



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 24, 2011

APPLICATION: **CONDITIONAL USE PERMIT NO. UP11-0028**

**APPLICATION
SUMMARY:**

A request to allow a 1,168 square foot traffic violation school (vocational or trade school) with classroom within an existing commercial center

LOCATION:

81 South Main Street (APN: 022-24-020)

APPLICANT:

Jimmy Tsui, 93 South Main Street, Milpitas, CA 95035

OWNER:

Bob and Wanda Olinger, 89 S Main Street, Milpitas, CA 95035

RECOMMENDATION:

Staff recommends that the Planning Commission: Adopt Resolution No. 11-041 approving the project subject to the conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation:

Mixed Use (MXD) / Mixed Use with Site and Architectural Review Overlay (MXD-S)

CEQA Determination:

Categorically exempt from further environmental review pursuant to Section 15301 for Existing Facilities

PLANNER:

Tiffany Brown, Assistant Planner

PJ:

2755

ATTACHMENTS:

- A. Resolution No. 11-041
- B. Project Plans

LOCATION MAP



BACKGROUND

On August 2, 2011, Jimmy Tsui with Transworld Driving School, submitted an application to locate a traffic violator school within the neighboring tenant space to Transworld at 81 South Main Street. The project is considered a “vocational or trade school” and is submitted pursuant to Table XI-10-6.02 for Mixed Use Zone Uses within the Municipal Code for conditionally permitted uses.

PROJECT DESCRIPTION

The project site is currently a built out commercial property with surrounding properties zoned Mixed Use. A vicinity map of the subject site location is included on the previous page. The applicant proposes to locate a new school for traffic violations near his existing drivers school located at 93 S. Main Street. The new school will be located in the existing 1,168 square foot tenant space consisting of one office, a 20 seat classroom, and a restroom. There are no purposed exterior changes to the building at this time.

Parking

The tenant space was developed as a commercial space and requires six parking spaces per Section 53, Off Street Parking Regulations, of the Zoning Code. A vocational school is required the same amount of parking as the designated parking spaces and therefore meets the parking requirements.

Table 1
General Plan Consistency

Use	Required Parking	Supplied Parking
<i>Commercial</i>	1 parking space per 200 square feet	6
<i>Vocational School</i>	1 parking space per 200 square feet	6

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>Implementing Policy 2.a-1-3:</i> Encourage economic pursuits which will strengthen and promote development through stability and balance.	Consistent. The proposed traffic violator school provides diversity in the types of commercial services the city has to offer to the community and neighboring residents. The project would fulfill a community need for educational enrichment.

Zoning Ordinance

The proposed vocational school is consistent with the Zoning Ordinance in that the use is a conditionally permitted use in the Mixed Use Zoning District. There are no exterior modifications proposed that may impact any development standards. The proposed project is not anticipated to create any adverse impacts on the community and is considered to be a compatible use with the existing driving school and other neighboring uses in terms of the land use and hours of operations. The parking standards are the same for vocational schools as commercial establishments.

Midtown Specific Plan

Since the project will not require additional parking or propose modifications that increase the floor area, or propose new building construction, the application is not subject to site and architectural upgrades as required by the Midtown Specific Plan.

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 Section 15301 for Existing Facilities in that the use is a commercial use locating within an existing commercial center tenant space.

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 project is consistent with the Municipal Code and is a compatible use with the existing businesses. The new traffic violator school will bring diversity in the types of commercial services the City has to offer to the community and neighboring residences.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. approving UP11-0028, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-041
- B. Project Plans

RESOLUTION NO. 11-041

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP11-0028, TRAFFIC VIOLATION SCHOOL (VOCATIONAL SCHOOL), TO ALLOW A 1,168 SQUARE FOOT VOCATIONAL SCHOOL WITH CLASSROOM WITHIN AN EXISTING COMMERCIAL CENTER, LOCATED AT 81 S MAIN STREET

WHEREAS, on August 2, 2011, an application was submitted by Jimmy Tsui, Jimmy Tsui, 93 South Main Street, Milpitas, CA 95035, to allow a 1,168 square foot traffic violation school with classroom in an existing commercial center at 81 S Main Street. The property is located within the Mixed Use Zoning District (APN: 022-24-020); 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 August 24, 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 Section 15301 for Existing Facilities in that the use is a commercial use locating within an existing commercial center tenant space.

Section 3: The project is consistent with the General Plan Policy 2.a-I-3 in that the proposed traffic violation school provides diversity in the types of commercial services the city has to offer to the community and neighboring residents. The project would fulfill a community need for educational enrichment.

Section 4: The proposed traffic violation school is consistent with the Zoning Ordinance in that vocational schools are conditionally permitted uses in the Mixed Use Zoning District. There are no exterior modifications proposed that may impact any development standards. The proposed project is not anticipated to create any adverse impacts on the community and is considered to be a compatible use with the existing driving school and other neighboring uses in terms of the land use and hours of operations.

Section 5: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP11-0028, Traffic School, 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 August 24, 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 August 24, 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
CONDITIONAL USE PERMIT NO. UP11-0028**

A request to allow a 1,168 square foot traffic violator school with
classroom within an existing commercial center.
81 South Main Street (APN: 022-24-020)

General Conditions

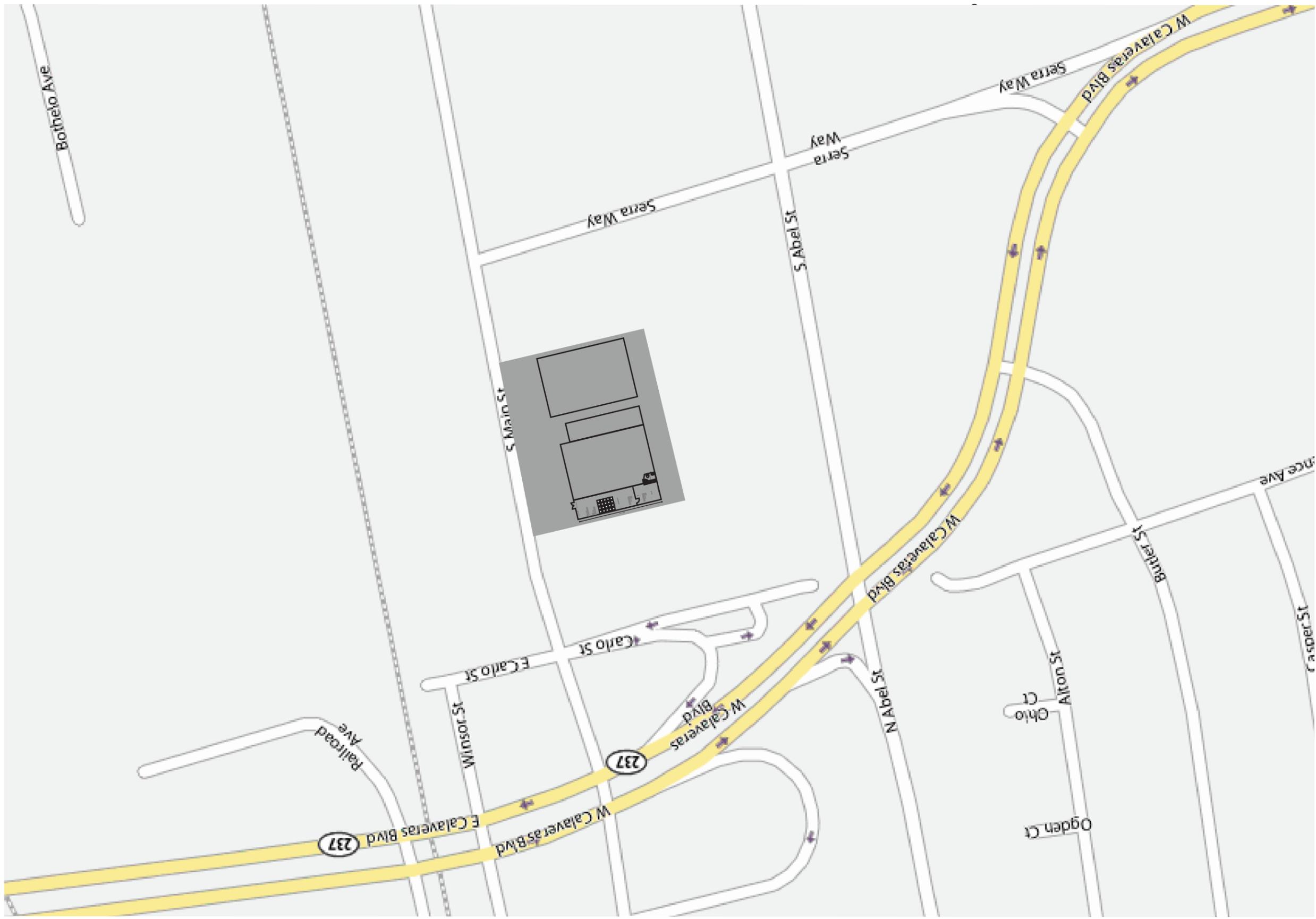
1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on **August 24, 2011**, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of Occupancy Permit, 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)**

UP11-0028 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 **UP11-0028** if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

(P) = Planning

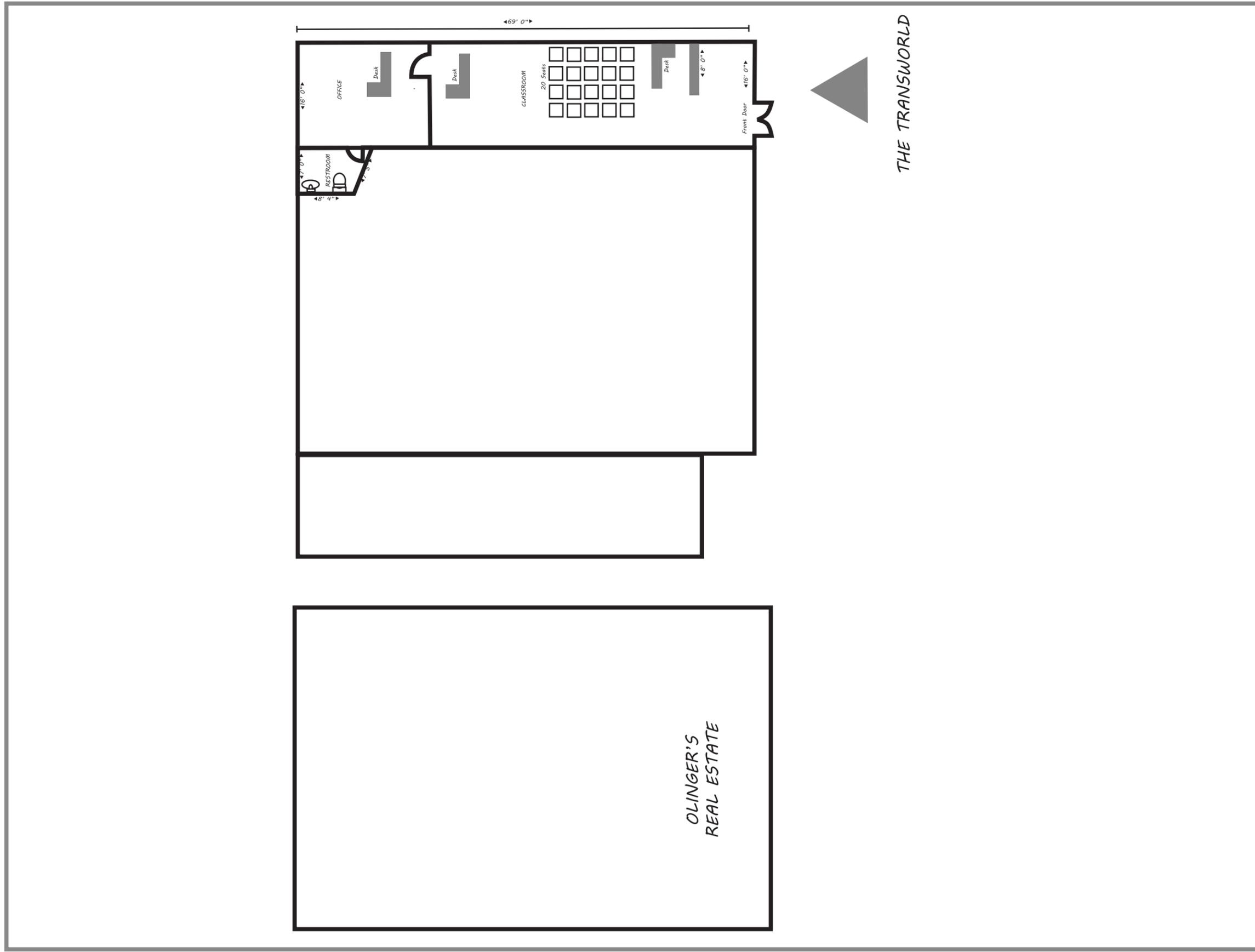


THE TRANSWORLD TRAFFIC VIOLATOR SCHOOL

ADDRESSES: 81 SOUTH MAIN STREET
MILPITAS, CA 95035

SIZE: 1168 Square Ft.

DATE: August 01, 2017

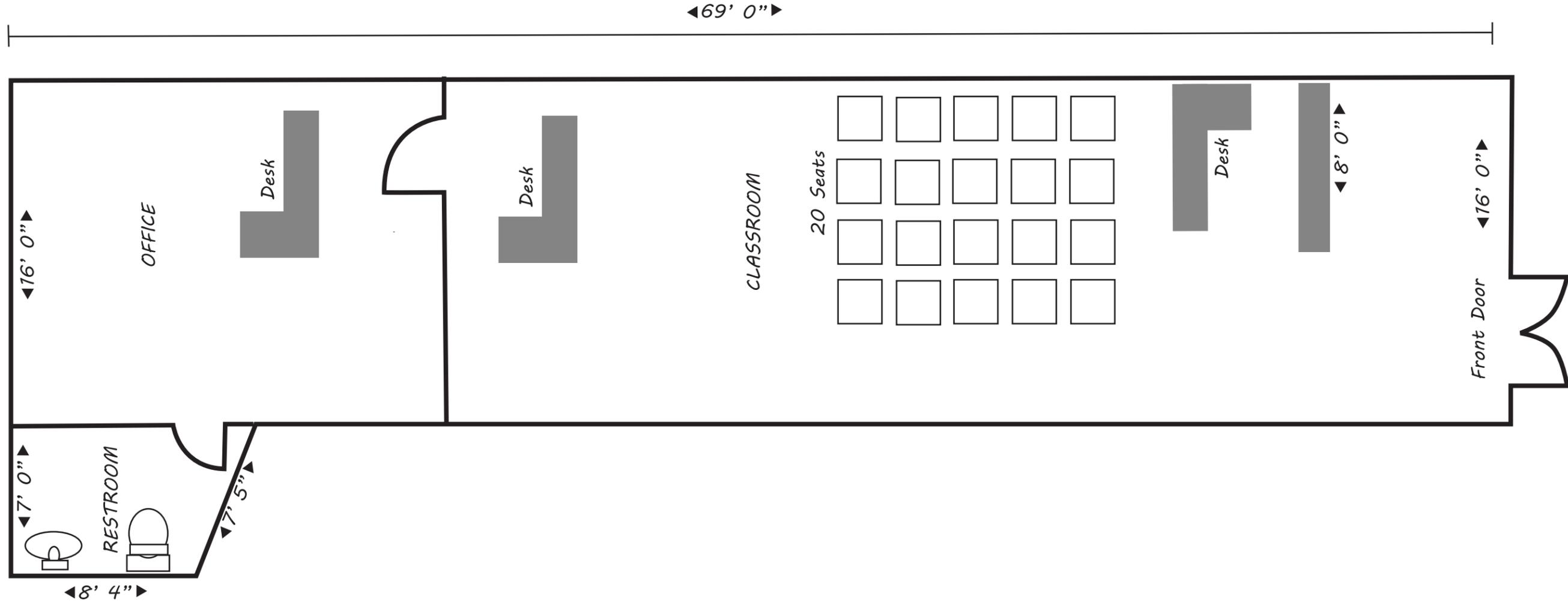


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