

McHarris responded there is no project before the Commission tonight but in a future development project in the town center, there could be a mix of commercial and residential either above the commercial (vertical) or possibly horizontal where stand-alone commercial buildings are integrated with residential in close proximity into what we also refer to as "mixed-use".

Commissioner Luk commented that the whole intent of this revision is to allow mixed-use urban environment for this important corridor in Milpitas with its close proximity to Calaveras and Interstate 680. He believes that a higher minimum density makes sense and the proposed town center designation amendment would be a good urban element for the City's commercial component that we lack.

Chair Mandal opened the public hearing for comments and heard none.

Motion: to close the public hearing after hearing no comments.

Motion/Second: Commissioner Mohsin / Alternate Member Morris

AYES: 6

NOES: 0

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

Chair Mandal asked for any other clarification questions from the Commissioners. Commissioner Madnawat asked about the California Public Utilities Commission letter. Principal Housing Planner Felix Reliford replied that it is related to the next public hearing agenda item.

Motion: to adopt Resolution No. 13-028 recommending the City Council adopt General Plan Amendment No. GP13-0004 and Zoning Amendment No ZA13-0005 to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre for the Town Center Zoning District.

Motion/Second: Alternate Member Morris / Commissioner Mohsin

AYES: 4 Chair Mandal, Commissioners Mohsin and Luk and Alternate Member Morris

NOES: 2 Commissioners Madnawat / Commissioner Barbadillo

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

Commissioner Madnawat commented that Town Center is the heart of the City and opposed to having developer come in and put condominiums instead of mixed commercial/residential properties in this particular zoned district that's why he is opposed to the motion.



IX-2 ZONING TEXT AMENDMENT NO. ZA13-0004: request to amend the City's Zoning Code to add provision regarding "emergency shelters," "single room occupancies," "supportive housing," "transitional housing," and reasonable accommodations to be consistent with California Law. Definitional entries, and operational and development standards are proposed. Other ancillary amendments necessary to implement the changes are proposed; and a Negative Declaration for the

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project proposed.

Principal Housing Planner Felix Reliford explained that what's before the commission is a series of zoning ordinance amendments to comply with the State's statutory requirements pertaining to Milpitas Housing Element and also in regards to recertification that would be taking place next year.

Mr. Reliford gave an overview and brief background of the Housing Element and its requirements. He informed them that the Housing Element has to be adopted by the City Council and certified by the State. He is scheduled to bring the fourth Housing Element's adoption next year to the City Council.

To be eligible, cities must comply with State Law relating to emergency shelters, transitional and supportive housing, and reasonable accommodations. Mr. Reliford would like to note for the Commissioners that staff is recommending excluding SRO (single room occupancies) for the MXD zoning districts that is different to what is submitted in the Commission's packet. The reason being is that the City has sufficient zoning districts to allow those types of uses within the City that would meet the statutory requirement of the State. He then turned the presentation over to the City's consultant Ben Noble of the Planning Center.

Mr. Noble reviewed the statutory requirements and concept clarifications for the Commission. He reiterated that there are three specific land uses that these amendments are being addressed. They are: a) emergency shelters; b) transitional and supportive housing; and c) single room occupancies.

Mr. Noble started with emergency shelters by stating that they are defined as housing with minimal support services for homeless individuals and families that have limited occupancy period of 6 months or less. No individual or household may be denied emergency shelter because of an inability to pay.

He then moved to define Transitional Housing as temporary housing intended to move residents to permanent housing for up to two years and be self-sufficient. An important feature of this type of housing is the availability of supportive services to ease transition for self-sufficiency. This type of housing often provide for emancipated foster youth, veterans, former homeless individuals and families, and individuals moving forward after mental or substance abuse treatment.

Supportive Housing is permanent housing enabling residents to maintain stable housing and lead fuller lives. This type of housing is available to individuals and families with disabilities, chronic physical and mental illness, chronic homelessness and substance abuse problems. Services to these individuals and families may be provided on-site or through home visits scattered-site homes.

The final land use type being addressed in these amendments is the Single-Room Occupancies. These are multi-tenant buildings that house 1-2 people in a room and often have shared bathrooms and kitchens and are rented either weekly or monthly. These are very small units (generally less than 350 square feet) and are affordable to extremely low income households.

Mr. Noble briefly reviewed the proposed amendments that are mandated primarily by State law, the legislature decided to pre-empt local governments' land use authority for the mentioned types of land uses so the ability of local governments to make their own decisions for this land use authority is limited by State law.

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The amendment for emergency shelters for consideration at tonight's meeting is to allow by right emergency shelters in the Commercial/Highway Services if they meet Special Use standards. The proposed amendment for the Transitional and Supportive Housing is to allow by right this type of housing in the residential zoning districts and mixed-use zoning districts and must be treated the same as other residential uses of the same type. The Single-Room Occupancy amendments being considered tonight is to allow Conditional Use Permit in the R3, R4, R5, Highway Services, and Mixed-Use (MXD, MXD2, MXD3) zoning districts and to require compliance with basic standards of location, size, and amenities. Finally, Reasonable Accommodations amendments relate to both State and Federal Laws that says jurisdiction needs to accommodate a persons with disabilities to make sure that they are able to live in housing just like for people who do not have disabilities. This establishes clarity on procedure by which the City can approve aviation from development standards in order to accommodate persons with disabilities; an example is to allow setback for wheelchair accommodations.

Commissioner Morris asked Mr. Reliford to clarify exclusion of SROs if it is by government standards. Mr. Reliford replied that with the discretion of the City, State does not require statutory requirements for SROs and that any deviations from standards we need Conditional Use Permit.

Commissioner Madnawat raised a question about the PUC letter and for staff to inform the Commission what PUC wants. Mr. Reliford responded that this is a comment from Public Utility Commission when the City sent out the Negative Declaration and mainly stating that any future projects before the Planning Commission and City Council PUC wants to make sure that any safety issues of highway-rail crossings or facilities that they regulate that the City has development status to address those safety issues for any land uses being proposed near their facilities. Commissioner Madnawat's concern is that the project will take longer if we have to get PUC's approval. Mr. Reliford clarified that that is not the case; it is mainly to address the safety issues.

Commissioner Madnawat queried about the meaning of the underlined text on page 3 of the resolution in regards to emergency shelters. He read the one line he had a question of: "No individual or household may be denied of emergency shelter because of inability to pay as set forth in the house code." Mr. Noble replied that it means emergency shelters can not charge a fee for a person to stay. Commissioner Madnawat asked if there are any emergency shelters in the City of Milpitas. Mr. Reliford replied that there are neither emergency shelters within the City nor any applications for emergency shelters; there are only two emergency shelters: one in Sunnyvale (that is ready to close) and another one in Gilroy. Commissioner Madnawat asked what area are we designating emergency shelters. Mr. Reliford replied that the areas need to have access to highway services, transportation, goods, and so forth. Staff has identified two sites within a vacant industrial area where this type of land use could potentially be located by the railroad and south of Fremont. The Commission has to zone it to allow this land use.

Commissioner Barbadillo asked if the proposal is to make amendments to the provisions of the ordinance to be State-compliant; Principal Housing Planner Reliford answered yes. Commissioner Barbadillo asked if the City presently is not compliant with the State law. Mr. Reliford replied that his statement is correct; staff originally thought that the City has until January 1 to comply with Sate law however after contacting the section head of HCD, who reviews the Housing Element, as long as the City complies before the Housing Element is certified next year.

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Chair Mandal would like to understand if R3, R4, R5 designation is only for the Transitional and Supportive Housing. Mr. Reliford said no in regards to this type of land use. R3, R4, R5 districts are for SROs; rationale behind these zoning districts is those are multi-family housing districts not single-family housing districts. Would MXD apply to Town Center and Transit Area? Mr. Reliford replied it will not apply to Town Center.

Chair Mandal opened the public hearing for comments and heard none.

Motion: to close the public hearing after hearing no comments.

Motion/Second: Commissioner Madnawat / Commissioner Mohsin

AYES: 6

NOES: 0

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

Chair Mandal asked fellow Commissioners for any discussion. Commissioner Madnawat commented that this is something required by State law; however, he understands that it does not mean the City needs to provide services that is just zoning amendments being considered here. State is not forcing the City to provide services.

Motion: to adopt Resolution No, 13-023 recommending the City Council adopts an ordinance amending the zoning code to include provision relating to emergency shelters, single room occupancy (excluding from Mixed Use district) residences, supporting housing, transitional housing, ad reasonable accommodation based on the findings set as amended by excluding SROs from Mixed-Used district and adopt a Negative Declaration for the project.

Motion/Second: Commissioner Madnawat / Commissioner Luk

AYES: 6

NOES: 0

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

Chair Mandal inquired of staff how far the City has met the State requirements in 2010. Mr. Reliford required that we have met all the requirements besides the items that are being proposed right now.

IX-3 DEVELOPMENT AGREEMENT NO, DA13-0001: request for a Disposition and Development Agreement between the Milpitas Housing Authority and South Main Senior Lifestyles LLC, involving the purchase of 5.94 acres and the development of up to 389 housing units (Senior Congregate Care and Independent Living), located at 1504-1620 South Main Street (APNs: 86-22-027, -028, -033, -041, and -042) zoned multi-family residential, very high density with site and architectural overlay (R4-S).

Principal Housing Planner gave an overview of the project to the Commission stating that the site is owned by Milpitas Housing Authority and pursuant to the Department of Finance, the MHA funds and site must be used for housing with affordable units . It is a conformance of finding with the Milpitas General Plan and Milpitas Specific Plan.

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