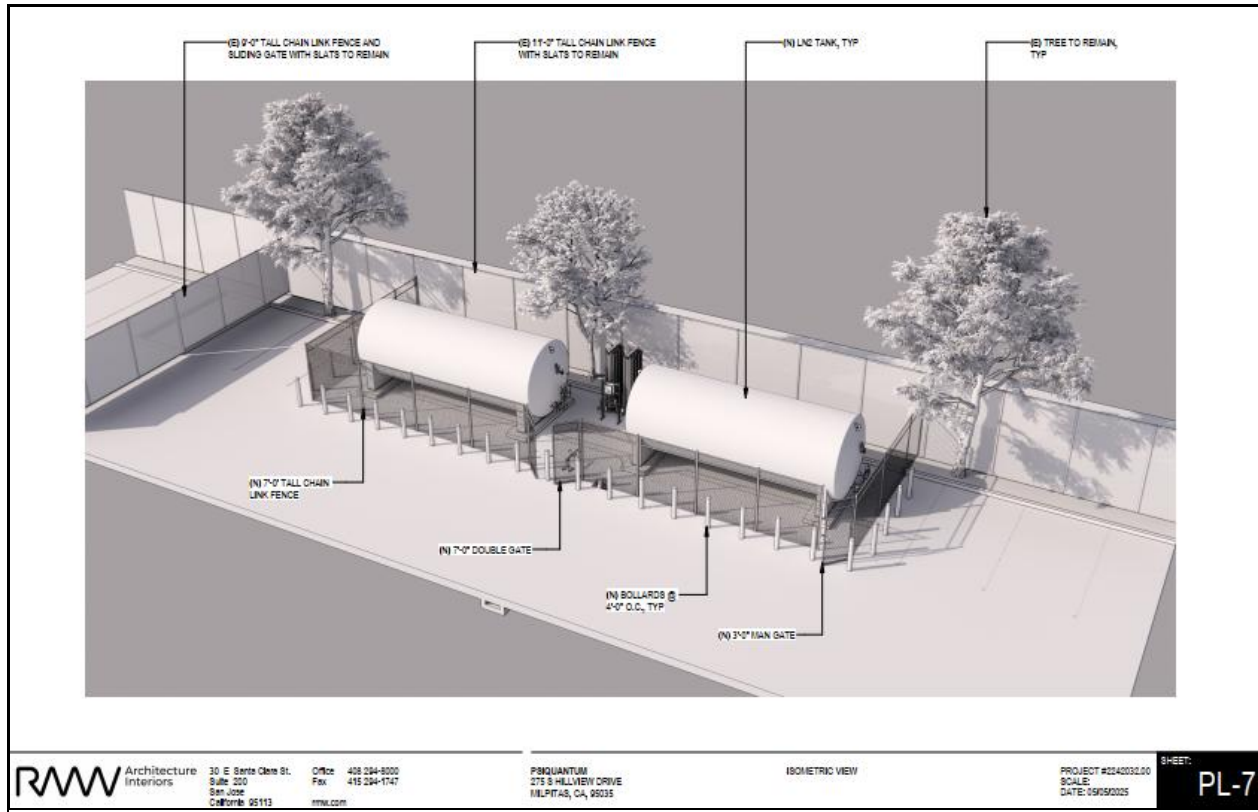
Table 2: MP Zone Development Standards

Standards	Required	Existing/Proposed	Complies
Front Setback	Along major street: 35 feet from face of curb. Along non-major street: 25 feet from face of curb.	Appx 55-ft. (No Change)	Yes
Side Yard Setback	None	None (No Change)	Yes
Rear Yard Setback	None	None (No Change)	Yes
Max. FAR	0.40	0.40 (No Change)	Yes
Landscaping	Landscaping within Front Yard Setback	Landscaping within Front Yard Setback (No Change)	Yes

COLORS AND MATERIALS

The enclosure will be constructed of similar chain-link fencing with seven-foot-tall vinyl privacy slats to complement the existing screening located at the rear of the property. The purpose of the enclosure is to screen the new equipment from view. Figure 3 provides an isometric review and renderings of the proposed equipment enclosure with views facing West.

Figure 3: Isometric View, Equipment Enclosure Renderings



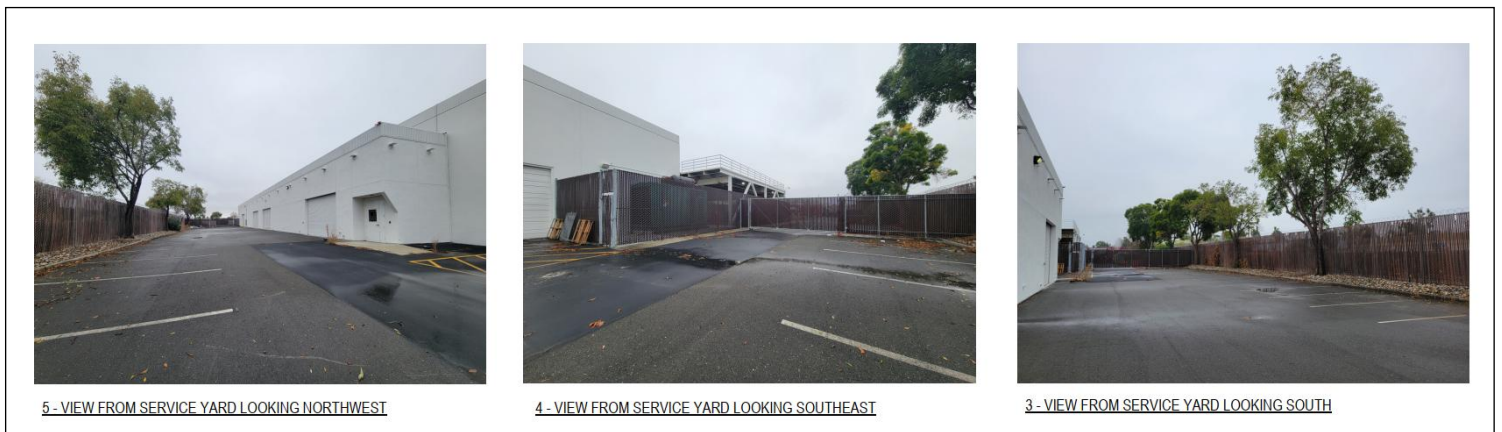
VIEWS

As described above, the proposed equipment enclosure would be located along the west side (rear) property line, and to the rear of the existing industrial building. The enclosure will be well hidden from views in all directions. The enclosure will be hidden from the east as it is behind the adjacent main building, and from remaining views to the north, south, and west, as it will be located within the existing service yard enclosed by nine-foot-tall sliding gate fencing to the north and south, and 11-ft tall fencing along the rear (west) property line adjacent to the rail tracks. Figures 4 and 5 provide a collection of context views from outside the existing service yard parking lot, and inside the existing service yard parking area where the proposed equipment enclosure would be located.

Figure 4: Context Views, Views from Outside Existing Rear Service Yard, Parking Lot



Figure 5: Context Views, Views from Inside Existing Rear Service Yard, Parking Area



As noted above, the enclosure will include the installation of vinyl privacy slats and create a harmonious appearance from views from the north, east, and south. The entirety of the LN2 tanks will be screened by existing fencing with privacy slats along the rear property line. Figures 6 and 7 provide elevations from multiple views of the proposed enclosure and equipment.

Figure 6: North Elevation

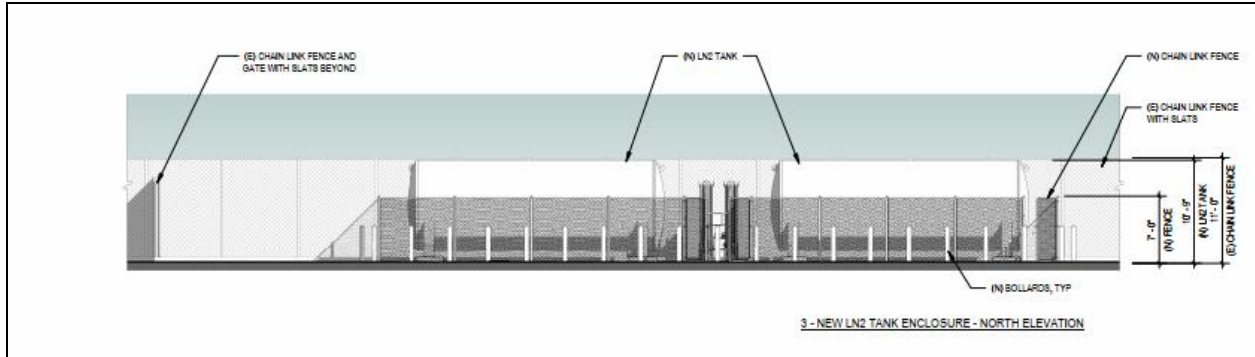
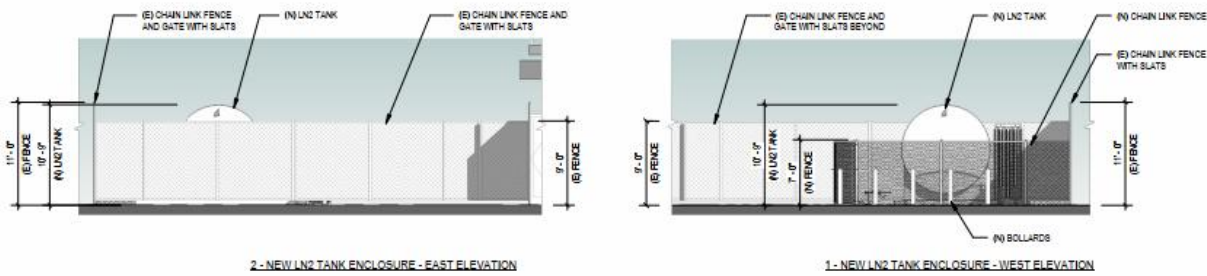


Figure 7: East/West Elevation



As proposed, the project and associated use are consistent with the purpose and intent of the Heavy Industrial zoning district, which is intended to be “reserved for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution and other uses compatible with the district.”

PARKING

The subject site maintains several parking areas surrounding the main building, including a large parking lot located at the north of the property. The location of the proposed enclosure will require the removal of nine (9) standard surface parking spaces. However, the site will remain compliant with the MMC parking standards, as demonstrated in Table 3. Seven (7) ADA parking spaces and two (2) Van Accessible parking spaces are required on the subject property and will not be impacted by the proposed project.

Table 3: Parking Standards

Use	Area	Minimum Parking Spaces Required	Total
Manufacturing	115,935 sq. ft.	1 per 1,500 sq. ft.	73 spaces
Total Spaces required (per MMC)			73 spaces
Total Spaces provided			261 spaces

FINDINGS FOR APPROVAL

In accordance with Section XI-10-57.03(G) of the Milpitas Municipal Code, the Zoning Administrator may consider and approve a Minor Site Development if the required findings can be made. Findings shall identify the rationale behind the decision to take a certain action and are analyzed below:

- 1. The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building;*

The project will not be visible to vehicles and pedestrians from the public right-of-way as it will be located within an existing service yard behind the main building. The enclosure will provide privacy slats to match existing screening on the site. The design of the enclosure is consistent with similar enclosures in the immediate area.

- 2. The development assures that modifications satisfy functional requirements, and are screened with appropriate compatible materials; and*

The proposed enclosure efficiently uses available space and will enable PsiQuantum to effectively screen equipment used for its operations. The enclosure will complement the character of the industrial building, as it is placed at rear of the site and is adequately protected by chain link fencing and metal bollards to prevent from vehicular accidents. While the project would require the removal of nine (9) parking surface parking stalls, the subject site would still meet minimum parking requirements.

- 3. The development assures that the modifications will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.*

The proposed enclosure is located at the rear of the site, behind an existing industrial building, and enclosed by appropriately colored materials that complement the existing building. The seven-foot-tall enclosure will not be visible from the front of the building and will not affect views from surrounding properties or nearby industrial

buildings. It will completely screen the proposed mechanical equipment from public view.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e) (Existing Facilities) and as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the project is less than 10,000 square feet, located within an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and in an area that is not environmentally sensitive.

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve Minor Site Development Permit No. MS25-0053 to allow the development of an approximately 1,470 square-foot equipment enclosure at the rear of an existing 115,935 square-foot building on a 6.40 acre site located at 275 S. Hillview Drive, subject to the findings outlined in the staff memorandum and the attached Conditions of Approval.

Attachments:

- A. Conditions of Approval*
- B. Project Plans*
- C. Support Letter from Ownership Representative (Cannae Partners)*

CONDITIONS OF APPROVAL:

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Site Development Permit No. MS25-0053 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following: **(P)**
 - i. Acceptance of this Permit by Permittee; and
 - ii. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project: **(P)**
 - i. Completes a foundation associated with the project; or
 - ii. Dedicates any land or easement as required from the zoning action; or
 - iii. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the approval of this Permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(CA)**

7. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Permit and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the approval of this Permit. **(P)**
8. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Permit. **(P)**
9. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
10. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**
12. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(CA)**

15. Permittee shall develop the approved project in conformance with the approved plans (date stamped June 19, 2025 approved by the Zoning Administrator in accordance with these Conditions of Approval. **(P)**

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Zoning Administrator or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

16. Fire Department

The project/development shall comply with the requirements of the Fire Department and the California Fire Code. Changes to the site plan and/or internal circulation shall be reviewed and approved by the Fire Department. **(F)**

1. **FIRE ACCESS DIMENSIONS.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm). [Ref.: CFC 503.2.1 as amended by MMC V-300-2.55]

2. **FIRE LANE OBSTRUCTION.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. New above ground structure(s) shall not encroach or impede fire apparatus access. Projections into the driveway (or any other roadway) are not permitted. Fire apparatus access roads shall remain clear and unobstructed. [Ref.: CFC 503.4]

3. **FIRE DEPARTMENT APPROVAL AND ADDITIONAL REQUIREMENTS.** The Milpitas Fire Department shall approve new installation and/or modifications to existing fire protection, alarm or monitoring system(s). A separate submittal is required to the Milpitas Fire Department, for review and approval, prior to the commencement of any work. CFC Section 901.2

- 1. FIRE SERVICE UNDERGROUND WATER SYSTEM
- 2. AUTOMATIC FIRE SPRINKLERS
- 3. FIRE ALARM SYSTEM

4. SEPARATION OF STATIONARY CONTAINERS FROM EXPOSURE HAZARDS.

Stationary containers shall be separated from exposure hazards in accordance with the provisions applicable to the type of fluid contained and the minimum separation distances in Table 5504.3.1.1 [Ref.: CFC 5504.3.1.1]

TABLE 5504.3.1.1 SEPARATION OF STATIONARY CONTAINERS FROM EXPOSURE HAZARDS

EXPOSURE	MINIMUM DISTANCE (feet)
Air intakes	10
Building exits	10
Buildings, regardless of construction type	1
Combustible materials such as paper, leaves, weeds, dry grass or debris	15
Lot lines	5
Nonambulatory patient areas	50
Other hazardous materials	In accordance with Chapter 50
Places of public assembly	50
Wall openings	1

For SI: 1 foot = 304.8 mm.

5. DRAINAGE. The area surrounding stationary containers shall be provided with a means to prevent accidental discharge of fluids from endangering personnel, containers, equipment and adjacent structures or to enter enclosed spaces. The stationary containers shall not be placed where spilled or discharged fluids will be retained around the container. [Ref.: CFC 5504.3.1.1.5]

17. Building Department

The project/development shall comply with the requirements of the Building Department and the International Building Code. **(B)**

18. Engineering

The project/development shall comply with the requirements of the Engineering Division, and as may be amended by the City of Milpitas. **(LD)**

- (P) = Planning
- (F) = Fire Prevention
- (B) = Building
- (LD) = Land Development
- (CA) = City Attorney

_____ Date: _____
 Jay Lee, AICP
 Planning Director

ACCEPTANCE

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

275 S HILLVIEW DRIVE MILPITAS, CA, 95035

MINOR SITE DEVELOPMENT PACKAGE

PROJECT DATA

1. APN:	086-38-030
2. ZONE:	M2 INDUSTRIAL
3. SITE AREA:	6.428 ACRES
4. (E) BUILDING AREA:	115,935 SF
5. CONSTRUCTION TYPE:	III-B AND III-A
6. LIFE SAFETY:	FULLY SPRINKLERED
7. NUMBER OF STORIES:	2 (PLUS FAB SERVICE TUNNEL AND EQUIPMENT INTERSTITIAL)
8. OCCUPANCIES:	A3, B, F1, & S1

PROJECT DESCRIPTION

NEW CONCRETE PAD (72' X 19'-0") WITH A 7'-0" TALL CHAIN LINK FENCE ENCLOSURE PROTECTED BY BOLLARDS, FOR (2) NEW 9,000 GALLON LN2 TANKS. THE NEW ENCLOSURE IS CONTAINED WITHIN THE EXISTING SERVICE YARD AND IS SCREENED FROM PUBLIC VIEW BY EXISTING FENCING AND VEHICULAR GATES.

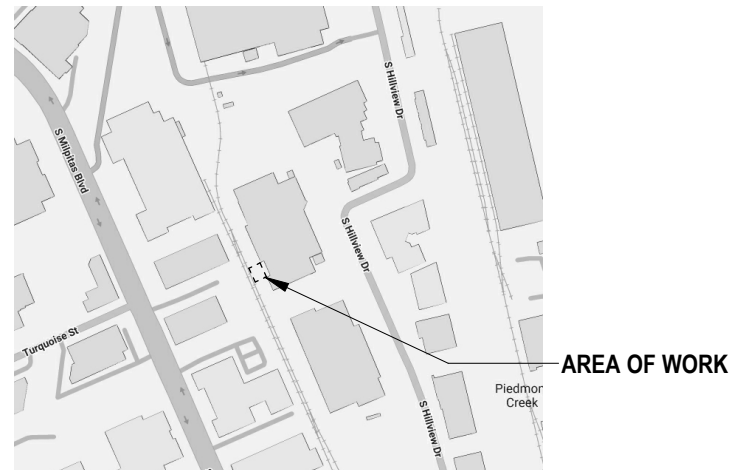
DRAWING INDEX / ISSUE LOG

SHEET #	SHEET NAME	ISSUE	DATE	REMARKS
ISSUE LOG KEY: X = ISSUED AS PART OF THIS SET R = ISSUED FOR REFERENCE ONLY			05.02.2025	
		MINOR SITE DEVELOPMENT		
PL-1	COVER SHEET AND INDEX	X		
PL-2	SITE PLAN	X		
PL-3	ENLARGED PLAN - LN2 TANK ENCLOSURE	X		
PL-4	ENLARGED ELEVATIONS - LN2 TANK ENCLOSURE	X		
PL-5	SIGHTLINE KEY PLAN	X		
PL-6	PERSPECTIVE VIEW	X		
PL-7	ISOMETRIC VIEW	X		
PL-8	CONTEXT PHOTOS	X		

PROJECT DIRECTORY

<p>BUILDING TENANT PsiQUANTUM 275 S HILLVIEW DRIVE MILPITAS, CA 95035</p> <p>GENERAL CONTRACTOR TECHNICAL BUILDERS, INC 5215 HELLYER AVE., SUITE 110 SAN JOSE, CA 95138</p> <p>ARCHITECT RMW ARCHITECTURE & INTERIORS 30 E SANTA CLARA STREET, SUITE 200 SAN JOSE, CA 95113</p>	<p>MIKE CUETO 408.508.8890 mcueto@psiquantum.com</p> <p>MARC MARZANE 669.649.0085 marcm@tbibuild.com</p> <p>STEPHANIE SILKWOOD 408.755.3112 ssilkwood@rmw.com</p>	
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AREA OF WORK



VICINITY MAP



PARKING CALCULATION (FOR REFERENCE) SEE PERMIT #B-BP25-0149

TOTAL PARKING REQUIRED PER MILPITAS ZONING ORDINANCE, MUNICIPAL CODE SECTION XI-10-53

PARKING REQUIRED (TABLE 53.09-1): 1 / 1,500 SF, FOR INDUSTRIAL USE MANUFACTURING

EXISTING BUILDING AREA: 115,935 SF

TOTAL PARKING REQUIRED: 115,935 SF / 1,500 SF = 73 SPACES

FOR PARKING AREAS AND GARAGES CONTAINING TEN (10) OR MORE STALLS SERVING MANUFACTURING INDUSTRIAL USE, UP TO FORTY PERCENT (40%) OF THE REQUIRED AND NON-REQUIRED STALLS MAY BE DESIGNATED AS COMPACT STALLS TO ACCOMMODATE COMPACT CARS.

EXISTING PARKING COUNT:

STANDARD PARKING	233 SPACES + 6 EV SPACES
COMPACT PARKING	22 SPACES
ACCESSIBLE PARKING	6 SPACES + 1 EV STANDARD ADA SPACE
VAN ACCESSIBLE PARKING	2 SPACES
TOTAL PARKING PROVIDED	263 SPACES + 7 EV SPACES

*NOT INCLUDED IN REQUIRED CALCULATION BUT PROVIDED: 6 EXISTING MOTORCYCLE SPACES

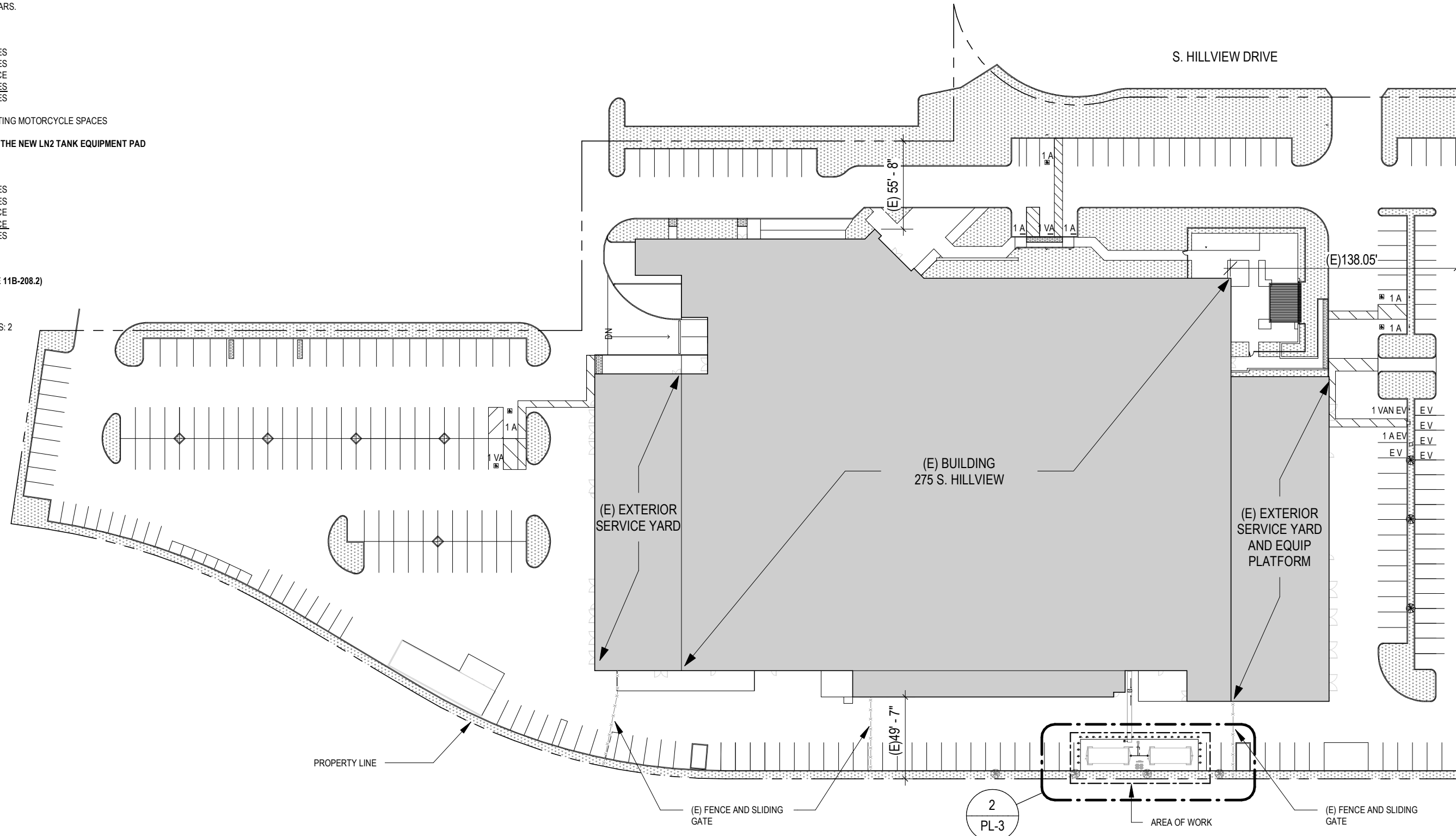
PROPOSED REMOVAL OF 9 STANDARD STALLS TO ACCOMMODATE THE NEW LN2 TANK EQUIPMENT PAD

NEW PARKING COUNT:

STANDARD PARKING	223 SPACES + 5 EV SPACES
COMPACT PARKING	23 SPACES
ACCESSIBLE PARKING	6 SPACES + 1 EV STANDARD ADA SPACE
VAN ACCESSIBLE PARKING	2 SPACES + 1 EV VAN ADA SPACE
TOTAL PARKING PROVIDED	254 SPACES + 7 EV SPACES

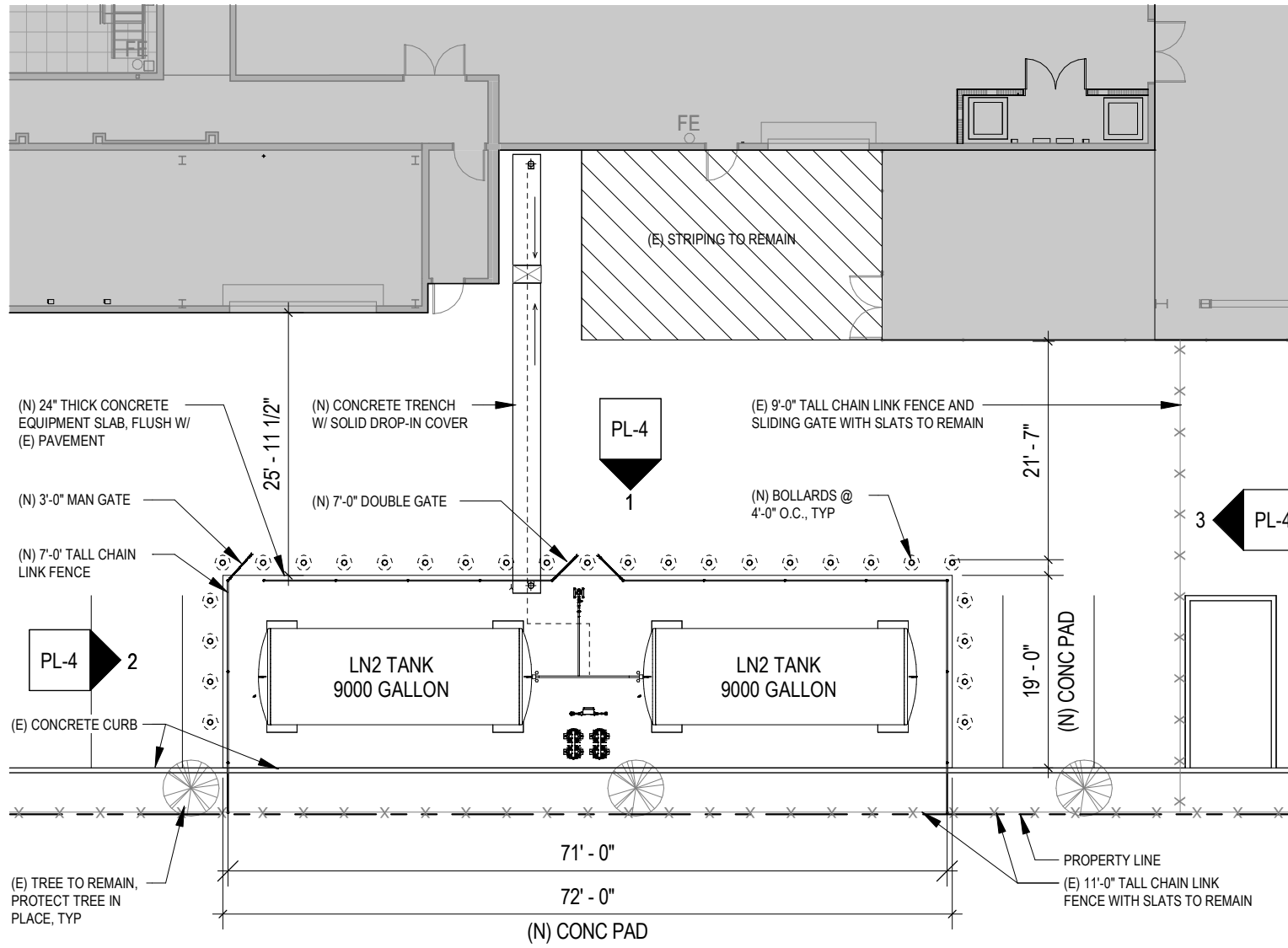
REQUIRED NUMBER OF ACCESSIBLE PARKING STALLS (CBC TABLE 11B-208.2)

TOTAL PARKING SPACES PROVIDED: 201-300
 MINIMUM NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES: 7
 MINIMUM NUMBER OF REQUIRED VAN ACCESSIBLE PARKING SPACES: 2

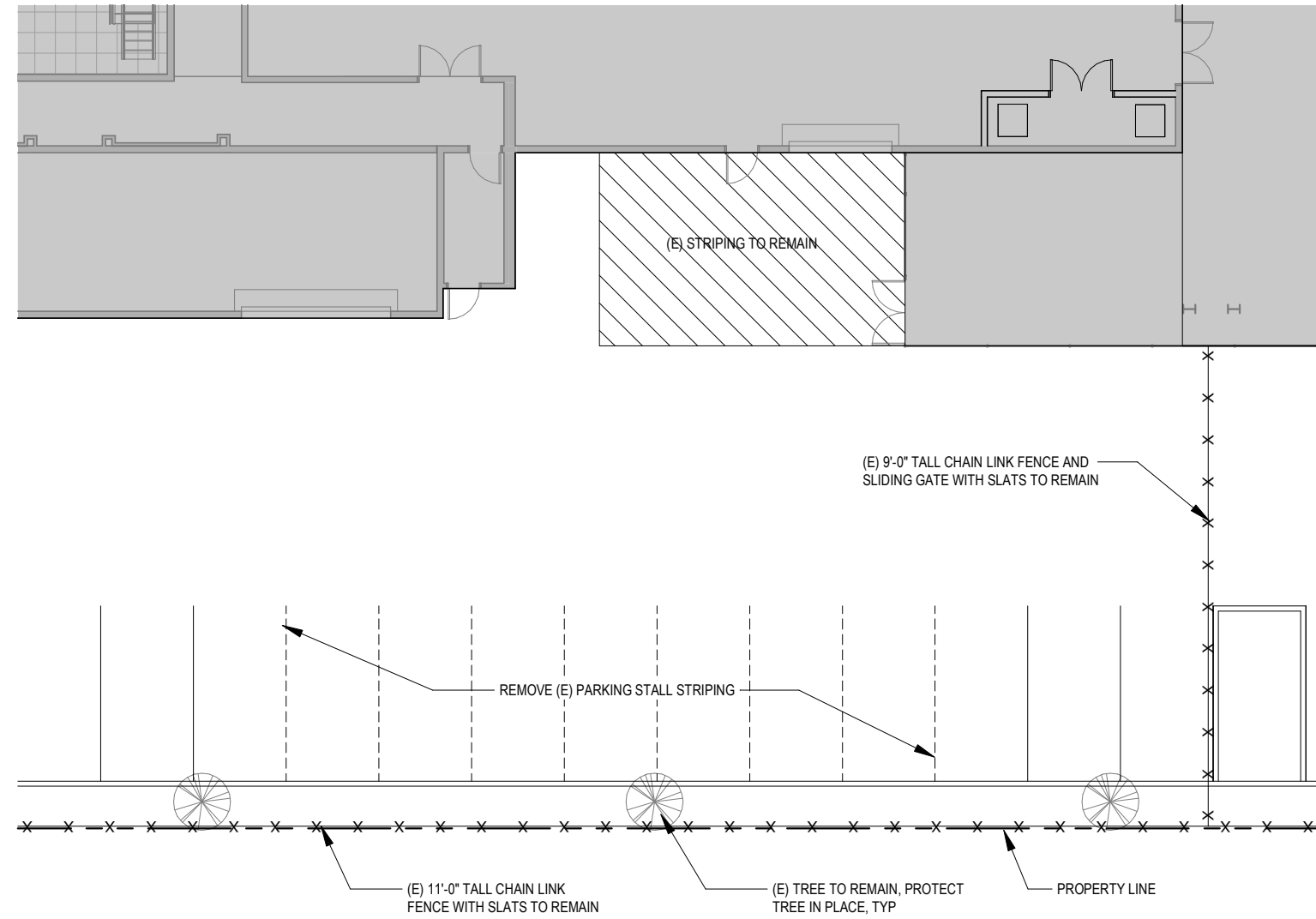


LEGEND

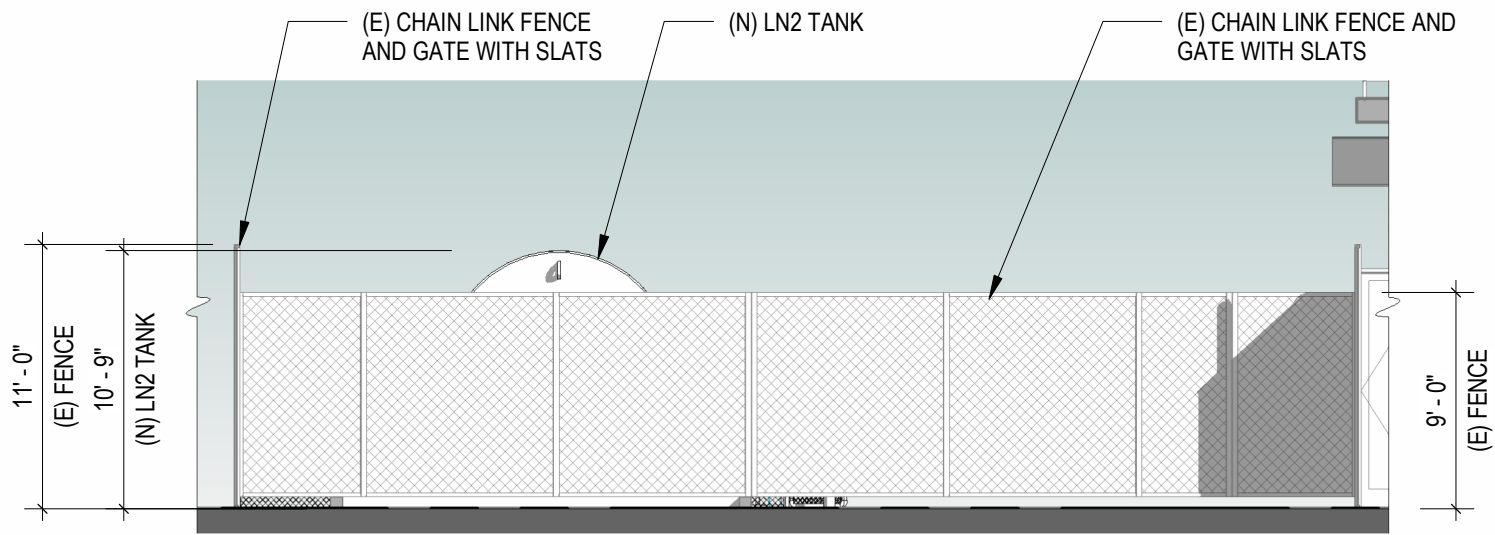
- ACCESSIBLE SPACE
- VA VAN ACCESSIBLE SPACE
- VAN EV EV VAN ACCESSIBLE SPACE
- A EV EV STANDARD ACCESSIBLE SPACE



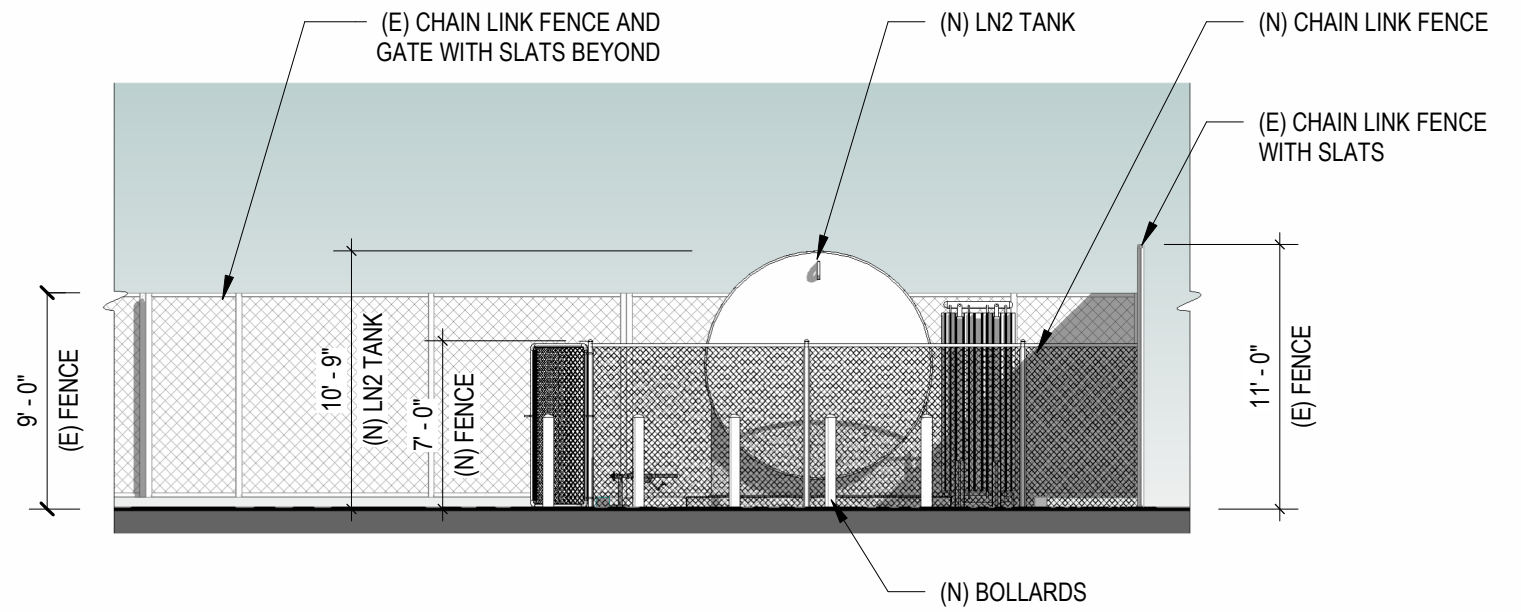
2 - ENLARGED PLAN - NEW LN2 TANK ENCLOSURE



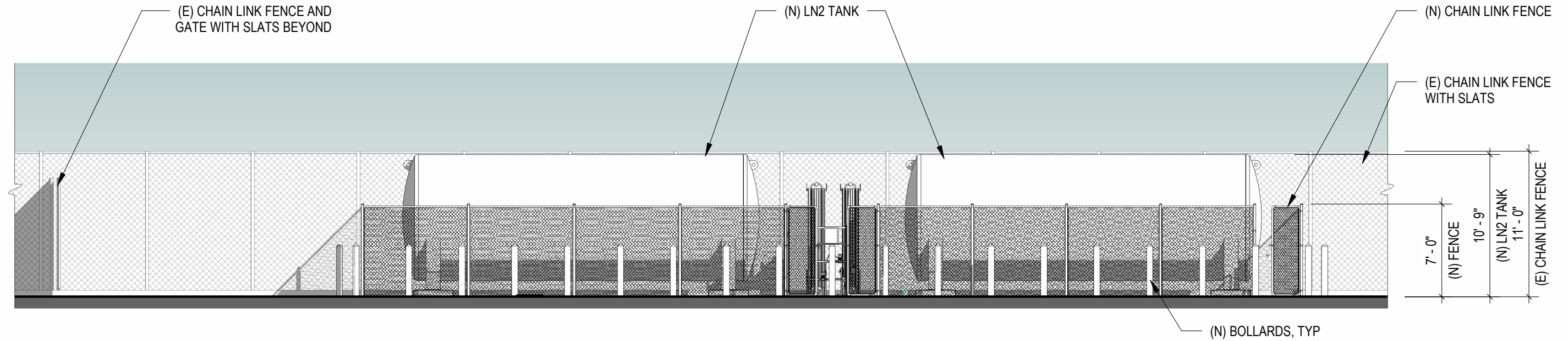
1 - ENLARGED DEMO PLAN - NEW LN2 TANK ENCLOSURE



2 - NEW LN2 TANK ENCLOSURE - EAST ELEVATION



1 - NEW LN2 TANK ENCLOSURE - WEST ELEVATION



3 - NEW LN2 TANK ENCLOSURE - NORTH ELEVATION

(E) TREE TO
REMAIN, TYP

NEW LN2 TANK
ENCLOSURE

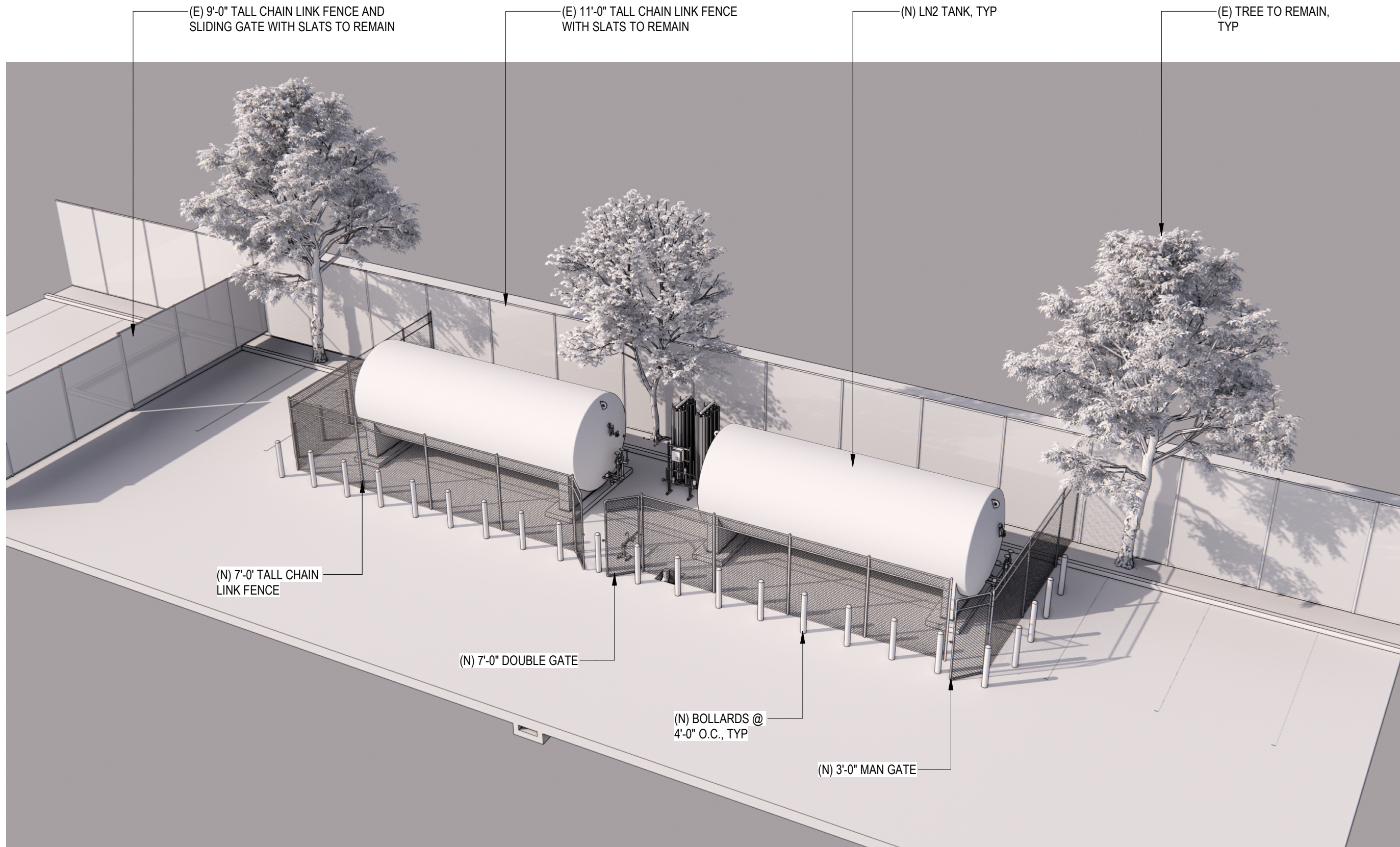
(E) 9'-0" TALL CHAIN LINK
FENCE AND SLIDING
GATE WITH SLATS TO
REMAIN

(E) RAIL TRACKS





1 - PERSPECTIVE VIEW FROM PARKING LOT TOWARD VEHICULAR GATE TO EQUIPMENT YARD (LN2 TANK ENCLOSURE)

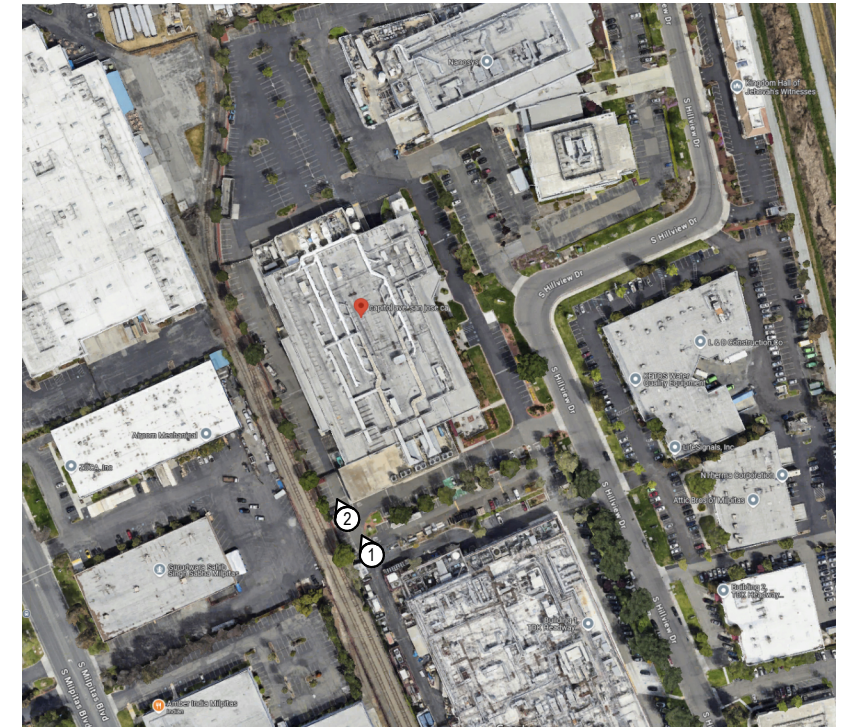




2 - VEHICULAR GATE TO SERVICE YARD (VIEW FROM PARKING LOT)



1 - VIEW FROM PARKING LOT LOOKING NORTHWEST



CONTEXTUAL PHOTO KEY PLAN



5 - VIEW FROM SERVICE YARD LOOKING NORTHWEST



4 - VIEW FROM SERVICE YARD LOOKING SOUTHEAST



3 - VIEW FROM SERVICE YARD LOOKING SOUTH



May 27, 2025

Sean Manalo / Associate Planner
455 E. Calaveras Blvd.
Milpitas, CA 95035

Re: Minor Development Permit #P-MS25-0053
PsiQuantum Phase 2 TI Project – Equipment Enclosure at the rear of an existing industrial building at 275 S. Hillview Drive, Milpitas, CA 95035.

Dear Sean,

I am unavailable next month to attend the Zoning Administrator meeting. I have reviewed the submitted plans for the LN2 Tank equipment enclosure at the rear of the existing building at 275 S. Hillview Drive. As representative for the ownership of 275 S. Hillview, I approve of the minor development permit plans dated 5/05/2025.

Please feel free to reach out to me directly if you have any questions.

A handwritten signature in black ink, appearing to read 'Nate Carlson', is positioned above the typed name.

Nate Carlson
Director

Canna Partners, LLC
(m) 408-307-3956
carlson@cannaepartners.com

MEMORANDUM

Planning Department



Date: June 19, 2025
To: Zoning Administrator
From: Sean Manalo, Associate Planner

Subject: **BEER AND WINE SALES IN RESTAURANT (TAISHOKEN)-
416 BARBER LN. - P-MC25-0005** – A Minor Conditional Use Permit to allow ancillary on-premise beer and wine sales with no separate bar (ABC Type 41 License) at an existing 2,635-square foot restaurant (Taishoken), located at 416 Barber Lane in the General Commercial (C2) Zoning District. The project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Location: 416 Barber Lane (APN: 083-03-012)

Zoning/GP: General Commercial (C2), Recreation and Entertainment Overlay (-RE), General Commercial (GNC)

APPLICATION

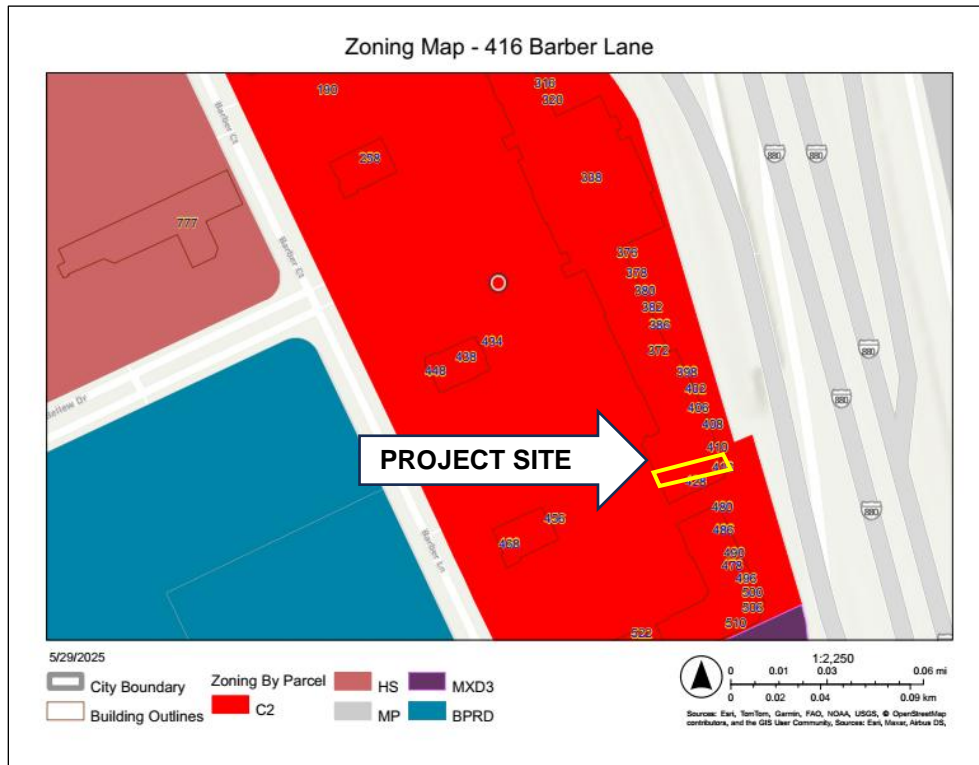
On April 23, 2025, Yoshihiro Sakaguchi with Taishoken (applicant) applied for a Minor Conditional Use Permit (MCUP) to allow the on-premise sale and service of beer and wine for an existing restaurant located at 416 Barber Lane (Project). This application is submitted pursuant to Milpitas Municipal Code (MMC) Table XI-10-5.02-1 and Section XI-10.57.04 (B)(2)(a), which requires review and approval by the Zoning Administrator of a MCUP for restaurants with ancillary on-premise beer and wine without a separate bar.

LOCATION/CONTEXT

The project is located in the Milpitas Square Shopping Center and is surrounded by similar commercial uses zoned for General Commercial (C2). The subject property is adjacent to industrial uses zoned for Business Park/Research and Development (BPRD) across Barber Lane to the West, and is bound by Interstate 880 at the rear of the property to the East, and California State Highway 237 to the North as demonstrated in Map 1: Project Zoning, Map 2: Aerial View, and Table 1: Surround Zoning and Land Uses.



Map 1 – Project Zoning – 416 Barber Lane



Map 2 – Aerial Map – 416 Barber Lane

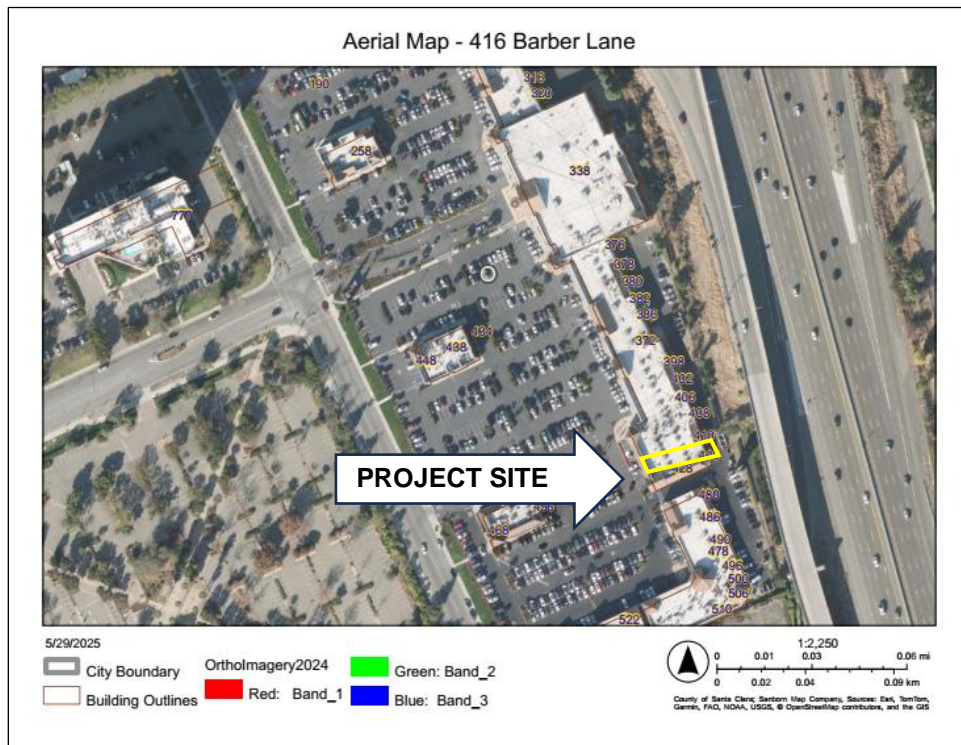


Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	General Commercial (GNC)	General Commercial with Recreation Entertainment Overlay (C2-RE)	Taishoken Restaurant
North	N/A	N/A	CA State Highway 237
South	Boulevard Very High Density Mixed Use (BVMU)	Very High Density Mixed Use (MXD3)	Accessory Parking Spaces
West	Business Park Research & Development (BPRD)	Business Park Research & Development (BPRD)	Office Park/Industrial Offices (Cisco)
East	N/A	N/A	Interstate 880

PROJECT DESCRIPTION

The proposed restaurant, Taishoken, is an existing full-service restaurant specializing in Japanese cuisine. The restaurant proposes to serve beer and sake on-site to complement their existing menu of noodle dishes and appetizers. The proposed hours of operation are 11:30am – 2:00pm / 5:00pm - 9:00pm on weekdays, and 11:00 am to 9:30pm on weekends. Taishoken maintains 20 tables and 65 seats, and a staff of approximately 30. Figure 1 shows the restaurant’s proposed floor plan (Attachment B).

The following is a summary of the applicant’s request:

- **Minor Conditional Use Permit (MCUP):** To allow the existing restaurant (Taishoken – Milpitas) to sell beer and wine for consumption and obtain a Type 41 Liquor License (On-Sale Beer and Wine for Eating Place) from ABC.

According to the Applicant’s Business Description (Attachment C), alcohol generated revenue is projected to be 5% of total sales for the business, while the remaining 95% of revenue is projected for non-alcoholic items. Figure 2 provides the existing restaurant

menu as well as the proposed beer and wine (sake) beverage list to be offered to restaurant patrons. All alcoholic beverages would be stored in a dedicated storage area at the rear of the establishment, therefore controlling access to customers and guests. The Applicant has provided an Alcohol Beverage Service Policy, establishing the restaurant's protocol to reduce incidents of sales and service to minors and obviously intoxicated individuals, and thereby promoting public health and safety (Attachment D).

As there is no expansion of space, additional parking will not be required.

Figure 1: Floor Plan (Attachment B)

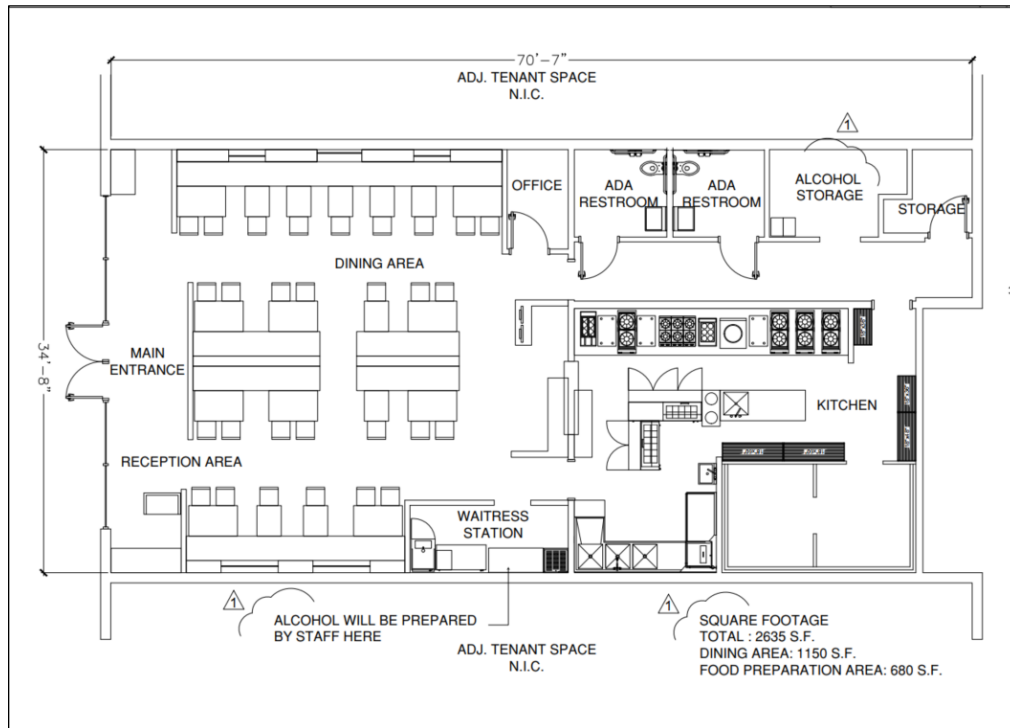


Figure 2: Example of Food, Beer and Wine Sales Menu (Attachment C)

ALCOHOLIC BEVERAGES ARE NOT AVAILABLE AT THE MOMENT

<p>SAKE</p> <p>OKUNOMATSU ADATARA GINJOU Scent of sweet rice. Slightly dry finish.</p> <p>CHORYO YAMAHAI CEDAR BARRELED SAKE Well-balanced with cedar barrel flavor and mild rice taste. Refreshing with the elegance of sweetness.</p> <p>DASSAI 45 A collection of sweet aromas including grape juice, citrus sands, a hint of lemonade.</p> <p>FUKUJU "BLUE" JUNMAI GINJOU Delicate aromas of tropical fruits.</p> <p>SHICHIDA JUNMAI DAIGINJOU Floral, elegant, silky with a sweet start and dry finish.</p> <p>SEQUIA SAKE GINJOU Versatile and lively, with pear, tangenic and citrus aromas.</p> <p>NIGORI Lightly cloudy Nigori with delicate lychee and apricot aromas.</p> <p>NIWANO UBUSUJI DDBURUKU Unblended Sake. Spry and slick, sweet-sour yogurt like flavor. Mild and refreshing.</p> <p>YAEDEKI HOT SAKE A dry medium-bodied sake with a crisp acidic finish that can be referred to as "food friendly"</p> <p>PLUM WINE / FLAVORED SAKE</p> <p>BENINANKO Sweet peach flavors and a rich, slightly dry finish come from fully ripened Nanko plums.</p> <p>YUKI NIGORI Nigori sake with natural flavors.</p> <p>LYCHEE - Lightly tart and fruitly sweet.</p> <p>WHITE PEACH - Sweet, mouth-watering with a clean finish.</p>	<p>BEER</p> <p>SUNTORY THE PREMIUM MALTS (DRAFT) Made from carefully selected pure ingredients using original brewing methods, in pursuit of the perfect premium beer.</p> <p>KYOTO BAKUSHU MATSUDA Made with Mitsuha Midlow foam and deep misuho flavor with bitterness.</p> <p>YUZU Made with Yuzu citrus. Light and refreshing white ale with sweet aroma of Yuzu.</p> <p>COEDO SHIRO A refreshing and smooth Heliconia with sweet aromas and fruity notes.</p> <p>MARUHANA A session IPA with a delicate citrus hop aroma and balanced bitterness.</p> <p>BENIKA Smooth Imperial Amber brewed with roasted sweet potatoes for a rich, refreshing taste.</p> <p>SAPPORO A refreshing lager with a crisp, refined flavor and a clean finish.</p> <p>SOFT DRINKS</p> <p>COKE / DIET COKE / SPRITE / RAMUNE / CALPICO / LEMONADE 3 / each</p> <p>ICED GREEN TEA UNSWEETENED 3</p> <p>ICED OOLONG TEA UNSWEETENED 3</p> <p>SHIRLEY TEMPLE 5</p> <p>KIMONO SPARKLING JUICE 5 / each</p> <p>YUZU - Freshly squeezed hand-picked Yuzu.</p> <p>LIME - Whole-pressed hand-picked Yuzu-plum.</p> <p>SHONEN CREME SODA 5 / each</p> <p>ELDERBERRY CREME</p> <p>DRANGE CREME</p>	<p>APPETIZERS</p> <p>EDAMAME Marinated edamame with soy sauce and hint of sambu pepper.</p> <p>DEEP FRIED GYOZA 4 pieces of deep fried gyoza with special soy sauce.</p> <p>POTATO SALAD Potato salad with half Ajitama (Jidori) with boiled egg and sautéed mallet rice.</p> <p>CUCUMBER GREEN CHILI MISO Cucumber with special Japanese miso, fried garlic, chili and sesame oil.</p> <p>HIYAYAKKO Cold toke with green onions, deep fried ribbons with lard, chili oil, ponzu sauce, sesame, and ginger.</p> <p>TAKIYAKI 4 pieces of deep fried balls with octopus filling, egg tartar, and Okonomiyaki sauce.</p> <p>KARAAGE Classic Japanese fried chicken with mayo.</p> <p>SAND STORM CALAMARI Fried calamari, spicy panko, crispy garlic soy sauce, top ranch. *Plant calamari is also available.</p> <p>TUNA TARTARE Tuna, avocado, pickled red cabbage, fried onions, seaweed crackers.</p> <p>DESSERTS</p> <p>VANILLA ICE CREAM 5</p> <p>LYCHEE SHERBERT 5</p> <p>MEAL KIT Signature noodle(s) and soup(s) as a family meal kit. Please ask your server for extra toppings (additional cost).</p> <p>OMIYAGE TSUKEMEN* 40</p>	<p>DIPPING NOODLES</p> <p>TOKUSEI TSUKEMEN* 21 Cold stick noodles with a rich dipping soup made from pork, chicken, dried anchovy, and bonito. Topped with two kinds of pork, egg, menma, nori seaweed, and green onions. *Contains backbone.</p> <p>TSUKEMEN* 18</p> <p>SOUPLESS</p> <p>MAZEJOBBA 18 Pork chashu, menma, nori seaweed, green onions, yellow onions, fish powder, and egg yolk.</p> <p>TOKYO CLASSIC ABURASOBA 17 Pork chashu, menma, nori seaweed, green onions, and egg yolk.</p> <p>KIDS MEAL (AGES 12 & UNDER)</p> <p>KID'S RAMEN 12 Roasted pork, seaweed, fish cake, half soft boiled egg.</p> <p>KID'S ABURASOBA 8 Roasted pork, fish cake, half soft boiled egg.</p> <p>OTHERS</p> <p>CHASHU DON 8 Roasted pork over rice.</p> <p>RICE 3</p>	<p>RAMEN</p> <p>TOKUSEI RAMEN 20 Rich broth made with pork and chicken, topped with two kinds of pork, egg, onions, kishuago mushrooms, menma, and nori seaweed.</p> <p>RAMEN 17</p> <p>TORI SHINTAN RAMEN 21 L.A.M.T.S. (L.A. MITSUBISHI TAIHOKU) Soba-based chicken and kombu umami broth, topped with chicken chashu, egg, roasted menma, and onions.</p> <p>SPICY RAMEN</p> <p>NIKU SPICY RAMEN 20 Rich broth made with pork, chicken, and chili oil, topped with double pork chashu, spicy pork min, egg, green onions, kishuago mushrooms, and nori seaweed.</p> <p>SPICY RAMEN 17</p> <p>VEGETARIAN</p> <p>YUZU SHIO RAMEN 17 Clear broth and delicate mushroom broth, topped with fried tofu, mitsuba herb, green onions, nori seaweed, and kishuago mushrooms.</p> <p>IMPOSSIBLE DANDAN MEN 21 Soupless vegetarian option with a spicy sesame and soy sauce base, topped with plant-based meat, fried noodles, cilantro, nuts, pickled red cabbage, bok choy, and yellow onions.</p>
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HOW TO EAT TSUKEMEN

1ST STEP - NOODLES
Enjoy the taste of heat and texture of our freshly made noodles by eating some without any soup.

2ND STEP - DIPPING
Dip the noodles in our special broth cooked over two days with pork, chicken, dried anchovy, and dried bonito. DO NOT POKE THE SOUP.

3RD STEP - TOPPING
Enjoy the change in flavor by eating the topping as is, or dip them in the soup.

4TH STEP - SOUP WARI
Try adding our soup Wari (special dashi broth) to the leftover dipping soup full of umami to cleanse your palate and enjoy a great aftertaste.

OUR FRESHLY MADE NOODLES DO NOT CONTAIN PRESERVATIVES OR ADDITIVES, MAKING IT EASY FOR THE NOODLES TO DRY AND QUICKLY STICK TOGETHER. WE RECOMMENDED NOT LETTING THE NOODLES BE FRIED TOO LONG AND LETTING AS MUCH AS POSSIBLE AFTER SERVING. AT THE SAME TIME, IF YOU PUT A LOT OF NOODLES IN THE SOUP AT ONCE, THE SOUP WILL COOL DOWN.

EXTRA TOPPINGS

CHASHU 2
Roast pork

RARE CHASHU 3
Slow-cooked Berkshire pork chashu

AJITAMA 3
Jidori with boiled egg

MEMMA 2
Extra noodles. Thin noodles only for both ramen and tsukemen

KIKURAGE 2
Kishuago mushrooms

NORI SEAWEED 2

GREEN ONION 2

ON THE SIDE

CHILI OIL 2

KAEDAMA 3
Extra noodles. Thin noodles only for both ramen and tsukemen

HABANERO 3
Chilled and marinated habanero flavored spicy bean sprouts

BOK CHOY 2

MOYASHI 2
Boiled bean sprout

FRIED TOFU SKIN 2

SPICY PORK MISO 2

416 BARBER LN MILPITAS, CA 95035
408.649.3438 / TAISHOKENUSA.COM

天勝軒
TAISHOKEN

No noodle or topping substitutions accepted. If you have any food allergies, please let the servers know when ordering. If Consuming raw or undercooked meats or eggs may increase your risk of food-borne illness. If 100% Gravidity will be subject to garnish of 6 or more.

ALCOHOLIC BEVERAGE CONTROL (ABC)

The State of California regulates retail sales licenses of alcohol, including beer and wine, through the California Department of Alcoholic Beverage Control (ABC). Each county in California is allotted a specific number of off-sale licenses, identified by census tract and determined based on population. When the number of authorized licenses is exhausted in a census tract, ABC will conclude that a new application would result in an over concentration, and therefore is required by state law to deny the application, unless the local governing authority (City of Milpitas) can demonstrate the public would benefit from an additional sales outlet.

The Project site is within census tract 5050.06. According to ABC, there are twenty-six (26) eating establishments that have an active Type 41 liquor licenses. For ABC to grant another license, the applicant must demonstrate the proposed use would serve the public convenience or necessity, per Business and Professions Code Section 23958.4.

CITY AUTHORITY TO REGULATE BEER AND WINE SALES

Separate of the ABC License process, the City of Milpitas uses either the Minor Conditional Use Permit (MCUP) and Conditional Use Permit (CUP) process to determine if a proposed use would serve the public convenience and necessity.

While the applicant's request for a license Type 41 would contribute to an overconcentrated census tract area for on-sale licenses, the hours of operations would not cause disruption to the quiet and peaceful enjoyment of the neighborhood. Since the nearest existing residences are opposite Interstate 880, the proposed on-site consumption of beer and wine will not have a detrimental impact on the community.

PUBLIC SAFETY

Planning Department Staff also rely on the Milpitas Police Department (MPD) to provide an analysis on proposed uses that may have a negative health and safety impact to the community. MPD reviewed the business operation of the proposed use for Taishoken on April 30, 2025 and determined that the proposed use will not create any adverse impacts on the delivery of professional and responsive polices services.

MPD has prepared a memo (Attachment E), and recommends the following actions to ensure the safety of patrons, which have been added to the MCUP permit conditions of approval:

- The beer and wine sold at the restaurant shall be kept in a location out of the reach of patrons to prevent any potential thefts from occurring.
- The applicant shall ensure all applicable City, County, and State permits are obtained and ABC laws enforced.
- Sales of alcoholic beverages shall only occur between 11:00AM and 9:30PM (Taishoken) or during normal operating hours.
- All persons who serve alcoholic beverages shall be 21 years of age.
- Upon demand from a peace officer, the licensee or responsible person shall immediately surrender the license and cease all sales of alcoholic beverages, if applicable under the law.
- Applicant shall abide by all Milpitas Municipal Codes to include the noise ordinance (MMC V-213-3.03).
- Complete an emergency notification form.
- Video surveillance within the interior and exterior of the restaurant.
- Permittee shall be solely responsible and liable for ensuring that all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control Department of the State of California; and
- Permittee shall provide an Alcohol Service Policy demonstrating how alcohol sales and services can be administered in a safe manner.

As the Applicant has agreed to these additional conditions, the Planning Department recommends the Zoning Administrator approve the sale of beer and wine beverages within the existing restaurant at Taishoken.

FINDINGS FOR APPROVAL:

Findings shall identify the rationale behind the decision to take a certain action. Each required finding within the Milpitas Municipal Code Section XI-10-57.04(F) for a Minor Conditional Use Permit have been analyzed below:

1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The proposed use at the proposed location will not be detrimental or injurious to public health, safety and general welfare because it will operate in compliance of regulations established by both the State of California and the City of Milpitas. Those regulations include not offering a separate bar area, not impacting existing parking, adhering to appropriate licensing, providing workers responsible alcohol service training, and installing video surveillance equipment.

2. The proposed use is consistent with the Milpitas General Plan; and

The proposed project is consistent with several Milpitas 2040 General Plan policies related to land use, economic development and community health and wellness. By allowing such services, the subject business would provide a public convenience for patrons by *maintaining viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled, and encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses* (Milpitas General Plan – Policy LU 6-4). The conditioned use would further *provide support to small-businesses and entrepreneurs to help them start and expand their companies in Milpitas* (Milpitas General Plan – Policy ED 5-3) by allowing the business to increase revenue, enhance the customer experience and attract a broader audience, leading to repeat business and customer loyalty. Even more, the inclusion of an Alcohol Beverage Policy practiced by all staff is consistent with the City’s commitment to *address responsible alcohol consumption through outreach efforts intended to reduce adult high-risk drinking and underage access to alcohol and its related problems* (Milpitas General Plan – Policy CHW 7-1).

3. The proposed use is consistent with the Milpitas Zoning Ordinance.

The Project is consistent with the Milpitas Zoning Ordinance as both restaurants and ancillary on-premises beer and wine sales are permitted within the Milpitas Municipal Code. The application has been reviewed by applicable departments and has been adequately conditioned to preserve the health, safety, and welfare of the Milpitas community, and the business adds to the diverse use of restaurant services in the immediate area.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) because no physical exterior improvements are proposed and the addition of on-site sales and consumption of beer and wine with regular food service is considered a negligible change in operation of an existing restaurant use. Additionally, the proposed use is located in a commercial building that possesses the required infrastructure to allow the safe operation of a restaurant establishment with beer and wine sales.

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve Resolution No. 25-0008 and Minor Conditional Use Permit No. MC25-0005 to allow the applicant to obtain an on-sale beer and wine (ABC Type 41) license for an eating place within an existing 2,635-square foot restaurant in the General Commercial and Recreation and Entertainment Overlay (C2-RE) Zoning District located at 416 Barber Lane, subject to the findings outlined in this report and the attached Conditions of Approval.

ATTACHMENTS:

- A. Resolution and Conditions of Approval (Exhibit A)
- B. Floor Plan
- C. Business Description and Menu
- D. Alcohol Beverage Policy
- E. Milpitas Police Department, Conditions of Approval Memo

ATTACHMENT A

RESOLUTION NO. 25-0008

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT NO. MC25-0005 TO ALLOW ANCILLARY ON-PREMISE BEER AND WINE SALES WITH NO SEPARATE BAR FOR ON-SITE CONSUMPTION (ABC TYPE 41 LICENSE) WITHIN AN EXISTING 2,635 SQUARE FOOT RESTAURANT (TAISHOKEN) LOCATED IN THE GENERAL COMMERCIAL AND RECREATION AND ENTERTAINMENT OVERLAY (C2-RE) ZONING DISTRICT AT 416 BARBER LANE (APN 083-03-012)

WHEREAS, on April 22, 2025 Yoshihiro Sakaguchi with Taishoken (“Applicant”), applied to obtain a Minor Conditional Use Permit (MCUP) to sell beer and wine within their existing restaurant (“Project”), located at 416 Barber Lane (APN 083-03-012) (“Property”); and

WHEREAS, the property is located within the General Commercial and Recreation and Entertainment (C2-RE) overlay zoning district; and

WHEREAS, on April 30, 2025 the Applicant obtained conditional approval from the Milpitas Police Department for the Project; and

WHEREAS, the Planning Department completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Zoning Administrator determine this Project is categorically exempt; and

WHEREAS, on June 19, 2025 the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Zoning Administrator of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities). As proposed, the Project includes allowing beer and wine to be served within an existing restaurant that already serves food to patrons and customers.

Section 3: The Milpitas Municipal Code (MMC) requires approval of a Minor Conditional Use Permit (MCUP) for restaurants with ancillary on-premises beer & wine and no separate bar in General Commercial zone (Table XI-10-5.02-1). In order to approve an MCUP, the Zoning Administrator must make the following findings, per Municipal Code Section XI-10-57.04(F):

- a) *The proposed use, at the location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare:*

The proposed use at the proposed location will not be detrimental or injurious to public health, safety and general welfare because it will operate in compliance of regulations established by both the State of California and the City of Milpitas. Those regulations include not offering a separate bar area, not impacting existing parking, adhering to appropriate licensing, providing workers responsible alcohol service training, and installing video surveillance equipment.

- b) *The proposed use is consistent with the Milpitas General Plan.*

The proposed project is consistent with several Milpitas 2040 General Plan policies related to land use, economic development and community health and wellness. By allowing such services, the subject business would provide a public convenience for patrons by *maintaining viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled, and encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses* (Milpitas General Plan – Policy LU 6-4). The conditioned use would further *provide support to small-businesses and entrepreneurs to help them start and expand their companies in Milpitas* (Milpitas General Plan – Policy ED 5-3) by allowing the business to increase revenue, enhance the customer experience and attract a broader audience, leading to repeat business and customer loyalty. Even more, the inclusion of an Alcohol Beverage Policy practiced by all staff is consistent with the City’s commitment to *address responsible alcohol consumption through outreach efforts intended to reduce adult high-risk drinking and underage access to alcohol and its related problems* (Milpitas General Plan – Policy CHW 7-1).

- c) *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The Project is consistent with the Milpitas Zoning Ordinance as both restaurants and ancillary on-premises beer and wine sales are permitted within the Milpitas Municipal Code. The application has been reviewed by applicable departments and has been adequately conditioned to preserve the health, safety, and welfare of the Milpitas community, and the business adds to the diverse use of restaurant services in the immediate area.

Section 4: The Zoning Administrator of the City of Milpitas hereby adopts Resolution No. 25-0008 approving Minor Conditional Use Permit No. MC25-0005, to allow ancillary on-premises beer and wine sale with no separate bar for on-site consumption

within an existing 2,635 square foot restaurant located at 416 Barber Lane, based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of Milpitas on June 19, 2025.

Jay Lee, AICP
Zoning Administrator

Date: _____

EXHIBIT 1

**(DRAFT) MINOR CONDITIONAL USE PERMIT NO. MC25-0005
Taishoken
(APN 083-03-012)**

The City of Milpitas Zoning Administrator approves Minor Conditional Use Permit No. MC25-0005 in accordance with Section XI-10-57.04 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Minor Conditional Use Permit entitlement is to allow the applicant to serve and sell beer and wine for on-site consumption (ABC Type 41 License) within an existing restaurant located within the General Commercial and Recreation and Entertainment Overlay (C2-RE) Zoning District located at 416 Barber Lane, subject to all necessary reviews, approvals, studies, and inspections for the issuance of such building permits, if required.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Conditional Use Permit No. MC25-0005 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following: **(P)**
 - i. Acceptance of this Permit by Permittee; and
 - ii. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project: **(P)**

- i. Completes a foundation associated with the Project; or
 - ii. Dedicates any land or easement as required from the zoning action; or
 - iii. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development Project shall be filed within ninety (90) days after the date of the approval of this Permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(CA)**
7. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Permit and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the approval of this Permit. **(P)**
8. Conditions. Each and every condition set forth in this Permit shall apply to the Project and continue to apply to the Project so long as the Permittee is operating the Project under the permits and approvals in this Permit. **(P)**
9. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
10. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii)

Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

12. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**
13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(CA)**
15. Permittee shall develop the approved Project approved by the Zoning Administrator on the date of the public hearing for the Project on June 19, 2025, in accordance with these Conditions of Approval. **(P)**

Any deviation from the approved site plan, elevations, materials, colors, operation of use, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Zoning Administrator or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

16. Responsible Alcohol Training. Permittee shall be solely responsible and liable for ensuring that all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours and made available for copy and inspection upon City request. **(P)**
17. Alcohol Service Policy. Permittee shall adhere to an Alcohol Service Policy for Taishoken. The policy shall be reviewed and approved by the City of Milpitas Planning Department prior to any authorization or approval of any zoning affidavit, as required by the Department of Alcoholic Beverage Control of the State of California. **(P)**

18. Menu Board and Food Items. The permittee must demonstrate that food items are sold on premises and a menu is provided to all patrons, prior to obtaining a Type 41 license from the State Department of Alcohol Beverage Control, to the satisfaction of the Planning Director or their designee.

POLICE DEPARTMENT CONDITIONS
SECURITY

19. The owner(s) of the restaurant and all employees will complete an Alcohol Beverage Control (ABC) approved course in Responsible Beverage Service (RBS) Training Program.
20. The beer and wine sold at the restaurant shall be kept in a location out of the reach of patrons to prevent any potential thefts from occurring.
21. Since alcohol will be sold at this premise, the applicant shall ensure all applicable City, County, and State permits are obtained and ABC laws enforced.
22. Sales of alcoholic beverages shall only occur between the hours of 11:00 AM and 9:30 PM, which are within the restaurant's listed operational hours.
23. Between the hours of 9:30 PM to 11:00 AM, the store shall secure all alcohol products in a locked cabinet or door to reduce the likelihood of any thefts (aka: grab and runs) from occurring. Between the hours of 9:30 PM to 11:00 AM the alcohol products can be momentarily unsecured if an employee is conducting a task such as cleaning, restocking, or inventory. At the end of the task, the alcohol products must be immediately resecured.
24. All persons who serve alcoholic beverages shall be 21 years of age.
25. Upon demand from a peace officer, the licensee or responsible person shall immediately surrender the license and cease all sales of alcoholic beverages, if applicable under the law.
26. Supervision of distribution, sales, and operation of alcoholic beverage areas shall at all times remain under the control of your organization. No other person or entity shall have authority to sell or distribute alcohol.

Conditions may be imposed by the Milpitas Police Department in addition to the Department of Alcoholic Beverage Control conditions. In the event that a local law enforcement agency imposes conditions, the licensee must abide by the most restrictive conditions if there is a conflict in resolution.

ALCOHOL

- 27. Video/security cameras shall be required for the site with coverage at all access points into the restaurant. The video/security cameras shall record in high definition and cover the cash register area, entrances/exits, any hallway leading to the restrooms, and the exterior parking lot. In addition, a high-definition security camera system shall supplement the area where the beer and wine are sold (if in a specified location) to prevent any potential thefts from occurring.
- 28. The video/security system shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall be made available to law enforcement, upon request, for investigative purposes. It is recommended the employees of the business be properly trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police department if needed.
- 29. The cashier area for the business should be away from the front doors and windows of the business and not in plain view in order to help prevent burglaries when the business is closed. If the cashier area cannot be moved, window treatments such as shades or blinds preventing the area from being clearly visible from the outside should be considered.

The implementation of these requirements will increase the effectiveness of police personnel, crime prevention efforts and reduce the likelihood perpetrators are attracted to this area. The police department shall continue to have input with all safety measures prior to the issuance of permits.

- (P) = Planning
- (F) = Fire Prevention
- (B) = Building
- (LD) = Land Development
- (CA) = City Attorney

_____ Date: _____
Jay Lee, AICP
Planning Director

ACCEPTANCE

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

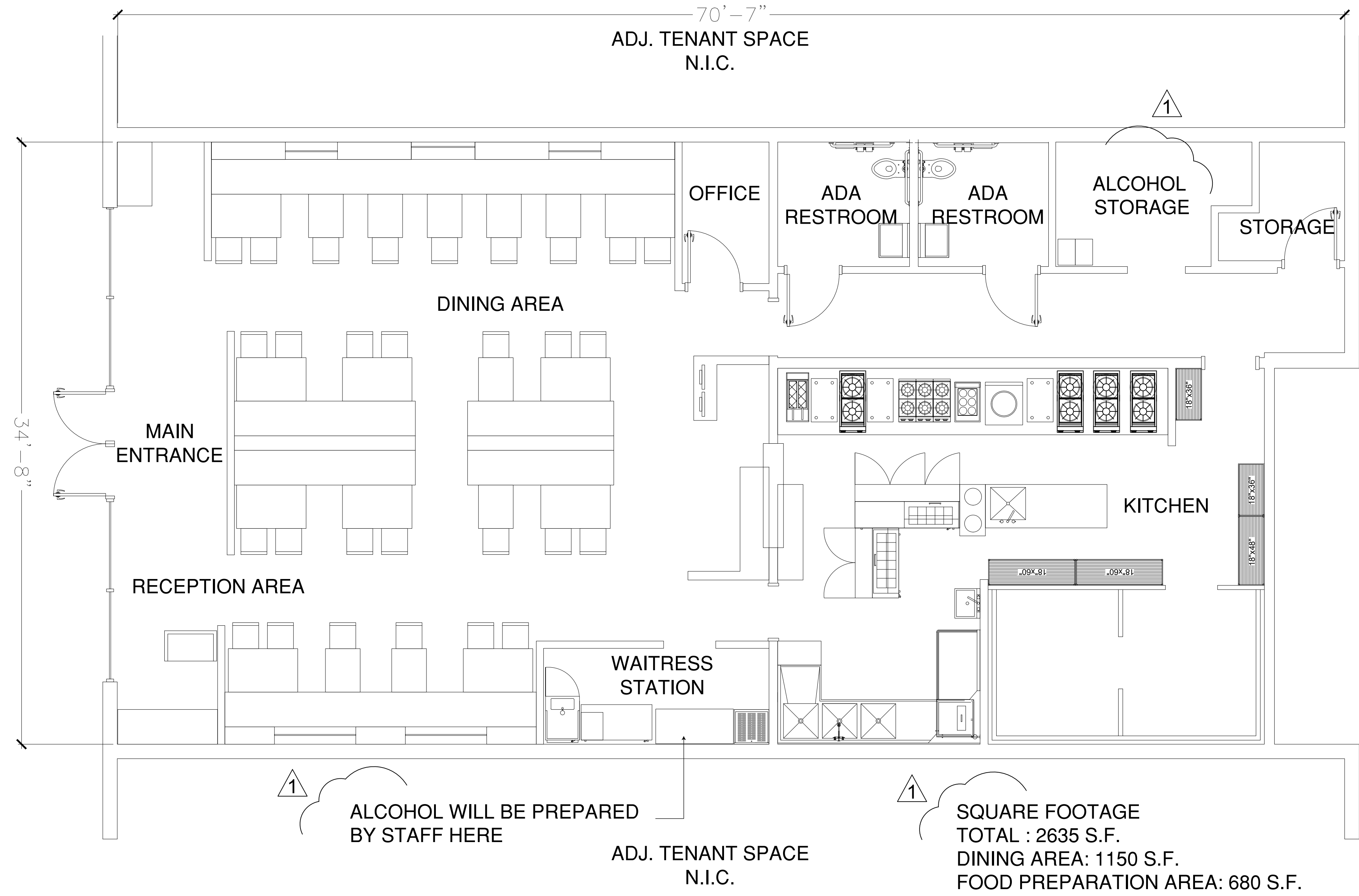
SCOPE OF WORK
 Minor Conditional Use Permit to sell beer and wine at the existing restaurant (ABC Type 41 License).

PROJECT DIRECTORY
 ADDRESS: 416 BARBER LANE, MILPITAS, CA 95035
 OCCUPANCY GROUP: A-2 (EXISTING RESTAURANT)
 TOTAL S.F.: 2635 S.F.
 PROPERTY OWNER / LANDLORD:
 BAB Commercial
 3360 De La Cruz Blvd, Santa Clara, CA 95054
 JMcGee@babcommercial.com
 408-660-5800
 TENANT (RESTAURANT):
 Goemon LLC
 416 Barber Ln, Milpitas, CA 95035
 contact@taishokenusa.com
 408-649-3438

VICINITY MAP / SITE PLAN



EXISTING FLOOR PLAN / CONDITION SCALE: 1/4" = 1' - 0"



TAISHOKEN

416 BARBER LANE
 MILPITAS, CA 95035

ISSUE / DISCUSSION	DATE
1ST CORRECTION	MAY 14, 2025

Drawn	Y.N.
Check	
Project Name	Taishoken
Project Number	1041416
Scale	N.T.S.

MINOR
 CONDITIONAL
 USE PERMITS

CS-1

COMMENTS TO APPLICANTS:

1. ***Business Description Required***

As part of the project justification requirement, please provide a detailed business description with information including but not limited to:

- a. *Business Purpose and Description of Cuisine*
Full service restaurant of Japanese noodle
- b. *General Description of the surrounding businesses (and description of alcohol served on site, if known)*
We serve Jananese noodles and appetizers with beer,sake on site.
- c. *Description of Products and Service (including predicted, approximate percentages of revenue generated from food, alcohol, and non-alcoholic beverages)*
5% alcohol/5 % non-alcoholic
- d. *Hours of Operation*
*11:30am-2pm/5pm-9pm*weekday*
*11am-9:30pm*Weekends*
- e. *Number of Staff*
30
- f. *Number of Seats/Tables*
65 Seats/20 tables

Project No.: P-MC25-0005 Page 1
Planning Department Comments Letter

SAKE

OKUNOMATSU ADATARA GINJO COMING SOON
Scent of sweet rice. Slightly dry finish.

CHORYO YAMAHAI CEDAR BARRELED SAKE COMING SOON
Well-balanced with cedar barrel flavor and mild rice taste. Refreshing with the elegance of sweetness.

DASSAI 45 COMING SOON
A collection of sweet aromas including grape juice, cotton candy, a hint of lemonade.

FUKUJU "BLUE" JUNMAI GINJO COMING SOON
Delicate aroma of tropical fruits.

SHICHIDA JUNMAI DAIGINJO COMING SOON
Floral, elegant, silky, with a sweet start and dry finish.

SEQUOIA SAKE GINJO COMING SOON
Versatile and lively, with pear, tangerine, and citrus aromas.
NIGORI - Lightly cloudy Nigori with delicate lychee and apricot aromas.

NIWANO UGUISU DOBUROKU COMING SOON
Unfiltered Sake. Syrupy and thick, sweet-sour yogurt like flavor. Mild and refreshing.

YAEGAKI HOT SAKE COMING SOON
A dry, medium-bodied sake with a crisp acidic finish that can be referred to as "food friendly."

PLUM WINE / FLAVORED SAKE

BENINANKO COMING SOON
Sweet peach flavors and a rich, slightly dry finish come from fully ripened Nanko plums.

YUKI NIGORI COMING SOON
Nigori sake with natural flavors.
LYCHEE - Lightly tart and fruity sweet.
WHITE PEACH - Sweet, mouth-watering with a clean finish.

BEER

SUNTORY THE PREMIUM MALT'S (DRAFT) COMING SOON
Made from carefully selected pure ingredients using original brewing methods, in pursuit of the perfect premium beer.

KYOTO BAKUSHU COMING SOON
MATCHA - Made with Matcha. Mellow foam and deep matcha flavor with bitterness.
YUZU - Made with Yuzu citrus. Light and refreshing white ale with sweet aroma of Yuzu.

COEDO COMING SOON
SHIRO - A refreshing and smooth Hefeweizen with sweet aromas and fruity notes.
MARIHANA - A session IPA with a delicate citrus hop aroma and balanced bitterness.
BENIAKA - Smooth imperial Amber brewed with roasted sweet potatoes for a rich, refreshing taste.

SAPPORO COMING SOON
A refreshing lager with a crisp, refined flavor and a clean finish.

SOFT DRINKS

COKE / DIET COKE / SPRITE / RAMUNE / CALPICO / LEMONADE 3/Each

ICED GREEN TEA UNSWEETENED 3
ICED OOLONG TEA UNSWEETENED 3
SHIRLEY TEMPLE 5
KIMINO SPARKLING JUICE 6/Each
YUZU - Freshly squeezed hand-picked Yuzu.
UME - Whole-pressed hand-picked Ume plum.

SHONEN CRÈME SODA 5/Each
ELDERBERRY CRÈME
ORANGE CRÈME

APPETIZERS

EDAMAME 6
Marinated edamame with soy sauce and hint of sansho pepper.

DEEP FRIED GYOZA 6
4 pieces of deep fried gyoza with special soy sauce.

POTATO SALAD 8
Potato salad with half Ajitama (Jidori soft boiled egg) and salted mullet roe.

CUCUMBER GREEN CHILI MISO 8
Cucumber with special jalapeno miso, fried garlic, chili and sesame oil.

HIYAYAKKO 8
Cold tofu with green onions, deep fried niboshi with lard, chili oil, ponzu sauce, sesame, and ginger.

TAKOYAKI 9
6 pieces of deep fried balls with octopus filling, egg tartar, and Okonomiyaki sauce.

KARAAGE 12
Classic Japanese fried chicken with mayo.

SAND STORM CALAMARI* 14
Fried calamari, spicy panko, crispy garlic soy sauce, koji ranch. *Plain calamari is also available.

TUNA TARTARE 21
Tuna, avocado, pickled red cabbage, fried onions, seaweed crackers.

DESSERTS

VANILLA ICE CREAM 5
LYCHEE SHERBET 5

MEAL KIT

Signature noodles(x4) and soup(x4) as a family meal kit. Please ask your server for extra toppings (additional cost)

OMIYAGE TSUKEMEN* 40

DIPPING NOODLES

TOKUSEI TSUKEMEN* 21
Cold thick noodles with a rich dipping soup made from pork, chicken, dried anchovy, and bonito. Topped with two kinds of pork, egg, memma, nori seaweed, and green onions. *Contains buckwheat.

TSUKEMEN* 18

SOUPLESS

MAZESOBA 18
Pork chashu, menma, nori seaweed, green onions, yellow onions, fish powder, and egg yolk.

TOKYO CLASSIC ABURASOBA 17
Pork chashu, menma, nori seaweed, green onions, and egg yolk.

KIDS MEAL

(AGES 12 & UNDER)

KID'S RAMEN 12
Roasted pork, seaweed, fish cake, half soft boiled egg.

KID'S ABURASOBA 8
Roasted pork, fish cake, half soft boiled egg.

OTHERS

CHASHU DON 8
Roasted pork over rice.

RICE 3

RAMEN

TOKUSEI RAMEN 20
Rich broth made with pork and chicken, topped with two kinds of pork, egg, onions, kikurage mushrooms, sesame, and nori seaweed.

RAMEN 17

TORI CHINTAN RAMEN 21
LIMITED QUANTITY
Salt-based chicken and kombu umami broth, topped with chicken chashu, egg, roasted tomato, and onions.

SPICY RAMEN

NIKU SPICY RAMEN 20
Rich broth made with pork, chicken, and chili oil, topped with double pork chashu, spicy pork miso, egg, green onions, kikurage mushrooms, and nori seaweed.

SPICY RAMEN 17

VEGETARIAN

YUZU SHIO RAMEN 17
Clear kelp and shiitake mushroom broth, topped with fried tofu, mitsuba herb, green onions, nori seaweed, and kikurage mushrooms.

IMPOSSIBLE DANDAN MEN 21
Soupless vegetarian option with a spicy sesame and soy sauce base, topped with plant-based meat, fried noodles, cilantro, nuts, pickled red cabbage, bok choy, and yellow onions.

EXTRA TOPPINGS

CHASHU 2 Roast pork	AJITAMA 3 Jidori soft boiled egg	KIKURAGE 2 Kikurage mushrooms
RARE CHASHU 3 Sous-vide Berkshire pork chashu	MENMA 2 CILANTRO 2	NORI SEAWEED 2 GREEN ONION 2

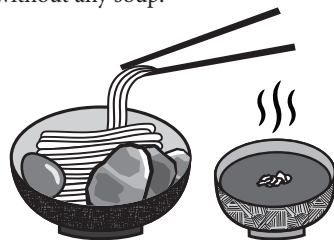
ON THE SIDE

CHILI OIL 2 KAEDAMA 3 Extra noodles. Thin noodles only for both ramen and tsukemen	HABANERO 3 MOYASHI Chilled and marinated habanero flavored spicy bean sprouts	MOYASHI 2 Boiled bean sprout FRIED TOFU SKIN 2 SPICY PORK MISO
BOK CHOY 2		

HOW TO EAT TSUKEMEN

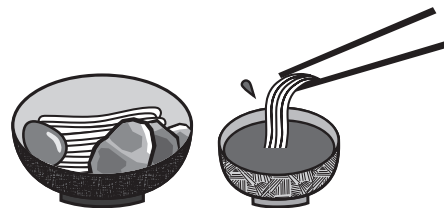
1ST STEP - NOODLES

Enjoy the taste of wheat and texture of our freshly made noodles by eating some without any soup.



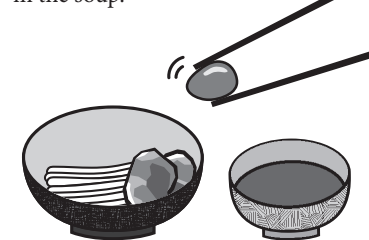
2ND STEP - DIPPING

Dip the noodles in our special broth cooked over two days with pork, chicken, dried anchovy, and dried bonito. DO NOT POUR THE SOUP.



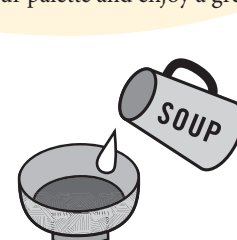
3RD STEP - TOPPING

Enjoy the change in flavor by eating the topping as is, or dip them in the soup.



4TH STEP - SOUP WARI

Try adding our Soup Wari (special dashi broth) to the leftover dipping soup full of umami to cleanse your palette and enjoy a great aftertaste.



OUR FRESHLY MADE NOODLES DO NOT CONTAIN PRESERVATIVES OR ADDITIVES, MAKING IT EASY FOR THE NOODLES TO DRY AND QUICKLY STICK TOGETHER. WE RECOMMENDED NOT LETTING THE NOODLES SIT AROUND TOO LONG AND EATING AS SOON AS POSSIBLE AFTER SERVING. AT THE SAME TIME, IF YOU PUT A LOT OF NOODLES IN THE SOUP AT ONCE, THE SOUP WILL COOL DOWN.

No noodle or topping substitutions accepted. // If you have any food allergies, please let the servers know when ordering. // Consuming raw or undercooked meats or eggs may increase your risk of food-borne illness. // 20% Gratuity will be added to parties of 6 or more.

416 BARBER LN MILPITAS, CA 95035
408. 649. 3438 / TAISHOKENUSA.COM



Alcohol Beverage Policy and Enforcement Statement

Business Name: Goemon LLC / DBA:Taishoken

Business Address: 416 Barber Lane, Milpitas, CA

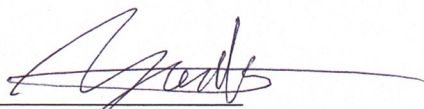
Owner: Yoshihiro Sakaguchi

We are committed to the responsible service of alcoholic beverages at our establishment. To ensure public safety and compliance with local, state, and federal laws, we will adhere to the following policy:

- Alcoholic beverage service will be conducted in full compliance with all applicable state and city laws and regulations.

All staff will be appropriately trained, and alcohol will only be served during approved hours and within approved areas. We will take necessary actions to prevent underage drinking and disorderly conduct as required by law.

Signed: _____



Name:

Yoshihiro Sakaguchi

Date:

5/20/2025

MEMORANDUM

Milpitas Police Department



Jared Hernandez
Chief of Police

DATE: April 30, 2025
TO: Captain Tyler Jamison #286
FROM: Lieutenant Kyle Sanchez #280
SUBJECT: **Taishoken**
416 Barber Lane, Milpitas, CA 95035
Project #P-MC25-0005

The City of Milpitas received a project application (P-MC25-0005) for a minor conditional use permit at an already existing restaurant (Taishoken) at 416 Barber Lane. The owner is requesting an Alcohol Beverage Control (ABC) Type-41 license to sell beer and wine within an established eating place and with no separate bar.

I reviewed the project application for this conditional use permit, which included a floor plan and restaurant menu with an alcoholic beverage list.

Our police department must work closely with city planners and developers in preparing proactive patrol tactics and security measures for this request. The police department should continue having input with all safety and security measures prior to the issuance of any permit(s).

Based upon my review, surveying the area of 416 Barber Lane, and to enhance crime prevention measures, and service delivery, the following conditions shall be met:

Alcohol:

- The owner(s) of the restaurant and all employees will complete an Alcohol Beverage Control (ABC) approved course in Responsible Beverage Service (RBS) Training Program.
- The beer and wine sold at the restaurant shall be kept in a location out of the reach of patrons to prevent any potential thefts from occurring.
- Since alcohol will be sold at this premise, the applicant shall ensure all applicable City, County, and State permits are obtained and ABC laws enforced.

- Sales of alcoholic beverages shall only occur between the hours of 11:00 AM and 9:30 PM, which are within the restaurant's listed operational hours.
- Between the hours of 9:30 PM to 11:00 AM, the store shall secure all alcohol products in a locked cabinet or door to reduce the likelihood of any thefts (aka: grab and runs) from occurring. Between the hours of 9:30 PM to 11:00 AM the alcohol products can be momentarily unsecured if an employee is conducting a task such as cleaning, restocking, or inventory. At the end of the task, the alcohol products must be immediately resecured.
- All persons who serve alcoholic beverages shall be 21 years of age.
- Upon demand from a peace officer, the licensee or responsible person shall immediately surrender the license and cease all sales of alcoholic beverages, if applicable under the law.
- Supervision of distribution, sales, and operation of alcoholic beverage areas shall at all times remain under the control of your organization. No other person or entity shall have authority to sell or distribute alcohol.
- Conditions may be imposed by the Milpitas Police Department in addition to the Department of Alcoholic Beverage Control conditions. In the event that a local law enforcement agency imposes conditions, the licensee must abide by the most restrictive conditions if there is a conflict in resolution.

Security:

- Video/security cameras shall be required for the site with coverage at all access points into the restaurant. The video/security cameras shall record in high definition and cover the cash register area, entrances/exits, any hallway leading to the restrooms, and the exterior parking lot. In addition, a high-definition security camera system shall supplement the area where the beer and wine are sold (if in a specified location) to prevent any potential thefts from occurring.
- The video/security system shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall be made available to law enforcement, upon request, for investigative purposes. It is recommended the employees of the business be properly trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police department if needed.
- The cashier area for the business should be away from the front doors and windows of the business and not in plain view in order to help prevent burglaries when the business is closed. If the cashier area cannot be moved, window treatments such as shades or blinds preventing the area from being clearly visible from the outside should be considered.

The implementation of these requirements will increase the effectiveness of police personnel, crime prevention efforts and reduce the likelihood perpetrators are attracted to this area. The police department shall continue to have input with all safety measures prior to the issuance of permits.