



## MILPITAS PLANNING COMMISSION STAFF REPORT

June 11, 2014

**APPLICATION:** **GOODWILL ZONING TEXT AMENDMENT– 311 W. Calaveras Boulevard – ZA14-0002, SD14-0008, and UP14-0010:**  
A request to consider a Zoning Text Amendment to conditionally permit thrift store uses in the Neighborhood Commercial (C1) Zoning District with performance standards; and, a Site Development Permit and Conditional Use Permit for a new Goodwill of Silicon Valley retail store and associated site improvements located in an existing shopping center

**RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 14-024 recommending the City Council adopt Zoning Text Amendment No. ZA14-0002 to conditionally permit thrift stores uses in the Neighborhood Commercial (C1) Zoning District with performance standards; and approve Site Development Permit No. SD14-0008, and Conditional Use Permit No. UP14-0010, to permit the operation of Goodwill retail store and associated site improvements at this location.**

**LOCATION:**  
Address/APN: 311 W. Calaveras Blvd. (22-25-036 and 22-35-037)  
Area of City: Midtown Specific Plan

**PEOPLE:**  
Project Applicant: Goodwill of Silicon Valley, a California corporation  
Property Owner: Robert L. Nedd  
Project Planner: Jocelyn Puga, Planning Intern

**LAND USE:**  
General Plan Designation: Retail Subcenter (RSC)  
Zoning District: Neighborhood Commercial (C1)

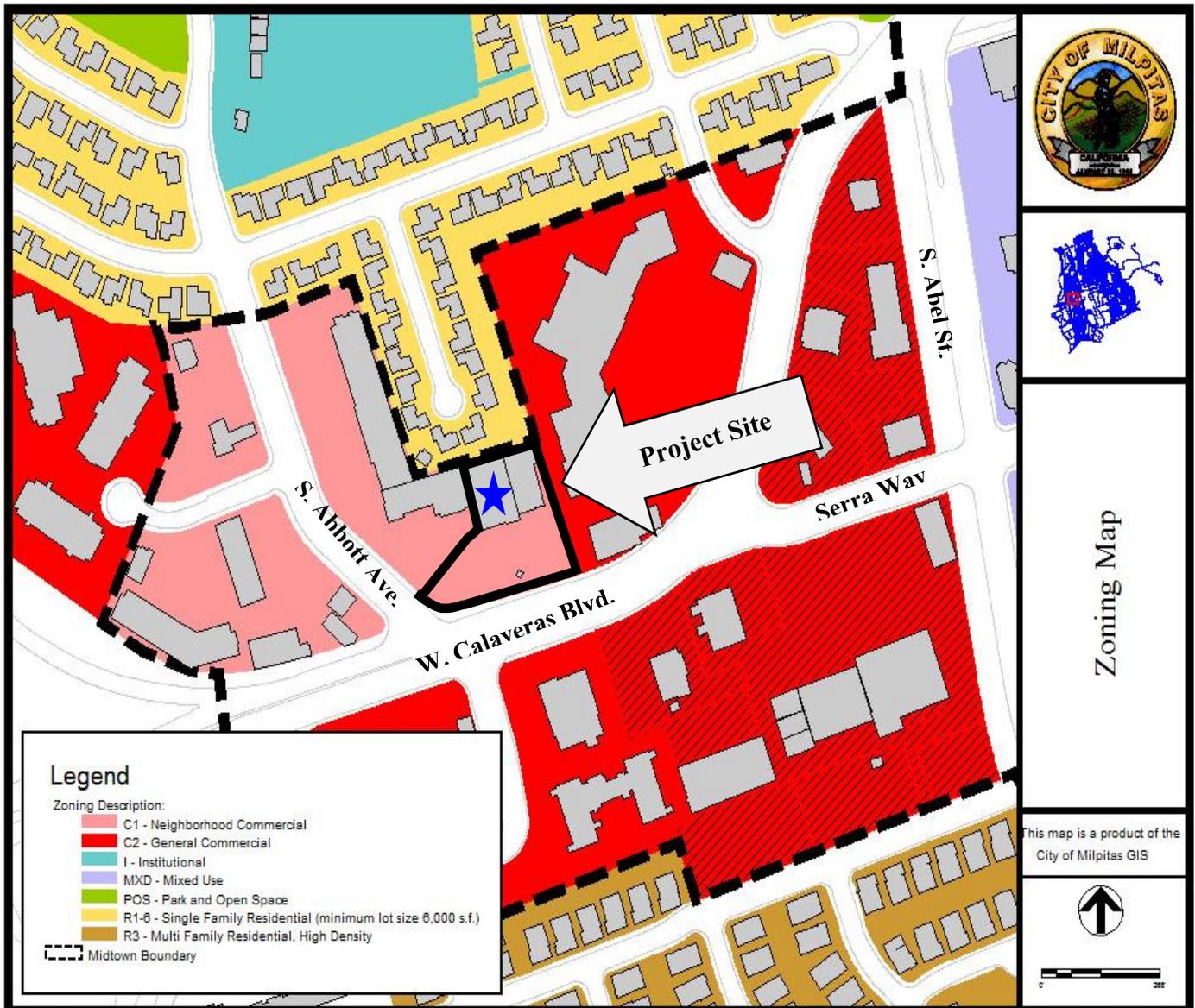
Overlay District: Site and Architectural Overlay (-S)

**ENVIRONMENTAL:** Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) This project is also exempt from further environmental review pursuant to Section 15061(b)(3) in that the California Environmental Quality Act only applies to projects that have the potential for causing a significant effect on the environment.

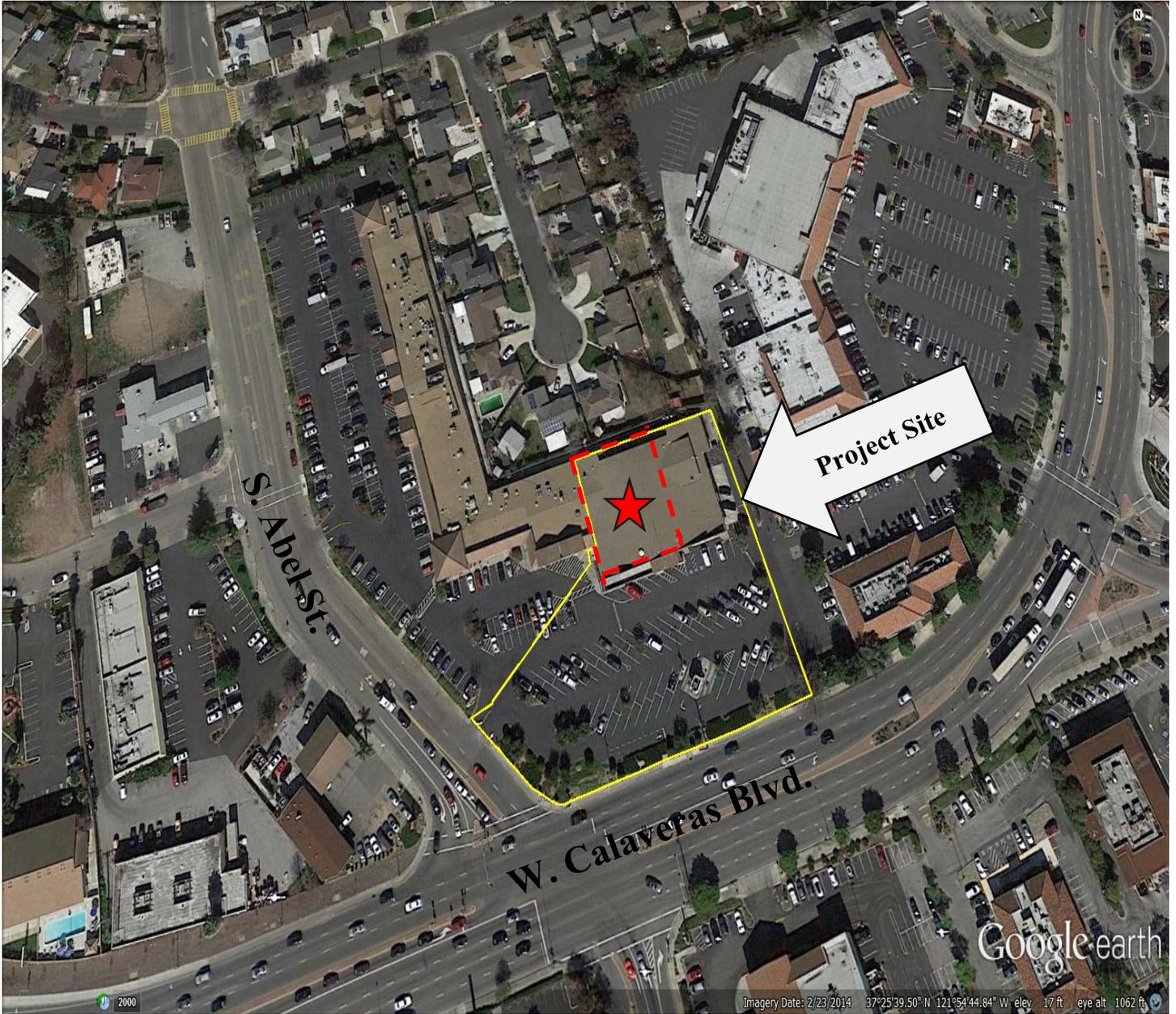
## EXECUTIVE SUMMARY

Goodwill of Silicon Valley is requesting a Zoning Text Amendment to conditionally permit thrift store uses in the Neighborhood Commercial (C1) Zoning District; and a Conditional Use Permit for a thrift store use, and a Site Development Permit for site improvements to the existing parking lot in an existing shopping center.

### Map 1 Project Location



Map 2  
Project Site



## **BACKGROUND**

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### *History*

On February 26, 1997, the Planning Commission approved a “S” Zone Approval Amendment to permit an internally illuminated neon sign for the retail store Party City at the subject property. Party City closed for business in December of 2013 and the building is currently vacant. Goodwill of Silicon Valley is proposing to operate a Goodwill thrift store use with donation center in the former Party City retail space.

### *The Application*

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

- *Zoning Text Amendment:* Proposed amendment to Table XI-10-5.02-1 of the Zoning Code to change thrift store use from an unpermitted use to a conditionally permitted use in the Neighborhood Commercial (C1) Zoning District with performance standards.
- *Conditional Use Permit:* If the Zoning Text Amendment above is adopted by the City Council, the proposed thrift store use would require a Conditional Use Permit.
- *Site Development Permit:* If the Zoning Text Amendment above is adopted by the City Council, per Section 57.03 of the Milpitas Zoning Code the parking lot improvements require City Council approval of a Site Development Permit.

## **PROJECT DESCRIPTION**

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### *Overview*

A request to consider a Zoning Text Amendment to conditionally permit thrift store uses in the Neighborhood Commercial (C1) Zoning District with performance standards; and, a Site Development Permit, and Conditional Use Permit for a new Goodwill retail store, donation center, and associated site improvements located in an existing shopping center. The operational hours for the proposed Goodwill store will be Monday through Sunday from 10:00 a.m. until 6:30 p.m.

A Zoning Text Amendment is required for the project because thrift store uses are currently not permitted in Neighborhood Commercial (C1) Zoning Districts. The proposed text amendment would conditionally permit thrift store uses in the Neighborhood Commercial Zoning District and provide for performance standards for thrift stores. The Neighborhood Commercial (C1) District contains uses and services which primarily provide for the day-to-day shopping needs of nearby residential neighborhoods.

With approval of a Zoning Text Amendment as described above, a Conditional Use Permit would be required for the proposed thrift store use, pursuant to Table XI-10-5.02-1 as seen on Page 6 of the staff report. The proposed thrift store would be required to meet certain performance standards for the use.

A Site Development Permit is required for the proposed parking lot improvements. The reconfiguration of the parking lot includes relocating two existing handicap parking spaces located south west of the building for a proposed new landscape planter with two new olive trees, groundcover, and irrigation. The two handicap parking spaces are proposed in the front parking area. The applicant proposes to add an additional four parking spaces to the existing parking lot.

Three of four new parking spaces will be located on the western portion of the building and dedicated as Goodwill loading zones for members of the public to drop off donations. These spaces will have signage and pavement markings indicating them as temporary loading zones for Goodwill customers only. The one additional parking space proposed will be located along the front of the building.

### ***Location and Context***

The project site is located at 311 W. Calaveras Blvd in the Milpitas Center. The site is within the Midtown Specific Plan Area and is zoned Neighborhood Commercial with a Site and Architectural Overlay (C1-S). The property is surrounded by Single Family Residential (R1-6) to the north, Neighborhood Commercial (C1) to the west, and General Commercial (C2) to the east and south. Vicinity and location maps of the subject site location are included on Page 2 and Page 3 of the staff report.

## **PROJECT ANALYSIS**

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### ***General Plan and Zoning Conformance***

The General Plan designation of the project site is Retail Subcenter (RSC). The zoning designation is Neighborhood Commercial with a Site and Architectural Overlay (C1-S), and is located within the Midtown Specific Plan area. The proposed thrift store use is not currently permitted within the Neighborhood Commercial (C1) Zoning District; hence the applicant has submitted a Zoning Text Amendment application to conditionally permit thrift store uses in the Neighborhood Commercial Zoning District. With approval of a Zoning Text Amendment by the City Council, thrift store uses would be a conditionally permitted use within the Neighborhood Commercial Zoning District, subject to certain performance standards, and the proposed use would be in conformance with the General Plan, Zoning Code, and Midtown Specific Plan.

### ***Proposed Amendments***

The proposed Zoning Text Amendment revises three sections of the Zoning Ordinance. The Zoning Amendment will revise: 1) Section XI-10-2.03, Definitions, to create a new definition for the term “thrift store;” 2) Table XI-10-5.02-1, Commercial Zone Uses, to conditionally permit thrift store uses in the Neighborhood Commercial Zoning District; and, 3) Section XI-10-5.04, Commercial Zone Special Uses, to add performance standards for thrift store uses. The proposed changes are identified below in underline and strike-out text:

### **Section 2 Definitions**

#### **XI-10-2.03 Definitions**

“Thrift Store” means any profit or nonprofit business, organization, group or otherwise that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose goods and merchandise are donated or primarily donated. A specialty retail store that sells used goods or merchandise not donated for sale, including but not limited to used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a Thrift Store for the purpose of this Chapter.

**Table XI-10-5.02-1  
Commercial Zone Uses**

Use	CO	C1	C2	HS	TC
<b>1. Commercial Uses</b>					
Thrift store <sup>3</sup>	NP	<u>C</u> NP	P	P	P

**XI-10-5.04 Commercial Zone Special Development Standards**

**C. Neighborhood Commercial (C1) Zone**

Thrift stores shall comply with each of the following standards:

1. Signage prohibiting dumping of merchandise during non-business hours shall be installed in conspicuous locations to the satisfaction of the Planning Director indicating penalties and fines for such activity. Signage should include daytime collection hours for donated goods.
2. A designated area inside the building shall be established for the receipt, sorting and processing of goods. Donated goods shall be accepted only inside the building and during regular business hours, no donated goods shall be left outside. Loading and unloading must take place in a designated area that shall be cleared, cleaned and maintained before closing of business each day.
3. The storefront windows shall be permanently maintained as displays of merchandise in a professional and attractive manner (i.e., unsightly clothing racks and displays shall not be placed adjacent to the windows.
4. Any goods or materials left outside of the store overnight shall be removed immediately upon the thrift store opening the next business day.
5. Outdoor storage or display of donated goods or merchandise shall not be permitted.
6. The subject property shall be maintained free of trash, debris, any all other goods at all times.
7. Thrift stores shall not be located closer than five hundred (500) feet from another thrift store.

## ***Site & Architectural Design***

The proposed improvements to the existing building include interior modifications such as new partitions, energy efficient lighting, sustainable flooring, and replacement of retail signs. No exterior changes are proposed for the project except a request for signage that will be processed through a separate permit approval.

## ***Parking***

The proposed changes to the existing parking lot include creating a loading zone for donations by eliminating two existing handicap parking spaces. The applicant proposes to relocate the two handicap parking spaces to the store front parking area. The applicant proposes to create three new parking spaces that will be designated solely as Goodwill loading zones for members of the public to drop off their donation items through a side door. The proposed loading spaces will have proper signage and pavement markings. The applicant is proposing to remove two parking spaces and in response is proposing to create an additional four parking spaces, for a net total of two new spaces to the existing parking lot. The previous retail use is similar in nature to the proposed use so there is no new parking requirements for the project.

Per Section XI-10-53.09, Table 53.09-1 *Number of Parking Spaces Required* the proposed thrift store use would be interpreted as a Commercial Use – General Retail and Convenience Store. The minimum parking spaces required is 1 per 200 square feet. The existing building is 9,950 square feet, for a total of 50 required parking spaces. Goodwill of Silicon Valley is a retail and donation use that currently meets the parking requirement for the existing commercial center and does not result in the need for additional parking; however, the applicant proposes to create an additional two parking spaces to the existing parking lot.

## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

### ***Zoning Text Amendment (Section XI-10-57.02-3(G))***

- 1. The proposed amendment is consistent with the General Plan.*

The proposed amendment is consistent with this finding because the proposed project meets the intent of the Retail Subcenter land use designation. The Retail Subcenter is intended to provide “neighborhood shopping facilities that provide for convenience needs, such as groceries and minor hard good purchases.” As conditioned, the proposed use is not an intensification of the existing use and will not increase the floor area ratio or development standards for the Retail Subcenter land use designation. This use promotes and encourages neighborhood serving commercial uses while providing Milpitas residents with attractive commercial development which will afford a pleasant shopping environment and complement the essential residential character of the neighborhood. Specifically, the proposed use supports the following General Plan policies:

- 2.a-G-10: Consider long-term planning and strong land use policy in managing the City’s fiscal position.

- 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- 2.a-1-29: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages

2. *The proposed amendment will not adversely affect the public health, safety, and welfare.*

The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas because the proposed Zoning Amendment to conditionally permit thrift store uses in the Neighborhood Commercial Zoning District will require minimum performance standards and special conditions prohibiting the dumping of merchandise, forbidding outdoor storage of donated goods and materials, the immediate delivery of donated goods and materials inside the building, and limitations on the distance of thrift store uses from one another. The proposed thrift store involves a retail use that complements the existing commercial uses in the shopping center.

***Conditional Use Permit (Section XI-10-57.04-1(F))***

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;*

If the City Council approves the Zoning Text Amendment, the project would be consistent with this finding because the proposed retail use will complement the existing commercial tenants in the existing shopping center. No adverse impacts are anticipated for the project regarding traffic or waste generated by the proposed use. Goodwill will not make use of the existing dumpster for the property because all waste generated by Goodwill or unsellable donated items are taken to their reclamation and recycling facilities by their own trucks and equipment.

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

The proposed thrift store use promotes and encourages neighborhood commercial uses while providing Milpitas residents with shopping facilities that provide for convenience needs and promotes business within the City of Milpitas. The project is consistent with the Retail Subcenter land use designation in that the proposed use is an indoor retail and donation service. The proposed use does not increase the floor area ratio, density, or development standards for the Retail Subcenter land use designation. Specifically, the proposed use supports the following General Plan policies:

- 2.a-G-10: Consider long-term planning and strong land use policy in managing the City's fiscal position.
- 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- 2.a-1-29: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing,

shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages

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

If the City Council approves the Zoning Text Amendment, the proposed project would be consistent with this finding because the proposed use complies with the development standards for the Neighborhood Commercial Zoning District. The project proposes no exterior changes to the building in terms of existing setbacks, floor area ratio, and height regulations. The proposed thrift store use complements the purpose and intent of the Neighborhood Commercial Zoning District by providing attractive commercial development and a retail store that is accessible to Milpitas residents of all ages. The proposed thrift store is a complementary commercial use and will not generate a more intense use than otherwise would be allowed in the existing shopping center and will not result in the need of additional parking spaces.

The applicant proposes to reconfigure the parking area to create three spaces to be designated by signage and pavement markings for Goodwill loading zones. In total, the applicant proposes to remove two parking spaces, while creating an additional four spaces for a net total of two extra spaces to the shopping center. Per Section XI-10-53.09, Table 53.09-1 *Number of Parking Spaces Required* the proposed thrift store use would be interpreted as a Commercial Use – General Retail and Convenience Store. The minimum parking spaces required is 1 per 200 square feet. The existing building is 9,950 square feet, for a total of 50 required parking spaces. Goodwill of Silicon Valley is an indoor retail and donation use that currently meets the required amount of parking spaces for the existing commercial center and does not result in the need for additional parking; however, the applicant proposes to create an additional two parking spaces to the existing parking lot.

4. *The proposed use is consistent with the Midtown Specific Plan.*

If the City council approves the Zoning Text Amendment, the proposed use would be consistent with this finding because the proposed project meets the objective of the Midtown Specific Plan. The “overall strategy in the Midtown Area is to create a mixed-use community that includes high-density, transit-oriented housing and a central community “gathering place,” while maintaining needed industrial, service, and commercial uses.” The proposal conforms to the Midtown Specific Plan by encouraging a compatible retail use to an existing commercial shopping center. As conditioned, the proposed use will not result in an intensification of the existing use and will not increase the floor area ratio or development standards for the Retail Subcenter land use designation of the Midtown Specific Plan. Specifically, the proposed use supports the following Midtown Specific Plan goals and policies:

- Goal 1: Encourage a compatible mixture of residential, retail, office, service-oriented commercial, and industrial uses within the Midtown area.
- Policy 3.16: Provide for the continuation of retail development along the Calaveras Boulevard corridor

### ***Site Development Permit (Section XI-10-57.03-1(F))***

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project is consistent with this finding because the proposal does not impact circulation for the existing shopping center by creating a designated loading zone for Goodwill customers to drop off donations. The proposal to reconfigure the parking lot includes removing two existing parking spaces located south west of the building for a proposed new landscape planter with two new olive trees, groundcover, and irrigation. The applicant proposes to create an additional four parking spaces to the existing parking lot. Three of four new parking spaces will be located on the western portion of the building and dedicated as Goodwill loading zones for members of the public to drop off donations. The three proposed loading spaces will have signage and pavement markings indicating them as loading zones for Goodwill customers only. The one additional parking space proposed will be located along the store front of the building. No changes will be made to the exterior of the building.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

If the City Council approves the Zoning Text Amendment, the project would be consistent with this finding because the proposed use complies with the development standards for the Neighborhood Commercial (C1) Zoning District. The project proposes no exterior changes to the building in terms of existing setbacks, floor area ratio, and height regulations. The proposed thrift store use complements the purpose and intent of the Neighborhood Commercial (C1) Zoning District by proving attractive commercial development and a retail store that is accessible to Milpitas residents of all ages. The proposed thrift store is a complementary commercial use and will not generate a more intense use than otherwise would be allowed in the existing shopping center and will not result in the need of additional parking spaces.

The applicant proposes to reconfigure the parking area to create three spaces to be designated by signage and pavement markings for Goodwill loading zones. In total, the applicant proposes to remove two parking spaces, while creating an additional four spaces for a net total of two extra spaces to the shopping center. Per Section XI-10-53.09, Table 53.09-1 *Number of Parking Spaces Required* the proposed thrift store use would be interpreted as a Commercial Use – General Retail and Convenience Store. The minimum parking spaces required is 1 per 200 square feet. The existing building is 9,950 square feet, for a total of 50 required parking spaces. Goodwill of Silicon Valley is an indoor retail and donation use that currently meets the required amount of parking spaces for the existing commercial center and does not result in the need for additional parking; however, the applicant proposes to create an additional two parking spaces to the existing parking lot.

- 3. The project is consistent with the Milpitas General Plan.*

The proposed thrift store use promotes and encourages neighborhood commercial uses while providing Milpitas residents with shopping facilities that provide for convenience needs and promotes business within the City of Milpitas. The project is consistent with the Retail Subcenter

land use designation in that the proposed use is a retail and donation service. The proposed use does not increase the floor area ratio, density, or development standards for the Retail Subcenter land use designation. Specifically, the proposed use supports the following General Plan policies:

- 2.a-G-10: Consider long-term planning and strong land use policy in managing the City's fiscal position.
- 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- 2.a-1-29: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages

4. *The project is consistent with the Midtown Specific Plan.*

The proposed amendment is consistent with this finding because the proposed project meets the objective of the Midtown Specific Plan. The “overall strategy in the Midtown Area is to create a mixed-use community that includes high-density, transit-oriented housing and a central community “gathering place,” while maintaining needed industrial, service, and commercial uses.” The proposal conforms to the Midtown Specific Plan by encouraging a compatible retail use to an existing commercial shopping center. The proposed use will not result in an intensification of the existing use and will not increase the floor area ratio or development standards for the Retail Subcenter land use designation of the Midtown Specific Plan. Specifically, the proposed use supports the following Midtown Specific Plan goals and policies:

- Goal 1: Encourage a compatible mixture of residential, retail, office, service-oriented commercial, and industrial uses within the Midtown area.
- Policy 3.16: Provide for the continuation of retail development along the Calaveras Boulevard corridor

## **ENVIRONMENTAL REVIEW**

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities, because the project does not result in a change of use, rather it maintains a commercial use for an existing building. The project is also exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Text Ordinance to conditionally permit thrift store uses in the Neighborhood Commercial Zoning District has no potential to cause a significant effect on the environment because the project includes a commercial retail use occupying a vacant retail tenant space and no changes are proposed to alter the size, purpose, and capacity of the existing commercial building. Further, conditionally permitting retail thrift stores, subject to certain performance standards, in areas designated for similar retail uses meets the intent of the zoning district to provide for the provision of commercial goods and services to nearby neighborhoods.

## **PUBLIC COMMENT/OUTREACH**

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Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there has been one inquiry from the public regarding the location of the project. A notice was published in the Milpitas Post on May 30, 2014. (Two Fridays before the meeting) In addition, 580 notices were sent to owners and occupants within (1,000 feet) of the project site. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

## **CITY COUNCIL REVIEW**

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This project requires review by the City Council and is tentatively scheduled on the August 5, 2014 Council agenda.

## **CONCLUSION**

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The proposed thrift store use at the proposed location is compatible in that it is within an existing commercial shopping center and will not increase traffic or noise to the surrounding businesses because the proposed project is a similar retail use resulting in no increase in square footage or intensification of use for the existing shopping center. The proposed project does not result in the need for additional parking; however, the applicant proposes to create an additional two parking spaces to the existing parking lot. The proposed use will not increase the floor area ratio for the existing commercial building and does not generate a more intensive use than intended for the commercial center.

## **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct public hearing;
2. Adopt Resolution No. 14-024 recommending the City Council adopt Zoning Text Amendment No. ZA14-0002 to conditionally permit thrift store uses in Neighborhood Commercial (C1) Zoning District; and, approve Site Development Permit No. SD14-0008, and Conditional Use Permit No. UP14-0010 to permit the operation of Goodwill retail store and associated site improvements at this location.

## **ATTACHMENTS**

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- A: Resolution No. 14-024
- B. Ordinance Exhibit No. 38.816
- C. Project Plans
- D. Statement of Operations
- E: Informational Pictures



## MILPITAS PLANNING COMMISSION STAFF REPORT

July 23, 2014

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**APPLICATION:** **GOODWILL ZONING TEXT AMENDMENT– 311 W. Calaveras Boulevard – ZA14-0002, SD14-0008, and UP14-0010:**  
A request to consider a Zoning Text Amendment to conditionally permit thrift store uses in the Neighborhood Commercial (C1) Zoning District with performance standards; and, a Site Development Permit and Conditional Use Permit for a new Goodwill of Silicon Valley retail store and associated site improvements located in an existing shopping center.

**RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 14-024 recommending the City Council adopt Zoning Text Amendment No. ZA14-0002 to conditionally permit thrift stores uses in the Neighborhood Commercial (C1) Zoning District with performance standards; and approve Site Development Permit No. SD14-0008, and Conditional Use Permit No. UP14-0010, to permit the operation of a Goodwill retail store and associated site improvements at this location without a proposed fence along the property line.**

**LOCATION:**  
Address/APN: 311 W. Calaveras Blvd. (22-25-036 and 22-35-037)  
Area of City: Midtown Specific Plan

**PEOPLE:**  
Project Applicant: Goodwill of Silicon Valley, a California corporation  
Property Owner: Robert L. Nedd, an individual  
Project Planner: Jocelyn Puga, Planning Intern

**LAND USE:**  
General Plan Designation: Retail Subcenter (RSC)  
Zoning District: Neighborhood Commercial (C1)

Overlay District: Site and Architectural Overlay (-S)

**ENVIRONMENTAL:** Categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA). This project is also exempt from further environmental review pursuant to Section 15061(b)(3) in that the California Environmental Quality Act only applies to project that have the potential for causing a significant effect on the environment.

## **EXECUTIVE SUMMARY & BACKGROUND**

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Goodwill of Silicon Valley is requesting a Zoning Text Amendment to conditionally permit thrift store uses in the Neighborhood Commercial (C1) Zoning District; and a Conditional Use Permit for a thrift store use, and a Site Development Permit for site improvements to the existing parking lot in an existing shopping center. This item was originally considered by the Planning Commission on June 11, 2014. The Planning Commission made a motion to continue it to a future Planning Commission meeting in order to address the following concerns:

1. The proposed pick-up and delivery of donated items;
2. Adequate parking for the shopping center and adjacent uses; and
3. Coordination and communication with the adjacent property owners to resolve parking compliance issues.

The applicant responded by submitting a revised schedule for the pick-up and delivery of donated items, a parking study analysis of the site and adjacent area, and written confirmation of communication with William H. Cilker Jr. the property owner to the west and Lisa Lo the property owner to the east of the proposed Goodwill site. (See Attachments D, E and F) Goodwill also submitted new project plans with a proposed five-foot tall tubular steel fence along the eastern side of the property dividing the Milpitas Center from the adjacent Calaveras Shopping Center (See Attachment G).

During the June 11 meeting, Commissioners also voiced concern and provided no consensus regarding conditionally allowing thrift store uses in the in the Neighborhood Commercial Zoning. Staff responded that the intent and purpose of the Neighborhood Commercial Zoning District is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development which will afford a pleasant shopping environment and will complement the essential residential character of the neighborhood, and it is the decision of the Planning Commission to determine if the proposed project as conditioned could meet this intent.

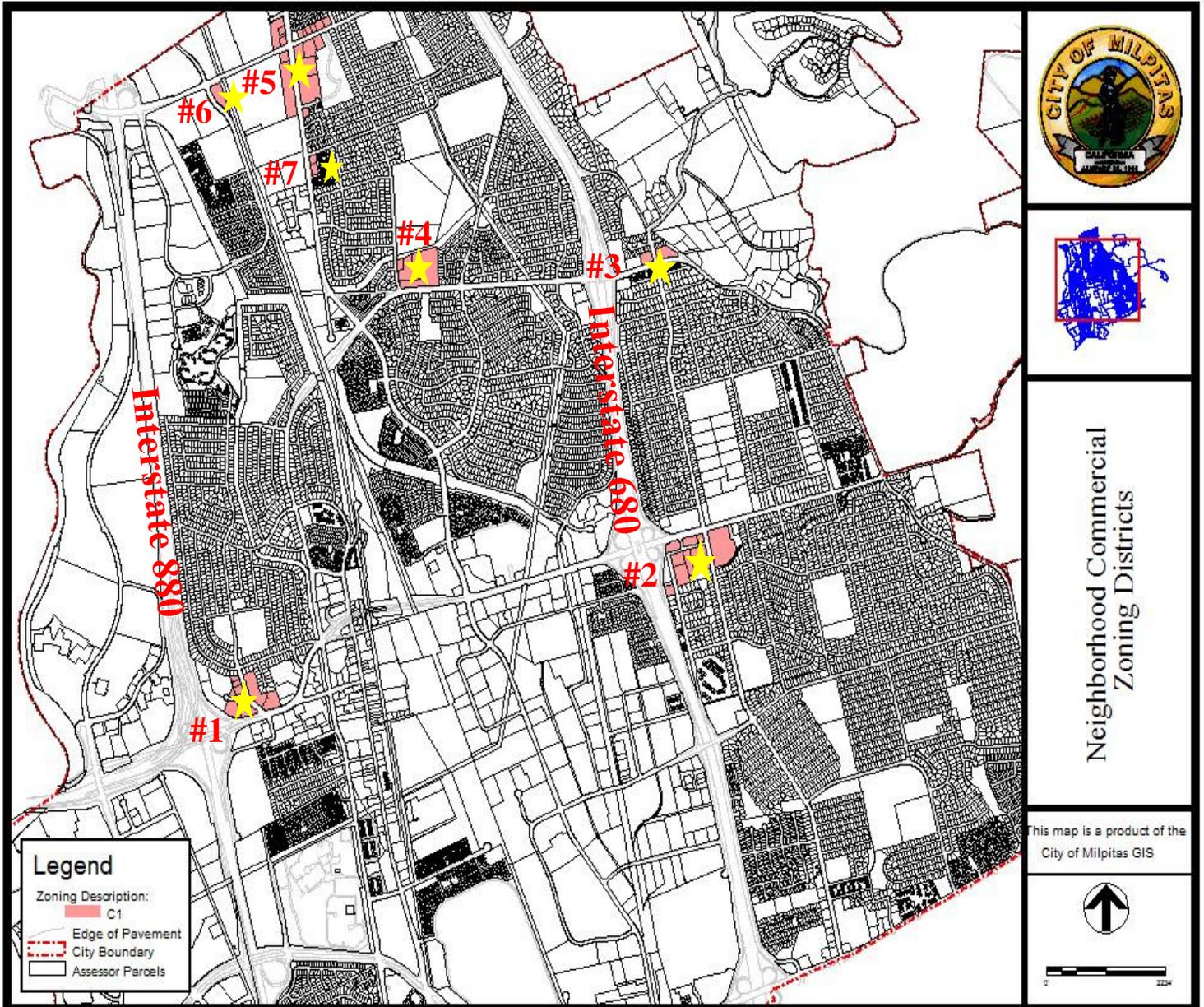
There are forty-five parcels and seven general locations within City boundaries zoned Neighborhood Commercial. The properties zoned Neighborhood Commercial are typically small to medium sized shopping centers containing a range of uses intended to serve the immediate neighborhood. They are located throughout the City at the following general locations, see Map 1 on Page 3 for the location of these seven general locations:

- 1) The intersection of W. Calaveras Blvd. and S. Abbott Avenue;
- 2) The intersection of E. Calaveras Blvd. and Dempsey Road;
- 3) The intersection of Jacklin Road and N. Park Victoria Rd;
- 4) The intersection of Arizona Avenue and Jacklin Road;
- 5) The intersection of N. Milpitas Blvd. and Dixon Landing Road;
- 6) The intersection of Milmont Drive and Dixon Landing Road; and
- 7) The intersection of N. Milpitas Blvd. and Washington Drive.

The proposed amendment would require thrift store uses in the Neighborhood Commercial zoning district to acquire a Conditional Use Permit (CUP) through a public hearing before the Planning

Commission and to meet certain performance standards. Thrift store uses are currently a permitted use in the Town Center and General Commercial Zoning District and do not require discretionary review by the Planning Commission.

### Map 1 Neighborhood Commercial Zoning Districts



## **PROJECT DESCRIPTION**

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### ***Overview***

The following information presents the proposed changes and new information provided by the applicant as directed by the Planning Commission, and staff analysis of this information. Please refer to the June 11 Planning Commission report for the overall background and analysis of the project (Attachment H) and the Planning Commission Memorandum for configuration changes made to the proposed loading zone (Attachment I).

Goodwill of Silicon Valley is proposing a scheduled pick-up and delivery of items between the hours of 8:00 A.M. and 9:30 A.M. between 5-7 days a week. The pick-up or delivery would be by a box truck with a lift gate or a short trailer and would occur through the entrance on the western portion of the building near the storefront loading zone parking spaces. The pick-up and delivery time would not coincide with the afternoon hours, when the shopping center has an increase in vehicle traffic due to the lunch hour. A condition has been added to prohibit Goodwill deliveries between 11:30 a.m. and 1:30 p.m.

The parking study analysis prepared by Walker Parking Consultants observed the following:

- The occupancy counts in the parking lot at 11:00 A.M., prior to the lunch rush provided an average of 117 unoccupied parking spaces, or 90 percent of the parking available. However, during the lunch rush of 11:30 A.M. to 1:30 P.M. that trend reversed and an average of 118 parking space were occupied, approximately 91 percent of the total parking spaces.
- In Walker Parking Consultants' observations, the parking was impacted due to the nearby restaurants on the adjacent parcels.
- Approximately 96 percent of the vehicle occupants parking in the parking lot walked to the adjacent commercial center after exiting their vehicle.
- Walker Parking Consultants recommendations included two options; the installation of a fence along the eastern property line or enforcement through a parking attendant and/or towing.

William H. Cilker Jr., property owner to the west of the proposed project site and Lisa Lo, property owner to the east of the project site met with the parking consultant and were each provided a copy of the final report and recommendations. Email correspondence between the property owners and Goodwill is attached as Attachment F.

Goodwill of Silicon Valley has proposed to install a five foot tall metal picket fence along the eastern property lines of the parcel, therefore, creating a division between the Milpitas Center and the Calaveras Shopping Center that would prohibit vehicular and pedestrian traffic from parking in the Milpitas Center and walking to the adjacent restaurants directly to the east in the Calaveras Shopping Center. The proposed fence would have two five-foot tall vehicular gates for emergency access.

## **PROJECT ANALYSIS**

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Staff ***does not*** support the proposed fence to be placed along the eastern property line. The proposed fence will detrimentally impact the circulation of the shopping center since there is no direct access point to the parcel and a fence would eliminate one of two access points to the property.

Additionally, the site access for the proposed fence is not in compliance with the California Fire Code Section 503. Approved fire apparatus roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Dead-end conditions, as the fence proposes are not acceptable. The proposed fence does not meet the California Fire Code and Milpitas Fire Department fire apparatus turning requirements for internal circulation. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet and 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (California Fire Code Section 503.2).

Planning and the Public Works Department also do not support the fence because it will hinder circulation and general vehicle/emergency vehicle movement. The adjacent property owner of Calaveras Shopping Center has not agreed to the ingress/egress closure.

Staff proposes other methods to deter and prevent parking and cross access from the adjacent centers. Staff has added a condition to require a Goodwill parking attendant to be present during the weekday lunch hours to deter customers from parking in the Goodwill parking lot and walking to the adjacent restaurants.

Also, staff has discovered that the Conditional Use Permit for the adjacent Jang Su Jang Korean Restaurant includes two conditions of approval that require:

- 1) A parking attendant during the weekday peak lunch hours of 11:30 A.M. to 1:30 P.M. and at any time the banquet facility is in use; and,
- 2) A parking attendant personnel that shall be clothed in a manner so that they are readily identifiable.

Staff has met with the Code Enforcement Department to enforce the conditions of approval for Conditional Use Permit Amendment No. UA2006-6 for Jang Su Jang. Code Enforcement staff has made contact with the restaurant owner of Jang Su Jang, Brian Chung who has agreed to comply with the conditions of approval for a parking attendant. Staff believes parking enforcement both by Jang Su Jang restaurant and Goodwill will be an effective solution to regulate parking during the 11:30 A.M. to 1:30 P.M. lunch hour rush.

#### **PUBLIC COMMENT/OUTREACH**

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on July 10, 2014. (Two Fridays before the meeting) In addition, 580 notices were sent to owners and occupants within (1,000 feet) of the project site. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

#### **CITY COUNCIL REVIEW**

This project requires review by the City Council and is tentatively scheduled on the August 19, 2014 Council agenda.

## **CONCLUSION**

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The applicant has attempted to address the Planning Commission's concerns from the June 11, 2014 meeting. The applicant has submitted a parking study analysis, communicated with adjacent property owners regarding parking issues, and reevaluated their pick-up and drop off schedule to not coincide with the lunch hour period. Staff does not support the installation of the proposed fence that would create a solid barrier to all vehicular and pedestrian traffic between the Milpitas Center and the Calaveras Shopping Center. As analyzed in the staff report, the fence would significantly impact the circulation of the property, would violate the California Fire Code, and not be compatible with the shopping center. Additionally, staff does not support the proposed fence since it is not a compatible element to the shopping center. The proposed fence is not in compliance with California Fire Code Section 503 and does not meet the California Fire Code and Milpitas Fire Department fire apparatus turning requirements.

## **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct public hearing;
2. Adopt Resolution No. 14-024 recommending the City Council adopt Zoning Text Amendment No. ZA14-0002 to conditionally permit thrift store uses in Neighborhood Commercial (C1) Zoning District; and, approve Site Development Permit No. SD14-0008, and Conditional Use Permit No. UP14-0010 to permit the operation of Goodwill retail store and associated site improvements at this location without a fence along the property, subject to the conditions of approval.

## **ATTACHMENTS**

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- A. Resolution No. 14-024
- B. Ordinance Exhibit No. 38.816
- C. Project Plans; April 25, 2014
- D. Goodwill of Silicon Valley Memo
- E. Parking Study Analysis
- F. Verification of Property Owner Communication
- G. Project Plans; June 27, 2014
- H. Staff Report; June 11, 2014
- I. Planning Commission Memo; June 10, 2014
- J. Statement of Operations
- K. Informational Pictures