



MILPITAS PLANNING COMMISSION STAFF REPORT

August 12, 2015

APPLICATION: **GLOBAL BAZAAR MARKET Conditional Use Permit File No. UP15-0005 & Minor Conditional Use Permit No. MC15-0003** – A request for a Conditional Use Permit for shared parking in an existing multi-tenant commercial center together with a Minor Use Permit request to operate a 2,968 square foot grocery store in an existing tenant space located at 81 and 83 S. Main St., zoned Mixed-Use District (MXD). (APN 022-24-020)

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 15-028 approving Conditional Use Permit No. UP15-0005 and Minor Conditional Use Permit No. MC15-0003 to allow shared parking and a new grocery store in an existing commercial center at 81/83 South Main Street, subject to findings and Conditions of Approval.**

LOCATION:
Address/APN: 81-83 South Main Street (APN 022-24-020)
Area of City: Midtown

PEOPLE:
Project Applicant: Global Bazaar, 115 Toyon Lane, Union City, CA 94587
Consultant(s): Heidi Miller, PO Box 1267, Orinda, CA 94563
Property/Business Owner: Brian Estes, 89 S. Main Street, Milpitas, CA 95035
Project Planner: Darryl Boyd, Contract Planner

LAND USE:
General Plan Designation: Mixed Use (Midtown Specific Plan)
Zoning District: Mixed-Use District (MXD)
Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301(a) 'Existing Facilities – Minor Alterations' of the California Environmental Quality Act (CEQA).

Map 2
Project Site



BACKGROUND

The existing Olinger Plaza Commercial Center located at 81-93 South Main Street is comprised of approximately 6,240 sq. ft. on a 0.4-acre site. There are two separate buildings on the site. A dog groomer, a hair salon and a real estate office currently occupy three tenant spaces. 23-parking spaces exist on-site with access from South Main Street. The vacant tenant space was previously occupied by an antique store.

PROJECT DESCRIPTION

Global Bazaar is requesting a Conditional Use Permit (CUP) to allow shared parking and a Minor Conditional Use Permit to allow the use of 2,968 sq. ft. for a retail grocery store and bakery. The CUP for shared parking is necessary because the different parking standards for the existing and proposed commercial uses. Physical changes to the existing development are limited to minor interior and exterior alterations. A new trash enclosure is required to bring the site into compliance with current solid waste service requirements.

Location and Context

The site is located within the heart of the Midtown commercial district. It is surrounded by various commercial uses. Kentucky Fried Chicken is adjacent to the north, the Milpitas Inn and South Bay Cycles are across Main Street to the east, the An-Jan parking lot is adjacent to the south and a strip commercial center to the west. Vicinity and location maps of the subject site location are included on the previous pages.

PROJECT ANALYSIS

General Plan Conformance

The project conforms to the General Plan because it is a small commercial use utilizing a tenant space in an existing commercial center with the Land Use designation of Mixed Use (Midtown Specific Plan). The Mixed-Use designation allows traditional retail and commercial uses. The proposed grocery store is a retail use consistent with this land use designation. As a small business, the proposed use is consistent with the economic development goals of the City. This promotes a highly amenable community environment, in keeping with Guiding Principle 2.a-G-1. The project is also consistent with Implementing Policy 2.a-I-1 in that the project will foster community growth through beautification of existing and future development.

The project conforms to the Midtown Specific Plan, specifically Policy 3.10. The Specific Plan allows legally established businesses and commercial development in the South Main Street area to remain as legal conforming uses. The proposed use is within a tenant space of an existing commercial center. The proposed grocery store/market is consistent with this Policy.

Zoning Conformance

The project as proposed conforms to the Zoning Ordinance and the Mixed-Use Zoning District because the proposed grocery store/market is a conditional use in the MXD. A tenant space in an

existing commercial center will be utilized without the need for substantial physical changes or improvements to the site. The mix of existing and proposed commercial uses requires a Conditional Use permit to allow shared parking. The 23-parking spaces existing on site are adequate based on an independent parking analysis prepared for the project. As conditioned, the project is consistent with the Zoning Code.

Development Standards

The site is fully developed with an existing commercial center. The proposed use will occupy a vacant tenant space requiring only minor interior and exterior alterations. A new trash enclosure will be constructed to attain compliance with current solid waste service regulations. The proposed project is consistent with the development standards of the Mixed-Use Zoning District because no expansion or new improvements are proposed.

Parking Standards

The Off-Street Parking Regulations of the Zoning Ordinance require a parking assessment when the use of an existing building changes. The table below indicates that the existing number of parking spaces provided on-site does not meet the minimum standards based on the uses. However, the regulations do not require the provision of additional spaces unless the change in use results in the need for an additional 50% or more parking spaces. In this case, the parking demand would need to increase by 11 or more spaces than the number existing. The proposed project results in the need for seven more spaces than provided, which does not require the provision of more spaces than currently exist.

Table 1
Summary of Parking Standards

Use	Standard	Sq. Ft.	Required Spaces
Real Estate Office	One per 240 sq. ft.	2,018	8
Hair Salon	One per 200 sq. ft.	700	4
Dog Grooming	One per 250 sq. ft.	558	2
Grocery Store	One per 200 sq. ft.	2,968	15
TOTAL			29
Spaces Provided On-site			22
Hexagon Survey 3/24/15	Maximum No. per Hour	4 Spaces	19

Additionally, the parking regulations allow for and encourage the shared use of parking if there is a mix of commercial uses located on a single site. An alternative calculation of the number of parking spaces required can be used for shared parking. A parking demand survey was conducted by Hexagon Transportation Consultants on the day of March 24, 2015 for the existing center uses. The survey results showed that the maximum number of spaces used per hour was never more than four (4) cars. Using Institute of Transportation Engineers (ITE) Parking

Generation standards, the proposed grocery store requires 10 spaces. Total parking demand for the center would be 14 spaces (4 + 10). The results of the parking survey and alternate parking demand calculation indicate that 22 spaces are more than adequate for the proposed project and the existing uses. A copy of the Hexagon report is attached to this staff report.

Solid Waste Service

The existing on-site trash enclosure is not large enough for two bins and, therefore, does not comply with current solid waste requirements. The only significant improvement proposed is the construction of a trash enclosure along the southerly property line. The existing parking spaces will be reconfigured to provide an adequate site area for the new enclosure. As a result, one parking space is lost for a total of 22 spaces provided. The new enclosure will be designed and constructed to meet current City specifications for solid waste and storm water runoff protection.

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. Staff has found that the proposed project is consistent with the General Plan, Zoning Ordinance, Midtown Specific Plan, California Environmental Quality Act and all required findings. The findings for approval are discussed in detail in Attachment A (Resolution 15-028).

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301(a) 'Existing Facilities with Minor Alterations' of the CEQA Guidelines.

PUBLIC COMMENT/OUTREACH

Staff provided public hearing notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on July 31, 2015. In addition, 363 notices were mailed to owners and occupants within 1,000-feet of the project site. A public notice was also posted on the project site, on the City's Website, www.ci.milpitas.ca.gov, and at City Hall.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution No. 15-028

ATTACHMENTS

A: Resolution No. 15-028 with Findings and Conditions of Approval

B: CEQA Document – Statement of Exemption

C: Plan Set

D: Hexagon Parking Study dated March 27, 2015

Agenda Item IX-1: Global Bazaar @ 81/83 S. Main St., August 12, 2015