

CITY OF MILPITAS



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MITIGATED NEGATIVE DECLARATION **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA16-0001**

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT “INDUSTRIAL AREA GENERAL PLAN AMENDMENT TEXT AND ZONING CODE AMENDMENTS AND 372-374 TURQUOISE STREET PROJECT,” WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: P-GP16-0002; P-ZA15-0003; P-UP15-0008 - Industrial Area General Plan Text and Zoning Code Amendments, and 372-374 Turquoise Street Project

Project Description: The proposed project would result in the relocation of the existing Al Hilaal Mosque and Community Center within a portion of the existing 14,000-square-foot tenant space located within the 372-374 Turquoise Street building. No exterior modifications to the building are proposed. To allow the location of this assembly use at the project site, the City’s General Plan text and Zoning Code would be amended to allow places of assembly within the City’s industrial zones as a conditional use.

Project Location: The project area includes all lands zoned for industrial uses within the City of Milpitas. These lands are comprised of all properties zoned Light Industrial (M1), Heavy Industrial (M2), or Industrial Park (MP). The approximately 3.56-acre project site, which is the subject of a specific proposal for a change in use, is located at 372-374 Turquoise Street in the City of Milpitas. The site is situated at the northeast corner of the Turquoise Street/South Milpitas Boulevard intersection, within the block bounded by Turquoise Street to the north, South Milpitas Boulevard to the east, Yosemite Drive to the south, and the VTA light rail and UPRR and Amtrak heavy rail corridor to the west.

Project Proponent: Al Hilaal Mosque and Community Center

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Initial Study and finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

Required Mitigation Measures:

Mitigation Measure HAZ-1: As a condition of the Conditional Use Permit required for the location of assembly uses within the City’s industrial zones, each individual proposal shall be

subject to review of potential hazardous site conditions and potential exposure of site users to these conditions. At a minimum, a Phase I Environmental Site Assessment (ESA) shall be performed for each proposed assembly use within the City's Light Industrial, Heavy Industrial, and Industrial Park zoning districts. Each individual project shall comply with the recommendations of the Phase I Environmental Site Assessment (which may include conducting Phase II sampling and implementing the recommendations of the Phase II ESA that may include cleanup if hazardous materials are identified) and demonstrate that exposure of site users to hazardous materials conditions would be below established thresholds prior to approval of the Conditional Use Permit. In addition, an Accidental Release Assessment (ARA) shall be performed for each proposed assembly use within the City's Light Industrial, Heavy Industrial, and Industrial Park zoning districts to determine if unacceptable safety risks may result from the proposed change in use. The ARA shall review and evaluate any and all Risk Management Plans prepared for facilities in the vicinity under the California Accidental Release Prevention (CalARP) program. The environmental professional preparing the ARA shall determine, based on Alternative Release Scenarios, whether the proposed new assembly use would result in unacceptable safety risks. If unacceptable risks are identified, either appropriate mitigation to address the risks shall be developed and implemented that reduce the risk to acceptable levels or the proposed use shall not be allowed.

Mitigation Measure HAZ-2: Soil gas samples shall be collected at the 372-374 Turquoise Street site and analyzed for VOCs to evaluate whether impacts from VOCs could pose a vapor intrusion concern for the project site. The soil gas sampling results shall be compared to applicable regulatory screening levels for the protection of human health (e.g., ESLs). The sampling, evaluation, and reporting activities should be performed by a qualified Environmental Professional.¹ If concentrations of VOCs in soil gas exceed applicable regulatory screening levels, the appropriate regulatory agency(ies) (e.g., Santa Clara County Environmental Health Department, San Francisco Bay Regional Water Quality Control Board, and/or Department of Toxic Substances Control) shall be notified, and further evaluation and mitigation of the environmental impacts, if necessary, shall be performed under the oversight of the appropriate regulatory agency(ies).

Mitigation Measure NOI-1: As a condition of approval for each individual proposal, establishment of future assembly uses within the City's M1, M2, and MP zoning districts shall be subject to further noise study. The noise study shall demonstrate that ambient noise conditions within the vicinity of the proposed assembly use do not exceed the City's "normally acceptable" Noise Compatibility Standard of 70 dBA Ldn. In the event that existing conditions exceed the "normally acceptable" standard the proposed assembly use may be required to install noise insulating materials to achieve the interior noise standard or the use may be denied by the City. Also as a condition of approval, proposed assembly uses shall be required to sign a disclosure of acknowledgment that they agree to operate within an existing industrial area and may be subject to noise levels that exceed the City's Noise Compatibility Standards for noise-sensitive uses.

¹ A qualified Environmental Professional is a professional engineer or professional geologist registered in California, with applicable experience in the evaluation and remediation of hazardous waste, or someone under their direct supervision, as defined in 40 CFR Part 312.

Copies of the Draft Initial Study/Mitigated Negative Declaration may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035; comments will be accepted from December 2 through December 22, 2016.

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Project Planner