



MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, December 12, 2018

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II. ROLL CALL/
SEATING OF
ALTERNATE**

Present: Chair Mandal, Vice Chair Ciardella, Commissioners Chua, Morris, Maglalang

Absent: Commissioners Mohsin, Sandhu (excused)

Staff: Ned Thomas, Jessica Garner, Heather Lee, Krishna Kumar, Michael Fossati, Elizabeth Medina

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the commission and there were no speakers.

**IV. APPROVAL OF
MEETING MINUTES**

Chair Mandal called for approval of the September 26, 2018 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Morris/Commissioner Maglalang

AYES: 4

NOES: 0

ABSTAIN: 1 (Ciardella)

V. ANNOUNCEMENTS

Planning Director Ned Thomas provided departmental updates to the commission regarding:

- 12/18 - City Council meeting will be the swearing of the new council members.
- 12/19 - Special City Council meeting discussing commercial cannabis ban
- 12/19 - GPAC meeting - review economical development policies in General Plan
- 12/13 – Community Meeting discuss pending ordinance for ADUs
- City Hall will observe a Winter Closure from 12/24/18 – 1/1/19.

Chair Mandal recognizes former Planning Chair, Cliff Williams, former colleague, Steve Tau and former Milpitas Mayor, Bob Livengood. All of which are attendance at this meeting.

Director Ned Thomas notes that we will postpone long-term

Commissioner recognition. All commissioners will continue to serve until new appointments are made by City Council.

VI. CONFLICT OF INTEREST

Deputy City Attorney Heather Lee asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the December 12, 2018 agenda as submitted.

Motion/Second: Commissioner Chua/Commissioner Morris

AYES: 5

NOES: 0

VIII. PUBLIC HEARING

VIII-1 ENTERTAINMENT USE – 461 S. MILPITAS BOULEVARD – P-UP18-0008:

A request for a Conditional Use Permit to operate an entertainment use (charity bingo) in an industrial zone.

Project Planner Krishna Kumar showed a presentation and discussed the project.

Commissioner Maglalang asked Ms. Kumar what is the “1199” games. Ms. Kumar said it is a part of the bingo game but states that the applicant can help him understand it better. Ms. Kumar reminded Mr. Maglalang that the applicant is asking for a land use permit not the licensing of the bingo games. Mr. Maglalang stated that the applicant is carrying a 501c3, and asked if all proceeds will be used for charitable purposes. Planning Director, Ned Thomas lets Mr. Maglalang know that the applicant is applying for the land use, thereafter, the applicant will prepare the hall for non-profit charity fundraising. Mr. Maglalang then referenced a conditional use permit that was amended by the City Council in May 2018, Ordinance 198.5 regarding the accounting of bingo proceeds. Mr. Thomas reminded Mr. Maglalang that tonight the applicant is only applying for the land use and that the operational issues he is referencing, the licensing of bingo games, is approved on an annual basis at the City Council level.

Chair Mandal asked Ms. Kumar what was the facility previously used for. Ms. Kumar let him know that it is owned by Global Star Security Firm and their business was in there prior to being vacant. Mr. Mandal clarified with Mr. Thomas that the Planning Commission is making a decision on the land use of this property; not the how it will be utilized. Mr. Thomas explained that a condition use permit for entertainment use in an industrial area is what is being decided upon this meeting.

Commissioner Chua asked about the parking and estimated amount of customers during the hours of operation. Ms. Kumar noted that the plans provided showcase a surplus of parking. Chua again inquired about the average number of customers

per evening. Ms. Kumar said that the applicant will answer that question for her. Ms. Chua expressed concern for the hours of operation; 5:00pm peak time for traffic, and asked if there was a traffic study. Mr. Thomas said a traffic study was not completed for this site; the parking ratios are based on the zoning ordinance for this type of use in this location with the General Plan noting that the roadways in this area are adequate to handle the amount of traffic that will generated by the land use. Ms. Chua asked with the 217 parking spaces, if there will be parking on the street. Ms. Kumar said they have more than enough parking spaces considering it is after office hours for the suites and should not have any problems pertaining to parking. Ms. Chua references the charity plan, noting she is unfamiliar with some of the game titles; she asked if this will be this charity's first location. Ms. Kumar knows of a bingo games in town at St. John's Church. Ms. Chua inquired if additional law enforcement will be needed in this area during the bingo's hours of operation. Ms. Kumar noted that the Charity Bingo applicant will provide three security personnel and has followed all the recommendations from PD.

Applicant Bob Livengood discussed the project, shared a presentation and inforvideo with the Planning Commission.

Commissioner Maglalang asked Mr. Livengood if all the partners are 501c3 organizations. Mr. Livengood stated that any interested parties must be a 501c3 organization and furnish a letter from the IRS to show they are tax exempt in order to do a fundraiser with Charity Milpitas Bingo.

Vice Chair Ciardella asked if there will be food sold there. Mr. Livengood stated that there is no kitchen at the location so they cannot cook but are looking into vending machines or food trucks, but may not offer food at all.

Chair Mandal asked if children will be participating in this program. Mr. Livengood stated that children cannot volunteer, cannot participate and are not allowed in the bingo facility; must be 18 or older.

Commissioner Chua asked if this is the management team's first venture at bingo entertainment. Mr. Livengood said yes and named the Board of Directors. Ms. Chua asked about the lease agreement with the building. Mr. Livengood noted that they not have a lease yet, Milpitas Charity Bingo will need a license approved by the Council to play. Ms. Chua asked what is the anticipated customers per evening. Ms. Livengood stated 150-180 people on the lower end, no more that 280-290 people on upper end. Ms. Chua asked if Mr. Livengood if he received any feedback related to crime from other bingo organizations. Mr. Livengood said no but that he has spoken to a lot of people, stating that crime does happens at bingo games as it would at any other business; also mentioning that PD required them to have 3 security guards. Ms. Chua liked the details of the security plan; however, will voice her concern to the Council to limit these types of operations (bingo games) in the City. Mr. Livengood said that limitation has already been set by the Council, they have limited the hours, the nights games can be held, and licensees.

Commissioner Maglalang asked what is "1199" games. Mr. Livengood said it is a series of games that consist of several games (1199, Pulltag, Strip) that are different from bingo games.

Chair Mandal asked if the three security guards will be working for the organization and how will they get paid. Mr. Livengood said the security personnel is not PD; will be Guard Card certified by the state and will be paid from bingo receipts.

Chair Mandal opened the public hearing.

Former Planning Commissioner and current Milpitas Charity Bingo Board Member, Cliff Williams wished the Planning Commission to have a blessed Christmas. Mr. Williams speaks of his involvement in the community and with Milpitas Charity Bingo and asks the the commissioners to adopt the use permit.

Motion to close the public hearing.

Motion/Second: Commissioner Morris/Commissioner Chua

AYES: 5

NOES: 0

Chair Mandal reminisced when he was involved in his children PTA and noted a bingo charity was not available back then. Mr. Mandal appreciates this fundraising opportunity being brought to the City for tax exempt organizations and likes the idea.

Commissioner Morris said this is a worthwhile venture that will unite and allow us to raise money for our students and families in Milpitas.

Commissioner Chua clarified the age limit. Mr. Livengood stated it is 18 and older.

Motion to adopt Resolution No. 18-023 approving Conditional Use Permit No. P-UP18-0008 subject to the attached Conditions of Approval.

Motion/Second: Vice Chair Ciardella/Commissioner Morris

AYES: 5

NOES: 0

VIII-2

NEW HILLSIDE RESIDENCE – Site Development Permit No. SD17-0012 – A request for a Site Development Permit to construct a 4,844 sq. ft. split level single-family residence and 863 sq. ft. attached garage on a vacant lot on the hillside, zoned R1-H Hillside Combining District with a Site and Architectural (-S) overlay.

Project Planner Michael Fossati showed a presentation and discussed the project.

Commissioner Morris asked if there was an Environmental Impact Study done for this parcel. Mr. Fossati informed her that it is not necessary for a single-family residence being built in an urban area.

Commissioner Maglalang asked if the City will provide sewer or water services. Mr. Fossati noted that the applicants property will be within City limits, in the urban growth area, will be serviced by the City (from Spring Valley) and septic tank will be on-site. Mr. Maglalang inquired what type of roof will the property have. Mr. Fossati said the roof will have a shed roof concept, some parts pitched and flat. Mr. Maglalang asked if there was any view obstruction to the neighborhood area. Ms. Fossati said no; however, the designer and applicant are present to answer questions in regards to the design of the home. Mr. Maglalang asked if there were a fire, would the City service them. Mr. Fossati reminded him that the home will be

within City limits and would service this property if there were a fire.

Commissioner Chua likes modern design and appreciates the (9) trees being planted on the property. Ms. Chua also welcomed and thanked the applicant for choosing Milpitas.

Chair Mandal asked if there will be a fire hydrant close to property. Mr. Fossati believes there already is a hydrant near by. Mr. Mandal also inquired if there was going to be an alternate source of energy (solar) for this property. Ms. Fossati said the designer and applicant are present to answer questions in regards to the energy saving mechanisms that will be installed on the house. Mr. Mandal said the design of the house is beautiful.

Applicant representative Jeff Guente, Innovative Concepts designer discussed the project.

Morris asked how did the applicant arrive with vision of home. Mr. Guente said that the applicant wanted something low profile. Applicant Ms. Rao noted that she is grateful to finally be in front the the commission to discuss her project for approval.

Chair Mandal opened the public hearing.

Motion to close the public hearing.

Motion/Second: Commissioner Chua/CMaglalang

AYES: 5

NOES: 0

Motion to adopt Resolution No. 18-021, recommending approval of Site Development Permit SD17-0012 to the City Council, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commissioner Morris

AYES: 5

NOES: 0

VIII-3

TIME EXTENSION FOR MAIN STREET PALACE – TE18-0003 – A request for a time extension for a Site Development Permit (SD14-0021), Conditional Use Permit (UP14-0022), and Tentative Tract Map (MT14-0005) for the development of a four-story, 52 foot tall, 18 unit residential structure on a vacant 0.4 acre parcel located at 1316 South Main Street (APN 083-36-003).

Project Planner Michael Fossati showed a presentation and discussed the project.

Commissioner Maglalang clarified that the height and number of units were still the same as when the project was first presented and approved. Mr. Fossati noted that this is correct. Mr. Maglalang asked how long would the extension be for. Mr. Fossati stated it would be two years. Ms. Maglalang asked if the applicant of when approved and applicant for the extension are different. Ms. Fossati stated that is correct.

Commissioner Chua said liked design, color scheme, noting it will be great for Main Street. Ms. Chua also said she has no problems with this extension application.

Chair Mandal asked how many times can applicant get an extension. Mr. Fossati said when it comes to Site Development Permits and Conditional Use Permits, our code only allows one extension.

Chair Mandal opened the public hearing.

Motion to close the public hearing.

Motion/Second: Commissioner Morris/Commissioner Maglalang

AYES: 5

NOES: 0

Motion to adopt Resolution No. 18-024 extending permits SD14-0021, UP14-0022, and MT14-0005 for 24 months until December 5, 2020.

Motion/Second: Commissioner Morris/Commissioner Chua

AYES: 5

NOES: 0

IX. NEW BUSINESS

NO ITEMS

X. ADJOURNMENT

The meeting was adjourned at 8:39 PM.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Sandhu/Commissioner Morris

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*