



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 12, 2010

APPLICATION: **CONDITIONAL USE PERMIT NO. UP10-0022**

**APPLICATION
SUMMARY:**

A request to operate a motorcycle and parts sales facility within an existing 1,820 square foot multi-tenant building.

LOCATION: 269 Houret Drive (APN: 086-41-004)

APPLICANT: Gagandeep Sran, 269 Houret Drive, Milpitas CA 95035

OWNER: Bruce Isackson, 2101 Woodside Road, Woodside CA 94062

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution Number 11-003 approving the project subject to the conditions of approval.**

PROJECT DATA:

General Plan/

Zoning Designation: Boulevard Very High Density Mixed Use / Mixed Use Very High Density with Site and Architectural Review Overlay District

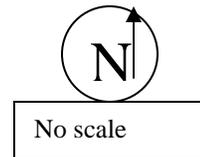
CEQA Determination: Categorically exempt from further environmental review pursuant to Section 15301, "Existing Facilities" of the California Environmental Quality Act (CEQA) guidelines.

PLANNER: Tiffany Brown, Junior Planner

PJ: 2685

ATTACHMENTS: A. Resolution No. 11-003
B. Project Plans

LOCATION MAP



BACKGROUND

On November 5, 2010, Gagandeep Sran with GS Supersports, LLC submitted an application requesting to locate a motorcycle dealership within the existing multi-tenant building at 269 Houret Drive. According to Table XI-10-6.02-1 for Mixed Use Zone Uses, Auto sales require the review and approval of a Conditional Use Permit by the Planning Commission.

PROJECT DESCRIPTION

Prior to the approval of the Transit Area Specific Plan in 2008, the project site was zoned Heavy Industrial. Per the Transit Area Specific Plan, the property is now zoned Mixed Use Very High Density (MXD3) with Site and Architectural Review Overlay District. The property is a 1.43 acre parcel with a legal non-conforming 21,840 square foot R&D building that was constructed in 1979 now known as the Montague Center. Other tenants within the Montague Center include M&M Colden Enterprises, Bavarian Motorsport, Kuykendall Electric, T.C. Design and Pap Product Distributors. A vicinity map of the subject site location is included on the previous page.

The applicant proposes to operate a used motorcycle dealership, which buys and sells motor vehicles and parts within a 1,820 square foot tenant space. The tenant space is located at the rear of the property and the showroom, retail, and storage will be conducted entirely within the existing building. See Attachment B for the site plans. This application does not include alterations to the exterior of the building.

Parking

Below a table summarizes the required amount of parking for the project.

Table 1
Development Standards

	Zoning Ordinance	Supplied Parking Spaces
Tenant space: 1,820 sq. ft.	1 space per every 300 sq.ft.	$1,820 / 300 = 6$ parking spaces allotted to tenant space
Auto Dealership	1 space per every 200 sq.ft. of showroom 1 space per every 200 sq.ft. of office	Showroom = 800 sq.ft. $800/200 = 4$ Office = 120 sq.ft. $120/200 = 1$ Required parking = 5

Per the Milpitas Zoning Ordinance, the tenant space is allotted 6 parking spaces and the proposed auto dealership requires 5 parking spaces. In summary, the project proposal meets the required amount of parking.

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 2
General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-3: Encourage economic pursuits which will strengthen and promote development though stability and balance.</i>	Consistent
<i>2.a-I-5: Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.</i>	Consistent

GS Supersports will encourage economic pursuits which will strengthen and promote a strong economy and providing economic opportunities for all Milpitas residents within the existing environmental, social, fiscal, and land use constraints.

Zoning Ordinance

Auto Sales is a conditionally permitted use within the MXD3 Zoning District. In accordance with the standards for Mixed Use zoning districts, automobiles and in this case, motorcycles for sale shall only be displayed within the building. No motorcycles for sale are allowed to be displayed outside of the building. 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.

Transit Area Specific Plan

Per the Zoning Districts and Development Standards within the Transit Area Specific Plan, Land Uses are permitted, conditionally permitted and prohibited uses for zoning districts included within the Zoning Ordinance. As stated previously, the Milpitas Municipal Code Chapter 10, Section 6, Table XI-10-6.02-1 for Mixed Use Zone Uses allows for Auto sales per the review and approval of a Conditional Use Permit.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Since the project proposal does not include demolition or new construction and will be utilizing the existing building to operate the business, staff determined that the project is categorically exempt from further environmental review pursuant to Section 15301 for Existing Facilities within 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 use at the proposed location is consistent with the Milpitas General Plan, Zoning Ordinance, and Transit Area Specific Plan. The auto sales store will add a new use within the Montague Center and will complement the existing tenants within the Center.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. 11-003 approving Conditional Use Permit No. UP10-0025, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-003
- B. Project Plans

RESOLUTION NO. 11-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, GS SUPERSPORTS, TO OPERATE A AUTO AND RETAIL SALES FACILITY AT 269 HOURET DRIVE.

WHEREAS, on November 5, 2010, an application was submitted by Gagandeep Sran, 269 Houret Drive, to allow the operation of a auto sales and retail sales facility in a 1,820 square foot tenant space within an existing multi-tenant building at 269 Houret Drive. The property is located within the Mixed Use Very High Density Zoning District with Site and Architectural Review Overlay District. (APN 086-41-004); 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 exempt.

WHEREAS, on January 12, 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 proposal does not include the demolition of or new construction of any building. GS SuperSports will utilize the existing building to operate the business and therefore, the project is categorically exempt from further environmental review pursuant to Section 15301 for Existing Facilities within the CEQA guidelines.

Section 3: The project proposal is consistent with the Milpitas General Plan Policies 2.a-1-3 and 2.a-1-5 in that GS Supersports will encourage economic pursuits which will strengthen and promote a strong economy and providing economic opportunities for all Milpitas residents within the existing environmental, social, fiscal, and land use constraints.

Section 4: The project proposal is consistent with the Zoning Ordinance in that Auto Sales is a conditionally permitted use within the Mixed Use Very High Density Zoning District. The business operations will be conducted entirely within the dwelling and the project proposal does not include exterior alterations or modifications to the building. 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.

Section 5: Per the Zoning Districts and Development Standards within the Transit Area Specific Plan, Land Uses are permitted, conditionally permitted and prohibited uses for Zoning Districts included within the Zoning Ordinance. The Milpitas Municipal Code Chapter 10 Zoning, Section 6, Table XI-10-6.02-1 for Mixed Use Zone Uses allows for Auto sales per the review and approval of a Conditional Use Permit.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. 10-0025, GS SuperSports, 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 January 12, 2011.

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 January 12, 2011, and carried by the following roll call vote:

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

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP10-0025**

A Request to operate a auto sales and retail sales facility in a 1,820 square foot tenant space within an existing multi-tenant building at 269 Houret Drive. (APN: 086-41-004)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on **January 12, 2011**, 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. **(P)**

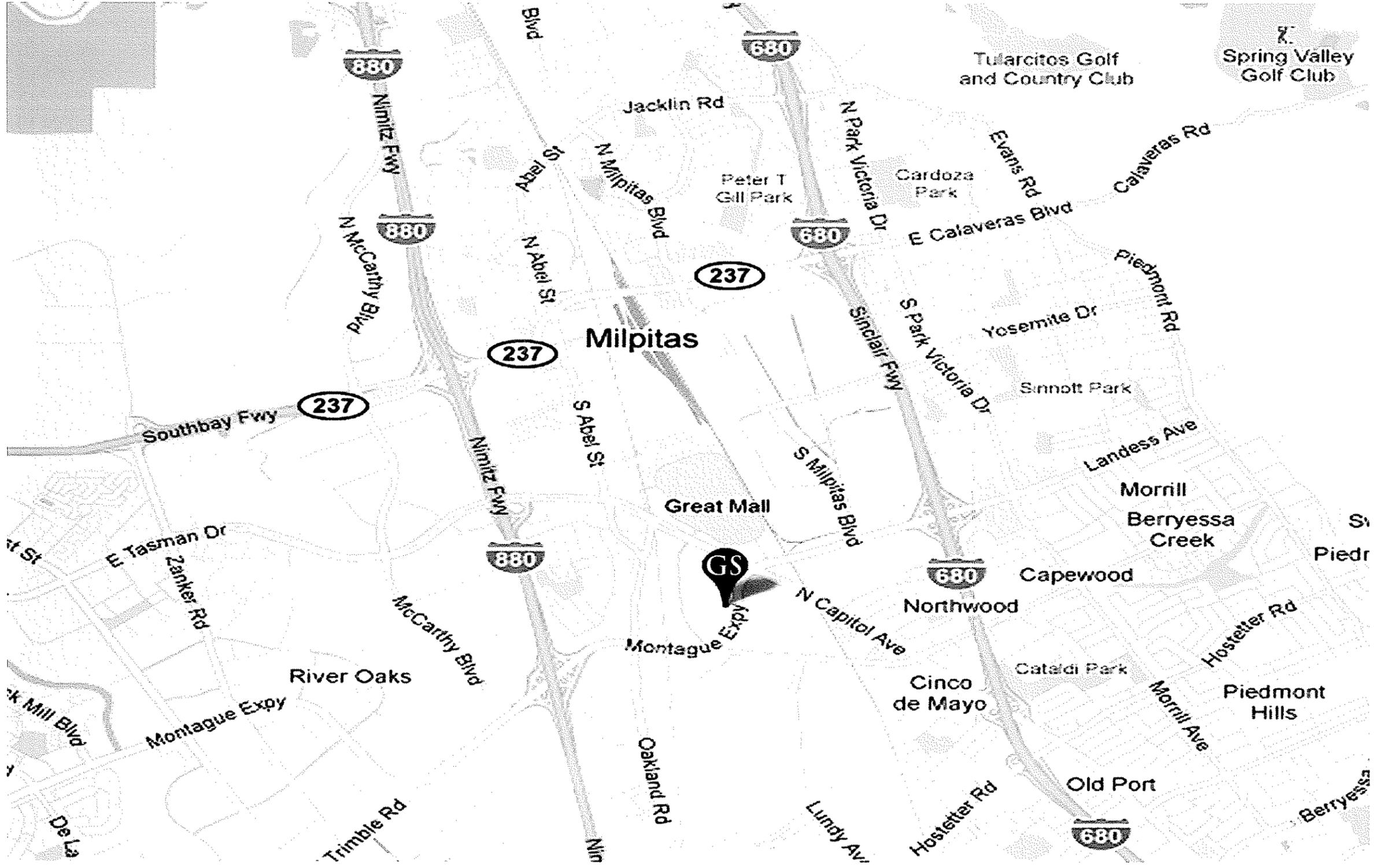
UP10-0025 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- 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.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of **UP10-0025** if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention

GS Supersports
269 Houret Drive
Milpitas, CA 95035

VICINITY MAP

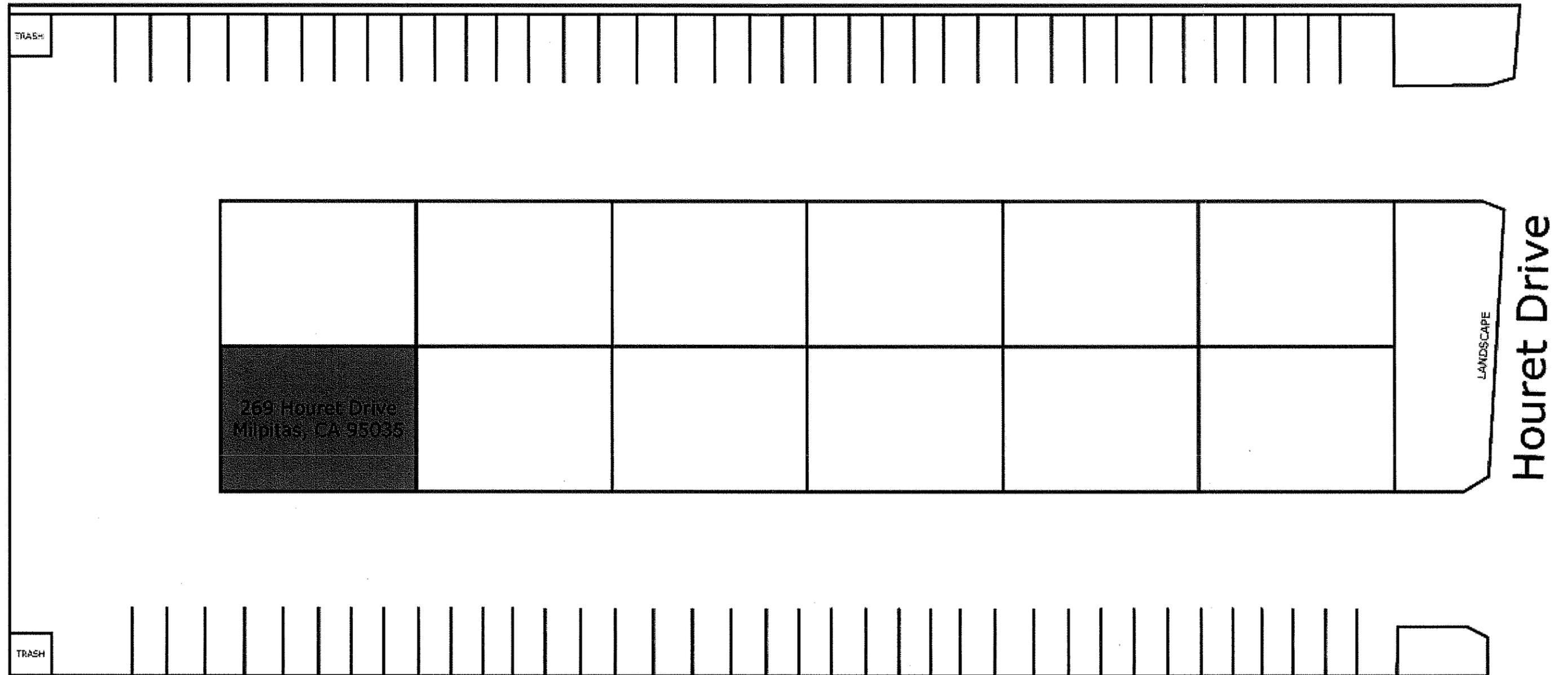


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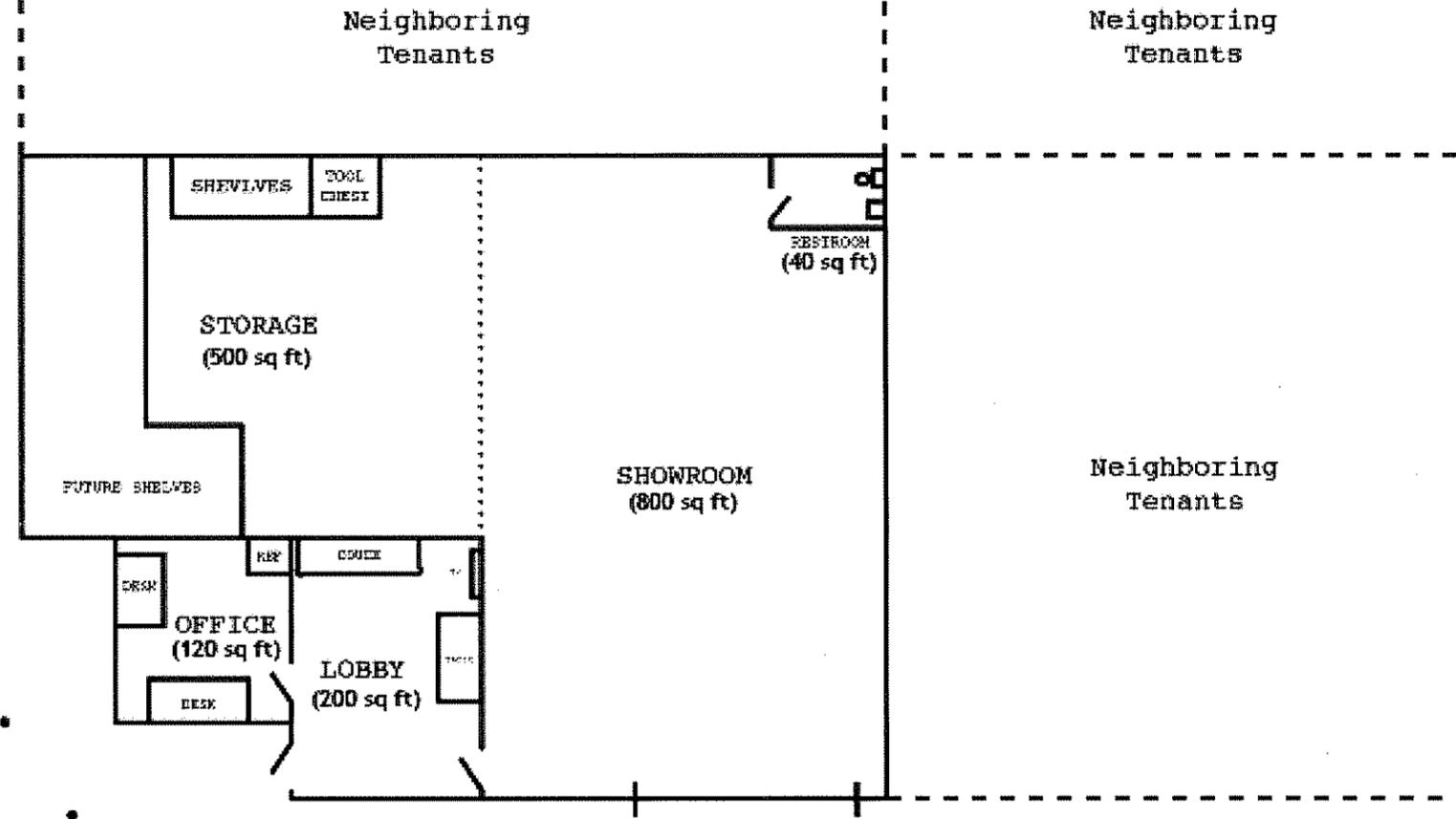
CITY OF MILPITAS
PLANNING DIVISION

GS Supersports Site Plan



1in:25ft

GS SuperSports
269 Houret Drive
Milpitas, CA 95035
Floor Plan



1in:10ft