



MEETING MINUTES

MILPITAS PLANNING COMMISSION

January 29, 2020 7:00 PM

CITY HALL COMMITTEE ROOM

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

- I. CALL MEETING TO ORDER** **Chair Mandal** called the meeting to order at 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE** **Commissioner Alcorn** led the Pledge of Allegiance.
- III. ROLL CALL**
- Present:** Chair Tao, Vice Chair Morris, Commissioner Alcorn, Chuan, Chua, Mandal
- Absent:** Commissioner Ablaza
- Staff:** Ned Thomas, Jessica Garner, Ethan Walsh, Elizabeth Medina, Alex Andrade, Daniel Degu, Rozalynne Thompson, Kevin Moscuzza
- IV. CONFLICT OF INTEREST DECLARATION** **City Attorney Ethan Walsh** 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.
- V. APPROVAL OF AGENDA** **Chair Tao** asked if staff or Commissioners had changes to the agenda and there were none.
- Motion** to approve the January 29, 2020 agenda as presented.
- Motion/Second: Commissioner Chua/Commissioner Chuan
- AYES: 6
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS** **Vice Chair Morris** shared information about an upcoming Annual Blank History Month breakfast on Saturday, February 1st. Vice Chair Morris also mentioned that she met with several residents in regards to the LaQuinta project.
- Planning Director Ned Thomas** provided departmental updates to the commission regarding:

- City Council kicked off Budget discussion at last night's meeting; Council would like commissioner's input about the budget.
- Training opportunity hosted by Urban Land Institute at the City of Cupertino
- Planning Commission will be transitioning to a new attorney; from Ethan Walsh to Martin de los Angeles

VII. PUBLIC FORUM

Chair Tao invited members of the audience to address the commission.

Rob Means, 1421 Yellowstone – gave commissioners update on PRT (Personal Rapid Transit) project; now has a Board of Directors and is establishing a corporation that will do the project.

Frank DeSchmidt invited everyone to the 27th Annual Auction and Crab Feed in March 2020, hosted by the Milpitas Chamber of Commerce.

Motion to close Public Forum.

Motion/Second: Commissioner Chuan/Vice Chair Morris

AYES: 6

NOES: 0

ABSTAIN: 0

VIII. APPROVAL OF MEETING MINUTES

Chair Tao noted that the approval of the January 15, 2020 meeting minutes of the Planning Commission have been deferred.

IX. PUBLIC HEARING

X-1 SHORT-TERM RENTALS: City-initiated Zoning Ordinance Text Amendment to regulate short-term rentals within the boundaries of the City. The proposed amendments would: 1) provide Milpitas residents with opportunities for ancillary income from short-term rentals and ensure appropriate collection of transient occupancy taxes; 2) preserve the character of residential neighborhoods, and; 3) limit short-term rentals to single-family, two-family, and multi-family uses. This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Project Consistent with a Community Plan, General Plan, or Zoning). Section 15061(b)(3) (Common Sense Exemption), and 15308 (Actions by Regulatory Agencies for Protection of the Environment). Project Manager: Daniel Degu, (408) 586-3054, ddegu@ci.milpitas.ca.gov

Project Planner Daniel Degu showed a presentation and discussed the project.

Vice Chair Morris asked about anticipated revenue with this project. Mr. Degu said we could foresee revenues in forms of TOT, business licenses and short-term rental permits. Vice Chair Morris referenced a recent event in Orinda at a STR and asked if there have been any discussions around that for Milpitas. Mr. Degu said with the recent tragic events involving STRs, they are trying to address that with this ordinance, prohibiting parties and commercial type of operations.

Commissioner Chua asked for clarification of the changes from the last time STRs were brought to the Planning Commission. Mr. Degu said non-hosted facilities will not be allowed. Commissioner Chua said she likes that all recommendations were addressed from previous Planning Commission meeting.

Commissioner Alcorn thanked staff for all their hard work, implementing recommendations from the Commission and the community involvement.

Commissioner Chuan clarified maximum occupancy. Mr. Degu said it would be (2) per bedroom plus one additional guest. Commissioner Chuan asked how enforcement will be handled. Assistant Chief of Police Moscuzza said there was concern about impact to Police Department in regards to STRs; however, impact will be very minimal, within the last three years, most calls from Air BnBS have been for a civil disputes or noise complaints.

Vice Chair Morris asked when receiving a complaint from a resident who lives next to a STR, how soon will police respond. Assistant Chief of Police Moscuzza said when responding to noise complaint (a non-emergency call), police is there in under 6 mins and then take steps of mediation.

Commissioner Mandal asked for explanation of hosted vs. unhosted stays. Mr. Degu said a “hosted” stay is when the property owner lives on site; “unhosted” is when owner is not on the property. Commissioner Mandal asked what is the parking requirement. Mr. Degu said it will still be the same - should one receive a permit to operate, you must create one parking space for a short term rental; the parking requirement will need to be onsite.

Chair Tao asked if any other organization other than AirBnB have responded to their outreach. Mr. Degu said just AirBnB. Chair Tao asked if will hosts be verified. Mr. Degu said there will be a verification process at application stage before STR permit is issued. Chair Tao asked about STR parking for high density property. Mr. Degu said they would have to meet parking requirements and create one for STR; the operator needs to be onsite because in this ordinance the City is prohibiting unhosted stays.

Commissioner Chua wanted to know more about the business license issuance process and revocations. Senior Planner Thompson said business licenses will be processed by Planning; should there be any violations, not complying with the code, there will be revocation on or before the applicant renews STR permit. Commissioner Chua suggested to have revocation steps in place prior to presenting to Council.

Commissioner Chuan asked if unhosted is a long term rental. Ms. Thompson explained unhosted stays will be prohibited and the definition of an STR is a short-term rental.

Commissioner Mandal asked what is fee for a STR permit. Mr. Degu said it will be a Staff Research Fee of \$300 until the STR permit fee is added and adopted into the City Fee Schedule.

Planning Manager Jessica Garner addressed an enforcement inquiry from Vice Chair Morris, sharing that at this time there are no regulations in place and this ordinance will be the City’s mechanism to help.

Chair Tao invited members of the audience to address the commission.

Andrew Bennett, Charmin Place near Great Mall, has had very miserable experiences with AirBNB, is very happy with the change to the ordinance and thanks City workers for working on this.

Rob Means, 1421 Yellowstone, said he would like to support a couple of the new measures. Mr. Means noted there are plenty of empty homes owned by investors; hosted only properties would bring ownership and enforcement local. Mr. Means said he is curious about revenue stream. Mr. Means mentions that the parking requirement on the property may take away the feel of a nice neighborhood and for the City to revisit the idea of an additional parking space.

Mr. Degu answered clarifying questions in regards to parking.

Motion to close the public hearing.

Motion/Second: Vice Chair Morris/Commissioner Alcorn

AYES: 6

NOES: 0

Addressing the concerns of parking, Planning Manager Jessica clarified that we do have regulations in the code for the landscape and will work with property owners to make sure they understand that.

Commissioner Mandal would like to make sure residents do not put concrete on the lawn. Ms. Garner said when reviewing permit applications, applicant needs to abide code and show a property plan with parking.

Planning Director Thomas references the “annual renewal” in the draft ordinance, shares the standards; i.e. when reviewing a new permit or annual renewal, there are general requirements, parking will be reviewed and compliance will be verified via site visit, etc.

Chair Tao asked if we will require certificate of insurance. Mr. Degu said insurance will be required with a minimum of \$500,000.

Motion to approve of Resolution No. 20-002 approving Zoning Text Amendment (PZA19-0002). With the caveat that they change parking recommendation to the Council to apply a parking requirement case by case.

Motion/Second: Vice Chair Morris/Commissioner Chua

AYES: 6

NOES: 0

ABSTAIN: 0

X. NEW BUSINESS

Chair Tao proposes a procedural idea to be agendaized at future meeting - that no new agenda items to be introduced at Planning Commission meetings after 10pm; however, with the caveat at the Chair's selection, item can proceed on with the Commission's majority approval.

To be agendized on under New Business at February 12 Planning Commission meeting.

XI. ADJOURNMENT

The meeting was adjourned at 8:18pm.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Alcorn/Commissioner Chuan

AYES: 6

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*