



# MILPITAS PLANNING COMMISSION AGENDA REPORT

Meeting Date: June 11, 2008

## PUBLIC HEARING

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**APPLICATION:** **CONDITIONAL USE PERMIT UA08-0001, HVAC outdoor storage**

**APPLICATION  
SUMMARY:**

A request to allow an industrial use with outdoor storage area.

**LOCATION:**

340 S. Milpitas Blvd. (APN: 086-38-024)

**APPLICANT:**

Scott Goldberg, 590 Laurelwood Rd., Santa Clara, Ca 95054

**OWNER:**

Scott Goldberg, 590 Laurelwood Rd., Santa Clara, Ca 95054

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

- 1. Close the public hearing; and**
- 2. Adopt Resolution No. 08-021 approving the project subject to findings and conditions of approval.**

**PROJECT DATA:**

General Plan/

Zoning Designation:

Heavy Industrial (M2)/ Heavy Industrial (M2)

Parking:

64 Required/ 65 Provided

CEQA Determination:

Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)

PLANNER:

Judie Gilli, Associate Planner

PJ:

2512

ATTACHMENTS:

A. Project Plans

B. Resolution

## LOCATION MAP



Not to Scale

**BACKGROUND**

Since the initial construction of the existing building, there has been one building permit application for maintenance of the building. The existing building is divided into four suites with warehouse/office uses in each space. The project is located within the Heavy Industrial Zoning District. According to Section 31.03-6, a contractor’s yard with enclosed outdoor storage area requires a Conditional Use Permit (CUP). The application is submitted pursuant to Section 57, Conditional Use Permits.

**PROJECT DESCRIPTION**

The applicant is requesting to operate an industrial business (HVAC business) with outdoor storage area located at 340 S. Milpitas Blvd. The proposed business is one of four industrial businesses located within the existing building. The proposed square footage is approximately 11,000 s.f. of office and 10,000 of warehouse. The outdoor area is approximately 5,000 square feet and is fully enclosed with an eight foot tall fence with slats. The applicant proposes to use the outdoor area to store HVAC equipment and materials.

**Land Use Compatibility**

The project site and adjacent properties are zoned M2. The adjacent land uses are industrial with office. The proposed industrial use is compatible with the adjacent uses.

**Parking**

The proposed office space requires 1 space for every 350 square feet. Warehouse space requires 1 space for every 1,500 square feet. The table below shows the parking required and provided.

**TABLE 1**

<b>USE (Address)</b>	<b>PROPOSED</b>	<b>DEMAND # Spaces/s.f.</b>	<b>REQUIRED SPACES</b>
310 Office	1,855 s.f.	1/350	5
310 Warehouse	3,185 s.f.	1/1,500	2
320 Office	5,040 s.f.	1/350	14
330 Warehouse	6,504 s.f.	1/1,500	4
340 Office	11,204 s.f.	1/350	32
340 Warehouse	10,800 s.f.	1/1,500	7
<b>TOTAL REQUIRED</b>			<b>64</b>
<b>TOTAL PROVIDED</b>			<b>65</b>

The uses within the existing building require 64 spaces. 65 spaces are provided. The proposed project complies with the City’s parking requirements.

## **ADOPTED PLANS AND ORDINANCE CONSISTENCY**

### **Conformance with General Plan**

The project conforms to the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

*Implementing Policy 2.a-G-1 Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.*

*Implementing Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.*

The proposed project is consistent with Implementing Policy 2.a-G-1 in that the use will add to the industrial base for the City of Milpitas. The proposed project is consistent with Implementing Policy 2.a-I-3 in that the business adds to the balanced range of services that Milpitas provides.

### **Conformance with Zoning Ordinance**

The proposed project is located in the Heavy Industrial (M2) zoning district and is conditionally permitted with a Conditional Use Permit. With the approval of this application, the proposed project conforms to City's Zoning Ordinance.

## **ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). This Project is categorically exempt from further environmental review pursuant to Class 1, Section 15001 ("Existing Facilities") of the CEQA Guidelines.

### **PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

### **CONCLUSION**

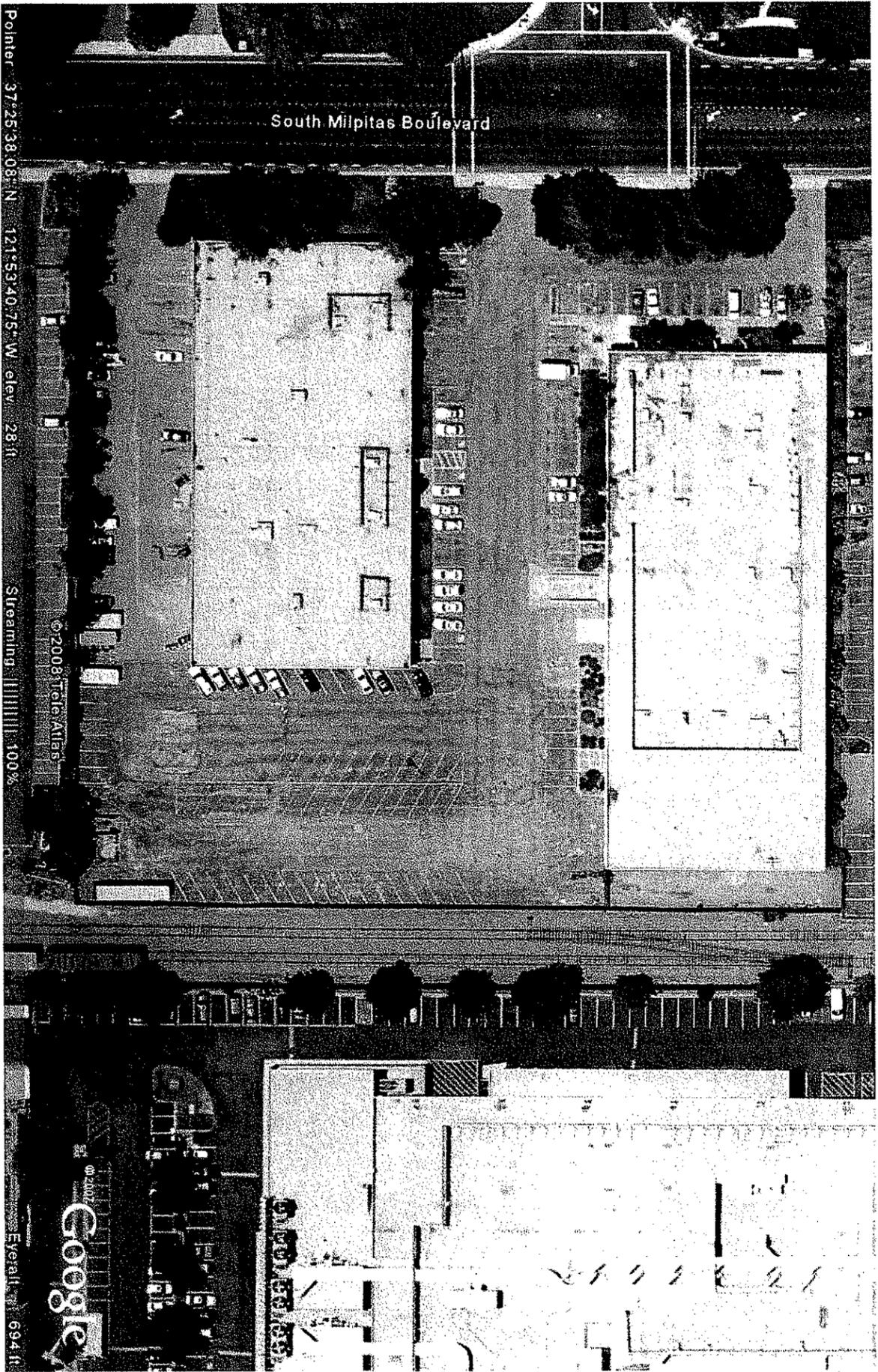
The proposed project is consistent with the City's Zoning Code and is compatible with its surrounding uses. Staff recommends that the Planning Commission adopt Resolution 08-021 approving the project subject to findings and conditions of approval.

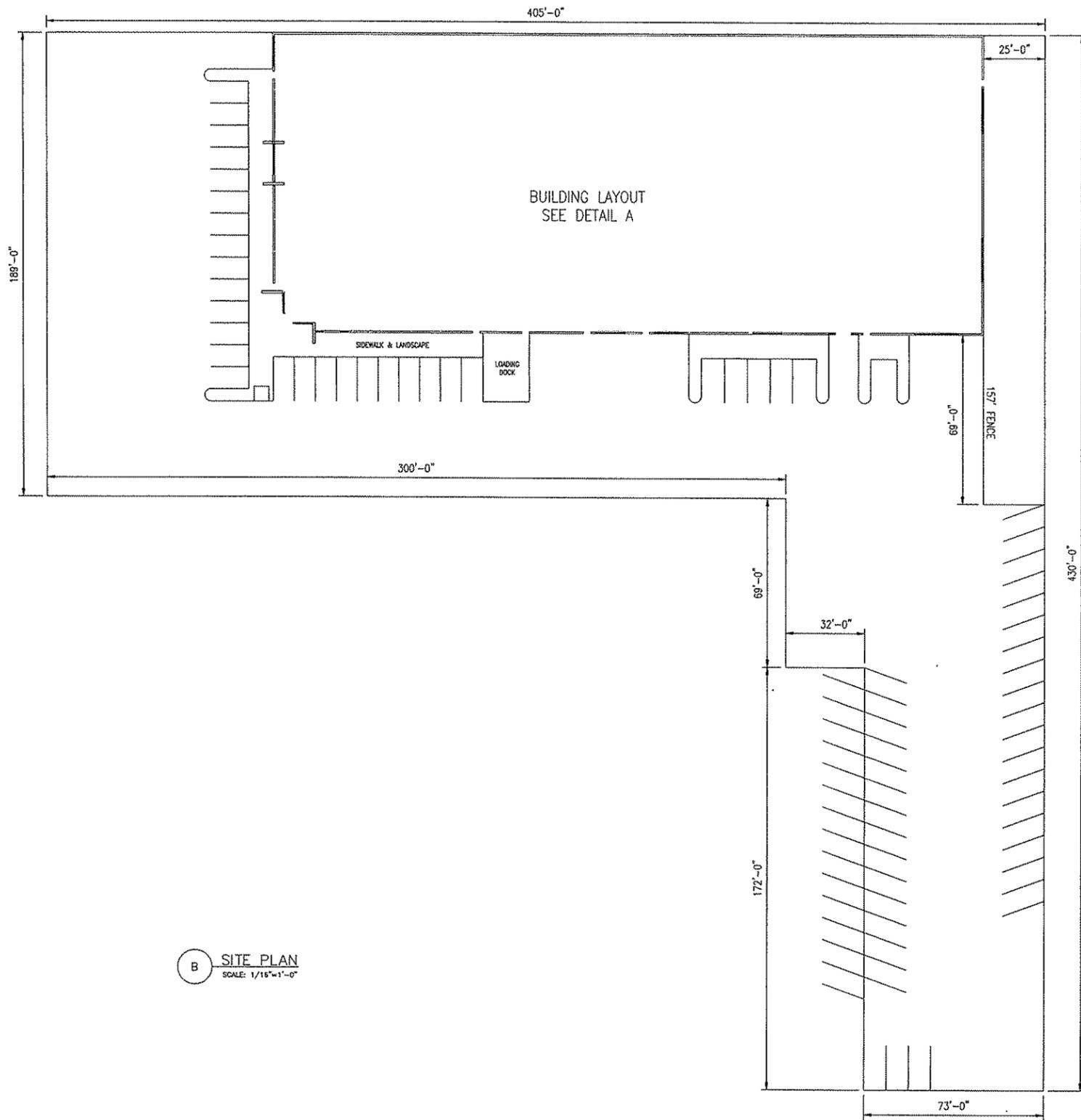
**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve **CONDITIONAL USE PERMIT UA08-0001**, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

- A. Project Plans
- B. Resolution No. 08-021



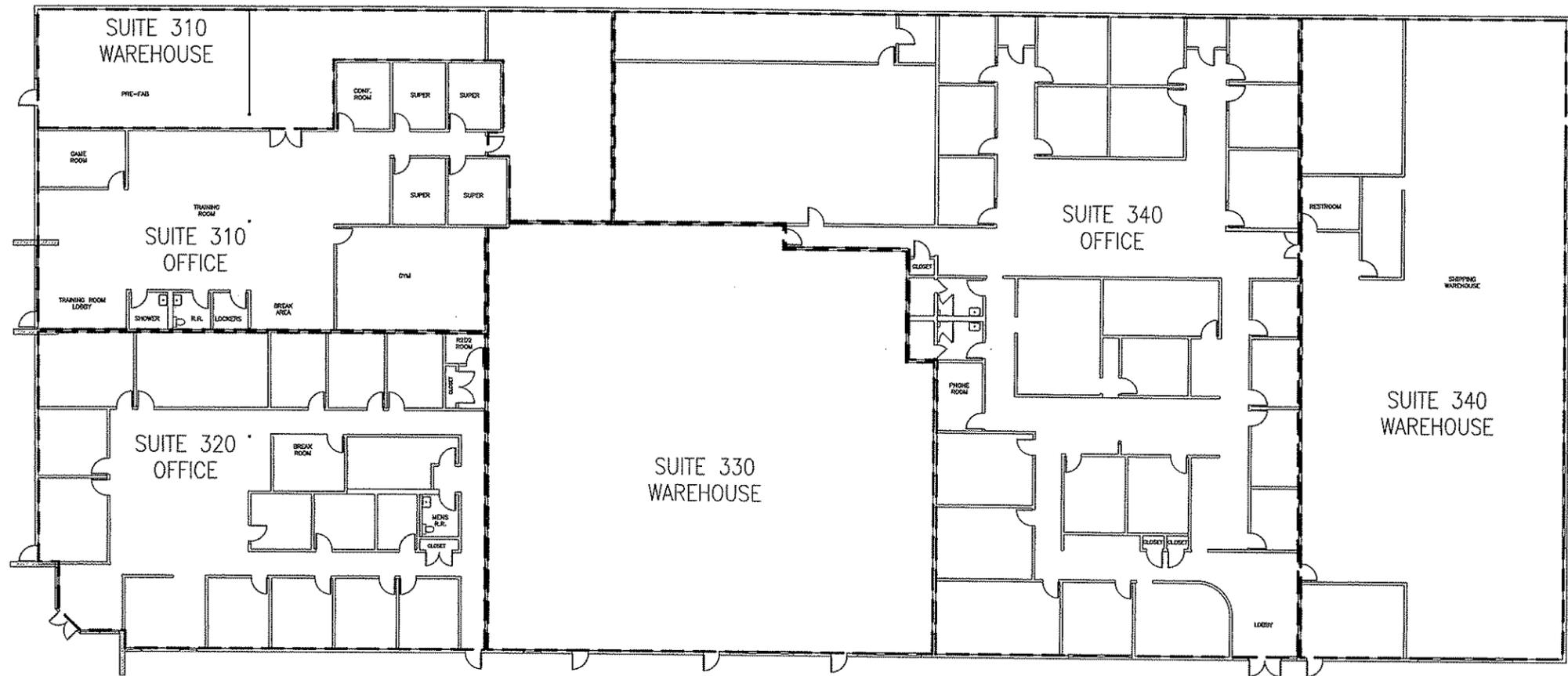


B SITE PLAN  
SCALE: 1/16"=1'-0"

RECEIVED

APR 01 2008

CITY OF MILPITAS  
PLANNING DIVISION



A FLOOR PLAN  
SCALE: 1/8"=1'-0"

LEGEND:

310 S. Milpitas	Office:	1,855 Sq. Ft.
	Warehouse:	3,185 Sq. Ft.
320 S. Milpitas	Office:	5,040 Sq. Ft.
	Warehouse:	0 Sq. Ft.
330 S. Milpitas	Office:	0 Sq. Ft.
	Warehouse:	6,504 Sq. Ft.
340 S. Milpitas	Office:	11,204 Sq. Ft.
	Warehouse:	10,800 Sq. Ft.

NOTES:

1. Fence has been enclosed and is a chain link fence with brown slats 8' high
2. Total of 71 9'x18' parking spaces for 310, 320, 330, 340 S. Milpitas Blvd.
3. Use permit change is for 340 S. Milpitas Blvd.
4. Space to be used for mechanical contractor office with general warehouse storage.

**RESOLUTION NO. 08-021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UA08-0001, TO ALLOW INDUSTRIAL USE WITH OUTDOOR STORAGE LOCATED AT 340 SOUTH MILPITAS BOULEVARD**

**WHEREAS**, on January 18, 2008, an application was submitted by Scott Goldberg, 590 Laurelwood Rd., Santa Clara, CA 95054, to allow an industrial use with outdoor storage area, located at 340 S. Milpitas Blvd. (APN: 086-38-024) within the Heavy Industrial (M2) Zoning District; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

**WHEREAS**, on June 11, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

**Section 1:** The recitals set forth above are true and correct and incorporated herein by reference.

**Section 2:** The project is categorically exempt per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

**Section 3:** 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 in that it meets all requirements of the City's Zoning Ordinance and General Plan.

**Section 4:** The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-G-1 and 2.a-I-3.

**Section 5:** The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed use meets all the requirements set forth by the Zoning Ordinance.

**Section 5:** The Planning Commission of the City of Milpitas hereby approves conditional use permit UA08-0001, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on June 11, 2008.

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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 June 11, 2008, and carried by the following roll call vote:

**COMMISSIONER                      AYES    NOES                      OTHER**

Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

**EXHIBIT 1**

**CONDITIONAL USE PERMIT UA08-0001  
PJ # 2512**

A request for a conditional use permit to allow an industrial use with outdoor storage area.  
340 S. Milpitas Blvd. (APN: 086-38-024)

**SPECIAL CONDITIONS**

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on June 11, 2008, in accordance with these Conditions of Approval. (P)
2. Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee 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 owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)
3. UA08-0001 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued. (P)
4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UA08-0001 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)