



MILPITAS PLANNING COMMISSION STAFF REPORT

May 28, 2014

APPLICATION: AMERICA’S BEST INN BUILDING ADDITION – UP13-0020 and MS14-0001 - 485 S. Main Street: A request for Conditional Use Permit and Minor Site Development Permit to add six (6) new hotel rooms to an existing legal non-conforming hotel, permit shared parking facilities, and installation of minor site modifications.

RECOMMENDATION: Staff recommends that the Planning Commission: **Adopt Resolution No. 14-023 approving Conditional Use Permit No. UP13-0020 and Minor Site Development Permit No. MS14-0001 to add (6) six new hotel rooms to an existing legal non-conforming hotel, permit shared parking facilities, and installation of minor site modifications.**

LOCATION:
Address/APN: 485 S. Main Street (APN 86-10-029)
Area of City: Midtown Specific Plan Area – Main Street between Corning and Curtis Ave.

PEOPLE:
Project Applicant: Anil Patel, Americas Best Inn
Consultant(s): Arun Shah, Arun Shah & Associates
Property/Business Owner: Anil Patel, Americas Best Inn
Project Planner: Cindy Hom, Assistant Planner

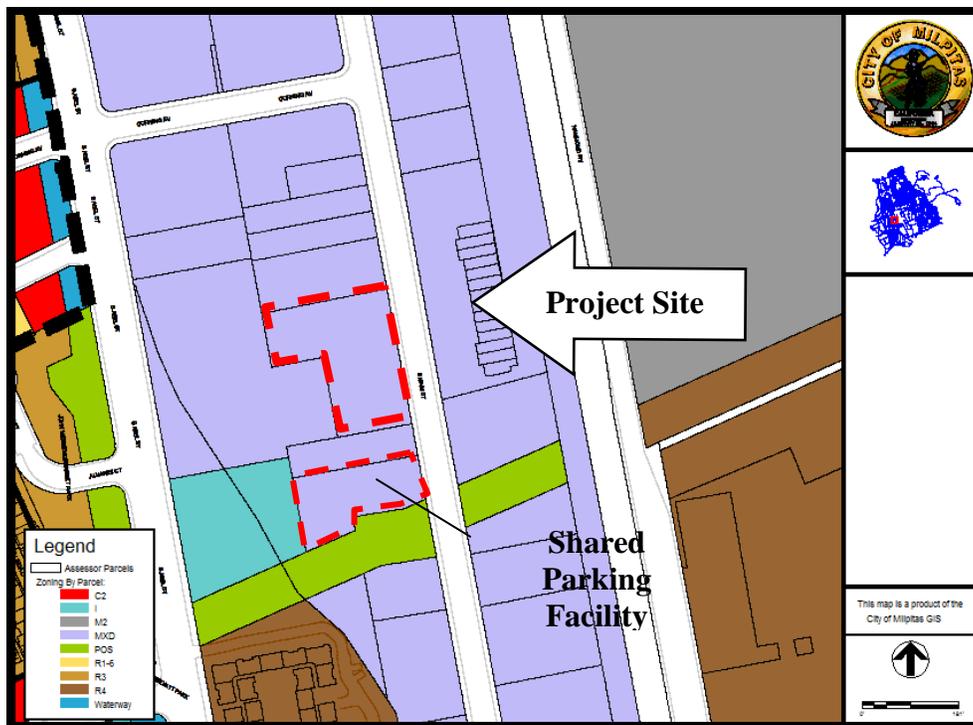
LAND USE:
General Plan Designation: Mixed Use (MXD)
Zoning District: Mixed Use (MXD)
Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The project request is for a Minor Site Development Permit to allow conversion of ten (10) parking spaces located under the building on the ground level into 1,611 square feet of habitable space for six (6) new hotel rooms and installation of various site improvements, including pedestrian and landscape improvements. The project also includes a Conditional Use Permit for an expansion of a legal non-conforming hotel use by permitting an addition to a legal, nonconforming building and permit a shared parking agreement with the neighboring property at 529 S. Main Street.

Map 1
Project Location



Map 2
Project Site

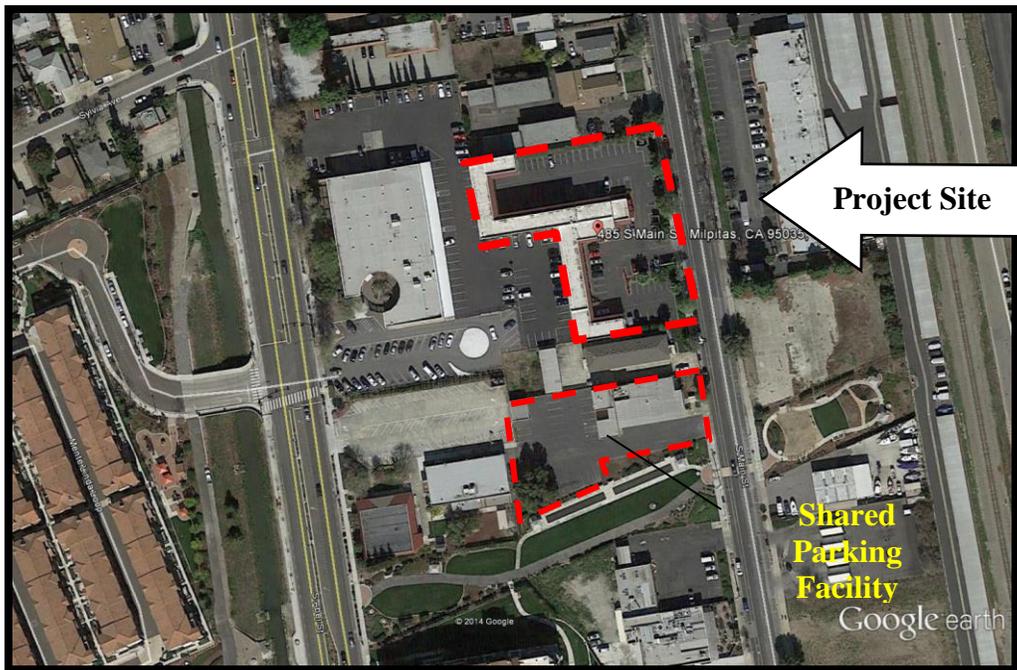
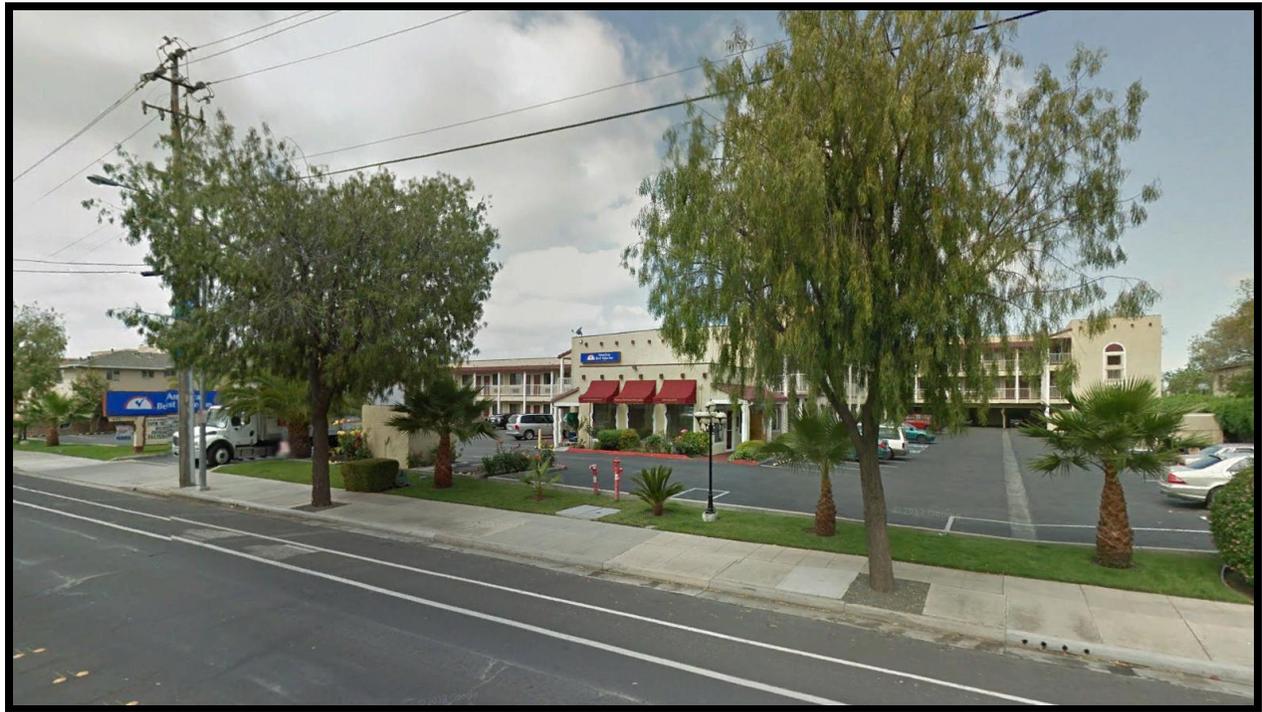


Photo 1
Street View from Main Street



BACKGROUND

History

In April 1960, a building permit was issued for the construction of an 8-unit hotel with one manager's unit suite. The hotel use existed prior to amendment to the Zoning Code requiring a conditional use permit for hotel use. The Zoning Code amendment requiring a Conditional Use Permit for hotels and motels became effective in 1988. Thus, this hotel has been operating as a legal, non-conforming use and is subject to Section 56.00 (Non-Confirming Buildings and Uses) of the Milpitas Zoning Code.

Between January 1983 to December 1986, subsequent approvals were granted by the Planning Commission for the following modifications:

- January 1983 – Site Development Permit Amendment for a two story, 18-unit addition and construction of a 370 square foot office area.
- April 1983 – Site Development Permit Amendment for a revision to increase the number of units from 18 to 21 units.
- September 1983 – Site Development Permit Amendment for landscape modifications.
- February 1984 – Conditional Use Permit No. 634 and a Site Development Permit Amendment for the installation of an 8-foot tall freestanding sign and wall signs.
- April 1985 – Site Development Permit Amendment to increase the units from 21 to 32-units and various site improvements. The Planning Commission decision was appealed to the City Council at its meeting on April 16, 1985. The City Council directed the applicant to redesign the building and was referred back to Planning Commission.
- June 1985 – Site Development Permit Amendment for a lot line adjustment to combine two parcels and the construction of a two and three story building addition increasing the units from 32 to 79 and a new office/lobby area.
- September 1986 – Site Development Permit Amendment for architectural modifications to the roof form on the front office addition and removal of an elevator structure.
- December 1986 – Conditional Use Permit No. 38 for a 20-foot freestanding sign.
- March 2002 – Planning Commission adopted the Midtown Specific Plan that converted the zoning designation from General Commercial to Mixed Use Zoning.

The Application

On November 18, 2013, Anil Patel, owner of the parcel and hotel business, submitted an application pursuant to Section 57 of the Milpitas Zoning Code for Planning Commission review and approval. The following is a summary of the applicant's request:

- *Minor Site Development Permit:* To allow a 1,611 square foot enclosed addition of six (6) hotel rooms and various site and building modifications to an existing hotel.
- *Conditional Use Permit:* To allow an enlargement of a legal non-conforming hotel by permitting an addition to a legal, nonconforming building, and to permit shared parking of seventeen (17) parking spaces with adjacent property located at 529 S. Main Street.

PROJECT DESCRIPTION

Overview

The project entails various building and site modifications to an existing hotel that include the following changes:

- Conversion of ten (10) parking spaces into approximately 1,611 square feet of habitable space to provide six (6) new rooms on the ground level of the north wing of the hotel.
- Restriping of the northeast parking lot to add three (3) new parking spaces and extending the adjacent landscaped planter.
- Removal of approximately seventy-five (75) square feet of landscaping to provide a new pedestrian connection to the public sidewalk on Main Street.

The project also includes a Conditional Use Permit to allow enlargement of a legal conforming existing hotel use, permit an addition to a legal, nonconforming building and also to permit seventeen (17) shared parking spaces with the property located at 529 S. Main Street.

Location and Context

The project is located on a 1.03 acre lot improved with an existing 82-unit hotel, surface parking, and mature landscaping. The project site is bounded by two-story apartment buildings on the south and north; Milpitas Post Office to the west; and S. Main Street and various commercial buildings to the east.

The subject site is zoned and designated as Mixed Use Development with a Site and Architectural Overlay and is surrounded by Mixed Use zoning on all sides. Other adjacent land uses includes Institutional zoning to the southwest; Multi-Family Residential uses further west and south of the site; and Park and Open Space to the south. A vicinity and location map of the subject site location are included on Page 2 of the staff report.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The General Plan and Zoning Designation for this site is Mixed Use Development which allows commercial offices, retail and services, high density residential and public and quasi-public uses.

The purpose and intent of the Mixed Use Zoning District is to encourage a compatible mix of residential, retail, entertainment, office, and commercial service uses within a framework of a pedestrian oriented streetscape that provides for an “around-the-clock environment.” The project is consistent with this designation in that the existing hotel is a commercial service establishment offering travel and business accommodations.

The project is consistent with the Milpitas Zoning Code in terms of land use. Hotels and motels are conditionally permitted uses in the Mixed Use Zoning District. However, since the existing legal conforming hotel use cannot meet all current development standards in the Zoning Code, the conditional use permit would allow the Planning Commission to consider expansion of the legal non-conforming use. The proposed shared parking may be considered through the approval of a Conditional Use Permit process. The proposed site and building modifications can be permitted with a Minor Site Development Permit.

Midtown Specific Plan

The project is located within the Midtown Specific Plan area and is consistent with its land use goals which encourage a compatible mix of residential, office, service-oriented commercial and industrial uses within the Midtown area. The project is an expansion of an existing hotel use located in the Mixed Use Zoning District. The hotel use provides a complementary use with the various restaurants and retail shops along the Main Street corridor and is compatible with the nearby residential uses such as two apartment buildings abutting the property to the north and south; Terra Luna and Terra Serena residential community to the west, as well Parc Place and Parc Metro residential developments to the south.

Development Standards

The project proposes to convert ten (10) parking spaces under the building on the ground level into six (6) new rooms. The project will not change any of the existing building setbacks, or expand closer to the property lines. Compliance with the current development standards for the Mixed Use Zoning District is summarized in Table 1 below.

Table 1:
Summary of Development Standards

	Standard	Proposed	Complies?
<u>Setbacks (Minimum)</u>			
Front	8-15 feet from the back of walk	217'	Yes
Interior	10 feet	0	No
Rear	10 feet	0	No
<u>Floor Area Ratio (Maximum)</u>	.75	.53	Yes
<u>Building Height (Maximum)</u>	3 stories and 45-feet	3 stories (35-feet)	Yes

The existing building does not meet the current 10-foot side and rear setback requirement. Prior to the adoption of the Midtown Specific Plan and zone change to Mixed Use, the site was zoned General Commercial in which 0 lot line for the side and rear setbacks were permitted. This will continue as a legal, non-conforming condition. In all districts other than the R1, R2, and R1-H, a legal nonconforming building or structure may be added to or enlarged in a manner consistent with the criteria established in Table XI-10-57.04-1 of the Milpitas Zoning Code and if a Conditional Use Permit is obtained. A conditional use permit may be granted provided the cumulative floor area included in all such additions or enlargements does not exceed thirty (30%) percent of the floor area contained in said building or structure. The project complies with this provision in that the proposed 1,611 square foot addition is less than the 30% of existing building area (22,509 square feet).

Access, Circulation, and Parking

Primary vehicle access to the project site is provided by one driveway that provides access onto Main Street which provides local and regional access to major arterials such as Calaveras/State 237, Great Mall Parkway, and Montague Expressway.

Pedestrian circulation is provided by a public sidewalk located on the west and east side of S. Main Street. The project proposes to add a new pedestrian walkway that would connect from the public sidewalk to internal concrete walkways. Staff recommends the new pedestrian walkway consist of decorative stamped colored concrete. There are also existing bike lane facilities along Main Street. Staff recommends the project also install bicycle racks on-site. The location, design and number shall be to the approval of the Planning Division.

The parking lot is located toward the street frontage, while the principal building is located along the rear of the property. As proposed, the project site provides a total of seventy– three (73) parking spaces. The project requires a total of ninety (90) parking spaces based on a parking ratio of 1 parking space per guest room plus two spaces per manager’s unit. The applicant proposes a shared parking agreement for seventeen (17) parking spaces with the neighboring property located at 529 S. Main Street, which is a two-story office building and provides forty parking spaces to satisfy the twenty-three (23) spaces required for the office use and the seventeen (17) to be shared with the hotel. The parking requirement for each site is summarized in Table 2.

Based on the review of the shared parking plan, the project complies with the ordinance requirements in that the proposed off-site parking is located within 300-feet of the project. The office and hotel uses at have different peak parking patterns and the peak demand times are offset. As conditioned, the applicant shall maintain in perpetuity an executed shared parking agreement that will be recorded against both properties assuring the permission for the use of the shared parking spaces. Prior to building permit issuance, the applicant shall submit a parking striping plan that show designated parking spaces to be shared and conformance with parking standards.

Table 2:
Parking Requirements with Shared Parking

Land Use	Site	# of Rooms/Sq. Ft.	Parking Ratio	Required Parking	Parking Provided
Hotel	485 S. Main	88 and one manager's unit	1/guest room, plus 2/manager's unit	90	73
Office	529 S. Main	5447 sq. ft.	1/240 sq. ft.	23	40
Total number of parking spaces required					113
Total number of parking spaces provided					113

Site and Architectural Design

The existing architecture is characterized as mission revival style elements such as pilaster stucco walls, barrel roof ties, decorative vigas, arches and canvas awnings. The proposed 1,611 square foot addition would match the building in terms of colors, materials, and style as shown on the project plans (Sheet A3.0).

Public Safety

Based on the Milpitas Police Department records, there were a total of 336 events between 2012 to 2014 at the subject property. The events range from disorderly conduct, recovered stolen vehicles, suspicious circumstances, and drug activity to name a few. As a result, staff is recommending the following conditions to ensure adequate public safety and to deter illegal activities:

1. Require all adult guests and visitors to present valid government-issued identification at the front desk upon check in. Desk clerks shall obtain the following from registered guests and to keep a record copy of such information:
 - a. Name, address and phone number
 - b. Government ID number and ID type. A photocopy of the valid government issued picture identification should be obtained to ensure accuracy of the check-in information.
 - c. Vehicle license plate number prior to issuance of parking permit/pass.

The register record shall be maintained for a period of not less than two (2) years and may be inspected by City upon request or a copied shall be provided to City upon request.

2. Prominently post notices and signs throughout the hotel facility that clearly outline appropriate guest and visitor behavior to dissuade guest from engaging in illegal activities.
3. Implement clear check-in policies and provide proper training for desk clerks on guest screening and security procedures.
4. Provide safe and adequate lighting within the entire hotel facility, especially within the hallways, common areas, and parking lot. The established lighting shall be subject to the review, modification and approval of the City's Police Department.
5. Prior to building permit final, the applicant shall install closed circuit video surveillance cameras in all common areas, driveway, and parking lot areas and video recordings shall be maintained for no less than thirty (30) days. The resolution of the surveillance cameras shall be 720p or better. Surveillance recordings shall be made available for review or a copy shall be provided at any time to the Police Department upon request.
6. Surveillance equipment shall be operable and maintained at all times. Surveillance equipment shall not be inoperable at any time, other than when being serviced by a qualified professional surveillance equipment technician for no more than two (2) days at any given time and no more than six (6) days within any 365 day period.
7. The CUP shall be reviewed by the Planning Commission in a fully noticed public hearing within one (1) year of occupancy for the additional six (6) units. The Planning Commission may modify or impose additional conditions as appropriate to address any issues related to public safety. The applicant shall bear the costs of all materials and fees associated with the hearing.

FINDINGS FOR APPROVAL

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.

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

- i. 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.*

The hotel use is consistent with the purpose and intent of the Mixed Use Development Zoning District in that it is a commercial service establishment that provides for accommodations for a certain demographic of travelers. The existing hotel is a complementary use given nearby restaurants and retail shops on Main Street and proximity to regional employment centers and recreational destinations.

With regard to the legal, nonconforming status of the use and building, the conditional use permit would authorize the enlargement of the existing legal non-conforming hotel consistent with the Milpitas Zoning code. The proposed building addition would not further exacerbate the

legal nonconformity of the building in that the addition would not change the existing building setbacks. Currently, the rear and side yard setbacks do not comply with the 10-foot minimum setback. The addition would be constructed within the existing building footprint. The proposed additional is less than 30% of the total building area and therefore meets the conditional use permit provisions to allow for the addition.

According to the Milpitas Police Department records, there were a total of 336 events between 2012 to 2014 which included calls for service for disorderly conduct, recovered stolen vehicles, drug activity, and suspicious circumstances to name a few. As conditioned, the project will not be detrimental or injurious to property, improvements, or to public health, safety, and general welfare in that the maintenance and operations of the establishment provides for an orderly and harmonious development. The conditions of approval would require the hotel operator to include additional security measures and implement procedures to ensure a safe environment and discourage illegal activities as further discussed in the staff report.

As conditioned, the proposed shared parking will not create a negative impact in that the shared parking facility is located within 60-feet and is accessible by a pedestrian sidewalk.

ii. The project is consistent with the Milpitas Zoning Ordinance.

The project is consistent with the Milpitas Zoning Ordinance based on the following:

- i.* With respect to land use, hotels and motels are conditionally permitted uses in the Mixed Use Zoning District.
- ii.* With respect with development standards, the existing hotel building is legal nonconforming structure in that the side and rear setbacks do not provide the current minimum 10-foot setback. However, the proposed addition will not change any of the existing building setbacks. The addition is proposed within the existing building footprint. Furthermore, the proposed addition is less than 30% of the existing total building area and can be granted with a conditional use permit.
- iii.* With respect to the shared parking, the project complies with the zoning requirements in that the shared parking facility is located approximately 60-feet away measured at the property line which is well within the 300-foot distance requirement. There is an existing pedestrian sidewalk that provides clear, safe pedestrian connection between both sites. The hotel and office use have different parking patterns and peak demands. The office use peaks during the weekday during the AM and PM peak hours while the hotel use typically peak during weekday evenings.
- iv.* With respect to the architectural modifications, the proposed improvements provide for an aesthetic and harmonious development. The building addition will utilize colors, material and style to match the building and its mission revival architecture.

iii. The proposed use is consistent with the Milpitas General Plan.

The proposed project is an expansion of an existing hotel. Based on staff analysis, the project is consistent with the following General Plan Policies:

- i. Policy No. 2.a-G-6 - Implement the Midtown Specific Plan goals, policies and development standards and guidelines 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.

Analysis: The project further implements the Midtown Specific Plan goals and policies in that it expands an existing hotel that provides a commercial service use in the Mixed Use District. Due to the proximity to Milpitas, Fremont, and North San Jose employment centers as well as regional attractions like Great America and the new Levi Stadium, the hotel use would cater to out of town visitors.

- ii. **Policy No. 2.a-I-3** - Encourage economic pursuits which will strengthen and promote development through stability and balance.

Analysis: The project encourages economic pursuits and strengthens and promotes development in that the proposed use provides transit occupancy tax revenue to the City. The hotel use complements multiple restaurants and retail stores such as the Great Mall along Main and Abel Street.

- iv. *The proposed use is consistent with the Milpitas Midtown Specific Plan.*

The project is consistent with the Midtown Specific Plan Land Use Goal in that the project is a commercial service establishment that is compatible mixture of existing residential, commercial service, office, and industrial uses within the Midtown Area. The project is also consistent with the Mixed Use Designation.

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 existing site layout, building setback, and building form are compatible with the surrounding development that were constructed within the same time frame. The proposed addition would maintain the same architectural character by utilizing colors, materials and styles that match the existing building.

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

The project is consistent with this finding as described above.

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

The project is consistent with this finding as described above

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

The project is consistent with this finding as described above

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. The project entails a building and minor site modification to allow for an expansion of an existing hotel. The proposed expansion consists of converting ten parking spaces into approximately 1,611 square feet of habitable space that would allow for six new rooms to be added to the ground level of hotel building.

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 May 16, 2014. In addition, 1,008 notices were sent to owners and occupants within 1000-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, and posted at City Hall.

CONCLUSION

The project represents a minor addition to an existing hotel, installation of associated improvements, and the use of shared parking facilities. The proposed modification will provide design consistency with the existing Mission Revival architecture and planting theme. The approval of the conditional use permit will expansion of a legal, nonconforming hotel and permit six new units to be added. As conditioned, the project will provide for an orderly and harmonious development.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No. 14-023 approving Conditional Use Permit No. UP13-0020 and Minor Site Development Permit No. MS14-0001 to add six new hotel rooms to a legal non-confirming hotel, permit shared parking facilities, and installation of minor site modifications.

ATTACHMENTS

- A: Resolution No. 14-023
- B: Project Plans
- C: Shared Parking Agreement