Planning Commission Date: August 8, 2007 Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing Report Prepared by: Tiffany Kunsman

Public Hearing: Yes: X No: _____

Notices Mailed On: 3/16/07 Published On: 3/15/07 Posted On: 3/16/07

TITLE:	**USE PERMIT NO. UP2007-16: CRITICAL MOMENTS**
Proposal:	A request to locate a Safety Training & Consulting Group, Critical Moments, within an existing 2,220 square foot tenant suite of a 12,000 multi-tenant building.
Location:	250 S. Hillview Dr.
APN:	086-38-021
RECOMMENDATION:	**Approve with conditions.**
Applicant(s):	Michael Wells, 250 S. Hillview Drive., Milpitas, CA 95035
Property Owner(s):	G & D Real Estate LLC, 963 Chestnut St. San Jose, CA 95110
Previous Action(s):	Site and Architectural Review for the construction of a new R&D building.
Environmental Info:	Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)
General Plan Designation:	Manufacturing and Warehousing
Present Zoning:	Heavy Industrial with an "S" Combining District (M2-S)
Existing Land Use:	Multi-Tenant Commercial Building
Agenda Sent To:	Applicant and Owners (as noted above)
Attachments:	Project Plans and Applicant's letter dated June 19, 2007

PJ No. 2478

BACKGROUND

In April of 1984, the existing 12,000 square foot multi-tenant Research and Development building was approved and subsequently constructed to include four tenant spaces.

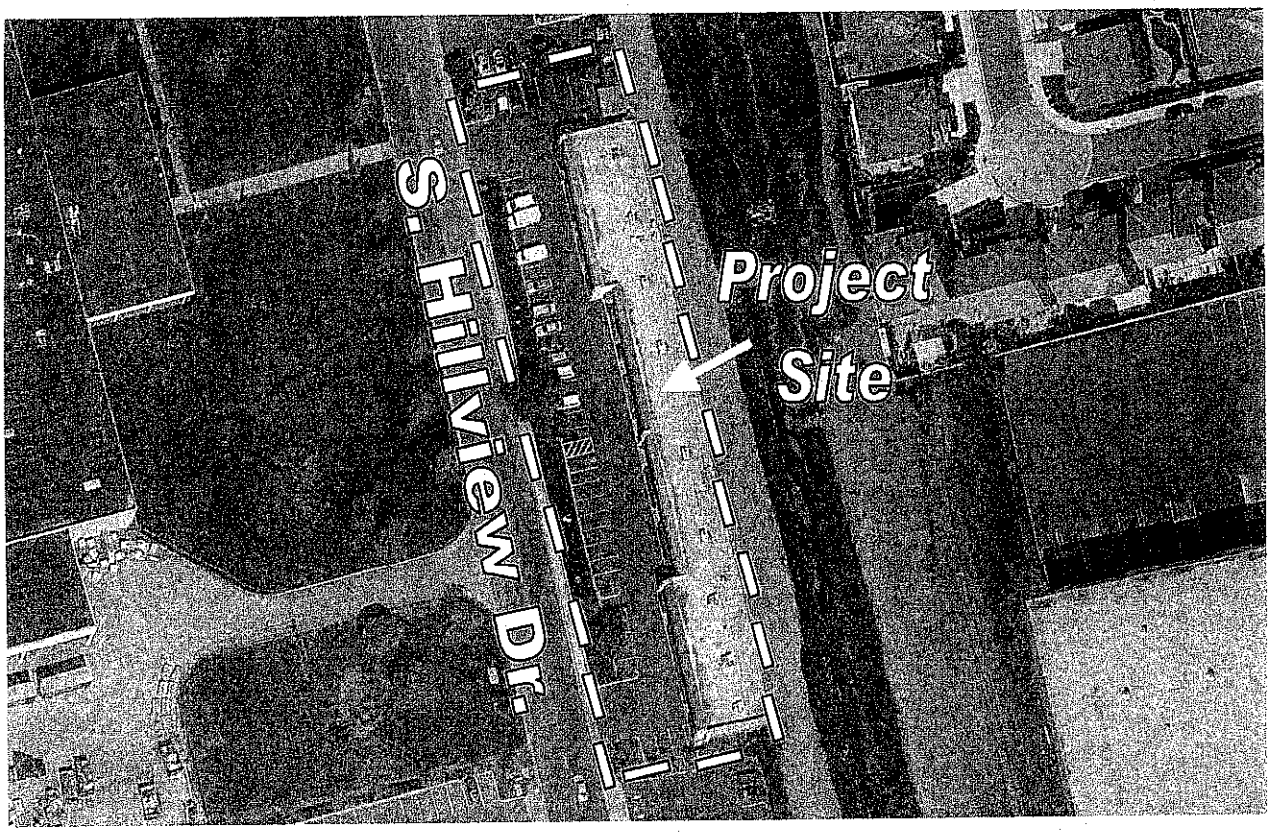
Since then, there have been multiple site and tenant improvements to the structure. The structure currently has eight tenant suites; addresses rang from 232-250 S. Hillview Drive.

PROJECT APPLICATION

The applicants request to locate a Safety Training and Consulting business within the Heavy Industrial (M2-S) zone, which is considered a vocational school, is submitted pursuant to- Title XI, Chapter 10, Section 31.0-14 (Heavy Industrial, Conditional Uses – Vocational schools) and then applies to Section 57 (Conditional Uses Permitted by Commission) of the Milpitas Zoning Ordinance. The applicant is requesting approval of a 2,220 square foot Safety Training & Consulting center. No exterior changes to the previously approved exterior structure is proposed.

SITE DESCRIPTION

The project site serves as a Manufacturing/Warehousing building including uses such as a dental laboratory, catering business, produce packaging, and dancing school. Two of the tenant suites are currently vacant. The project site is an interior lot located at 250 S. Hillview Drive, just south of Los Coches Street. Heavy Industrial surrounds the site with manufacturing/warehousing uses.



PROJECT DESCRIPTION

The applicant is proposing to locate Critical Moments training and consulting facility in the corner tenant pace located on the southern end of the site. The proposed hours for operation are Monday through Friday starting at 8:00 a.m. to 5:00 p.m. and, on occasion, Saturdays starting at 8:00 a.m. through 5:00 p.m. The classroom area is calculated to be approximately 1,200 square feet with the proposal of twenty-four (24) seats. The working/storage area calculated to be 322 square feet, proposing a total of six (6) seats. There are two restrooms and an approximate 64 square foot break room. The lobby area is about 480 square feet with an182 square foot office.

Site layout and access

Heavy Industrial:

The subject site includes an existing R&D building with eight tenant spaces and 44 parking spaces. The site has two points of access, one driveway is located on the northern portion of the site and the second driveway is located at the southern portion of the site. Both driveways exit onto S. Hillview Drive.

Parking

Industrial :

Parking Analysis

The required parking for the R&D building is summarized in the table below:

Suite #	Tenant Space	≅ Square feet	Ratio for "type of use"	Allotted parking (R&D) 1sp/300sq.ft.	Spaces used per "type of use" ratio calc.
232 236	DNL Catering	2,730 sq. ft.	1 sp/1500 sq.ft	9	2
238	Vacant (R&D)	1,360	1 sp/300sq.ft. GFA	4	4
240	Dancing Studio	2,142	1 sp/200sq.ft. GFA	7	10
244	Produce Packaging	1,015	1 sp/1500 sq.ft	3	1
246	Dental Laboratory	1,450	1 sp/1500 sq.ft	5	1
248	Vacant	1,083	1 sp/300sq.ft. GFA	3	3
250	Safety training & consulting	2,220	1 sp/200sq.ft GFA	7	10
				Total	31
				Total Surplus parking	9
			Total Parking Required for the Building	**40 spaces**	
			Total Parking Provided for the Building	**44 spaces**	
			Excess parking spaces	**4 spaces**	
Total surplus parking spaces for existing uses + proposed Safety Training School					**9 + 4 =13**

Each tenant space is allotted a certain amount of parking depending on the square footage of the suite. The ratio for calculating the allotted parking for an R&D building is 1 parking space per every 300 square feet of net floor area. The calculations for each tenant space and how much parking is allotted to that tenant space is in the Parking Analysis chart listed above.

However, the type of use, for example a laboratory, would not require as much parking spaces and would not require all the parking spaces that was allotted to the tenant space. The Parking Analysis chart shows the amount of parking required for each tenant use and the amount of surplus parking for the site.

Parking Analysis Summery: The above chart shows that there is enough parking spaces for all the tenants and the proposed Safety & Training school with a surplus of 13 parking spaces.

CONFORMANCE WITH GENERAL PLAN

The project conforms with the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

Implementing Policy 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.*

Implementing Policy 2.a-1-6 *Endeavor to maintain a balance economic base that can resist downturns in any one economic sector.*

Analysis: The proposed project is consistent with Implementing Policy 2.a-I-5 because Critical Moments Safety Training and Consulting school promotes the opportunity to learn a trade that can amount to a new profession that provides economic opportunities for all Milpitas Residents. The project complies with Policy 2.a-I-6 in that it is compatible with its surrounding uses and attracts different customers then the neighboring tenants developing a balanced economic base.

CONFORMANCE WITH THE ZONING ORDINANCE

The proposed project is located in the Heavy Industrial (M2) zoning district and is a conditionally permitted with a conditional use permit. The Project does not propose any building or site modifications that impact development standards for setback, height, FAR, landscaping, and parking. The use is consistent with the proposed and intent of the Heavy Industrial district and provides a use that would provide an educational opportunity for the Milpitas residents.

ISSUES

Parking

The City requires one parking space per 200 square feet for office net floor area, and one parking space per 200 square feet for vocational school classrooms. After calculations, the total required parking is 10 spaces. See calculations below.

Project Proposal	Parking Ratio	Required Parking
Classroom area	1 parking space per 200 sq. ft. 1,530 sq. ft. / 200 = 7.65	**7**
Office and Lobby	1 parking space per 200 sq. ft. 665 sq. ft. / 200 = 3.3	**3**
	Total	**10**

NEIGHBORHOOD/COMMUNITY IMPACT

The project is expected to have a positive community impact by generating additional business and increasing the educational opportunity for Milpitas residents. Staff's position is that this proposal will not have a negative community impact because the project is located within an existing business center and the parking requirements are satisfied with the existing on-site parking spaces.

CONFORMANCE WITH CEQA

This Project is categorically exempt from further environmental review pursuant to Class 1, Section 15031 ("Existing Facilities") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Conditional Use Permit No. UP2007-16: A request to locate a Safety Training & Consulting Group, Critical Moments, within an existing 2,220 square foot tenant suite of a 12,000 multi-tenant building is subject to the Findings and Special Conditions of Approval listed below.

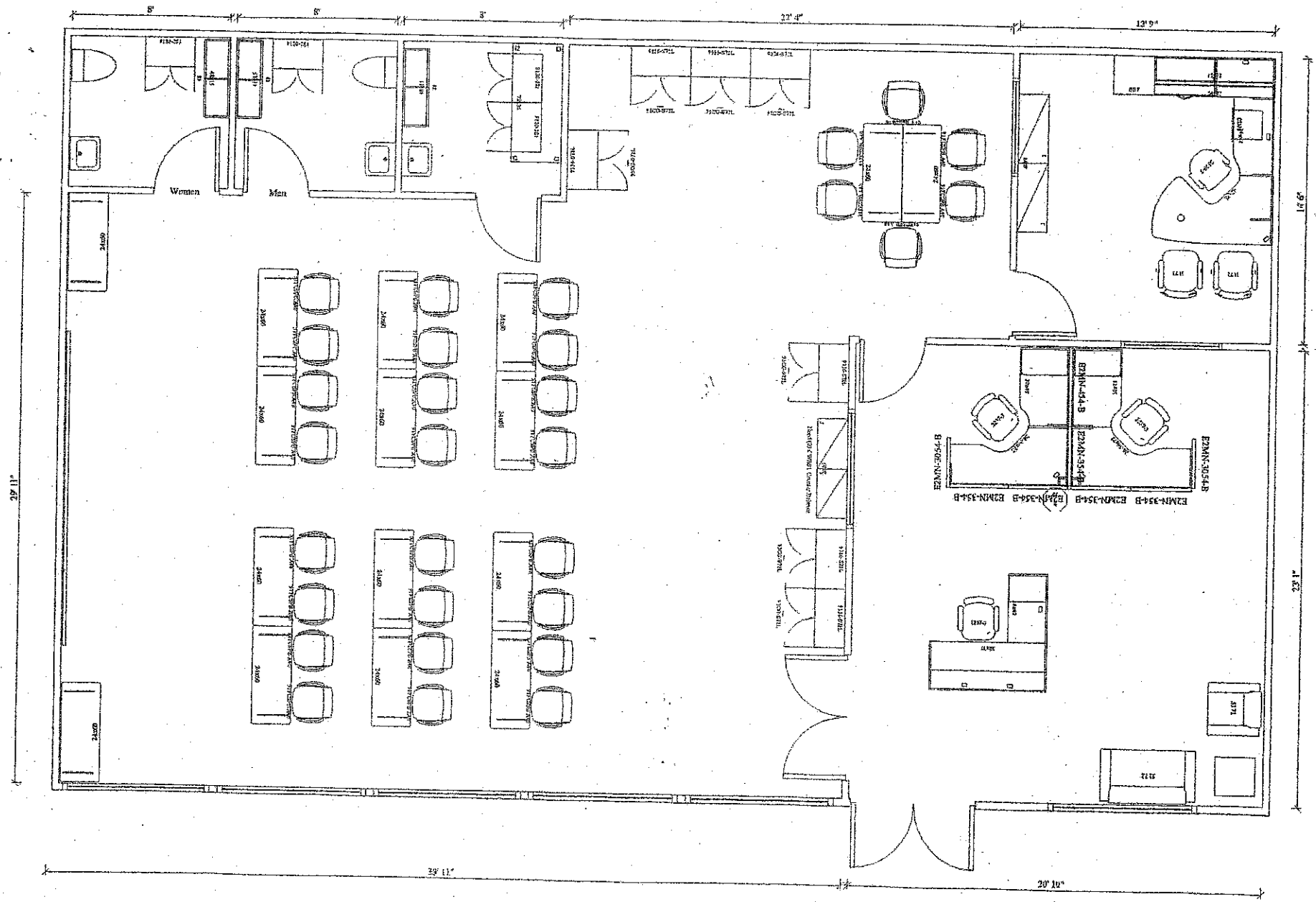
FINDINGS

1. The proposed use is consistent with the City of Milpitas General Plan in terms of land use due to the business being compatible with the neighboring businesses, encourages economic pursuits, and promotes business within the City.
2. The proposed vocational school is consistent with the City of Milpitas Zoning Ordinance because the proposed use being a conditionally permitted use in the Heavy Industrial (M2) zoning district.
3. As conditioned, the proposed Safety Training & Consulting school will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community because the proposed use will not generate additional traffic then what was anticipated for an R&D use.
4. This proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.

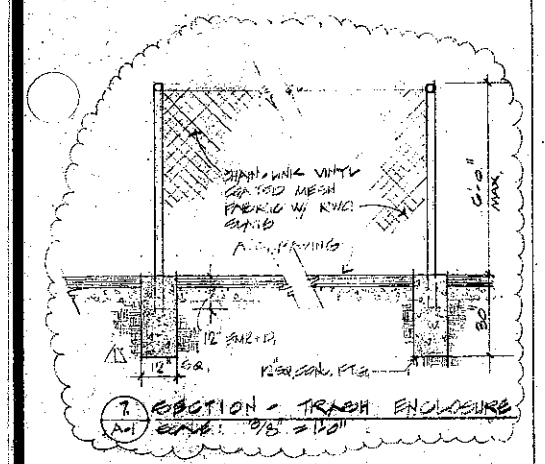
SPECIAL CONDITIONS

1. The applicant shall comply with Planning Commission Resolution No. 310, a resolution of standard conditions for industrial development. (P)
2. 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)
3. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
4. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. (E)
5. 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, including but not limited to construction activities, 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. (E)
6. The developer 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. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
7. 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". (E)

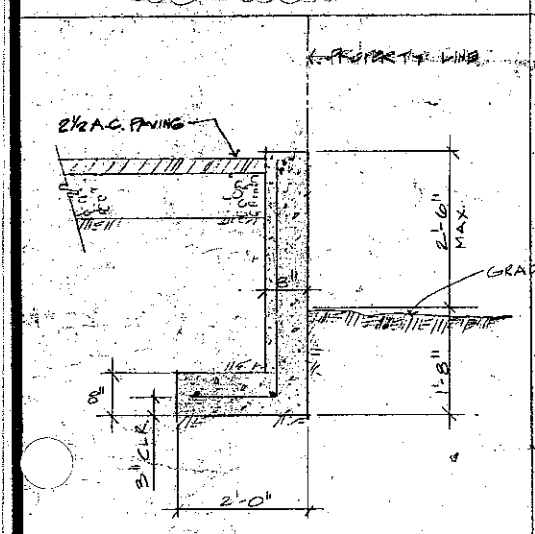
Critical Moments Safety Training & Consulting



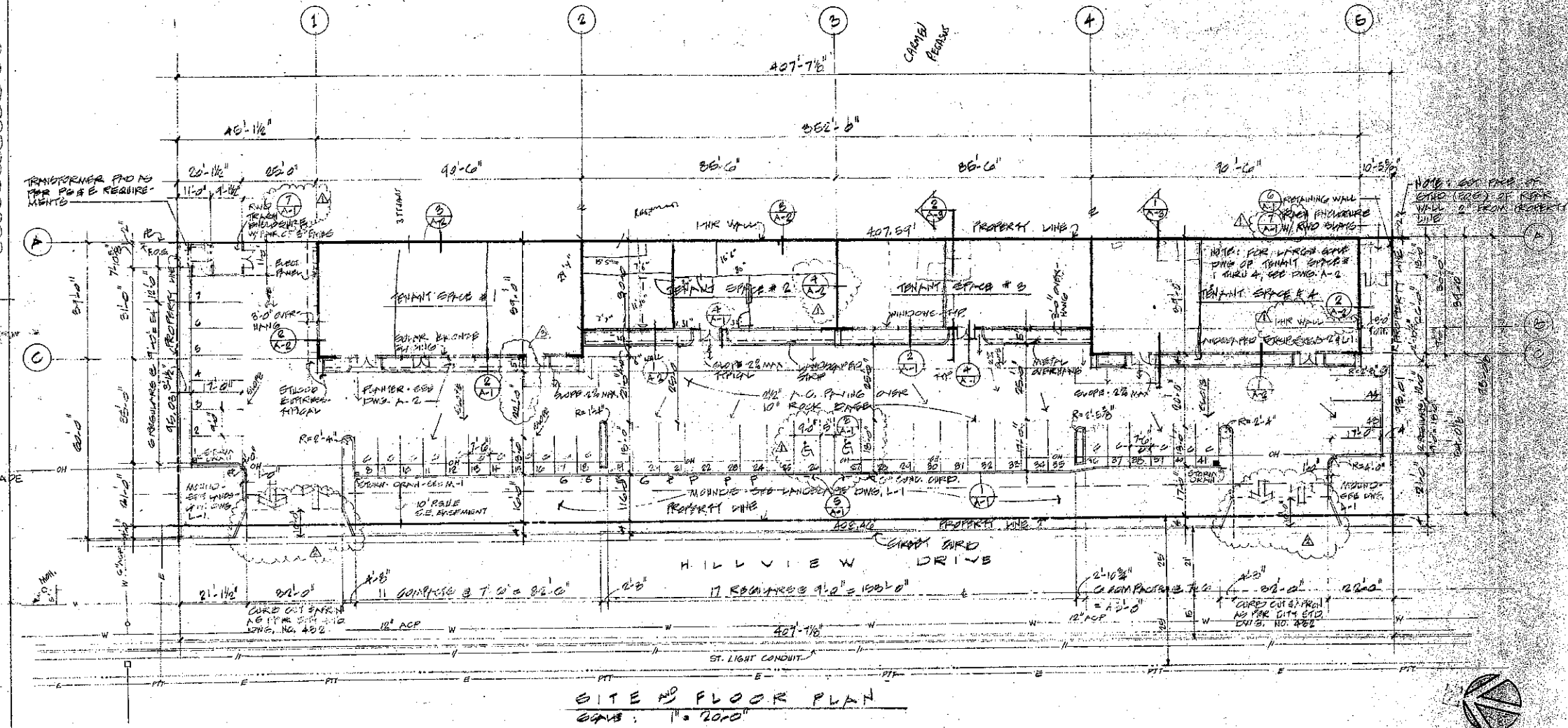
Contract Office Group - Milpitas, CA



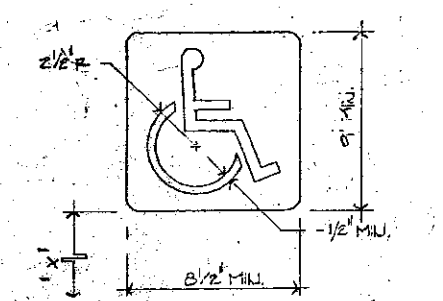
7 / A-1 SECTION - TRASH ENCLOSURE
SCALE: 3/8" = 1'-0"



6 / A-1 RETAINING WALL @ SOUTH PROPERTY LINE FROM GRID LINE (A) TO (C) + 4'-0"

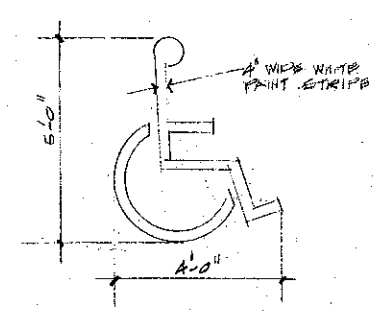


SITE AND FLOOR PLAN
SCALE: 1" = 20'-0"

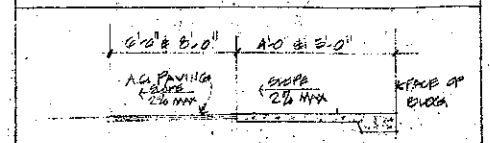


5 / A-1 HANDICAP PARKING SIGNAGE

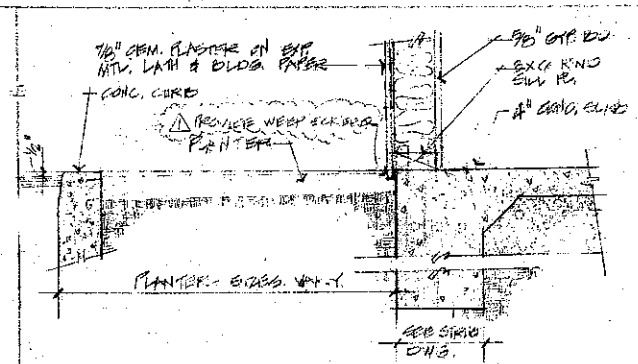
1. EACH PARKING SPACE RESERVED FOR THE HANDICAPPED SHALL BE IDENTIFIED BY A PERMANENTLY AFFIXED REFLECTORIZED SIGN OF PORCELAIN ON STEEL, BEADED TEXTURE OR EQUAL.
2. IT SHALL DISPLAY THE INTERNATIONAL SYMBOL OF ACCESSIBILITY (A WHITE FIGURE ON A BLUE BACKGROUND).
3. THE BLUE SHALL BE EQUAL TO COLOR NO. 15090 IN FEDERAL STANDARD # 595A.
4. THE SIGN SHALL BE CENTERED AT THE INTERIOR END OF EACH PARKING SPACE AT A HEIGHT OF "X" ABOVE FINISH GRADE OF PARKING SPACE.
   X = 80" IF POLE MOUNTED
   X = 36" IF WALL MOUNTED
5. EACH SPACE SHALL HAVE, IN ADDITION, A SURFACE IDENTIFICATION DUPLICATING THE SYMBOL OF ACCESSIBILITY IN BLUE PAINT, AT LEAST 3'-0" SQUARE.
6. A SIGN (NOT LESS THAN 17" x 22" IN SIZE, WITH LETTERS NOT LESS THAN 1" IN HEIGHT, WITH A WIDTH TO HEIGHT RATIO BETWEEN 3:5 AND 1:1) SHALL ALSO BE POSTED, IN A CONSPICUOUS PLACE (W/ ARCH. APPROVAL) AT EACH ENTRANCE TO OFFSTREET PARKING FACILITY WHICH STATES THE FOLLOWING:
   "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____"



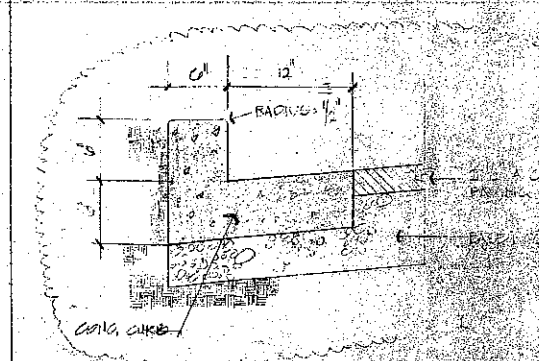
3 / A-1 HANDICAP SYMBOL @ PARKING NO SCALE



4 / A-1 HANDICAP RAMP NO SCALE



2 / A-1 EXT. WALL @ PLANTER
SCALE: 1" = 1'-0"

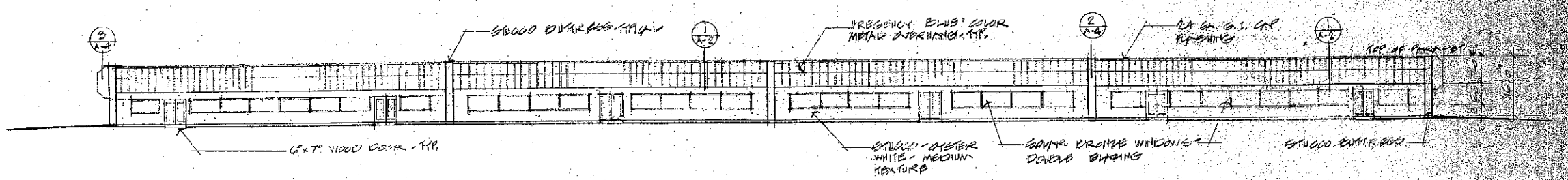


1 / A-1 TYP. CURB DETAIL
SCALE: ½" = 1'-0"

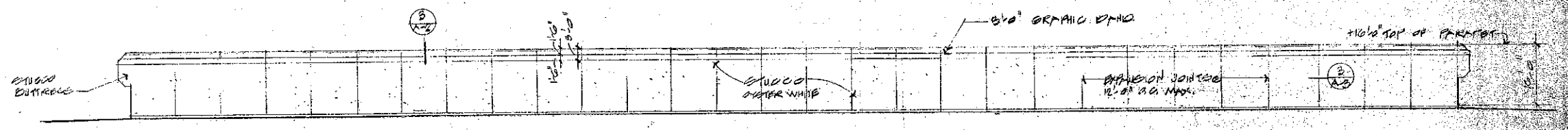
K.O. SWANSON & CO. INC.
General Contractors
1408 LEE ST. - CHICO, CALIFORNIA 95926

HILLVIEW II-PROFESSIONAL BLDG. FOR K.O. SWANSON & CO.
HILLVIEW DRIVE, MILPITAS

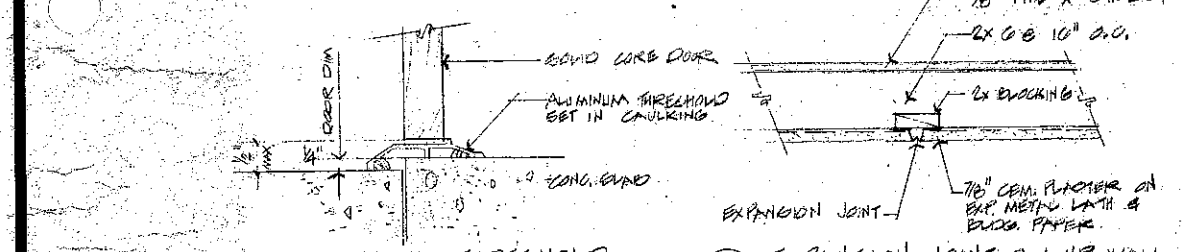
1.



WEST ELEVATION SCALE: 1/16" = 1'-0"

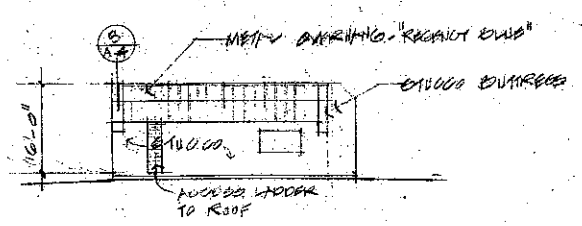


EAST ELEVATION SCALE: 1/16" = 1'-0"

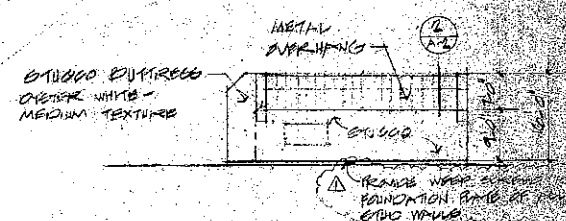


4/A-3 DOOR THRESHOLD NO SCALE

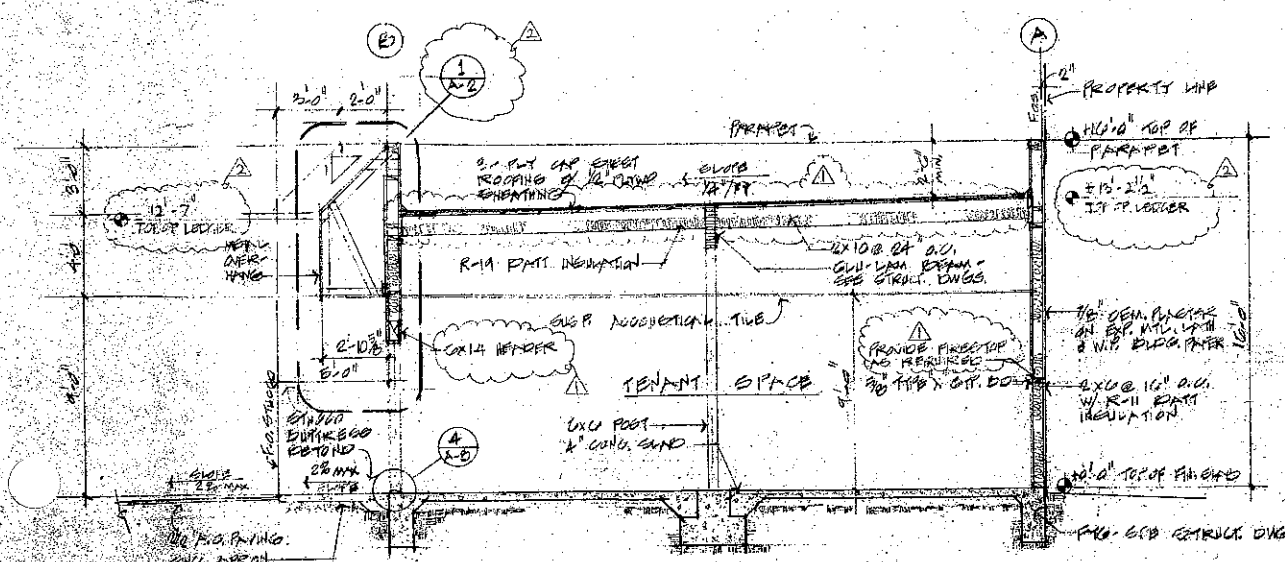
3/A-3 EXPANSION JOINT @ 1-HR WALL SCALE: 1½" = 1'-0"



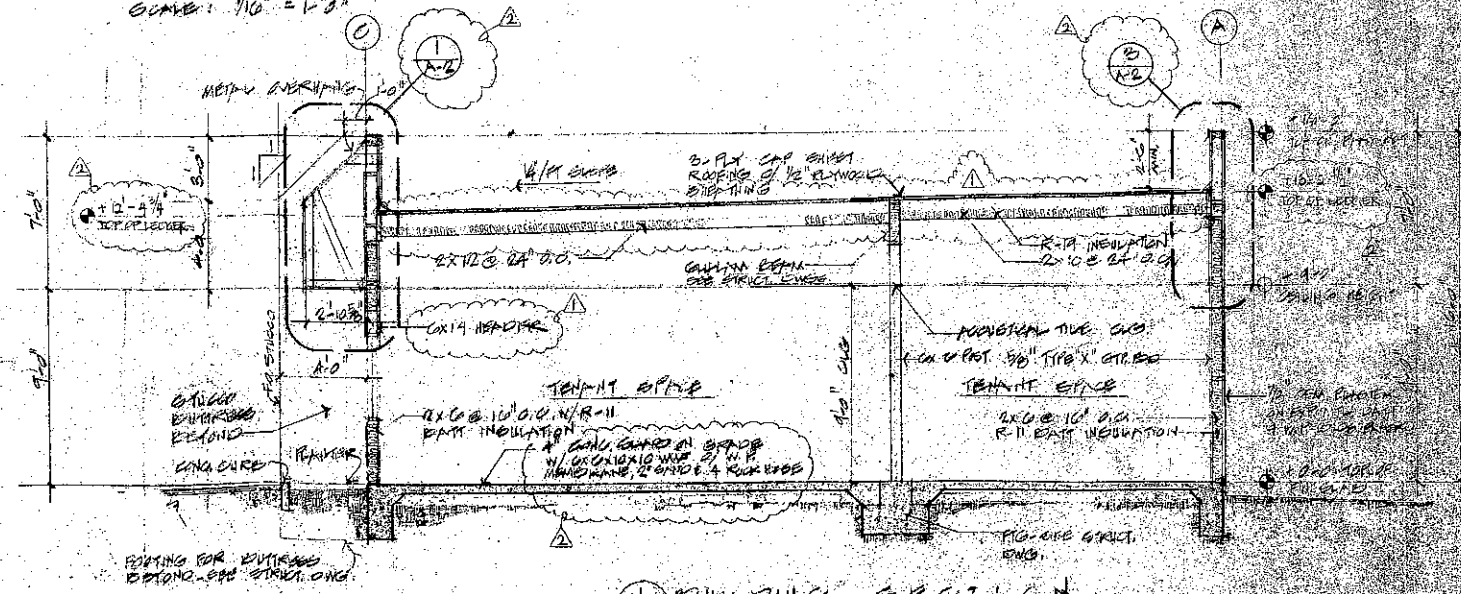
NORTH ELEVATION SCALE: 1/16" = 1'-0"



SOUTH ELEVATION



2/A-3 BUILDING SECTION SCALE: ¼" = 1'-0" (TENANT SPACES NO. 2 & 3)



1/A-3 BUILDING SECTION SCALE: ¼" = 1'-0" (TENANT SPACES NO. 1 & 4)

K.O. SWANSON & CO. INC.
General Contractors
HILLVIEW II-PROFESSIONAL BLDG. FOR K.O. SWANSON & CO.
HILLVIEW DRIVE, MILPITAS

84-22

A-3

NOTES:

1. ALL GRADING SHALL BE DONE IN ACCORDANCE WITH RECOMMENDATIONS IN THE SOIL AND FOUNDATION INVESTIGATION PREPARED FOR THIS SITE BY DONALD E. SANTA & ASSOCIATES DATED DEC. 28, 1982. FILE NO. 241-11-G 1295

2. THE ORGANIC MATERIAL COVERING THE SITE SHALL BE STRIPPED AND STOCKPILED. THE STRIPPINGS SHALL BE USED TO BACKFILL ALL LANDSCAPE PLANTERS AND ROUGH GRADE AROUND AREAS, AS SHOWN ON LANDSCAPE DRAWINGS; TO WITHIN 6" OF GRADES SHOWN. EXCESS STRIPPINGS AND EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE BY THE GRADING CONTRACTOR.

3. ADJUSTMENTS TO BUILDING PAD ELEVATIONS OR PARKING LOT GRADES TO ACHIEVE EARTHWORK BALANCE SHALL BE MADE ONLY WITH APPROVAL OF THE ENGINEER.

4. COMPACTION TO BE DETERMINED USING ASTM D 1557-70.

5. THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE IMPROVEMENT PLANS WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. THE CONTRACTOR IS CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. (A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES.) HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THESE DRAWINGS.

6. CONTRACTOR TO VERIFY ALL EXISTING INVERT ELEVATIONS FOR STORM DRAIN AND SANITARY SEWER CONSTRUCTION PRIOR TO ANY SITE WORK. ALL WORK FOR STORM AND SANITARY INSTALLATION SHALL BEGIN AT THE DOWNSTREAM CONNECTION POINT. THIS WILL ALLOW FOR ANY NECESSARY ADJUSTMENTS TO BE MADE PRIOR TO THE INSTALLATION OF THE ENTIRE LINE. IF THE CONTRACTOR FAILS TO BEGIN AT THE DOWNSTREAM CONNECTION POINT AND WORKS UPSTREAM, HE SHALL PROCEED AT HIS OWN RISK AND BE RESPONSIBLE FOR ANY ADJUSTMENTS NECESSARY.

7. SHOULD DISCREPANCIES EXIST BETWEEN THE ACTUAL ELEVATIONS AND LOCATIONS OF EXISTING SEWER CONNECTIONS AND THOSE AS SHOWN ON THESE PLANS, THE CONTRACTOR SHALL NOTIFY KIER & WRIGHT CIVIL ENGINEERS AND SURVEYORS INC., AT (408) 727-6665 BEFORE ADJUSTING SEWERING DESIGN.

8. CONTRACTOR SHALL UNCOVER AND EXPOSE ALL EXISTING UTILITY AND SEWER LINES WHERE THEY ARE TO BE CROSSED ABOVE OR BELOW BY THE NEW FACILITY BEING CONSTRUCTED IN ORDER TO VERIFY THE GRADE AND TO ASSURE THAT THERE IS SUFFICIENT CLEARANCE. IF THE CONTRACTOR REQUIRES ASSISTANCE HE SHALL CALL KIER AND WRIGHT CIVIL ENGINEERS AND SURVEYORS INC. AT (408) 727-6665 AND REQUEST A SURVEY CREW TO MAKE THE DETERMINATION. PIPE SHALL NOT BE STRING NOR TRENCHING COMMENCED UNTIL ALL CROSSINGS HAVE BEEN VERIFIED FOR CLEARANCE. IF THE CONTRACTOR FAILS TO FOLLOW THIS PROCEDURE, HE WILL BE SOLELY RESPONSIBLE FOR ANY EXTRA WORK OR MATERIAL REQUIRED IF MODIFICATIONS TO THE DESIGN ARE NECESSARY.

9. THE CONTRACTOR SHALL SET HIS STRING OR WIRE THROUGH AT LEAST THREE GRADE STAKES TO VERIFY THE GRADE. IF THE STAKES DO NOT PRODUCE A UNIFORM GRADE, NOTIFY THE ENGINEER IMMEDIATELY AND HAVE THE GRADES CHECKED PRIOR TO PLACING OF CONCRETE OR TRENCHING.

10. STORM DRAIN PIPE TO BE CLASS III ACP OR RCP. 8" AND 10" STORM DRAIN PIPE MAY BE C.P.

11. ALL UTILITY STRUCTURES INCLUDING, BUT NOT LIMITED TO, MANHOLES, CATCH BASINS, WATER VALVES, FIRE HYDRANTS, TELEPHONE AND ELECTRIC VAULTS AND PULL BOXES THAT LIE WITHIN AREAS EFFECTED BY WORK ON THIS PROJECT SHALL BE ADJUSTED TO GRADE BY THE CONTRACTOR OR THE RESPECTIVE UTILITY COMPANY FOR WHICH THE CONTRACTOR IS RESPONSIBLE TO AFFECT COORDINATION.

12. ALL AREAS TO BE GRADE AT 1% MINIMUM FOR DRAINAGE.

13. CONTRACTOR MUST NOTIFY THE CITY OF SAN JOSE (277-4686) 48 HOURS BEFORE STARTING WORK.

14. APPROVAL OF THIS PLAN APPLIES ONLY TO THE EXCAVATION, PLACEMENT COMPACTION OF NATURAL EARTH MATERIALS. ALL ON AND OFF SITE IMPROVEMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE DEPARTMENT AND ALL NECESSARY PERMITS MUST BE OBTAINED.

15. THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE SAN JOSE SPECIAL STUDIES FLOOD HAZARD AREA REGULATIONS - ORDINANCE NO. 18801.

NOTES

1. THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE IMPROVEMENT PLANS WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. THE CONTRACTOR IS CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. (A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES.) HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THESE DRAWINGS.

2. BENCHMARK: TOP OF CURB AT THE CATCH BASIN AT THE SOUTHEAST RETURN OF THE INTERSECTION OF HILLVIEW DRIVE AND LOS COCHES STREET.
ELEVATION: 20.58

LEGEND

- 27 — CONTOUR EX
- (29.2) — GRADE EX
- PROPERTY LINE
- EASEMENT LINE
- CURB & GUTTER
- W — WATER LINE
- PTT — E — UNDERGROUND TELEPHONE & ELECTRIC EX
- STREET LIGHT CONDUIT EX
- STORM DRAIN
- AC PAVING 2½" AC ON 10" ABM
- CONCRETE
- AREA DRAIN

Z ⊙ 1" = 20'

BERRYESSA CREEK — TOP OF CREEK BANK

N 13°02'18"W 220.35' — N 13°33'40"W 187.24' — N 13°33'40"W 408.46'

FF 31.50
PAD 30.67

PARCEL 1 — PARCEL 2

(EXIST. BLDG FF 31.50)

BAY 344 SIMILAR

AC PAVING
5 - 8" STM
10.02

10' PSGE. FOR BENEFIT OF PARCEL 2

6" VCP SS

OH

10' PSDE. FOR BENEFIT OF PARCEL 2

10"SD

CONST. 32' STD. CITY OF MILPITAS DRIVEWAY APPR.

CONST. 32' STD. CITY OF MILPITAS D/W APPR.

REMOVE EX. CB AND CONNECT TO 10" STUB IE 23.04

12" ACP

ST. LIGHT CONDUIT

HILLVIEW DRIVE

PTT BOX

VICINITY MAP

SITE
BERRYESSA CR
HILLVIEW DR
CALAVERAS BLVD
S. MILPITAS BLVD
PIERCY RD
680 FREEWAY

CURB AND GUTTER
NOT TO SCALE
1/C-1

- 6" — 12"
- P.C.C. CURB & GUTTER (CLASS A)
- A.C. PAVING
- VARIES
- BASE ROCK
- SCARIFIED SUBGRADE (TOP 8" - 95% RELATIVE)

DROP INLET
NOT TO SCALE
2/C-1

- STD FRAME & GRATE PHOENIX H.D.
- FINISH GRADE ½" ABOVE RIM
- GROUT (TO BE NEATLY POINTED AND WIPED INSIDE BASIN)
- 24" R.C.P. SECTION
- CLASS 'A' P.C.C. BASE
- DRAIN PIPE
- GROUT (TO BE NEATLY POINTED AND WIPED INSIDE BASIN)
- VARIES

GROUT (PART CEMENT, 2 PARTS SAND) SHALL BE USED TO SECURE BOTTOM SECTION OF PIPE TO BASE, TO FILL JOINTS AT PIPE SECTIONS, AND TO SECURE FRAME TO GROOVE AT TOP OF BASIN.

POURED CONCRETE CURB
NOT TO SCALE
3/C-1

- 12" — 5" — 12"
- P.C.C. CURB (CLASS A)
- A.C. PAVING
- BASE ROCK
- SCARIFIED SUBGRADE (TOP 8" - 95% RELATIVE)
- VARIES

REVISIONS: BY

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GRADING PLAN
FOR
K.O. SWANSON
MILPITAS CALIFORNIA

DATE: APR 21 1983
SCALE: 1" = 20'
DRAWN: MCL
JOB NO.: 84072
SHEET: 1 OF 1 SHEETS

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