



## MILPITAS PLANNING COMMISSION AGENDA REPORT

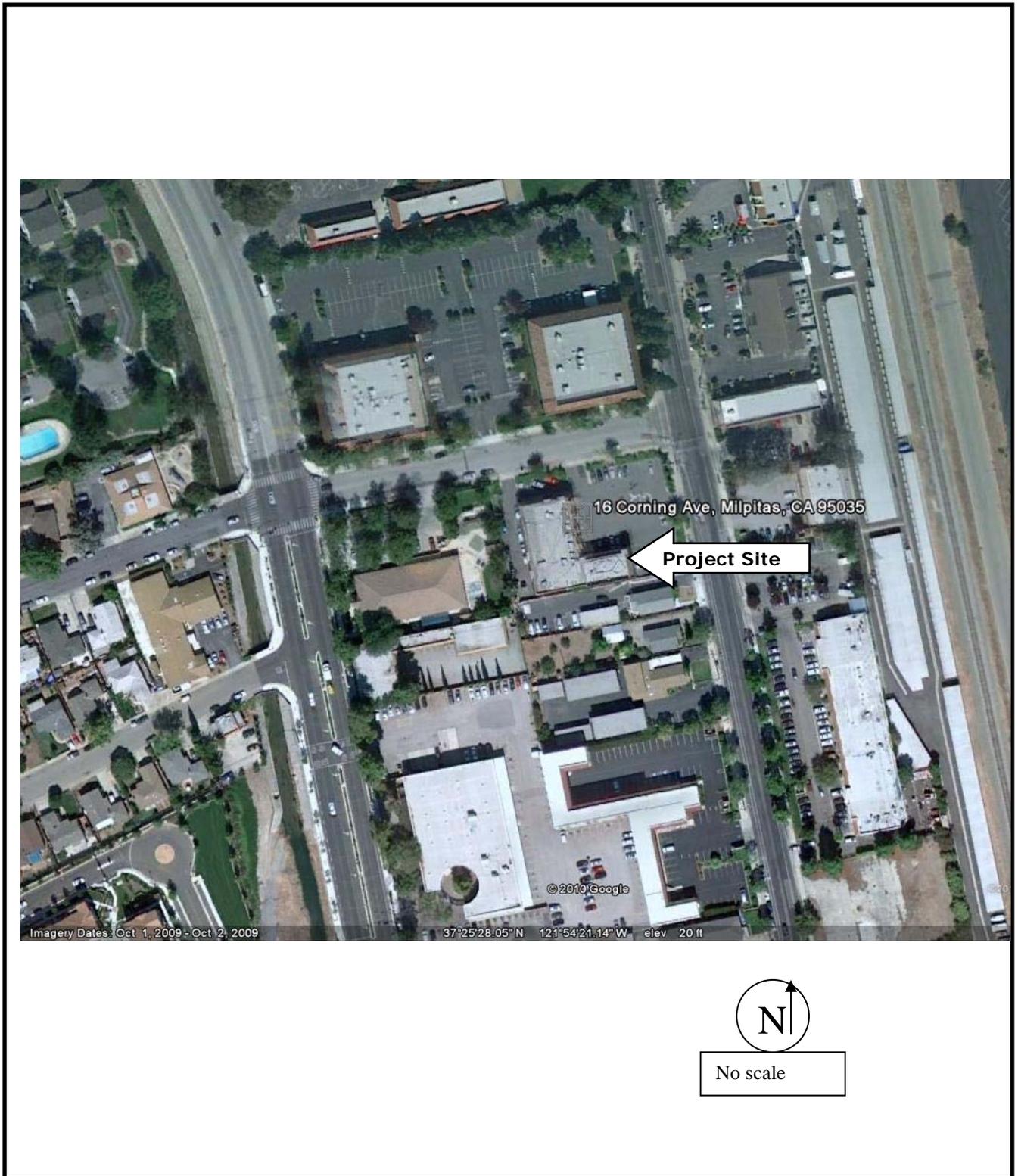
**PUBLIC HEARING**

Meeting Date: December 8, 2010

---

<b>APPLICATION:</b>	<b>Conditional Use Permit No. UP10-0020, Auto Broker Office</b>
APPLICATION SUMMARY:	A request to operate an auto broker office at an existing commercial building.
LOCATION:	16 Corning Avenue, Suite 206
APPLICANT:	Bryan Chun, 4055 Nice Court, Pleasanton, CA 94588
OWNER:	Golden Hills Investments II, LLC, 2609 White Road, Ste. 100, San Jose, CA 95148
<b>RECOMMENDATION:</b>	<b>Staff recommends that the Planning Commission: Adopt Resolution No. 10-044 approving the project subject to conditions of approval.</b>
PROJECT DATA:	
General Plan/ Zoning Designation:	Mixed Use with Site and Architectural Overlay (MXD-S)
Any other pertinent info:	
Specific Plan:	Midtown Specific Plan
CEQA Determination:	Categorically exempt form CEQA pursuant to Section 15301 (Existing Facilities)
PLANNER:	Janice Spuller, Assistant Transportation Planner
PJ:	2683
ATTACHMENTS:	A. Resolution No. 10-044 B. Letter of Explanation C. Property Manager Letter D. Site Plans

# LOCATION MAP



No scale

**BACKGROUND**

The proposed location is at the southwest corner of South Main Street and Corning Avenue in the United Center Building. The building is an existing multi-tenant two story commercial building built prior to 1965 with current tenants that include a music store, retail shops, and offices. A general plan amendment was approved by the City to change the subject site from General Commercial (C2) to Mixed Use (MXD) in 2002 with the adoption of the Midtown Specific Plan.

The use classification of Auto Broker office is conditionally permitted in Mixed Use District, pursuant to Title XI, Chapter 10, Section 6.02-1.

**PROJECT DESCRIPTION**

The General Plan and Zoning designate this site as Mixed Use with a Site and Architectural Overlay district (MXD-S). Surrounding zoning includes: Multi-Family Very High Density to the east (R4), Heavy Industrial to north east (M2), Multi-Family High Density with a Transit Oriented Development Overlay (R4-TOD) to the south, and Heavy Industrial/Multi-Family High Density with a Transit Oriented Development Overlay (R3-TOD) and General Commercial (C2) to the south and west.

The applicant requests approval of a 349 square feet office to operate an auto broker office. The majority of the business is based on office activity, with the purchase and selling of used cars and along with brokering new cars. Used cars will be purchased from dealer auctions and sold to the public. New cars will be sold through new car dealerships. The Department of Motor Vehicles requires a minimum of two parking spaces for auto brokers.

The auto broker operation hours are daily from 9:00 AM to 6:00 PM.

**ADOPTED PLANS AND ORDINANCES CONSISTENCY**

***General Plan***

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

**Table 1**  
**General Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
<p><i>2.a-G-1</i></p> <p><i>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.</i></p>	<p>Consistent.</p>
<p><i>2.a-I-3</i></p> <p><i>Encourage economic pursuits which will strengthen and promote development through stability and balance.</i></p>	<p>Consistent.</p>

The proposed project is consistent with Implementing Policy 2.a.-G-1 in that the office is capable of providing a service to the City and the region. The proposed project is consistent with Implementing Policy 2.a-I-3 in that the new Auto Broker office promotes a strong economy through the balance of supporting neighboring customers.

**Table 2**  
**Midtown Specific Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
<p><i>Goal 1</i></p> <p><i>Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown area.</i></p>	<p>Consistent.</p>
<p><i>Mixed-Use Policy 3.11 (portion)</i></p> <p><i>Encourage vertical as well as horizontal mixing of uses along Main Street.</i></p>	<p>Consistent.</p>

***Midtown Specific Plan***

The proposed project is consistent with Goal 1 & Mixed Use Policy 3.11 in that it is within a multi-tenant building located on the second floor of the United Business Center. There are minimal Auto Broker offices within the City so it will provide a new source for the community and region to purchase used and new vehicles as well as familiarize those with the burgeoning redevelopment of Midtown Milpitas.

***Zoning Ordinance***

Auto brokers are a conditionally permitted use within the Mixed Use District. The California Department of Motor Vehicles requires signage and a minimum of two parking spaces for auto brokers. The property owner has provided in writing approval of the use for display of vehicles. The City parking requirements for an Auto Broker office is one space per 200 square feet, which based on the square footage of the proposed office, would require two parking spaces. There are a total of 52 parking spaces within the center. A windshield survey of the parking lot during the midday and late afternoon hours shows the lot is approximately 50% full. Therefore, the project complies with the parking requirement.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Class 1, Section 15031 (“Existing Facilities”) because the Auto Broker office will not expand beyond the existing building.

**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**

Staff's position is that the auto broker office is a small-scale operation which would not warrant substantial parking or traffic impacts and is consistent with the uses of the Mixed Use District.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission close the public hearing following public testimony and adopt Resolution No. 10-044 approving Conditional Use Permit No. UP10-0020, subject to the attached Conditions of Approval.

*Attachments:*

- A. Resolution
- B. Letter of Explanation
- C. Property Manager Letter
- D. Site Plans

**RESOLUTION NO. 10-044**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING PERMIT #10-0020, BRC MOTORS, TO OPERATE AN AUTO BROKER OFFICE AT 16 CORNING AVENUE, SUITE 206**

**WHEREAS**, on October 19 2010, an application was submitted by Bryan Chun, 4055 Nice Court, Pleasanton, CA 9458 to allow for an Auto Broker office. The property is located within the Mixed Use Zoning District (APN 86-10-021); 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 categorically exempt; and

**WHEREAS**, on December 8, 2010, 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 from further environmental review pursuant to California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities) as there is no further expansion of the existing building.

**Section 3:** The project, 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 to adjacent future tenants or the surrounding community because there are no exterior improvements.

**Section 4:** The project is consistent with the Milpitas General Plan policies 2.a-G-1 and 2.a-I-3 in that the project promotes economic development.

**Section 5:** The project is consistent with the Milpitas Zoning Ordinance in that it is conditionally permitted and within the off street parking requirements.

**Section 6:** The project is consistent with the Midtown Specific Plan in that it is compatible with the existing uses in the surrounding area and promotes vertical mixing of uses along Main Street .

**Section 7:** The Planning Commission of the City of Milpitas hereby approves UP# 10-0020, BRC Motors 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 December 8, 2010.

---

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 December 8, 2010 and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Cliff Williams				
Lawrence Ciardella				
Sudhir Mandal				
Gurdev Sandhu				
Steve Tao				
Noella Tabladillo				
Mark Tiernan				
John Luk				

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
UP10- 0020**

A request to operate an auto broker office  
16 Corning Avenue (APN: 086-24-60)

**General Conditions**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on December 8, 2010, in accordance with these Conditions of Approval.

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.

UP10-0020 shall become null and void if the project is not commenced within two years from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas: If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. (P)

2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of UP10-0020 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)
3. Prior to the issuance of building permits, the owner or designee shall include within the four first 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)
4. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
5. No sign(s) are approved with this Conditional Use Permit. All signs shall be reviewed in accordance with the City's Zoning Ordinance. (P)
6. Only two vehicles for sales transactions are allowed on the premise at any one time. (P)

(P) = Planning

Bryan Chun  
4055 Nice Court  
Pleasanton, CA 94588

Oct. 18, 2010

City Of Milpitas  
Planning Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035

Subject: Letter of explanation regarding proposal

To whom it may concern:

I plan to start my auto dealer business named BRC Motors which is located at 16 Corning Ave., suite 206, Milpitas, CA 95035. Majority of my business will be buying and selling used cars along with brokering of new cars. Used cars will be purchased from dealer auctions and sold to the public. New cars will be sold thru new car dealerships.

My hours of operation will be Monday to Sunday from 9am to 6pm daily. I plan to keep only 2 cars on the Corning business property overnight. The owner of the property has approved of this. I would greatly appreciate your approval for a use permit.

Best Regards,



Bryan Chun

**GOLDEN HILLS INVESTMENTS II, LLC**

United Center Building  
16 Corning Avenue, Milpitas CA 95035  
Tel. No. 408-223-3360 Fax No. (408)238-6051

November 8, 2010

Milpitas Planning  
City of Milpitas, CA 95035

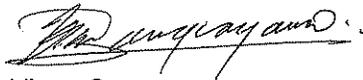
RE: Planning Project No. - PUP100020

Dear Sir/Madam,

This is with regards the Planning Project No. – PUP100020, requiring Golden Hills Investments II, LLC, Landlord, a written approval regarding a Tenant, Bryan Chun, who is applying for a permit in the city to use two (2) parking spaces in the parking lot of the United Center Building located at 16 Corning Av., Milpitas CA 95035, for display of vehicles.

Thank you.

Sincerely,  
Golden Hills Investments II, LLC  
Landlord



Vince Songcayawon  
Property Manager

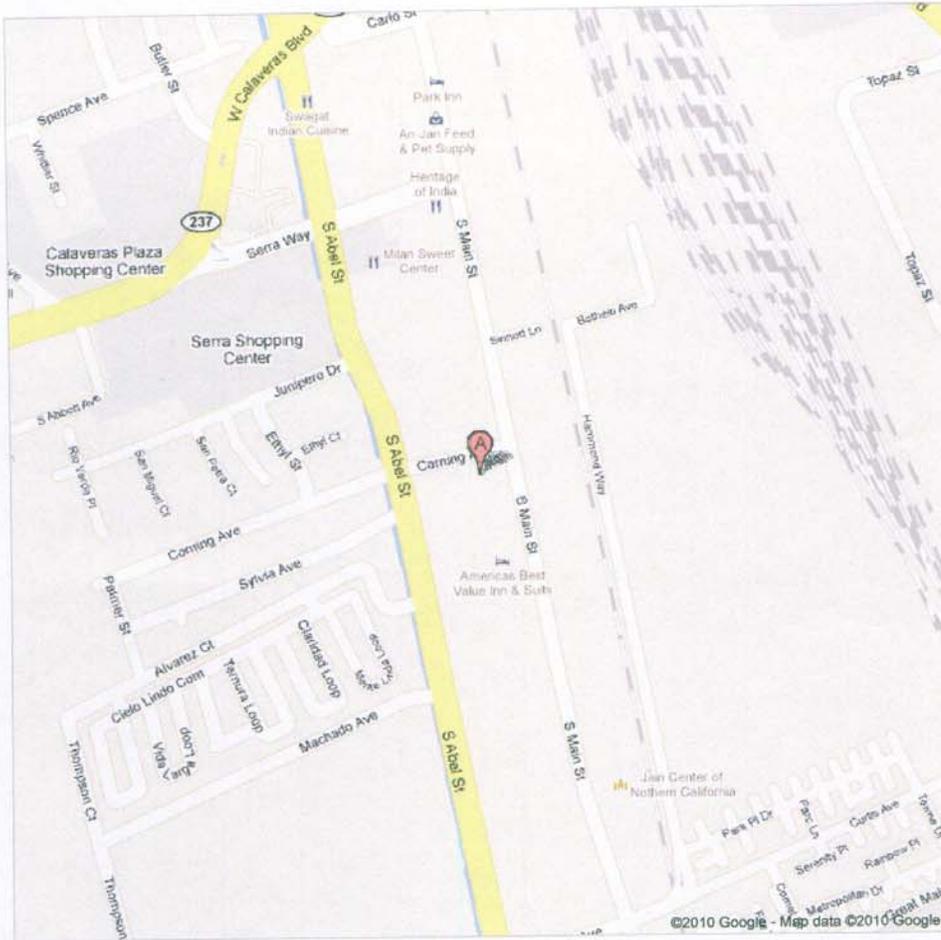
Cc: file

[Print](#)

Google maps

Address 16 Corning Ave  
Milpitas, CA 95035

Notes





UNITED CENTER-16 CORNING AVE.  
SECOND FLOOR

