

# APPROVED

## PLANNING COMMISSION MINUTES

May 12, 2010

- I. ROLL CALL/SEATING OF ALTERNATE** Present: Sudhir Mandal, Gurdev Sandhu, Steve Tao, Noella Tabladillo, Mark Tiernan, and Cliff Williams  
Absent: Larry Ciardella and Erik Larsen  
Staff: Ah Sing, Andrade, Lindsay, Otake, and Reliford
- II. PLEDGE OF ALLEGIANCE** Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- III. PUBLIC FORUM** Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.  
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**  
April 28, 2010 Chair Williams called for approval of the minutes of the Planning Commission meeting of April 28, 2010.  
There were no changes to the minutes.  
**Motion** to approve the minutes of April 28, 2010 as submitted.  
M/S: Mandal, Tiernan  
AYES: 5  
NOES: 0  
ABSENT: 2 (Larry Ciardella and Erik Larsen)  
ABSTAIN: 1 (Noella Tabladillo)
- V. ANNOUNCEMENTS** There were no announcements from staff or the Commission.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Williams asked whether staff or the Commission have any changes to the agenda.  
There were no changes to the agenda.  
**Motion** to approve the agenda as submitted.  
M/S: Mandal, Tiernan  
AYES: 6  
NOES: 0  
ABSENT: 2 (Larry Ciardella and Erik Larsen)  
ABSTAIN: 0

**VIII. CONSENT  
CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

**Motion** to adopt Resolution No. 10-024 rescinding Resolution No. 453.

M/S: Mandal, Tiernan

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Erik Larsen)

ABSTAIN: 0

- 1. RESCINDMENT OF PC RESOLUTION NO. 453:** A request to rescind Resolution No. 453 regarding guidelines for tent sales and similar outdoor events. Applicant: City of Milpitas. Staff Contact: Sheldon Ah Sing (408) 586-3278. (*Recommendation: Adopt Resolution No. 10-024 rescinding Resolution No. 453.*)

**IX. PUBLIC HEARING**

**1. GENERAL PLAN  
AMENDMENT NO. GP10-  
0001**

**Felix Reliford, Principal Housing Planner**, presented a request to consider proposed text amendments to the General Plan to incorporate recent updates for the Housing Element, Park and Recreation Master Plan, and Milpitas Bikeway Master Plan and other outdated exhibits, tables, figures and for the adoption of a Negative Declaration (EA09-0009). The Housing Element replaces the existing 2002 Housing Element and establishes new policies and actions addressing housing conservation and construction in Milpitas, including a strategy to fulfill the City's regional housing needs allocation for the period of January 1, 2007 through June 30, 2014. Mr. Reliford recommended adopting Resolution No. 10-026, recommending approval to the City Council.

**Vice-Chair Mandal** asked when the green element is going to be effective. **Mr. Reliford** stated the housing element starting in 2014 will be considered green housing element.

**Commissioner Tabladillo** asked how many beds would be in homeless shelters and when will those shelters be run or would they be year round. **Mr. Reliford** stated they would work with the non-profit for that type of use.

**Commissioner Tabladillo** asked regarding the study does it determine where the shelter should be located. **Mr. Reliford** said the Santa Clara County study is more for jobs, education, food, shelter, and health care services. **Mr. Lindsay** read a portion of the Housing Element regarding the location of shelters.

**Commissioner Tabladillo** asked about the types of housing. **Mr. Reliford** said transitional housing is usually from a 6 to 18 month period. This will get people off the street; connect them to a shelter and provide them with support services.

**Commissioner Tabladillo** asked if the shelters are separated by families, females, or males. **Mr. Reliford** stated yes there would have to be some sort of separation.

**Commissioner Tabladillo** asked what passive solar devices are. **Mr. Reliford** said it is a lot of new innovative technology that will be used to reduce the country's dependency on oil, gas and energy in the future.

**Commissioner Tao** asked when the implementation cycle will go into effect. **Mr.**

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**Reliford** stated the Housing Element implementation cycle will be in effect in 2022.

**Commissioner Tao** asked in the four highway services areas are the parcels utilized or vacant. **Mr. Reliford** said three out of four parcels have development on them.

**Commissioner Sandhu** asked if there are any homeless shelters in Milpitas. **Mr. Reliford** stated there are no homeless shelters in Milpitas. **Commissioner Sandhu** asked if there are any homeless people in Milpitas. **Mr. Reliford** stated according to the 2009 Santa Clara County survey there are about 65-68 homeless people living in Milpitas. **Commissioner Sandhu** also asked if the County helps the homeless or does the County refer them to Milpitas. **Mr. Reliford** said it's a combination of both County and Milpitas that help the homeless.

**Commissioner Tiernan** asked about housing constraints. **Mr. Reliford** stated staff had meetings with the community and developers. They also had a survey that went out to about 52 service providers in the County. There was outreach that went out to the public for review.

**Commissioner Tiernan** asked what the reoccurring theme that came back to staff was. **Mr. Reliford** stated the 2 year down turn in the housing market. **Commissioner Tiernan** also asked what were some of the concerns with the residents at these meetings. **Mr. Reliford** said some of the issues were with the school district, issues with too much building going on, issues with density, issues with parking and traffic.

**Chair Williams** thanked Mr. Reliford and staff for a most informative presentation.

**Chair Williams** opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Erik Larsen)

ABSTAIN: 0

**Motion** to adopt Resolution No. 10-026, recommending approval to the City Council.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Erik Larsen)

ABSTAIN: 0

## X. NEW BUSINESS

### 1. GENERAL PLAN CONFORMANCE

**Sheldon Ah Sing, Senior Planner**, presented a request to designate the Winsor Tank House as a Cultural Resource and recommendation of a finding for conformance with the City's General Plan. Mr. Ah Sing recommended adopting Resolution No. 10-023 recommending that the City Council find that designating the Winsor Tank House as a cultural resource is in conformance with the City's General Plan, the Midtown Specific Plan and local zoning.

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**Commissioner Tao** asked what the standard maintenance policy is. **Mr. Lindsay** stated a number of the cultural resources are privately owned. There are no maintenance provisions as far as upkeep but there are requirements when you modify it, it stays within the historical context. **Commissioner Tao** is concerned that the property will become degraded as a result of lack of scheduled maintenance in place.

**Commissioner Tabladillo** asked how big this parcel is. **Mr. Ah Sing** said the property is on the same parcel as the City library.

**Commissioner Tabladillo** asked how this property is going to be identified as a historical site. **Mr. Ah Sing** said there will be a plaque installed at the site.

**Commissioner Tabladillo** is also concerned with the upkeep of this site. **Mr. Lindsay** said this is a City structure now. The City will ensure its maintenance as they do any other City facility.

**Motion** to adopt Resolution No. 10-023 recommending that the City Council find that designating the Winsor Tank House as a cultural resource is in conformance with the City's General Plan, the Midtown Specific Plan and local zoning.

M/S: Sandhu, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Erik Larsen)

ABSTAIN: 0

## XI. PRESENTATION

### 1. ALCOHOLIC BEVERAGE SALES

**Sheldon Ah Sing, Senior Planner**, presented an informational presentation on alcohol beverage sales providing the state and city regulation framework. **Mr. Ah Sing** recommended that the Planning Commission note receipt and file the presentation.

**Commissioner Tiernan** asked if a restaurant can sell beer or wine to its customers to take outside the premises. **Mr. Ah Sing** stated per the ABC license it would be allowable. **Commissioner Tiernan** asked if the City of Milpitas have any restrictions that would limit the license holder from selling spirits for the patrons to take with them. **Mr. Ah Sing** stated it would be under the regulations of the ABC and not a matter for the City to regulate. **Mr. Lindsay** stated they would get clarification from ABC and report back to the Commission.

**Vice-Chair Mandal** asked if the City has the power to limit the time of sales. **Mr. Ah Sing** stated Citywide regulations would require an ordinance change. **Vice-Chair Mandal** asked if the ordinance change would override the ABC guidelines. **Mr. Ah Sing** said in respect to the hours of operations that would be the case by case basis only if the hours are more restrictive than the ABC if the appropriate findings are made.

**Bryan Otake, Assistant City Attorney**, stated the City still has zoning powers to 1) if an alcohol service requires some sort of Conditional Use Permit and 2) under State law the City Council has the power to declare by ordinance certain types of activities that might be related to the use of alcohol. **Mr. Otake** stated in terms of a Citywide restriction it would require some sort of public nuisance finding, but again this is not getting into the area of licensing rather it would be an exercise of the City's zoning or power to abate or fix public nuisances. In the area of licensing the State rules supreme.

**Commissioner Tabladillo** requested that the map show the different areas such as I880,

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237, etc. Also, mark where all the restaurants are located.

**XII.  
ADJOURNMENT**

The meeting was adjourned at 8:37 p.m. to the next meeting of May 26, 2010.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Yvonne Andrade  
Recording Secretary

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