Planning Commission Date: June 11, 2003 Item No. *4

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing Report prepared by: Staci Pereira

Public Hearing: Yes: _X_ No: _____

Notices Mailed On: 5-30-03 Published On: 5-29-03 Posted On: 5-30-03

TITLE:	**USE PERMIT NO. P-UP2003-12 AND "S" ZONE AMENDMENT NO. P-SA2003-44**
Proposal:	A request to operate a 1,792 square foot fast food restaurant, Hui Lau Shan Healthy Dessert, with 22 seats in an existing tenant space and install a new exterior door at Ulfert's Center, zoned C2 - General Commercial.
Location:	678 Barber Lane (APN 086-01-035)
RECOMMENDATION:	**Approval with conditions**
Applicant:	Eric Au, Pinewave, 21017 Commerce Pointe Drive, Walnut, CA 91789
Property Owner:	Ulfert's Center USA, Inc., Attn: Karen Kam, 160 Garvey Avenue, Monterey Park, CA 91755-2906
Previous Action(s):	"S" Zone approval and amendments, use permit approvals and amendments
Environmental Info:	Exempt
General Plan Designation:	General Commercial
Present Zoning:	General Commercial "C2" District
Existing Land Use:	Multi-tenant commercial building
Agenda Sent To:	Applicant and property (both noted above)
Attachments:	Site and floor plans, letter from applicant, parking allocation table

BACKGROUND

On November 26, 1997, the Planning Commission approved "S" Zone plans for a 39,000 sq. ft. retail center (Ulferts Center). Subsequent amendments include a sign program approved on May 14, 1997 and a fountain with a directional sign on May 13, 1998. There have been a number of use permits approved for the site, the majority being restaurants and Use Permit No. 1552 for a telecommunications facility (October 17, 1999) and an amendment (April 26, 2000).

In conjunction with the subject application, the applicant has submitted two other use permit requests (Use Permit Nos. P-UP2003-11 and P-UP2003-10) with associated exterior modifications. These are being reviewed in separate staff reports in the Planning Commission's June 11, 2003 agenda packet.

Site Description

The project site is located at Ulfert's Center, south of Billings Chevrolet, bound by I-880 to the east and the Cisco development to the west. The project site is zoned General Commercial, as are the adjacent properties to the north and south. Industrial Park zoning lies to the west. Surrounding development includes a retail shopping center and automotive sales lot, plus an R&D campus and a day care center.

THE APPLICATION

The Use Permit application is submitted pursuant to Section 19.03-36 (restaurant as a conditional use in the General Commercial "C2" District) and Section 57 (Conditional Use Permits) of the Milpitas Zoning Ordinance. The "S" Zone amendment application is submitted pursuant to Section 42.10 (modifications of or amendments to "S" Zone approvals) of the Milpitas Zoning Ordinance.

The applicant proposes to operate a ±1,792 square foot fast food restaurant, Hui Lau Shan Healthy Dessert, with 22 seats in an existing tenant space at Ulfert's Center. The restaurant would serve a variety of desserts for on-site dining, which would also be prepared for take-out. No alcohol sales are proposed. The hours of operation would be approximately 10:00 AM to 11:00 PM, Monday through Sunday, with 11:00 PM being the latest hour the restaurant would remain open.

The minor exterior modification associated with the use includes the installation of a new entrance door. The existing tenant space, previously occupied by a bank, is to be subdivided to create two new spaces. Each of these new spaces requires a new front entrance. The interior layout of the tenant space would consist of a 536 square foot kitchen area, two handicapped accessible restrooms and an office in the rear half of the space. The front half would contain 6 tables with 22 chairs and take-out area of approximately 61 square feet. There would be a counter area for serving, cashier stand, counter tops, and a condiment counter (incorrectly noted as a web bar on the proposed plans).

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Conformance with the General Plan and Zoning Ordinance

The proposed project complies with the City's General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with Implementing Policy 2.1-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance. It is also consistent with Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector.

The proposed project is located in the General Commercial "C2" zoning district. Part of this district's purpose is to provide for a wide range of retail sales and personal and business services primarily oriented to the automobile customer. It is also intended to include commercial uses for pedestrians to access several stores in the same center or single-purpose uses served from an immediately parked automobile. The proposed restaurant is consistent with the intent of this district. The proposed restaurant is also consistent with the "C2" District in that a restaurant is a conditional use in this district, pursuant to Section 19.03-36 of the Milpitas Zoning Ordinance. In addition, the minor exterior building change (proposed new entrance door) would match the existing entrance doors at other tenant spaces and complement the building façade, thereby consistent with Section 42.10-2, regarding modifications of approvals.

ISSUES

Parking

The original "S" Zone approval for Ulfert's Center included 228 parking spaces, an excess of 74 spaces than what is required (154 spaces) based on a retail parking ratio of 1 space per 200 square feet of retail area. Based on this ratio, the ± 1,792 square foot tenant space is allotted 9 parking spaces. Based on the parking schedule for restaurants with table service, Section 53.23-2 (7), the 22 seats proposed would require 9 spaces (1 space per 2.5 seats) and the 61 square foot take-out area would require 1 space (1 space per 50 square feet). The total 10 parking spaces needed for the proposed use exceeds the number allotted to the tenant space by one, however, the retail center was over-parked in order to accommodate anticipated restaurants. Based on the Ulfert's Center Allocation of Excess Parking Spaces Table (attached), 3 parking spaces remain constructed with a greater number of parking spaces than required by code. The property owner has approved the proposed tenant to utilize one of these parking spaces in order to meet the parking requirements. This, in addition to the excess parking space allotted to Use Permit No. UP2003-10, reduces the total excess, unallocated parking spaces at Ulfert's Center to one. Staff does not anticipate any impact on existing parking due to the parking requirements being met with the one excess space.

Trash Enclosure

The existing solid waste enclosures and their capacities have been found insufficient to handle the additional waste, both solid and liquid (grease), generated by the proposed use and the restaurant uses proposed in Use Permit Nos. P-UP2003-10 and P-UP2003-11. There are two existing standard size enclosures at the northeast and southeast corners of the property. The

applicant proposes to enlarge the trash enclosure at the southeast corner to accommodate a trash compactor, which can hold more trash than a standard, regular-sized bin.

The applicant has submitted plans to enlarge the enclosure, "S" Zone amendment No. P-SA2003-64 as a part of Use Permit No. P-UP2003-11. ***Staff recommends*** a special condition that the certificate of occupancy not be issued until the enlargement to the southeast trash enclosure has been finaled and the trash compactor is fully operational.

Odors, Spillage, Urban Runoff Management

There are potential impacts from waste generated by the restaurant that may produce odors if not properly handled or if spilled when transported to the on-site trash enclosure. In addition, urban runoff pollution may occur if food waste is spilled in the trash enclosure area and rainfall or other water washes it into the storm drains. Therefore, ***staff recommends*** special conditions addressing these potential impacts. These are similar conditions attached to other recent restaurant approvals in the City given the recent approval of new, stricter urban runoff-related requirements by the Santa Clara Valley Water Management District.

Community Impact

The proposed restaurant use would be one of several retail and eatery establishments within the Ulfert's Center shopping center, which has been zoned and designed for such tenants. The hours of operation proposed are consistent with adjacent businesses and neighboring land uses. In addition, there is no residential housing in the vicinity. As conditioned, the proposed project is not anticipated to create any significant parking, traffic, odor, noise, or other adverse impacts on the community.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 ("Existing Facilities"—"... permitting, ... licensing ... of existing ... private structures ... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit No. P-UP2003-12 and "S" Zone Amendment No. P-SA2003-44 based on the Findings and Special Conditions of Approval listed below.

FINDINGS

1. The proposed project is consistent with the General Plan in terms of land use and Policies 2.a-I-6 and 2.1-I-3, which encourage economic pursuit that strengthen and promote development and that can resist downturns in any one economic sector.

2. The proposed project is consistent with the Zoning Ordinance in that a restaurant is a conditional use in the General Commercial "C2" District and it is consistent with the purpose

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and intent of the district. In addition, the minor exterior building change (proposed new entrance door) would match the existing entrance doors at other tenant spaces and complement the building façade, thereby consistent with Section 42.10-2, regarding modifications of approvals.

3. As conditioned, the proposed project will not be detrimental or injurious to the public health, safety, and general welfare of the adjacent tenants or the surrounding community because the restaurant will not produce any adverse impacts on the community.

4. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the state CEQA Guidelines.

SPECIAL CONDITIONS

1. This Use Permit No. P-UP2003-12 is for a ±1,792 square foot fast food restaurant, Hui Lau Shan Healthy Dessert, with 22 seats and a 61 square foot take-out area, as depicted on approved plans dated June 11, 2003. Any additional seats, change in size of take-out area, the inclusion of any alcohol sales, or changes to any of the conditions of approval require Planning Commission approval of an amendment to this Use Permit and a public hearing. (P)

2. This approval is also for "S" Zone Amendment No. P-SA2003-44 for a new exterior entrance door, as depicted on approved plans dated June 11, 2003. The proposed new entrance door shall match the existing entrance doors at other tenant spaces in terms of material and color and complement the building façade. Minor changes, as per Section 42.10-2 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)

3. Prior to the issuance of a certificate of occupancy and business license, the building permit for the enlargement of the southeast trash enclosure, "S" Zone amendment No. P-SA2003-64, shall be finaled and the trash compactor fully operational. (P)

4. Prior to any building permit issuance, the restaurant tenant improvement plans shall incorporate a notation for a sign measuring at least 1-foot by 1-foot, with a lettering height of at least 1 inch, to be placed in a conspicuous location near the front entrance stating "Maximum dining room seating: 22". (P)

5. Prior to issuance of a building permit, the applicant shall submit to the Planning Division a program assigning restaurant staff responsibility for complying with the following guidelines. The solid waste collection/loading area for the restaurant shall adhere to the following guidelines in perpetuity. (P)

   a) Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.

   b) Double- or triple-bag waste to prevent leaking.

   c) Place, do not drop or throw, waste-filled bags, to prevent leaking.

d) Keep the ground under and around the garbage dumpsters swept.

e) Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.

f) Keep garbage dumpsters inside the approved enclosure and away from residential properties. Enclosure gates shall be kept closed.

6. The business owner shall post signs (in English, Vietnamese, Chinese, Filipino, Spanish or other language appropriate or desired by the business owner) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage as outlined above prior to the issuance of a certificate occupancy. (P)

7. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the garbage bins and any other procedures that would assist the business in complying with all state and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). (P)

8. Prior to building permit final, the business owner shall submit an outline of the format and number of training sessions to the Planning Division to address training in preparation for opening, for new employees, and for annual recurring training. (P)

9. Prior to issuance of a building permit, plans shall show the following: All floor drains, trash compactors and indoor or covered mat and equipment washing areas shall be drained to the sanitary sewer. (P)

10. Washing of containers and equipment shall be conducted in the kitchen area such that wash water may drain into the sanitary sewer. (P)

11. All tenant garbage carts and bins shall be stored in the garbage enclosure in perpetuity and shall be maintained clean by double-bagging garbage and by frequent sweeping and disposal of any spilled solid waste. (P)

12. This approval does not include any signs. Any new signage shall adhere to the approved sign program for Ulfert's Center and shall be submitted and approved by the Planning Division. (P)

13. If at the time of application for building permit there is a project job account balance due to the City for recovery of fees, review of permits will not be initiated until the balance is paid in full. (P)

14. 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)

15. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)

16. As per Resolution No. 168 (Standard Conditions for Commercial Development), all rooftop equipment shall be shielded from view. This approval does not include any rooftop equipment and prior to issuance of any permit for such equipment, the applicant shall submit plans indicating rooftop equipment is below the existing parapet or roof screen. If equipment projects above the height of the screening, the applicant shall submit line-of-sight view analysis drawings indicating the equipment will not be visible from surrounding view points, including public and private right-of-ways and private properties. (P)

17. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

18. The proposed compactor enclosure area is inadequate; prior to occupancy permit issuance the applicant shall increase the INTERIOR depth of the southeast enclosure to a minimum of 19-feet and remove the center post. City review and approval is required prior to construction of the enclosure. (E)

19. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial use:

    A. Maintain an adequate level of compactor service for trash collection, with a minimum service of at least once every other week.

    B. Maintain recycling services including separate services for beverage containers. Provide a City's Utility Engineering/Solid Waste section with a written statement stating where the recycling bins and tallow tanks/barrels are stored and handled.

    C. Maintain a tallow account and keep the tallow bins clean.

    After the applicant has started its business, the solid waste service shall be evaluated by a BFI commercial representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)

20. The applicant shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to building permit issuance by the Building Division. Contact the Land Development Division at (408) 586-3329 to obtain the form(s). (E)

Planning Division = (P)
Engineering Department = (E)

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NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the Zoning Ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

BUILDING DIVISION [For further information regarding the following notes please contact Veronica Valenti at (408) 586-3241]

1. It is mandated to obtain a business license and certificate of occupancy prior to operating a business.

2. Plan shall indicate the appropriate building data. The type of construction of this building is type V-one-hour and includes a two-hour area separation wall. Openings in two-hour area separation wall shall have a 1-½ hour fire rating. Where a fixed window is installed in the area separation wall, window sprinklers shall be provided on both sides of window per report NER-516.

3. The applicant shall obtain permits from Santa Clara County Health Department and Water Pollution Control prior to applying for a building permit.

4. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC, Section 1114.B.1.3.

5. Food preparation areas shall be accessible to people with physical disabilities as per 2001-CBC, Section 1104B.5.8 and food services aisles and tableware areas as per Section 1104B.5.5 and Section 1104B.5.6, accordingly.

6. Aisle width shall be 44 inches minimum if serving both sides per 2001 CBC, Section 1133B6.2.

7. Sanitary facilities shall be fully accessible to people with disabilities as per 2001 CBC, Section 1115B.

8. Counters provided for the public and in general employee area must be accessible at least 5% in length, but not less than one counter with a minimum of 36 inches in length, as per 1995 CBC, Section 1111B-4.1.

FIRE DEPARTMENT [For further information regarding the following notes please contact Jaime Garcia at (408) 586-3369]

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.

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2. These notes are based on the assumption of Group B Occupancy for this tenant space. If tenant space is determined to be of a different occupancy classification, additional requirements may be applicable.

3. Fire safety during construction, alteration or demolition of the building shall meet the requirements of Article 87, CFC.

4. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations, Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1 CFC.

5. Alterations to the automatic fire sprinkler system and/or the fire detection system requires drawings to be submitted to the Fire Department for review and approval prior to alteration.

6. A ventilating hood and duct fire extinguishing system shall be provided in accordance with the Mechanical Code for commercial-type food heat-processing equipment that produces grease-laden vapors. Section 1005, CFC.

7. A fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat-processing equipment, as measured along an unobstructed path of travel, in accordance with California Code of Regulations, Title 19, Division 1, Chapter 3.

8. If a new trash enclosure is to be constructed, dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or places within 5 feet of combustible walls, openings or combustible roof eave lines unless area is protected by an approved automatic sprinkler system. Section 1103.2.2, CFC.

9. The use of candles and other open-flame decorative devices in places of assembly and drinking or dining establishments shall be in accordance with Section 1109.8, CFC.

10. Aisles shall be provided from all occupied portions of the exit access which contain seats, tables, furnishings, displays and similar fixtures or equipment. Aisles located within the accessible route of travel shall also comply with the Building Code requirements. Section 1204.1, CFC.

11. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of 50 or more. Section 1207.2 CFC.

12. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Section 1207.3, CFC.

13. Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Section 1203, CFC.

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14. When required, the path of exit travel to and within exits in a building shall be identified by exit signs conforming to the requirements of the Building Code. Section 1212.2, CFC.

15. The maximum flame-spread class of finish materials used on interior walls and ceilings shall be per Section 804.1, California Building Code.

16. No approval is granted under this review for use or handling of hazardous materials. If hazardous materials are intended to be stored, transported on site, used or handled, in an amount requiring a permit, a Hazardous Materials Business Plan (HMBP) shall be submitted by the business responsible along with the application for a building permit. If hazardous materials are not intended to be stored, transported on site, used or handled in an amount requiring a permit, a Hazardous Materials/Waste Registration Form and/or a Hazardous Materials Exemption Declaration shall be submitted to the Fire Department by the business responsible. No final inspection to all or any portion of the development shall be deemed complete and no certificate of occupancy shall be issued until this requirement has been met.

17. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 901.2.2 and 1001.3, CFC.

ENGINEERING DIVISION [For further information regarding the following notes please contact Robert Wang at (408) 586-3327]

1. It is the responsibility of the applicant to obtain any necessary encroachment permits from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division.

2. If necessary, the applicant shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 942-3233.

3. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development, plans showing new services must be submitted and approved prior to building permit issuance.

4. Prior to building permit issuance, applicant must pay all applicable development fees, including but not limited to, plan check and inspection deposit.

5. The applicant shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities.

6. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the

RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.

7. To minimize public contact of the recycled irrigation water, Title 22 of the California Code of Regulations and Milpitas recycled water guidelines requires that outdoor eating areas must be protected from overspray or wind drift of irrigation water. Use of recycled water shall be limited to irrigation purposes and shall not be used for washing of eating areas, walkways, pavements, etc.

8. Per Section 5.28, Chapter 2, Title VIII of Milpitas Municipal Code, prior to start of business the owner/applicant shall install and maintain a grease removal device. The grease trap shall be located outside City right-of-way and easement.

9. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X".

6/6/2003

ULFERTS CENTER
ALLOCATION OF EXCESS PARKING SPACES

Street #	Unit #	CUP #	Date Approved	Tentant	Floor Area (sf.)	Parking Use	Seating	Take-Out (sf.)	Parking 1/200 sf.	Parking 1/400 sf.	Parking for Use	Additional Parking Required		Remaining Excess Parking
														74
648	101				1,100				5.50					74
650	102	**1470**	6/24/1998	Coffee Shop	900	Restuarant (ff)	10	108	4.50		6.16	1.66	2	72
660	103			Tapioca Express	1,200	Restuarant (ff)	12	64	6.00		6.08	0.08	0	72
662	104	**1430**	9/10/1997	Yummy House (tea)	1,405	Restuarant (sd)	20	69	7.02		7.00	(0.02)	0	72
666	105			Lagugu Salon	1,191	Retail			5.96		5.96	0.00	0	72
678	106A			Dessert Restaurant	1,792	Restuarant (ff)	22	61	8.96		10.02	1.06	1	71
672	106B			Ulferts Furniture	5,952	Furniture Store			29.76		17.01	(12.75)	(13)	84
[illegible]	[illegible]			Japanese Restaurant	1,200	Restuarant (sd)	18		6.00		7.00	1.00	1	83
682	107 & 108	**1452**	5/13/1998	Shanghai Garden	2,596	Restuarant (sd)	44	36	12.98		16.00	3.02	3	80
688	109	**1473**	6/24/1998	House Porridge	1,200	Restuarant (ff)	20	50	6.00		9.00	3.00	3	77
690	110	**1491**	########	Good Time Café	900	Restaurant (sd)	18	52	4.50		8.24	3.74	4	73
692	111			Jewelry Store	1,100	Retail			5.50		5.50	0.00	0	73
748	201				1,100					2.75				73
750	202			Accountant	900	Office				2.25	2.25	0.00	0	73
760	203			Dentist	1,200	Medical				3.00	5.33	2.33	2	71
762	204			Chiropractor	1,246	Medical				3.12	5.54	2.42	2	69
766	205			BPI Express	1,191	Office				2.98	2.98	0.00	0	69
768	206	**1431**	10/8/1997	ABC Seafood Rest.	9,300	Restaurant (sd)	250			23.25	91.67	68.42	68	1
782 & 786	207 & 208			Office & ABC Food P	2,437	Office				6.09	6.09	0.00	0	1
788	209			Art Gallery	1,200	Office				3.00	3.00	0.00	0	1
790	210			Lincoln Financial Adv	900	Office				2.25	2.25	0.00	0	1
79	211				1,100					2.75				1
														1
					41,110				102.68	51.44				

Center Square Footage

20,536	1st story sq.ft.	20,536	19,668
20,574	2nd story sq.ft.	20,574	19,668
	Total Square Footage	41,110	

Second Floor OfficeCalcuation

102.68	1st story sq.ft. (retail uses; 1/200)
51.44	2nd story sq.ft. (office uses; 1/400)
154.11	

Required Parking

Parking Spaces Required (w/ 2nd floor office) 154.11

Parking Spaces Provided **228**
(from site improvement drawings)

Excess Parking **74**

NOTE: Under Parking Use (ff) = fast food (parking calc is 1 sp/2.5 seats + 1 sp/50 SF of takeout area)
Under Parking Use (sd) = sit down (parking calc is 1 sp/3 seats + 10% for employees)

City of Milpitas
455 East Calaveras Blvd.,
Milpitas, CA 95035

March 26, 2003

Re: 660, 678-680 Barber Lane, Milpitas, CA 95035

Dear Sir / Madam,

This letter is to verify that due to the severe downturn of the economy after 911 terrorism attack, we are facing a very tough business environment. Two of our major tenants, the 20/ 20 Optometry (which is located at 660 Barber Lane), and East West Bank (which is located at 678-680 Barber Lane) have already terminated their leases. At this moment, we find it very difficult to lease out these vacant spaces with similar type of tenants. I have tried to contact many banks and financial institutions to see if they need any expansions since December 2002 and there is no result. Because of this, we would like to convert the optometry shop and the bank site into smaller fast-food type units in accordance with the scope of the Milpitas City's planning guidelines.

Your kind consideration and approval to the above matter will be highly appreciated. If you need any further information, please feel free to contact me at 408-432-8833 or our contractor Eric Au at 909-538-0630.

Yours Sincerely,

Karen Kam

Karen Kam
Ulferts Center (USA) Inc.