



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: March 14, 2012

**APPLICATION:** **Conditional Use Permit No. UP12-0003, Mathasium**

APPLICATION  
SUMMARY:

A request to operate a 1,200 square foot math tutoring center within an existing commercial building.

LOCATION:  
APPLICANT:  
OWNER:

12 Hillview Drive (APN 86-29-079), Milpitas, CA 95035  
Jane Kim, 1468 Canton Drive, Milpitas, CA 95035  
Judy Chu Yong Jung, 756 Anacapa Ct., Milpitas, CA 95035

**RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 12-012 approving the project subject to conditions of approval.**

PROJECT DATA:

General Plan/  
Zoning Designation:  
Overlay District:  
Specific Plan:

Town Center (TWC)/Town Center (TC)  
Site and Architectural Overlay (-S)

Site Area: 1.37 acres  
Building Square Footage: 16,000 sq. ft.  
Tenant Square Footage: 1,200 sq. ft.  
Parking Spaces Provided: 82  
Parking Spaces Allocated: 6  
Parking Spaces Required 6

CEQA Determination: Categorically exempt pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

PLANNER: Cindy Hom

PJ:

ATTACHMENTS: A. Resolution No. 12-012  
B. Project Plans  
C. Project Description

# LOCATION MAP



No scale

## BACKGROUND

On January 20, 2012, Jane Kim submitted a conditional use permit application to operate an 1,200 square foot math tutoring center. The application is submitted pursuant to Milpitas Municipal Code (MMC) XI-10-5.02-1 (Group Instruction) which requires Planning Commission review and approval.

## PROJECT DESCRIPTION

The project proposes to occupy a 1,200 square foot vacant commercial space to a math tutoring center for children between the ages of seven to young adults. The math learning program consists of mental, verbal, visual, and written exercises that enhance math skills, understanding, math concepts, and build confidence. The proposed tutoring center would operate on Monday through Thursday between 2:30 PM to 7:30 PM and on Sundays between 10:00 AM to 2:00 PM. Mathasium members would attend class twice a week for a one hour session. The ratio of members to instructors would be 5:1. The maximum number of students would be 25 members with five instructors.

The proposed tutoring center is located on the first floor of a two-story, 16,000 square foot commercial building. The proposed layout includes approximately 920 square feet of classroom space, a 90 square lobby reception area, and an 80 square foot administration office.

The subject site is located on a 1.37-acre parcel that is bounded by the S. Hillview Drive to the west, E. Calaveras Boulevard to the north, Berryessa Creek to the east, and Los Coches Street to the south. Adjacent land uses include commercial retail and service uses to the north and west, industrial uses to the south, and a Kaiser Clinic and residential homes to the west. A vicinity map of the subject site location is included on the previous page.

### Parking

Currently, the project site provides eighty-two (82) parking spaces as required by the previous parking ordinance requirements for 10,700 square feet of office and 5,000 square feet of restaurant space. The proposed tutoring center requires six (6) parking spaces which are within the six parking spaces allotted to the tenant space. Therefore the project complies with the parking requirements as demonstrated in Table 1 below:

**Table 1**  
**Parking Analysis**

Uses	Square Footage	Parking Ratio	# of Spaces Required
<b>Existing</b>			
Vacant Office	1,200 s. f.	1/200	6
<b>Proposed</b>			
Math Tutoring Center			
• Instruction Area	5	1 per instructional area; no fewer than 3 spaces.	5
• Office Lobby	170 s. f.	1/240	1
<b>Total Number Required</b>			<b>6</b>
<b>Total Number of Spaces Allocated</b>			<b>6</b>

***Development Standards***

The project proposed no changes to the exterior of the building or site that will impact development standards for setbacks, floor area ratio, and height.

**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**

<b>Policy</b>	<b>Consistency Finding</b>
Implementing Policy 2.a-I-3  <i>Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	<b>Consistent.</b> The proposed math tutoring center 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 cultural and educational enrichment.

***Zoning Ordinance***

The project complies with the Zoning Ordinance in that the use is a conditionally permitted use in the Town Center 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. The proposed tutoring center is a compatible with neighboring uses in terms land use and hours of operations. The location is near residential neighborhoods where potential students may live.

**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 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project entails the operation of a 1,200 square foot tutoring center within an existing office 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 are no comments from the public.

**CONCLUSION**

The project is anticipated to have a positive community impact by providing a compatible land use that that can serve nearby residents.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 12-012 approving Conditional Use Permit No. UP12-0003 subject to the attached Conditions of Approval.

*Attachments:*

- A. Resolution 12-010
- B. Project Plans
- C. Project Description

## RESOLUTION NO. 12-012

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP12-0003, MATHASIUM TUTORING CENTER, TO ALLOW FOR THE OPERATION OF A 1,200 SQUARE FOOT TUTORING CENTER LOCATED AT 12 S. HILLVIEW DRIVE

**WHEREAS**, on January 20, 2012, an application was submitted by Jane Kim, 1468 Canton Drive, Milpitas, CA 95035, to allow for the operations of a 1,200 square foot tutoring center. The property is located 12 S. Hillview Drive (APN 86-29-079), Milpitas, CA 95035; 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 is categorically exempt; and

**WHEREAS**, on March 14, 2012, 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 per Section 15311, (Class 11) Accessory Structures of the California Environmental Quality Act. The project proposal entails the operations of a 1,200 square foot tutoring center within an existing one-story commercial building.

**Section 3:** The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-I-3 and encourages economic pursuits that promote stability and development. The proposed tutoring center 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 cultural and educational enrichment.

**Section 4:** The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed use meets all the requirements set forth by the Zoning Ordinance in terms of land use. Group instruction such as after school learning centers, are conditionally permitted uses in the Town Center Zoning District. The project complies with development standards and parking requirements.

**Section 5:** The proposed use will not be injurious or detrimental to property, improvements, general welfare or public health and safety in that the learning center is compatible with neighboring uses in terms of hours of operation and services provided.

**Section 6:** The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP12-0003, 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 March 14, 2012

\_\_\_\_\_

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 March 14, 2012, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Garry Barbadillo				

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**  
**Conditional Use Permit No. UP12-0003**

A request to operate a 1,200 square foot tutoring center at  
12 S. Hillview Drive (APN 28-24-024)

**General Conditions**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on March 14, 2012, 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. **(P)**

Conditional Use Permit No. UP12-0003 shall become null and void if the project is not commenced within two (2) years from the date of approval. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas:

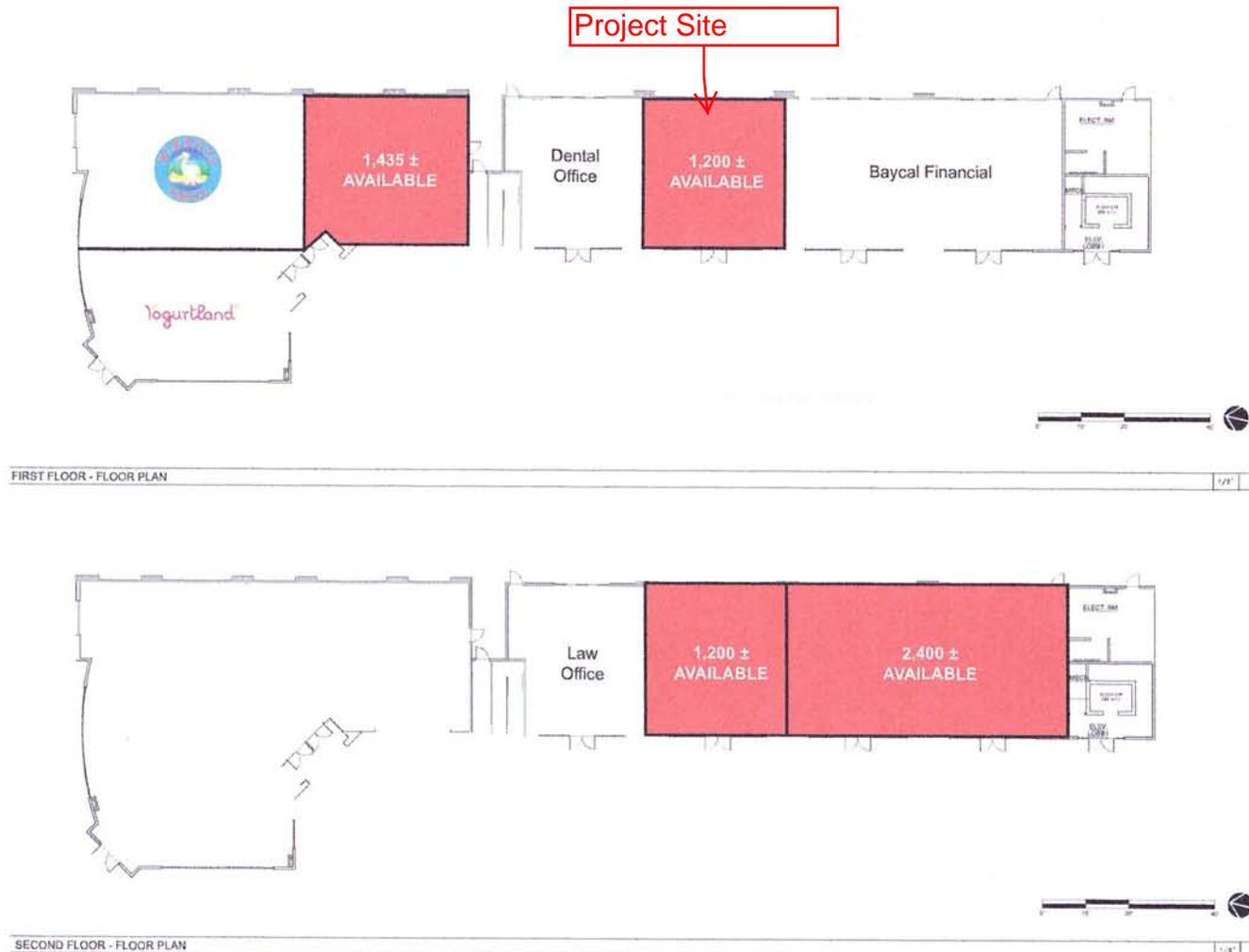
- a. Completes a foundation associated with the project; or
  - b. Dedicates any land or easement as required from the zoning action; or
  - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. **(P)**
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP12-0003 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. The use shall be conducted in accordance with all applicable local, state, and federal regulations. **(P)**

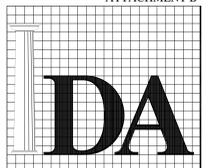
(P) = Planning  
(B) = Building  
(E) = Engineering  
(F) = Fire Prevention

# Retail Space For Lease Hill Crest Center

750 E Calaveras Boulevard | Milpitas, CA

## Site Plan





INNOVATIVE DESIGN ARCHITECTURE, INC.  
Architecture - Planning - Site Development  
JOHN HA, AIA  
510 LAWRENCE EXPRESSWAY  
SUITE # 105  
SUNNYVALE, CA 94085  
TEL: (408) 245-0991  
FAX: (408) 245-0319

OWNER:  
CHU YONG JUNG, LLC  
756 ANACAPA COURT  
MILPITAS, CA 95035  
(408) 945-1886

KEY	DESCRIPTION	DETAIL	KEY	DESCRIPTION	DETAIL	KEY	DESCRIPTION	DETAIL
1	PROPERTY LINE		16	8" SEWER 1" STUBOUT 2' BELOW SLAB FOR FUTURE EXTENSION W/ 1/4" FT. MIN. TO SANITARY SEWER	SEE PLUMBING DRAWINGS	31	ROOF DRAIN CONNECT TO SITE STORM DRAIN SYSTEM	SEE 16
2	FUTURE TYP. TENANT TOILET ROOM (N.I.C.) TOILET ROOM INSTALLATION IS NOT IN THE SCOPE OF WORK OF THE SHELL PERMIT ELECTRICAL PANEL	SEE ELECTRICAL DRAWINGS	17	4" SEWER 1" STUBOUT 2' BELOW SLAB FOR FUTURE EXTENSION W/ 1/4" FT. MIN. TO GREASE INTERCEPTOR FLOOR/GREASE CLEAN OUT-30" O.C. (TYP.)	SEE PLUMBING DRAWINGS	32	3" ROOF DRAIN LINE TO DRAIN THRU CURB VERIFY EXACT LOCATION ON SITE	SEE 17
3	TELEPHONE BOX	SEE ELECTRICAL DRAWINGS	18	FD (FLOOR DRAIN)	SEE PLUMBING DRAWINGS	33	COPPER OVERFLOW DRAIN @ DAY LITE TO 6" ABOVE ALL BASE	SEE 18
4	ALUMINUM GLASS STOREFRONT		19	MAIN SWITCHBOARD	SEE ELECTRICAL DRAWINGS	34	LOCATION FOR WATER METERS	SEE PLUMBING DRAWINGS
5	45 MINS FIRE-RATED WINDOW WITH RATED FRAME		20	LIGHT PANEL	SEE ELECTRICAL DRAWINGS	35	COLD WATER RISE IN WALL TO BELOW ROOF/ TO BELOW SUBFLOOR	SEE PLUMBING DRAWINGS
6	FUTURE DEMISING WALL (NON-RATED)		21	TELEPHONE BACKBOARD	SEE ELECTRICAL DRAWINGS	36	REDUCED PRESSURE TYPE BACKFLOW PREVENTOR INSTALL AT MINIMUM 18" ABOVE GRADE	SEE PLUMBING DRAWINGS
7	SHEAR WALL		22	ROOF ACCESS LADDER W/ GAGE	SEE 19	37	7'-0" HIGH CMU SCREEN WALL W/ CEMENT PLASTER FINISH	SEE 22
8	LINE OF CANOPY ABOVE		23	FIRE SPRINKLER RISER, FIRE SPRINKLER SYSTEM TO BE DESIGN BUILT (N.I.C.) CONTRACTOR TO SUBMIT DRAWINGS FOR APPROVAL PRIOR TO CONSTRUCTION		38	NOT USED	
9	GREASE INTERCEPTOR, 3000 GAL.		24	HOSE BIBB INSTALL ALL HOSE BIBBS AT 24" ABOVE FINISHED FLOOR	SEE 20	39	2X FURRING STUDS @ 16" O.C. W/ 5/8" GYP. BD.	SEE 5
10	LOCATION FOR GAS METERS	SEE PLUMBING DRAWINGS	25	BUILDING SETBACK LINE		40	STEEL TUBE RAILING FOR STAIR	SEE STAIR DETAIL ON A-6.1
11	ELECTRICAL TRANSFORMER PAD, PROVIDE PIPE BOLLARDS AS REQUIRED BRING IN MIN. (2) 3" ELECT. CONDUITS UNDERGROUND TO BUILDINGS WALL/MOULDING ABOVE	SEE ELECTRICAL DRAWINGS	26	GAS RISER		41	STAIR LANDING ABOVE	SEE STAIR DETAIL ON A-6.1
12	TERRACE ABOVE		27	FIRE DEPT. KNOX BOX - VERIFY INSTALLATION HEIGHT AND LOCATION W/ THE FIRE DEPT. PRIOR TO INSTALLATION		42	1 HR FIRE RATED DUCT SHAFT ABOVE	
13	LEVEL LANDING	SEE 12	28	ROOF/DECK AND OVERFLOW DRAIN LINES FURR AROUND DRAIN LINES AS REQUIRED	SEE PLUMBING DRAWINGS	43	4" SEWER LINE FROM 2ND FLOOR TO CONNECT TO 4" SEWER LINE ON 1ST FLOOR	
			29			44	SLOPE SIDEWALK 1/4"=1'-0" MIN. AWAY FROM THE BUILDING/ PROVIDE SLOPE 1/4"=1'-0" MIN. AS INDICATED	
			30			45	STEEL TUBE GUARDRAILS W/ POSTS @ 9'-0" O.C. MAX.	

FLOOR PLAN GENERAL NOTES

- INTERIOR WALL SHALL BE TAPED, SANDED AND READY FOR TENANT FINISH.
- INTERIOR SLABS TO BE SMOOTH FINISH READY FOR TENANT FINISH.

GENERAL CONTRACTOR SHALL PROVIDE A FIRE ALARM SYSTEM, SUBMIT PLANS FOR APPROVAL AND OBTAIN PERMIT(S) PRIOR TO COMMENCING WITH WORK. SEE SPECIFICATIONS.

DOOR LEGEND

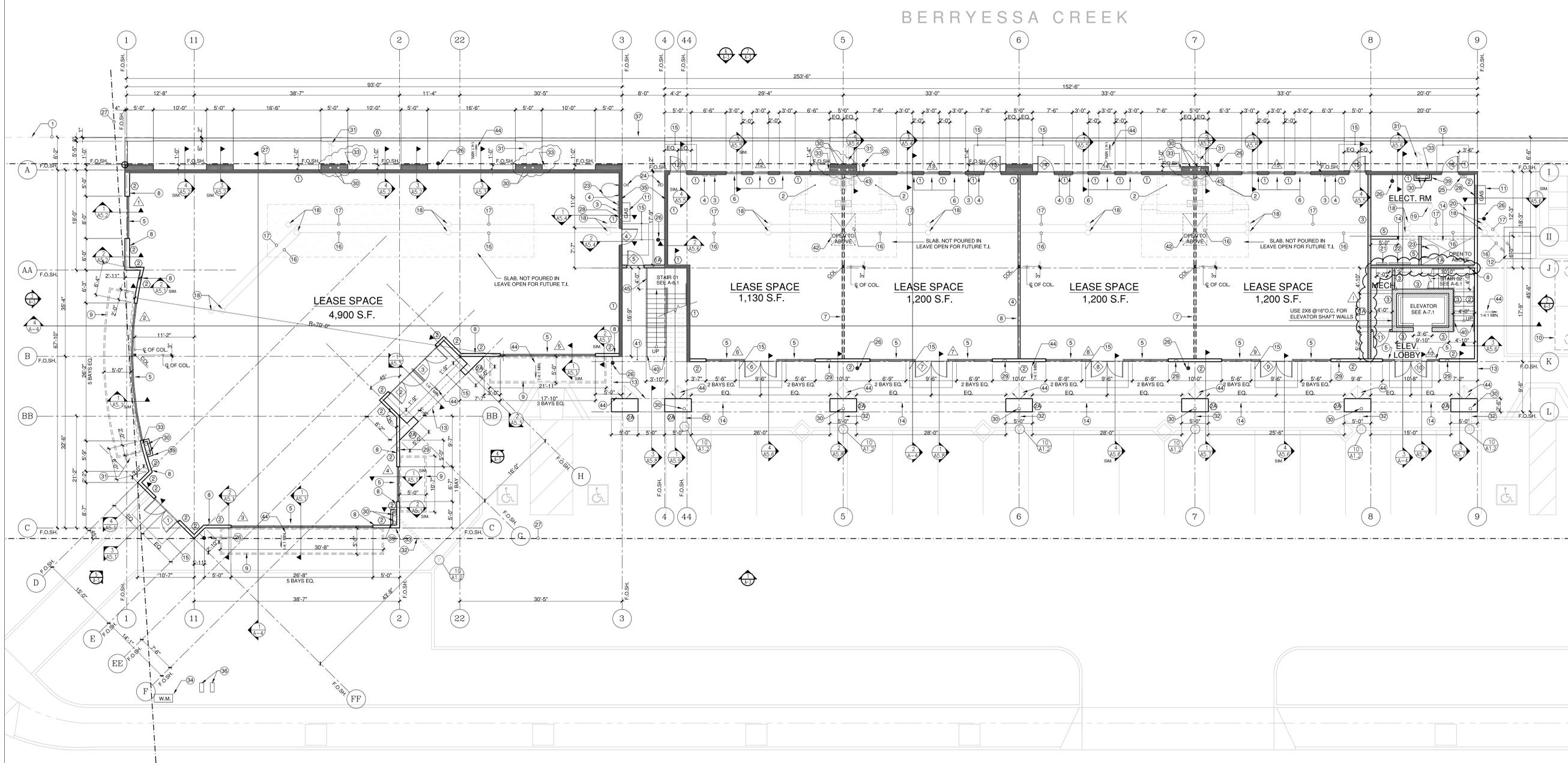
◇ DOOR NUMBER, SEE A-2.5 AND SPECS. FOR DOOR AND HARDWARE SCHEDULE

WINDOW LEGEND

△ DOOR NUMBER, SEE A-2.5 AND SPECS. FOR DOOR AND HARDWARE SCHEDULE

WALL LEGEND

- EXTERIOR
- 1 WALL TYPE #1 - 2X STUD WALLS, ONE HOUR RATED
  - 1A WALL TYPE #1A - 2X STUD WALLS, ONE HOUR RATED
  - 2 WALL TYPE #2 - 2X STUD WALLS, NON RATED
  - 2A WALL TYPE #2A - 2X STUD WALLS, NON RATED
  - 3 WALL TYPE #3 - 2X STUD WALLS, ONE HOUR RATED
  - 4 WALL TYPE #4 - 2X STUD WALLS, SHEAR WALL
  - 5 WALL TYPE #5 - 2X STUD WALLS/FURRING WALLS, NON RATED
  - 6 WALL TYPE #6 - 7 HIGH CMU SCREEN WALL
- INTERIOR
- 1 WALL TYPE #1 - 2X STUD WALLS, ONE HOUR RATED
  - 1A WALL TYPE #1A - 2X STUD WALLS, ONE HOUR RATED
  - 2 WALL TYPE #2 - 2X STUD WALLS, NON RATED
  - 2A WALL TYPE #2A - 2X STUD WALLS, NON RATED
  - 3 WALL TYPE #3 - 2X STUD WALLS, ONE HOUR RATED
  - 4 WALL TYPE #4 - 2X STUD WALLS, SHEAR WALL
  - 5 WALL TYPE #5 - 2X STUD WALLS/FURRING WALLS, NON RATED
  - 6 WALL TYPE #6 - 7 HIGH CMU SCREEN WALL



CALAVERAS CENTER  
BUILDING SHELL ONLY  
750 E. CALAVERAS BOULEVARD  
MILPITAS, CALIFORNIA

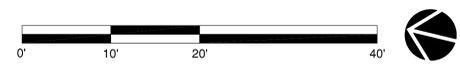
REVISIONS:

1ST SUBMITTAL	MAY 13, 2004
CITY COMMENT	10-11-2004
CITY COMMENT	02-11-2005

SHEET TITLE:  
FLOOR PLAN

DATE: JAN 29, 2004 PROJECT NO: 03-632  
SCALE: A9 SHOWN DRAWN: JH/BD

SHEET  
A-2.1  
OF SHEETS



HILLVIEW DRIVE

BERRYESSA CREEK



Map

Photos



A  
237

Beljossa Creek Trail

E Calaveras Blvd

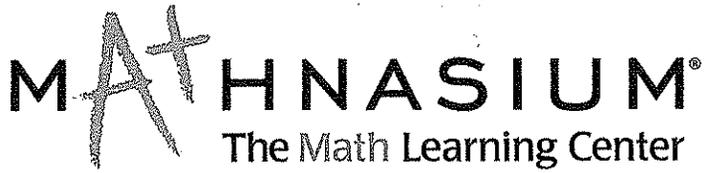
Shilview Dr

Los Coches St

Horizon Dr

12 S. Hillview - FLOOR PLAN





To Whom It May Concern:

Mathnasium is a learning center where children, from the ages of 7 to college age, go year-round to improve their math skills. Our members engage, one on one, in a unique combination of mental, verbal, visual, tactile, and written exercises. Our goal is to enhance their math skills, understanding of math concepts, and build confidence.

Our Mathnasium members will come in about twice a week for one hour each time. The ratio of members to instructors will be no more than 5 to 1. The maximum number of members at the center at one time will be 25. The maximum number of employees at the center at one time will be 5.

The hours of operations will be 2:30 PM to 7:30 PM on Mondays through Thursdays and 10 AM to 2 PM on Sundays.

Mathnasium is an international franchise with over 250 centers in the nation and over 10 in the Bay Area from Campbell to Walnut Creek.

Regards,

Jane Kim  
(408) 510-1957  
JaneHKim01@gmail.com