



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: March 26, 2008

**APPLICATION:** **CONDITIONAL USE PERMIT NO. UP08-0003, UNIVERSAL STRENGTH HEADQUARTERS**

**APPLICATION SUMMARY:** A request to locate an 8,000 square footage adult’s only martial arts facility within an existing 40,506 square foot multi-tenant industrial building and to permit joint parking for on-site parking spaces.

**LOCATION:** 720 Montague Expressway (APN 92-08-077)  
**APPLICANT:** Cung Le, 2196 Calle Mesa Alta, Milpitas, CA 95035  
**OWNER:** S & B Milpitas, LLC, 46509 Mission Blvd., Fremont, CA 94539

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
**1. Close the public hearing; and**  
**2. Adopt Resolution No. 08-013 approving the project subject to the attached conditions of approval.**

**PROJECT DATA:**  
General Plan/ Zoning Designation: Manufacturing and Warehouse/ Heavy Industrial (M2)  
Overlay District: Transit Oriented Development Overlay  
Specific Plan: Midtown Specific Plan

Building Square footage: 40,506 square foot  
Tenant Square footage: 8,000 square foot  
Parking Spaces Provided: 126

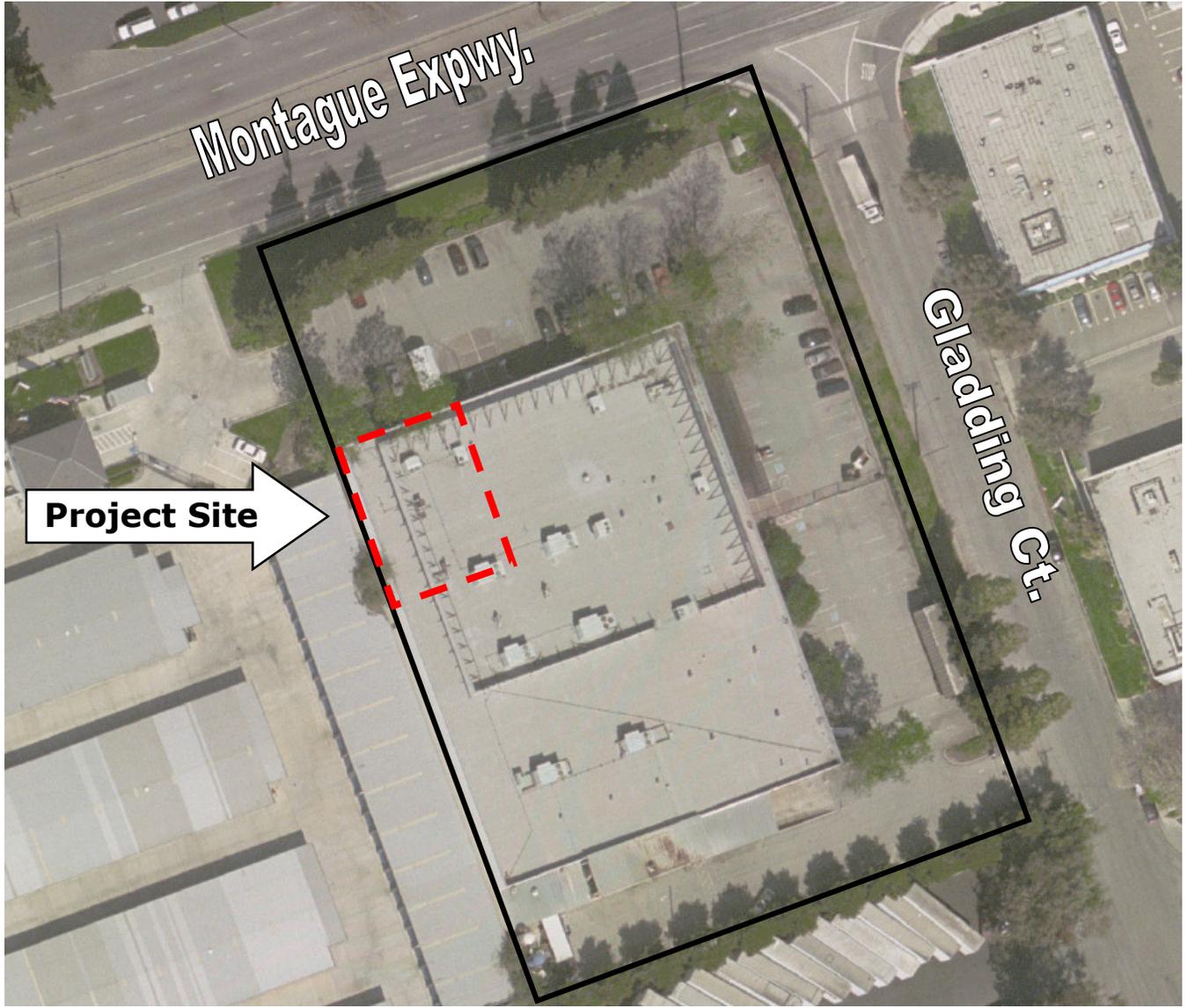
**CEQA Determination:** The proposed project is categorically exempt per Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

**PLANNER:** Cindy Hom, Junior Planner

**PJ:** 2515

**ATTACHMENTS:**  
A. Resolution No. 08-013  
B. Written Parking Agreement from Property Owner  
C. Plans  
D. Schedule of Activities

# LOCATION MAP



No scale

## BACKGROUND

On February 13, 2008, Cung Le of Universal Strength Headquarters, submitted a Conditional Use Permit application to locate an 8,000 square foot adult's only martial arts facility consisting of 1,800 square feet of office, lobby and storage space and approximately 6,600 square feet of open mat and circuit training area that would operate during the weekdays between 5:00 PM to 9:00PM, and on the weekends, between 9:00 AM to 1:00PM. The proposed facility anticipates approximately 150 students, however, each class will not have more than 35 students at any given time. The applicant is also requesting joint parking for 21 on-site parking spaces. The application is submitted pursuant to Milpitas Municipal Code (MMC) XI-10-31.03-5 (Commercial Athletic Facility) and MMC XI-10-53.07 (Joint Parking).

## PROJECT DESCRIPTION

The project site is located at the southwest corner of the intersection at Montague Expressway and Gladding Court. The project is sited on a 2.35-acre parcel that is developed with a single story, 40,506 square foot, multi-tenant industrial building, 126 parking spaces, parking lot fencing, and landscaping.

The project site is zoned Heavy Industrial (M2) with a Transit Oriented Development Overlay and is located within the Midtown Specific Plan area. The project site is bounded by a self-storage facility to the west and industrial buildings to the north, south and east. A vicinity map of the subject site location is included on the previous page.

## Parking

The site was originally parked at a ratio of one space per 300 square feet of gross floor area (GFA) for R&D. Currently, the site provides 126 parking spaces. Based on the 1/300 ratio, the tenant space for the proposed martial arts facility is allocated 26 spaces. As described in the Table 2 below, the proposed 8,000 square foot martial arts facility requires a total of 47 parking spaces. In accordance with MMC XI-10-53.06 (Uses Not Specified), parking requirement for the proposed open mat and circuit training area is based on City of San Jose parking standard for instructional arts studio, which is one space per 150 square feet of use. This parking standard has been used for other martial arts studios that were previously approved by the Planning Commission. As a result, there would be a deficit of 21 parking spaces if the proposed martial arts facility were to operate at the same time as the other businesses within the building.

Table 2  
Required Parking

Uses	Square Footage	Parking ratio	# of spaces required
Office	757	1/200	4
Lobby	493	1/200	2
Storage	16	1/1500	0
Open Mat	4,000	1/150*	27

Uses	Square Footage	Parking ratio	# of spaces required
Circuit Training	2,200	1/150*	14
Total Number of Required Parking Spaces			47
Total Number of Parking Spaces Allocated			26
Shortage or Excess Parking Spaces			<b>-21</b>

To satisfy the parking requirements and make up the shortfall, the applicant is requesting a permit to allow joint parking for on-site parking spaces with other tenants in the building. Given the proposed martial arts facility operates during in the evenings and weekends, it will not conflict with the principal weekday daytime uses that includes a financial company, professional offices, and manufacturing. Per MMC XI-10-53-07, Planning Commission may authorize joint parking provided the following:

- The building or use is located within 300 feet.
- The applicant demonstrates there is no substantial conflict in the principal operating hours of the two buildings or uses.
- The Joint Parking Agreement is approved as to form and manner of execution by the City Attorney and recorded with the County Recorder if joint use occurs between more than one parcel or in a condominium setting.

Based on the above analysis, the project meets the intent and purpose for joint parking in that the operation of the martial arts facility does not conflict with the daytime office use that currently existing in the building. The shared parking would be limited to (21) on-site parking spaces, which is less than the maximum fifty percent allowed for joint parking. Attached with the staff is a written agreement from the property owner to share the available parking spaces. Staff also recommends a condition of approval that maintains the hours as specified in the application. Any modifications to the hours of operation shall be subject to a conditional use permit amendment.

**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 3**  
**General Plan Consistency**

Policy	Consistency Finding
Guiding Principle 2.d-G-2 <i>Develop adequate civic, recreational, and cultural centers in location for the best service to the community and in ways protect and promote community beauty and growth.</i>	The project proposes an 8,000 square foot martial arts facility, which encourages the development of recreational opportunities within the city and provides convenient access for who those who live and work in the City and in nearby communities given its location on Montague Expressway and proximity to HWY 680.

Policy	Consistency Finding
<p>Guiding Principle 2.a-I-7  <i>Provide opportunities to expand employment participate in partnerships with local business to facilitate communication m and promote business retention.</i></p>	<p>Universal Strength Headquarters is an existing Milpitas Business previously operated at 271 Houret Court. The project would help retain the business in Milpitas.</p>

### ***Zoning Ordinance***

The proposed use conforms to the M2 Zoning Ordinance in terms of land use. Commercial Athletic facilities are conditional permitted in zoned M2 zone. The project proposed no exterior modifications or additions and therefore will continue to comply with development standards in terms of setbacks, FAR, height, and landscaping.

### ***Midtown Specific Plan***

The project is within the Midtown Specific Plan area and is subject to the Midtown Design Guidelines and Development Standards. The project does not entail an exterior or site modifications. However, any future building or site modifications shall be submitted pursuant to Section 42 of the Milpitas Zoning Ordinance for Planning Division review for compliance with the Midtown design standards.

### ***Draft Transit Study Area Plan***

The project is also located within the Draft Transit Area, which proposes to rezone the property from Heavy Industrial to Boulevard Very High Density Mixed use with Transit Density Overlay. The proposed zoning would allow commercial athletic facilities as conditionally permitted uses.

## **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 pursuant to Class 1, Section 15301 (Existing Facilities). The project consist of the operations and permitting of a martial arts studio in an existing building with negligible expansion of use beyond that existing at the time of the lead agency's determination of the California Environmental Quality Act (CEQA) Guidelines.

## **COMMUNITY IMPACTS AND SAFETY**

Staff does not anticipate any negative impacts to the community, property, improvements, public health, safety, or general welfare. Although the proposed project is located within the M2 zone, the facility will not include any sensitive receptors such as the elderly or young children. Any modifications to use will require a conditional use permit amendment. The joint parking will be satisfied with the on-site parking and will not necessitate any enhanced pedestrian safety or traffic circulation upgrades.

## **PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there has been one inquiry from the public. Staff was contacted by an adjacent business to obtain more information about the project proposal.

**CONCLUSION**

Based on the review of the application, staff concludes the project is consistent with the General Plan in that the use encourages development of adequate recreation centers within the City of Milpitas and the location provides convenient access for who those who live and work both in the City and in nearby communities. The project also encourages retention of an existing Milpitas business. The proposed use would be compatible with the general office and warehouse uses within the area as well as the commercial services that are located near Great Mall/Piper Drive area.

The project conforms to the M2 Zoning Ordinance in terms of land use, development standards and parking. Commercial athletic facilities are conditionally permitted in the M2 zone. Parking requirements can be satisfied with a joint parking agreement.

The proposed use will not be detrimental or injurious to property, improvements, public health, safety and general welfare because the use does not locate sensitive receptors in the heavy industrial zone. Staff does not anticipate any parking conflicts given the proposed use operates during off peak hours. Additionally, the joint parking spaces are provided on-site and therefore will not need an enhanced pedestrian or traffic upgrades.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 08-013 approving Conditional Use Permit No. UP08-0003, Universal Strength Headquarters, subject to the attached Conditions of Approval.

*Attachments:*

- A. Resolution No. 08-013/Conditions of Approval
- B. Written agreement from the property owner for shared parking.
- C. Schedule of Activities  
Plans

**RESOLUTION NO. 08-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS,  
CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP08-0003,  
UNIVERSAL STENGTH HEADQUARTERS, A REQUEST TO LOCATE AN 8,000  
SQUARE FOOT ADULT'S ONLY MARTIAL ARTS FACILITY AND JOINT PARKING  
LOCATED AT 720 MONTAGUE EXPRESSWAY**

**WHEREAS**, on February 13, 2008, an application was submitted by Cung Le, 2196 Calle Mesa Alta, Milpitas, CA 95035, to locate an 8,000 square adult's only martial arts facility located at 720 Montague Expressway (APN 092-08-077), zoned Heavy Industrial with a Transit Oriented Development Overlay and "S" Combining Zoning District (M2-TOD-S).

**WHEREAS**, the project is categorically exempt per Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

**WHEREAS**, on March 26, 2008, 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 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 pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project proposes to occupy an 8,000 square foot portion of an existing industrial building and does not propose any building or site modifications.

**Section 3:** The project is consistent with the General Plan in that the use encourages development of adequate recreation centers within the City of Milpitas that provides convenient access for who those who live and work in the City as well as nearby communities and encourages retention of an existing Milpitas business. The proposed use would be compatible with the general office and warehouse uses within the area as well as the commercial services that are located near the Great Mall/Piper Drive area.

**Section 4:** The project conforms to the M2 Zoning Ordinance in terms of land use, development standards and parking in that commercial athletic facilities are conditionally permitted in the M2 zone and parking requirements can be satisfied with a joint parking agreement for (21) on-site parking spaces.

**Section 5:** The proposed use will not be detrimental or injurious to property, improvements, public health, safety and general welfare because:

- a. The use does not locate sensitive receptors in the heavy industrial zone;
- b. No parking conflicts are anticipated given the proposed use operates during off peak hours (evenings and weekends); and
- c. The joint parking spaces are provided on-site and therefore will not require enhanced pedestrian or traffic upgrades.

**Section 5:** The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP08-0003, Universal Strength Headquarters, 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 26, 2008.

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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 26, 2008, and carried by the following roll call vote:

**AYES:            COMMISSIONERS:**  
**ABSTAIN:       COMMISSIONERS:**  
**ABSENT:        COMMISSIONERS:**

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**Conditional Use Permit No. UP08-0003, Universal Strength Headquarters.**

**Planning Division**

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 26, 2008, in accordance with these Conditions of Approval.
2. 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.
3. Conditional Use Permit No. UP08-0003, Universal Strength Headquarters shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and an occupancy permit is obtained.
4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UP08-0003 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.
5. Planning approval is for an adult's only martial arts facility. Any proposal to include the instruction of or demonstration including children under the age of 18 shall require an amendment to this conditional use permit and risk analysis to determine any impacts to sensitive receptors for Planning Commission review and approval.
6. The hours of operation for the martial arts facility shall be limited to Monday through Friday between the hours of 5:00PM to 9:00PM and Saturday through Sunday between the hours of 9:00AM to 1:00PM.

**Engineering Division**

7. 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. Contact the Land Development Section at (408) 586-3329 to obtain the form(s).

8. 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.
9. It is the applicant's responsibility to obtain any necessary permits or approvals from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.
10. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined 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.

# **S & B Milpitas, LLC**

**720 Montague Expressway Suite-B, Milpitas, CA 95035**

**TEL: 408-240-6884 FAX: (408) 946-0112**

March 17, 2008

Ms. Cindy Hom  
Planning Division  
City Of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035-5411

Ref: 720 Montague Expressway, Milpitas, CA  
APN # 092-08-077

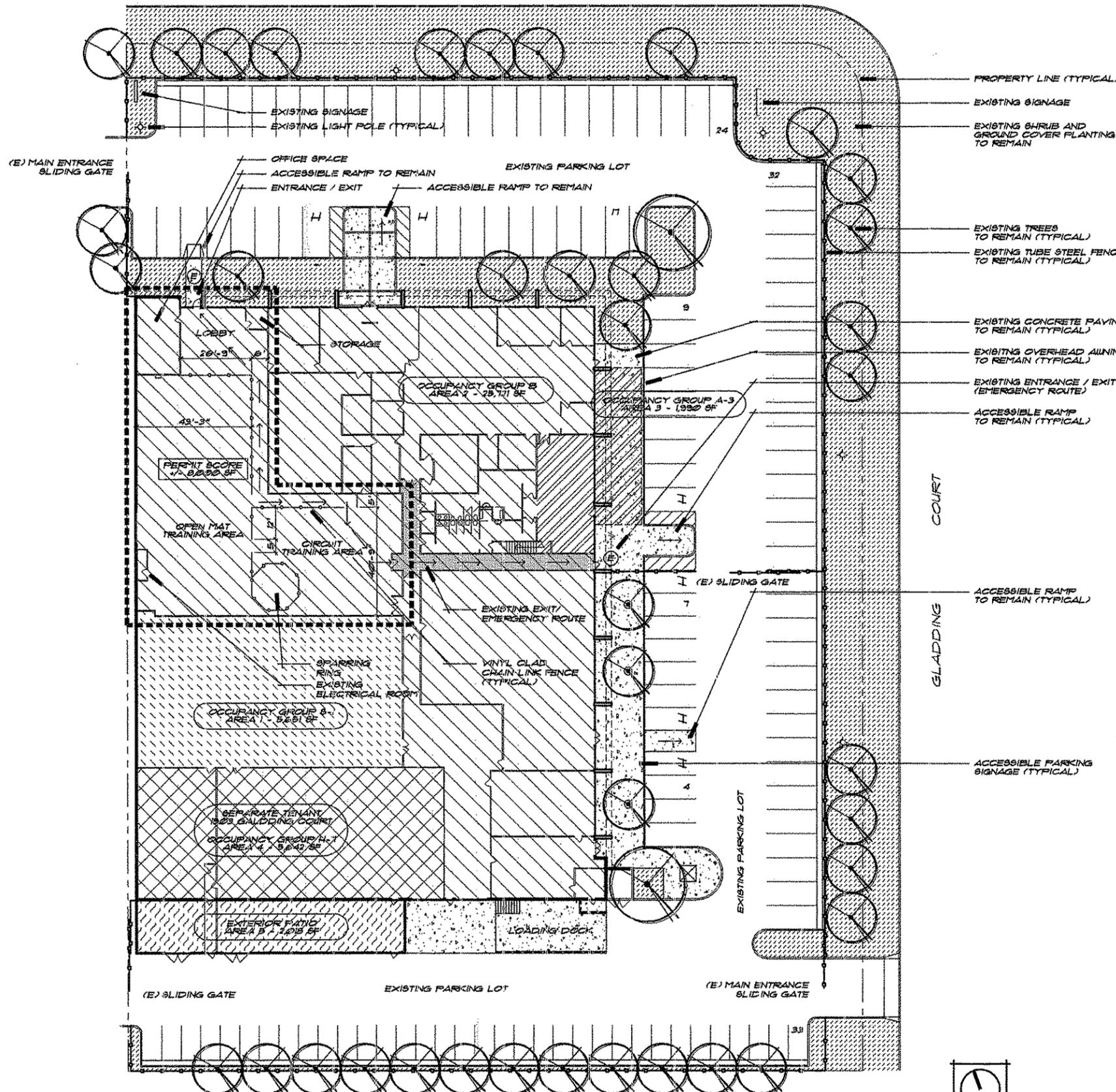
Dear Cindy:

This is to confirm that Universal Strength Headquarters, LLC will be sharing the available parking space at 720 Montague Expressway, Milpitas, CA.

Sincerely,



*Bv.*  
**BADRU VALANI**  
Managing Member



**GENERAL NOTES**

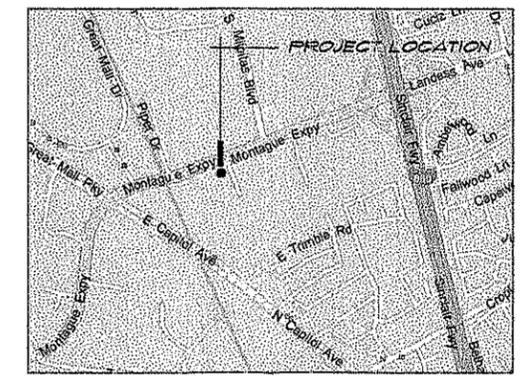
1. LANDSCAPE ARCHITECT MAKES NO CLAIMS AS ARCHITECT.
2. PLAN IS DIAGRAMMATIC AND SHOWS EXISTING CONDITIONS AND USE.
3. PROJECT DOES NOT INVOLVE NEW CONSTRUCTION OTHER THAN INSTALLATION OF MATTING AND VINYL CLAD CHAIN LINK FENCING AND ATHLETIC TRAINING EQUIPMENT INCLUDING BUT NOT LIMITED TO SAFETY PADS, FINCHING, FLOOR FLAGS AND A RAISED SPARRING RING WITHIN A VINYL CLAD CHAIN LINK FENCE ENCLOSURE.
4. NO IMPROVEMENTS TO CEILING TILES, LIGHTING, OR FIRE SPRINKLERS IS INVOLVED.
5. APPLICABLE CODES AS FOLLOWS:  
2007 CBC, CFC, CEC, CFC  
2008 CALIFORNIA ENERGY CODE  
2008 CITY OF MILPITAS MUNICIPAL CODE
6. NO STRUCTURAL UPGRADES PER 2007 CBC SECTION 3406.4 ARE REQUIRED AS NEW TENANT OCCUPANCY DOES NOT EXCEED 50% OF AGGREGATE AREA OF THE EXISTING BUILDING.

**PROJECT INFORMATION**

1. THIS IS A CONDITIONAL USE PERMIT APPLICATION TO LOCATE A MARTIAL ARTS STUDIO WITHIN AN EXISTING MULTI-TENANT INDUSTRIAL BUILDING LOCATED AT 720 MONTAGUE EXPRESSWAY AND IS ZONED HEAVY INDUSTRIAL (M2). THE SITE IS LOCATED WITHIN THE MIDTOWN SPECIFIC PLAN AREA AND PROPOSED TRANSIT STUDY AREA. THE GENERAL PLAN DESIGNATION FOR THIS SITE IS MANUFACTURING AND WAREHOUSING. APPLICATION IS SUBMITTED PURSUANT TO MILPITAS MUNICIPAL CODE XI-10-31-23-3 (COMMERCIAL ATHLETIC FACILITIES).
2. NO DEMOLITION IS INVOLVED TO EXISTING OPEN FLOOR AREA AND EXISTING MECHANICAL, ELECTRICAL, PLUMBING AND FIRE SFRINKLERS ARE TO BE UTILIZED.
3. GENERAL SITE INFORMATION:  
ASSESSORS PARCEL NUMBER: 092-28-17  
ZONING AREA: HEAVY INDUSTRIAL (M2)  
LOT AREA: 2.35 ACRES  
EXISTING BUILDING AREA: ± 40,526 SF  
OFFICES: ± 13,900 SF  
WAREHOUSE: ± 23,200 SF  
50% EXISTING BUILDING AREA: ± 20,253 SF
4. PROJECT SCOPE:  
± 8,000 SF - ADULTS ONLY MARTIAL ARTS FACILITY  
WHERE:  
1,800 SF - OFFICE, LOBBY, STORAGE & CONFERENCE AREA  
4,000 SF - OPEN MAT TRAINING AREA  
2,200 SF - CIRCUIT TRAINING AREA  
OPERATING HOURS:  
MONDAY - FRIDAY 8:30 AM - 9:00 PM  
SATURDAY - SUNDAY 9:00 AM - 1:00 PM
5. PARKING RATIO REQUIREMENTS:  
WHERE:  
MARTIAL ARTS STUDIO - 1 SPACE / 150 SF OF USE = 41 SPACES  
OFFICE - 1 SPACE / 200 SF OF NEW FLOOR AREA = 6 SPACES  
STORAGE - 1 SPACE / 15,000 SF OF GROSS FLOOR AREA = 0 SPACES  
TOTAL REQUIRED PARKING SPACES - 47 SPACES  
TOTAL EXISTING PARKING SPACES - 126 SPACES  
(4) HANDICAP (1) VAN ACCESSIBLE

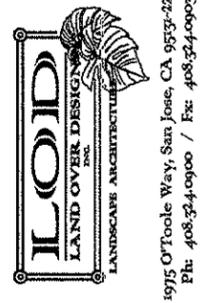
**OCCUPANCY TABLE**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	OCCUPANCY GROUP A-3 - 19,900 SF AREA 3		OCCUPANCY GROUP H-1 - 5,642 SF AREA 4
	OCCUPANCY GROUP B - 25,721 SF AREA 2		EXTERIOR PATIO - 2,218 SF AREA 5
	OCCUPANCY GROUP B-1 - 5,631 SF AREA 1		



**EXISTING SITE PLAN**  
SCALE: 1"=20'-0"

**VICINITY MAP**  
NTS



**REVISIONS:**

DATE	DESCRIPTION

**PROJECT:**  
**UNIVERSAL STRENGTH HEADQUARTERS**  
720 MONTAGUE EXPRESSWAY  
MILPITAS, CA 95035



**SHEET TITLE:**  
**CONDITIONAL USE PERMIT RECEIVED**  
MAR 06 2008  
CITY OF MILPITAS PLANNING DIVISION

**SCALE:** 1"=20'-0"

**DATE:** 03.05.08

**JOB #:** 08.100

**SHEET #:** L1

### CardioZone Kickboxing / CardioPaddle Training / CardioMMA Kickboxing Schedule

MON	TUES	WED	THURS	FRI	SAT	SUN
					9:00- 10:00 am CardioPaddle	9:00 - 10:00am Cardiozone Kickboxing
					12:00 – 1:30pm MMA TRAINING (no-gi Jiu-Jitsu)	11:30am-12:45pm FS Wrestling & Takedown Defense
5:30-6:25pm Punching Mitts		5:30-6:25pm Thai Pads		5:00 - 6:15pm FS Wrestling & Takedown Defense		
6:30 - 7:25pm CardioMMA Kickboxing	6:30 - 7:25pm Cardiozone Kickboxing	6:30 - 7:25pm CardioMMA Kickboxing	6:30 - 7:25pm CardioPaddle	6:30 - 7:25pm CardioMMA Kickboxing		
7:30 – 9:00pm Brazilian Jiu- Jitsu with gi	7:30 – 8:30pm Light Contact Sparring	7:30 – 9:00pm MMA TRAINING (no-gi Jiu-Jitsu)	7:30 – 9:00pm Brazilian Jiu- Jitsu with gi			

### USH! Fight Team Training Schedule (TESTING, UNIFORM & GEAR IS REQUIRED)

MON	TUES	WED	THURS	FRI	SAT	SUN
6:00 – 7:30pm Pro-Am San Shou & MMA Training	7:30 – 9:00pm Pro-Am San Shou & MMA Training	6:00 – 7:30pm Pro-Am San Shou & MMA Training	7:30 – 8:30pm San Shou & MMA Training Amateur Only!			11:30am-12:45pm FS Wrestling & Takedown Defense

散手

*Chief Instructor* Coach Cung Le

*Instructors* Allan Maravilla, Jane Estioko, Javier Gonzalez, James Terry, Michael Pacis, Paul Schreiner, Ron Estioko, Sam Spengler, Elaina Maxwell