



MILPITAS PLANNING COMMISSION STAFF REPORT

September 27, 2023

APPLICATION:

TIME EXTENSION FOR TRIBUTE HOTEL – 1851 MCCARTHY BLVD. – P-TE23-0001: A 24-month Time Extension for Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, and Tree Removal Permit No. TR19-0030 to demolish an existing two-story, 48,500-square foot office building, remove 36 protected trees, and develop a 130,665-square foot, podium-style hotel building with the sale of alcoholic beverages for on-site consumption, up to 75 feet (six stories) in height, and associated site improvements, on a 2.71-acre site located at 1851 McCarthy Boulevard (APN 083-31-049). The Milpitas Planning Commission adopted a Mitigated Negative Declaration supported by an Initial Study for this project on September 8, 2021, in accordance with the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Staff recommends that the Planning Commission: Adopt Resolution No. 23-015, extending Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, and Tree Removal Permit No. TR19-0030, subject to the findings and Conditions of Approval.

PROJECT LOCATION:

Addresses and Assessor's

Parcel Number (APN):

Area of City:

1851 McCarthy Blvd. (APN 083-31-049)

South of Tasman Drive / West of Interstate 880

PEOPLE:

Project Applicant:

Property/Business Owner:

Project Planner:

Trang Tu-Nguyen, TNT Dev. Services, Inc.

Cady Yu, Summit Asset Management, LLC

Michael Fossati, Senior Planner

LAND USE:

General Plan Designation:

Zoning District:

Overlay District:

Site Area:

Business Park Research & Development (BPRD)

Highway Services (HS)

Recreational and Entertainment Overlay (RE-)

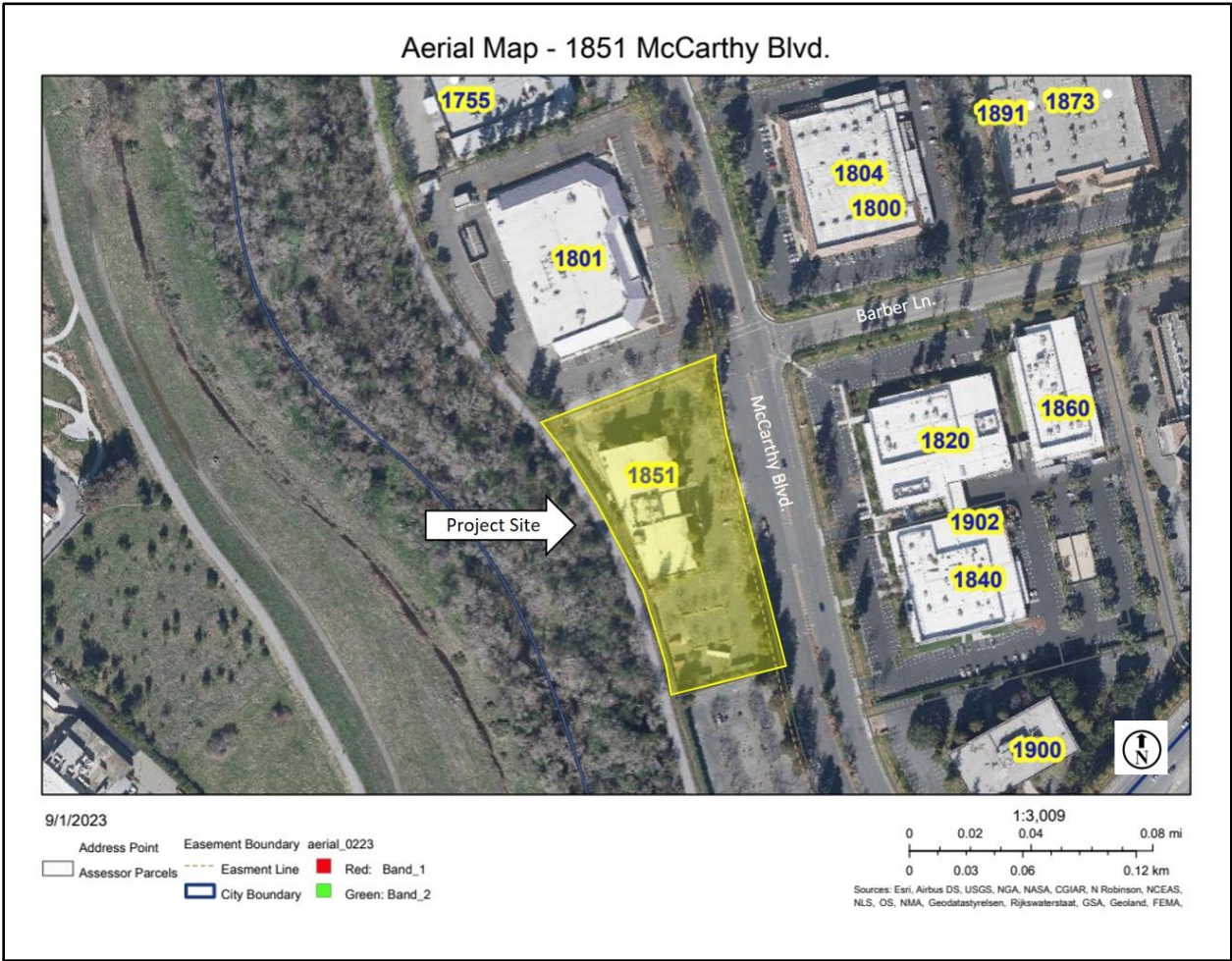
2.71 acres

ENVIRONMENTAL:

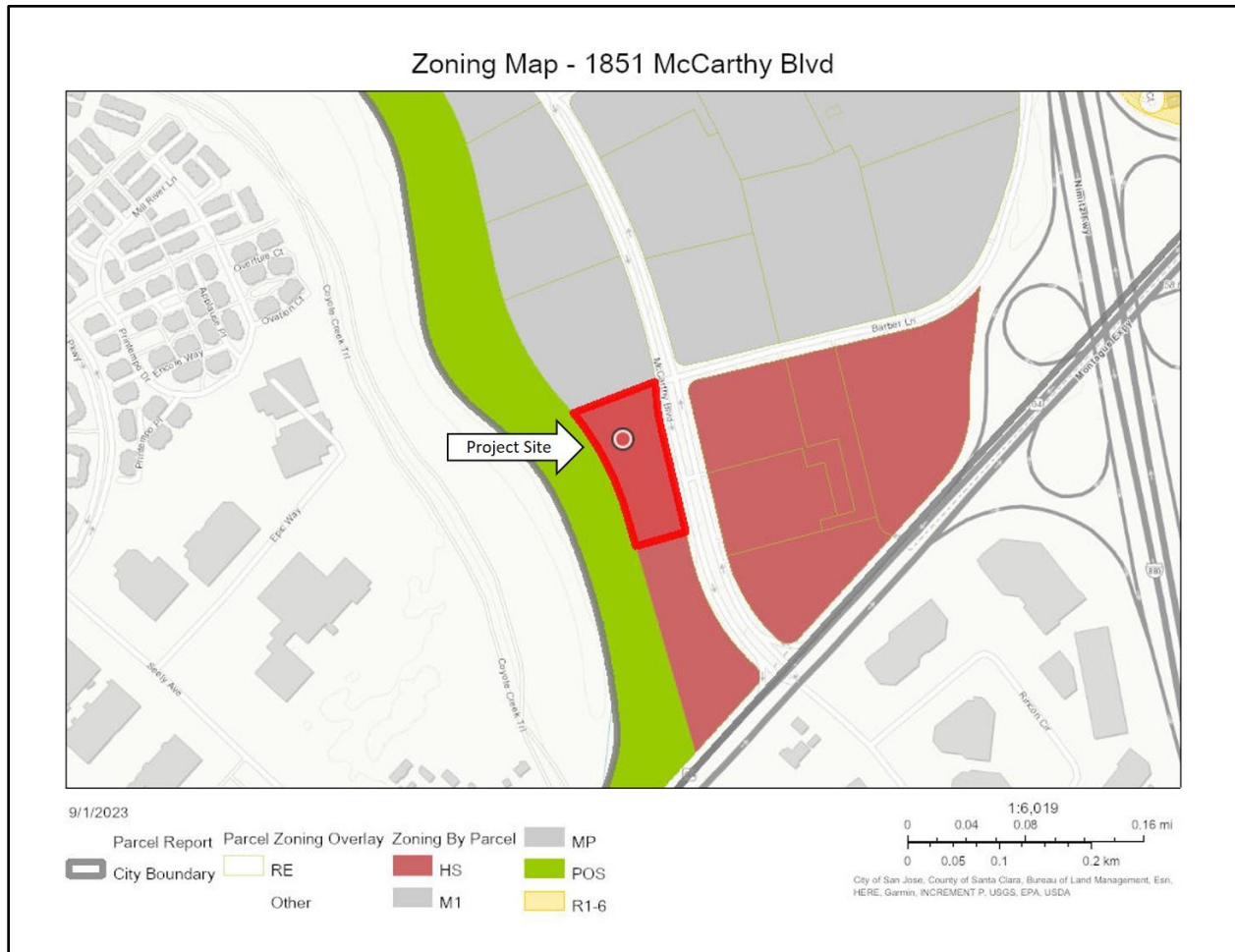
In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063, an Initial Study (IS) was prepared to analyze the Project's potential environmental effects. Through the IS, it was determined the Project would not result in

any significant environmental impacts that could not be mitigated to a less than significant level. Therefore, staff prepared a Mitigated Negative Declaration (MND) pursuant to CEQA Guidelines Section 15070. The Milpitas Planning Commission adopted the IS/MND on September 8, 2021, which includes a Mitigation and Monitoring Plan (MMRP)

Map 1: Aerial Map



Map 2: Zoning Map



BACKGROUND

On September 8, 2021, the Planning Commission adopted Resolution No. 21-020, approving a Site Development Permit, Conditional Use Permit, Tree Removal Permit, and Environmental Assessment to 1) demolish an existing office building; 2) remove 36 protected trees; 3) develop a five-story business hotel with up to 216 guest rooms, a maximum height up to 75 feet, a one-story parking garage, a floor area ratio (FAR) of up to 1.1, and associated site improvements, and; 4) allow the sale of alcoholic beverages for on-site consumption within the hotel (Project) on a 2.71-acre lot located in the HS (Highway Services) Zoning District at 1851 McCarthy Boulevard.

The applicant has filed a time extension application. Per the applicant, *"Due to recent economic conditions and downturn of the hotel market in general, we are unable to start on this project within the timeframe of the approved permits."* The Milpitas Municipal Code (MMC) allows applicants to apply for a one-time extension if the application hasn't expired. The applicant filed their time extension application in June 2023, which qualifies them for the extension request. If approved, the project entitlements would remain valid until September 9, 2025.

FINDINGS FOR APPROVAL (OR DENIAL)

The Site Development Permit time extension process is governed under MMC Section XI-10-64.07(D), which states *an extension of the approval of a project may be granted if the current findings for the specific type of permit are made by the decision-making authority.*

As the factual bases for the required findings and previously approved use remain unchanged, staff recommends the current findings for both the Site Development, Conditional Use Permit, and Tree Removal Permit be made for approval of this application. These findings are outlined below:

Site Development Permit

To approve the Site Development Permit time extension, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(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 proposed project layout complements the surrounding business park area by incorporating appropriate site design features and high-quality exterior materials to reduce a dominant visual prominence. The six-story hotel seems to strike a balance between the one and two-story industrial buildings located directly north, east, and south of the property, and the eight-story Sheraton San Jose, the three-story Sonesta Silicon Valley, and the seven-story Element Hotel, all located less than one-half mile from the project site. Exterior colors, materials, and finishes are compatible and aesthetically harmonious with existing buildings in the area. The main body of the hotel includes integrated colored stucco in white and three shades (light, mid, and dark) grey. The stucco is further broken up by dark vertical bands and aluminum window systems throughout the building. The main body of the building has a flat roof, but the wings of the building incorporate a shed roof concept, further adding architectural interest. Lastly, the proposed landscaping includes over 70 new trees, abundant shrubs, and grass cover adjacent to all property lines, including the tree-lined Coyote Creek trail along the west side of the project site.

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

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 below:

Table 1:
Table 1: Development Standards for the HS-RE Zoning District

	Minimum Standard	Proposed	Compliant
<u>Setbacks</u>			
Front (East)	50 feet	50 feet	Yes
Side (North/South)	0 feet	97 feet, 11 inches 68 feet, 10 inches	
Rear (West)	0 feet	64 feet	
<u>Floor Area Ratio</u> (Max.)	0.50*	1.11	Yes**
<u>Building Height</u> (Max.)	None	75'	Yes
<u>Landscaping</u>	Required to landscape front yard area	Site improvements will include front yard landscaping	N/A
* The current General Plan land use designation (BPRD) allows a FAR up to 2.5. ** With the approval of a Conditional Use Permit and associated findings			

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

The General Plan designation for the project site is Business Park Research & Development (BPRD). BPRD is intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide various businesses that support employment opportunities and services for Milpitas and the region. The proposed hotel use complements other uses within the BPRD designation, as hotel facilities provide temporary accommodations for employees and visitors within the industrial area. In addition, the hotel meeting room, dining hall, and other amenities may also be used by nearby businesses to potentially increase creative collisions (i.e., networking) and local business-to-business transactions (Milpitas General Plan 2040, pg. LU-7). The project is in conformance with applicable Milpitas General Plan 2040 policies, actions, and goals, as demonstrated in Table 2 below:

Table 2: General Plan Consistency

Policy / Action / Goal	Conformance
<i>LU 7-2: Support opportunities for future development within the Business Park Research & Development land uses to support hi-tech jobs, innovative practices and industries. These areas should support existing businesses, encourage, and incentivize new firms with more intensive uses to locate in Milpitas, and allow local companies to stay and grow their operations while promoting transportation objectives.</i>	Consistent. The Project proposes a hospitality use within an industrial area adjacent to many high-tech companies. The opportunity to locate a high-quality hotel and meeting space within the BPRD district will further support and encourage new firms to locate into Milpitas because nearby hospitality uses allow domestic and international companies to transport employees to the Bay Area to support business sectors based in Silicon Valley on a temporary basis, without the need to relocate.
<i>LU 7-4: Support the adaptive reuse, renovation, or redevelopment of aging centers or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends into areas that support mixed use opportunities.</i>	Consistent. The Project will replace a defunct office building with a high-quality lodging use and event center for small and mid-range venues, a sector of industry the City of Milpitas lacks. By approving the project, the City directly supports the redevelopment of an aging building that is no longer competitive or viable in today's business office market.
<i>LU 4-3: Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhood workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.</i>	Consistent. Although the Project is not a commercial center, the high-quality lodging use and event center will provide desired services to the immediate industrial neighborhood by allowing hi-tech companies to conveniently house employees and contractors from different parts of the world nearby their facilities, which has the potential to reduce automobile dependency and contribute positively by reducing auto congestion in the surrounding neighborhood.
<i>ED-1h: Ensure that non-industrial uses that locate in industrial zones do not adversely impact existing industrial uses or deter potential future uses.</i>	Consistent. The Project is a lodging use within an industrial area. Although the proposed use is not industrial by nature, it will positively impact the existing industrial area by supporting the need of business travelers. Nearby hotels near office parks will shorten travel time and reduce traffic congestion by giving the visiting employee the ability to walk to their work destination.

<i>ED 2-4: Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.</i>	Consistent. The Project is for a lodging use, which will provide transient occupancy tax to the City.
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Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F)(1):

1. *The proposed use at this location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed hotel use, FAR increase, and sale of alcoholic beverages for on-site consumption at 1851 McCarthy Blvd will not be detrimental or injurious to property or improvements in the vicinity, nor to the public health, safety, and general welfare. The Project is a compatible land use that will provide temporary accommodations to employees and visitors of nearby businesses and regional attractions, such as Levi's Stadium, The Great Mall in Milpitas, and SAP Arena in San Jose. The Project will allow the conversion of an outdated office building to a higher and better use that will generate additional revenue for the City in terms of transient occupancy tax, sales tax, and property tax without negatively impacting the industrial park area.

2. *The proposed use is consistent with the Milpitas General Plan.*

The proposed project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 above.

ENVIRONMENTAL REVIEW

The Milpitas Planning Commission adopted the IS/MND for this project on September 8, 2021, in accordance with the California Environmental Quality Act (CEQA). Per CEQA Guidelines Section 15162, additional environmental analysis is not required because no changes have been proposed, and no new information has been introduced, warranting additional analysis.

There have been no substantial changes proposed to the project that would require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Furthermore, there have been no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Lastly, no new information of substantial importance, which was not known and could not have been known with the exercise of

reasonable diligence at the time the previous negative declaration was adopted has been identified or introduced.

PUBLIC COMMENT/OUTREACH

Planning Department staff publicly noticed the application per City and State requirements. A notice was published in the Milpitas Post on September 8, 2023, at City Hall and the City's website at www.milpitas.gov. No comments have been received regarding the time extension at the time of writing this report.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution No. 23-015 approving Time Extension No. TE23-0001, subject to the attached Conditions of Approval.

ATTACHMENTS

- 1: Resolution No. 23-015
- 2: Resolution No. 21-020, adopting IS/MND on September 8, 2021
- 3: Letter of Extension Request, dated June 6, 2023
- 4: Project Plans
- 5: Staff Report for 1851 McCarthy Blvd, dated September 8, 2021

RESOLUTION NO. 23-015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING TIME EXTENSION NO. TE23-0001 FOR AN 24-MONTH TIME EXTENSION FOR SITE DEVELOPMENT PERMIT NO. SD19-0012, CONDITIONAL USE PERMIT NO. UP19-0012, AND TREE REMOVAL PERMIT NO. TR19-0030 TO ALLOW THE DEMOLITION OF AN EXISTING OFFICE BUILDING , DEVELOPMENT OF A 216-ROOM HOTEL, UP TO 75 FEET (SIX STORIES) IN HEIGHT, A FLOOR-AREA RATIO OF UP TO 1.1, AND THE ALLOWANCE OF SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN THE HOTEL LOCATED ON A 2.71-ACRE LOT IN THE HIGHWAY SERVICE (HS) ZONING DISTRICT AT 1851 MCCARTHY BLVD. (APN 083-31-049)

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on November 1, 2019, AXIS/GFA Architecture & Design (“Applicant”) submitted an application on behalf of Mays Rei, LLC, for Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, Tree Removal Permit TR19-0030, and Environmental Assessment No. EA19-0007 to allow the demolition of an existing office building, removal of 36 protected trees, and development of a five-story hotel with up to 216 guest rooms, a maximum height up to 75 feet, a one-story parking garage, an floor area ratio (FAR) of up to 1.1 and associated site improvements, and the sale of alcoholic beverages for on-site consumption within the hotel, on a 2.71-acre lot located within the Highway Service (HS) Zoning District at 1851 McCarthy Boulevard (“Project”); and

WHEREAS, the Planning Department completed an environmental assessment for the Project, and, based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines section 15070 et seq. On August 17, 2021, the City provided a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the County Clerk. The IS/MND was available for public review from August 18, 2021 through September 8, 2021 and is available for public review and inspection at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035, and the City's website (<https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/08/TRIBUTE-HOTEL-1851-McCarthy-Boulevard-Hotel-ISMND-draft.pdf>); and

WHEREAS, the IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA and, based upon the information contained in the IS/MND, pending any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project, together with the Conditions of Approval, including without limitation, mitigation measures identified in the IS/MND and the Mitigation Monitoring and Reporting Program adopted herein, will have a significant effect on the environment; and

WHEREAS, the Project was found to be consistent with the policies, goals, actions, standards, and processes outlined in the City of Milpitas 2040 General Plan and Zoning Ordinance, as analyzed and documented in the staff report for this Project; and

WHEREAS, the Planning Commission considered the proposed IS/MND, together with any comments received during the public review process for the IS/MND, prior to making any decision on the Project;

WHEREAS, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project and approved said application; and

WHEREAS, on September 8, 2021, the Planning Commission adopted the IS/MND and approved said application, which included an expiration date on September 8, 2023; and

WHEREAS, on June 8, 2023, TNT Development Services, Inc. (Applicant) on behalf of Summit Asset Management, LLC submitted a time extension application (TE23-0001) to the City of Milpitas for the extension of Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, and Tree Removal Permit No. TR19-0030; and

WHEREAS, other than an extension of the expiration date, the Applicant proposes no other changes to the Project; and

WHEREAS, given that no changes are proposed to the Project, the findings upon which the initial Project approvals were granted in Resolution No. 21-020 (Exhibit B), including Conditions of Approval for Tribute Hotel (Exhibit 1) and Mitigation Monitoring and Reporting Program for 1851 McCarthy Blvd. Hotel Project (Exhibit 2), incorporated, remain true and are incorporated herein as if restated in full; and

WHEREAS, on September 27, 2023, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the time extension; and

WHEREAS, the Planning Commission has carefully considered all information pertaining to the requested extensions of approvals for the Project, including the staff report, the CEQA analysis, and all of the information, evidence, and testimony presented at its public hearing; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with CEQA. The Planning Commission finds that no further environmental review is required, as there are no substantial changes proposed to the Project that would require major revisions of the IS/MND. There have been no substantial changes proposed to the project that would require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Furthermore, no substantial changes have occurred with respect to the circumstances under which the project was undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Lastly, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration have been identified or introduced. The Planning Commission concurs in the findings set forth in Exhibit B, which will remain in full force and effect.

SECTION 3. Findings for Approval of Extension of Site Development Permit, Conditional Use Permit and Tree Removal Permit. In accordance with Milpitas Municipal Code Section XI-10-64.07, the Planning Commission further finds that the findings for Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012 and Tree Removal Permit No. TR19-0030, as specified in Section 4 and Section 5 of Resolution No. 21-020, are hereby adopted and restated as if set forth in full herein.

SECTION 4. Approval of the Extension of Site Development Permit No. 19-012, Conditional Use Permit No. UP19-0012, and Tree Removal Permit No. TR19-0030. The Planning Commission hereby approves the requested extension of Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012 and Tree Removal Permit No. TR19-0030, until September 8, 2025, subject to the additional terms and conditions of approval, attached hereto as Exhibit A, and the terms and conditions of approval imposed in Resolution No. 21-020, a true and correct copy of which is attached hereto as Exhibit B.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on September 27, 2023.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on September 27, 2023 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana				
Dipak Awasthi				
Bill Chuan				
Larry Ciardella				
Alexander Galang				
Sonia Medina-Ashby				
Zeya Mohsin				

EXHIBIT A

**CONDITIONS OF APPROVAL
1851 MCCARTHY BLVD.
TIME EXTENSION NO. TE23-0001
APN 083-31-049**

General Conditions

1. Previous Approvals. Applicant shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, including, but not limited to, Resolution No. 21-020 (Exhibit B) dated September 8, 2021, unless explicitly superseded or revised by this Time Extension. **(P)**

RESOLUTION NO. 21-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD19-0012, CONDITIONAL USE PERMIT NO. UP19-0012, TREE REMOVAL PERMIT NO. TR19-0030, AND ENVIRONMENTAL ASSESSMENT NO. EA19-0008 TO ALLOW THE DEMOLITION OF AN EXISTING OFFICE BUILDING , DEVELOPMENT OF A 216-ROOM HOTEL, UP TO 75 FEET (SIX STORIES) IN HEIGHT, A FLOOR-AREA RATIO OF UP TO 1.1, AND THE ALLOWANCE OF SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN THE HOTEL LOCATED ON A 2.71-ACRE LOT IN THE HIGHWAY SERVICE (HS) ZONING DISTRICT AT 1851 MCCARTHY BLVD. (APN 083-31-049)

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on November 1, 2019, AXIS/GFA Architecture & Design (“Applicant”) submitted an application on behalf of Mays Rei, LLC, for Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, Tree Removal Permit TR19-0030, and Environmental Assessment No. EA19-0007 to allow the demolition of an existing office building, removal of 36 protected trees, and development of a five-story hotel with up to 216 guest rooms, a maximum height up to 75 feet, a one-story parking garage, an floor area ratio (FAR) of up to 1.1 and associated site improvements, and the sale of alcoholic beverages for on-site consumption within the hotel, on a 2.71-acre lot located within the Highway Service (HS) Zoning District at 1851 McCarthy Boulevard (“Project”); and

WHEREAS, the Planning Department completed an environmental assessment for the Project, and, based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines section 15070 et seq. On August 17, 2021, the City provided a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the County Clerk. The IS/MND was available for public review from August 18, 2021 through September 8, 2021 and is available for public review and inspection at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035, and the City's website (<https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/08/TRIBUTE-HOTEL-1851-McCarthy-Boulevard-Hotel-ISMND-draft.pdf>); and

WHEREAS, the IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA and, based upon the information contained in the IS/MND, pending any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project, together with the Conditions of Approval, including without limitation, mitigation measures identified in the IS/MND and the Mitigation Monitoring and Reporting Program adopted herein, will have a significant effect on the environment; and

WHEREAS, the Project was found to be consistent with the policies, goals, actions, standards, and processes outlined in the City of Milpitas 2040 General Plan and Zoning Ordinance, as analyzed and documented in the staff report for this Project; and

WHEREAS, the Planning Commission considered the proposed IS/MND, together with any comments received during the public review process for the IS/MND, prior to making any decision on the Project; and

WHEREAS, on September 8, 2021, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2: Record

The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is within the Planning Department, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035.

SECTION 3: California Environmental Quality Act

The project is in compliance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declaration) in that an Initial Study/Mitigated Negative Declaration (IS/MND) was conducted in accordance with the California Environmental Quality Act (CEQA) titled “1851 McCarthy Boulevard Hotel Project Initial Study/Mitigated Negative Declaration.” On August 18, 2021, the City provided a notice of intent to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND was available for public review from August 18, 2021 through September 8, 2021. Also, in conformance with CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring on the measures the City hereby has either required or made a condition of approval to the Project to mitigate or avoid significant environmental effects, which is adopted together with the IS/MND, and is attached as Exhibit 2 to this Resolution.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines section 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA; and
2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project will have a significant effect on the environment.

As a separate and independent basis, this Project is exempt from further environmental review under CEQA in accordance with CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning).

SECTION 4. Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in approving Site Development Permit No. SD19-0012:

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 proposed project layout complements the surrounding business park area, and the new hotel structure demonstrates distinctive, high quality design that will enhance the community. Exterior colors, materials, and finishes are compatible and aesthetically harmonious with existing buildings in the area. The proposed landscaping includes over 70 new trees, abundant shrubs, and grass cover adjacent to all property lines, including the tree-lined Coyote Creek trail along the west side of the project site.

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

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 below.

Table 1: Zoning Conformance

	Minimum Standard	Proposed	Compliant
<u>Setbacks</u>			
Front (East)	50 feet	50 feet	Yes
Side (North/South)	0 feet	97 feet, 11 inches 68 feet, 10 inches	
Rear (West)	0 feet	64 feet	
<u>Floor Area Ratio</u> (Max.)	0.50*	1.11	Yes**
<u>Building Height</u> (Max.)	None	75'	Yes

	Minimum Standard	Proposed	Compliant
<u>Landscaping</u>	Required to landscape front yard area	Site improvements will include front yard landscaping	N/A
* Please note, the current GP Designation (BPRD) for the project site allows FAR up to 2.5. ** With the approval of a Conditional Use Permit and associated findings			

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

The proposed project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 below.

Table 2: General Plan Consistency

Policy / Action / Goal	Conformance
<i>LU 7-2: Support opportunities for future development within the Business Park Research & Development land uses to support hi-tech jobs, innovative practices and industries. These areas should support existing businesses, encourage, and incentivize new firms with more intensive uses to locate in Milpitas, and allow local companies to stay and grow their operations while promoting transportation objectives.</i>	Consistent. The Project proposes a hospitality use within an industrial area adjacent to many high-tech companies. The opportunity to locate a high-quality hotel and meeting space within the BPRD district will further support and encourage new firms to locate into Milpitas because nearby hospitality uses allow domestic and international companies to transport employees to the Bay Area to support business sectors based in Silicon Valley on a temporary basis, without the need to relocate.
<i>LU 7-4: Support the adaptive reuse, renovation, or redevelopment of aging centers or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends into areas that support mixed use opportunities.</i>	Consistent. The Project will replace a defunct office building with a high-quality lodging use and event center for small and mid-range venues, a sector of industry the City of Milpitas lacks. By approving the Project, the City directly supports the redevelopment of an aging building that is no longer competitive or viable in today's business office market.

<i>LU 4-3: Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhood workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.</i>	Consistent. Although the Project is not a commercial center, the high-quality lodging use and event center will provide desired services to the immediate industrial neighborhood by allowing hi-tech companies to conveniently house employees and contractors from different parts of the world nearby their facilities, which has the potential to reduce automobile dependency and contribute positively by reducing auto congestion in the surrounding neighborhood.
<i>ED-1h: Ensure that non-industrial uses that locate in industrial zoned do not adversely impact existing industrial uses or deter potential future uses.</i>	Consistent. The Project is a lodging use within an industrial area. Although the proposed use is not industrial by nature, it will positively impact the existing industrial area by supporting the need of business travelers. Nearby hotels near office parks will shorten travel time and reduce traffic congestion by giving the visiting employee the ability to walk to their work destination.
<i>ED 2-4: Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.</i>	Consistent. The Project is for a lodging use, which includes the collection of transient occupancy tax.

SECTION 5. Conditional Use Permit (Section XI-10-57.04(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP19-0012:

1. *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 proposed hotel use, FAR increase, and sale of alcoholic beverages for on-site consumption at 1851 McCarthy Blvd. will not be detrimental or injurious to property or improvements in the vicinity, nor to the public health, safety, and general welfare. The Project is a compatible land use that will provide temporary accommodations to employees and visitors of nearby business centers and regional attractions, such as Levi's Stadium, The Great Mall in Milpitas, and SAP Arena in San Jose. The Project will allow the conversion of an outdated office building into a higher and better use that will generate additional revenue for the City in terms of transient occupancy tax, sales tax, and property tax.

2. *The proposed use is consistent with the Milpitas General Plan*

The proposed project and associated use is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 above.

SECTION 6: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 21-020 approving Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, Tree Removal Permit No. TR19-0030, IS/MND (Environmental Assessment No. EA19-0008), and the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit 2**, subject to the Findings and Conditions of Approval, attached hereto as **Exhibit 1**, and said Mitigation Monitoring and Reporting Program, which specifies measures hereby adopted as Conditions of Approval to mitigate or avoid significant environmental effects.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on September 8, 2021.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on September 8, 2021 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Steve Tao				
Bill Chuan				
Tim Alcorn				
Steve Belong				
Mercedes Albana				
Larry Ciardella				
Alexander Galang				

EXHIBIT 1

**CONDITIONS OF APPROVAL FOR
TRIBUTE HOTEL
SITE DEVELOPMENT PERMIT NO. SD19-0012,
CONDITIONAL USE PERMIT NO. UP19-0012,
TREE REMOVAL PERMIT NO. TR19-0030 AND
ENVIRONMENTAL ASSESSMENT NO. EA19-0008
1851 MCCARTHY BOULEVARD (APN 083-31-049)**

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. **SITE DEVELOPMENT PERMIT NO. SD19-0012, CONDITIONAL USE PERMIT NO. UP19-0012, TREE REMOVAL PERMIT NO. TR19-0030, and ENVIRONMENTAL ASSESSMENT NO. EA19-0008** (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. The Permittee shall develop the approved project in conformance with the approved plans (dated April 27, 2021), sample color and materials approved by the Planning Commission, in accordance with these Conditions of Approval. **(P)**
3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
4. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
5. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
6. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**
7. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced

within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the project:

- a. Completes a foundation associated with the project; or
- b. Dedicates any land or easement as required from the zoning action; or
- c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

8. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
9. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full. **(E)**
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval of SITE DEVELOPMENT PERMIT NO. SD19-0012, CONDITIONAL USE PERMIT NO. UP19-0012, TREE REMOVAL PERMIT NO. TR19-0030, and ENVIRONMENTAL ASSESSMENT NO. EA19-0008; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense.

If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to SITE DEVELOPMENT PERMIT NO. SD19-0012, CONDITIONAL USE PERMIT NO. UP19-0012, TREE REMOVAL PERMIT NO. TR19-0030, and ENVIRONMENTAL ASSESSMENT NO. EA19-0008, and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code. **(P)**
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
16. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code as adopted by the City. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**
17. Compliance with Building Department. The project shall comply with the requirements of the Building Department and the International Building Code. **(B)**
18. Compliance with Housing Department: The permittee shall comply with the requirements in accordance with Section XII-1-5.02 of the Milpitas Municipal Code, in regards to Non-Residential Affordable Housing Impact Fee, which shall be paid prior to issuance of building permit.

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. **(E)***

19. Modifications: The Site Development Plan dated April 27, 2021 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.

20. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan for City's review and approval by the Engineering Department. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency.
21. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
22. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along Project frontage public street and public sidewalk area that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.
23. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
24. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the public improvement cost estimates as prepared by the Permittee's engineer.
25. Dedication on the Project: Permittee shall dedicate necessary emergency vehicle access easements, public access and sidewalk easements.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

26. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
 - a. Milpitas Design Guidelines:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);
 - b. Standard details and specifications:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>); and
 - c. Americans with Disabilities Act (ADA) requirements, where applicable.

27. Sanitary Sewer Calculations: Permittee shall submit a completed “Sewer Needs Questionnaire” form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
28. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
29. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
30. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
- a) Relocate an existing fire hydrant. (south) and install a new fire hydrant (north).
 - b) Install concrete bus pad per VTA requirements.
 - c) Installation of separate water service tap and meter for each of the following services: non-residential, irrigation, private fire hydrant and fire.
 - d) Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for non-residential.
 - e) Replace two segments of 12” water main with many service connections.
 - f) Abandon existing water and sanitary sewer services.
 - g) Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
 - h) Installation of full street width asphalt concrete base repair and slurry seal along the project street frontage up to full street width on McCarthy Blvd. to cover all utility trench to the City Engineer’s satisfaction.
 - i) Installation of new public curb & gutter along the project frontage.
 - j) Right of Way. In accordance with the requirements of the City’s adopted General Plan, Complete Streets program, and Master Plan’s for Park and Trail facilities, the developer shall dedicate to the City a 6’ wide public sidewalk easement and construct a 6’ wide public sidewalk along the projects’ frontage of McCarthy Boulevard and Barber Lane from McCarthy Boulevard to the western terminus of Barber Lane. The public sidewalk

easement and sidewalk along the Barber Lane frontage are to provide for a future safe and convenient point of access to the City's Coyote Creek Trail as a means for the to expand access and usage of the City's Trail system.

31. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.
32. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.
33. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
34. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.
35. Pothole Encroachment Permit: Due to multiple new utility service connections on McCarthy Blvd, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

PRIOR TO BUILDING PERMIT ISSUANCE

*The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

36. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.
37. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.
38. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
39. Easements on the Project: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements
40. Improvement Agreement and Securities: Permittee shall execute an Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).

41. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.
42. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).
43. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.
44. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
45. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
46. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc. Permittee to work with City's Solid Waste Service Provider to ensure adequate service capacity and frequency.
47. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
- a) What materials will be salvaged.
 - b) How materials will be processed during demolition.
 - c) Intended locations or businesses for reuse or recycling.
 - d) Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.
- Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.
48. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department.

Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of “end dumps.” Actual reuse, recycling and disposal tonnage amounts (and estimates for “end dumps”) shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.

49. Grease Interceptor: Provide grease interceptors for buildings with food service. Contact San Jose/Santa Clara Water Pollution Control Plant at <http://www.sanjoseca.gov/index.aspx?NID=1641> for sizing and location requirements for grease interceptor(s). No grease interceptor(s) shall be located in any public right-of-way or public easement areas.
50. Development Fees: Permittee shall pay the following development fees. The information listed in items “a” through “g” are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
- a) Storm water connection fee at \$16,771/acre for residential and \$21,562/acre for commercial.
 - b) Water connection fee at \$1,164/unit for residential and \$5.97/gpd for commercial, based upon increased water usage.
 - c) Sewer connection fee at \$1,406/unit for residential and \$8.52/gpd for commercial, based upon increased average wastewater flow.
 - d) Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
 - e) Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
 - f) 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
 - g) FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

51. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
52. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
53. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public rights-of-way or public easements.

54. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FINAL INSPECTION

*The following conditions shall be met **prior to** final inspection, unless otherwise approved the Director of Engineering/City Engineer.*

55. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to frontage improvements along Barber Lane and Alder Drive as shown on City approved plans.
56. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
57. Record Drawings: Permittee shall submit record drawings in AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.
58. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

PROJECT SPECIFIC CONDITIONS

59. Proposed Venting: The project should incorporate venting systems that have the least amount of penetrations along the exterior facades to the extent feasible. If venting is proposed through the ceiling, a parapet wall (or similar structure) shall be installed to mask the vent from the view of the public right-of-way. **(P)**
60. Lighting: The applicant shall provide lighting of sufficient wattage to provide adequate illumination and to make clearly visible the presence of any person in or about the outside premises during hours of darkness **(PD)**
61. Security Signage. All entrances to the facility shall be posted with appropriate signage such as “No Trespassing/ Loitering” and applicable towing advisement such as 22658(a) CVC to assist in the removal of unauthorized person and vehicles on the private premises **(PD)**
62. Responsible Alcohol Training - Permittee shall be solely responsible and liable for ensuring that all employees receive “Responsible Alcoholic Beverage Service” training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours and made available for copy and inspection upon City request. **(P/PD)**

63. Alcoholic Beverage Control Licensing - Permittee shall at all times comply with all applicable State laws applicable to the sale of alcohol including any California Department of Alcoholic Beverage Control licensing requirements for the sale of alcohol. **(P/PD)**
64. Video Surveillance: Permittee shall use security cameras within and around the service location. Footage shall be made readily available in a universal (non-proprietary) format to the City of Milpitas Police Department for investigations upon formal request. The exterior video/security cameras shall record in high definition and cover the entire exterior which includes the parking lots, parking lot entrances/exits, and building entrances/exits. The interior video/security cameras should record in high definition and cover every floor's corridors/hallways, main lobby area, restaurant, front-desk, and building entrances/exits. The video/security system shall have the capacity to save/store footage and have the capability to be downloaded. Video footage shall be retained for at least one month of inception. **(PD)**
65. Outdoor Furniture Maintenance. Any outdoor furniture will be reasonably maintained and replaced if necessary. **(P)**
66. Signage. Signage shall not be part of this approval and shall be applied for under a separate City permit or approval. All proposed signage shall also be subject to Traffic Engineering and Planning review and approval. **(P)**
67. Equipment Screening. All rooftop equipment shall be adequately screened from the parking lot areas and the public street. All ground mounted equipment shall be adequately screened, if feasible, and subject to the Planning Division review and approval. If the screening is proven infeasible as solely determined by Planning Director, then all ground mounted equipment and surrounding bollards (if any) shall be of design and color that will minimize visual impact. **(P)**
68. Public Art Requirement: Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance, or installation of "Public Art", as defined per MMC Section V-20-310 and XI-10-14.01. **(P)**
69. On-Site Utilities. During building permit issuance, a detailed landscape plan shall be submitted and approved by the Planning Division that includes the following: location and screening of all transformers and utility devices including backflow preventers. Utilities shall be fully screened. **(P)**
70. LEED Silver Certified. Per Milpitas Municipal Code Section II-20-3.01, the project must obtain Leadership in Energy and Environmental (LEED) Silver certification. **(B)**
71. Parking Demand Management Measures. The Permittee must demonstrate, to the satisfaction of the Planning Director, or their designee, the following measures have been implemented to reduce parking space dependency.

- a. Installation of up to 47 mechanical parking lifts.
- b. Area designated for the operation of a valet parking program.
- c. A dedicated passenger/guest pick-up/drop-off area (under the proposed porte cochere)
- d. Proof of program offering prepaid transit cards to hotel guests.
- e. Hotel website marketing transit service dates, times, and locations to access the hotel.
- f. Active marketing literature or social media demonstrating shuttle service or other means of transportation to access the hotel.

72. Additional On-Site Parking Demand Reduction Measures. The applicant may incorporate additional on-site parking demand and site design measures (as defined per Milpitas Municipal Code Section XI-10-53.15(C)(2)) to modify the allocation of on-site parking spaces to different uses. Changes to the approved parking plan shall be submitted to the Planning Department for review and approval by the Planning Director prior to issuance of Building Permit. No fewer than 241 physical parking spaces shall be provided on the project site, as set forth in the approved plans. **(P)**

Key:

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(PD) = Police Department

(CA) = City Attorney

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

EXHIBIT 2

MITIGATION MONITORING AND REPORTING PROGRAM 1851 McCarthy Blvd. Hotel Project

This Mitigation Monitoring and Reporting Program (MMRP) is formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the “1851 McCarthy Boulevard Hotel Project (“Project”). The MMRP, which is found in Table 1, lists mitigation measures recommended in the IS/MND prepared for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City of Milpitas (City) makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the Lead Agency to adopt an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance with the mitigation measures identified in the IS/MND during implementation of the project.

The MMRP is organized in a matrix format. The first two columns identify the potential impacts and corresponding mitigation measures. The third column, entitled *Timeframe for Verification*, refers to when monitoring will occur to ensure that the mitigating action is completed. The fourth column, entitled *Responsibility for Verification*, refers to the party responsible for implementing the mitigation measure. The fifth column, entitled, *Verification of Completion*, refers to the date the mitigation measure is implemented and the party responsible for oversight.

Table 1: 1851 McCarthy Boulevard Hotel Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2.3 Air Quality					
MM AIR-1: Implement BAAQMD Best Management Practices During Construction The following Best Management Practices (BMP), as recommended by the Bay Area Air Quality Management District (BAAQMD), shall be implemented during construction: • All active construction areas shall be watered at least two times per day. • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.	Review notes on construction plan; confirm submittal of documentation	During construction activities	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. - The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Milpitas and the construction contractor shall take corrective action, if necessary, within two construction workdays of receiving a complaint. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.					
2.4 Biological Resources					
MM BIO-1A: Migratory Birds To prevent impacts to the Migratory Bird Treaty Act (MBTA)-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to construct the proposed project. If any tree removal is necessary, then it shall occur outside the nesting season between September 1 through January 31, if feasible. If trees cannot be removed outside the nesting season, then pre-construction surveys shall be conducted no more than 7 days prior to tree removal to verify the absence of active nests if the removal of any trees is scheduled between February 1 and October 31. If an active nest is located during pre-construction surveys, United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted as necessary by the qualified Biologist in order to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance	Review notes on construction plans; confirm submittal of documentation; conduct site inspection	Prior to any tree removal or ground-disturbing activities	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
potential to be minimal to where premature nest abandonment or direct harm to the nest is unlikely. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species) or alteration of the construction schedule. A qualified Biologist with relevant nesting bird experience shall delineate the buffer using environmentally sensitive area fencing, pin flags, and or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.					
MM BIO-1B: Roosting Bats A qualified Biologist with relevant roosting bat experience shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys will include trees within 500 feet of project construction activities. Not more than two weeks prior to building demolition, the Applicant shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey building proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats	Review notes on construction plans; confirm submittal of documentation; conduct site inspection	No less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction	City of Milpitas;		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).					
2.5 Cultural Resources					
MM CUL-1: Cultural Resources Awareness Training A consultant and construction worker Tribal Cultural Resources (TCR) awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American Tribes. The brochure shall be distributed, and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program shall include relevant information regarding sensitive TCRs, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.	Confirm evidence that a training program has been conducted in coordination with the appropriate Native American representatives and monitors	Prior to ground-disturbing activities	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM CUL-2: Construction Survey and Site Visit A minimum of 7 days prior to beginning earthwork or other soil disturbance activities, the Applicant shall notify the CEQA lead agency representative of the proposed earthwork start date, in order to provide the CEQA lead agency representative with time to contact representatives from culturally affiliated Native American Tribes that have expressed interest in the proposed project, and shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first 5 days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide Tribal Cultural Resources (TCR) awareness information.	Confirm evidence that a qualified Native American representative been contacted and recommendations are implemented; confirm submittal of documentation; conduct site inspection	A minimum of 7 days prior to beginning earthwork or other soil disturbance activities	City of Milpitas		
MM CUL-3: Tribal Cultural Resources Monitoring and Inadvertent Discovery Procedures To minimize the potential for destruction of or damage to existing or previously undiscovered archaeological and cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, the project proponent and its construction contractor(s) shall implement the following measures: • Native American Monitors from culturally affiliated Native American Tribes consulting on the proposed project shall be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes shall act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin. • Native American representatives and Native American Monitors have the authority to identify sites or objects of	Confirm evidence that a qualified Native American Monitor has been consulted and recommendations are implemented; If cultural resources are discovered, confirm evidence that a qualified Native American Monitor has been consulted and recommendations are implemented; confirm submittal of documentation; conduct site inspection	During project-related earthmoving activities	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects. • If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until an Archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City, the California Office of Historic Preservation, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions in accordance with CEQA Guidelines, Section 15064.5. determined during consultation.					
MM CUL-4: Inadvertent Discovery of Human Remains If, during the course of project development, there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely	If human remains are discovered, confirm that the County Coroner and/or the appropriate Native Americans have been contacted; confirm submittal of documentation	During the course of project development	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for appropriate treatment and disposition of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. 2. Where the following conditions occur, the landowner or his or her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains: When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project site, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The Applicant may					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
develop a plan for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.					
MM CUL-5: Avoidance or Preservation in Place of Tribal Cultural Resources In the event significant Tribal Cultural Resources (TCRs) are encountered during project construction, avoidance and preservation in place is the preferred manner of mitigating impacts to these resources. This shall be accomplished by several means, including: • Planning construction to avoid TCRs, archaeological sites and/or other resources; incorporating sites within parks, green-space, or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources shall be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes shall be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible	If TCRs are encountered, confirm avoidance and preservation measures have been implemented; confirm submittal of documentation; conduct site inspection	During project construction	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified. • If the resource can be avoided, the construction contractor(s), with Native American Monitors from culturally affiliated Native American Tribes present, shall install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) shall maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area shall be demarcated as an "Environmentally Sensitive Area." Native American representatives from interested Native American Tribes and the CEQA lead agency representative shall also consult to develop measures for long-term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with State and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic course Preservation (ACHP) Native American Traditional Cultural Landscapes Action Plan for further guidance. Use of temporary and permanent forms of protective fencing shall be determined in consultation with Native American representatives from interested Native American Tribes.					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2.7 Geology and Soils					
MM GEO-1: Prior to issuance of building permits, the project Applicant shall incorporate all appropriate recommendations from the Geotechnical Engineering Study into project plans. In addition, the project Applicant shall submit plans to the City of Milpitas for review and approval demonstrating project compliance with the latest adopted edition of the California Building Standards Code (CBC) seismic requirements and the recommendations of the Geotechnical Engineering Study. All soil engineering recommendations and structural foundations shall be designed by a licensed Professional Engineer. The approved plans shall be incorporated into the proposed project. All on-site soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.	Review notes on construction plans; confirm submittal of documentation; conduct site inspection	Prior to the issuance of building permits	City of Milpitas		
MM GEO-2: Prior to issuance of construction permits, a professional Paleontologist shall perform a paleontological walkover survey of the site and adjacent bank of the creek to look for Pleistocene deposits that, if present, would necessitate paleontological monitoring of construction-related earth-disturbing activities. Should a monitoring program not be necessitated, the Paleontologist shall provide the construction crew with an orientation on recognizing potentially significant paleontological resources and to know how to proceed should any be unearthed.	Review notes on construction plans; confirm submittal of documentation; conduct site inspection	Prior to the issuance of construction permits	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2.8 Greenhouse Gas Emissions					
MM GHG-1: Utilizing Carbon-Free Electricity and Eliminating Natural Gas Consumption Prior to the issuance of grading permits for the proposed project, the Applicant shall provide the City with documentation that demonstrates the proposed project’s necessary reductions in GHG emissions (110 MT CO2e per year starting in 2023, and 399 MT CO2e per year starting in year 2030) resulting from the implementation of the following actions: • Constructing the proposed project to be all-electric, eliminating the use of any natural gas-fueled appliance or building feature; and • Sourcing non-emergency electricity consumption from carbon-free generation sources by: - Installing solar panels to generate on-site renewable electricity; or - Selecting PG&E’s 100 Percent Solar Choice electricity service option or Silicon Valley Clean Energy’s GreenPrime electricity service option, and maintaining that electricity service through the year 2030 at a minimum.	Confirm submittal of documentation	Prior to the issuance of grading permits	City of Milpitas		
2.9 Hazards and Hazardous Materials					
MM HAZ-1a: Removal of Asbestos-Containing Material Prior to Demolition All removal and disturbance of asbestos-containing materials (ACM) and subsequent waste disposal shall be performed by an asbestos abatement contractor, using 40-hour asbestos trained workers (Asbestos Worker trained as outlined in 40 Code of Federal Regulations [CFR] 763). Abatement contractor’s workforce shall be supervised by experienced trained workers, knowledgeable and qualified in the	Review notes on construction plans; confirm submittal of documentation; conduct site inspection	During construction activities	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
techniques of asbestos abatement, handling and disposal of asbestos-containing and/or asbestos-contaminated materials, and the subsequent cleaning of contaminated areas, including, at a minimum, Competent Person/Contractor Supervisor training as outlined in 40 Code of Federal Regulations 763.					
MM HAZ-1b: Removal of Lead-Based Paint During Demolition During demolition, the Applicant shall complete demolition activities in accordance with California Code of Regulations Title 17, Division 1, Chapter 8, Article 1. All construction work where an employee may be occupationally exposed to lead-containing paint, including demolition, must comply with the OSHA Regulation 29 Code of Federal Regulations 1926.62, and Cal-OSHA Title 8 California Code of Regulations 1523.1.	Review notes on plans; confirm submittal of documentation; conduct site inspection	During demolition	City of Milpitas		
2.10 Hydrology and Water Quality					
MM HYD-1: Prior to construction, the Applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), meeting Construction General Permit requirements (California State Water Resources Control Board Order No. 2009-000–DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the City for review and approval prior to the issuance of any permits for ground-disturbing activities. The SWPPP shall be prepared by a Qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. These include Best Management Practices (BMPs) for erosion and sediment control; site management, housekeeping, and waste management; management of non-stormwater discharges;	Confirm submittal of documentation; conduct site inspection	Prior to construction	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
run-on and runoff controls; and BMP inspection, maintenance, and repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.					
MM HYD-2: The Applicant shall fully comply with the Regional Water Quality Control Board (RWQCB) stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). The Applicant shall prepare and implement a Stormwater Control Plan (SCP) for the proposed project. The SCP shall be submitted to the City for review and approval prior to the issuance of any permits for ground-disturbing activities. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the proposed project shall include: • An inventory and accounting of existing and proposed impervious areas. • Low Impact Development (LID) design details incorporated into the proposed project. Specific LID design may include but is not limited to using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.	Review notes on plans; confirm submittal of documentation; conduct site inspection	Prior to the issuance of any permits for ground-disturbing activities	City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
- Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site. - A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the proposed project.					
2.17 Transportation					
MM TRANS-1: Prior to issuance of construction permits, the Applicant shall demonstrate on project plans the provision for future installation of a trailhead on the project site at the west end of Barber Lane, per the City of Milpitas draft recommendations in the updated Bikeway & Pedestrian Master Plan and Trails Master Plan. Prior to issuance of construction permits, the City of Milpitas shall review the project design for the McCarthy Boulevard frontage to ensure it does not conflict with the City's design for installation of bike lanes on McCarthy Boulevard.	Confirm submittal of documentation	Prior to issuance of construction permits	Project Applicant and City of Milpitas		
MM TRANS-2: Prior to final design, the Applicant shall work with City of Milpitas staff, ACE staff, and VTA staff to consider the desirability of upgrades, such as the construction of a shelter or bench, to the existing bus and shuttle stops that are currently located along the project frontage.	Review notes on site plans; confirm evidence that the City, ACE staff, and VTA staff have been contacted	Prior to final design	Project Applicant and City of Milpitas		
MM TRANS-3: Prior to the issuance of construction permits, the Applicant shall submit circulation plans to the City Engineering Department for review to demonstrate that the proposed site access along the site's northern boundary shall be relocated approximately 100 feet westward, as shown in Figure 12 of the TIA (Exhibit 11 of the Draft IS/MND).	Review notes on site plans; confirm submittal of documentation; conduct site inspection	Prior to issuance of construction permits	Project Applicant and City of Milpitas		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-4: Prior to issuance of occupancy permits, the Applicant shall provide a maintenance plan or demonstrate that the landscaping near the driveway on McCarthy Boulevard would be maintained such that it does not obstruct the line of sight down McCarthy Boulevard. Prior to issuance of construction permits, the project shall demonstrate the placement of any monument signs or other permanent fixtures would be located out of the line of sight of exiting drivers.	Review notes on site plans; confirm submittal of documentation; conduct site inspection	Prior to issuance of occupancy permits	Project Applicant and City of Milpitas		
MM TRANS-5: The City shall perform periodic site inspections to ensure that landscaping near the driveway on McCarthy Boulevard is maintained to ensure that the line of sight down McCarthy Boulevard is unobstructed.	Conduct site inspection	During and after project construction	City of Milpitas		



Land Use Planning, Entitlement, Construction Management – Trang@tntldservices.com – (408) 857-4731

June 06, 2023

Ms. Jessica Thiragirayuta
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

RE: Tribute Hotel – 1851 McCarthy Blvd. – SD19-0012, UP19-0012, TR19-0030 and EA19-0008 – Resolution No. 21-020

Dear Jessica,

This letter is served as a formal request for a two-year time extension to the subject project located at 1851 McCarthy Blvd. Due to the recent economic conditions and downturn of the hotel market in general, we are unable to start on this project within the timeframe of the approved permits.

Thank you for your time and consideration of our request. I am available for any questions or additional information needed to have this request process by the City. My contact information is below:

Trang TuNguyen
Trang@TntLdServices.com
(408) 857-4731

Thank you,

Trang TuNguyen

ACCEPTED

04/27/21



1000 BRANNAN STREET
SUITE 404
SAN FRANCISCO, CA 94103
T 415.371.1400
F 415.371.1401
www.axisgfa.com

PROJECT NAME
**1851 MCCARTHY
HOTEL**

1851 MCCARTHY BLVD
MILPITAS, CA 95035



PROJECT DATA SUMMARY

PROJECT NAME: 1851 MCCARTHY HOTEL
PROJECT ADDRESS: 1851 MCCARTHY BLVD, MILPITAS, CA 95053
ASSESSOR'S PARCEL NO: 8331049

ZONING: (HS) HIGHWAY SERVICES
GENERAL PLAN LAND USE: (HWS) HIGHWAY SERVICES
GENERAL PLAN OVERLAY: (RE) RECREATION & ENTERTAINMENT
HEIGHT LIMIT: UNRESTRICTED
FLOOR AREA RATIO CAP: 0.5 FAR

TOTAL PARCEL SIZE: 118,211 SF (2.71 ACRES)

PROPOSED PROJECT
PROJECT SIZE: 130,351 GROSS S.F.
PROPOSED USE: HOTEL WITH MEETING SPACE
OCCUPANCY GROUPS: R-1, A-2, A-3, S, U
TYPE OF CONST.: TYPE I & TYPE III-A
LIFE SAFETY: FULLY SPRINKLERED
NUMBER OF STORIES: 5-STORIES OVER UNENCLOSED PARKING
BUILDING HEIGHT: 75'-0" TO ROOF LEVEL

PROJECT SUMMARY

THE PROPOSED CONSTRUCTION IS A NEW VISITOR-SERVING HOTEL WITH 216 GUESTROOMS.

THE HOTEL IS 5 OCCUPIED STORIES ABOVE A SINGLE LEVEL OF UNENCLOSED, AT-GRADE PARKING. THE MAIN BUILDING ENTRANCE IS AT THE ELEVATED FIRST FLOOR AND FACES MCCARTHY BLVD. A LARGE OUTDOOR PATIO TERRACE IS LOCATED AT THE WEST SIDE OF THE BUILDING, FACING COYOTE CREEK, TO PROVIDE OUTDOOR AMENITY SPACE FOR GUESTS AND BREAKOUT SPACE FOR THE MEETING AREA.

THE GRADE LEVEL AND FIRST FLOOR WILL BE CONSTRUCTED WITH CONCRETE BEARING COLUMNS AND SHEAR WALLS. THE GUESTROOM FLOORS WILL BE CONSTRUCTED OF WOOD FRAMED FLOOR AND EXTERIOR WALL ASSEMBLIES.

PROJECT AREA SUMMARY

AREA CALCULATION (GROSS)
GRADE LEVEL PARKING 2,109 S.F.
1ST FLOOR - 26,836 S.F.
2ND FLOOR - 25,430 S.F.
3RD FLOOR - 25,430 S.F.
4TH FLOOR - 25,430 S.F.
5TH FLOOR - 25,430 S.F.
TOTAL 130,665 S.F.

LOT SIZE 118,211 S.F.
F.A.R. 1.1

GUEST ROOM SUMMARY:
1ST FLOOR 0 ROOMS
2ND FLOOR 54 ROOMS
3RD FLOOR 54 ROOMS
4TH FLOOR 54 ROOMS
5TH FLOOR 54 ROOMS
TOTAL 216 ROOMS
(216 SLEEPING UNITS)

DRAWING INDEX

SHEET NO	SHEET TITLE / DESCRIPTION
ARCHITECTURAL	
G0.00	COVER SHEET
G0.01	GENERAL INFORMATION
G0.02	GENERAL INFORMATION, CONTINUED
G0.03	EXITING PLAN
G0.03b	EXITING PLAN, CONTINUED
G0.04	PERSPECTIVE VIEWS
G0.05	PERSPECTIVE VIEWS
A1.00	SITE PLAN, EXISTING
A1.01	SITE PLAN, PROPOSED
A1.02	FIRE ACCESS SITE PLAN PROPOSED
A1.03	SITE PLAN - PARKING LEVEL
A1.10	SHADOW STUDY - SUMMER
A1.11	SHADOW STUDY - WINTER
A2.00	PARKING LEVEL PLAN
A2.01	FIRST FLOOR PLAN
A2.02	TYPICAL GUESTROOM FLOOR PLAN
A2.05	FOURTH & FIFTH FLOOR PLAN
A2.06	ROOF PLAN
A4.01	BUILDING ELEVATIONS
A4.02	BUILDING ELEVATIONS
A5.01	BUILDING SECTION
CIVIL	
C0.0	TITLE SHEET
C1.0	EXISTING CONDITIONS / DEMOLITION PLAN
C2.0	PRELIMINARY SITE PLAN
C2.1	CROSS SECTIONS
C3.0	PRELIMINARY GRADING AND DRAINAGE PLAN
C4.0	PRELIMINARY UTILITY PLAN
C5.0	PRELIMINARY STORMWATER CONTROL PLAN
C5.1	PRELIMINARY STORMWATER CONTROL PLAN TABLES
C6.0	PRELIMINARY EROSION CONTROL PLAN
LANDSCAPE	
L0.02	TREE REMOVAL PLAN
L1.01	LANDSCAPE PLAN
L2.01	PRECEDENT IMAGES
L3.01	PRELIMINARY PLANTING PLAN
L4.01	PRELIMINARY IRRIGATION PLAN
L5.01	LIGHTING PLAN - SITE AND PODIUM
L5.02	LIGHTING PLAN - PARKING GARAGE
L5.03	LIGHTING PLAN - SCHEDULE AND CALCS

NO.	DATE	ISSUES AND REVISIONS	BY
0.	10/31/2019	ENTITLEMENT SET	
1.	01/17/2020	DRAFT REVISION SET	
2.	02/07/2020	REVISED ENTITLEMENT SET	
2.	06/05/2020	REVISED ENTITLEMENT SET	
3.	10/30/2020	REVISED ENTITLEMENT SET	
4.	02/17/2021	REVISED ENTITLEMENT SET	
5.	04/26/2021	REVISED ENTITLEMENT SET	

DATE
SCALE
PROJECT NUMBER 19.037
COMPUTER FILE
PROJECT NAME --

DESCRIPTION
COVER SHEET

SHEET NUMBER
G0.00

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT

1851 McCarthy Parking Calculation			
Parking Demand Calculation			
Guestroom Floor Parking	Guestrooms	Parking Ratio	Spaces
5th Floor	54	0.7	38
4th Floor	54	0.7	38
3rd Floor	54	0.7	38
2nd Floor	54	0.7	38
1st Floor	0	0.7	0
Subtotal	216		152

First Floor Program	Area (sq ft)	Load Factor	Spaces
Meeting Room	3,751	60	63
Prefunction	2,545	200	13
Patio	5,763	n/a	0
Pool Deck	1,707	n/a	0
Pool	700	n/a	0
Fitness	958	n/a	0
Select Service Three Meal Dining	2,227	n/a	0
Lobby	1,278	n/a	0
Check-in	160	n/a	0
Bar	1,312	30	44
Market	281	n/a	0
Luggage	95	n/a	0
Host	112	n/a	0
Data	92	n/a	0
Fire	192	n/a	0
Domestic Water Booster Pump (Water)	87	n/a	0
Kitchen	1,549	n/a	0
Reception	133	n/a	0
Staff Office	474	n/a	0
BOH	804	n/a	0
Laundry	2,491	n/a	0
Storage	123	n/a	0
Subtotal	26,836		120

Total Parking Required Without Demand Management Measures	272
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Demand Management Measures		Points
Mechanical Lift Spaces ("Stackers")	43%	10
Valet Parking	11%	5
Free On-Site Shared Bicycles	10 Bicycles	5
Dedicated On-Site Passenger Pick-Up/Drop-Off Zones		3
Total Points		23
Percentage Parking Reduction Due to DMM Above		10%
Parking Reduction Due to DMM Above		27
Motorcycle Spaces (MC) on a Substitution Basis	12	6
Total Parking Required with MC & Demand Management Measures		239

Proposed Parking Provided Summary		
Self Park Spaces	48.1%	116
Mechanical Lift Spaces ("Stackers")	39.0%	94
Valet Parking Spaces	12.9%	31
Total Parking Spaces Provided		241
Total Parking Required with MC & Demand Management Measures		239
Delta		2

Proposed Parking Provided Details	Required	Provided	Delta
Total Parking exc. Valet		210	
Standard Accessible Parking Spaces	5	5	0
Van Accessible Parking Spaces	2	2	0
Designated Clean Air Vehicles (CAV) exc. EV	2	2	0
EV Charging Stations (EVCS)	15	16	1
Accessible EVCS	1	1	0
Motorcycle Parking Spaces	0	12	12
Short Term Bicycle Parking	12	22	10
Long Term Bicycle Parking (Lockers)	1	6	5

PARKING COUNT TABLE

4/14/2021

Notes:

15/sf per seat, 1/space per 4 seats = 60 sq ft

Patio for exclusive use of hotel guests and meeting center users. No public use nor access

For guest use only

For guest use only

For guest use only

For guest use only

For guest use only

Area available for use / service by members of the public who are neither hotel guests nor attending a function at the meeting center, during business hours as specified in the operations plan.

All other areas reserved for the exclusive use of hotel guests, meeting area attendees, and staff.

For guest use only

For guest use only

For staff use only

For staff use only

For staff use only

For staff use only

For staff use only

For staff use only

For staff use only

For staff use only

For staff use only

For staff use only

1 motorcycle space = 0.5 car spaces up to 5% of total per MMC XI-10-53.13-B-4

Notes:

Basis of calculations per CBC TABLE 11B-208.2

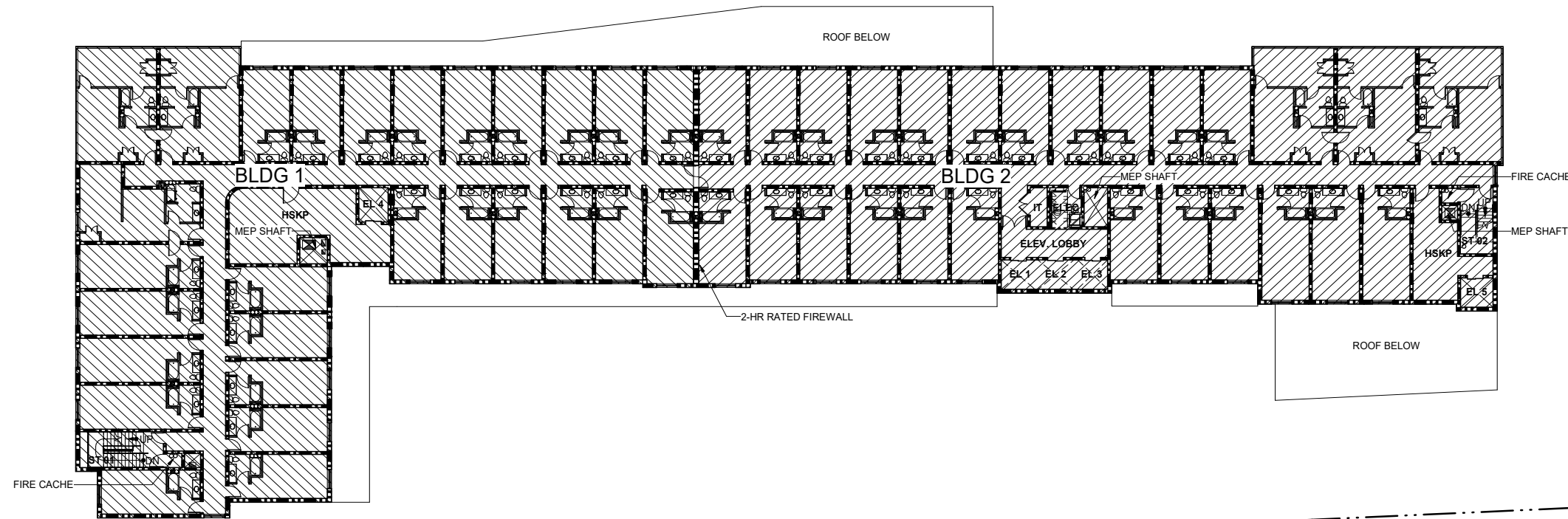
CBC TABLE 11B-208.2

8% of total per CalGreen 5.106.5.2 less EV

3% Level 1 + 4% Level 2 per MMC 19-2.03 5.106 5.3.2 Other Nonresidential Buildings

5% of total parking per strictest interpretation of CalGreen 5.106.4.1.1

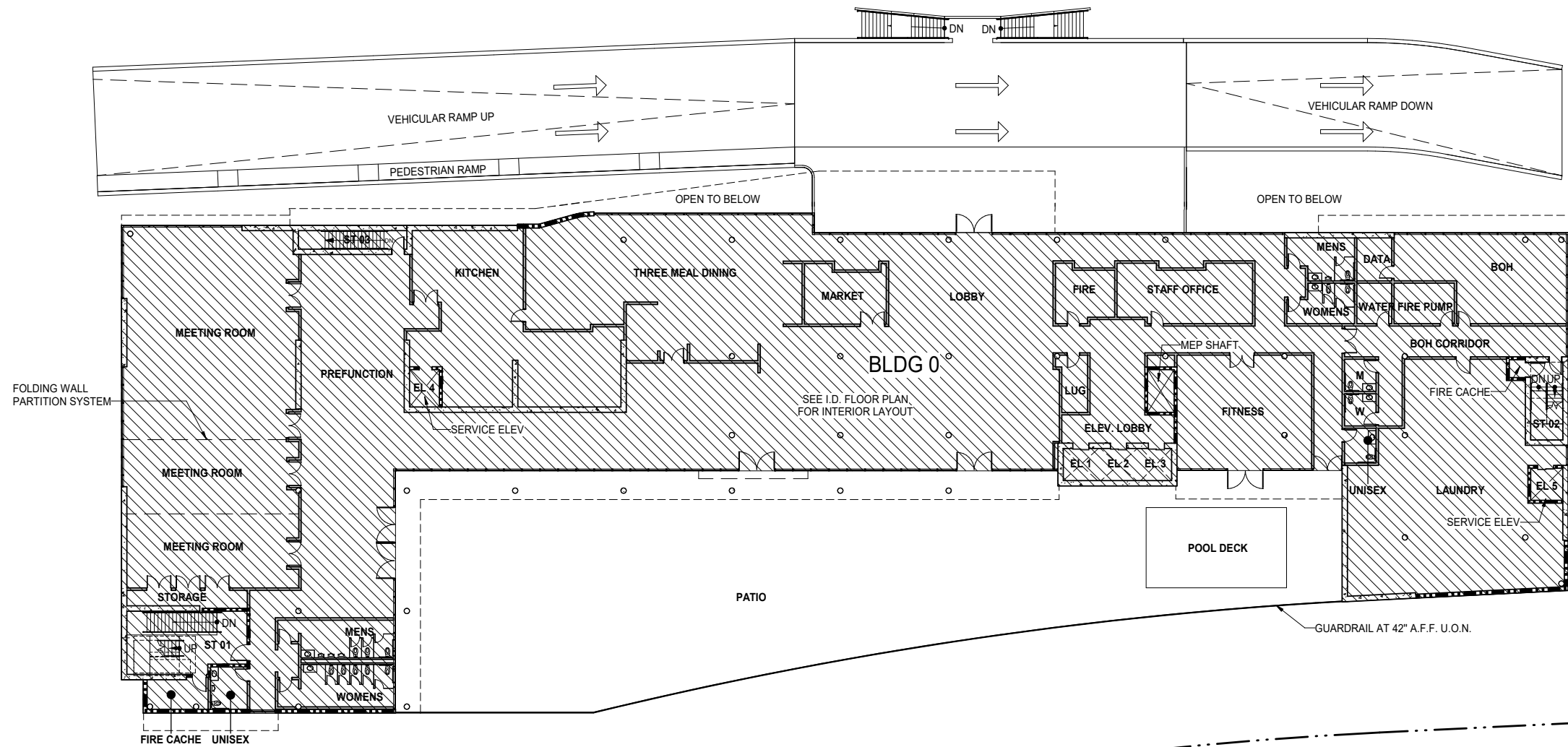
Per CalGreen 5.106.4.1.2



TYPICAL GUESTROOM FLOOR PLAN

GUESTROOM FLOORS - TYPE III-A		
	BLDG 1	BLDG 2
FLOOR 5	13,414	12,828
FLOOR 4	13,414	12,828
FLOOR 3	13,414	12,828
FLOOR 2	13,414	12,828
TOTAL	53,656	51,312
MAX. ALLOWED	66,000	66,000

NOTE: ADJACENT R-1 OCCUPANCIES IN TYPE III-A CONSTRUCTION SHALL BE SEPARATED BY A 2-HOUR RATED WALL ASSEMBLY.



FIRST FLOOR PLAN

PODIUM FLOORS - TYPE I	
	BLDG 0
FLOOR 1 - LOBBY	27,899
PARKING LEVEL	2,109
TOTAL	30,008
MAX. ALLOWED	UNLIMITED

NOTE: S-2 GARAGE SHALL BE SEPARATED FROM A-2 & A-3 LOBBY LEVEL OCCUPANCIES BY A 3-HOUR RATED FLOOR ASSEMBLY.

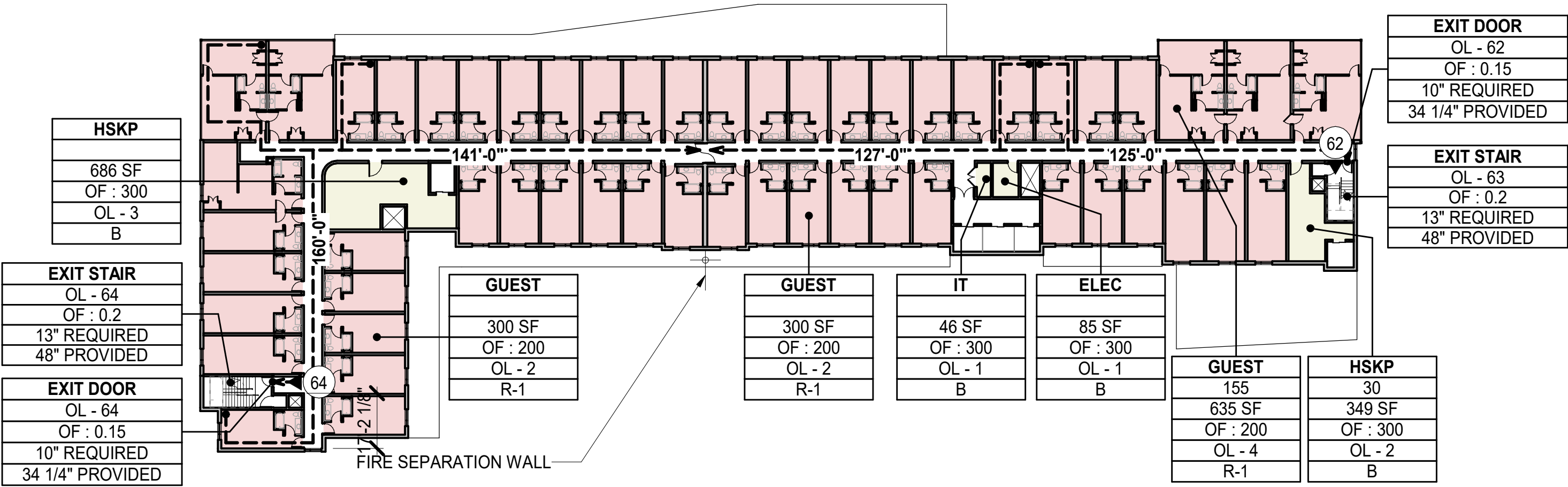
PROJECT NAME
**1851 MCCARTHY
HOTEL**

1851 MCCARTHY BLVD
MILPITAS, CA 95035

NO.	DATE	ISSUES AND REVISIONS	BY
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5.	04/26/2021	REVISED ENTITLEMENT SET	

DATE	
SCALE	
PROJECT NUMBER	19.037
COMPUTER FILE	
PROJECT NAME	--

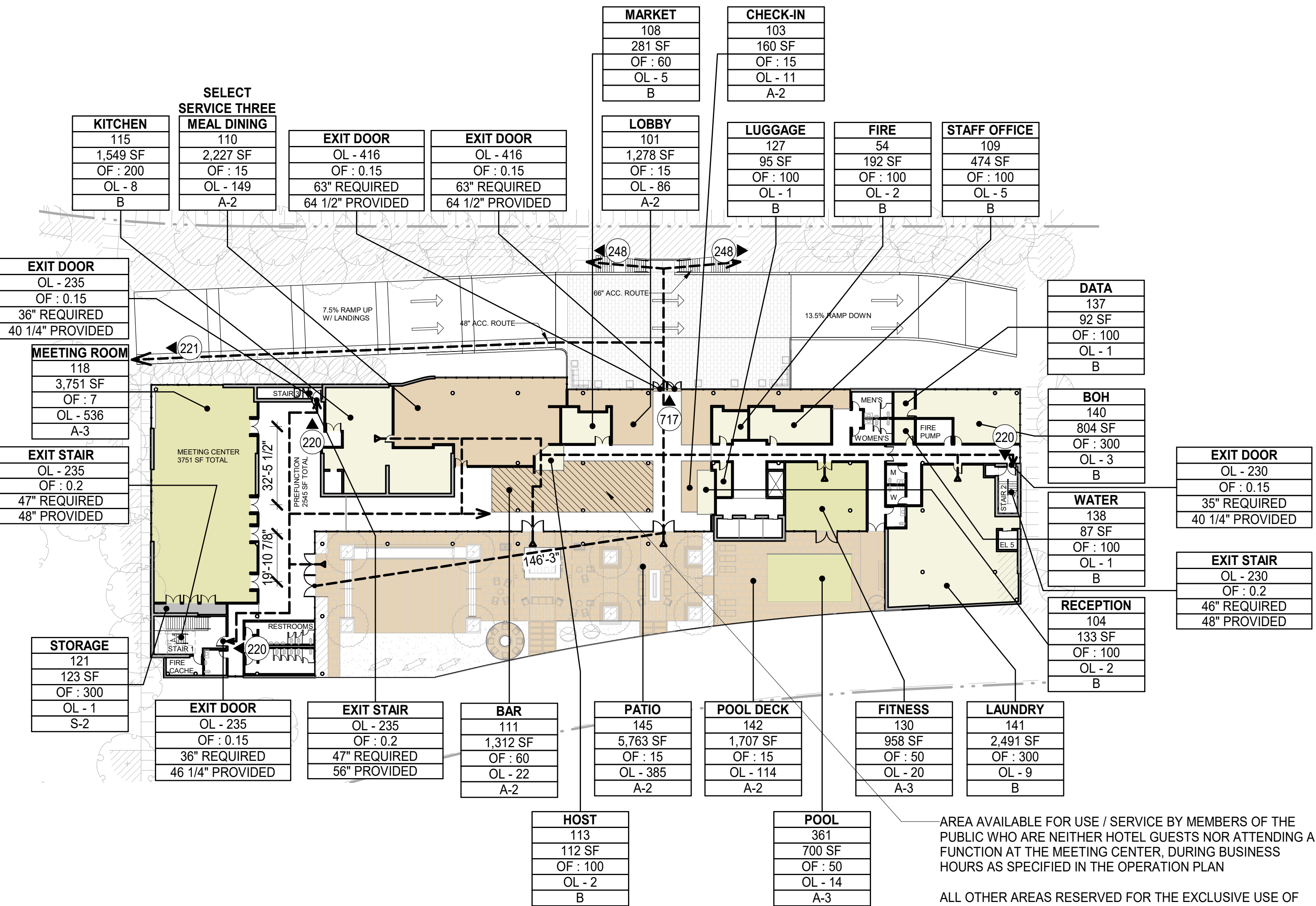
DESCRIPTION
**GENERAL
INFORMATION (CONT.)**



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"

06



GROUND FLOOR PLAN

SCALE: 1/32" = 1'-0"

05

FIRST FLOOR PROGRAM			
NAME	AREA	OCCUPANT FACTOR	OCCUPANT LOAD
PREFUNCTION	2,545 SF	0	0
MEETING ROOM	3,751 SF	7	536
CHECK-IN	160 SF	15	11
LOBBY	1,278 SF	15	86
PATIO	5,763 SF	15	385
POOL DECK	1,707 SF	15	114
SELECT SERVICE THREE MEAL DINING	2,227 SF	15	149
FITNESS	958 SF	50	20
POOL	700 SF	50	14
BAR	1,312 SF	60	22
MARKET	281 SF	60	5
DATA	92 SF	100	1
FIRE	192 SF	100	2
HOST	112 SF	100	2
LUGGAGE	95 SF	100	1
RECEPTION	133 SF	100	2
STAFF OFFICE	474 SF	100	5
WATER	87 SF	100	1
KITCHEN	1,549 SF	200	8
BOH	804 SF	300	3
LAUNDRY	2,491 SF	300	9
STORAGE	123 SF	300	1
TOTAL	26,836 SF		1377
EXITING WIDTH REQUIRED AT 0.2" PER OCCUPANT (INCHES):			276
PRIMARY EXIT REQUIRED WIDTH (INCHES):			138

OCCUPANCY LOAD CALCULATION

SCALE: -

01

EXIT STAIR	STAIR LOAD
OL - ###	CAPACITY FACTOR PER CBC 2016 SECTION 1005.3.1
OF : ###	REQUIRED WIDTH
###" REQUIRED	PROVIDED WIDTH
###" PROVIDED	

EXIT DOOR	DOOR LOAD
OL - ###	CAPACITY FACTOR PER CBC 2016 SECTION 1005.3.2
OF : ###	REQUIRED WIDTH
###" REQUIRED	PROVIDED WIDTH
###" PROVIDED	

ROOM NAME	ROOM NUMBER
101	AREA
150 SF	OCCUPANT LOAD FACTOR PER CBC 2016 TABLE 1004.5
OF : ###	OCCUPANT LOAD
OL - ###	OCCUPANCY TYPE
OCC. TYPE	

###	ACCUMULATED LOAD AND TRAVEL DIRECTION
-----	---------------------------------------

- START POINT OF EXIT TRAVEL
- FIRE ACCESS TRAVEL DISTANCE
- EXIT PATH OF TRAVEL

- A-2 OCCUPANCY
- A-3 OCCUPANCY
- B OCCUPANCY
- S-2 OCCUPANCY
- R-1 OCCUPANCY

LEGEND

GUESTROOM FLOOR PROGRAM			
NAME	AREA	OCCUPANT FACTOR	OCCUPANT LOAD
ELEC	85 SF	300	1
GUEST	18,561 SF	200	119
HSKP	1,034 SF	300	5
IT	46 SF	300	1
TOTAL	19,726 SF		126
EXITING WIDTH REQUIRED AT 0.2" PER OCCUPANT (INCHES):			26
EXITING CAPACITY		WIDTH	OCCUPANT LOAD
STAIR #1		60"	235
STAIR #2		48"	240
STAIR #3		60"	235
STAIR #4		60"	300
STAIR #5		60"	300
ACCESSIBLE RAMP		48"	240
TOTAL		336"	1680

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DATE
SCALE
PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

EXITING PLAN

SHEET NUMBER

G0.03

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EXIT STAIR	STAIR LOAD
OL - ###	CAPACITY FACTOR PER CBC 2016 SECTION 1005.3.1
OF : ###	
##" REQUIRED	REQUIRED WIDTH
##" PROVIDED	PROVIDED WIDTH

EXIT DOOR	DOOR LOAD
OL - ###	CAPACITY FACTOR PER CBC 2016 SECTION 1005.3.2
OF : ###	
##" REQUIRED	REQUIRED WIDTH
##" PROVIDED	PROVIDED WIDTH

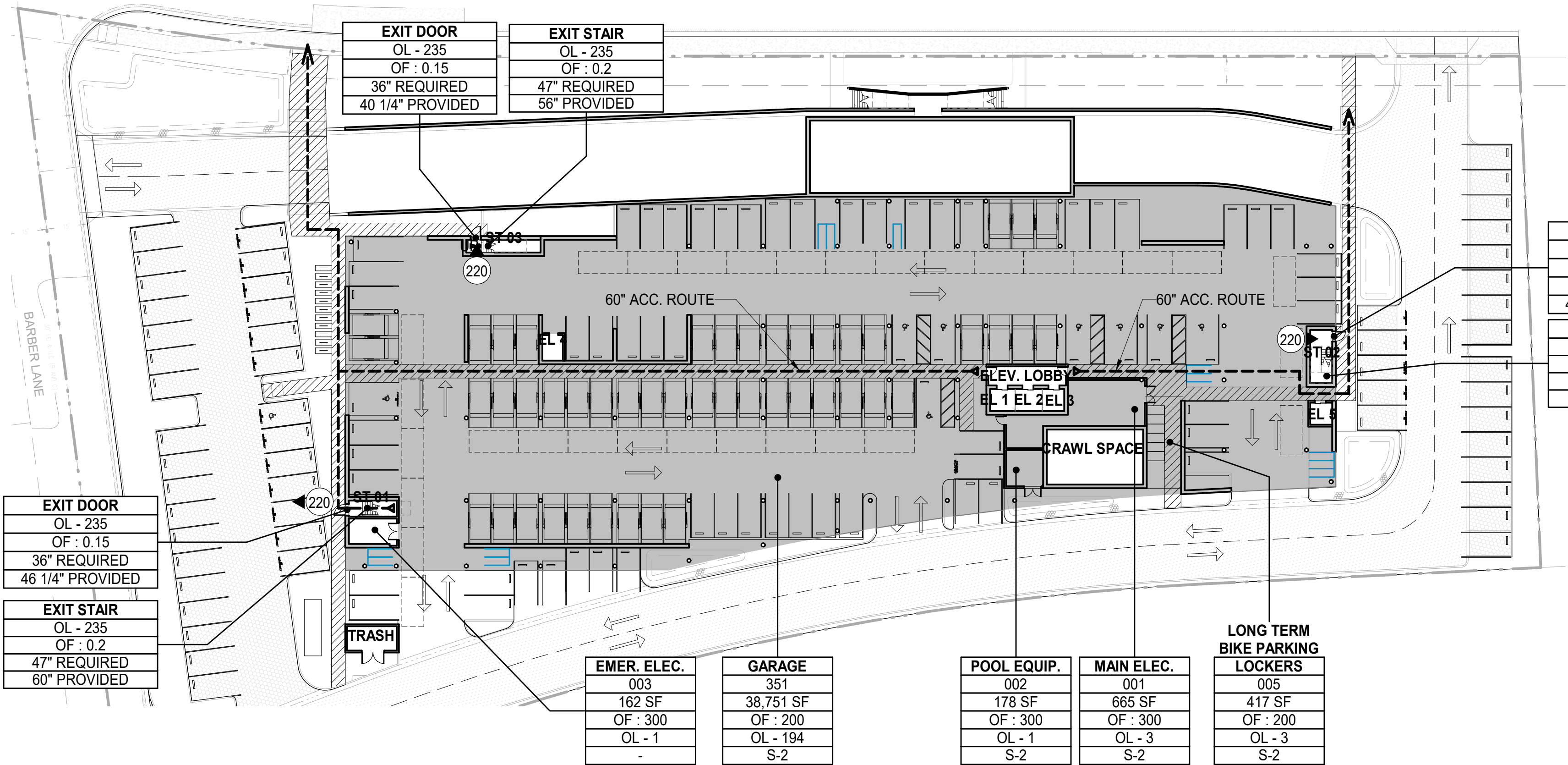
ROOM NAME	ROOM NUMBER
101	AREA
150 SF	OCCUPANT LOAD FACTOR PER CBC 2016 TABLE 1004.5
OF : ###	OCCUPANT LOAD
OL - ###	OCCUPANCY TYPE
OCC. TYPE	

###	ACCUMULATED LOAD AND TRAVEL DIRECTION
-----	--

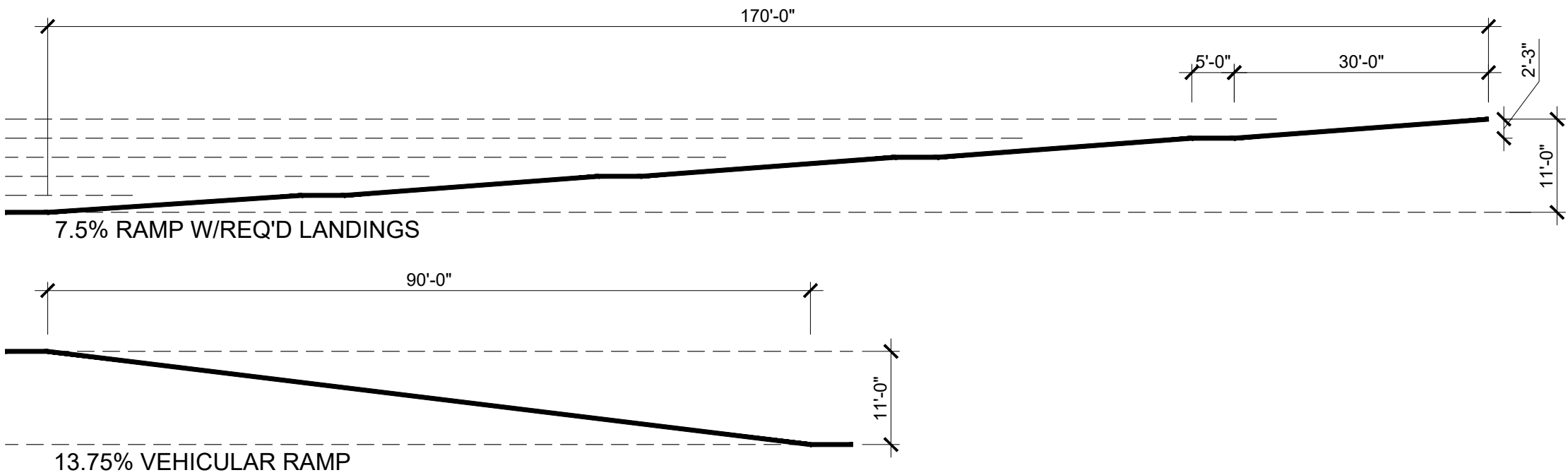
- START POINT OF EXIT TRAVEL
- FIRE ACCESS TRAVEL DISTANCE
- EXIT PATH OF TRAVEL

- A-2 OCCUPANCY
- A-3 OCCUPANCY
- B OCCUPANCY
- S-2 OCCUPANCY
- R-1 OCCUPANCY

LEGEND



PARKING FLOOR PLAN
SCALE: 1/32" = 1'-0"



RAMP SLOPE DIAGRAM
SCALE: 1/16" = 1'-0"

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SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
EXITING PLAN

SHEET NUMBER
G0.03b

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PERSPECTIVE VIEW – RAMP, STAIRCASE, AND ART WALL
SCALE: NOT TO SCALE

1



PERSPECTIVE VIEW – MCCARTHY BLVD
SCALE: NOT TO SCALE

2



AERIAL PERSPECTIVE – NORTHWEST AERIAL
SCALE: NOT TO SCALE

3

NOTE: PEDESTRIAN CANOPY AT PORTE COCHERE SHOWN IN THESE VIEWS IS OUT OF DATE.
PLEASE SEE SHEET G0.05 FOR REVISED PORTE COCHERE CANOPY.

NO.	DATE	ISSUES AND REVISIONS	BY
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SCALE

PROJECT NUMBER
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PROJECT NAME

DESCRIPTION
PERSPECTIVE VIEWS

SHEET NUMBER
G0.04

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PERSPECTIVE VIEW – NORTHWEST CORNER
SCALE: NOT TO SCALE

1



PERSPECTIVE VIEW – SOUTHEAST CORNER
SCALE: NOT TO SCALE

2



PEDESTRIAN PERSPECTIVE – SOUTHWEST CORNER
SCALE: NOT TO SCALE

3

NOTE: PLANTING SHOWN IS INDICATIVE ONLY.
PLEASE SEE LANDSCAPE DRAWINGS FOR PLANTING INFORMATION.

NO.	DATE	ISSUES AND REVISIONS	BY
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DATE
SCALE

PROJECT NUMBER --
COMPUTER FILE
PROJECT NAME --

DESCRIPTION
PERSPECTIVE VIEWS

SHEET NUMBER
G0.05

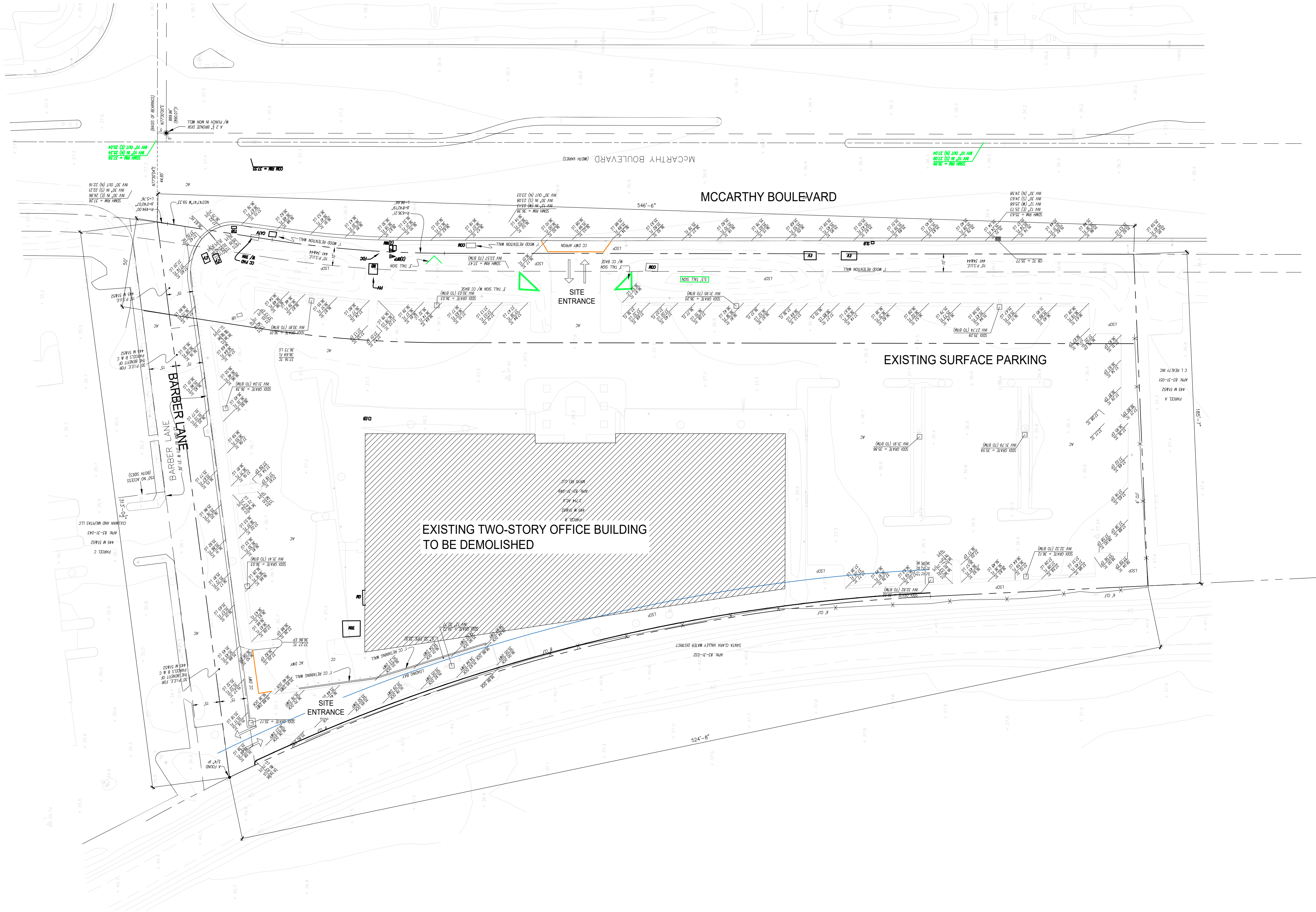
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PROJECT NAME
**1851 MCCARTHY
HOTEL**

1851 MCCARTHY BLVD
MILPITAS, CA 95035



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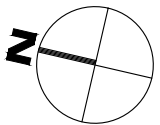
DATE
SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
**SITE PLAN
EXISTING**

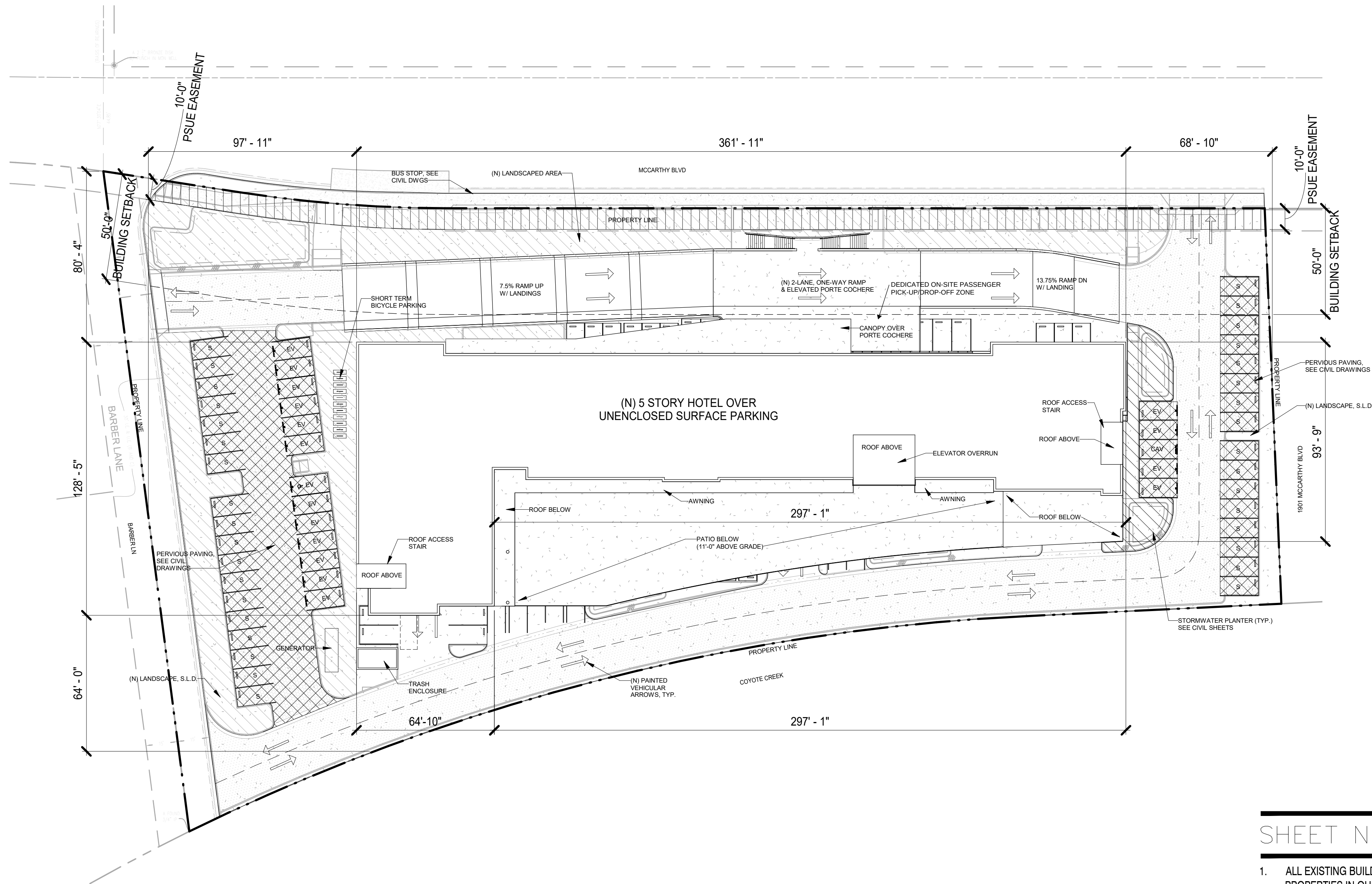
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A1.00

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SETBACK LANDSCAPING PERCENTAGE DIAGRAM
SCALE: 1/32" = 1'-0"

2

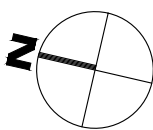


SHEET NOTES

- ALL EXISTING BUILDINGS, SLABS, DRIVEWAYS, WALKWAYS, FENCES, ETC. ON THE PROPERTIES IN QUESTION ARE TO BE COMPLETELY REMOVED. U.O.N.
- SEE CIVIL DRAWINGS FOR PAVEMENT INFORMATION
- SEE CIVIL DRAWINGS FOR UTILITY CONNECTIONS & INFORMATION.
- SEE CIVIL DRAWINGS FOR TOPOGRAPHIC, SITE RELATED INFORMATION INCLUDING GRADING AND DRAINAGE PLANS AND EROSION CONTROL.
- SEE CIVIL DRAWINGS FOR PERMEABILITY INFORMATION



SITE PLAN - PROPOSED
SCALE: 1/32" = 1'-0"



1

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DATE

SCALE

PROJECT NUMBER

COMPUTER FILE

PROJECT NAME

DESCRIPTION

SITE PLAN
PROPOSED

SHEET NUMBER

A1.01

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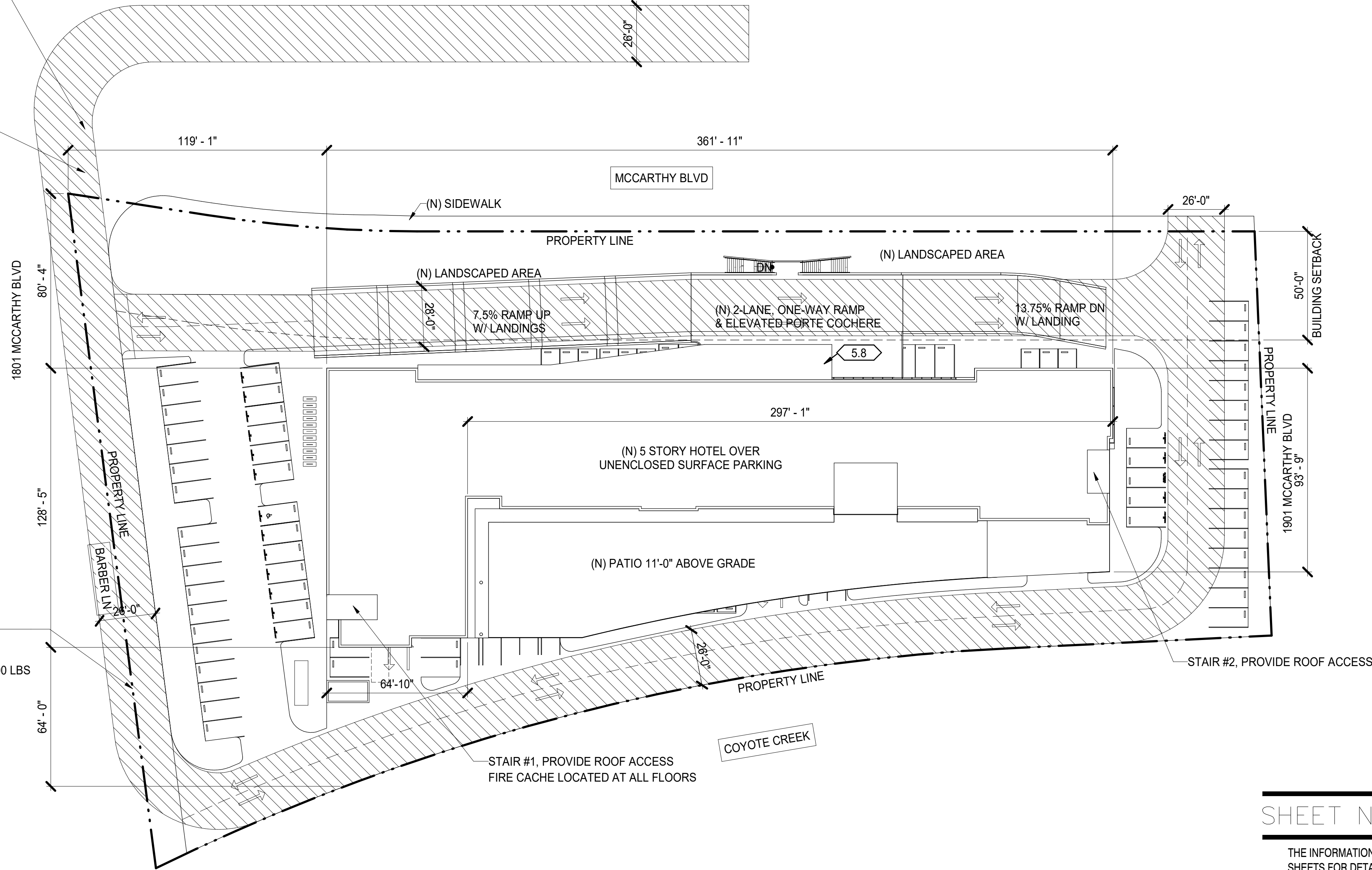
PROJECT NAME
**1851 MCCARTHY
HOTEL**

1851 MCCARTHY BLVD
MILPITAS, CA 95035

MCCARTHY BLVD FIRE ACCESS
WIDTH IN EXCESS OF 26'
ALL-WEATHER ASPHALT SURFACE
ASSUMED BEARING CAPACITY IN EXCESS OF
80,000 LBS PER CVC & CALTRANS
NO SIGNIFICANT SLOPE
NO DEAD END

INNER RADIUS 28'-0"
OUTER RADIUS 48'-6"

BARBER LN FIRE ACCESS
WIDTH IN EXCESS OF 26'
ALL-WEATHER ASPHALT SURFACE
ASSUMED BEARING CAPACITY IN EXCESS OF 80,000 LBS
PER CVC & CALTRANS
NO SIGNIFICANT SLOPE
PUBLIC ROW IS DEAD END BUT RETURN LOOP TO
MCCARTHY BLVD PROVIDED THROUGH SITE

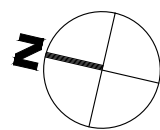


SHEET NOTES

THE INFORMATION ON THIS SHEET IS IS DIAGRAMMATIC ONLY; PLEASE REFER TO CIVIL
SHEETS FOR DETAILS.

0 10' 25' 50' 100'

FIRE ACCESS SITE PLAN – PROPOSED
SCALE: 1/32" = 1'-0"



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DATE
SCALE
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COMPUTER FILE
PROJECT NAME

DESCRIPTION

**FIRE ACCESS SITE PLAN
PROPOSED**

SHEET NUMBER

A1.02

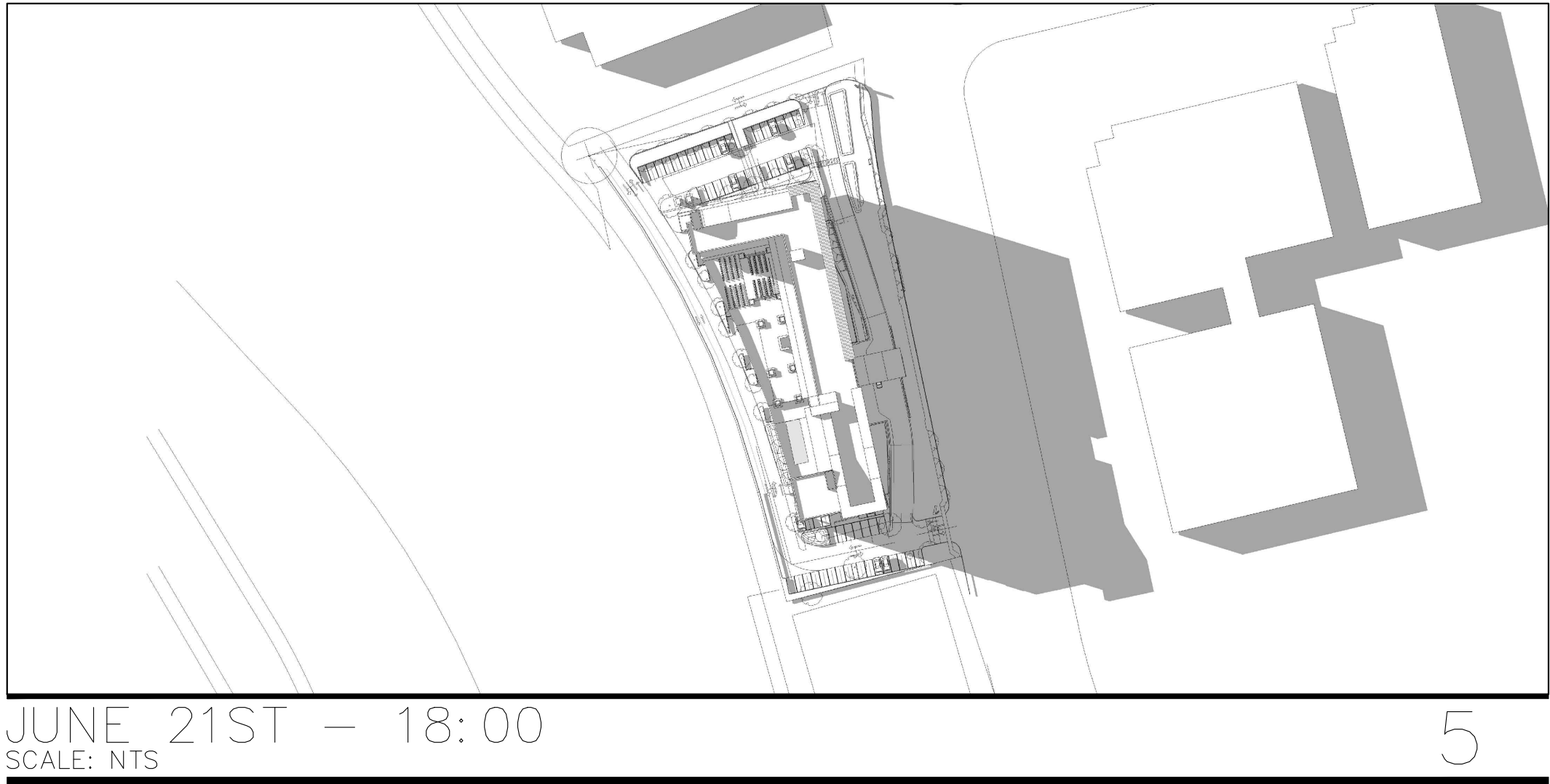
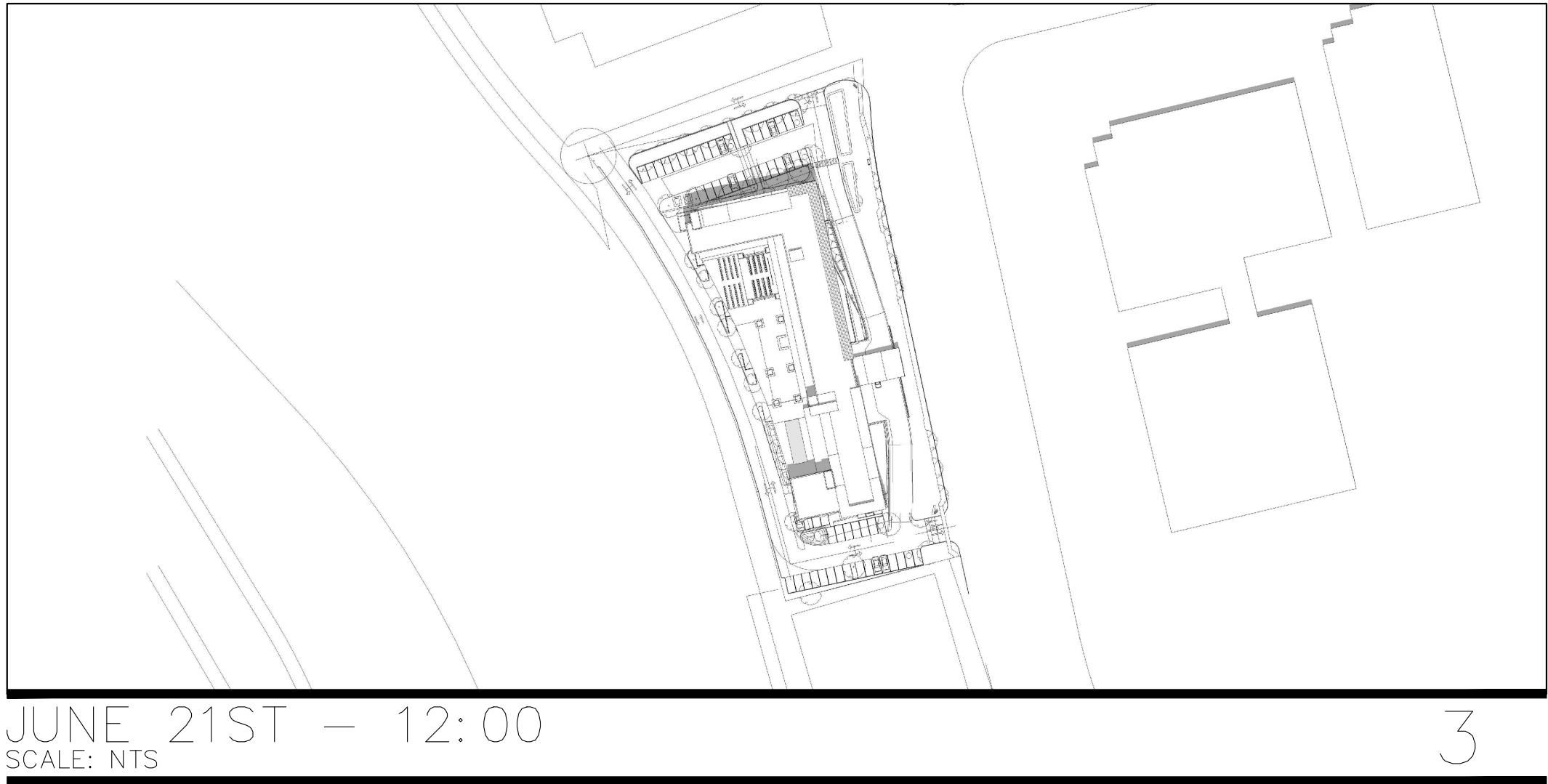
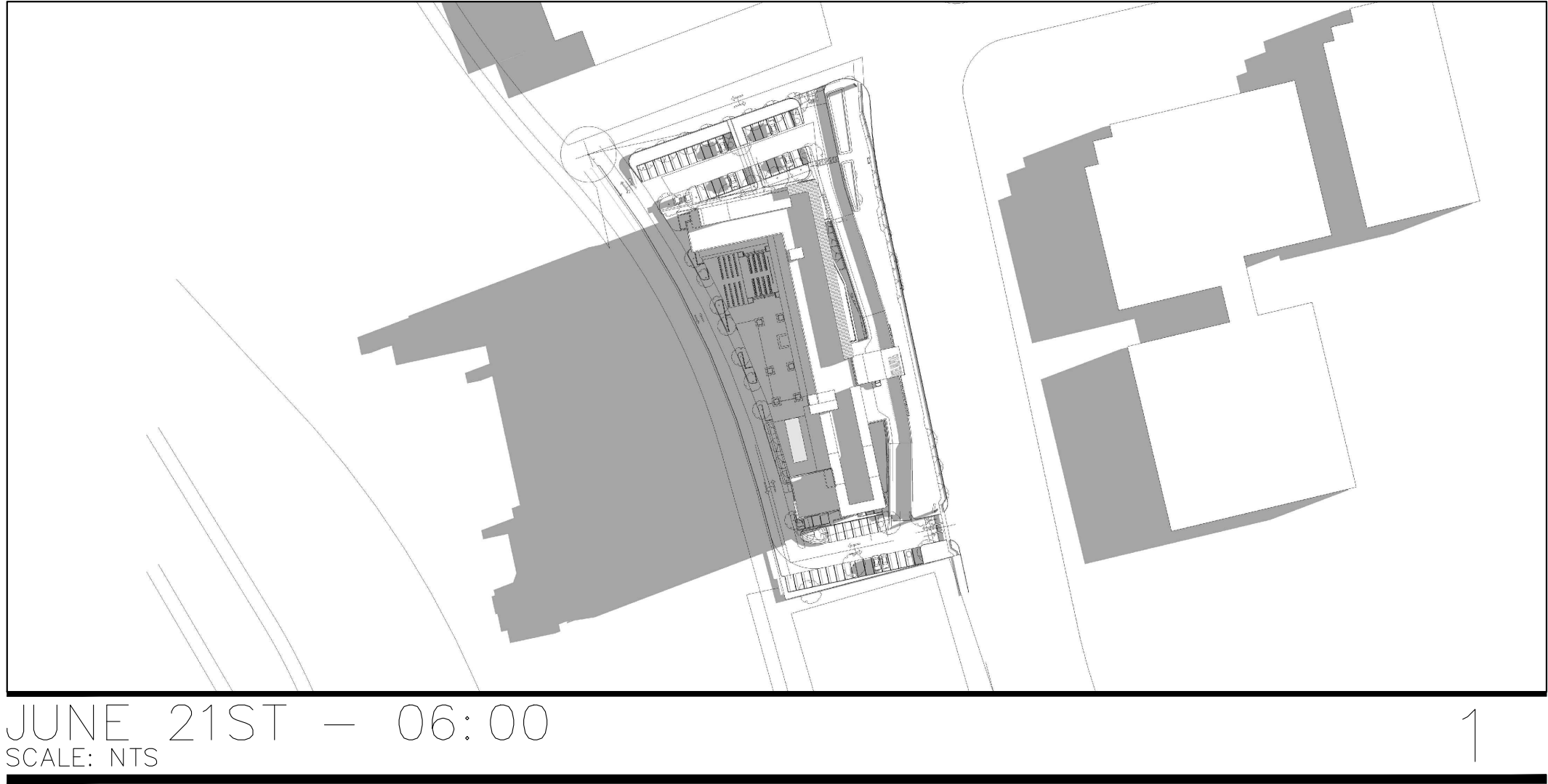
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[illegible]

DATE
SCALE
PROJECT NUMBER
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PROJECT NAME
DESCRIPTION

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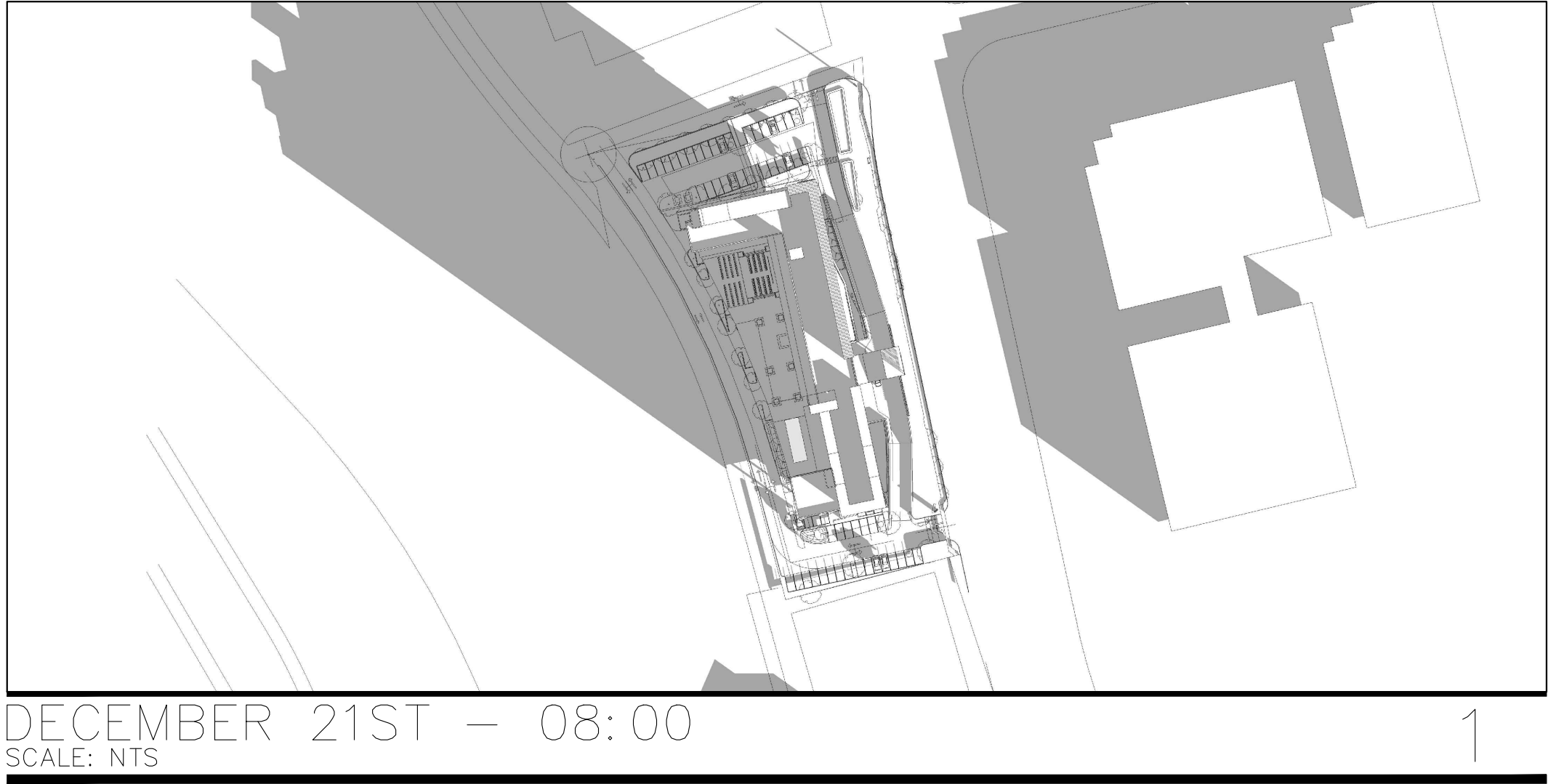
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SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

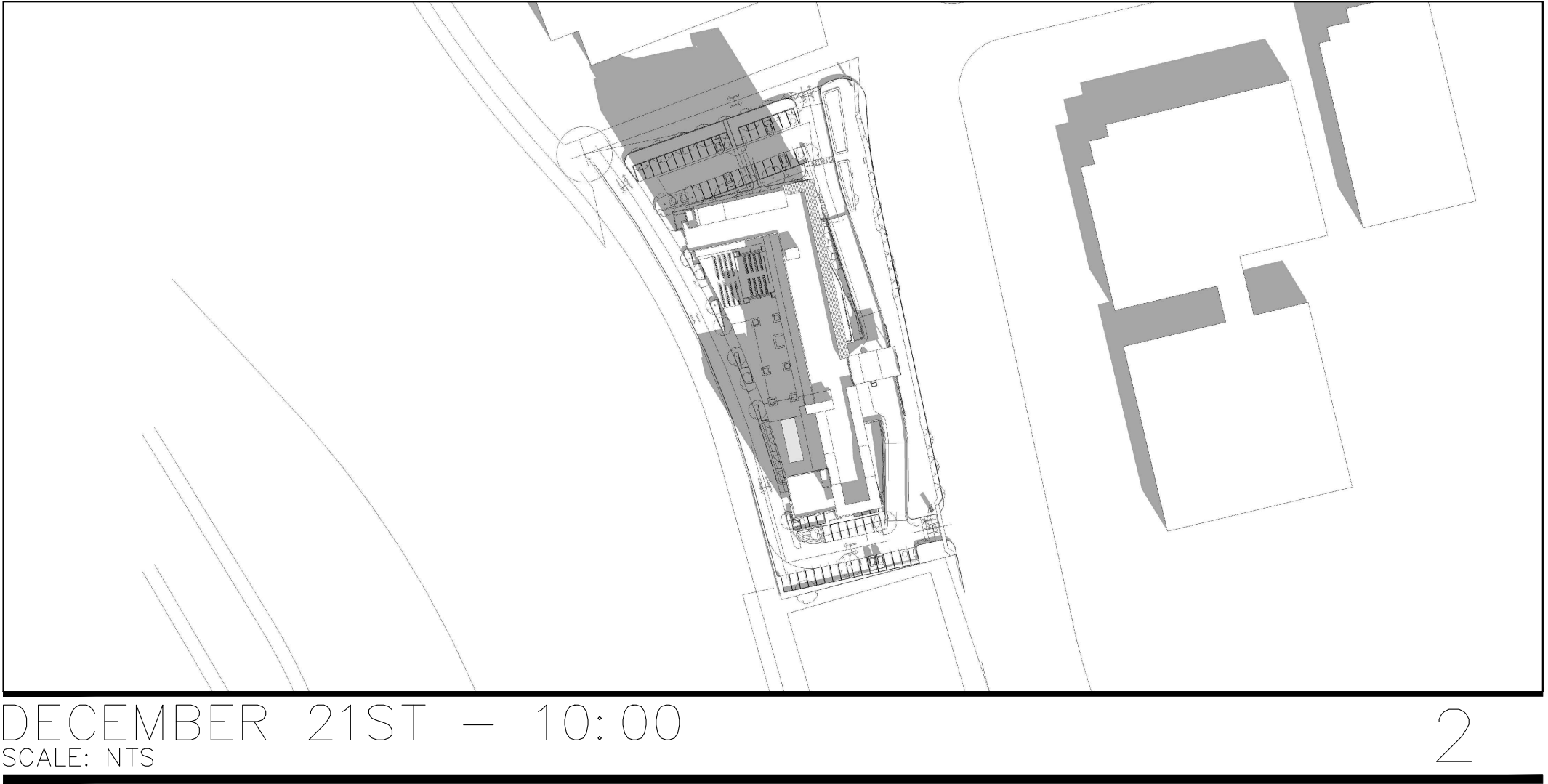
DESCRIPTION
**SHADOW STUDY
SUMMER**

SHEET NUMBER
A1.10

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DECEMBER 21ST — 08:00
SCALE: NTS



DECEMBER 21ST — 10:00
SCALE: NTS



DECEMBER 21ST — 12:00
SCALE: NTS



DECEMBER 21ST — 14:00
SCALE: NTS



DECEMBER 21ST — 16:00
SCALE: NTS

NO.	DATE	ISSUES AND REVISIONS	BY
0.	10/31/2019	ENTITLEMENT SET	
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5.	04/26/2021	REVISED ENTITLEMENT SET	

DATE

SCALE

PROJECT NUMBER

COMPUTER FILE

PROJECT NAME

DESCRIPTION

**SHADOW STUDY
WINTER**

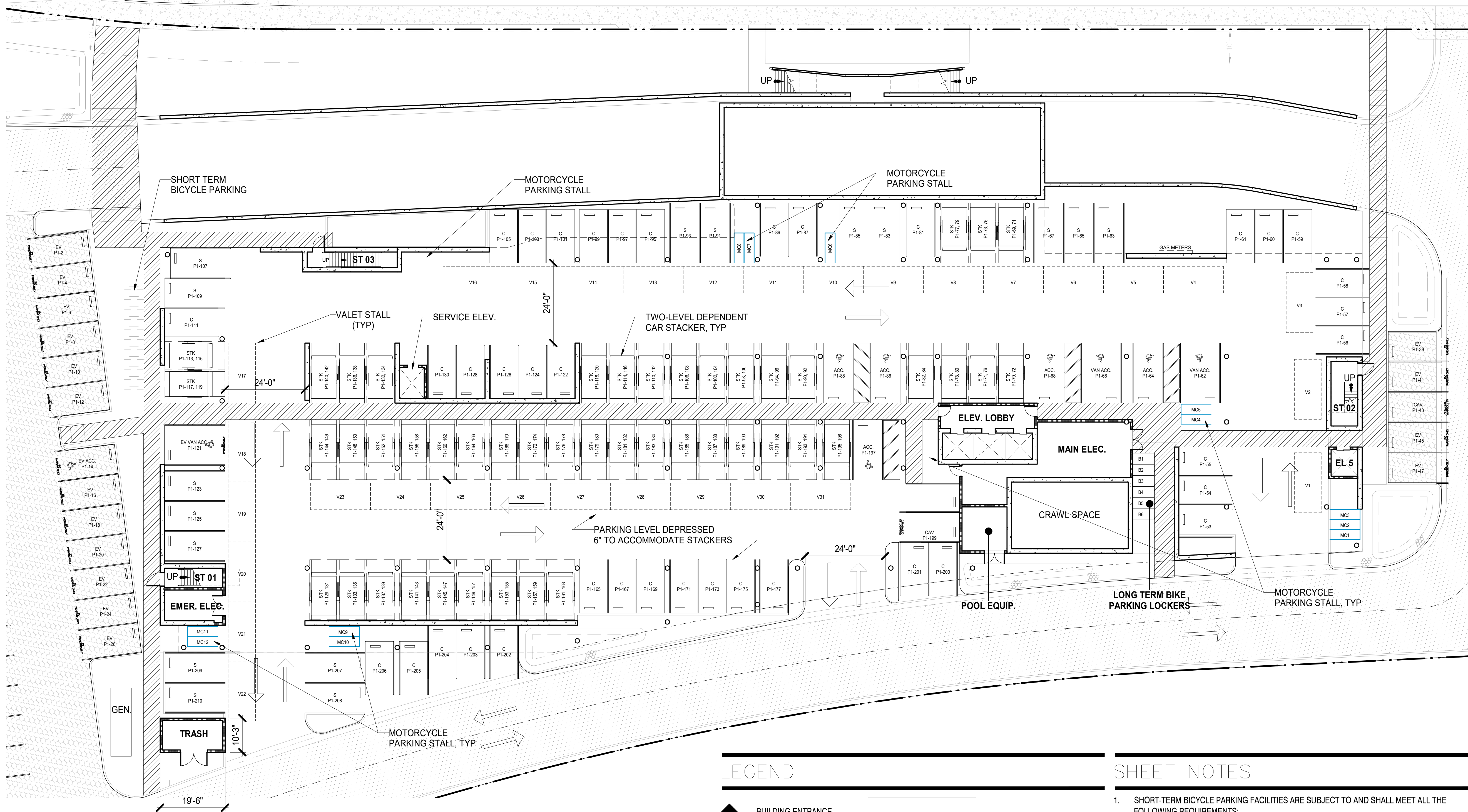
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A1.11

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PROJECT NAME
1851 MCCARTHY HOTEL

1851 MCCARTHY BLVD
MILPITAS, CA 95035

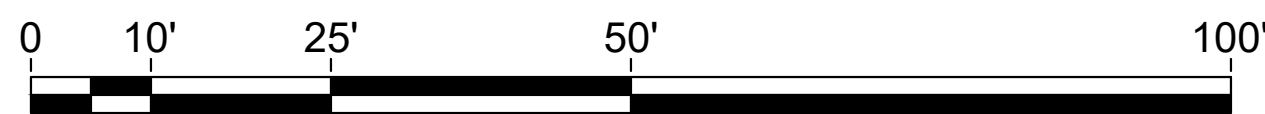


LEGEND

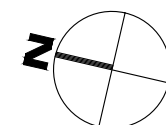
- BUILDING ENTRANCE
- C** COMPACT PARKING SPACE
- EV** ELECTRIC VEHICLE CHARGING STATION (EVCS)
- ACC** ACCESSIBLE PARKING SPACE (INC. VAN ACCESSIBLE)
- CAV** CLEAN AIR VEHICLE (OTHER THAN EV)

SHEET NOTES

1. SHORT-TERM BICYCLE PARKING FACILITIES ARE SUBJECT TO AND SHALL MEET ALL THE FOLLOWING REQUIREMENTS:
 - a. THE FACILITIES SHALL BE LOCATED AT LEAST THREE FEET AWAY FROM ANY WALL, FENCE, OR OTHER STRUCTURE.
 - b. WHEN MULTIPLE SHORT-TERM BICYCLE PARKING FACILITIES ARE INSTALLED TOGETHER IN SEQUENCE, THEY SHALL BE INSTALLED AT LEAST THREE FEET APART AND LOCATED IN A CONFIGURATION THAT PROVIDES SPACE FOR PARKED BICYCLES TO BE ALIGNED PARALLEL TO EACH OTHER.
 - c. THE FACILITIES SHALL BE INSTALLED IN A CLEAR SPACE AT LEAST TWO FEET IN WIDTH BY SIX FEET IN LENGTH TO ALLOW SUFFICIENT SPACE BETWEEN PARKED BICYCLES.
 - d. PERMANENTLY ANCHORED BICYCLE RACKS SHALL BE INSTALLED TO ALLOW THE FRAME AND ONE OR BOTH WHEELS OF THE BICYCLE TO BE SECURELY LOCKED TO THE RACK



PARKING LEVEL PLAN
SCALE: 1/16" = 1'-0"



1

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COMPUTER FILE
PROJECT NAME

DESCRIPTION

PARKING LEVEL
PLAN

SHEET NUMBER

A2.00

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**1851 MCCARTHY
HOTEL**

1851 MCCARTHY BLVD
MILPITAS, CA 95035

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4.	02/17/2021	REVISED ENTITLEMENT SET	
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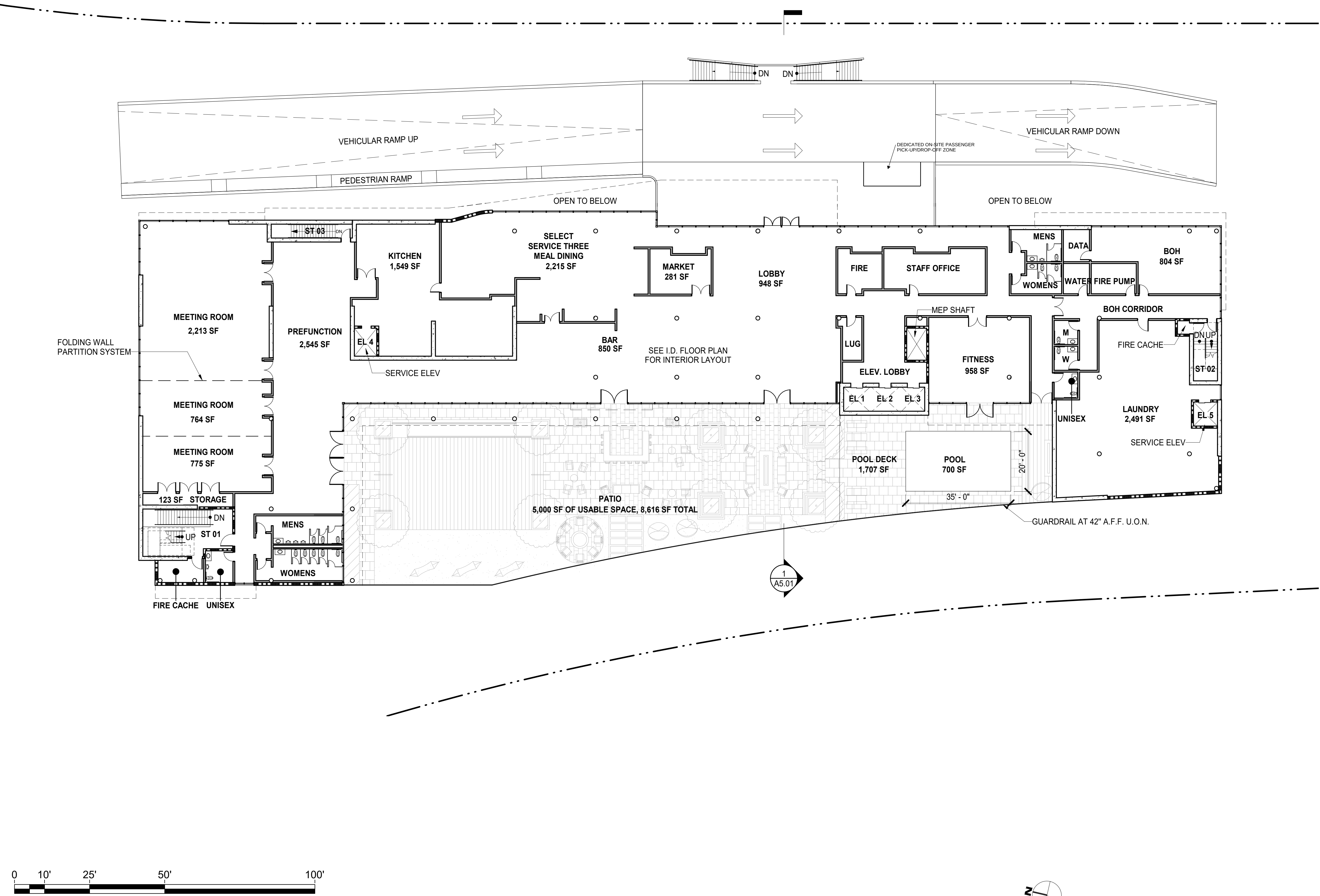
DATE
SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
**FIRST FLOOR
PLAN**

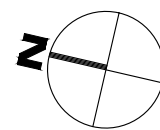
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0 10' 25' 50' 100'

FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"



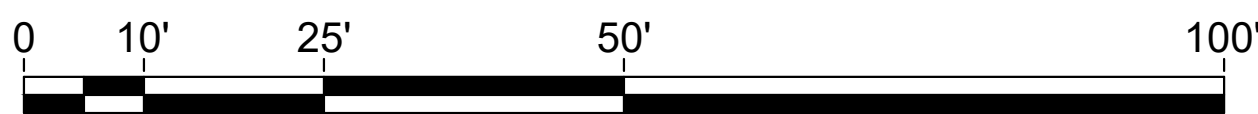
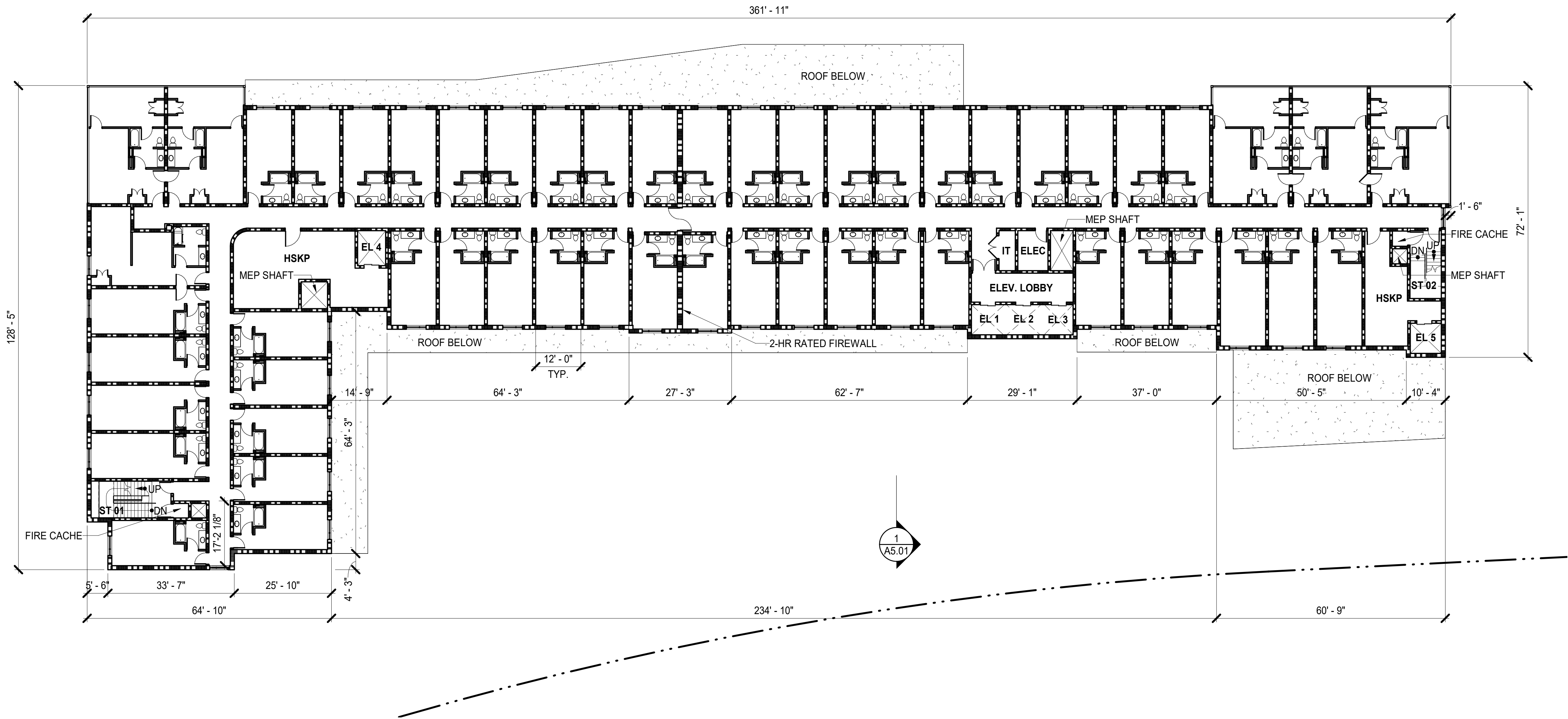
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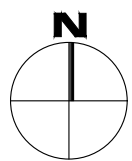
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TYPICAL GUESTROOM FLOOR PLAN (2ND & 3RD FLOORS)
SCALE: 1/16" = 1'-0"



1

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DATE

SCALE

PROJECT NUMBER

COMPUTER FILE

PROJECT NAME

DESCRIPTION

TYPICAL GUESTROOM FLOOR PLAN

SHEET NUMBER

A2.02

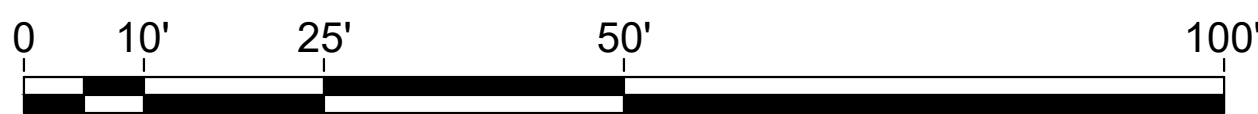
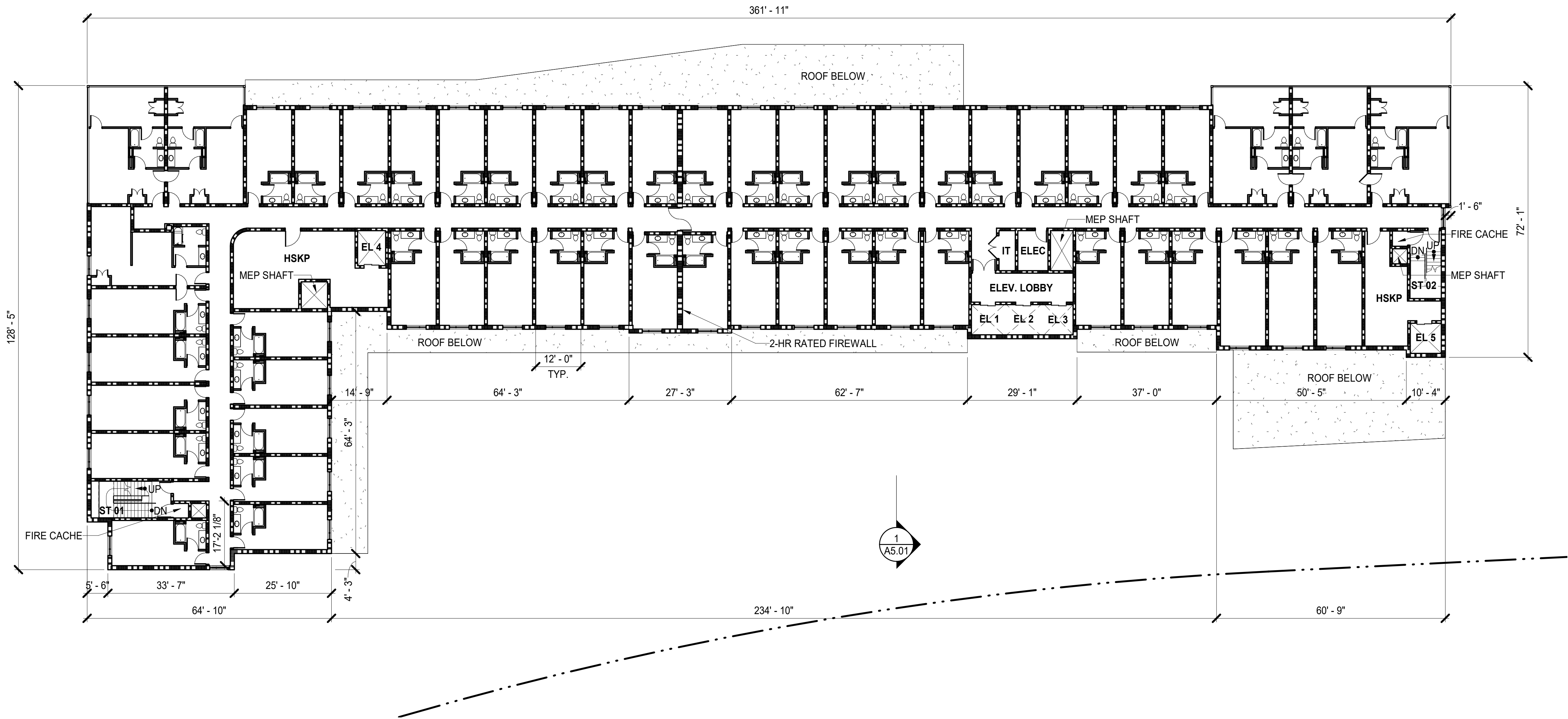
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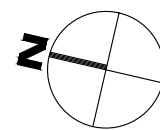
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FOURTH & FIFTH FLOOR PLAN
SCALE: 1/16" = 1'-0"



1

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DATE
SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
**FOURTH & FIFTH
FLOOR PLAN**

SHEET NUMBER
A2.05

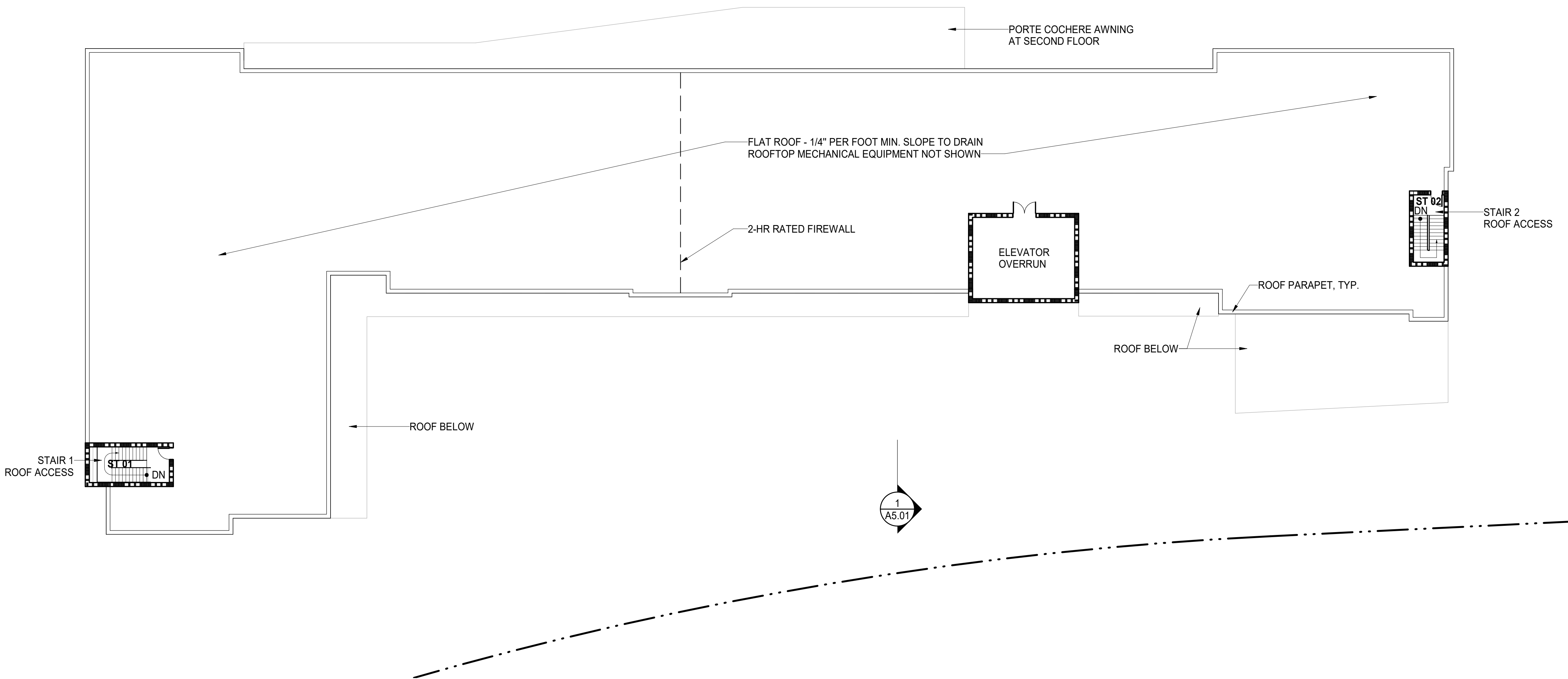
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SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

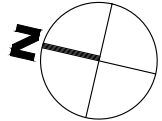
DESCRIPTION
ROOF PLAN

SHEET NUMBER
A2.06

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0 10' 25' 50' 100'

ROOF PLAN
SCALE: 1/16" = 1'-0"



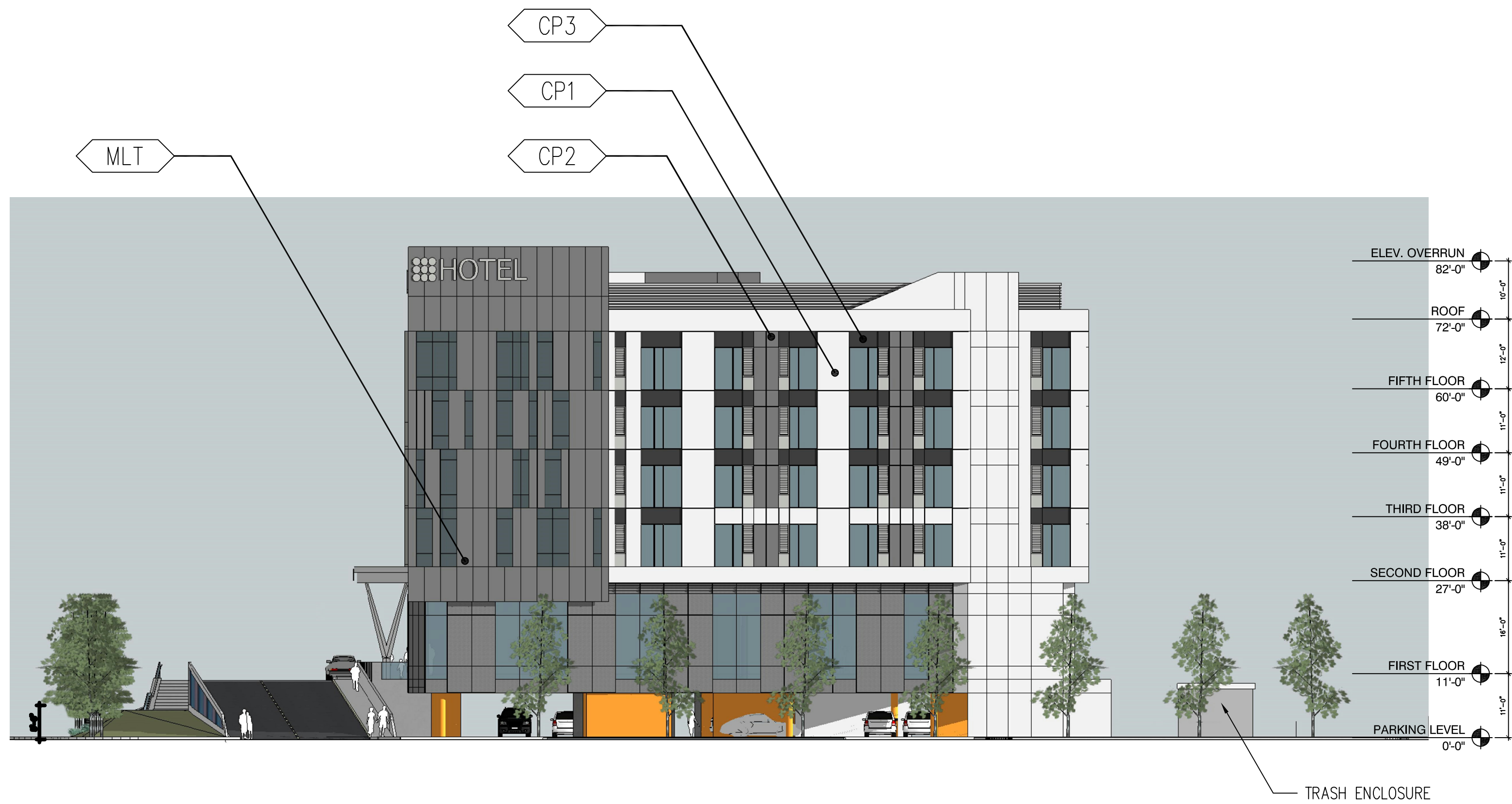
PROJECT NAME
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1851 MCCARTHY BLVD
MILPITAS, CA 95035



EAST ELEVATION
SCALE: 1/16" = 1'-0"

1



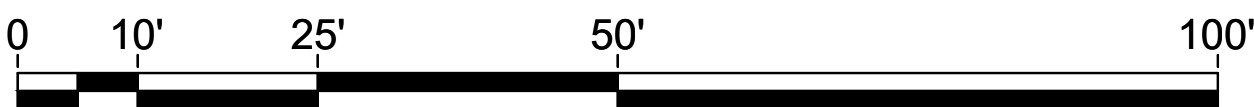
KEYNOTES

CIP	CAST IN PLACE CONCRETE
CP1	WHITE PLASTER FINISH
CP2	LIGHT GREY PLASTER FINISH
CP3	MID GREY PLASTER FINISH
MDK	DARK METAL PANEL
MLT	LIGHT METAL PANEL

NORTH ELEVATION
SCALE: 1/16" = 1'-0"

2

NOTE: TREES AND OTHER PLANTING ARE NOT SHOWN IN THESE ELEVATIONS FOR CLARITY.
PLEASE SEE PERSPECTIVE VIEWS AND LANDSCAPE DRAWINGS FOR PLANTING INFORMATION.



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DATE
SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
**BUILDING
ELEVATIONS**

SHEET NUMBER
A4.01

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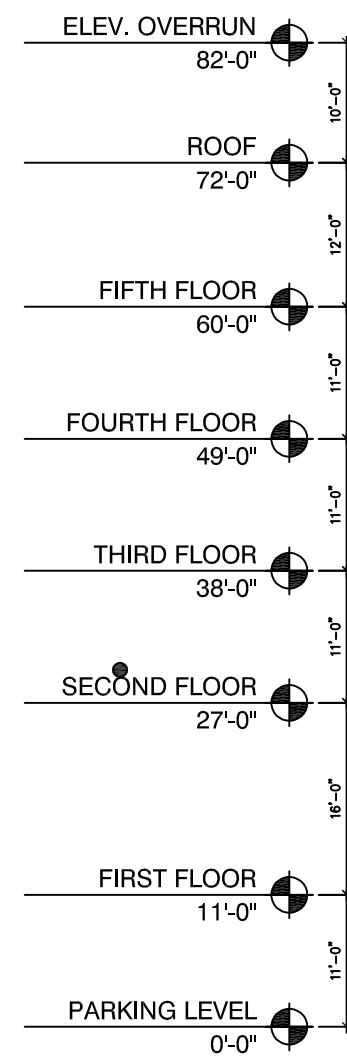
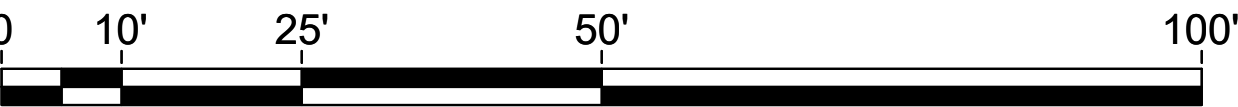
WEST ELEVATION
SCALE: 1/16" = 1'-0"

1



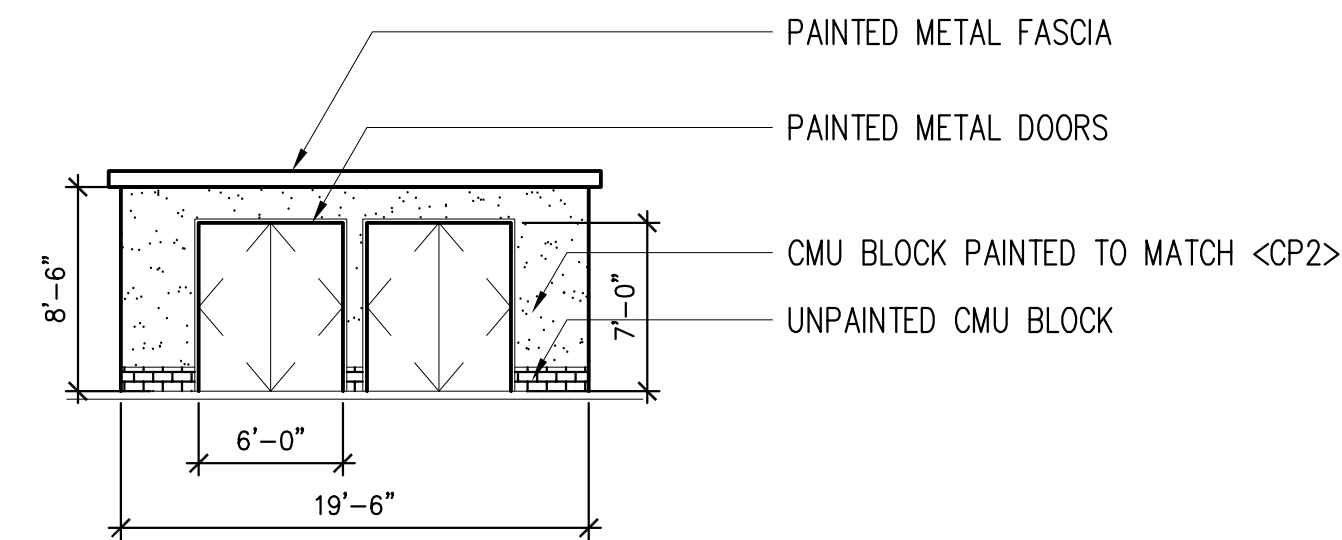
SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

NOTE: TREES AND OTHER PLANTING ARE NOT SHOWN IN THESE ELEVATIONS FOR CLARITY.
PLEASE SEE PERSPECTIVE VIEWS AND LANDSCAPE DRAWINGS FOR PLANTING INFORMATION.



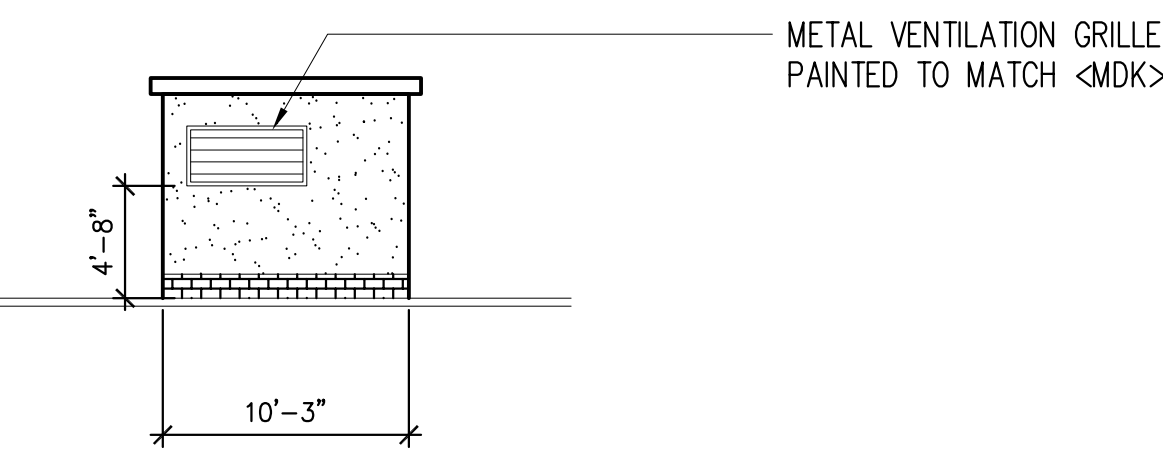
KEYNOTES

- CP1 CAST IN PLACE CONCRETE
- CP2 WHITE PLASTER FINISH
- CP3 LIGHT GREY PLASTER FINISH
- MDK MID GREY PLASTER FINISH
- MLT DARK METAL PANEL
- MLT LIGHT METAL PANEL



TRASH ENCLOSURE WEST ELEVATION
SCALE: 1/8" = 1'-0"

3



TRASH ENCLOSURE NORTH ELEVATION
SCALE: 1/8" = 1'-0"

4

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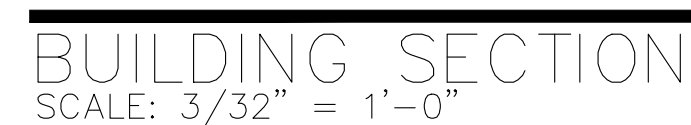
DATE
SCALE

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
**BUILDING
ELEVATIONS**

SHEET NUMBER
A4.02

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DATE _____
SCALE _____

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

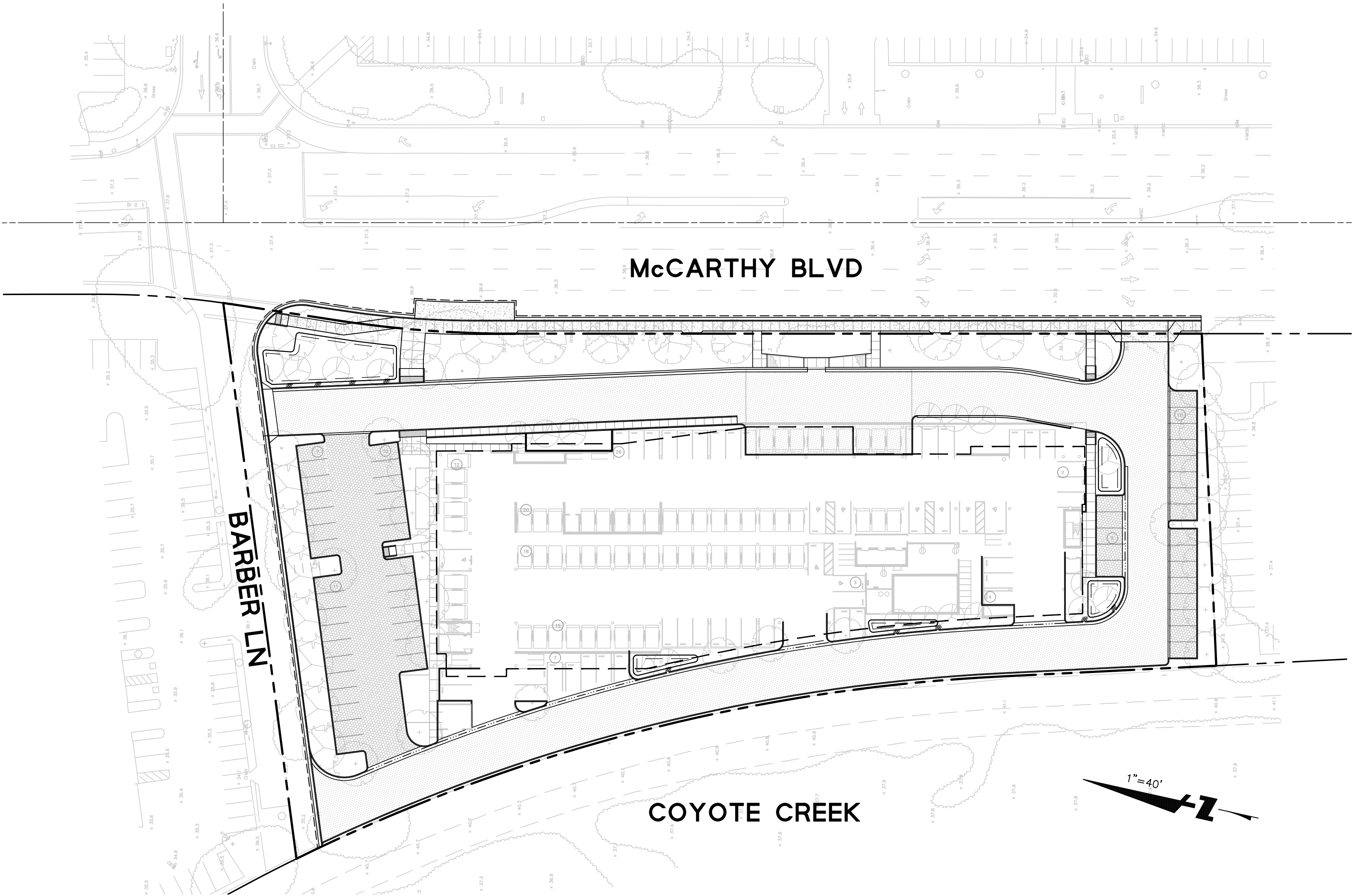
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BUILDING
SECTION

SHEET NUMBER

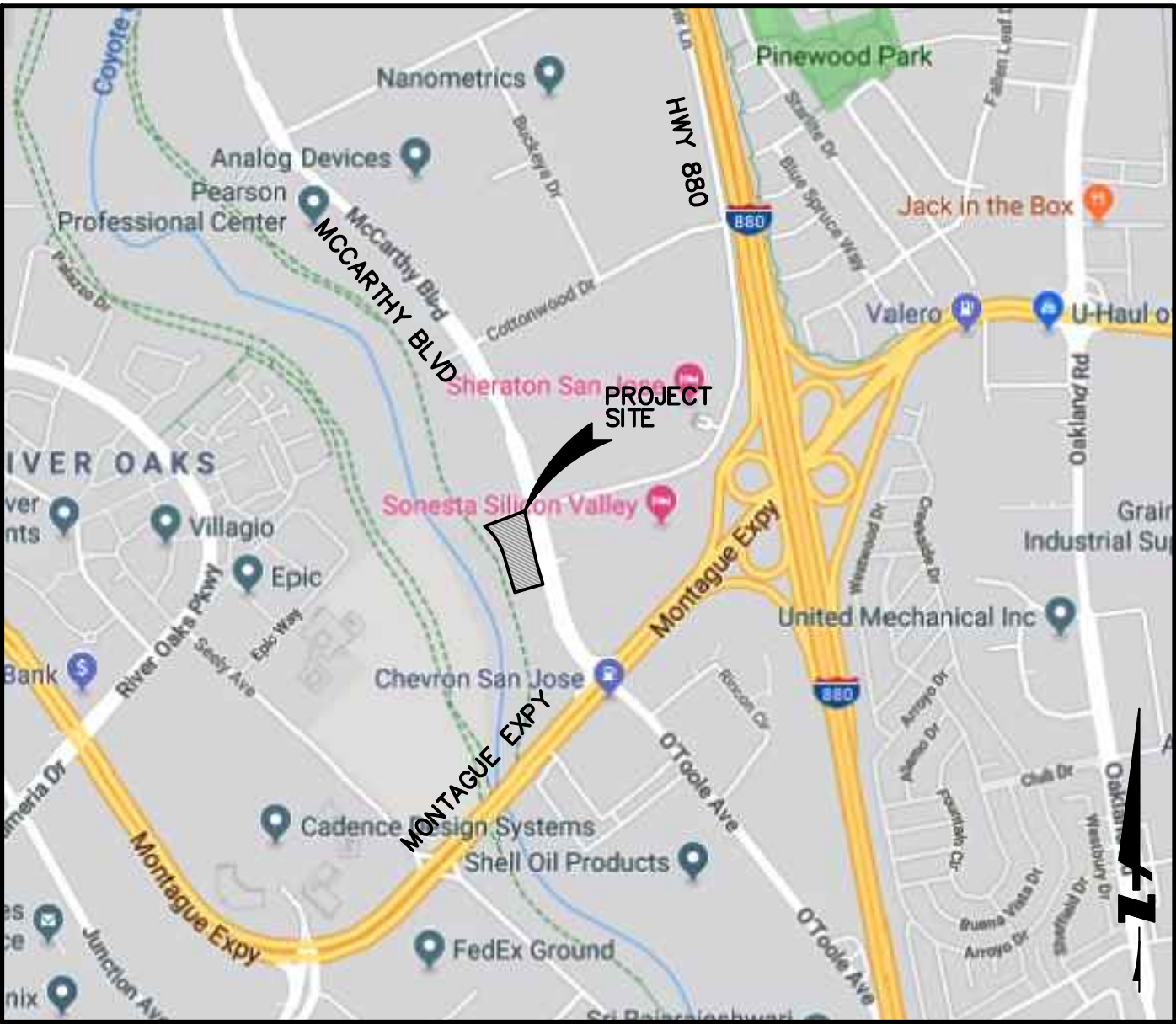
A5.01

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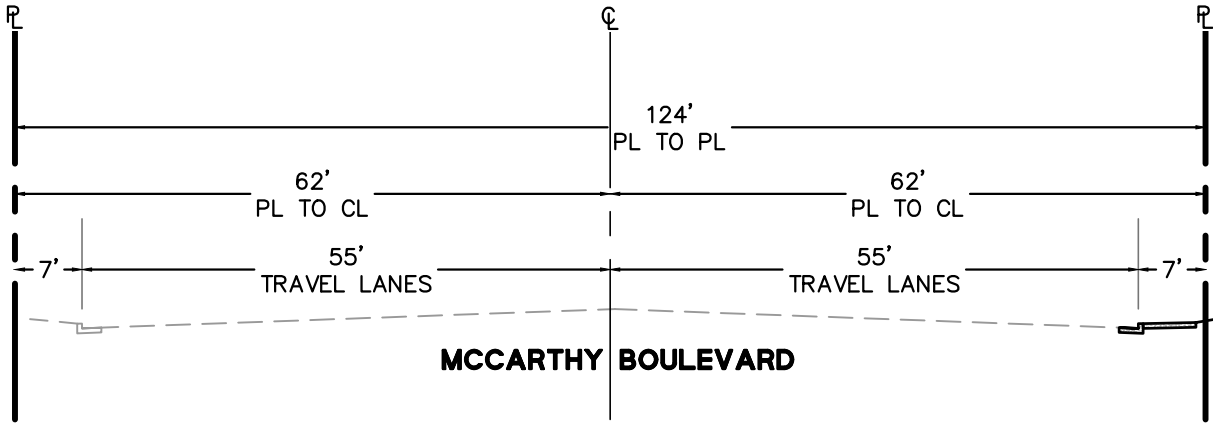
SHEET INDEX

SHEET	TITLE
C0.0	TITLE SHEET
C1.0	EXISTING CONDITIONS/DEMOLITION PLAN
C2.0	PRELIMINARY SITE PLAN
C2.1	CROSS SECTIONS
C3.0	PRELIMINARY GRADING AND DRAINAGE PLAN
C4.0	PRELIMINARY UTILITY PLAN
C5.0	PRELIMINARY STORMWATER CONTROL
C5.1	STORMWATER CONTROL PLAN TABLES



LOCATION MAP

NTS



TYPICAL STREET FRONTAGE

PLANNING AND ZONING NOTES:

- ELECTRONIC COPIES OF STORMWATER CONTROL PLANS AND REPORTS SHALL BE PROVIDED WITH CONSTRUCTION DOCUMENT SUBMITTAL.
- APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS FROM AFFECTED AGENCIES AND PROPERTY OWNERS PRIOR TO START OF WORK.
- APPLICANT SHALL COMPLY WITH THE RECOMMENDATIONS OF ALL REPORTS RELATING TO THE SITE, INCLUDING GEOTECHNICAL/SOIL REPORT, ENVIRONMENTAL REPORT, ETC.
- APPLICANT SHALL OBTAIN ENCROACHMENT PERMIT FROM THE CITY FOR ANY WORK WITHIN THE CITY RIGHT OF WAY OR EASEMENT.
- A SOIL REPORT SHALL BE PROVIDED WHEN APPLYING FOR GRADING, SITE IMPROVEMENT AND BUILDING PERMIT.
- PAVING OF PARKING LOT SHALL COMPLY WITH 2014 MMC SECTION II-13-18.
- ALL NON-STRUCTURAL CONCRETE FLAT WORK SHALL BE AS PER 2014 MILPITAS MUNICIPAL CODE, SECTION II-13-17.05.
- EROSION CONTROL PLAN SHALL BE SUBMITTED WHEN APPLYING FOR GRADING PERMIT AS PER 2014.
- MILPITAS MUNICIPAL CODE SEC. II-13-10.
- PRIOR TO ISSUANCE OF BUILDING PERMIT, ALL THE EASEMENTS INCLUDING PRIVATE STORM DRAIN EASEMENT THROUGH ADJACENT PARCELS SHALL BE RECORDED. THE DEVELOPER SHALL INCLUDE INTERIM EROSION CONTROL PROVISIONS AND SCHEDULES ON THE CONSTRUCTION PLANS FOR AREAS, WHICH WILL NOT HAVE PERMANENT EROSION CONTROL FEATURES INSTALLED (SUCH AS LANDSCAPING) PRIOR TO ANY OCCUPANCY SO THAT EROSION AND SEDIMENT CONTROL CAN BE SUSTAINED THROUGH THE RAINY SEASON AS PER 2014 MILPITAS MUNICIPAL CODE SECTION II-13-11.

SYMBOL	DESCRIPTION
AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
AD	AREA DRAIN
AGG	AGGREGATE
APPROX	APPROXIMATE
BB	BUBBLER BOX
BC	BEGINNING OF CURVE
BCR	BEGIN CURB RETURN
BLDG	BUILDING
BM	BENCH MARK
BO	BLOWOFF VALVE
BOV	BEGIN VERTICAL CURVE
BVC	BACK OF WALK/
BW	BOTTOM OF WALL
CB	CATCH BASIN
CDS	CUL-DE-SAC
C&G	CURB & GUTTER
C	CENTERLINE
CMP	CORRUGATED METAL PIPE
CO	CLEANOUT
CON	CONCRETE
CR	CURB RETURN
CVC	CENTER OF VERTICAL CURVE
DD	DOCK DOOR
DEF	DEFLECTION
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DIA	DIAMETER
DS	DOWNSPOUT
DW	DOMESTIC WATER
D/W	DRIVEWAY
DWG	DRAWING
ELEC	ELECTRIC
(E)	EAST
EC	END OF CURVE

ABBREVIATIONS

SYMBOL	DESCRIPTION
ECR	END OF CURB RETURN
EL	ELEVATION
EP	EDGE OF PAVEMENT
E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
EVC	END VERTICAL CURVE
EW	EACHWAY
EX	EXISTING
(F)	FUTURE
F/C	FACE OF CURB
FF	FINISHED FLOOR ELEVATION
FG	FINISHED GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FM	FORCE MAIN
FOB	FACE OF BUILDING
FP	FINISHED PAVEMENT
FT	FEET
G	GAS
GB	GRADE BREAK
GE	GARAGE ELEVATION
GM	GAS METER
HP	HIGH POINT
HV	HIGH VOLTAGE
I.E.E.	INGRESS/EGRESS EASEMENT
INV	INVERT
IRR	IRRIGATION
JT	JOINT TRENCH
LAT	LATERAL
L	LENGTH
LF	LINEAR FEET
LG	LIP OF GUTTER
LP	LOW POINT

SYMBOL	DESCRIPTION
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MON	MONUMENT
OFD	OVERFLOW DRAIN
OR	ORIFICE
(N)	NORTH/NEW
NO., #	NUMBER
NTS	NOT TO SCALE
P.A.E.	PUBLIC ACCESS EASEMENT
PCC	POINT OF COMPOUND CURVE or
PE	PAD ELEVATION
P&E	PACIFIC GAS AND ELECTRIC
PL	PROPERTY LINE
P.O.C.	POINT OF CONNECTION
PRC	POINT OF REVERSE CURVE
PROP	PROPOSED
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT
PT	POINT
P.U.E.	PUBLIC UTILITY EASEMENT
PV	PAVEMENT
PVC	POLYVINYL CHLORIDE
PVI	POINT OF VERTICAL INTERSECTION
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RIM EL	RIM ELEVATION
RP	REDUCED PRESSURE
RPPA	PRINCIPAL ASSEMBLY
RT	RIGHT
R/W	RIGHT OF WAY
S	SLOPE

SYMBOL	DESCRIPTION
(S)	SOUTH
SD	STORM DRAIN
S.D.E.	STORM DRAIN EASEMENT
SDMH	STORM DRAIN MANHOLE
SHT.	SHEET
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
ST.	STREET
STA	STATION
STD	STANDARD
S/W	SIDEWALK
T OR TELE	TELEPHONE
TBD	TO BE DETERMINED
T&B	TOP AND BOTTOM
TC	TOP OF CURB
TEMP	TEMPORARY
TG	TOP OF GRATE
TP	TOP OF PAVEMENT
TYP.	TYPICAL
VC	VERTICAL CURVE
VERT.	VERTICAL
W	WATER
W/	WITH
(W)	WEST
WL	WATER LINE
WM	WATER METER
WV	WATER VALVE
1/2 PT	HALF POINT OF CURB
	RETURN AT F/C



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SCALE

PROJECT NUMBER 20190910

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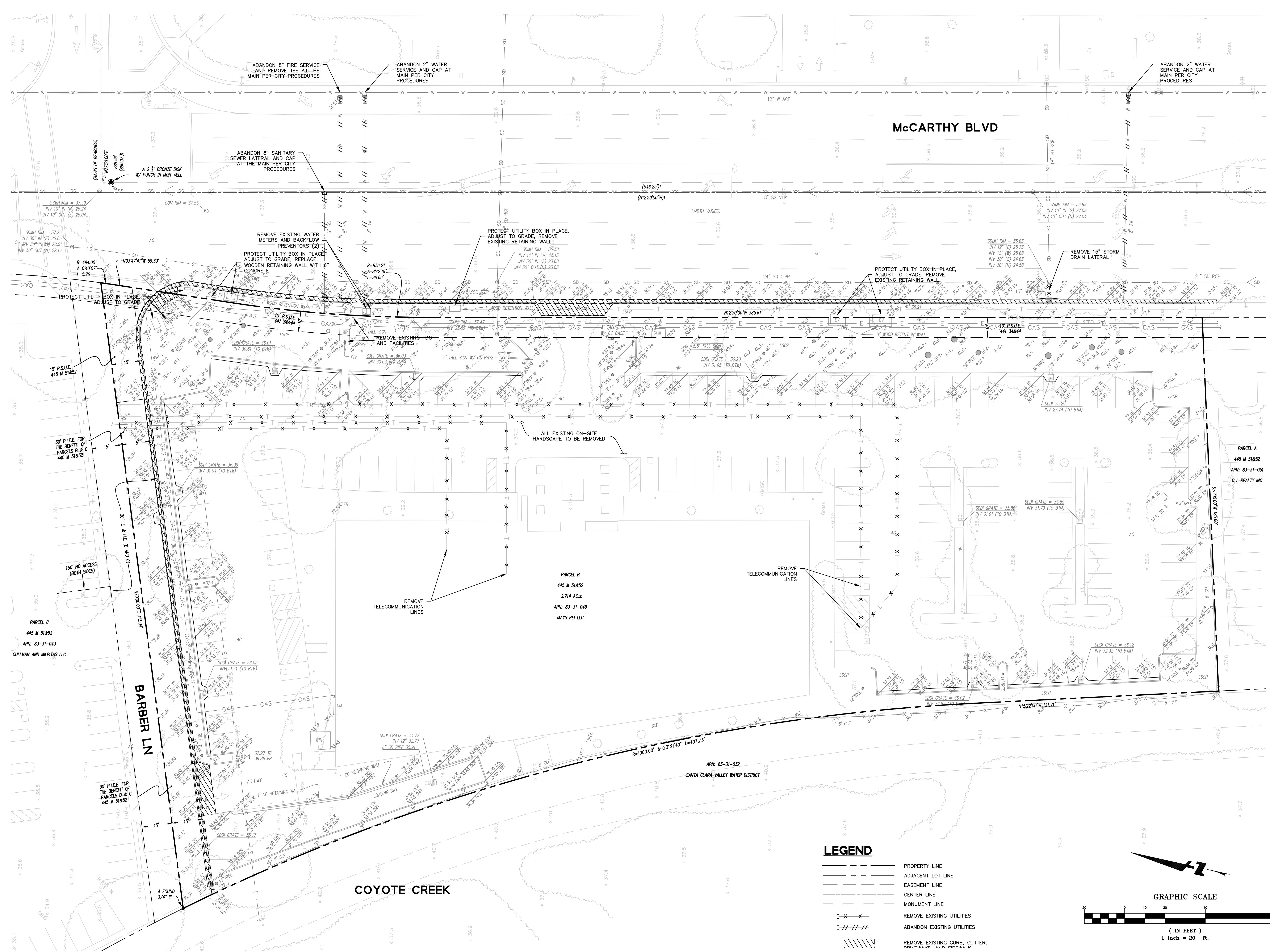
DESCRIPTION

SHEET NUMBER

TITLE SHEET

C0.0

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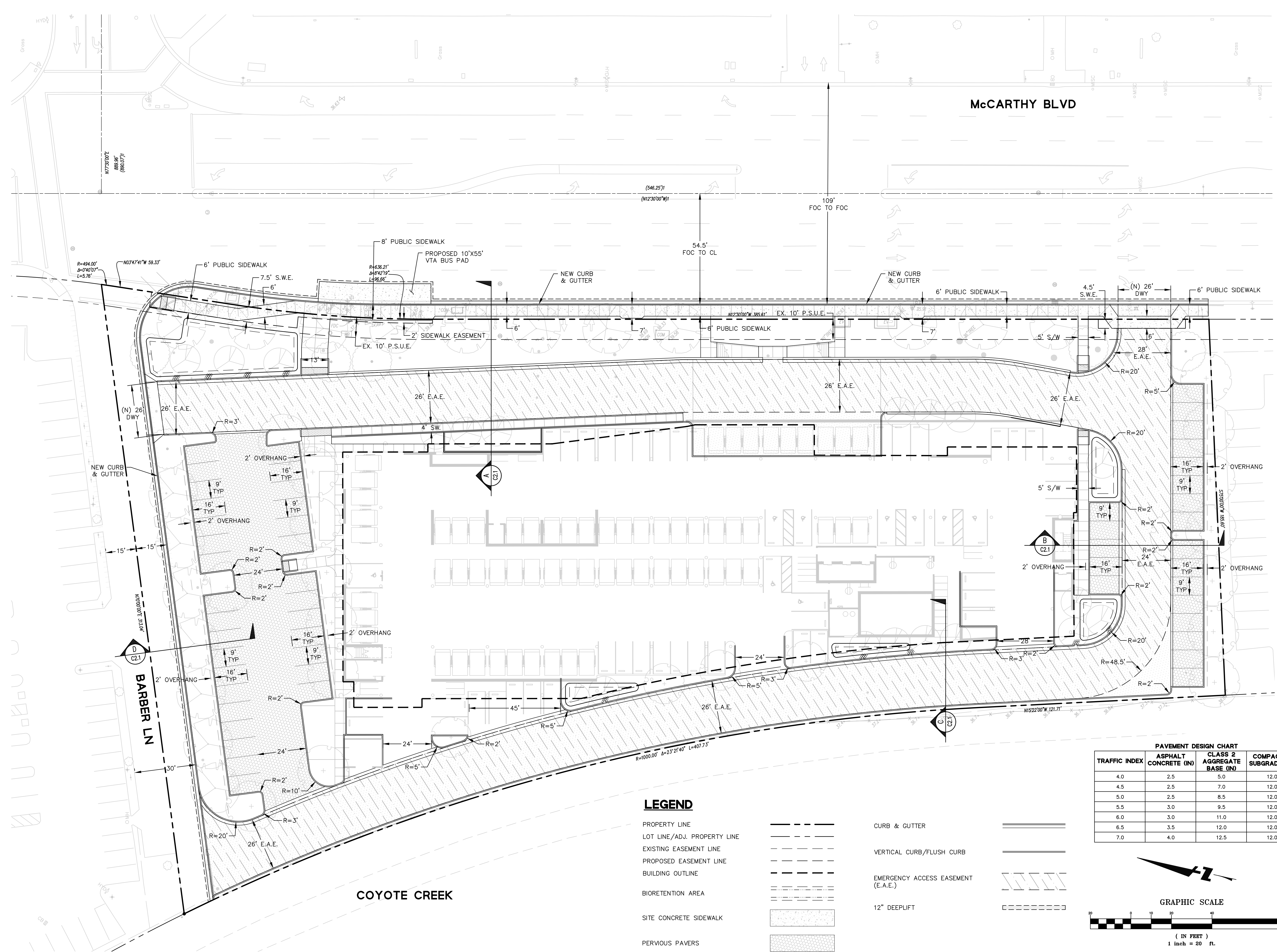
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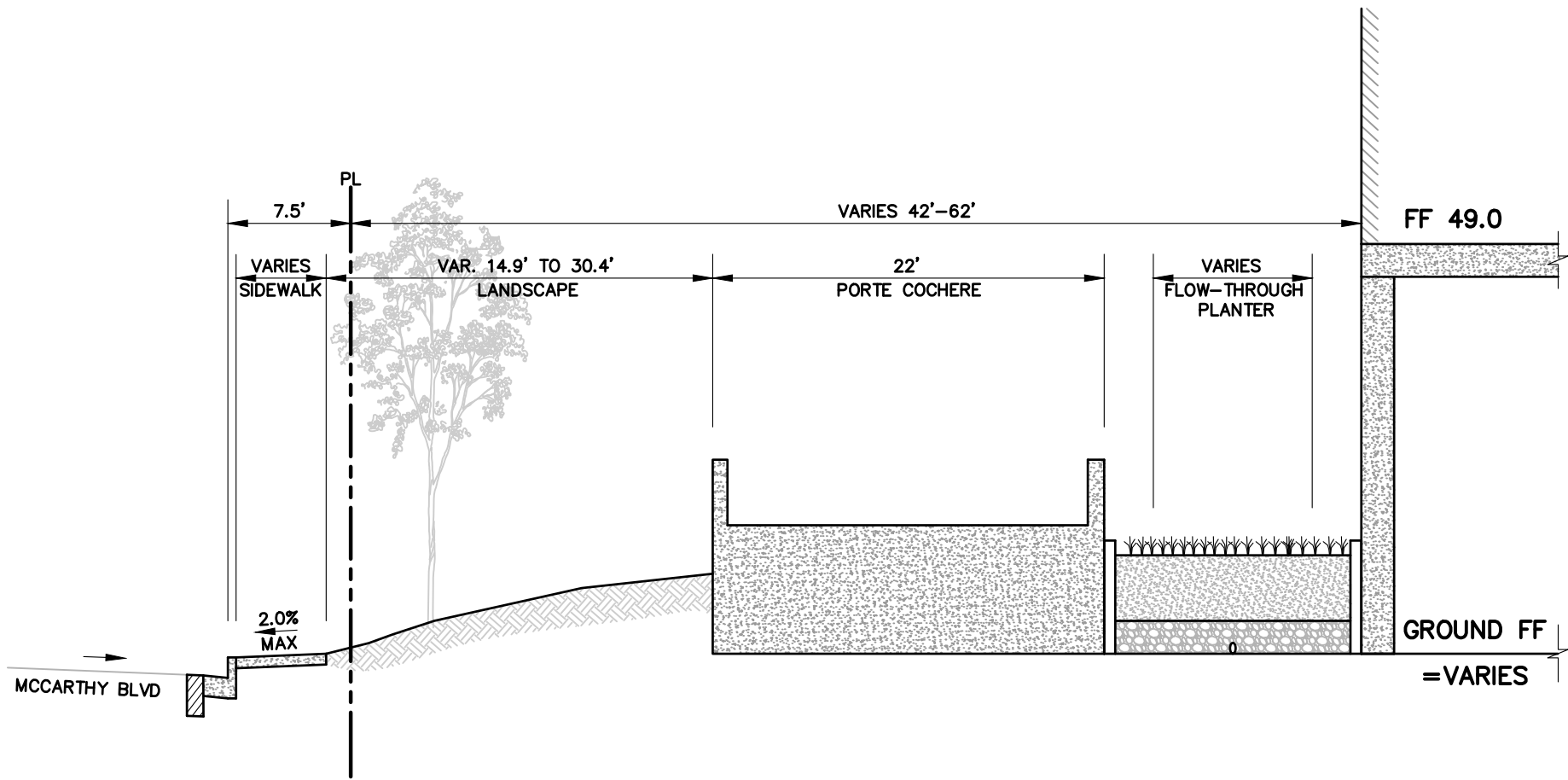
PRELIMINARY SITE PLAN

SHEET NUMBER

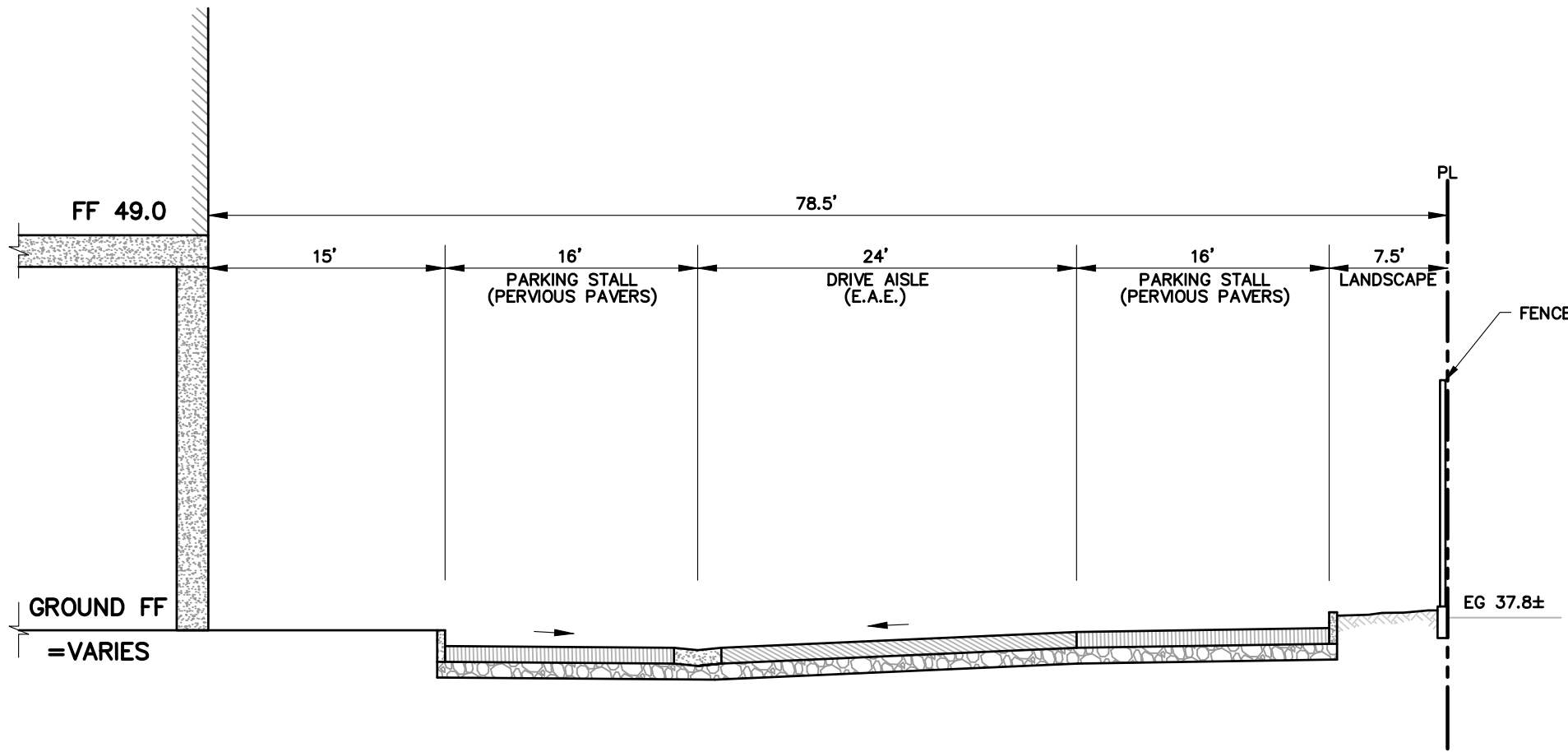
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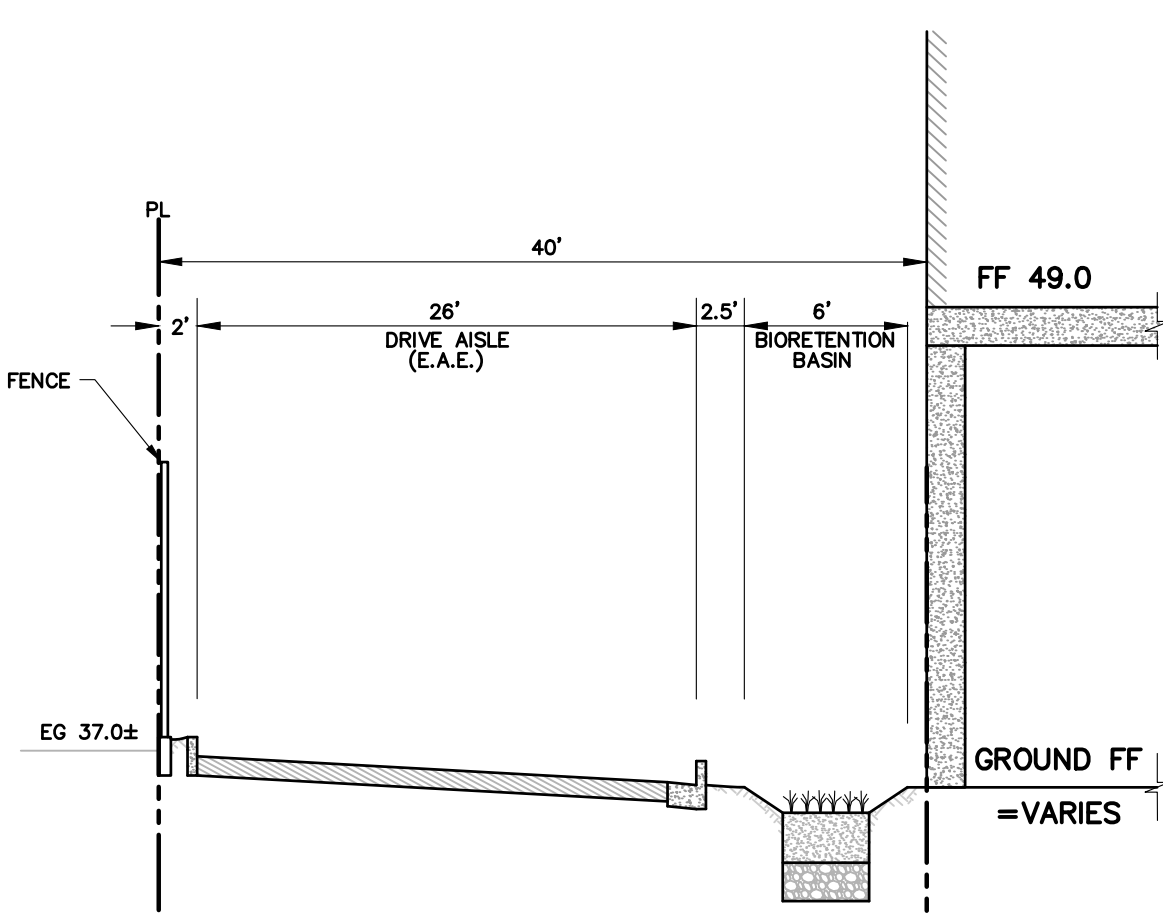




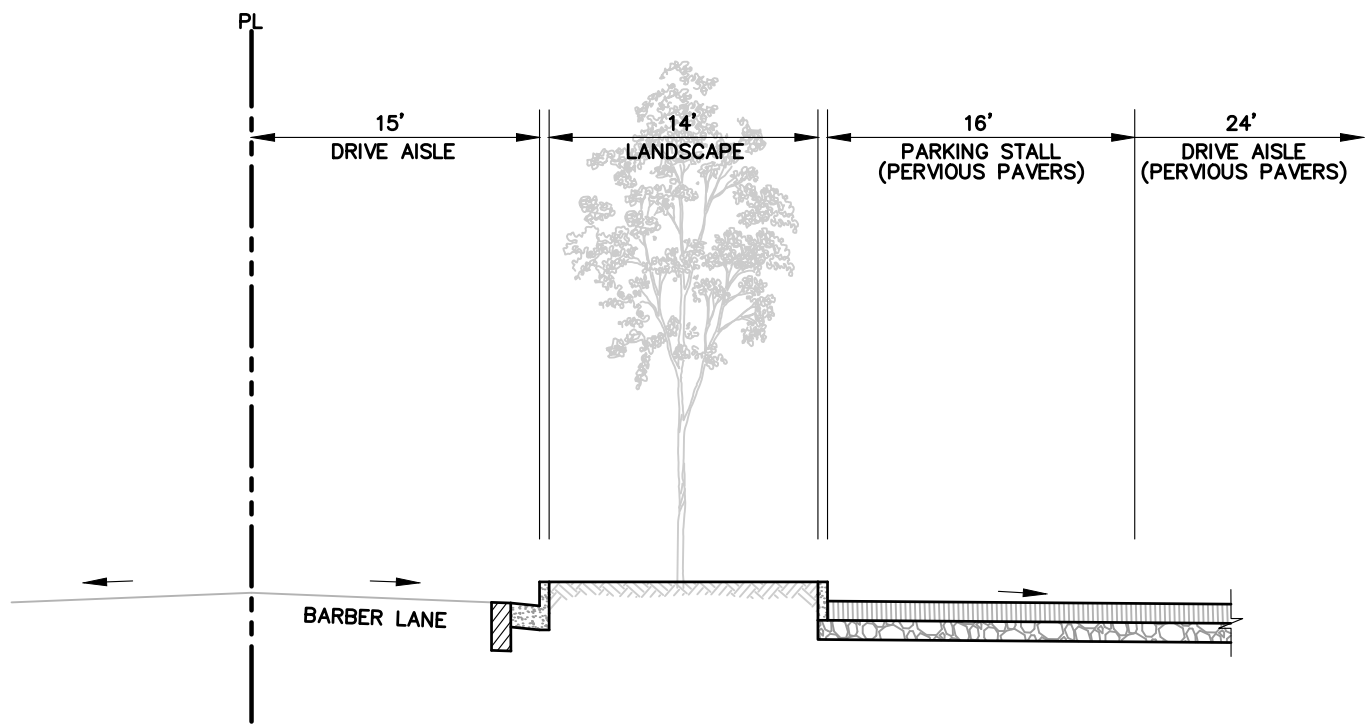
SECTION A-A
NO SCALE



SECTION B-B
NO SCALE



SECTION C-C
NO SCALE



SECTION D-D
NO SCALE



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PROJECT NAME 1851 MCCARTHY HOTEL

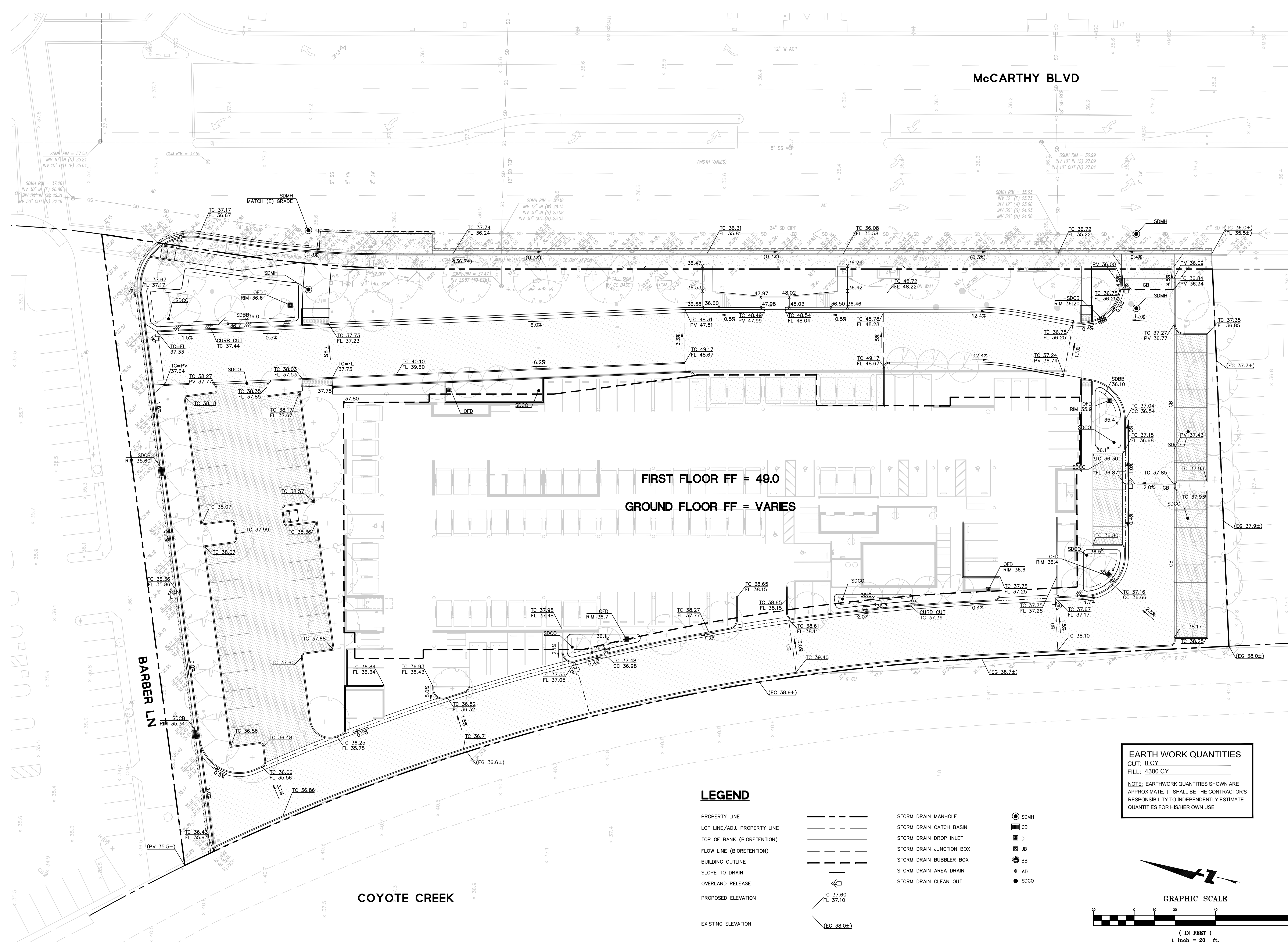
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CROSS SECTIONS

SHEET NUMBER

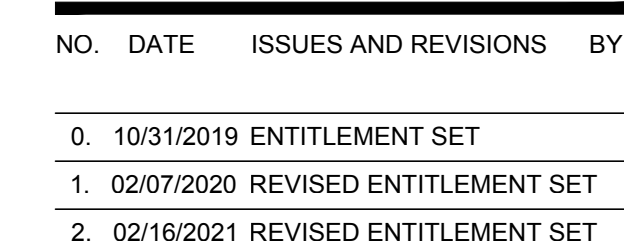
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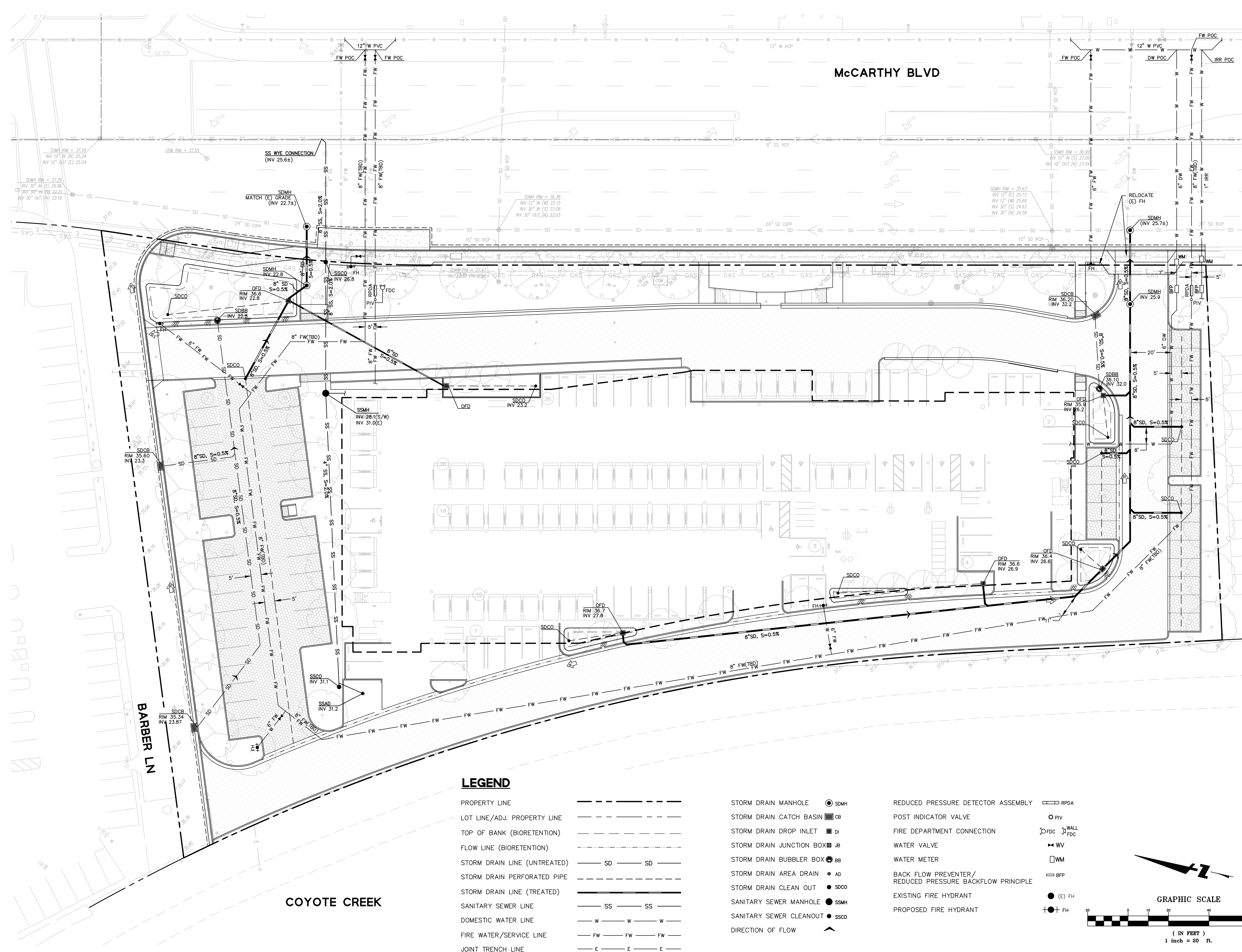


1851 MCCARTHY BLVD
MILPITAS, CA 95035



C4.0

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SCALE

PROJECT NUMBER 20190910

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PROJECT NAME 1851 MCCARTHY HOTEL

DESCRIPTION **PRELIMINARY
STORMWATER
CONTROL PLAN**

SHEET NUMBER

C5.0

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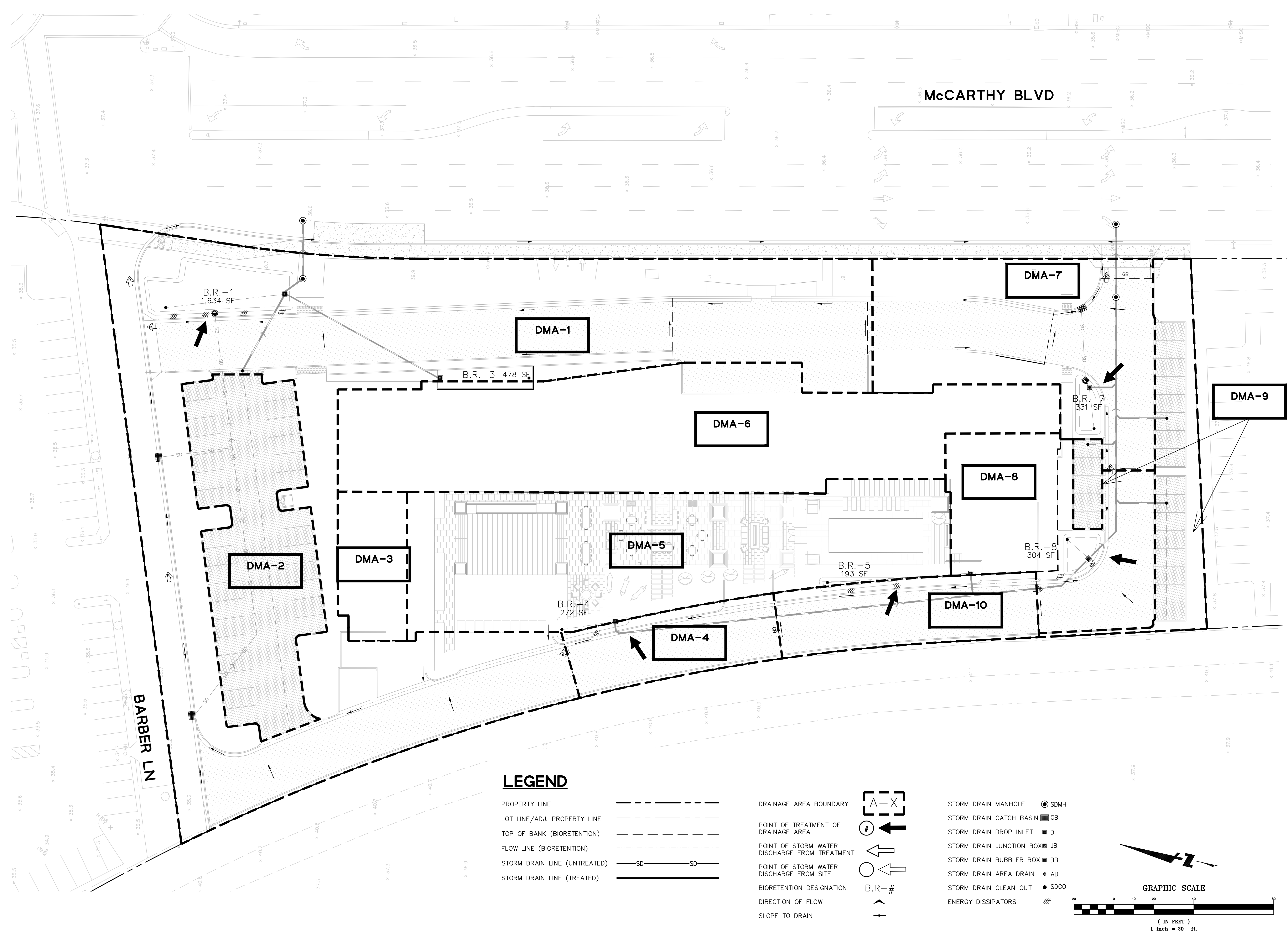
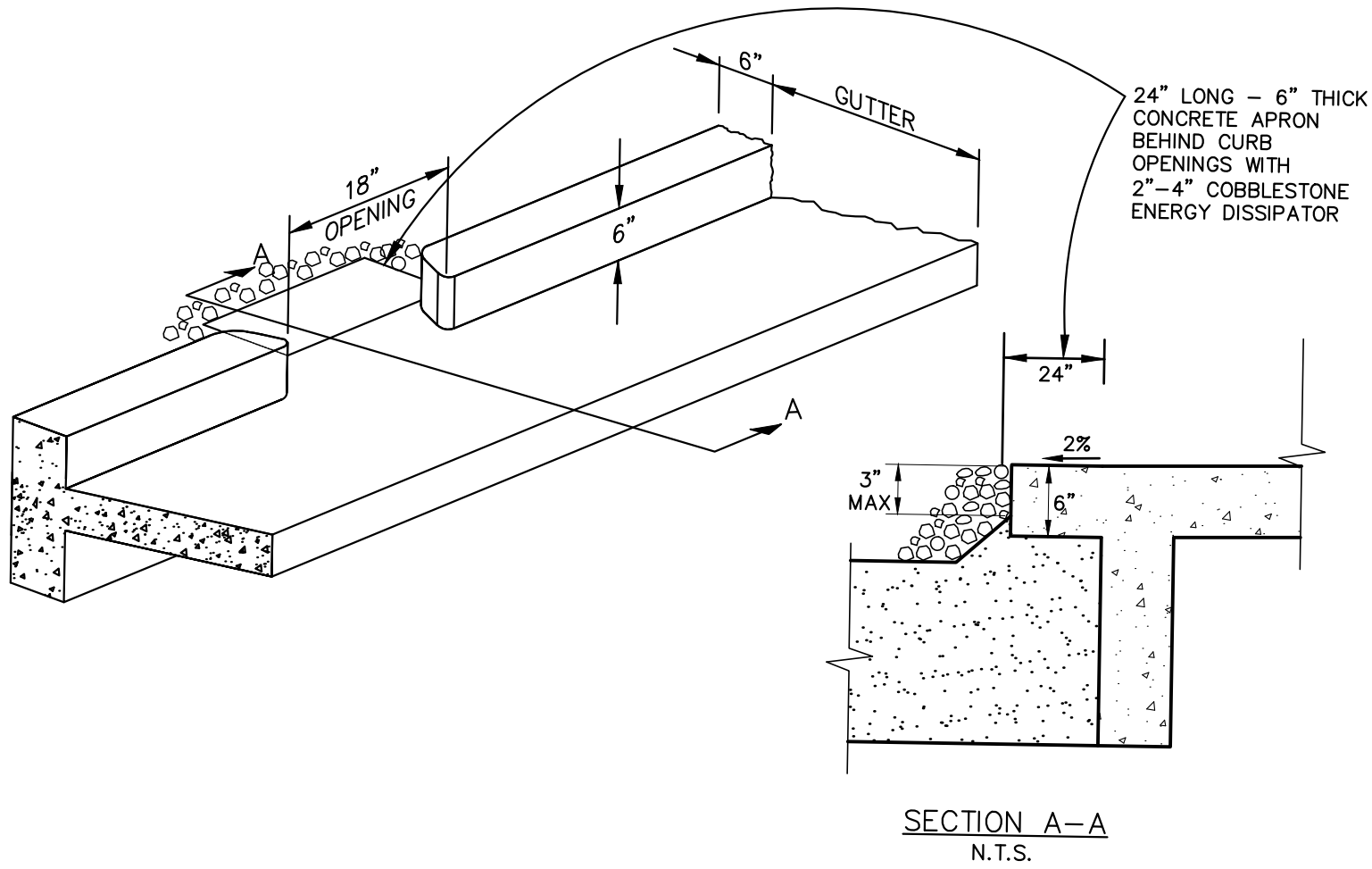
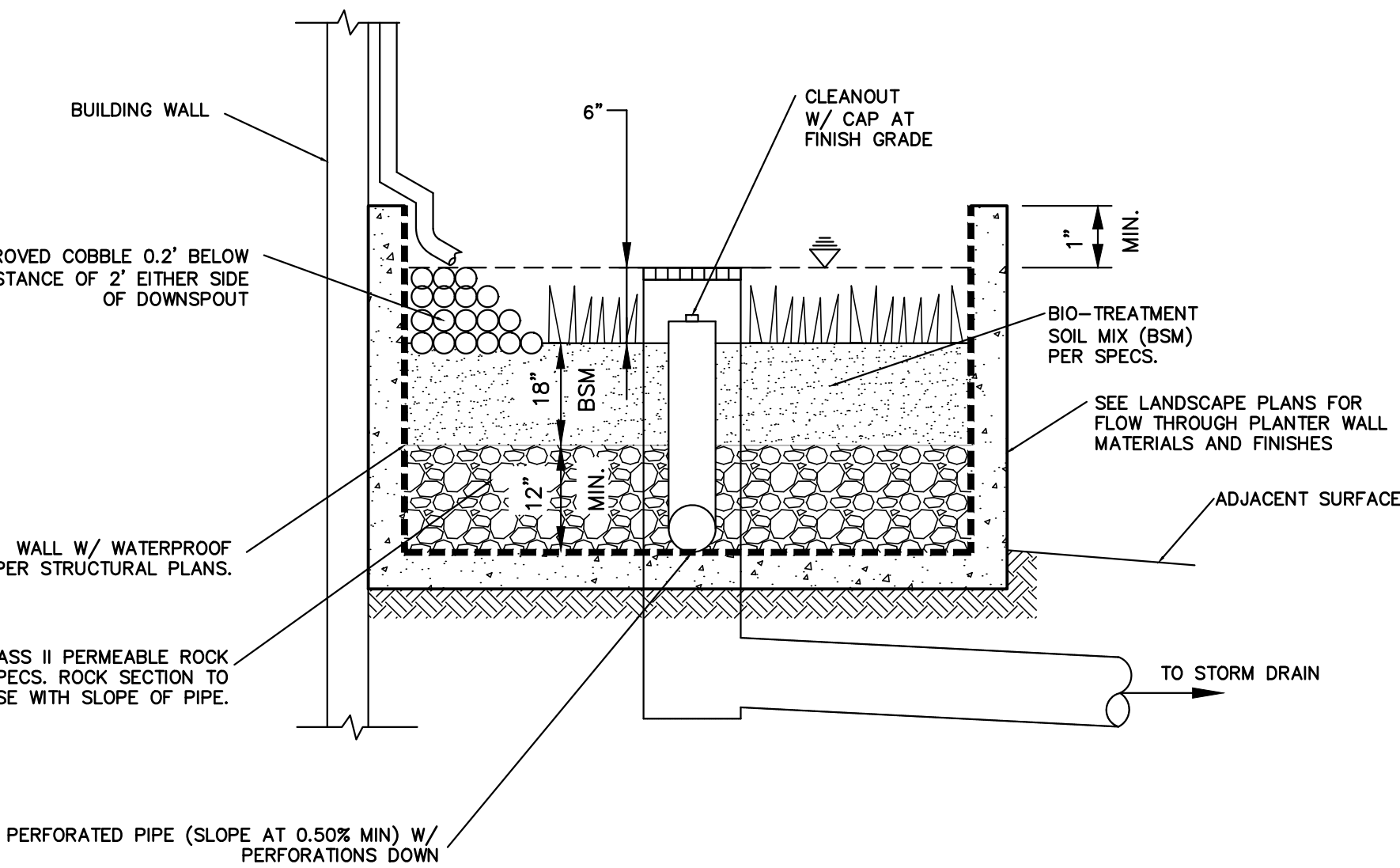


TABLE A			
PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE			
PROJECT PHASE NUMBER (N/A, 1, 2, 3, ETC):			N/A
TOTAL SITE (ACRES):	2.71	TOTAL AREA OF SITE DISTURBED (ACRES):	2.71
IMPERVIOUS SURFACES	EXISTING CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	
		REPLACED	NEW
ROOF AREA(S)	24,313	24,313	14,759
PARKING	55,860	0	0
SIDEWALKS, PATIOS, PATHS, ETC.	2,004	2,004	7,069
STREETS (PUBLIC)	4,293	4,293	0
STREETS (PRIVATE)	458	458	28,458
TOTAL IMPERVIOUS SURFACES:	86,928	31,068	50,286
PERVIOUS SURFACES			
LANDSCAPE AREA	31,282	23,352	0
PERVIOUS PAVING	0	0	11,844
OTHER PERVIOUS SURFACES (GREEN ROOF, ETC)	0	0	0
TOTAL PERVIOUS SURFACES:	31,282	23,352	11,844
TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES:			81,354
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES:			35,196

TABLE B	
SITE CONDITIONS	
SOIL TYPE:	SANDY LOAM
DEPTH TO GROUNDWATER:	7'±
100-YEAR FLOOD ELEVATION:	ZONE X
RECEIVING WATER BODY:	COYOTE CREEK
POLLUTANTS: (INCLUDING, BUT NOT LIMITED, TO THE FOLLOWING)	SEDIMENT & TRASH GREASE & OIL HEAVY METALS HAZARDOUS WASTE
POLLUTANT SOURCE AREAS:	PARKING AREA
SOURCE CONTROL MEASURES:	-WASH AREA/RACKS THAT DRAINS TO SANITARY SEWER; -COVERED DUMPSTER AREA THAT DRAINS TO SANITARY SEWER; -BENEFICIAL LANDSCAPING (MINIMIZE IRRIGATION, RUNOFF, PESTICIDES AND FERTILIZERS; PROMOTES TREATMENT); -OUTDOOR MATERIAL STORAGE PROTECTION; -COVERS AND DRAINS FOR LOADING DOCKS, MAINTENANCE BAYS AND FUELING AREAS; -MAINTENANCE (PAVEMENT SWEEPING CATCH BASIN CLEANING, GOOD HOUSEKEEPING); -STORM DRAIN LABELING AND; -BIORETENTION
SITE DESIGN MEASURES:	-DISCONNECTED DOWNSPOUTS; -MICRODETENTION IN LANDSCAPE; -DIRECT ROOF RUNOFF TO INFILTRATION AND; -BEST MANAGEMENT PRACTICES

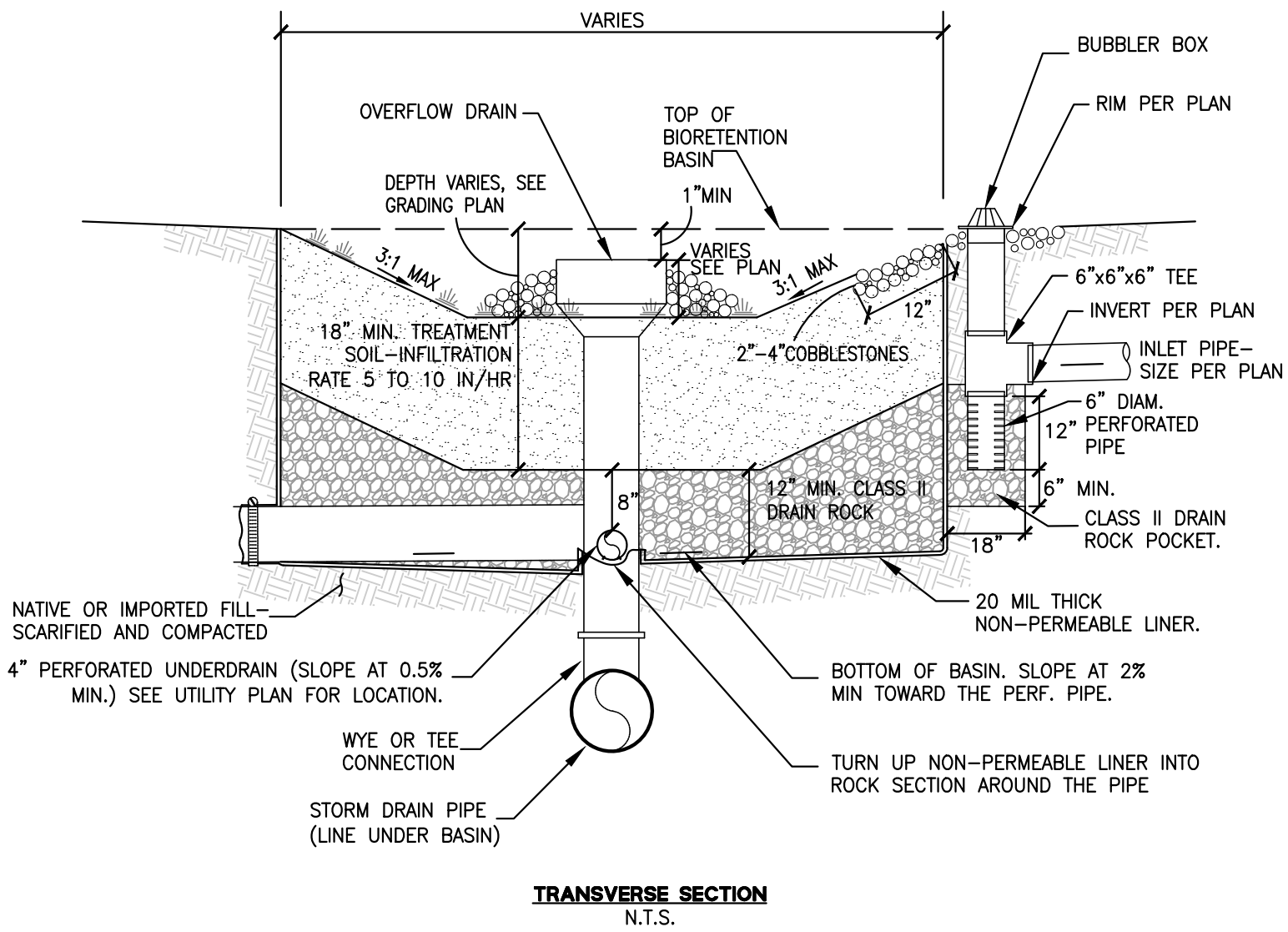


CURB CUT DETAIL

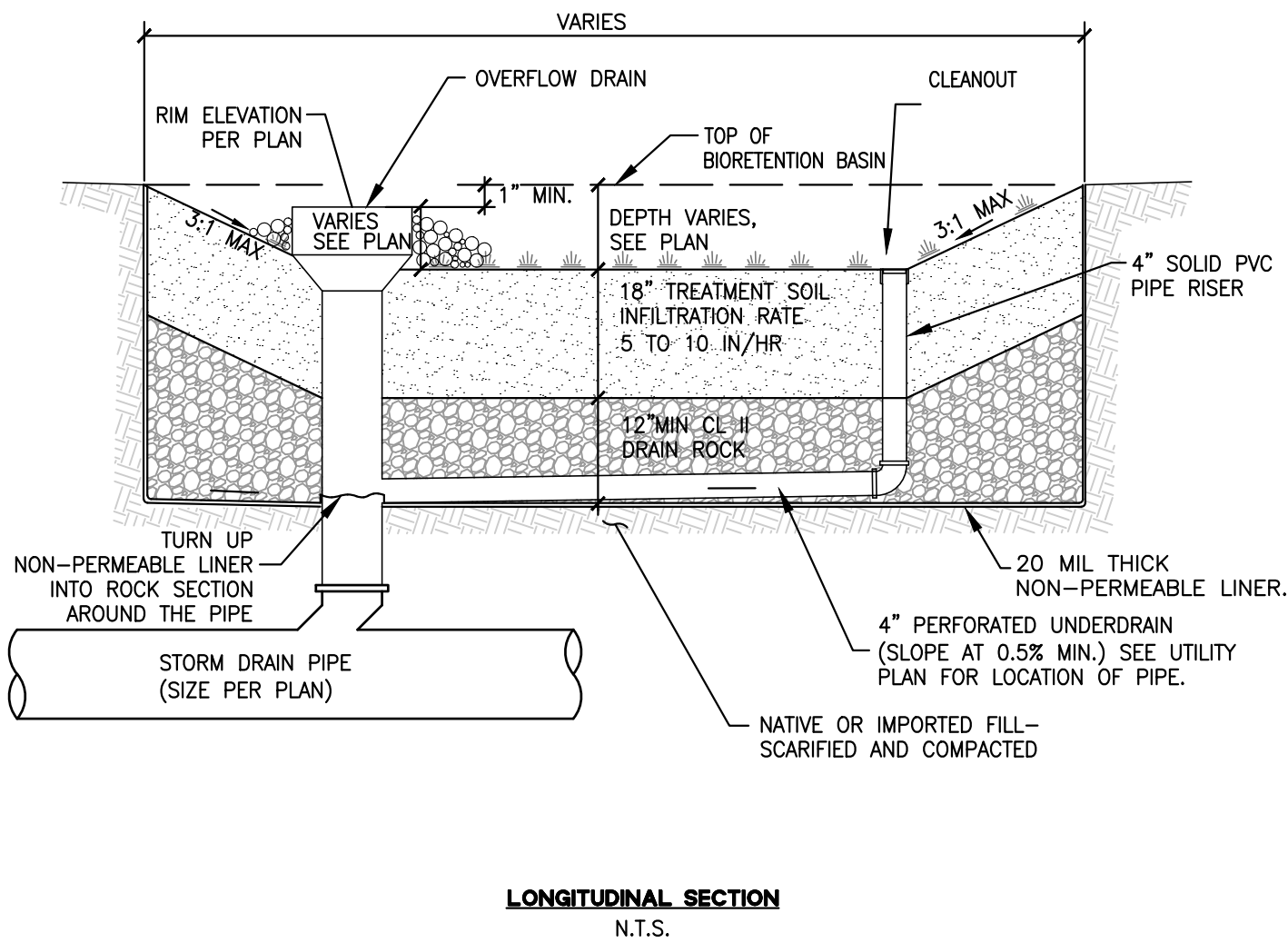


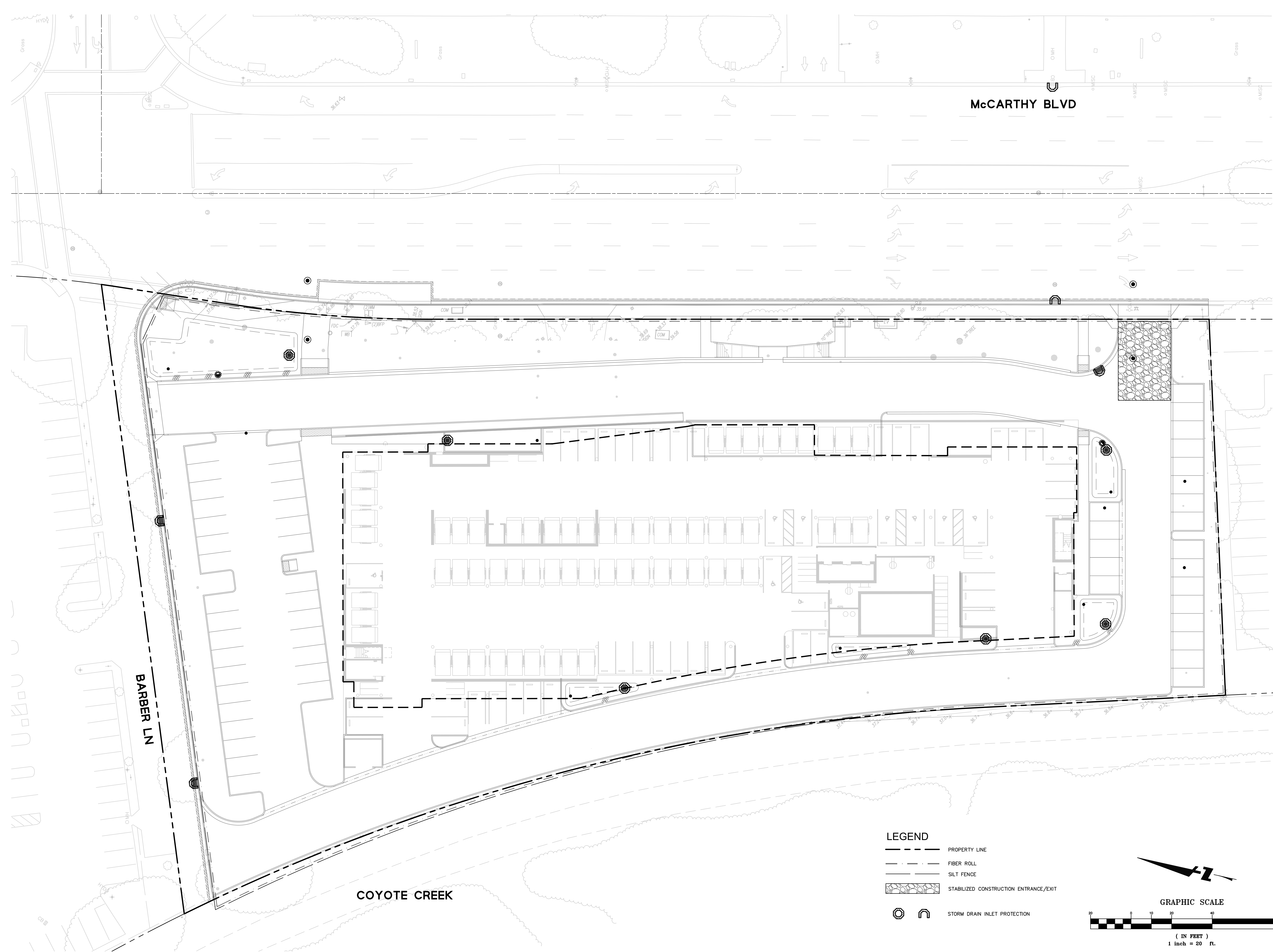
FLOW-THROUGH PLANTER DETAIL

TABLE C											
TREATMENT CONTROL MEASURE SUMMARY											
DRAINAGE AREAS	DRAINAGE AREA SIZE (SQ. FT.)	PERVIOUS SURFACE (SQ. FT.)	TYPE OF PERVIOUS SURFACE	IMPERVIOUS SURFACE (SQ. FT.)	IMPERVIOUS SURFACE TYPE (SQ. FT.)				TREATMENT REQUIRED* (SQ. FT.)	TREATMENT PROVIDED* (SQ. FT.)	PROPOSED TREATMENT CONTROLS (SQ. FT.)
					ROOF (C=0.90)	SIDEWALK (C=0.80)	PAVING (C=0.70)	PAVERS (C=0.30)			
DMA-1	41,228	13,801	LANDSCAPE (C=0.10)	27,427	5,354	4,499	17,574	0	1,097	1,097	BIORETENTION BASIN B.R. 1 (1,634)
DMA-2	8,840	8,840	PERVIOUS PAVERS (C=0.30)	0	0	0	0	8,840	0	0	PERVIOUS PAVEMENT W/ UNDERDRAIN
DMA-3	2,515	0	LANDSCAPE (C=0.10)	2,515	2,515	0	0	0	72	72	BIORETENTION BASIN B.R. 1 (1,634)
DMA-4	3,489	155	LANDSCAPE (C=0.10)	3,334	0	0	3,334	0	133	272	BIORETENTION BASIN B.R. 4 (272)
DMA-5	16,193	3,414	LANDSCAPE (C=0.10)	12,779	12,779	0	0	0	464	640	BIORETENTION BASIN B.R. 1 (1,634)
DMA-6	18,299	0	LANDSCAPE (C=0.10)	18,299	18,299	0	0	0	459	478	FLOW-THROUGH PLANTER B.R. 3 (478)
DMA-7	10,734	3,390	LANDSCAPE (C=0.10)	7,344	0	1,769	5,575	0	294	331	BIORETENTION BASIN B.R. 7 (331)
DMA-8	7,741	542	LANDSCAPE (C=0.10)	7,199	3,806	655	2,738	0	288	304	BIORETENTION BASIN B.R. 8 (304)
DMA-9	4,869	4,869	LANDSCAPE (C=0.10) PERVIOUS PAVERS (C=0.30)	0	0	0	0	4,869	0	0	PERVIOUS PAVEMENT W/ UNDERDRAIN
DMA-10	4,301	658	LANDSCAPE (C=0.10) PERVIOUS PAVERS (C=0.30)	3,643	0	0	3,643	0	146	193	BIORETENTION BASIN B.R. 5 (193)
TOTAL	118,209	35,669		82,540							



BIORETENTION BASIN DETAIL





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PROJECT NAME
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HOTEL**

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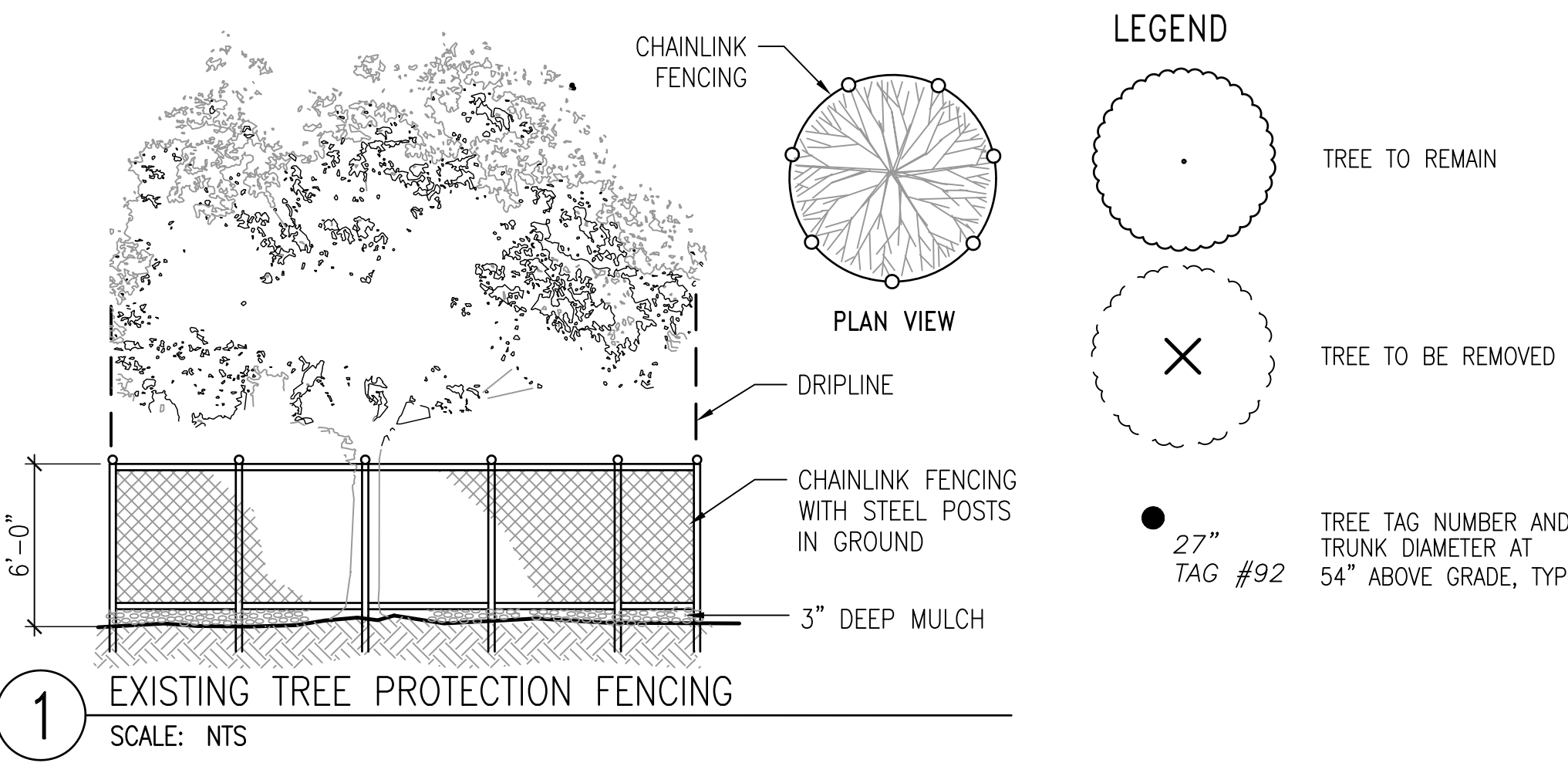
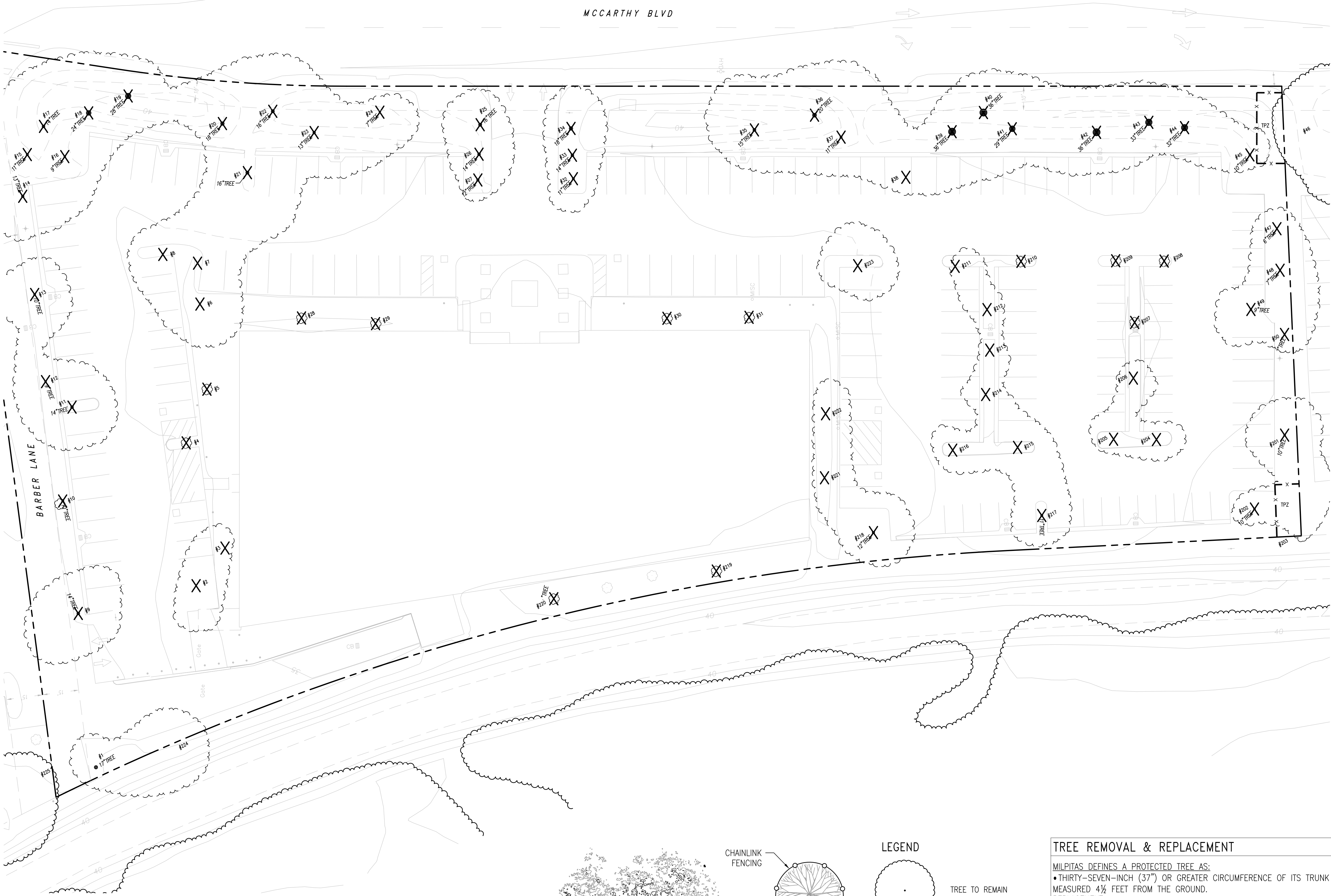
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DESCRIPTION
**PRELIMINARY EROSION
CONTROL PLAN**

SHEET NUMBER
C6.0

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TREE REMOVAL & REPLACEMENT	
MILPITAS DEFINES A PROTECTED TREE AS: • THIRTY-SEVEN-INCH (37") OR GREATER CIRCUMFERENCE OF ITS TRUNK MEASURED 4½ FEET FROM THE GROUND. <u>REPLACEMENT:</u> • TWO (2) REPLACEMENT TREES FOR EVERY ONE (1) PROTECTED TREE THAT IS REMOVED ON PRIVATE PROPERTY.	
EXISTING ON-SITE TREES TO BE REMOVED	70
PROTECTED ON-SITE TREES TO BE REMOVED	36
REPLACEMENT TREES REQUIRED	74
PROPOSED REPLACEMENT TREES	76
NOTES: 1. ANY REMOVAL OF OFF-SITE TREES SHALL BE AUTHORIZED BY ADJACENT PROPERTY OWNER. 2. REFER TO THE ARBORIST REPORT BY TRAVERSO TREE SERVICE FOR MORE INFORMATION.	

EXISTING TREE PROTECTION NOTES

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, ALL TREES NOTED ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.
2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.
3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."
4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE LANDSCAPE ARCHITECT.
5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.
6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.
8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.
9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.
11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST OR AS OTHERWISE DIRECTED BY THE UNIVERSITY REPRESENTATIVE.
12. ALL PRUNING SHALL BE APPROVED BY THE UNIVERSITY REPRESENTATIVE AND PERFORMED UNDER THE SUPERVISION OF A LICENSED ARBORIST.



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PROJECT NAME
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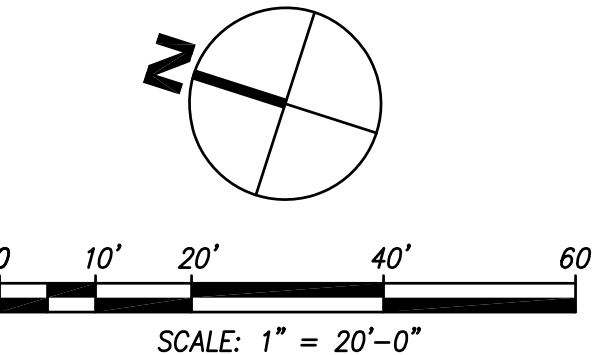
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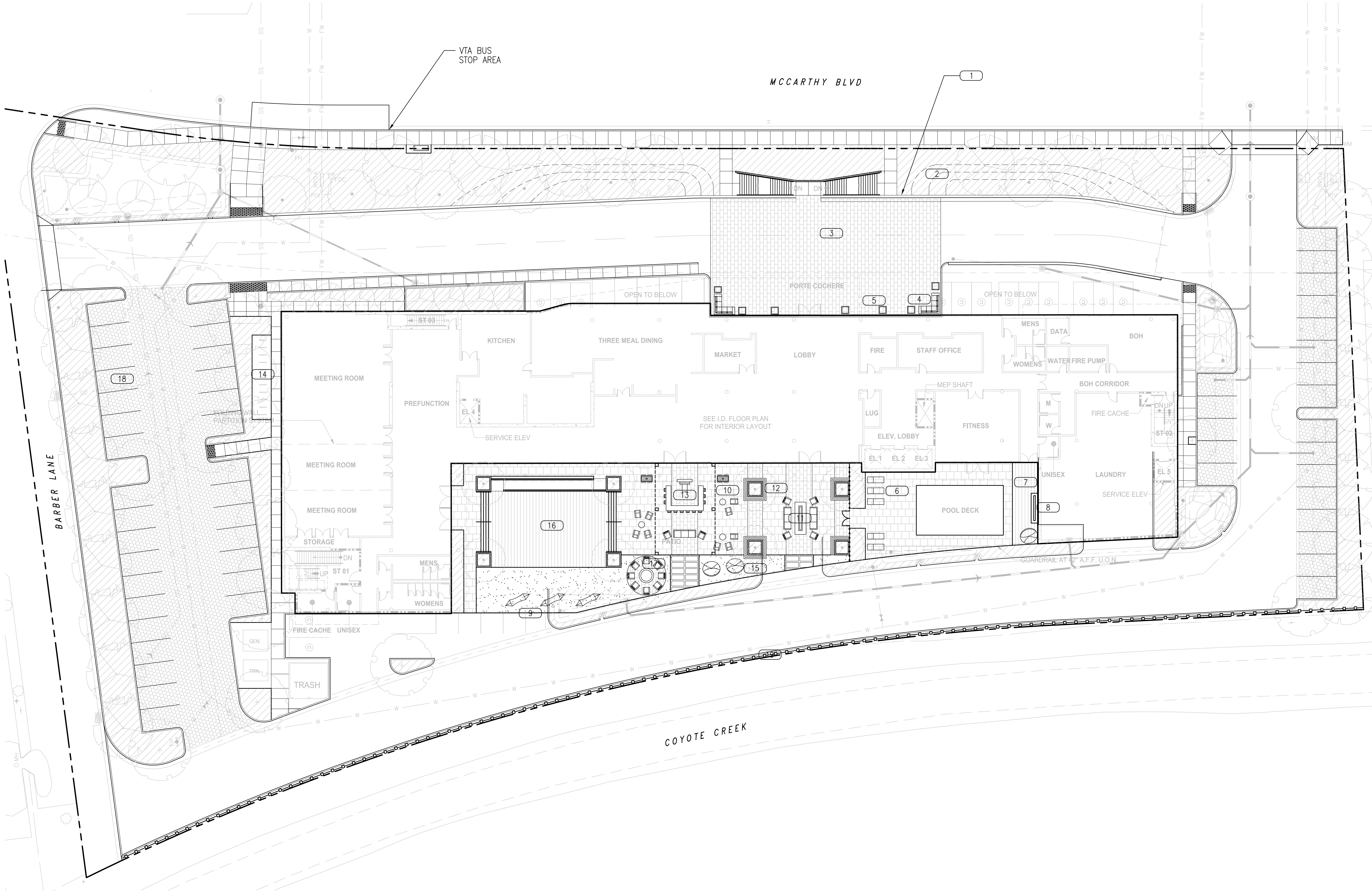
TREE REMOVAL PLAN

SHEET NUMBER

L0.02

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LEGEND	
KEY	DESCRIPTION
1	ART WALL (TO BE APPROVED BY ART COMMISSION)
2	LANDSCAPE BERM, TYP
3	DECORATIVE PAVING
4	LOUNGE FURNITURE, TYP
5	PRECAST PLANTER, TYP
6	SUN DECK
7	WOOD DECKING OR WOOD-LOOK TILE
8	WATER WALL
9	42" HT GLASS GUARDRAIL
10	FLEXIBLE DINING WITH GAMES
11	FIRE FEATURE
12	TREE IN RAISED PLANTER W/SEATING, TYP
13	ARBOR OVER BAR LOUNGE & OUTDOOR TV SCREEN
14	BIKE RACK, TYP
15	LAWN WITH LOUNGE FURNITURE
16	RAISED DECK - FLEXIBLE SPACE
17	FIREPIT
18	PERMEABLE PAVERS
19	FENCE
20	BOLLARD LIGHT F1
21	SCONCE F2
22	TREE UPLIGHT F4
23	DROP-OFF AREA IN-GROUND LIGHT F5
24	CABLE LIGHTS F6
25	STRIP LIGHT UNDER BENCH F7
26	PARKING AREA POLE LIGHT F9
27	PEDESTRIAN POLE LIGHT F10
28	PORTE COCHERE LIGHT F11
29	PARKING AREA CEILING LIGHT L1
30	HANDRAIL LIGHTING F13A

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LANDSCAPE ARCHITECTURE + DESIGN

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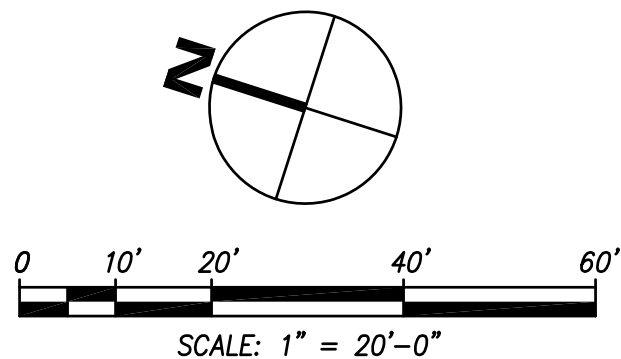
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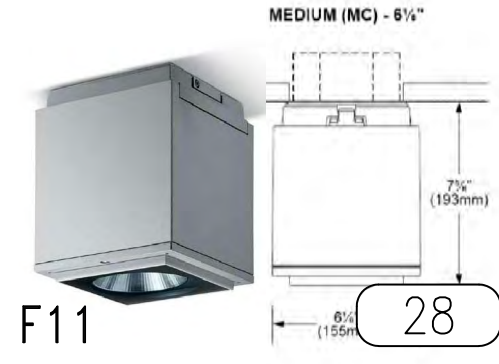
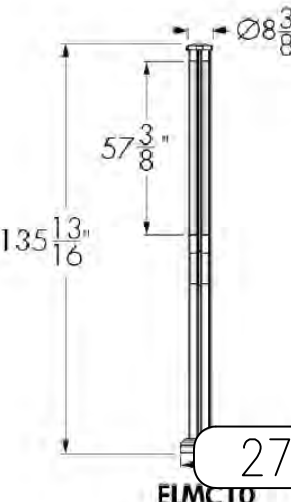
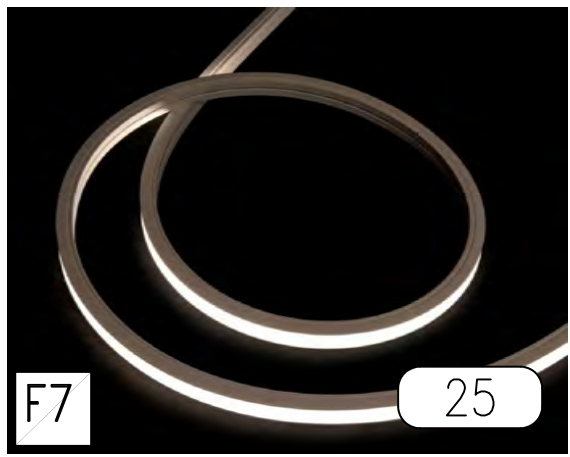
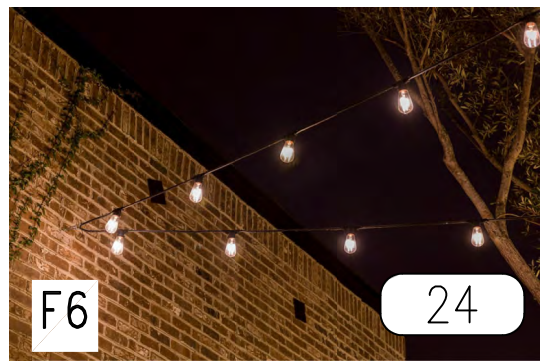
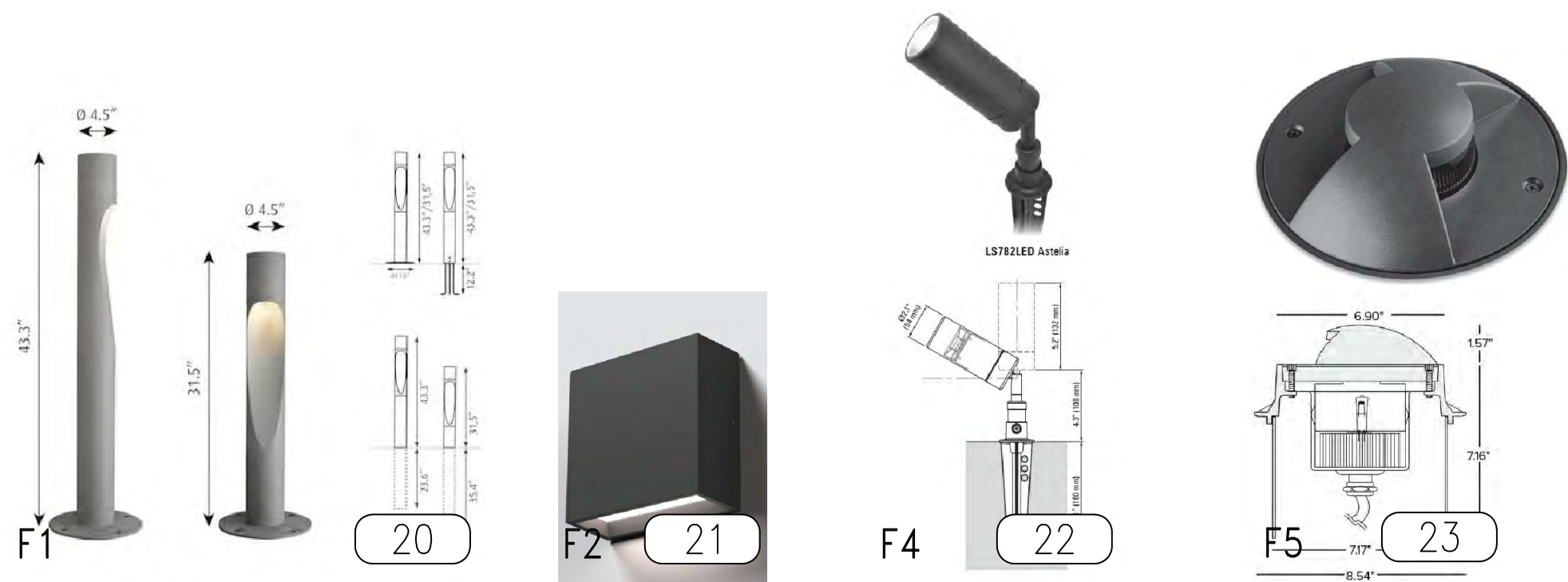
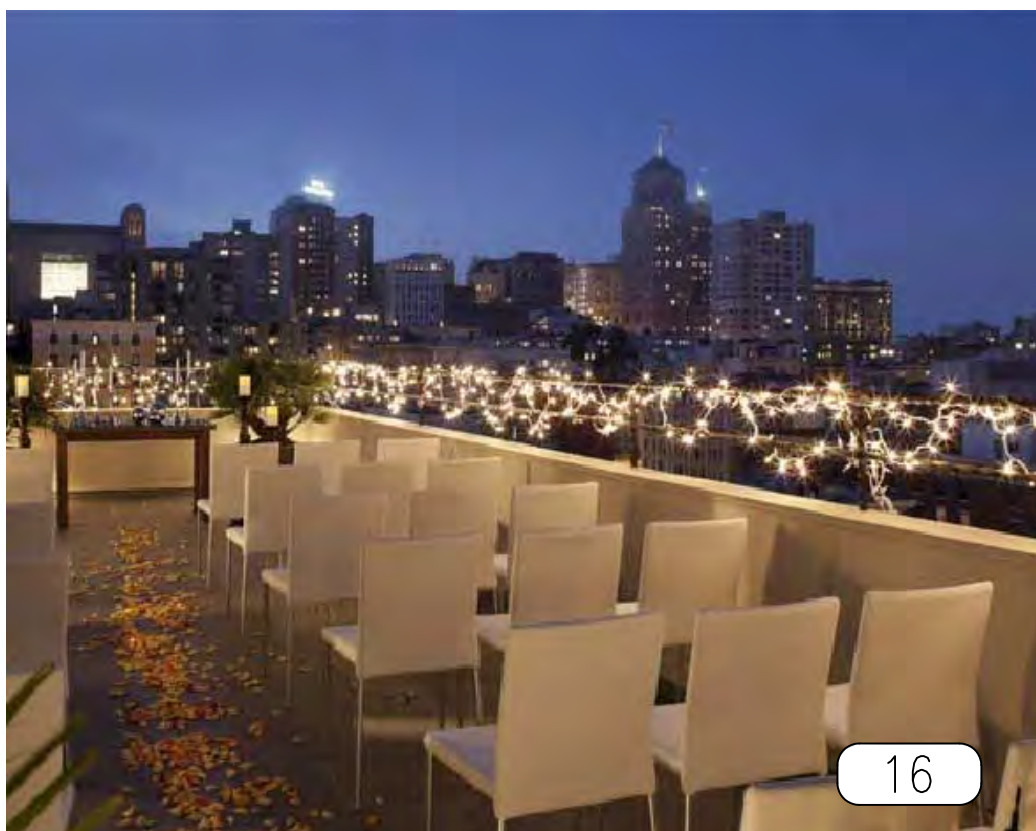
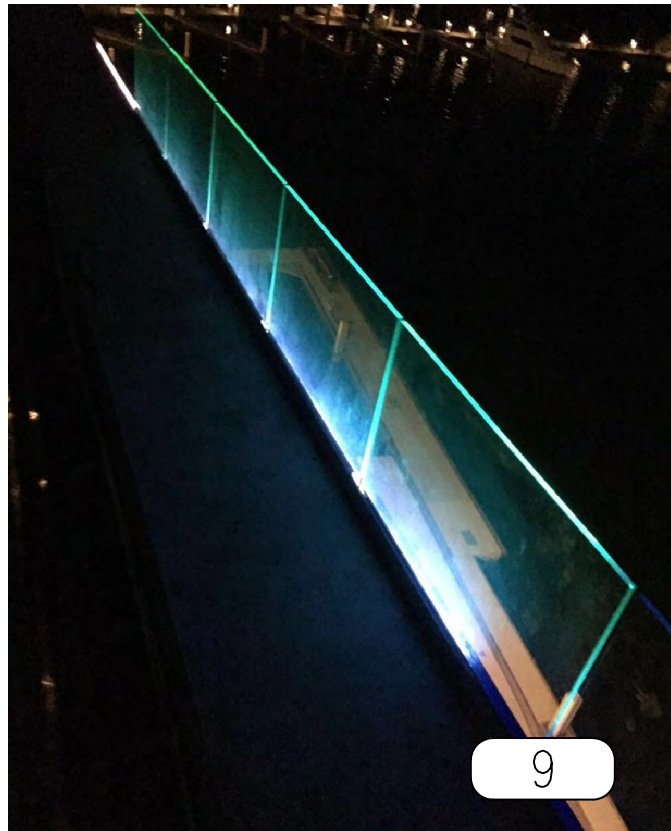
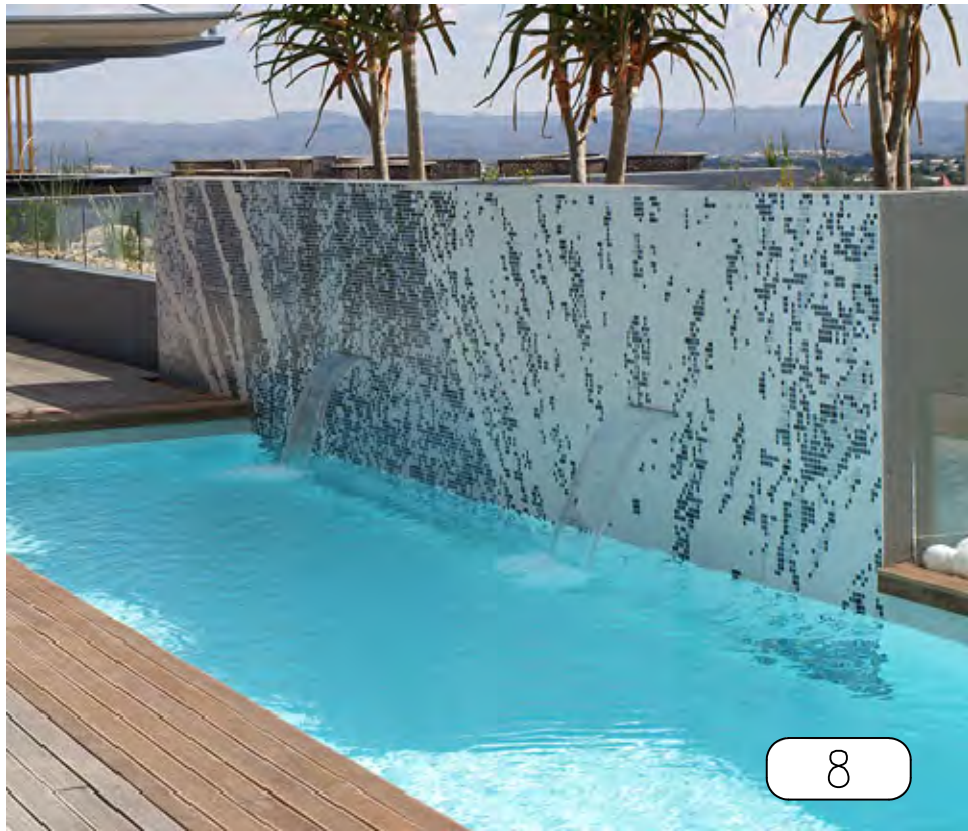
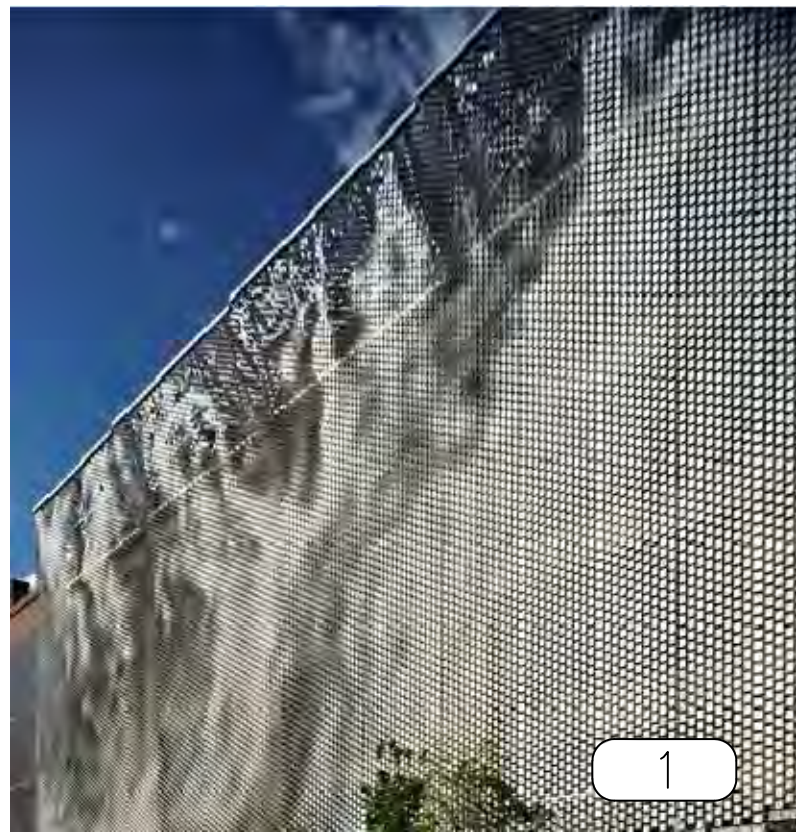
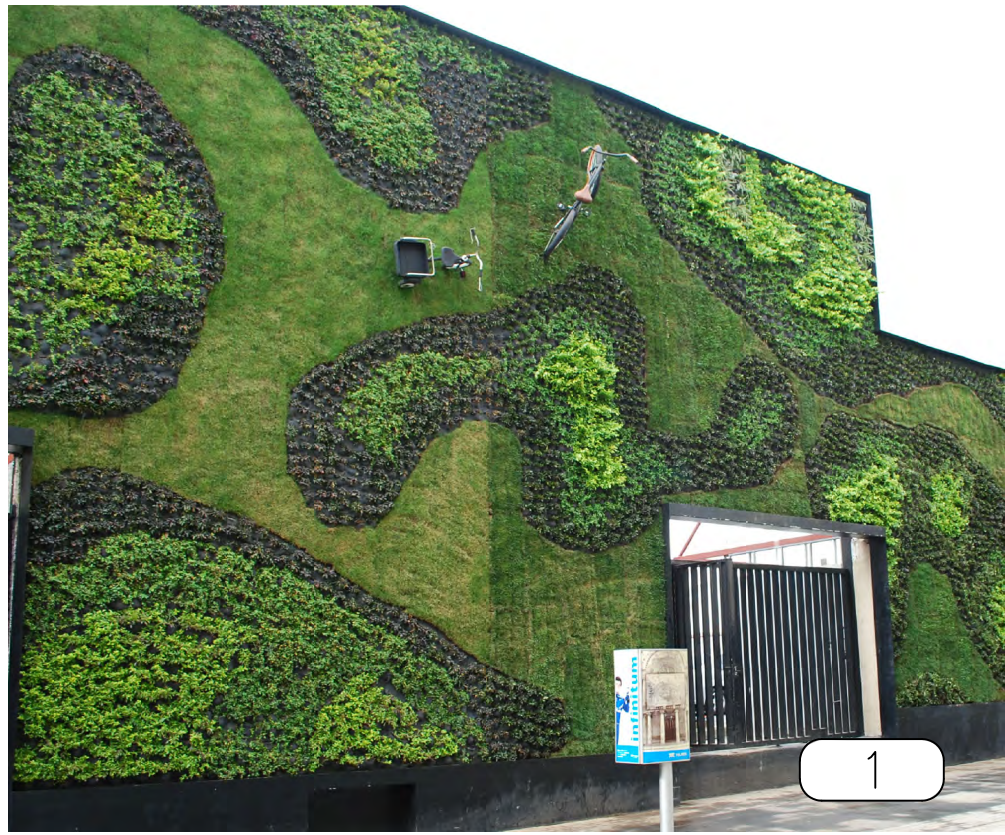
LANDSCAPE PLAN

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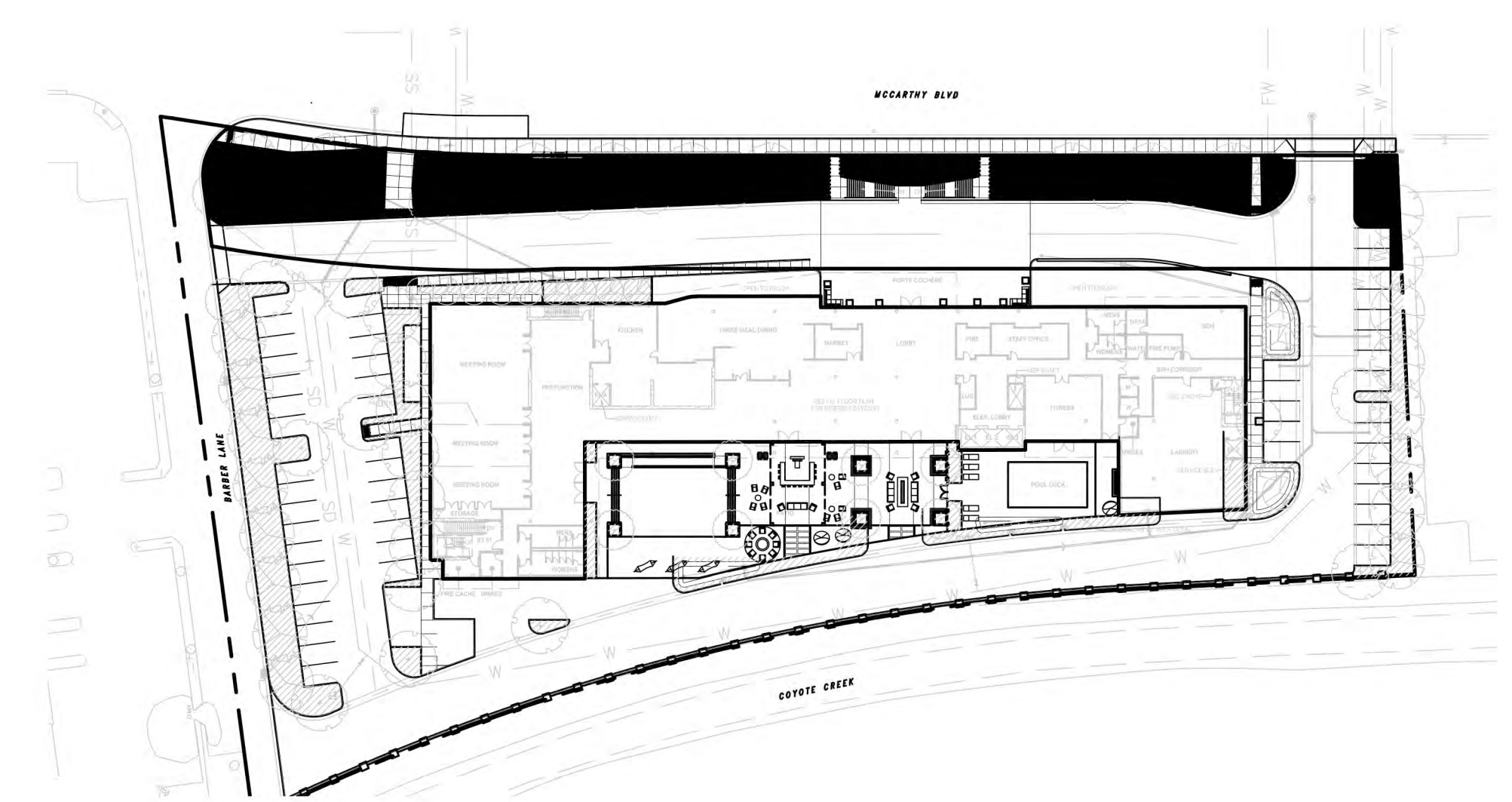
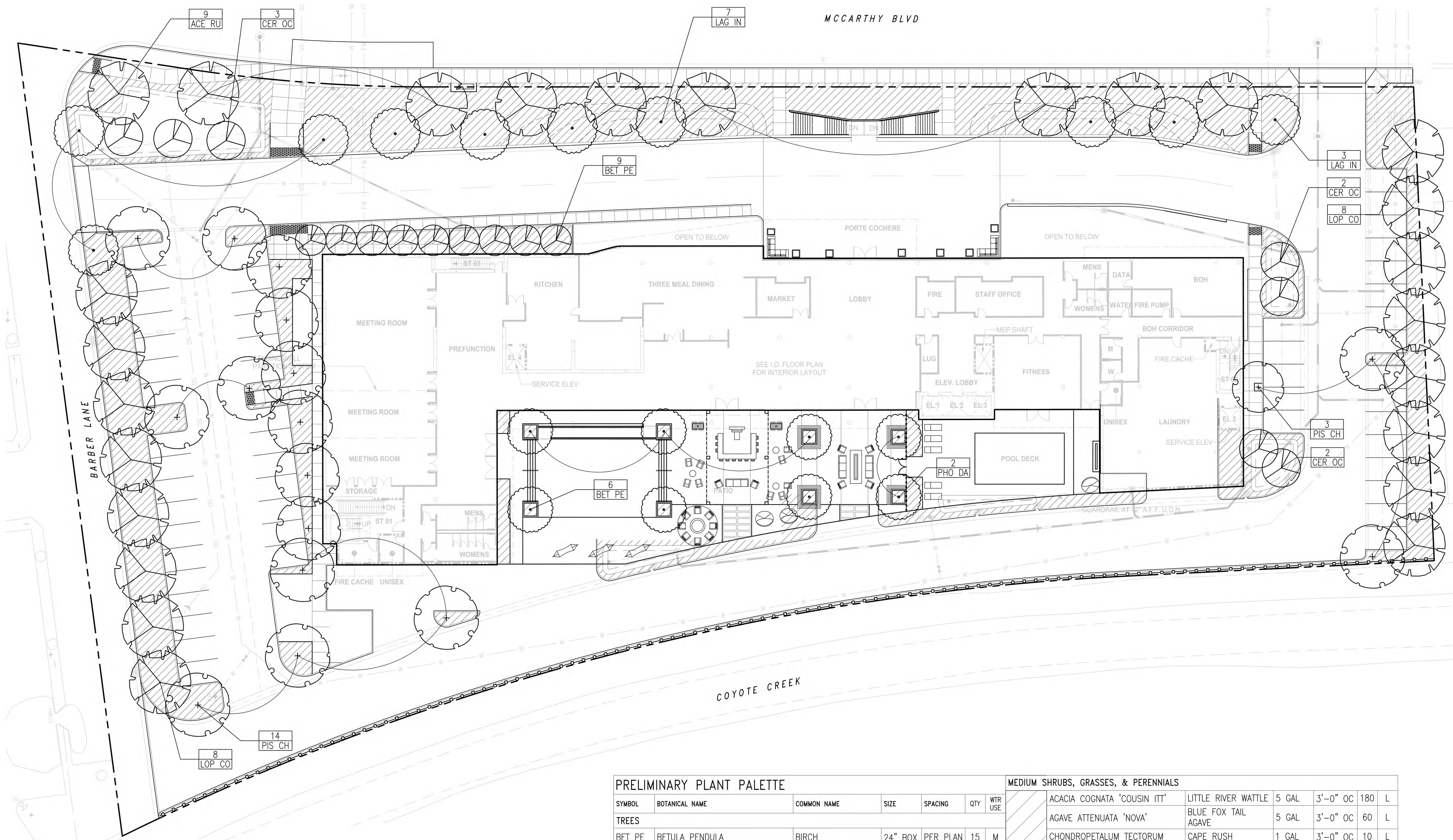
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PRECEDENT IMAGES

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PRELIMINARY PLANT PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE
TREES						
BET PE	BETULA PENDULA	BIRCH	24" BOX	PER PLAN	15	M
CER OC	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	PER PLAN	7	L
ACE RU	ACER RUBRUM 'ARMSTRONG'	RED MAPLE	24" BOX	PER PLAN	9	M
LAG IN	LAGERSTROEMIA INDICA 'MUSKOGEE'	CRAPE MYRTLE	24" BOX	PER PLAN	10	L
LOP CO	LOPHOSTEMON CONFERTUS	BRISBANE BOX	24" BOX	PER PLAN	16	M
PHO DA	PHOENIX DACTYLIFERA	DATE PALM	15' BTF	PER PLAN	2	L
PIS CH	PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	PER PLAN	17	L
LARGE SHRUBS						
	ARCTOSTAPHYLOS SP.	SUNSET MANZANITA	5 GAL	6'-0" OC	15	L
	CARPENTERIA CALIFORNICA	ELIZABETH BUSH ANEMONE	5 GAL	4'-0" OC	15	L
	CEANOTHUS 'DARK STAR'	CALIFORNIA LILAC	5 GAL	5'-0" OC	15	L
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED MOCK ORANGE	5 GAL	4'-0" OC	15	L

LANDSCAPE AREA CALCULATION

FRONT YARD SETBACK: 26,660 SF
LANDSCAPE AREA: 10,431 SF
LANDSCAPE PERCENTAGE: 39%

MEDIUM SHRUBS, GRASSES, & PERENNIALS

	ACACIA COGNATA 'COUSIN ITT'	LITTLE RIVER WATTLE	5 GAL	3'-0" OC	180	L
	AGAVE ATTENUATA 'NOVA'	BLUE FOX TAIL AGAVE	5 GAL	3'-0" OC	60	L
	CHONDROPETALUM TECTORUM	CAPE RUSH	1 GAL	3'-0" OC	10	L
	CORREA 'WYNS WONDER'	AUSTRALIAN FUCHSIA	5 GAL	3'-0" OC	160	L
	DIETES IRIDIODES	FORTNIGHT LILY	1 GAL	3'-0" OC	200	L
	GREVILLEA 'SCARLET SPRITE'	GREVILLEA	5 GAL	4'-0" OC	140	L
	LOROPETALUM 'SUZANNE'	FRINGE FLOWER	5 GAL	4'-0" OC	60	L
	ROSMARINUS 'TUSCAN BLUE'	TUSCAN BLUE ROSEMARY	5 GAL	4'-0" OC	130	L

SMALL SHRUBS, GRASSES, & PERENNIALS

	ACHILLEA SP	YARROW	1 GAL	2'-0" OC	60	L
	ANIGOZANTHOS SP.	KANGAROO PAWS	5 GAL	2'-0" OC	110	L
	CISTANTHE GRANDIFLORA	ROCK PURSLANE	1 GAL	2'-0" OC	40	L
	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	1 GAL	3'-0" OC	190	L
	PHORMIUM HYBRID	NEW ZEALAND FLAX	5 GAL	3'-0" OC	80	L

GROUNDCOVERS

	ARCTOSTAPHYLOS UVA URSI 'GREEN SUPREME'	GREEN SUPREME MANZANITA	1 GAL	5'-0" OC	135	L
	COPROSMA KIRKII 'VARIEGATA'	CREEPING MIRROR PLANT	1 GAL	4'-0" OC	70	L
	COTONEASTER D. 'CORAL BEAUTY'	COTONEASTER	1 GAL	5'-0" OC	90	L
	SARCOCOCCA H. VAR HUMILIS	HIMILAYAN SWEET BOX	1 GAL	3'-0" OC	40	L

STORMWATER PLANTING MIX

	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC	185	L
	SYSRINCHIMUM BELLUM	BLUE-EYED GRASS	1 GAL	3'-0" OC	80	L
	JUNCUS PATENS 'ELK BLUE'	RUSH	1 GAL	2'-0" OC	115	L



1000 BRANNAN STREET
SUITE 404
SAN FRANCISCO, CA 94103
T 415.371.1400
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www.axisgfa.com

PROJECT NAME
1851 MCCARTHY HOTEL

1851 MCCARTHY BLVD
MILPITAS, CA 95035



CRLA #3335 - 2 Theatre Square #218 - Orinda CA - 94563
925.254.5422 - www.jett.land

NO.	DATE	ISSUES AND REVISIONS	BY
10/31/19	ENTITLEMENT SET		
02/07/20	REVISED ENTITLEMENT SET		
06/05/20	REVISED ENTITLEMENT SET		
02/17/21	REVISED ENTITLEMENT SET		
04/26/21	REVISED ENTITLEMENT SET		

DATE
SCALE AS SHOWN

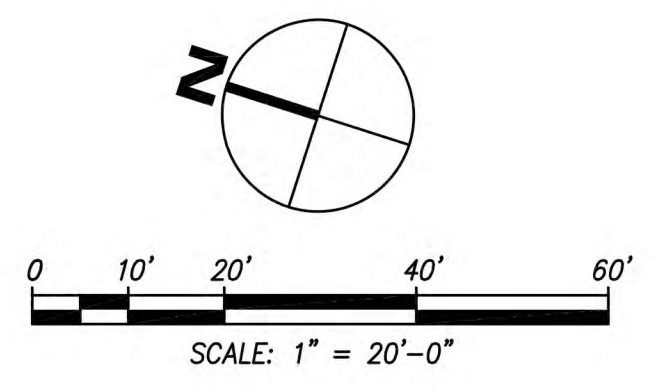
PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
PRELIMINARY PLANTING PLAN

SHEET NUMBER

L3.01

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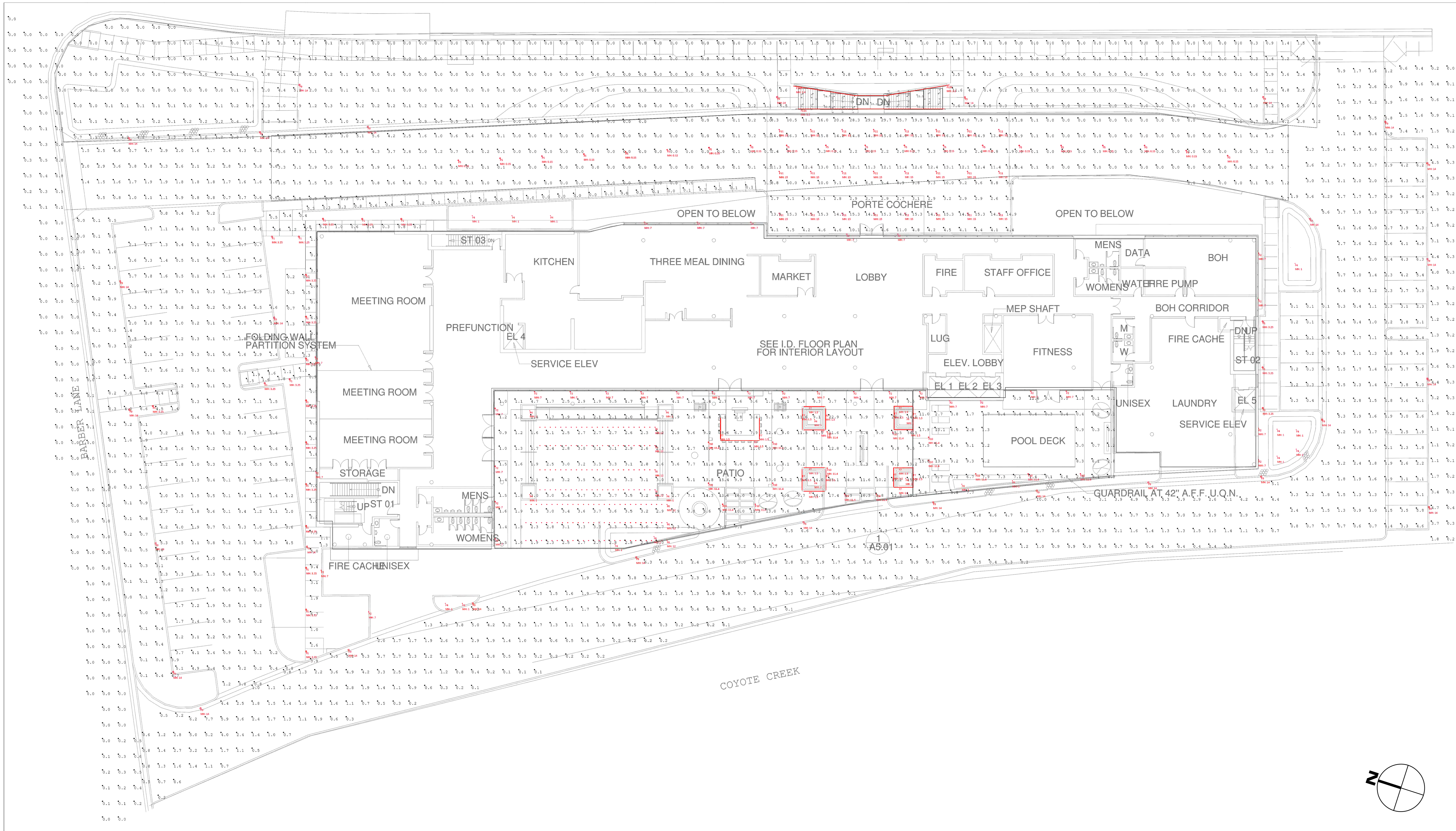
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LANDSCAPE ARCHITECTURE + DESIGN
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Plan View
Scale: NTS



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510-982-3900
2322 6th Street
Berkeley, CA 94710

916-772-5800
1310 Blue Oaks Blvd
Suite 400
Roseville, CA, 95678

1851 McCarthy Hotel Site

Filename: 1851 McCarthy Hotel_Site_HS_021621.AGI

DISCLAIMER:

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Page 1 of 2

NO.	DATE	ISSUES AND REVISIONS	BY
	10/31/19	ENTITLEMENT SET	
	02/07/20	REVISED ENTITLEMENT SET	
	06/05/20	REVISED ENTITLEMENT SET	
	02/17/21	REVISED ENTITLEMENT SET	
	04/26/21	REVISED ENTITLEMENT SET	

DATE
SCALE AS SHOWN

PROJECT NUMBER
COMPUTER FILE
PROJECT NAME

DESCRIPTION
LIGHTING PLAN -
SITE & PODIUM

SHEET NUMBER

L5.01

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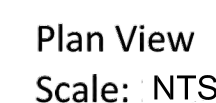
1851 MCCARTHY BLVD
MILPITAS, CA 95035



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COMPUTER FILE	
PROJECT NAME	

SHEET NUMBER

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Illuminance Calculation Summary							
Calculation Grid Description	Grid Location	Units	Avg	Max	Min	Avg/Min	Max/Min
Garage Floor	0' 0" AFF	Fc	2.87	5.7	1.0	2.87	5.70

1. Room reflectances are assumed to be 80/50/20 (80% for ceilings, 50% for walls, and 20% for floors). Please advise your salesperson or the Applications Engineer who ran the calculations if the room reflectances vary from those assumptions.

1. The luminaire fixture types and part numbers included on the schedule above are for photometric purposes only and may need to be revised for real world conditions. Please refer to the manufacturer specification sheets and make sure to confirm voltages, finishes, mounting options, dimming and control options, accessories, etc. before specifying and/or ordering the fixtures.

2. LLF = Light Loss Factor = Lamp Lumen Depreciation (LLD) x Lamp Dirt Depreciation (LDD) = 0.95 x 0.95 = 0.90



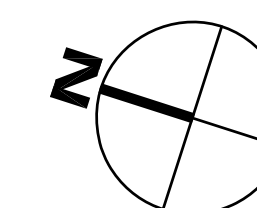
916-772-5800
1310 Blue Oaks Blvd
Suite 400
Roseville, CA, 95678

Filename: 1851 McCarthy Hotel Parking Garage 020720.AGI

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Page 1 of 1





1851 MCCARTHY BLVD
MILPITAS, CA 95035



Symbol	Qty	Fixture Type	Manufacturer and Part Number	LLF	Lumens	Watts
	21	F1	Design Plan BOULEVARD 03 180-LED-609005P	0.903	270	7.89
	33	F2	Designplan GEKO 51-F-10W	0.903	535	10
	22	F4	Lumascaple LS782LED Astelia 6WH6-NM	0.903	527	7.5
	20	F5	Sistemalux MiniSuit S5697W	0.903	77	3.27
	176	F6	Primus Decostring PLED-S14F-27-150	0.903	151	1.5
	40	F7	Luminii KBM-F-H-41K-XX-XX-48	0.903	487	13.3
	29	F9	Designplan UN-420-A507-48led-250mA	0.903	3640	36.4
	16	F10	Sistemalux Stelo S4120	0.903	3581	55.7
	24	F11	iGuzzini iPro Medium MC	0.903	1713	19.1
	58	F13A	Intense IVR1522-HO35-35S	0.903	561	8

1. The luminaire fixture types and part numbers included on the schedule above are for photometric purposes only and may need to be revised for real world conditions. Please refer to the manufacturer specification sheets and make sure to confirm voltages, finishes, mounting options, dimming and control options, accessories, etc. before specifying and/or ordering the fixtures.

2. LLF = Light Loss Factor = Lamp Lumen Depreciation (LLD) x Lamp Dirt Depreciation (LDD) = 0.95 x 0.95 = 0.90

Illuminance Calculation Summary							
Calculation Grid Description	Grid Location	Units	Avg	Max	Min	Avg/Min	Max/Min
Back Bldg Driveway		Fc	2.25	10.0	0.1	22.50	100.00
Barber Lane Parking Lot		Fc	1.58	6.3	0.1	15.80	63.00
Barber Lane Ped Path		Fc	2.57	10.9	0.3	8.57	36.33
Barber Ln Sidewalk & Landscape		Fc	1.04	6.6	0.0	N.A.	N.A.
Barber Property Line		Fc	0.07	0.8	0.0	N.A.	N.A.
Bike Rack		Fc	0.91	2.3	0.1	9.10	23.00
Drive Entry Ped Path		Fc	0.15	0.8	0.0	N.A.	N.A.
East Parking Lot		Fc	2.33	6.3	0.1	23.30	63.00
East Ped Walkway		Fc	0.00	0.0	0.0	N.A.	N.A.
East Property Line		Fc	1.30	4.7	0.0	N.A.	N.A.
McCarthy Street Site		Fc	0.66	11.6	0.0	N.A.	N.A.
Patio & Bar Deck Area		Fc	6.57	54.5	0.9	7.30	60.56
Pool Deck Area		Fc	5.42	18.8	0.1	54.20	188.00
Porte Cochere		Fc	9.74	29.7	1.8	5.41	16.50
Reception Driveway		Fc	0.70	5.6	0.0	N.A.	N.A.
stair1_Side_3		Fc	8.65	11.6	5.8	1.49	2.00
stair2_Top_1		Fc	43.75	52.8	34.7	1.26	1.52
stair3_Side_3		Fc	62.00	72.9	29.9	2.07	2.44
stair4_Top_1		Fc	17.73	18.3	17.4	1.02	1.05
stair5_Side_3		Fc	59.97	71.3	21.4	2.80	3.33
stair6_Top_1		Fc	37.85	52.2	23.5	1.61	2.22
stair7_Side_3		Fc	8.50	12.2	4.8	1.77	2.54

1. Room reflectances are assumed to be 80/50/20 (80% for ceilings, 50% for walls, and 20% for floors). Please advise your salesperson or the Applications Engineer who ran the calculations if the room reflectances vary from those assumptions

[illegible]

DATE	
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COMPUTER FILE	
PROJECT NAME	

DESCRIPTION
LIGHTING PLAN
SCHEDULE & CALC

L5.03

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510-982-3900 2322 6th Street Berkeley, CA 94710	916-772-5800 1310 Blue Oaks Blvd Suite 400
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Filename: 1851 McCarthy Hotel Site HS 021621.AG

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Page 2 of 2



MILPITAS PLANNING COMMISSION STAFF REPORT

September 8, 2021

APPLICATION:

Tribute Hotel – 1851 McCarthy Blvd. - SD19-0012, UP19-0012, TR19-0030, and EA19-0008. A Site Development Permit, Conditional Use Permit, Tree Removal Permit and Environmental Assessment to: 1) demolish an existing office building; 2) remove 36 protected trees; 3) develop a five-story business hotel with up to 216 guest rooms, a maximum height up to 75 feet, a one-story parking garage, a floor area ratio (FAR) of up to 1.1, and associated site improvements, and; 4) allow the sale of alcoholic beverages for on-site consumption within the hotel on a 2.71-acre lot located in the HS (Highway Services) Zoning District at 1851 McCarthy Boulevard. The proposed action includes the adoption of a Mitigated Negative Declaration supported by an Initial Study in accordance with the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Staff recommends the Planning Commission conduct a public hearing, consider the Initial Study/Mitigated Negative Declaration in accordance with CEQA, and adopt Resolution 21-020 approving Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, Tree Removal Permit No. TR19-0030, and Environmental Assessment No. EA19-0008 subject to the attached findings and Conditions of Approval.

LOCATION:

Address/APN:

1851 McCarthy Blvd (APN: 083-31-049)

Area of City:

South of Tasman Drive / West of Interstate 880

APPLICANT:

Consultant(s):

Ruairi O'Connell, AXIS/GFA Architecture & Design

Axis/GFA Architecture + Design (Architect)

BFK Engineers (Civil Engineer)

Jett Landscape + Design (Landscape)

Property/Business Owner:

Luxury Estates & Development

Project Planner:

Michael Fossati, Senior Planner

LAND USE:

General Plan Designation:

Highway Services (HWS) / Business Park Research & Development (BPRD)

Zoning District:

Highway Services (HS)

Overlay District:

Recreational and Entertainment Overlay (RE)

ENVIRONMENTAL: Pursuant to CEQA Guidelines Section 15063, an Initial Study (IS) was prepared to analyze the Project's potential environmental effects. Through the IS, it was determined the Project would not result in any significant environmental impacts that could not be mitigated to a level of less than significant. Therefore, staff has prepared a Mitigated Negative Declaration (MND) pursuant to CEQA Guidelines Section 15070. The IS/MND was available for public review from August 18, 2021, through September 8, 2021. The IS/MND is available for public inspection at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035, and the City's website.

EXECUTIVE SUMMARY

The applicant, AXIS/GFA Architecture & Design, requests a Site Development Permit, Conditional Use Permit, Tree Removal Permit, and Environmental Assessment to demolish an existing two-story, 48,500-square foot office building, remove 36 protected trees, and develop a 130,665-square foot, podium-style hotel building, up to 75 feet (six stories) in height, with associated site improvements, on a 2.71-acre site located at 1581 McCarthy Blvd (the "Project").

The proposed Project includes up to 216 guest rooms, an 11,000-square foot outdoor pool and patio courtyard, a 3,750-square foot indoor meeting area, a 2,227-square foot dining area, and a 1,312-square foot bar and lounge. The guest rooms are located in a five-story structure over a one-story, ground-floor parking garage. The project includes a total of 241 vehicle spaces (189 vehicle spaces in the garage and 52 spaces in the outdoor surface area). The outdoor pool and courtyard area are located on the first level above the podium. The Project also includes amenity spaces, such as a guest lobby, fitness area, and market on the ground floor.

The proposed project requires approval of four entitlements and a parking reduction, as follows:

1. Site Development Permit SD19-0012: To allow the development of a five-story, podium-style hotel building over a one-story parking garage, with up to 216 guest rooms and amenity areas associated with the operation of a hotel, on a 2.71-acre site; and
2. Conditional Use Permit UP19-0012: To allow the operation of a hotel, a floor area ratio (FAR) of 1.1, and the sale of alcoholic beverages for on-site consumption; and
3. Tree Removal Permit TR19-0030: To remove 36 protected trees; and
4. Parking Reduction: Milpitas Municipal Code Section XI-10-53.15 allows for parking reductions for lodging uses; and
5. Environmental Assessment EA19-0008: To review and adopt an IS/MND pursuant to CEQA Guidelines Section 15070.

Staff reviewed the entitlement applications listed above and found them consistent with the policies, goals, actions, standards, and processes outlined in the City of Milpitas 2040 General Plan and Milpitas Municipal Code (MMC). The balance of this report provides specific details regarding each of the requested entitlements.

Staff recommends that the Planning Commission open and close the public hearing, consider the IS/MND according to CEQA and adopt Resolution No. 21-020, approving the above entitlements, subject to the Conditions of Approval within the above-referenced Resolution.

BACKGROUND

The project site is currently occupied by a 42,500-square foot, two-story office building with surface parking, constructed in 1985. Over the years, the office building has been occupied by various small tenants, such as mortgage, consulting, not-for-profit, and investment companies. Other suites were leased by humanitarian organizations, software development companies and used as medical offices. At present, the office building is nearly vacant, with only three consulting companies remaining. The existing landscape is limited to ornamental trees, parking lot planters, and planting strips of various sizes. The site has 75 on-site trees, with 40 trees large enough to be considered protected per the MMC, which is any tree with a thirty-seven-inch (37") or greater circumference of the trunk measured 4-½ feet from the ground and located on developed commercial or industrial property.

PROJECT DESCRIPTION

Overview

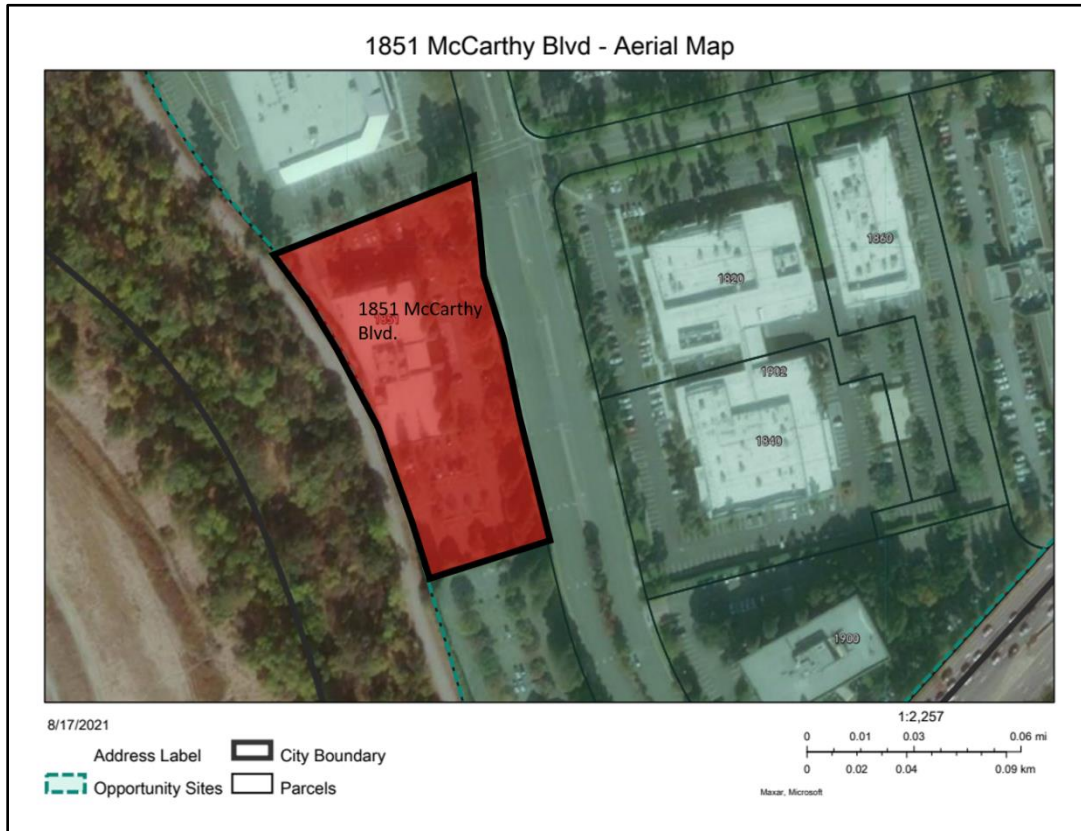
The applicant requests a Site Development Permit, Conditional Use Permit, Tree Removal Permit, and Environmental Assessment to demolish an existing two-story office building, remove 36 protected trees, and develop a 216-room hotel building on a 2.71-acre site at 1851 McCarthy Blvd. The hotel rooms will occupy a five-story structure surrounding a central outdoor patio and pool area over a one-story, ground-floor parking garage. The first floor (above the garage) will house the check-in desk, meeting center, dining area, bar lounge, guest lounge, fitness area, and guest amenity areas. The second through the fifth floor will have 54 rooms each, totaling 216. The guest rooms will range in size from 300 to 635 square feet.

The Project provides 241 parking spaces, including five standard-accessible spaces, two van-accessible spaces, and 18 electric vehicle (EV) spaces. In addition, the parking plan includes specific areas for self-parking, mechanical parking stackers, and valet parking. Details associated with the vehicle parking plan are discussed later within the report.

Location and Context

The Project is located on a 2.71-acre site on the south side of Barber Lane and the west side of McCarthy Blvd. Figure 1 shows the location of the proposed project in an aerial image:

Figure 1 – 1851 McCarthy Blvd. (Aerial Image):



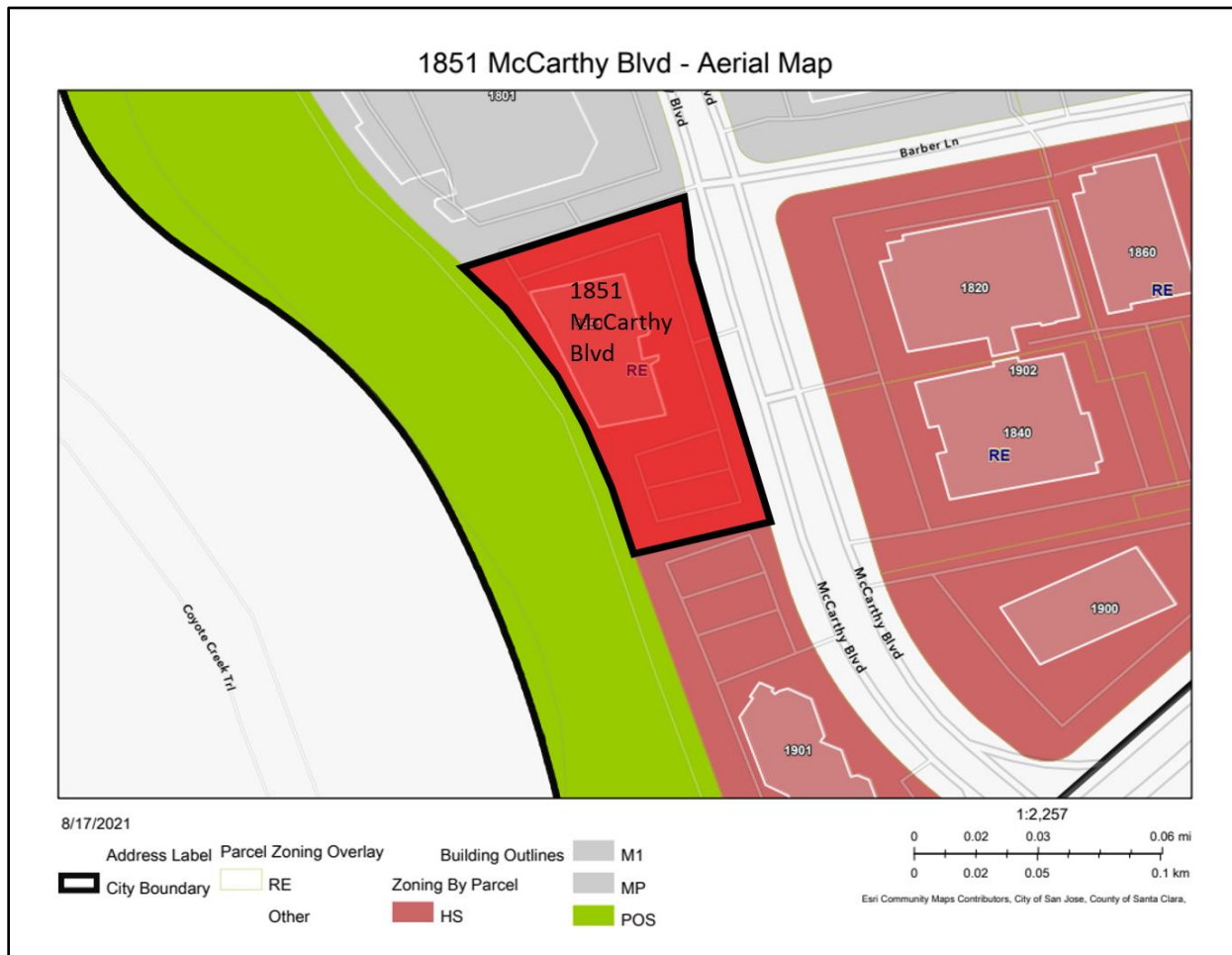
When the project was submitted in 2019, the General Plan (GP) designation was Highway Services (HWS). In March 2021, the City of Milpitas adopted Milpitas General Plan 2040, which changed the GP designation to Business Park Research & Development (BPRD). The property is zoned Highway Services (HS), which allows hotels as a conditionally permitted use. Table 1 summarizes the project site's previous and current General Plan land use designations, zoning classification, and surrounding uses. Figure 2 demonstrates the proposed location in a zoning map:

Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	Highway Services (HWS) / Business Park Research & Development (BPRD)	Highway Services (HS) / Recreation and Entertainment Overlay (-RE)	Mainly vacant with limited consulting services
North	Highway Services (HWS) / Business Park Research & Development (BPRD)	Light Industrial (M1) / Recreation and Entertainment Overlay (-RE)	Industrial Building (Micros – Silicon Turnkey Solutions)

	General Plan	Zoning	Existing Uses
South	Highway Services (HWS) / Business Park Research & Development (BPRD)	Highway Services (HS) / Recreation and Entertainment Overlay (-RE)	Industrial Building (Creative Labs)
East	Highway Services (HWS) / Business Park Research & Development (BPRD)	Highway Services (HS) / Recreation and Entertainment Overlay (-RE)	Industrial Building (Bigfoot Biomedical)
West	Permanent Open Space (POS)	Public Open Space (POS)	Coyote Creek Trail

Figure 2 – 1851 McCarthy Blvd. (Zoning Map)



PROJECT ANALYSIS

This section will evaluate elements of the proposed project for conformance with the Milpitas 2040 General Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code.

General Plan Conformance

The General Plan designation for the project site is Business Park Research & Development. BRPD is *intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide various businesses that support employment opportunities and services for Milpitas and the region.* In general, the proposed hotel use complements other uses within the BPRD designation, as hotel facilities provide temporary accommodations for employees and visitors within the industrial area. In addition, the hotel meeting room, dining hall, and other amenities may also be used by nearby businesses to *potentially increase creative collisions (i.e., networking), and local business-to-business transactions* (Milpitas General Plan 2040, pg. LU-7)

Based on staff's analysis, the project is in conformance with applicable Milpitas General Plan 2040 policies, actions, and goals, as demonstrated in Table 2 below:

Table 2: General Plan Consistency

Policy / Action / Goal	Conformance
<i>LU 7-2: Support opportunities for future development within the Business Park Research & Development land uses to support hi-tech jobs, innovative practices and industries. These areas should support existing businesses, encourage, and incentivize new firms with more intensive uses to locate in Milpitas, and allow local companies to stay and grow their operations while promoting transportation objectives.</i>	Consistent. The Project proposes a hospitality use within an industrial area adjacent to many high-tech companies. The opportunity to locate a high-quality hotel and meeting space within the BPRD district will further support and encourage new firms to locate into Milpitas because nearby hospitality uses allow domestic and international companies to transport employees to the Bay Area to support business sectors based in Silicon Valley on a temporary basis, without the need to relocate.
<i>LU 7-4: Support the adaptive reuse, renovation, or redevelopment of aging centers or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends into areas that support mixed use opportunities.</i>	Consistent. The Project will replace a defunct office building with a high-quality lodging use and event center for small and mid-range venues, a sector of industry the City of Milpitas lacks. By approving the project, the City directly supports the redevelopment of an aging building that is no longer competitive or viable in today's business office market.

<i>LU 4-3: Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhood workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.</i>	Consistent. Although the Project is not a commercial center, the high-quality lodging use and event center will provide desired services to the immediate industrial neighborhood by allowing hi-tech companies to conveniently house employees and contractors from different parts of the world nearby their facilities, which has the potential to reduce automobile dependency and contribute positively by reducing auto congestion in the surrounding neighborhood.
<i>ED-1h: Ensure that non-industrial uses that locate in industrial zoned do not adversely impact existing industrial uses or deter potential future uses.</i>	Consistent. The Project is a lodging use within an industrial area. Although the proposed use is not industrial by nature, it will positively impact the existing industrial area by supporting the need of business travelers. Nearby hotels near office parks will shorten travel time and reduce traffic congestion by giving the visiting employee the ability to walk to their work destination.
<i>ED 2-4: Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.</i>	Consistent. The Project is for a lodging use, which includes the collection of transient occupancy tax.

Zoning Conformance

The zoning classification for the Project site is Highway Services (HS) with a Recreation and Entertainment (-RE) Overlay. Table 3 demonstrates the Project's consistency with the development standards of the HS-RE zoning district:

Table 3: Development Standards for the HS-RE Zoning District

	Minimum Standard	Proposed	Compliant
<u>Setbacks</u>			
Front (East)	50 feet	50 feet	Yes
Side (North/South)	0 feet	97 feet, 11 inches 68 feet, 10 inches	
Rear (West)	0 feet	64 feet	
<u>Floor Area Ratio</u> (Max.)	0.50*	1.11	Yes**
<u>Building Height</u> (Max.)	None	75'	Yes

	Minimum Standard	Proposed	Compliant
<u>Landscaping</u>	Required to landscape front yard area	Site improvements will include front yard landscaping	N/A
* The current General Plan land use designation (BPRD) allows an FAR up to 2.5. ** With the approval of a Conditional Use Permit and associated findings			

Site Development Permit / Architectural Design

The Project proposes development of a new hotel with up to 216 guest rooms, a meeting event center, and associated amenity areas. The hotel includes five occupied stories above a single level of an unenclosed at-grade parking garage, creating a six-story building. The main entrance to the hotel is at an elevated first floor that faces east towards McCarthy Blvd. Figures 3 and 4 are perspective views facing north and southeast of the proposed Project.

Figure 3 – Proposed Project looking southeast from McCarthy Blvd & Barber Ln.



Figure 4 –Proposed Project looking northwest from McCarthy Blvd.



The proposed building has a strong horizontal orientation anchored by boxy tower elements with gently angled rooflines on the north and south ends of the building. The middle section features white stucco bands that extend vertically and horizontally between the corner towers and contrast with the darker panels under the windows. The entrance includes a porte-cochere with a canopy that narrows into cornice along the front of the building between the first and second floors. The building colors vary in themes of whites, light grey, mid-grey, and dark grey. Exterior materials of the parking garage include curtain wall glazing and a cast-in-place concrete wall system, which serves a dual purpose as exposed structural system and façade. The five additional floors of the hotel above will include exterior plaster finishes (in white, light grey, and mid-grey), light and dark metal panels, and aluminum window systems throughout the building. In addition, portions of the unenclosed parking garage will feature pale orange as an accent color to add visual interest to the project.

Conditional Use Permit

The proposed hotel project requires approval of a Conditional Use Permit (CUP) pursuant to MMC Section(s) XI-10-57.04, XI-10-2.03 ("Floor Area Ratio" definition) and MMC Table XI-10-12.07-1. A CUP is required for the following project components:

- A hotel use within the HS-RE zoning district
- A floor-area ratio (FAR) of 1.1
- The sale of alcoholic beverages for on-site consumption.

Below is the staff's analysis for each of the project components listed above.

Proposed Hotel Use

The hotel use is allowed in the HS-RE Zoning District with the approval of a Conditional Use Permit. The proposed hotel is an attractive use at the subject site because of its proximity to major

thoroughfares, such as Montague Expressway, Tasman Drive, and Interstate 880. The proposed hotel will provide temporary accommodations for employees and visitors of nearby business parks and industrial employers and visitors and patrons of regional attractions such as Levi's Stadium, Great America amusement park in Santa Clara, the Great Mall in Milpitas, and SAP Center in San Jose. The Project will replace an older, outdated office building with a higher and better use regarding real estate values. Hotel operations generate revenue for the City via a reassessment of property tax, sales tax, and transient occupancy tax. The project will also enhance the City of Milpitas with a new six-story modern structure that supports new economic, business and employment opportunities and help support the local economy by creating full and part-time jobs.

Floor Area Ratio (FAR) up to 1.1

The Project requires approval of a Conditional Use Permit (CUP) to allow an increased FAR of 1.1, which is greater than the standard FAR of 0.5 within the HS-RE Zoning District. Although the current GP designation (BPRD) provide for an FAR of up to 2.5, the HS-RE Zoning District still requires projects that proposed development greater than 0.5 to go through the CUP process.

The FAR can be increased through the approval of a CUP, per Milpitas MMC Section XI-10-2.01 ("Floor Area Ratio" definition), if findings can be made to demonstrate the following:

- 1) The proposed development will generate low peak-hour traffic, and*
- 2) The Project will not create a dominating visual prominence.*

The following discussion addresses the required findings above.

- *Low-Peak Hour Traffic* – To confirm the project's traffic generation, Hexagon Transportation Consultants conducted a Traffic Impact Analysis (TIA) according to the requirements of the City of Milpitas, the Santa Clara Valley Transportation Agency (VTA), and the County of Santa Clara. The TIA analysis determined that the Project would generate 46 new net AM and 74 new net PM peak-hour trips, considered low peak-hour traffic. Peak-hour traffic is considered low when it does not significantly degrade the Level of Service (LOS) of nearby roadways or create a significant adverse effect on the roads or intersections in the immediate area. For the Project to create a significant adverse effect on traffic, it would need to increase in critical delay of four or more seconds at any nearby intersection. The TIA has concluded that traffic volumes generated by the proposed hotel would not result in such a critical delay.
- *Dominating Visual Prominence* – The proposed hotel incorporates appropriate site design features and high-quality exterior materials to reduce a dominant visual prominence. The six-story hotel seems to strike a balance between the one and two-story industrial buildings located directly north, east, and south of the property, and the eight-story Sheraton San Jose, the three-story Sonesta Silicon Valley, and seven-story Element Hotel, all located less than one-half mile from the project site.

Additional design features include a modern art wall and landscaping to buffer the hotel building, which is set back more than 50 feet from the front property line along McCarthy Boulevard. Cast-in-place concrete and curtain wall glazing are proposed at the base of the building (i.e., parking garage), and the remaining five floors have two identical wings at the north and south corners, accentuated by light and dark metal panels and punched opening windows, breaking up the mass and dominance of the main structure.

The main body of the hotel includes integrated colored stucco in white and three shades (light, mid, and dark) grey. The stucco is further broken up by dark vertical bands and aluminum window systems throughout the building. The main body of the building has a flat roof, but the wings of the building incorporate a shed roof concept, further adding architectural interest. These features combine to reduce the dominating visual appearance of the building at this location, as demonstrated in Figures 5 and 6, below:

Figure 5 –Rendering of front elevation



Figure 6 –Proposed Project front elevation



On-site Alcoholic Beverage Sales

The HS-RE zoning designation allows the sale of alcoholic beverages for on-site consumption with approval of a CUP, per MMC Table XI-10-12.07-1. If approved, the applicant will apply for a Type 47 (On-Sale General – Eating Place) license from the Department of Alcohol Beverage Control (ABC), which authorizes and governs such licenses. A Type 47 license authorizes the sale or furnishing of beer, wine, and distilled spirits for consumption on the premises. Hotels in the general vicinity (Sheraton San Jose, Sonesta Silicon Valley, Element Hotel) are all authorized to either sale or serve alcoholic beverages on-site.

The Milpitas Police Department reviewed the proposed use and license type for this location and recommended the following conditions of approval to address public safety:

- *Video / Security Cameras* – The Permittee shall implement video/security cameras for the enclosed building and the exterior perimeter. The exterior video/security cameras shall record in high definition and cover the entire exterior, including the parking lots, parking lot entrances/exits, and building entrances/exits. The interior video/security cameras should record in high definition and cover every floor's corridors/hallways, main lobby area, restaurant, front desk, and building entrances/exits. The video/security system shall have the capacity to save/store footage and have the capability to be downloaded.
- *Adequate Lighting* – The Permittee shall install lighting with enough wattage to provide adequate illumination and to make visible the presence of any person in or about the outside premises during hours of darkness.

The agree will install security cameras around the perimeter of the building. The exterior lighting plan (see Sheet L5.01) demonstrates well-lit areas within the surface parking lot without spillover onto the street, adjacent south parcel, or Coyote Creek Trail.

Tree Removal Permit / Landscaping

The Project includes removing 36 protected trees to accommodate the building footprint of the new structure and frontage improvements. In accordance with the City's Tree Maintenance and Protection Ordinance, the applicant must replace any removed protected trees with new trees in a 2:1 ratio. Therefore, the Project must include a minimum of 72 new trees on-site. According to the landscape plan, the Project proposes 76 new on-site trees, which include the following varieties:

- | | | |
|------------------|----------------|--------------------|
| • Birch | • Red Maple | • Brisbane Box |
| • Western Redbud | • Crape Myrtle | • Date Palm |
| | | • Chinese Pistache |

The landscape plan also includes large, medium, and small shrubs that include the following:

- | | | |
|--------------------|------------------|-------------------------|
| • Sunset Manzanita | • Cape Rush | • Kangaroo Paws |
| • California Lilac | • Fortnight Lily | • Creeping Mirror Plant |

The Project includes 26,660 square feet of landscaping along the front yard setback area and an additional 10,431 square feet of landscaping along the sides and rear of the site. Thus, approximately 39% of the total site area will be landscaped (see Sheet L3.01 in the project plans).

Parking Reduction

On May 4, 2021, the City adopted Ordinance No. 38.841, which reduced the minimum parking standard for hotel uses. Furthermore, the Ordinance established the use of transportation demand management (TDM) measures to further reduce required on-site parking.

To accurately account for the Project's parking demand, staff has calculated parking for the hotel, the meeting center, and the bar lounge. Additional amenities areas within the hotel (i.e., check-in desk, dining area, guest lounge, fitness area, outdoor patio/pool area, and guest amenity areas) will be utilized by guests staying at the hotel and do not create additional parking impacts. Table 4 demonstrates the parking requirements.

Table 4: Off-Street Parking Standards

Land Use	Number of Rooms / Area Size	Minimum Parking Spaces Required	Parking Spaces Proposed
Hotel	216 rooms	0.7 / per room	151
Meeting Room	3,751 square feet	One space per 60 square feet of area	63
Bar Lounge	1,312 square feet	One space per 30 square feet of area	44
Total Required (without parking reduction measures)			258
Total Proposed			241

The table shows that the Project is under-parked by 17 spaces. However, MMC Section XI-10-53.15 provides a parking reduction when a hotel use incorporates certain transportation demand management (TDM) measures into the project to reduce to overall parking needs.

The Planning Commission has the discretion to grant a reduction in the number of required parking spaces for a hotel project based on a point system, as described within MMC Section XI-10-53.15 and shown in Table 5 below. A hotel project earns points by incorporating parking reduction measures into its operational plans, and more points translate into reduced parking for the project.

Table 5: Point System for Parking Reduction for Lodging Uses

Total Points	Allowed Parking Reduction
60 points or more	30 percent
40 points or more	20 percent
20 points or more	10 percent

Table 6 identifies the parking reduction measures that the applicant proposes to implement for this project.

Table 6: Proposed Parking Measure

Measure	Points	Details
Mechanical Lifts for Parking	10 points	The Project includes the installation of 47 mechanical parking stackers in the parking garage to maximize the garage efficiency.
Valet Parking	5 points	Valet Parking spaces have been identified in the garage for special events and maximum hotel capacity.
Dedicated On-Site Passenger Pick-Up / Drop-Off Zones	3 points	A dedicated on-site passenger pick-up/drop-off zone will be located immediately adjacent to the hotel entrance.
Offering Prepaid Transit Cards to Guest	5 points	Prepaid transit cards may encourage hotel guests to use nearby Valley Transportation Authority (VTA) bus and light rail service to access regional destinations such as The Great Mall, Levi's Stadium, or downtown San Jose.
Link Public Transit info to the hotel website	3 points	The website will include links that feature local areas and map information. The map information provides links to Valley Transportation Authority (VTA) bus and light rail service.
Active marketing for shuttle services or other transit programs	3 points	The Applicant will actively market local transit and shuttle services hotel guests to encourage ridership and decrease the demand for on-site parking.
Total Points	29 points	10 percent reduction (26 parking spaces)

If approved, the City will allow a 10 percent reduction (26 parking spaces) in the total parking requirement, and the Project would meet the City's parking standards, noted in Table 7 below.

Table 7: Off-Street Parking Standards (with Parking Reduction Credit)

Land Use	Number of Rooms / Area Size	Minimum Parking Spaces Required	Parking Spaces Proposed
Hotel	216 rooms	0.7 / per room	151
Meeting Room	3,751 square feet	One space per 60 square feet of area	63
Bar Lounge	1,312 square feet	One space per 30 square feet of area	44
Total Required			258
10% Parking Credit for Parking Reduction			26
Total Required (with Parking Reduction)			232
Total Proposed			241

For the parking reduction to be approved, the applicant must also describe the proposed parking demand measures. Attachment C is a written description addressing parking demand measures that will be incorporated into the project.

Traffic

Hexagon Transportation Consultant (Hexagon) prepared a detailed traffic study entitled "1851 McCarthy Boulevard Hotel Transportation Impact Analysis" (TIA) for the project. The study analyzed a total of four intersections, four freeway ramps, and two freeway segments that could be affected by project-related traffic.

Hexagon evaluated the following intersections under three different scenarios to determine the proposed Project's effects on the Level of Service¹ (LOS).

- McCarthy Boulevard and Tasman Drive
- McCarthy Boulevard and Barber Lane
- McCarthy Boulevard and Montague Expressway
- Trimble Road and Montague Expressway

¹ Level of Service (LOS) – A scale that measures the amount of traffic that a roadway or intersection can accommodate, based on such factors and maneuverability, driver dissatisfaction and delay. An increase in LOS means traffic flows more freely. A decrease in LOS means increased traffic congestion. Free flowing traffic roadways and intersection are accompanied by a grade letter (i.e. A, B, C) while increased traffic congestions received a grade letter (i.e. D, F).

The scenarios are as follows:

- *Existing Conditions.* Hexagon obtained existing peak-hour traffic volumes at the study intersections to analyzed.
- *Background Conditions.* Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. The latter component was supplied by the City of Milpitas and the City of San Jose.
- *Background Plus Project Conditions.* Hexagon estimated projected peak hour traffic volumes by adding the background traffic volumes to the additional net traffic generated by the project. Hexagon evaluated Background Plus Project conditions to determine potential project impacts.

In addition, the TIA included an analysis of project trip estimates. The amount of traffic associated with new development is estimated using a three-step process:

1. Trip Generation
2. Trip Distribution
3. Trip Assignment

Utilizing the ITE Trip Generation Manual (10th Edition) and Background Plus Project data, Hexagon determined that with the addition of project traffic, all signalized study intersections would operate at their current level. In other words, the project would not degrade the LOS of current traffic patterns.

The TIA prepared by Hexagon also analyzed traffic conditions on the following freeway ramps:

- I-880 southbound off-ramp to westbound Montague Expressway
- I-880 southbound on-ramp from eastbound Montague Expressway
- I-880 northbound loop off-ramp to westbound Montague Expressway
- I-880 northbound loop on-ramp from eastbound Montague Expressway

Additionally, Hexagon evaluated the following freeway segments:

- I-880 between Tasman Drive and Montague Expressway
- I-880 between Montague Expressway and Brokaw Road

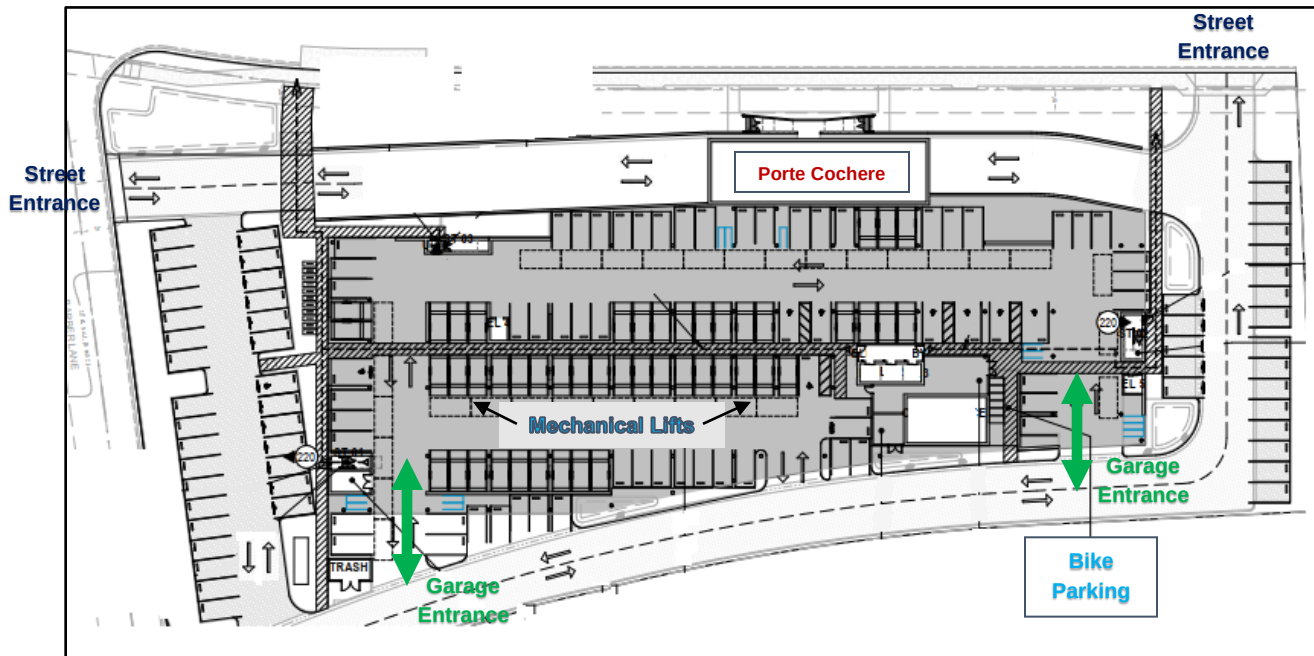
According to the Valley Transportation Congestion Management Plan (CMP) guidelines adopted by the City of Milpitas as a benchmark, a freeway segment should be studied when a proposed development would add traffic to a segment greater than one percent of its capacity.

As shown in the TIA, the Project would not create a significant impact on freeway segments. Therefore, no additional analysis is required.

Access & Circulation

The site is near Interstate 880 and Montague Expressway. The project provides access via two driveways along McCarthy Blvd. The driveways direct a vehicle up a ramp and under a porte-cochere, where individuals and guests can be dropped off. If guests prefer to park their vehicle, they access either surface or garage parking directly from either driveway, as shown in Figure 7.

Figure 7: Circulation Site Plan



The Project's site plan includes sidewalks along its frontage and long-term bicycle parking lockers accessible at the rear for employees and guests that chose to use other forms of transit.

Grading, Drainage and Stormwater

Approximately 4,300 cubic yards of new fill will be added to the project site, and grading will be limited. The applicant will address stormwater and drainage through a combination of on-site bioretention treatment facilities, pervious pavers and landscaping.

Utilities / Solid Waste

The project includes a new trash enclosure located to the northwest near Coyote Creek Trail. The trash enclosure area is built into the hotel's building footprint and screened from the public right-of-way. The applicant selected this location to facilitate solid waste truck access via the rear access loop, close to the kitchen service elevator, near the largest source of waste on the site.

Green Building

As required by the Cal Green (Building) Code, the Milpitas Municipal Code, and the Climate Action Plan, the proposed hotel building will be LEED Silver certified, as required in the conditions of approval in the resolution.

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.

Site Development Permit (Section XI-10-57.03 (F))

To approve the Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F)(1):

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 proposed project layout complements the surrounding business park area, and the new hotel structure demonstrates distinctive, high quality design that will enhance the community. Exterior colors, materials, and finishes are compatible and aesthetically harmonious with existing buildings in the area. The proposed landscaping includes over 70 new trees, abundant shrubs, and grass cover adjacent to all property lines, including the tree-lined Coyote Creek trail along the west side of the project site.

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

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 3 above.

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

The proposed project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F)(1):

1. *The proposed use at this location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed hotel use, FAR increase, and sale of alcoholic beverages for on-site consumption at 1851 McCarthy Blvd will not be detrimental or injurious to property or improvements in the vicinity, nor to the public health, safety, and general welfare. The Project is a compatible land use that will provide temporary accommodations to employees and visitors of nearby businesses and regional attractions, such as Levi's Stadium, The Great Mall in Milpitas, and SAP Arena in San Jose. The Project will allow the conversion of an outdated office building to a higher and better use that will generate additional revenue for the City in terms of transient occupancy tax, sales tax, and property tax.

2. *The proposed use is consistent with the Milpitas General Plan.*

The proposed project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2 above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 3 above.

ENVIRONMENTAL REVIEW

The City has prepared an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project in accordance with the California Environmental Quality Act (CEQA). On August 18, 2021, the City posted a Notice of Intent (NOI) to adopt the IS/MND and MMRP to the public, responsible agencies, trustee agencies, and the Santa Clara County Clerk. The IS/MND was available for public review from August 18, 2021, through September 8, 2021.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines sections 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City as the lead agency under CEQA; and
2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is neither a fair argument nor substantial evidence that the project will significantly affect the environment.

As a separate and independent basis, this project is exempt from further environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183 (Projects consistent with a Community Plan or Zoning).

PUBLIC COMMENT/OUTREACH

In April 2021, the City placed the project on our website under “Online Public Forum” to solicit feedback on the proposed development. To date, staff had not received any comments.

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on August 27, 2021. In addition, 44 notices were sent to owners and occupants within 1,000 feet of the project site. Public notices were also posted on the project site, the City's website (www.ci.milpitas.ca.gov), and at City Hall.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing;
2. Consider the Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and the exemption in accordance with CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning).
3. Adopt Resolution 21-020 approving Site Development Permit No. SD19-0012, Conditional Use Permit No. UP19-0012, Tree Removal Permit No. TR19-0030, and Environmental Assessment No. EA19-0008, subject to findings and Conditions of Approval.

ATTACHMENTS

- A: Resolution 21-020 with Conditions of Approval
- B: Initial Study/Mitigated Negative Declaration (IS/MND)
- C: Mitigation Monitoring and Reporting Program (MMRP)
- D: Traffic Impact Analysis (TIA) by Hexagon
- E: Project Plans
- F: Description of Transportation Demand Management (TDM) Measures dated April 26, 2021.