



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: July 27, 2011

APPLICATION:	Conditional Use Permit No. UP11-0019, Auto Broker Office
APPLICATION SUMMARY:	A request to operate an Auto Broker office at an existing commercial building.
LOCATION:	1313 N. Milpitas Blvd, #105
APPLICANT:	Lakbhir Singh Pooni
OWNER:	Daniel D. Youngs, 1313 N. Milpitas Blvd # 200, Milpitas, CA 95035
RECOMMENDATION:	Staff recommends that the Planning Commission: Adopt Resolution No. # 11-029 approving the project subject to conditions of approval.
PROJECT DATA:	
General Plan/ Zoning Designation:	Highway Services District with Site and Architectural Overlay (HS-S)
Any other pertinent info:	
CEQA Determination:	Categorically exempt form CEQA pursuant to Section 15301 (Existing Facilities)
PLANNER:	Janice Spuller, Assistant Transportation Planner
PJ:	2731
ATTACHMENTS:	A. Resolution No. 11-029 B. Plans (Applicant letter, Vicinity, Site, and Floor Plans)

BACKGROUND

The proposed location is located on the southwest corner of S. Milpitas Blvd and Minnis Circle. The building is an existing multi-tenant two story commercial building built prior to 2000 with current tenants as offices.

Auto Sales is conditionally permitted in Highway Services, pursuant to Title XI, Chapter 10, Section 5.02-1 requiring approval by the Planning Commission.

PROJECT DESCRIPTION

The General Plan and Zoning designate this site as Highway Services with a Site and Architectural overlay (HS-S). Surrounding zoning includes: Institutional to the south (I), Residential to the east (R1-6), Neighborhood Commercial north-east (C1), and Highway Services with a Mobile Home Park overlay (MHP).

The applicant requests approval of a 200 square feet office to operate as an auto broker. 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 vehicle display spaces for auto brokers. Typically, brokers use parking spaces provided onsite to satisfy this requirement.

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

Policy	Consistency Finding
<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 Auto Broker office is consistent with the above General Plan policies as it is complementary with the surrounding uses in the center as well as filling in once-vacant office space promoting economic development.

Zoning Ordinance

Auto brokers are a conditionally permitted use within the Highway Services District. The California Department of Motor Vehicles (DMV) requires signage and a minimum of two vehicle display spaces for auto brokers. The City parking requirements for Auto Dealerships is 1 space per 200 square feet, which would require two parking spaces. There are a total of 130 parking spaces within the center, with 52 spaces located in a private parking garage, and 78 spaces located outside. A windshield screen survey of the outdoor parking lot during the midday and late afternoon hours shows the lot is approximately 25% full. The applicant stated the use of the office is solely for administrative work and any vehicles for sale would be located at his alternate location outside of the City of Milpitas.

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 Sales office would 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 the auto broker 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 adopt Resolution No. 11-029 approving Conditional Use Permit No. UP11-0019, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 11-029
- B. Plans (Applicant letter, Vicinity, Site, and Floor Plans)

RESOLUTION NO. 11-029

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS,
CALIFORNIA, APPROVING PERMIT #11-0019, LAKBHIR SINGH POONI, TO
OPERATE AN AUTO BROKER OFFICE AT
1313 NORTH MILPITAS BLVD, SUITE 105**

WHEREAS, on June 9, 2011, an application was submitted by Lakhbir Singh Pooni, 1526 Poppy Hills Lane, Tracy, CA 95377, to allow for an Auto Broker Office. The property is located within the Highway Services Zoning District (APN 22-02-042); 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 July 27, 2011, 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) because the Auto Sales office would not expand beyond 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 and there would be minimal customer traffic associated with the broker office.

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 Planning Commission of the City of Milpitas hereby approves UP# 11-0019, Lakhbir Singh Pooni, 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 July 27, 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 July 27, 2011 and carried by the following roll call vote:

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

EXHIBIT 1

CONDITIONS OF APPROVAL

UP # 11-0019

A request to operate an auto broker office
1313 N. Milpitas Blvd (APN: 022-02-042)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on July 27, 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.

UP #11-0019 shall become null and void if the project is not commenced within 18 months 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 UP#11-0019 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. Local Sales and Use Tax. In order to assist the City of Milpitas in its efforts to receive direct distribution of the local tax on materials associated with the project, the California Sales and

Use Tax (the “Local Tax”) shall be allocated to the project site, to the extent reasonably possible. The development or rehabilitation work, as currently envisioned, has the potential to be a significant source of additional local use tax revenue to the City of Milpitas. (P)

(P) = Planning

City of Milpitas Planning Division

455 E. Calaveras Blvd.

Milpitas, CA 95035

RECEIVED

JUN 09 2011

CITY OF MILPITAS
PLANNING DIVISION

June 3, 2011

To Whom It May Concern:

I am writing to inform the City of Milpitas Planning Division and all those concerned, that the project site, located at 1313 N. Milpitas Blvd., for which I am seeking approval for will solely be used for the purpose of administrative work and that too only on a need basis. All administrative work will be conducted in relation to my City Auto Sale business. There should be absolutely no concern of crowding or disturbances for surrounding businesses, residents, or the City because this office will be used only during office hours or by appointment. The two allocated parking spots for my office will be used only for office employees. I will personally be managing this office therefore I ensure that all tasks will be carried out in accordance with City ordinances. I aspire that you will take all of this into consideration to make your final decision. Any questions, comments, and/or concerns are welcome.

Thank You,



Lakhbir Singh Pooni

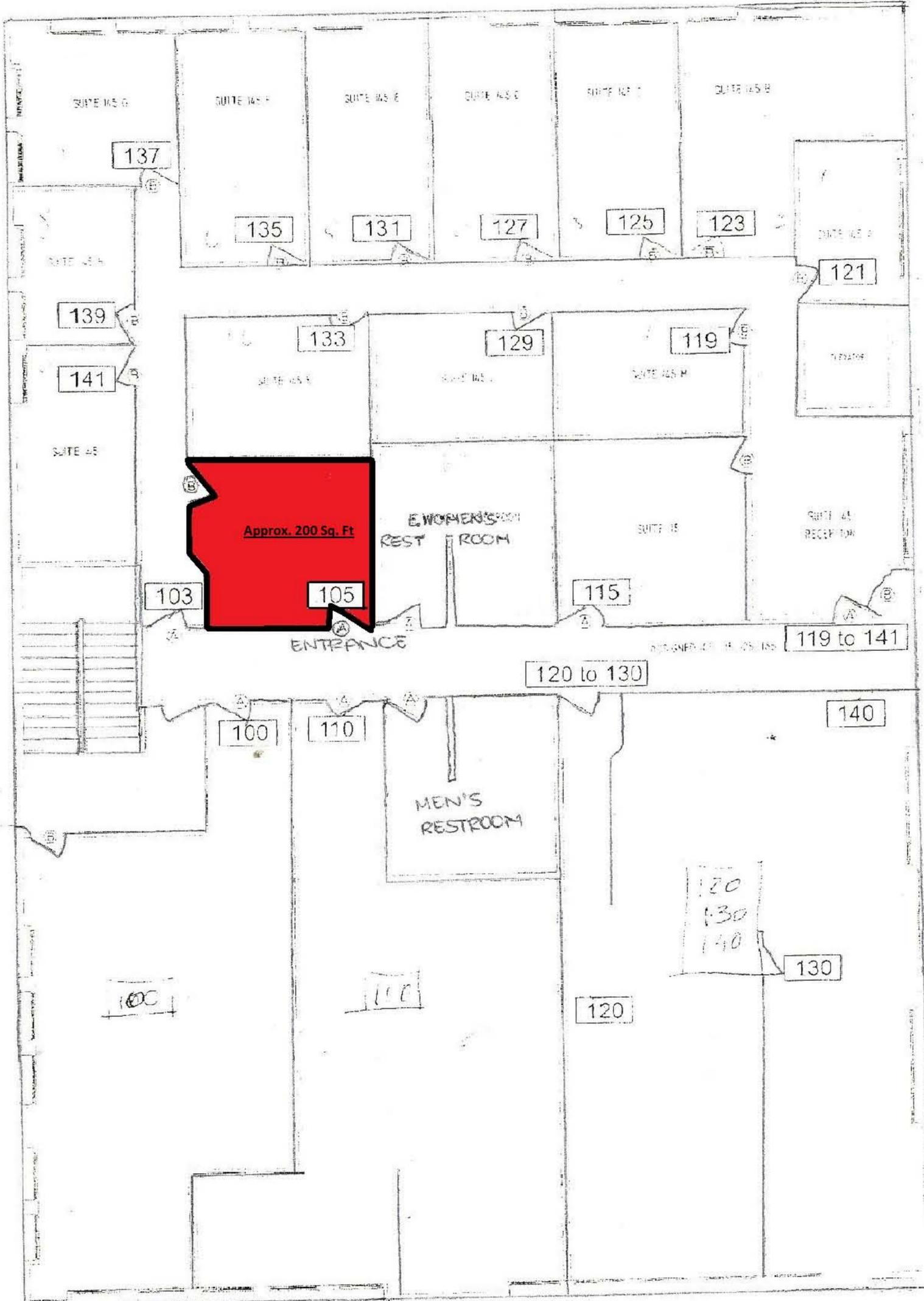
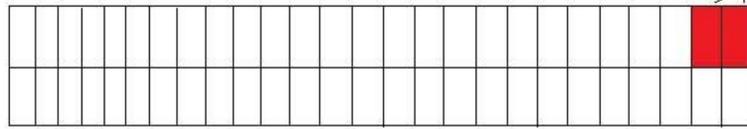
Vicinity Map: 1313 N. Milpitas Blvd



#105 Located within the Office Building

Floor and Site Plan

Two Designated
Parking Spots



Floor Plan

