



# MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: September 24, 2008

**APPLICATION:**  
APPLICATION  
SUMMARY:

**CONDITIONAL USE PERMIT UP08-0030**

A request to operate an indoor commercial athletic facility.

LOCATION:  
APPLICANT:  
OWNER:

620 South Main Street (APN: 086-25-027)  
Shahad Hatim-Tabrizi, 6501 Crown Blvd., #106-A3, San Jose, CA 95120  
Donald J. Peoples

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

- 1. Close the public hearing; and**
- 2. Approve the project subject to the attached Resolution No. 08-051 and conditions of approval.**

PROJECT DATA:  
General Plan/

Zoning Designation: Mixed Use/ Mixed Use  
Overlay District: Site and Architecture (-S)  
Specific Plan: Midtown Specific Plan

CEQA Determination: Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)

PLANNER: Judie Gilli, Associate Planner

PJ: 2548

ATTACHMENTS: A. Project Plans  
B. Project Description from Applicant  
C. Resolution No. 08-051

# LOCATION MAP



Not to Scale

Other materials available in hardcopy upon request at the Planning counter

## **BACKGROUND**

The existing site is the former Concord Motor Sports business, where it remained in operation until June 2008. Since then, the space has been vacant.

The application is submitted pursuant to Section 10-6.01 (Conditionally Permitted Uses) of the Zoning Ordinance. Section 10-6.01 requires a conditional use permit for indoor recreation facilities heard by the Planning Commission for all conditional use permit approvals.

## **PROJECT DESCRIPTION**

The 1.65 acre site is improved with a 25,000 square foot building. The previous uses of the building include retail, warehouse and office. The site is located at 620 S. Main Street with a vacant lot to the north, commercial to the west, commercial (religious services) to the south and industrial use to the east. The project site is located within the Mixed Use zone and the Midtown Specific Plan, which allows for a mix of commercial uses.

The proposed business is an indoor trampoline facility. The 10,528 square foot facility will require the interior to be improved with trampolines. Proposed are two large trampolines; one that is 4,600 square feet and the other is 2,200 square feet. The remainder of the space would include a 700 square foot party area, 1,400 square foot lounge area, restrooms, office and entry area. The facility will provide fitness classes, organized events and drop-in sessions. The applicant's description of the business plan is provided as Attachment B.

## **ISSUES**

### **Parking**

The proposed use has a parking requirement of one space for every 200 square feet. This requirement is consistent with other similar uses in the City of Milpitas. The following table describes the parking demand for the use.

**TABLE 1**  
**Parking Provided and Required**

<b>USE</b>	<b>PROPOSED</b>	<b>DEMAND</b>	<b>REQUIRED SPACES</b>
Jump Sports	10,528 square feet	1 space for every 200 square feet	52
Office	1,554 square feet	1 space for every 200 square feet (first floor)	8
Office	2,075 square feet	1 space for every 400 s.f (second floor)	5
Vacant	10,778 square feet	TBD	TBD
<b>TOTAL REQUIRED</b>			<b>65</b>
<b>TOTAL PROVIDED</b>			<b>66</b>

*Conformance with Parking Requirements*

The project site contains 66 parking spaces, which complies with the requirement of the proposed uses. Since the 10,778 vacant area (indicated as storage on the floor plan) is not occupied at this time and the property owner does not yet have plans for this space, the parking requirement will be determined at a later date. In the future, when this space is occupied, parking must be provided as required by the Zoning Ordinance as a condition of approval.

**NEIGHBORHOOD/COMMUNITY IMPACT**

The project is expected to have a positive community impact by generating additional business and increased patronage to the area. Based on this, staff’s position is that this proposal will not have a negative community impact because the project is located within an existing commercial area and the parking requirements are satisfied with the existing on-site parking spaces.

**ADOPTD PLANS AND ORDINANCES CONSISTENCY**

***General Plan***

The project conforms to 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.

**Table 2**  
**General Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
<i>Implementing Policy 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication and promote business retention.</i>	Consistent.
<i>Implementing Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Consistent.

***Zoning Ordinance***

The proposed project is located in the Mixed Use (MXD) zoning district and is conditionally permitted with a Conditional Use Permit. With the approval of this application, the proposed project conforms to City’s Zoning Ordinance.

*Midtown Specific Plan*

**Table 3**  
**Midtown Specific Plan Consistency**

Principles/Policies	Consistency Finding
<i>Goal 1: Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown.</i>	Consistent. This application is for a new service-oriented commercial establishment which is compatible with the existing uses in the area.

The project is consistent with the Midtown Specific Plan in that the indoor commercial athletic facility use serves the civic, cultural, business and professional life as well as provides economic opportunities for all Milpitas residents.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). This Project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (“Existing Facilities”) of the CEQA Guidelines.

**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 proposed project meets all City codes and ordinances. The proposed project is consistent with the General Plan in that it provides an opportunity to expand employment and will strengthen and promote development. The proposed use is consistent with the Zoning Ordinance in that it is permitted commercial use (with a conditional use permit) that is appropriate for project site, meets all zoning requirements and is compatible with adjacent uses. The site provides the required on-site parking spaces. The proposed project is consistent with the Midtown Specific Plan in that it provides a service-oriented commercial use that is compatible with adjacent uses. If the Commission finds that the existing conditions are appropriate, then it should accept the conditions of approval as stated in the Resolution and take action on the project.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve **CONDITIONAL USE PERMIT UP08-0030**, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

- A. Project Plans
- B. Project Description from Applicant
- C. Resolution No. 08-051

Other materials available in hardcopy upon request at the Planning counter

# MILPITAS MOTORSPORTS

## 620 SOUTH MAIN STREET

### MILPITAS, CALIFORNIA

# TENANT IMPROVEMENT



VICINITY MAP	PROJECT DATA	SHEET INDEX
 <p style="text-align: center;">SITE</p>	<p><b>BUILDING ADDRESS:</b> 620 SOUTH MAIN STREET MILPITAS, CALIFORNIA</p> <p><b>BUILDING OWNER:</b> D.P. ENTERPRISES, LLC 1986 TAROB COURT MILPITAS, CALIFORNIA 95035</p> <p><b>CODE:</b> 1997 UBC 2001 CALIFORNIA BUILDING CODE 2001 CALIFORNIA FIRE CODE 2000 CALIFORNIA PLUMBING CODE 2001 CALIFORNIA MECHANICAL CODE 2004 CALIFORNIA ELECTRICAL CODE</p> <p><b>AREA:</b> 29,361 S.F.</p> <p><b>USAGE:</b> OFFICE/BULKY ITEM RETAIL/STORAGE/MOTORCYCLE MAINTENANCE</p> <p><b>OCCUPANCY:</b> B, M, S-3, H-4 &amp; U-2 - NO CHANGE IN OCCUPANCY IS REQUESTED - CURRENT H-4 OCCUPANCY IS USED FOR MOTORCYCLE MAINTENANCE (NO WELDING OR OPEN FLAME)</p> <p><b>EXITING FROM 1ST FLOOR:</b> 411 7 EXIT DOORS REQUIRED - 10 PROVIDED <b>EXITING FROM 2ND FLOOR:</b> 16 2 EXIT DOOR REQUIRED - 2 PROVIDED</p> <p><b>STORIES:</b> TWO STORY <b>CONSTRUCTION:</b> V-N</p> <p><b>BUILDING HEIGHT:</b> 20' @ ONE STORY PORTION 30' @ TWO STORY PORTION</p> <p><b>BUILDING IS FULLY SPRINKLED</b></p>	<p><b>ARCHITECTURAL</b></p> <p>AO TITLE SHEET</p> <p>AO.1 SITE PLAN AND PARKING LAYOUT</p> <p>AO.2 EXISTING PLAN</p> <p>AO.3 PROJECT SPECIFICATIONS</p> <p>AO.4 PROJECT SPECIFICATIONS</p> <p>A1 EXISTING FIRST AND SECOND FLOOR PLANS</p> <p>A2 DEMOLITION AND NEW FLOOR PLANS</p> <p>A3 REFLECTED CEILING PLANS</p> <p>A4 SECTIONS &amp; DETAILS</p> <p>A5 ENLARGED RESTROOM PLAN, ELEVATIONS &amp; MISCELLANEOUS DETAILS</p> <p>A6 EXISTING RESTROOM A.D.A. COMPLIANCE PER ORIGINAL DRAWINGS</p> <p>E1 ELECTRICAL PLAN</p> <p>P1 PLUMBING PLAN</p> <p style="text-align: center;"><b>PROJECT DESCRIPTION</b></p> <p><b>PROJECT SUMMARY:</b> MILPITAS MOTORSPORTS PLANS TO REMODEL SHOWROOM AND SEPARATE THEIR OPERATION FROM THE EXISTING FRONT OFFICE PORTION OF THE BUILDING.</p> <p>NO WORK ON SECOND FLOOR.</p> <p>EXISTING BUILDING IS FULLY SPRINKLERED.</p> <p>1. CONSTRUCT NEW INTERIOR NON-LOAD BEARING WALLS PER PLANS 2. CONSTRUCT TWO NEW OFFICES, STORAGE AND ACCESSIBLE (A.D.A.) RESTROOMS 3. INSTALL NEW LIGHTING 4. NEW PAINT, CARPET 5. INSTALL NEW STOREFRONT AT REAR OF BUILDING</p>
		<p style="text-align: center;"><b>CONTACTS</b></p> <p><b>TENANT:</b> MILPITAS MOTORSPORTS 620 SOUTH MAIN STREET MILPITAS, CA 95035 CONTACT: TERRANCE STAUBER</p> <p><b>ENGINEER:</b> PEOPLES ASSOCIATES STRUCTURAL ENGINEERS 1986 TAROB COURT MILPITAS, CA 95035 CONTACT: DON PEOPLES</p> <p style="text-align: right;"><b>GENERAL CONTRACTOR:</b></p>

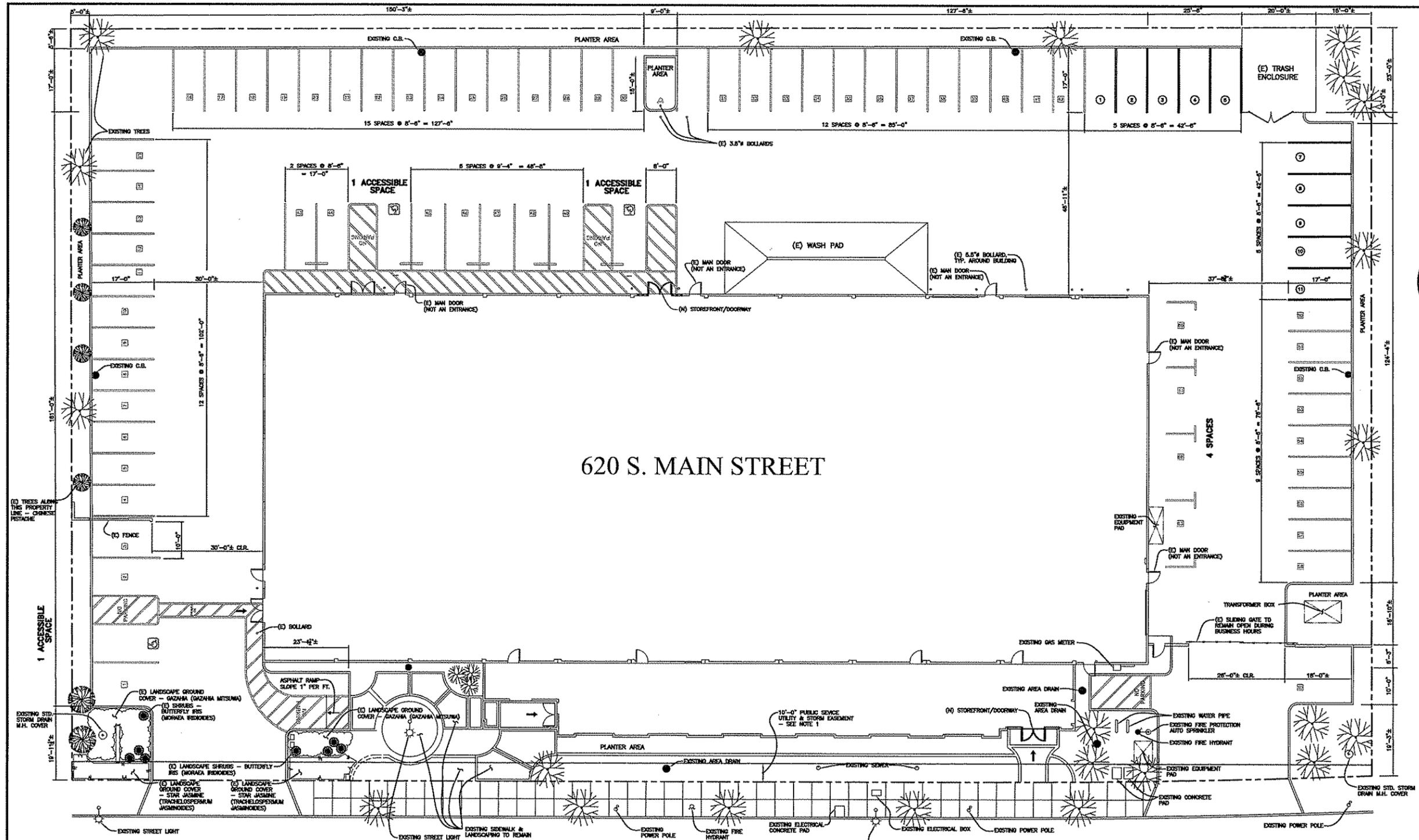
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DRP	3-17-07	2	REVISED PER CITY COMMENTS
DRP	3-17-07	3	REVISED PER CITY COMMENTS
DRP	3-17-07	4	REVISED PER CITY COMMENTS

**PEOPLES ASSOCIATES**  
STRUCTURAL ENGINEERS  
1986 Tarob Court  
Milpitas, CA 95035  
408-857-9272  
Fax 408-857-9221

TITLE SHEET  
MILPITAS MOTORSPORTS - TENANT IMPROVEMENT  
620 S. MAIN STREET  
MILPITAS  
CALIFORNIA

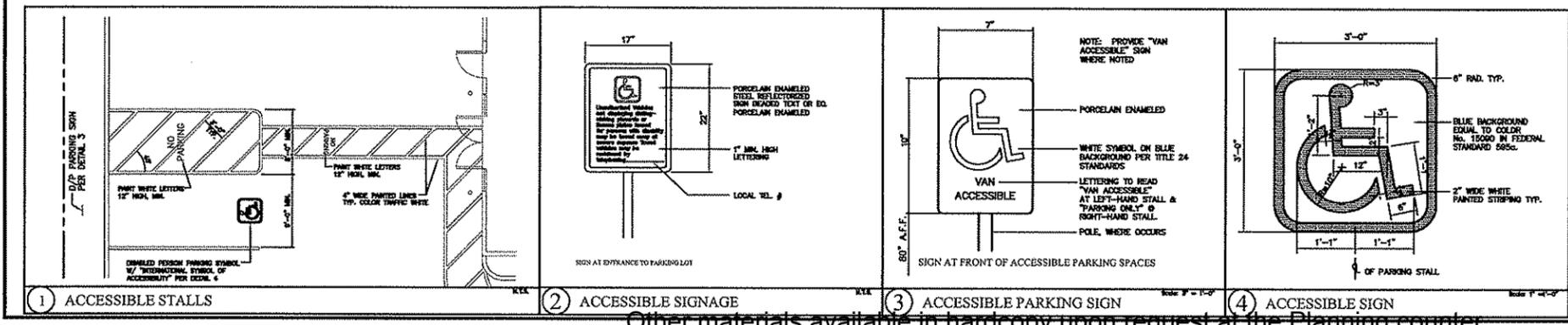
SHEET NUMBER  
**AO**  
OF 13 SHEETS  
DRAWING FILE  
AO.DWG

Other materials available in hardcopy upon request at the Planning counter



620 S. MAIN STREET

**SITE PLAN**  
1"=10'-0"



**GENERAL NOTES**

- CONTRACTOR SHALL OBTAIN AN ENCHANCEMENT PERMIT FROM LAND DEVELOPMENT SECTION (CITY OF MILPITAS) FOR ANY WORK WITHIN THE CITY RIGHT OF WAY AND EASEMENTS. CONTRACTOR SHALL SUBMIT 3 SETS OF APPROVED SITE PLAN (SHEET A-1 ONLY) WITH COMPLETED/SHARED ENCHANCEMENT PERMIT APPLICATION INCLUDING INSURANCE LICENSE (CITY BUSINESS, CONTRACTOR) INFORMATION AND \$461.25 IN PERMIT FEE TO LAND DEVELOPMENT SECTION FOR PROCESSING.

**PARKING SUMMARY**

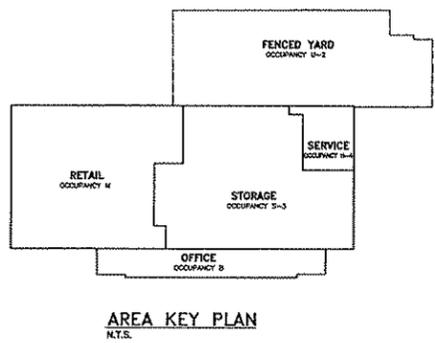
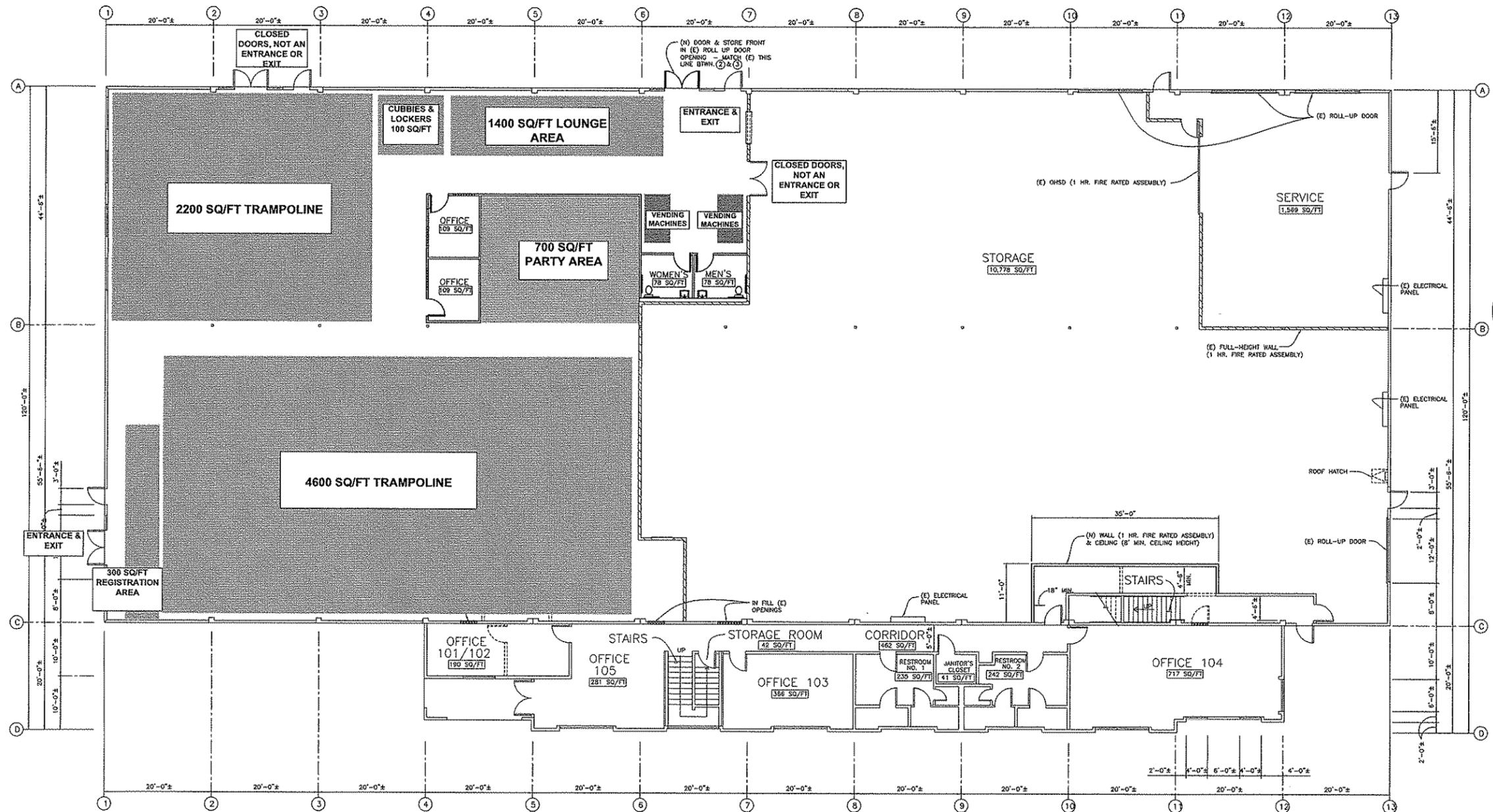
ACCESSIBLE STALLS	8
STANDARD STALLS	74
SUB-TOTAL	84
TOTAL STALLS PROVIDED	77 SPACES (ON INT)



DESIGNED BY:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
SCALE:	BY:
FILE NO.:	DESCRIPTION:
PROJECT NO.:	
1888 Tenth Court Milpitas, CA 95133 408-957-9220 408-957-9220	

**SITE PLAN AND PARKING LAYOUT**  
**INCREDIBLE EVENTS - TENANT IMPROVEMENT**  
**620 S. MAIN STREET, SUITE A**  
MILPITAS, CALIFORNIA

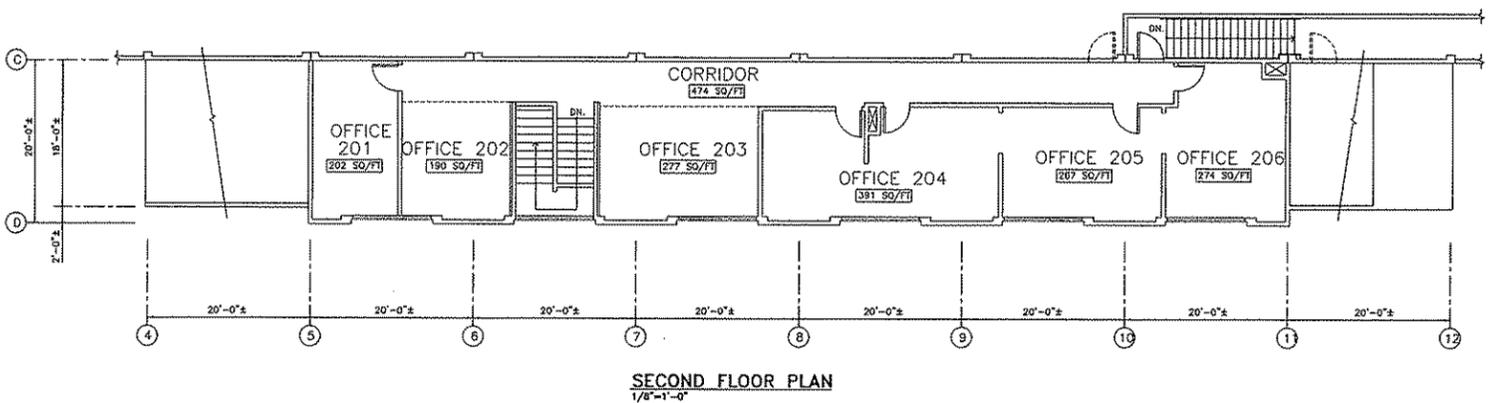
SHEET NUMBER  
**A0.1**  
OF 13 SHEETS  
DRAWING FILE:  
A0.1.DWG



Great Jump Sports Area	
Trampoline:	6800
Party:	700
Lounge:	1400
Cubbies:	100
Registration:	300
Office:	218
Rest rooms:	156
Vending Mach.:	175
Hallways:	679
<b>Total:</b>	<b>10528</b>

STORAGE	10,778	S.F.
TOTAL STORAGE G.F.A.	10,778	S.F.
<b>OFFICE</b>		
1ST FLOOR:		
OFFICE 101	190	S.F.
OFFICE 102	281	S.F.
OFFICE 103	386	S.F.
OFFICE 104	217	S.F.
<b>TOTAL 1ST FLOOR OFFICE N.F.A.</b>	<b>1,554</b>	<b>S.F.</b>
2ND FLOOR:		
OFFICE 201	202	S.F.
OFFICE 202	190	S.F.
OFFICE 203	277	S.F.
OFFICE 204	391	S.F.
OFFICE 205	267	S.F.
OFFICE 206	274	S.F.
CORRIDOR	474	S.F.
<b>TOTAL 2ND FLOOR OFFICE G.F.A.</b>	<b>2,075</b>	<b>S.F.</b>



- LEGEND**
- DENOTES (F) WALL
  - DENOTES (H) WALL
  - DENOTES (E) WALLS TO BE REMOVED
  - DENOTES (H) 10'-0" HIGH WALL
  - DENOTES (E) OPENING TO BE INFILLED
  - DENOTES (E) FULL-HEIGHT 1 HR. FIRE RATED ASSEMBLY WALL
  - DENOTES (N) FULL-HEIGHT 1 HR. FIRE RATED ASSEMBLY WALL



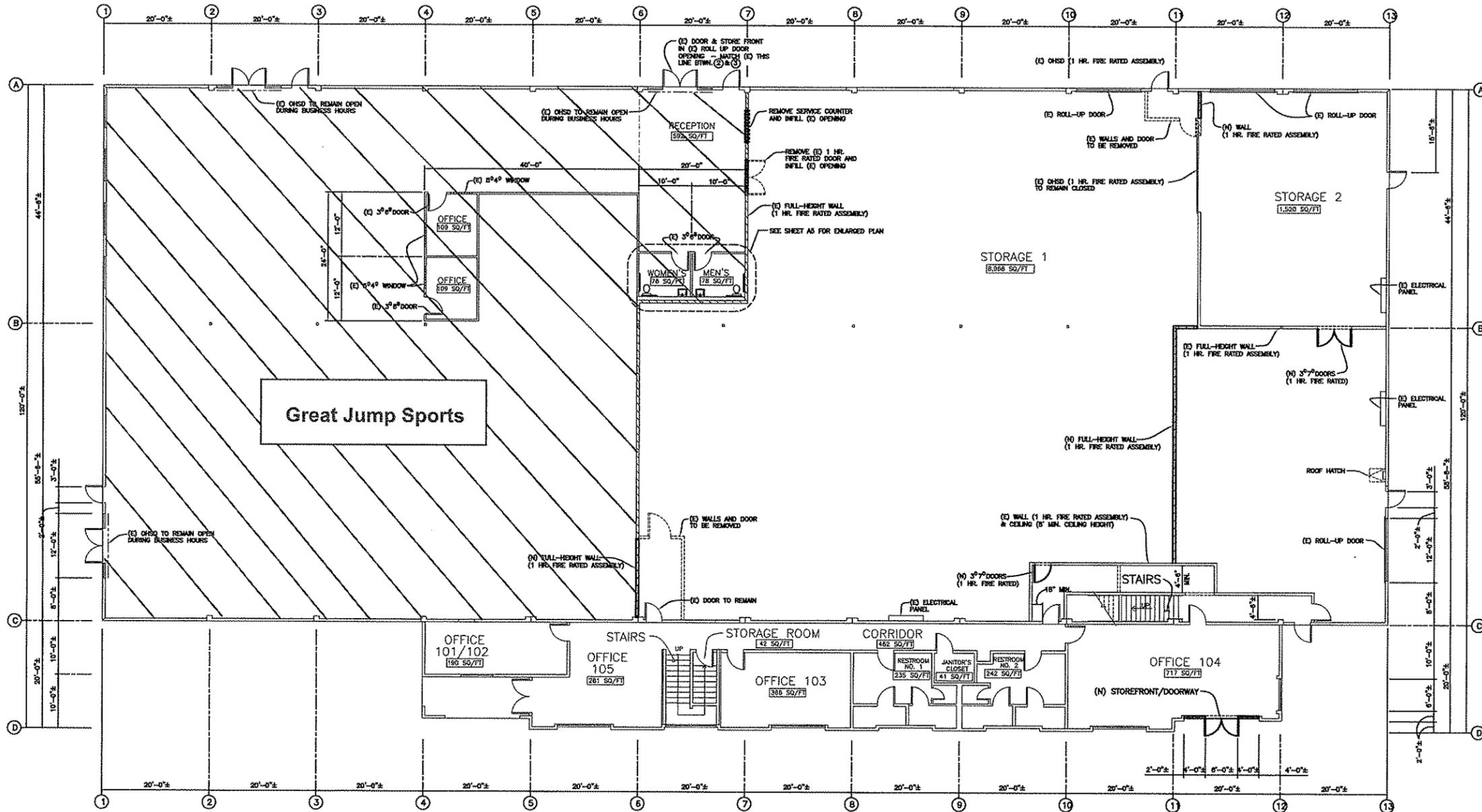
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2	1-15-08	REVISED PER CITY COMMENTS
3	1-21-08	RELEASED FOR APPROVAL
4	AS SHOWN	

**PEOPLES ASSOCIATES**  
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 408-857-9220  
 CALIFORNIA

DEMOLITION/NEW FLOOR PLANS  
 MILPITAS MOTORSPORTS - TENANT IMPROVEMENT  
 620 S. MAIN STREET  
 MILPITAS, CALIFORNIA

SHEET NUMBER  
**A2**  
 OF 15 SHEETS  
 DRAWING FILE  
 AS SHOWN

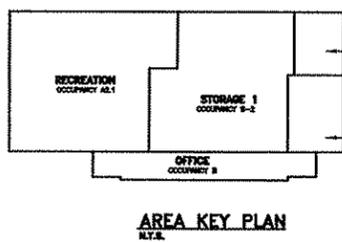
Other materials available in hardcopy upon request at the Planning counter



**FIRST FLOOR PLAN**  
1/8"=1'-0"  
NET FLOOR AREA = 1,554 S.F.  
GROSS FLOOR AREA = 23,000 S.F.

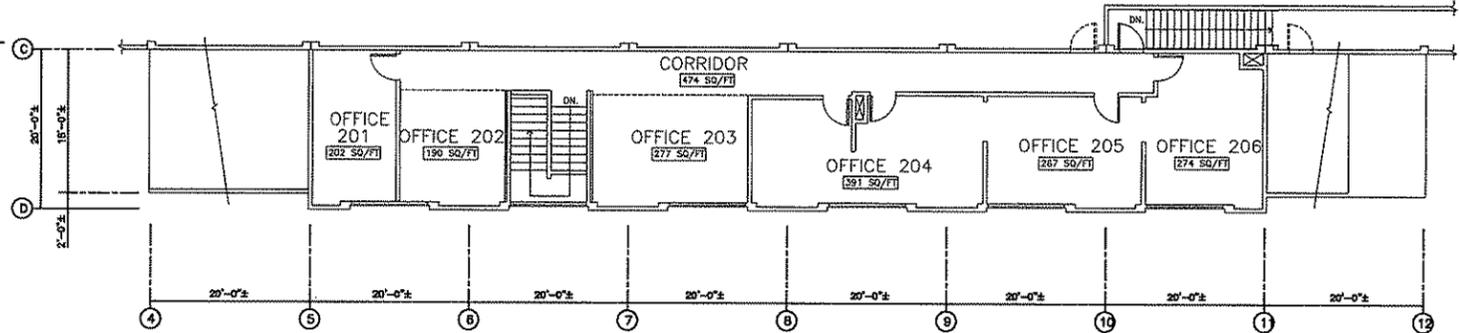
**LEGEND**

- DENOTES (E) WALL
- DENOTES (N) WALL
- DENOTES (E) WALLS TO BE REMOVED
- DENOTES (N) 10'-0" HIGH WALL
- DENOTES (E) 10'-0" HIGH WALL
- DENOTES (E) OPENING TO BE FILLED
- DENOTES (E) FULL-HEIGHT 1 HR. FIRE RATED ASSEMBLY WALL
- DENOTES (N) FULL-HEIGHT 1 HR. FIRE RATED ASSEMBLY WALL



**AREA SUMMARY**

RECREATION ROOM	9,562	S.F.
RECEPTION	362	S.F.
OFFICE 1 & 2	219	S.F.
UNISEX RESTROOMS 1 & 2	158	S.F.
<b>TOTAL RECREATION G.F.A.</b>	<b>10,308</b>	<b>S.F.</b>
STORAGE 1 & 2	10,486	S.F.
<b>TOTAL STORAGE G.F.A.</b>	<b>10,486</b>	<b>S.F.</b>
1ST FLOOR:		
OFFICE 101	190	S.F.
OFFICE 102	281	S.F.
OFFICE 103	388	S.F.
OFFICE 104	717	S.F.
<b>TOTAL 1ST FLOOR OFFICE G.F.A.</b>	<b>1,554</b>	<b>S.F.</b>
2ND FLOOR:		
OFFICE 201	202	S.F.
OFFICE 202	190	S.F.
OFFICE 203	277	S.F.
OFFICE 204	391	S.F.
OFFICE 205	287	S.F.
OFFICE 206	274	S.F.
CORRIDOR	474	S.F.
<b>TOTAL 2ND FLOOR OFFICE G.F.A.</b>	<b>2,075</b>	<b>S.F.</b>



**SECOND FLOOR PLAN**  
1/8"=1'-0"  
GROSS FLOOR AREA = 2,075 SQ. FT.



DESIGNED BY	CHECKED BY	DATE	DESCRIPTION

**PEOPLES ASSOCIATES**  
STRUCTURAL ENGINEERS  
1928 Tomb Court  
Alhambra, CA 91803  
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Fax. 408-857-9220

DEMOLITION/NEW FLOOR PLANS  
INCREDIBLE EVENTS - TENANT IMPROVEMENT  
620 S. MAIN STREET, SUITE A  
MILPITAS, CALIFORNIA

SHEET NUMBER  
**A2**  
OF 15 SHEETS  
DRAWING FILE  
A2.DWG



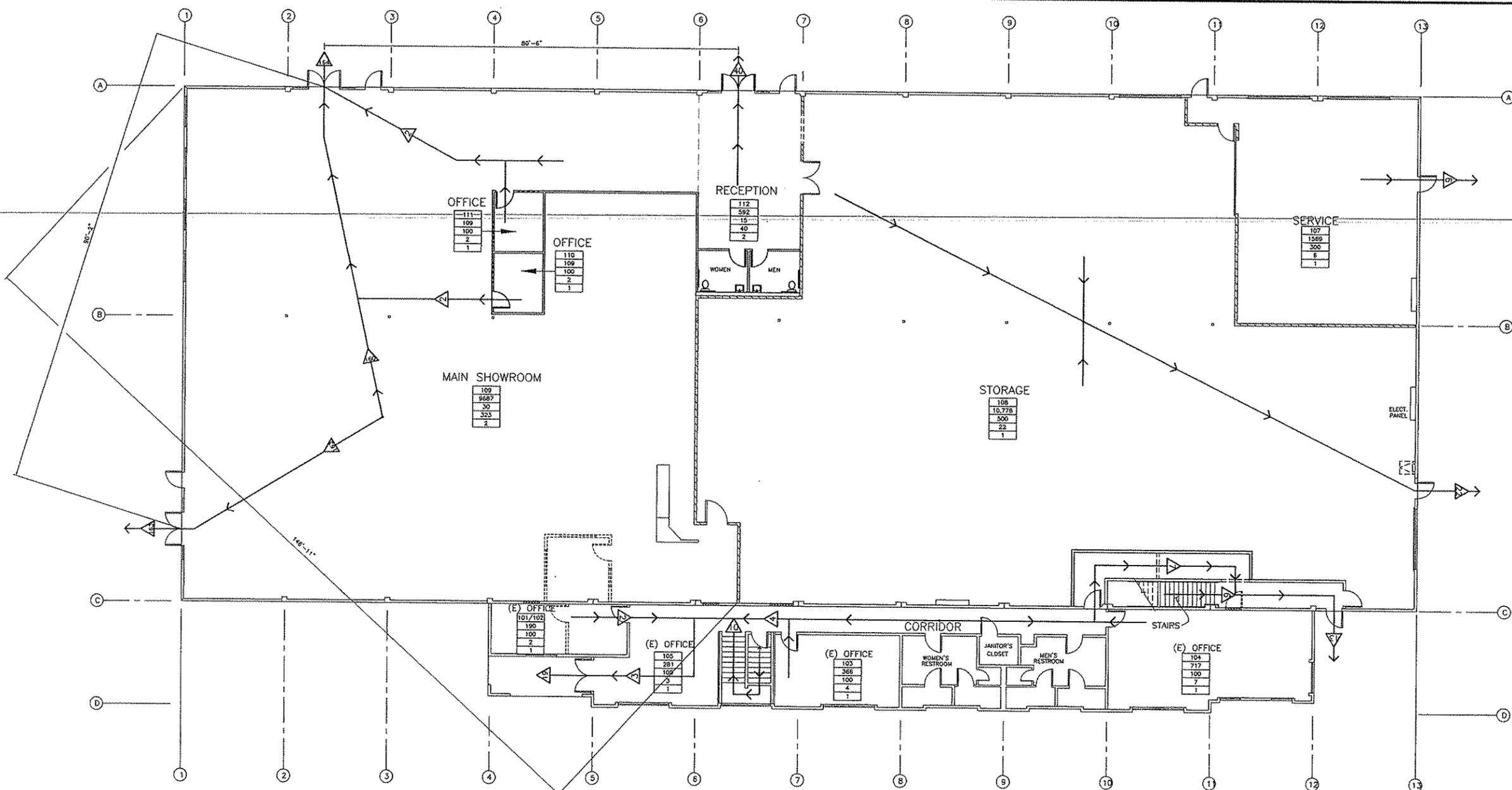
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2	3-17-07	REVISED FOR APPROVAL

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 CHECKED BY: [blank]  
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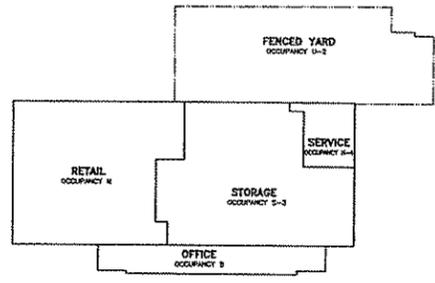
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 STRUCTURAL ENGINEERS  
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 1999 Tarock Court  
 Milpitas, CA 95027-9220  
 Tel: 408-957-9221  
 Fax: 408-957-9220

EXITING PLAN  
 MILPITAS MOTORSPORTS - TENANT IMPROVEMENT  
 620 S. MAIN STREET  
 MILPITAS, CALIFORNIA

SHEET NUMBER  
**A02**  
 OF 13 SHEETS  
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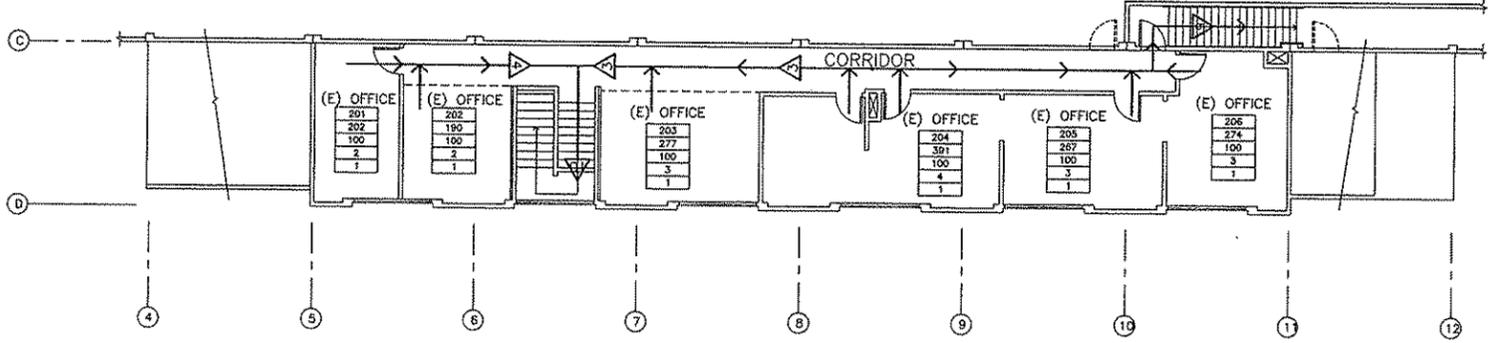
**FIRST FLOOR EXITING PLAN**  
 1/8"=1'-0"



**AREA KEY PLAN**  
 N.T.S.

**EXITING PLAN LEGEND**

- F.E. FIRE EXTINGUISHER
- PATH OF TRAVEL
- XXXX ROOM NAME
- XXX ROOM NO.
- X ROOM AREA (S.F.)
- X OCCUPANT LOAD FACTOR
- X NO. OF OCCUPANTS IN ROOM
- X NO. OF EXITS REQUIRED
- △ TOTAL NO. OF OCCUPANTS EXITING



**SECOND FLOOR EXITING PLAN**  
 1/8"=1'-0"

Other materials available in hardcopy upon request at the Planning counter

## Great Jump Sports

Great Jump Sports is designed to be one of the world's largest indoor trampoline arenas. The facility will be a fun and safe athletic center for people of all ages.

Indoor trampoline arenas are growing in popularity. The activity is not only a fun pastime but it is also an intense dynamic cardiovascular workout combining core physical skills of balance and strength building that is essential for many sports such as basketball, gymnastics, soccer, football, etc. While easy to start, an individual can explore and develop athletic skills at his or her own pace.

The facility intends to offer the following services:

- 1) Revolutionary fitness classes offering 1000 calorie per hour workouts.
- 2) Dodge ball games for kids of all ages offering a fun way to burn calories and build strength and improve on coordination skills.
- 3) Drop-in jump session which requires no appointment. The athlete can just show up and join in on a routine of having fun while exercising at the same time.
- 4) Organized events such as corporate teambuilding, club/group outings, birthday parties, fundraisers, team parties, field trips, etc.

Indoor trampoline arenas are designed to be much safer than typical backyard trampolines. The indoor trampoline manufacturers have designed their products with vertically angled trampoline walls that prevent a jumper from falling outside of the trampoline area as shown in the attachment herein. All trampoline parts including mats, springs and framing will be made in US. Attached is manufacturer's information about our trampolines. The trampolines have thick padding in between mats and over the springs protecting a jumper in the event that a jumper falls on these surfaces. There will be a three foot high stairway leading to the trampoline area with a staging area that is made of wood and covered with safety mats. We have visited the latest state of the art arenas and noted their safety and reliability measures and plan to exceed them in these regards.

The staff will supervise the trampoline area. There will be several trained staff members present to explain the court rules for first time jumpers. During the workouts staff will enforce these rules by being present in the trampoline area at all times. There will be first aid box in the main office that will be accessible to employees at all times. Several staff members will also be trained in CPR as well as other Emergency Response measures.

The design will provide approximately 6,800 square feet of trampoline area. We will sell admission on an hourly basis with tags attached to jumpers identifying the hour of the jump and our staff will sell and allow no more than 100 jumpers at any one time.

The flooring for the arenas will be concrete. There will be lounge area of approximately 1,000 square feet with comfortable seating, large screens connected to cameras

overlooking the trampolines, enabling visitors to view the trampoline area while waiting. There will be reading materials, wireless internet access, broadcast TV, games such as foosball, air hockey, basketball hoops, ping pong tables, etc, in the lounge area.

We will offer lockers and cubbies for visitors to store personal belongings. There will be 700 square feet of designated party area for private events designed with computer and large screens monitors.

Please see the attachment for the layout of equipment and general floor plan. We do not plan to make any structural changes to the existing external or internal parts of the building and plan to use modular furniture to partition the building and at the same time offer an open and hip space. The existing facility was previously used for retail and service for Honda Motorcycle and was operational as of the summer of 2008.

Great Jump Sports intends to sell promotional and trampoline sport related products such as jump shoes, caps, apparel, sport safety glasses to protect prescription glasses, etc. at the registration desk.

We will not prepare food or beverages on the premises. We will cater food from outside vendors and serve them for some of the events. We will sell non-alcoholic beverages, pre-packaged foods such as snacks, salads, sandwiches, fruits, yogurt, popcorn, etc, through vending machines or over the counter at the registration desk.

There is plenty of parking in the sides, front and back of the building to accommodate the required parking requirements as noted in the city's web site. Our facility is located very close to the existing light-rail station and adjacent to the existing bus routes. The company plans to advertise and encourage people to make use of public transportation.

Hours of operation are planned to be seven days a week from 10:00 a.m. to 12:00 midnight, excluding some major holidays.

Great Jump Sports is committed to providing a fun and healthy venue to the City of Milpitas.

## RESOLUTION NO. 08-051

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UP08-0030, GREAT JUMP SPORTS, TO ALLOW THE OPERATION OF AN INDOOR COMMERCIAL ATHLETIC FACILITY LOCATED AT 620 S. MAIN STREET

**WHEREAS**, on July 28, 2008, an application was submitted by Shahad Hatim-Tabrizi, 6501 Crown Blvd., #106-A3, San Jose, CA 95120, to allow the operation of a commercial athletic facility. The property is located within the Mixed Use (MXD) Zoning district and the Midtown Specific Plan (086-25-027)

**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 per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

**WHEREAS**, on September 24, 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 project is categorically exempt per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

**Section 3:** The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare in that it meets all requirements of the City's Zoning Ordinance and General Plan.

**Section 4:** The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-I-7 and 2.a-1-3.

**Section 5:** 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.

**Section 5:** The Planning Commission of the City of Milpitas hereby approves conditional use permit UP08-0030, Great Jump Sports, 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 September 24, 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 September 24, 2008, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>OTHER</b>
Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
Great Jump Sports UP08-0030**

**Planning Division**

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on September 24, 2008, in accordance with these Conditions of Approval.
2. Any deviation from the approved site plan, floor plans, 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 UP08-0030 shall become null and void if the project is not commenced within 18 months from the date of approval.
4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of 18 months if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.
5. Prior to approval of any permit for occupancy of the warehouse space (10,778 square feet), parking must be provided as required by the Zoning Ordinance.

**Public Works Department**

6. It is the applicant's responsibility to obtain any necessary permits or approval from affected agencies and private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.
7. Maintain minimum 19 feet clearance in front of enclosure for solid waste vehicle approach, or 11 feet clearance for push & return service. Two parking stalls in front of the trash enclosure may need to be relocated or removed.
8. Applicant/property owner shall be responsible for the trash collection and recycling services account. 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 Allied Waste Services/BFI for commercial services:
  - A. Maintain an adequate level of service for trash collection; one 4-CYD bin serviced up to two times per week.

- B. Maintain an adequate level of recycling collection; one 4-CYD bin serviced once a week.
9. After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI 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 x 264.
  10. 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).
  11. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% permit automation fee.
  12. 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 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.
  13. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division.
  14. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.