



MEETING MINUTES

MILPITAS PLANNING COMMISSION

December 11, 2019 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 Chua** led the Pledge of Allegiance.
- III. ROLL CALL**
- Present:** Chair Mandal, Vice Chair Morris, Commissioner Chuan, Alcorn, Chua, Ablaza
- Absent:** Commissioner Tao
- Staff:** Ned Thomas, Jessica Garner, Ethan Walsh, Adrienne Smith, Lillian VanHua, Elizabeth Medina, Assistant Police Chief Kevin Moscuzza, Economic Development Director Alex Andrade
- 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.
- Chair Mandal** stated that due to conflict of interest, living within 500 feet of project sites, he will recuse himself from agenda Item #IX-1 and Item #IX-3.
- Commissioner Chua** shared that she lives along Jacklin/N. Milpitas Blvd. and has gotten clearance from City Attorney that she has no conflict of interest.
- V. APPROVAL OF AGENDA**
- Chair Mandal** asked if staff or Commissioners had changes to the agenda. **Planning Director Ned Thomas** said with the approval of the commission, that Item #IX-2 will be moved to beginning of tonight's agenda.
- Motion** to approve the December 11, 2019 agenda as amended.
- Motion/Second: Commissioner Chua/Commissioner Ablaza
- AYES: 6
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS**
- Planning Director Ned Thomas** provided departmental updates to the commission regarding:
- City Hall closure during the holidays, 12/24/19 through 1/1/2020.

- Due to the New Year holiday, January’s Planning Commission meeting dates have changed to the 3rd and 5th Wednesdays of the month; 1/15/20 and 1/29/20.
- At 1/15/20 meeting, we will elect new Chair and Vice Chair.
- Training/coaching for Planning Commissioners will continue in January.

Commissioner Chuan shared that he had brief phone meeting with Mark Tiernan last week and met with Mark Robson and Armando Gomez this week. He also stated that he forwarded all the public comment emails he received to the Planning Staff.

Commissioner Alcorn mentioned that he also met with Mark Robson this week.

Commissioner Chua shared that this week she also had brief meetings with the Robson team; and residents, Mr. Tayani, Mr. Doll and Ms. Navarro regarding LaQuinta Hotel.

Chair Mandal disclosed that he met with BAPS project management earlier.

VII. PUBLIC FORUM

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

Resident, Rob Means, 1421 Yellowstone Ave., shared his opinion of the lame stream media and articles of impeachment against President Trump.

Motion to close Public Forum.

Motion/Second: Commissioner Chuan/Commissioner Tao

AYES: 6

NOES: 0

ABSTAIN: 0

VIII. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the November 13, 2019 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as presented.

Motion/Second: Commissioner Chuan/Commissioner Chua

AYES: 5

NOES: 0

ABSTAIN: 1 (Alcorn)

IX. PUBLIC HEARING

IX-2 BAPS MANDIR FAÇADE REMODEL AND CANOPY ADDITION – 1430 California Circle – P-UA19-0002, P-MS19-0010 – Conditional Use Permit Amendment to allow an increase in building height above 35 feet within the Industrial Park Zoning District, and a Minor Site Development Permit to allow changes to an existing building

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façade and associated site improvements. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301 (Existing Facilities) and Section 15183 (Projects Consistent with a Community Plan or Zoning). Project Planner: Lillian VanHua, (408) 586-3073, lhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua showed a presentation and discussed the project.

Chair Mandal invited applicant to share information in regards to their project. Bhavesh Patel from BAPS shared a presentation with the Planning Commission.

Vice Chair Morris shared she loved the design. She asked how high is the façade/dome and how consistent it will be with surrounding area. A representative from BAPS said it is about 65 feet. Ms. VanHua added there is no building height limitation within the industrial park zoning district; however, the building will approximately be same height as neighboring hotels.

Commissioner Chua mentioned she saw the original project plan two years ago and is very impressed with the plans presented today. Ms. Chua asked clarifying questions in regards to design and materials that will be used. BAPS representative noted details of the design and that material will come from India. Ms. Chua commended BAPS on being a wonderful active member of the Milpitas community hosting health events, offering classes, and community services, etc. Planning Director Thomas clarified that though the building is being used for a non-industrial use in industrial zoning, improvements can be removed if returned to an industrial use building.

Commissioner Chuan asked about time frames of phases noted in the presentation. Mr. Patel said due to financing it will be in increments over the 3 years. Mr. Chuan asked if the permit issued expires in two years, what will happen then. Ms. VanHua said additional Conditions of the Approval in the resolution will allow applicant to complete all phases under initial permit issued. Mr. Chuan wanted applicant to address the public comment received in regards to loud noise when hosting events. Mr. Patel noted that the construction will not expand the building so it will not increase the the number of attendance/congregation, when hosting events PD is present making sure they are following guidelines.

Commissioner Ablaza asked if the applicant owned the property. Mr. Patel confirmed that they do own the property.

Chair Mandal asked if there has there been an outreach program to contact neighbors inviting them to events of their organization. Mr. Patel said they did an open house recently, no new people showed up, however, Ms. Chua attended. Mr. Mandal said that he was happy to hear that invitations were extended to the community.

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

Eleven members in support of the project, ranging from high school students to adults, all members of the congregation, spoke to the commission. A few comments they shared were that BAPS helped them learn spiritual values, loved the spirit of BAPS service to the community, BAPS helps people personally evolve, and BAPS Mandirs Temples is their second home.

Motion to close the public hearing.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 6

NOES: 0

Motion to adopt Resolution No. 19-003, approving Conditional Use Permit Amendment UA19-0002 and Minor Site Development Permit MS19-0010, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commission Chuan

AYES: 6

NOES: 0

ABSTAIN: 0

IX-1 LA QUINTA HOTEL – 1000 Jacklin Road – P-SD18-0012, P-UP19-0012, P-EA18-0002 – Site Development Permit, Conditional Use Permit, and Environmental Assessment to allow development of a 105-room hotel, up to 73 feet in height (five stories), with a single level of underground parking, the relocation of wireless telecommunication antennas and equipment to the rooftop of the building, and the on-and off-sale of beer and wine (Type 70 and Type 20 Alcoholic Beverager License) on a 1.14-acre site in the Highway Services (HS) Zoning District. The proposed action includes consideration of an Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with the requirements for the California Environmental Quality Act (CEQA). Project Planner: Lillian VanHua, (408) 586-3073, lhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua showed a presentation and discussed the project.

Vice Chair Morris invited applicant of the property to share information in regards to their application. Owner, Joseph Gigantino and several LaQuinta Hotel project team members shared a presentation with the Planning Commission regarding the LaQuinta/Wyndham brand, property history, security plan, zoning and community outreach.

Commissioner Alcorn asked, if project goes into construction phase, how many construction workers will be present and parked at project site. Project Manager, Mark Tiernan said depending over the phases, over a predicted 18-month building schedule, construction personnel can range from anywhere from 25 to 60 people on site. Referencing the parking problem during the construction of the apartments surrounding The Pines, Mr. Alcorn asked about the 105 parking spaces to 105 rooms. With LaQuinta's estimate of hotel being occupied at 70-80%, Mr. Tiernan feels confident about 105 parking spaces. Mr. Alcorn asked if LaQuinta has policies in place for hotel parties/gathering. Mr. Tiernan stated that this hotel will not offer conference rooms or holiday parties; gatherings would be confined to guest rooms/suites. Another LaQuinta Hotel team member shared their guest policies; must be 21 or older, no cash reservations, credit card must be on file, noise complaint procedures, simply that they will not be a "party" hotel. Mr. Alcorn revisits the possible parking problem, that if not enough on-site parking, guests would resort to neighborhood parking. Mr. Tiernan immediately disagreed and said they will not have that problem explaining their registration procedure (providing drivers license

and license plate number) and not allowing oversized vehicles to park on premises. Mr. Gigantino noted there is no parking on Hillview Drive and would not be able to park an oversized truck in the neighboring cul de sacs. Mr. Alcorn continued to express more concerns about the parking crunch on Hillview Drive. Mr. Gigantino said guests with oversize vehicles would have other lodging options (Embassy Suites, etc.) than rather park in a cul de sac and have to walk to the LaQuinta Hotel.

Commissioner Chua, referencing how her commute was not impacted when driving to work while Levi's Stadium was being built, asked how will traffic be managed during construction and made seamless. Mr. Tiernan referenced the parking layout and stated that those working will be parked against the construction. Another LaQuinta Hotel team member stated that the construction site will be screened and fenced off. Ms. Chua asked what would be the timing of the construction vehicles on and off site. LaQuinta representative said it could take anywhere from 14-16 months to build from the hours of 6:45am-3:30pm.

Commissioner Chuan asked if a PD security assessment report been done. Ms. VanHua said PD's Memo of Recommendations are incorporated in Conditions of Approval 22-39. Assistant Police Chief Kevin Moscuza spoke about auto break-ins, burglaries; PD does not have data to support auto burglaries with correlation to the proximity of a hotel; mentioning the City's burglary rate is down by 17%. Mr. Chuan asked if there are any concerns about prostitution, drugs, trafficking or other crimes in this project area. Assistant Police Chief Moscuza did not have crime activities statistic data regarding specific hotels; however, the most frequent crimes that happen at hotels are warrant arrests. Assistant Police Chief Moscuza shared that over 15 years, each of the midnight officers on duty are assigned a hotel, developing a relationship with the personnel running the hotels, a partnership the City utilizes to minimize any criminal activity. The LaQuinta representative added that Wyndham takes crime and safety very seriously; they train the teams (in-person, online), there are monthly safety and security meetings, are partnered with Polaris Security Group who works very closely with police; wanting their employees, their guests and community to be safe. Mr. Chuan asked questions about occupancy forecast of 70-80%. LaQuinta said that forecast is market dependent and can change throughout the year.

Commissioner Ablaza addressed concerns he received from the from community. Mr. Ablaza asked Mr. Gigantino will you allow your hotel to be a haven of low lives, drug users and alcoholics. Mr. Gigantino said absolutely not. Mr. Ablaza asked if the location is zoned commercial or residential. Ms. VanHua stated it is zoned for Highway Services; project site is surrounded by administrative and commercial offices. Mr. Thomas confirmed the Highway Services Zone is designated for hotels, motels, gas station, things that would service highway travelers; zoning for Highway Services is meant to be located where a primary road meets a freeway. Mr. Ablaza asked what is the demographic of their guests at their Morgal Hill site; inquiring what class of people does the hotel attract. The LaQuinta representative said it is a mix; during the week is corporate guests, on weekends it is family and sport teams.

Commissioner Alcorn asked about the statement Mr. Gigantino made in his presentation of a drop in traffic of 46% for the hotel business vs. the existing health club. Mr. Gigantino said that he chose a business with less impact than health club, interated the check-in/check out times and referenced the traffic study previously presented.

Commissioner Chua referenced the study from LSA referencing Air Quality and Noise section and asked Planning Staff to state a few of it's findings.

Commissioner Ablaza asked the construction team what safeguards do they have so children will not get in construction site. The LaQuinta representative said it will be fenced off and screened. Mr. Ablaza asked if there will be security during construction. The LaQuinta representative shared that typically they do not hire security during construction, however, Mr. Gigantino said that he can do that during school hours. Mr. Ablaza then asked how much revenue will the Transit Occupancy Tax (TOT) bring in. Economic Development Director, Alex Andrade shared current TOT data which is an estimated annual revenue of \$650,000; various factors could affect this estimate, such as the increase of the TOT increasing from 10% to 14%, the economy, average daily room rates, occupancy rates, and overall supply of rooms. Mr. Ablaza asked how will the TOT monies be used and how will it benefit our community. Mr. Andrade stated it will go to City's General Fund and those dollars go into central services such as police, fire, and infrastructure projects.

Commissioner Morris shared that she feels the project is a good project but her main concern is what could be built at site if it is not a hotel, a project that is less desirable. She also mentions this site is zoned for a hotel.

Vice Chair Morris invited members of the audience to address the commission.

Approximately forty-five community members shared their opinions of the LaQuinta project. Many of those who *opposed* the hotel project were primarily long-term residents of the Hillview neighborhood. The majority of their concerns were:

- Decrease of property value
- Traffic congestion
- Losing the view of the hills
- Construction noise
- Height of hotel
- Loss of privacy
- Safety of their children when walking or biking in the area.
- Hotel will bring criminal activity
- Hotel parking may overflow to neighborhoods
- Impact of quality of life
- Hotel will change Hillview neighborhood and will not foster community pride
- Construction will impact naptime of KinderCare students
- Hotel not blending with neighborhood

Of the forty-five community members who spoke, twelve individuals stated they support the project. These twelve persons consisted of current Hillview residents, Milpitas residents and former colleagues of Mr. Gigantino. They shared they *supported* the project because:

- They have previously worked with Mr. Gigantino and he is a good man
- Mr. Gigantino has done many great things for Milpitas, he is a valued member of the community
- Doesn't see any harm with bringing a hotel to the community
- It can be a hotel to host sports teams benefiting Milpitas High sport clubs
- Crime at hotels can be better managed than Air B&Bs
- A hotel will be an improvement of what is already there
- It is zoned appropriately for a hotel

- Will bring in revenue of \$500-800k
- Parking can be monitored and controlled
- Gym was previously there and child care facility was not affected

Motion to close the public hearing.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 5

NOES: 0

In closing, Mr. Gigantino said the contract he signed with LaQuinta is for twenty years; the hotel that will be there will be for twenty years, the current building has been there for forty. Of the suggestions from the public (Trader Joe's, medical building, education center), he did not receive lease inquiries from any of those types of businesses; they were for storage, RV lots, car lots, fast food, church, shelters, and hotels. He shared no matter what is built there, there will be construction. Mr. Gigantino shared information about his San Jose property under construction and the mitigation that is in place where it is not affecting the neighboring businesses. He mentioned it is hard for him to understand the concern with crime and a new hotel. He referenced when the Jacklin gas station was brought to the commission and the turnout was similar to this evening's; saying that as a resident he would have more concern about gas leaks, thousands of strangers getting gas in our city, not crime in a hotel. Mr. Gigantino also noted that Kindercare and Chinese school are tenants, not property owners, not sure when their lease will end.

Commissioner Chua asked if the City has any hotels that are close to schools. Assistant Police Chief Moscuza said not in the proximately of proposed project. Ms. VanHua shared there are hotels near Spangler and on Main Street. Ms. Chua asked what is the crime rate of hotel near Spangler. Assistant Police Chief Moscuza stated he did not have data however he is not aware that crime is related to hotel. Ms. Chua asked for Mr. Gigantino to address privacy issue. Mr. Gigantino said with the way the hotel is facing, and the distance of a football field 460 feet away from homes, guests would not be able to identify a face, noting that windows will be facing north

Commissioner Morris shared concern about the privacy with how tall the hotel will be and asked if Applicant is adamant about making this project site a hotel.

Commissioner Chuan asked clarified parking 105 spots/105 rooms, where will employees park. Joe states that is city ordinance.

Motion to continue decision of this project to a date certain being January 15, 2020, with the following items be presented to commission:

- Construction Plan
- Safety/Security Plan
- Renderings of angles
- Distance to Neighborhood
- Arrangement of Trees
- Parking Plan
- Have Hexagon present
- Feedback from January 8th LaQuinta Hotel Neighborhood meeting

Motion/Second: Commissioner Chua/Commissioner Ablaza

AYES: 4

NOES: 1 (Alcorn)

ABSTAIN: 0

IX-3 ROBSON HOMES SINGLE-FAMILY DEVELOPMENT – 1005 N PARK VICTORIA – PD18-0001, SD18-0015, MT18-0003, EA19-0003 – Consider revisions to a Planned Unit Development, Site Development Permit, Vesting Tentative Map, and Environmental Assessment, for a previously considered residential subdivision that now includes four on-site affordable housing units as directed by the City Council. The overall project is a single-family residential subdivision with 34 market rate homes ranging in floor areas of approximately 2,500-2,900 square feet and four affordable homes with floor areas of approximately 1,580 square feet, located on individual lots on an approximately 4.88-acre parcel. Ten of the homes will include above-garage accessory dwelling units (ADUs) approximately 485 square feet in size. The project includes 26 on-street guest parking spaces and approximately 78,500 square feet of landscaped open space. The City has prepared an Initial Study and Mitigated Negative Declaration for this project in accordance with the California Environmental Quality Act (CEQA). Project Planner: Adrienne Smith, (408) 586-3287, asmith@ci.milpitas.ca.gov

Project Planner Adrienne Smith showed a presentation and discussed the revised project that was previously presented to the commission on August 28, 2019.

Vice Chair Morris invited Robson Homes Project Manager, Richard Yee to share information in regards to their updated project application.

Commissioner Alcorn said he liked project before and after speaking with concerned members of community, he shared that he thinks it is the best case scenario for that plot of land.

Commissioner Chua agreed with Commissioner Alcorn. She said she really, really commend the team for working together for what is presented today.

Vice Chair Morris invited members of the audience to address the commission.

Rankin Drive Resident, Frank Evans, said it will be too crowded. He also asked to not change the zoning and shared his concerns about the vehicles that come down Country Club Drive and traffic in the area.

Motion to close the public hearing.

Motion/Second: Commissioner Chuan/Commissioner Alcorn

AYES: 5

NOES: 0

Motion to adopt Resolution No. 19-033 recommending that the Milpitas City Council approve the General Plan Amendment (GP18-0001), Zoning Map Amendment (ZA18-0003), Planned Unit Development (PD18-0001), Site Development Permit SD18-0015,

Vesting Tentative Map (MT18-0003), and Environmental Assessment (EA19-0003) subject to the attached Conditions of Approval.

Motion/Second: Commissioner Alcorn/Commissioner Chua

AYES: 5

NOES: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 12:46 am.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Morris/Commissioner Ablaza

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*