

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Cindy Hom

Public Hearing: Yes: X No: _____

Notices Mailed On: 11/2/07

Published On: 11/1/07

Posted On: 11/2/07

TITLE: **CONDITIONAL USE PERMIT NO. UP2007-23, 'S' ZONE AMENDMENT NO. SA2007-52, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-9**

Proposal: A request to locate a 4,030 square foot religious facility within an existing R&D building, installation of minor site modifications, and a parking reduction of four parking spaces.

Location: 1180 Cadillac Court (APN: 022-38-025)

RECOMMENDATION: **Approval subject to Findings and Conditions of Approval.**

Applicant: Sikh Foundation of Milpitas.

Property Owners: Venture Commerce Corporation, 600 Miller Avenue, Mill Valley, CA 94941.

Previous Action(s): PUD, Rezone, "S" Zone Approvals, Minor and Major Tentative Map Approvals

Environmental Info: Initial Study and Mitigated Negative Declaration No. EA2007-9

General Plan Designation: Industrial Park

Present Zoning: Industrial Park (MP-S)-PUD 31

Existing Land Use: Vacant R&D Building

Agenda Sent To: Applicant/owner

Attachments: Plans, Project Description, Initial Study and Mitigated Negative Declaration, Parking Study, Parking Agreement Exhibits

PJ No. 2505

BACKGROUND

On October 15, 1981 and November 17, 1981, the Planning Commission and City Council, approved Planned Unit Development (PUD) 31 and Zone Change for the Cadillac-Fairview

Business Park and Villages, a 131-acre mixed-use industrial and residential project located at the former Milpitas Golf Course site. Subsequent Planning Commission approvals included:

- An ‘S’ Zone Approval for two (2) R&D buildings on the southeast corner of California Circle and Fairview Way for Sun-Microsystems in September 1987.
- A Minor Tentative Map (MI4004-) for a two-lot subdivision of the parcel with the condition of a recorded shared access agreement for the driveway between the two (2) parcels (380 Fairview Way and 1100 Cadillac Court) in January 2005.
- An “S” Zone Approval (SZ2005-9), Major Tentative Map (MA2005-9), and Environmental Assessment (EA2005-11) for the Venture Commerce Center business park which entailed demolition of the existing industrial building on 1100 Cadillac Court and redevelopment of the site with twelve (12) new R&D condominium buildings and related site improvements in February 2006.

Site Description

The project site is located on a 12-acre parcel located at the southeast corner of Cadillac Court and Fairview Way, in the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The site is bound by Cadillac Court on the west, Fairview Way on the north, Penitencia Creek to the east and a manmade drainage lagoon immediately south of the site.

Surrounding land uses include light industrial (M1) and R& D uses to the north and west, and condominium residential uses (R2) to the south and southeast. Direct vehicular access to the project site would remain off Cadillac Court and Fairview Drive, provided by four (4) 2-way driveways. Circulation and parking throughout the site is provided by a surface driveway along the perimeter of the parcel, as well as an aisle transecting the site. Pedestrian pathways are provided with access between all buildings and fronting streets.

The project site is currently developed with the first phase of the Venture Commerce Center business park. Phase I consists of buildings A through H (totaling 69,892 square feet) on the south/southeast portion of the parcel. The second phase of the business park is currently under construction and consists of buildings I through L (totaling 59,555 square feet) located on the northern portion of the parcel.

The applicant is requesting to locate a 4,030 square foot religious facility consisting of a sanctuary area, storage, and office space in Building E as depicted in the aerial photo below:



APPLICATION

The application is submitted pursuant to Title XI, Chapter 10, Section 35.04-4 (Industrial Park District, Conditional Uses – Churches), Section 42 (Site and Architectural Review), Section 53 (Off-street Parking Regulations – Joint Use), and Section 57 (Conditional Uses Permitted by Commission) of the Milpitas Zoning Ordinance. The applicant is requesting approval of a conditional use permit amendment to locate a 4,030 square religious facility, install site modifications, and to permit a parking reduction of four parking spaces.

Project Description

The applicant is requesting a Conditional Use Permit to operate a 4,030 square foot religious facility within a newly construction R&D shell building. The project proposes removal of approximately 40 square feet of landscaping to accommodate a widened walkway to meet existing code requirements. The applicant is also requesting a parking reduction of four parking spaces, which is further discussed later in the SPECIAL CONDITIONS section of the staff report.

Hours of Operation

The religious facility is proposing to operate Monday through Friday between 6pm and 8pm and Saturday through Sunday between 11am and 8pm.

The religious facility is offering worship services only to a congregation of fifty to sixty (50-60) members. The applicant also notes in the Project Description letter (Attachment B to this report), Saturday services will not be held on a regular basis.

Floor Plan

The proposed floor plan layout of the religious facility includes a worship area that is separated into a men's and women's congregation area that are both approximately 238 square feet in size; a main altar where worship services entails reading and interpreting the scriptures are preformed; and a seating area for the Kirtan Jatha which consist of musicians that play music to accompany the service. The religious facility will also have approximately 53 square feet of office and 1,092 square feet of storage space. The project does not propose any caretaker's unit or kitchen facilities.

Site Layout and Building

The proposed location of the religious facility is within Building E, which is located on the southwest portion of the parcel, next to the Cadillac Court driveway entrance. Access is provided by four driveway entrances from Fairview Way and Cadillac Court. Vehicle and pedestrian circulation within the development is provided by internal drive aisles that transect the property as well as pedestrian sidewalks that are provided along the building perimeters and along internal courtyards between buildings.

The proposed religious facility will be located within an existing one-story concrete tilt up R&D building. The existing building architecture consists of concrete tilt-up panels, horizontal recesses at roof line panels, vertical scored reveals, arched entrance metal canopies, foam trim accents, and storefront glazing. The project proposes no exterior elevation or site changes.

Parking

The Venture Commerce Center project was approved with a total of 430 parking spaces onsite. The number of required parking spaces was based the parking ratio of one space per 300 square feet of R&D use. As such, 13 of the 430 parking spaces is allocated to Building E. A Parking Study was submitted with this application and enclosed as Attachment C to this report. The findings and discussion of the parking impacts are discussed later in the staff report. Also included with this staff report are copies of a joint parking agreements with neighboring tenants located at 1134 Cadillac Court and 362 Fairview Way (Attachment D).

CONDITIONAL USE PERMIT FINDINGS

Milpitas Municipal Code (MMC) Section XI-10-57.03-5 states that approval of the Conditional Use Permit may be granted by the Planning Commission if all of the following findings can be made:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use and location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how the project relates to these findings.

CONFORMANCE WITH THE 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 Guiding Principle.

Guiding Principle 2.d-G-2 Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth

Comment: The proposed religious facility is for the Sikh Foundation of Milpitas and provides diverse cultural opportunities for both the local community and the region given its location and proximity to residential land uses and Interstate 880. Although the proposed religious facility is proposed within the Industrial Park Zoning District, the applicant is proposing to occupy a newly constructed R&D building located with the Venture Commerce Center. The project does not propose an exterior elevation changes and therefore maintain the architectural design and character of the Venture Commerce Center development which will be aesthetic and harmonious with the surrounding development.

CONFORMANCE WITH THE ZONING ORDINANCE

The project conforms to the Milpitas Zoning Ordinance in terms of land use and development standards. The project proposes a religious facility located in the Industrial Park (MP) zoning Per Milpitas Municipal Code (MMC) Section XI-10-35.04-4, churches are permitted subject to Planning Commission review and approval of a conditional use permit.

Analysis: As proposed, the proposed religious facility does not propose any modifications that effect setbacks, building height, FAR coverage, or required landscaping. The project will not be detrimental or injurious to property, public health, safety and general welfare given the surrounding lands uses which include three other religious facilities located at 1430, 1494, and 1600 California Circle as well residential uses located to the south and southeast of the project site. The proposed religious facility will be operated during off-peak hours of 6:00 PM to 8:00 PM Monday thru Friday and 11:00 AM to 8:00 PM Saturday and Sundays and therefore, will not conflict with surrounding businesses that typically operate between the 8 AM to 5 PM. In addition, as a condition of approval, the applicant will be required to implement the mitigation measures described in the Environmental Assessment (EA2007-9) that includes an evacuation/shelter-in-place program and Emergency Action Plan that is review and approved by the Fire Department prior to occupancy. Therefore the proposed project is consistent with the Zoning Ordinance in terms of public health and safety as well as promotes peace, morals, comfort and welfare consistent with Section 57 of the Milpitas Zoning Ordinance.

Parking

The minimum parking standards for religious facilities are based on seating or occupancy of the sanctuary or main assembly area including other uses such as office and storage space. The parking requirements for the proposed uses for the building are shown in Table 1 below:

Table 1: Parking Requirement based on Mixed Occupancy

Uses	Parking Ratio	Seats	Sq. Ft.	Required Parking
Religious Assembly *	1 space per 5 seats		476	14
Office	1 space per 200 GFA		78	1
Storage	1 space per 1500 GFA		1092	2
Total				17

* Per the City’s Parking Ordinance, parking for places of meeting or assembly that do not include fixed seating, 7 sq. ft. equals 1 seat.

The proposed religious facility requires 17 parking spaces, which exceed the 13 spaces originally allotted to the Building E. The applicant is requesting a parking reduction of four spaces and is proposing shared parking agreements with two neighboring tenants at 1134 Cadillac Court and 362 Fairview Way that would allow the Sikh Foundation to utilize seven (7) parking spaces. Per Milpitas Municipal Code Section XI-10-53.07, the Planning Commission may authorize the joint use of parking facilities for churches provided the following:

- The off-street parking facility is provided by another building or use is within 300 feet of the facility
- There are 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.

Staff’s position is that the joint parking facilities provided by 1134 Cadillac Court and 362 Fairview Way comply with the above requirements because both parking areas are located within the Venture Commerce Center business park. The religious facility operates during the evening and weekends and will not conflict with the daytime business operations for G Spann Technologies located at 362 Fairview and E Purchasing Solution located at 1134 Cadillac Court. Staff *recommends* as a condition of approval, that the applicant shall submit and obtain City Attorney review and approval of an irrevocable and in-perpetuity joint parking agreement between the owners of 1180 Cadillac, 1134 Cadillac, and 362 Fairview prior to any occupancy.

The applicant also submitted a parking study that was conducted between June and September 2007. Based on the results of the parking study, the maximum number of vehicles parked was 12 and 62 occupants were observed in the building. The report also notes the Sikh Foundation provide a shuttle service for members who need assistance or do not drive. To ensure that

adequate parking is maintained, staff recommends as a condition of approval that the congregation membership shall not exceed 68 members as specified on the approved plans dated November 14, 2007.

Based on the above, staff does not anticipate a negative impact on parking.

CONFORMANCE WITH CEQA

An Initial Study (EA2007-9) and a Mitigated Negative Declaration have been prepared for this project. The twenty-day public review period was from October 17, 2007 to November 6, 2007. Potential environmental impacts are related to potential exposure of sensitive receptors to hazardous materials.

The Mitigated Negative Declaration contains three mitigation measures addressing the hazardous materials to reduce the potential for significant impact related to an accidental spill or leak. The mitigation measures include:

- Installation of a wind directional sock, in-place communication system, and manual shutoff ventilation system
- An emergency response plan (Plan) for the religious facility to be prepared and approved by the City's Fire Department, which must include provisions for on-site sheltering and evacuation of the proposed religious facility
- An annual update of the emergency response plan with the Milpitas Fire Department

The implementation of the above mitigation measures, which have been incorporated as Conditions of Approval, will reduce the potential impacts to less than significant.

At the time of the preparation of the staff report, no comments were received by the public regarding the environmental document. Any additional comments received will be presented at the Planning Commission hearing. Staff recommends adoption of the Mitigated Negative Declaration with the mitigation measures incorporated therein.

Neighborhood/Community Impact

Based on the analysis and conclusions of this report, the proposed project is not anticipated to have any adverse impacts on parking, traffic, noise, odors, or be detrimental to the health and safety of the public. As conditioned, the church is not anticipated to create a negative community impact and is well suited to the site in that it will provide religious services to the community.

RECOMMENDATION

Close the public hearing. Adopt the Initial Study and Mitigated Negative Declaration No. EA2007-9 and approve Conditional Use Permit No. UP2007-23 and “S” Zone Amendment No. SA2007-52 subject to the Findings and Special Conditions of Approval below.

FINDINGS

- 1) The proposed project, as conditioned, does not conflict with the General Plan and is consistent with Guiding Principle 2.d-G-2 which encourage development of adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth. The proposed religious facility for the Sikh Foundation of Milpitas provides diverse cultural opportunities for both the local community and the region given its location and proximity to residential land uses and Hwy 880
- 2) The proposed project does not conflict with the Zoning Ordinance in terms of land use and development standards. The proposed religious facility is a conditionally permitted use in the Industrial Park Zoning District. As condition, the project satisfies the parking requirements of the Milpitas Zoning Ordinance with use of joint parking agreements.
- 3) The proposed project will not be detrimental or injurious to property, improvement, public health, safety, and general welfare. As conditioned, the project will be require to implement mitigation measures that include an evacuation/shelter-in-place program, Emergency Action Plan and annual reviews by the Fire Department.
- 4) An Initial Study and Mitigated Negative Declaration was prepared in Accordance with the California Environmental Quality Act. The project is required to implement mitigation measure that shall reduce environmental impact to less than significant.

SPECIAL CONDITIONS

1. Planning approval is for a 4,030 square foot religious facility, installation of minor site modifications and to permit a parking reduction of four parking spaces as shown on approved plans dated November 14, 2007. Any modifications to the operations or approved plans shall be subject to Planning Commission review and approval of a conditional use permit amendment.
2. Conditional Use Permit UP2007-17 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UP2007-17 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.
3. To maintain adequate parking, the congregation membership shall not exceed (68) members as specified on the approved plans dated November 14, 2007.
4. The applicant shall maintain permission for the seven (7) parking spaces otherwise assigned to other condominium owners in the vicinity, which spaces shall be no more than 300 feet from the subject site’s property, by means of parking agreement(s) executed

by both the applicant and other property owner(s) which are approved by the City Attorney's office.

The agreements shall specify the applicant and its guest and invitees are entitled to use said assigned spaces during the hours of operation for the Sikh Foundation of Milpitas. If the applicant loses permission to use some or all said parking spaces, and is unable within 30 days thereafter, to secure permission to use a like number of parking spaces within 300 feet of its property by means of a parking agreement of the type described above, this Conditional Use Permit shall be considered in violation of this approval and subject to Section 10.63.06, Revocation, Suspension, Modification, of the Milpitas Zoning Ordinance. (P)

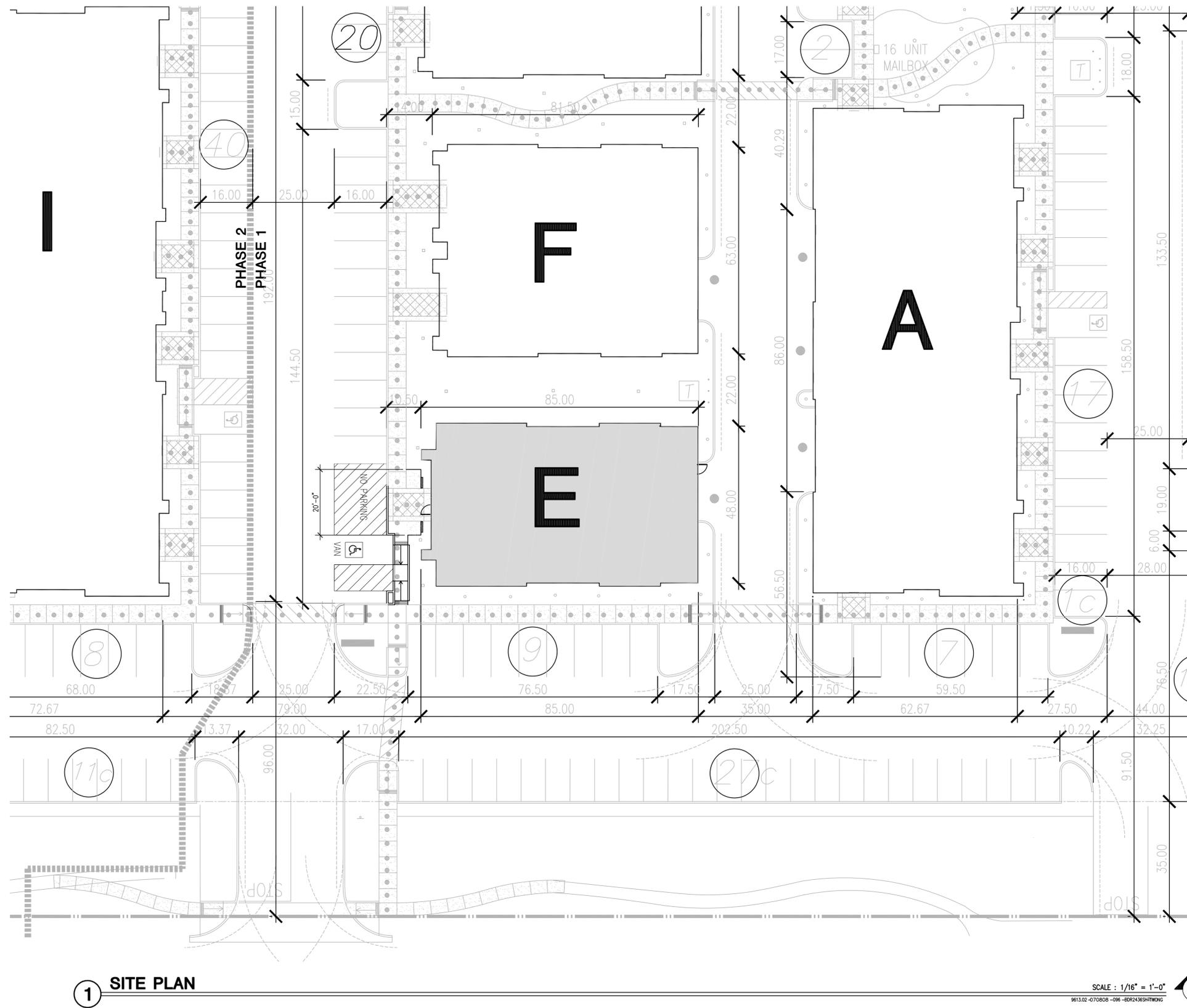
5. **Mitigation Measure 1 [HH(b)]**: The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy. (P) (F)
6. **Mitigation Measure 2 [HH(b)]**: The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (P) (F)
7. **Mitigation Measure 3 [HH(b)]**: The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an
8. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
9. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)

10. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
11. Any occupancy of the tenant space shall not occur until all conditions of approval have been satisfied and verified by the City. (P)
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. (E)
13. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
14. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)
15. 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.
 - b. Maintain an adequate level of recycling collection. (E)
16. 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. (E)
17. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in A Special Flood Hazard Area, Zone AH. The proposed work is considered a non-substantial improvement and the zone designation is given for information only. (E)

(P) = Planning Division

(F) = Fire Department

(E) = Engineering Division



PARKING CALCULATION

ASSEMBLY SEATING = 476 SF
 476 SF / 75 SF/SEAT = 68 SEATS
 68 SEATS / 5 SEATS/1 SPACE = 14 SPACES

OFFICE = 86 SF
 78 SF / 200 SF/1 SPACE = 1 SPACE

STORAGE = 1092 SF
 1092 SF / 500 SF/1 SPACE = 2 SPACE

TOTAL SPACES REQUIRED = 17 SPACES
 TOTAL SPACES PROVIDED = 10 SPACES
 TO MITIGATE SHORTAGE OF PARKING SPACES FOUNDATION PROPOSES TO HAVE A SHUTTLE SERVICE FOR CHURCH MEMBERS.

TOTAL ACCESSIBLE SPACES REQUIRED = 1 SPACE
 TOTAL ACCESSIBLE SPACES PROVIDED = 1 SPACE

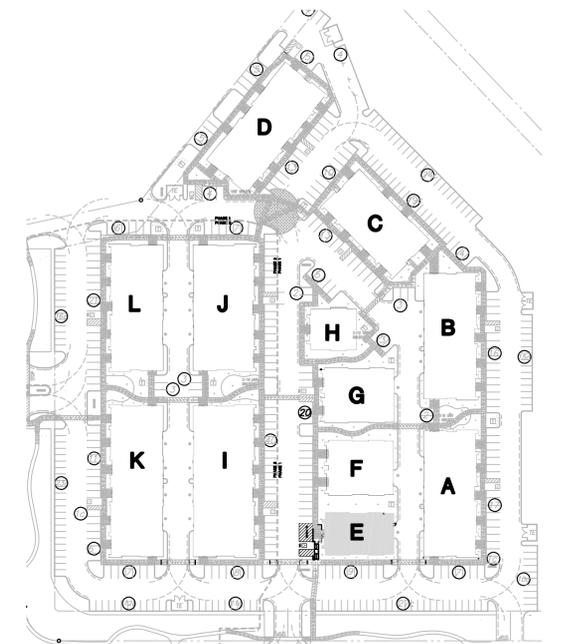
RISK ACCESSION

THE RISK ACCESSION IS NOT REQUIRED

MAP



KEYPLAN



MILPITAS GURDWARA

1180 CADILLAC COURT, MILPITAS, CA.

SIKH FOUNDATION OF MILPITAS

Project Number: 9613.02

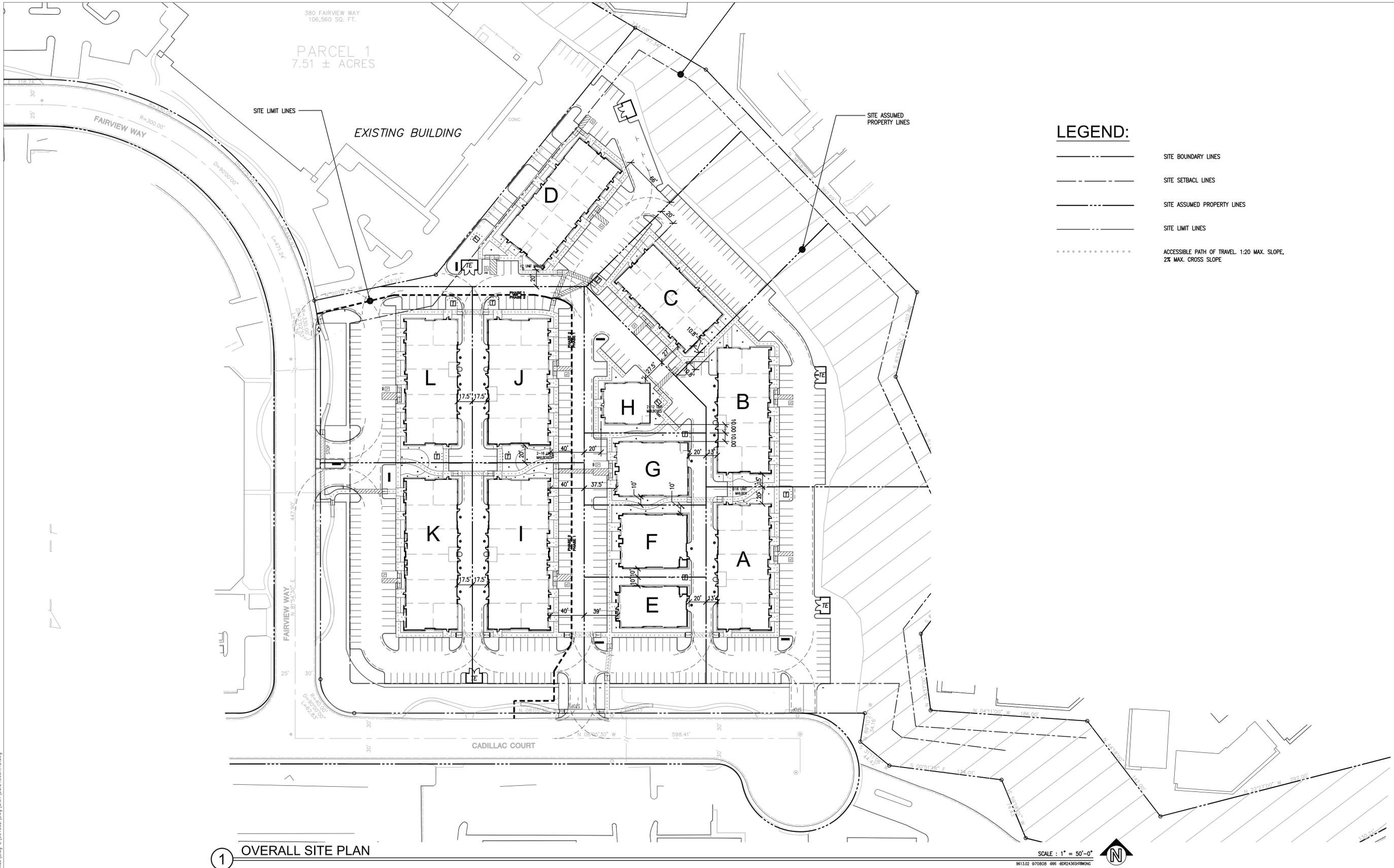
SITE PLAN - OPTION 1

8/16/07
 10/1/07

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- LEGEND:**
- · — · — SITE BOUNDARY LINES
 - - - - - SITE SETBACK LINES
 - · - · - SITE ASSUMED PROPERTY LINES
 - · — · — SITE LIMIT LINES
 - · · · · ACCESSIBLE PATH OF TRAVEL. 1:20 MAX. SLOPE, 2% MAX. CROSS SLOPE

1 OVERALL SITE PLAN

SCALE : 1" = 50'-0"
 9613.02 070808 096 46R2A3SHRWING



MILPITAS GURDWARA

1180 CADILLAC COURT, MILPITAS, CA.

SIKH FOUNDATION OF MILPITAS

Project Number: 9613.02

OVERALL SITE PLAN - OPTION 1

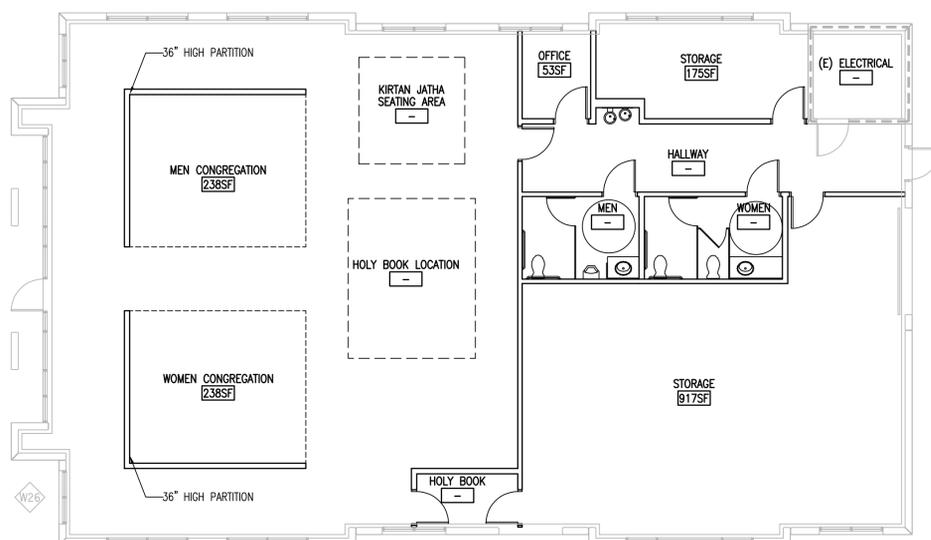
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PROJECT INFORMATION

TYPE OF CONSTRUCTION: TYPE V-N FIRE SPRINKLER THROUGHOUT

OCCUPANCY GROUP: A3

EXITING REQUIREMENTS

SQUARE FOOTAGE OF ASSEMBLY AREA: 2053 SF
OCCUPANT LOAD FACTOR: 7
OCCUPANT LOAD: 293

SQUARE FOOTAGE OF OFFICE AREA: 53 SF
OCCUPANT LOAD FACTOR: 100
OCCUPANT LOAD: 1

SQUARE FOOTAGE OF STORAGE AREA: 1092 SF
OCCUPANT LOAD FACTOR: 300
OCCUPANT LOAD: 4

TOTAL OCCUPANT LOAD: 298

REQUIRED EXIT WIDTH: 298 X .2 = 60"
PROVIDED EXIT WIDTH: 72"

PLUMBING REQUIREMENTS (2001 CPC)

OCCUPANT LOAD: 298

WATER CLOSET:
MALE: 1 PER 150 = 1 REQUIRED
1 PROVIDED

FEMALE: 1 PER 75 = 2 REQUIRED
2 PROVIDED

URINAL:
MALE: 1 PER 150 = 1 REQUIRED
1 PROVIDED

DRINKING FOUNTAIN:
1 PER 150 = 2 REQUIRED
2 PROVIDED

1 FIRST LEVEL PLAN

SCALE : 1/8" = 1'-0"



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MILPITAS GURDWARA

1180 CADILLAC COURT, MILPITAS, CA.

SIKH FOUNDATION OF MILPITAS

Project Number: 9613.02

FIRST LEVEL PLAN - OPTION 1

8/7/07
10/1/07

2



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PROJECT DESCRIPTION

RECEIVED

OCT 01 2007

CITY OF MILPITAS
PLANNING DIVISION

RE: Sikh Foundation of Milpitas
1180 Cadillac Court, Building E
Milpitas, CA 95035

Cindy Hom
Planner, City of Milpitas

Dear Ms. Hom:

A progressive religion well ahead of its time when it was founded over 500 years ago. The Sikh religion today has a following of over 20 million people worldwide and is ranked as the world's 5th largest religion. Sikhism preaches a message of devotion and remembrance of God at all times. Sikhism is open to all through the teachings of its 10 Gurus enshrined in the Sikh Holy Book and Living Guru, Sri Guru Granth Sahib. Gurdwaras are open to all, regardless of religion, background, caste or race.

Sikh Foundation of Milpitas is a non-profit organization that is committed to serve the religious needs of people of Sikh faith and the community in the great city of Milpitas regardless of religious affiliation. Our organization also provides basic transportation services to the senior citizens, assist the non-English speaking members with interpreters and sponsor cultural events to name a few.

I am writing to you to kindly consider our proposal to establish a Sikh Gurdwara (church) located at the following address in the city of Milpitas

1180 Cadillac Court, Building E
Milpitas, CA 95035

At present our organization holds religious services at city owned buildings namely San Cracolice or Jose Higuera Adobe building. The foundation rents these buildings from the city of Milpitas based on their availability.

Due to the lack of availability of a permanent location to hold our weekend services limits our ability to expand and sustain these vital services. We believe that our chance of providing and expanding these services will greatly improve if we have a permanent location that people and donors can associate with. This would increase our collection of much needed funds that can then be used to carry on this great cause of ours.

Area Sikh churches in the cities of San Jose and Fremont are quite far. It makes it very difficult for the senior members of congregation to visit these churches on a regular basis. A Sikh church also serves as a gathering place for the local members of the Sikh faith thus facilitating the feeling of closeness and camaraderie. It would certainly help in providing spiritual uplifting that we all long for and that can only come from visiting a place of worship.

I would now briefly state the activities followed by the schedule of activities.

The proposed building will be used for no activities other than weekly religious services. These will be held on Sundays and occasionally on Saturdays. These religious services are performed as follows: A priest sits behind the holy book and reads and interprets scriptures while the congregation members sit quietly on the carpet covered floor and listen to the holy man. No elaborate furniture is set up in side the congregation hall. There are no religious chants or dances performed. Alcoholic beverages are strictly prohibited. At the end of the services, all members follow the priest in unison for about 3 – 4 minutes to conclude the services followed by a simple sweet dish that is shared among the congregation.

Sikh Foundation of Milpitas has been in existence since 1993. Historically no more than 50 – 60 people have been present at the Sunday services. In light of this, it is not expected that this number will increase substantially. If there is a growth in congregation, it is anticipated to be no more than 1 –2 % per annum. This amount of increase can easily be accommodated by size of this building.

SCHEDULE OF EVENTS

Day	Time
Monday	Church Open: 6:00 PM – 8:00 PM, No activities planned
Tuesday	Church Open: 6:00 PM – 8:00 PM, No activities planned
Wednesday	Church Open: 6:00 PM – 8:00 PM, No activities planned
Thursday	Church Open: 6:00 PM – 8:00 PM, No activities planned
Friday	Church Open: 6:00 PM – 8:00 PM, No activities planned
Saturday *	Church Open: 11:00 AM – 8:00 PM, Religious services
Sunday	Church Open: 11:00 AM – 8:00 PM, Religious services

Note: * Saturday services will not be held on regular basis

Ms. Hom, the members of the Sikh community have pledged their financial support and agreed to volunteer to make this a successful project. They agree that a local Sikh church is necessary to act as an outreach to the local community and will certainly support the organization's mission and values. Again, I would like you to consider our proposal and the affect that a positive outcome will have on the community in the city of Milpitas. Thank you.

Sincerely,

Rouble P. Claire
Representative,
Sikh Foundation of Milpitas



**ENVIRONMENTAL
IMPACT ASSESSMENT NO: EA2007-9**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Cindy Hom October 17, 2007
date

Title: Staff Planner

1. Project title: SIKH FOUNDATION OF MILPITAS
2. Lead Agency Name and Address: CITY OF MILPITAS, 455 E. CALAVERAS BOULEVARD, MILPITAS, CA
3. Contact person and phone number: CINDY HOM , 408/586-3284
4. Project location: 1180 CADILLAC COURT (APN: 022-38-025)
5. Project sponsor's name and address:
Mr. Rouble Claire, Sikh Foundation of Milpitas, P.O. Box 360416, Milpitas, CA 95035

6. General plan designation: Industrial Park (MP)
7. Zoning: Industrial Park with S Combining District (MP-S)

7. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
The applicant is requesting a conditional use permit to operate a 4,030 square foot religious facility within a newly constructed R&D shell building and a parking reduction of four parking spaces. The applicant is also requesting a "S" Zone Amendment for proposed minor landscaping modification that includes removal of approximately 40 square feet of landscaping to accommodate a widened front entrance walkway. The project site is located within the Venture Commerce Center business parking located at 1180 Cadillac Court (APN: 22-38-025), zoned Industrial Park with the "S" Combining Districts (MP-S).

The proposed building will be used for religious services that occur Monday through Friday between the hours of 6:00 PM to 8:00PM and Saturday through Sunday between the hours of 11:00 AM to 8:00 PM. The congregation consists of approximately 50-60 people. The proposed layout of the facility includes a 2,064 square foot sanctuary area, 1,092 square foot storage space, and a 535 square footage office.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project site is located on a 523,591 square foot parcel located at the southeast corner of Cadillac Court and Fairview Way, in the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The site is bound by Cadillac Court on the west, Fairview Way on the north, Penitencia Creek to the east and a manmade drainage lagoon immediately south of the site. Surrounding land uses include light industrial (M1) and R& D uses to the north and west, and condominium residential uses (R2) to the south and southeast. There are no onsite agricultural, biological, cultural or mineral resources, watercourses, sensitive receptors, or sensitive land uses,

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: _____ Project Planner: _____
Signature Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11 18,19
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11 18,19
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11 18,19
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2, 18,19
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11 13
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11 13
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11 13

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9 19
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9 19
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9 19
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9 19
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18 19,26
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18 19,26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,26
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19,
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19,
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,19,
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,15,16
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,15,16,18
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,15,16,18
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,15,16,18
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,8,11
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,11
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,11
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,11
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,11
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,11
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,11
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19,27
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19,27
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19,27

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 27
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 27
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 27
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 28
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 21
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 21
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 29

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 29
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 29
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 29
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 20
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 13

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
XI. NOISE:						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 19
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 19
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 19
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 13,21 22,23

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
XIV. RECREATION:						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 19
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 19
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,11, 13

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 24
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 23
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 21
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19, 22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 13,18 19,26
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,8, 11,15, 16,21, 22,3, 28
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3,9, 11,18 19,27 28

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Other: Special-Status Species Assessment, RCL Ecology, dated 11/19/05
27. Other: Phase I Environmental Site Assessment, Geocon, dated April 2005
28. Other: Milpitas Fire Division
29. Other: Stormwater Control Plan, dated 11/8/05

**SIKH FOUNDATION OF MILPITAS
ENVIRONMENTAL IMPACT ASSESSMENT (EA2007-9)
INITIAL STUDY**

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

The following discussion includes explanations of answers to the above questions regarding potential environmental impacts, as indicated on the preceding checklist. Each subsection is annotated with the number corresponding to the checklist form.

EXISTING SETTING:

The project site is located on a 523,591 square foot parcel located at the southeast corner of Cadillac Court and Fairview Way, in the Cadillac/Fairview Planned Unit Development (Cadillac-Fairview Industrial & Residential PUD 31). The site is currently developed with 12 new R&D buildings, totaling 128,712 square feet. The site is bound by Cadillac Court on the west, Fairview Way on the north, Penitencia Creek to the east and a manmade drainage lagoon immediately south of the site. Surrounding land uses include light industrial (M1) and R & D uses to the north and west, and condominium residential uses (R2) to the south and southeast. There are no onsite agricultural, biological, cultural or mineral resources, watercourses, or sensitive land uses.

PROJECT DESCRIPTION:

The applicant is requesting a conditional use permit to operate a 4,030 square foot religious facility within a newly constructed R&D shell building and a parking reduction of four parking spaces. The applicant is also requesting an "S" Zone Amendment for proposed minor landscape modifications that includes the removal of approximately 40 square feet of landscaping to accommodate a widened front entrance walkway. The project is located within the Venture Commerce Center business park located at 1180 Cadillac Court (APN: 022-38-025), zoned Industrial Park (MP).

The proposed building will be used for religious services that occur Monday through Friday between the hours of 6:00 PM to 8:00PM and Saturday through Sunday between the hours of 11:00 AM to 8:00 PM. The congregation consists of approximately 50-60 people. The proposed layout of the facility includes a 2,064 square foot sanctuary area, 1,092 square foot storage space, and a 535 square footage office.

Attachment to: Sikh Foundation of Milpitas, Conditional Use Permit No. UP2007-23 and “S” Zone Amendment No. SA2007-52.

Project Number: EA2007-9

Discussion of Checklist/Legend

PS: Potentially Significant Impact
LS/M: Less Than Significant with Mitigation Incorporation
LS: Less Than Significant Impact
NI: No Impact

I. AESTHETICS

a, b, c, d) Have a substantial adverse effect on a scenic vista, highway, degrade existing visual character of the site or create a new source of substantial light? NI

Discussion: The project site is located at the southeast corner of Cadillac Court and Fairview Way, within an existing industrial park and not in proximity to a state scenic highway or vista. In addition, the project site is currently developed with industrial condominium buildings. The project does not propose any exterior façade changes or create a new source or substantial light or glare.

II. AGRICULTURE

a, b, and c) Convert Prime Farmland to non-agricultural uses; conflict with existing zoning for agricultural uses or a Williamson Act contract; or involve other changes that could result in the conversion of farmland? NI

Discussion: The project site is located on an existing developed industrial site and does not affect any prime farmland or conflict with a Williamson Act. The project will not cause or result in any conversion of farmland considering the project site is in an urbanized area that is developed with existing industrial buildings to the north, west, east and residential homes to the south.

III. AIR QUALITY

a, b, c, d, and e) Conflict or obstruct implementation of the applicable air quality plan, violate any air quality standards, result in a cumulatively considerable net increase of any criteria pollutants, expose sensitive receptors to substantial air pollutant concentrations, or create objectionable odors? NI

Discussion: The proposed project is for the operation of a religious facility that includes a sanctuary, office, and storage areas. The proposed operations of the religious facility

does not conflict with any applicable air quality plan, violate any air quality standards, expose sensitive receptors to substantial air pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NI.

Discussion: The project is an existing developed industrial site that will not require modifications that affect special status habitat or species.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NI.

Discussion: The project is an existing developed industrial site that will not require modifications that affect any riparian habitat or other sensitive natural community.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? NI.

Discussion: The project is an existing developed industrial site that will not involve any wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? NI.

Discussion: The project is an existing developed industrial site that will not interfere or affect native or migratory fish or wildlife species.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? NI.

Discussion: The project is an existing developed industrial site and does not propose any removal of trees. The proposed project will not involve any protect biological resources or conflict with the city's tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? NI.

Discussion: The project is an existing developed industrial site that will not conflict with an approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES

a, b, c, and d) Cause a substantial adverse change in the significance of a historical or archaeological resource; destroy a unique paleontological resource or geological feature; or disturb human remains? NI

Discussion: The project site is currently developed with R&D buildings in an existing industrial park. No significant historical resources or archaeological resources have been identified on the site.

VI. GEOLOGY AND SOILS

- a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. NI
 - ii) Strong seismic ground shaking? NI
 - iii) Seismic-related ground failure, including liquefaction? NI
 - iv) Landslides? NI

Discussion: According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study that was prepared for the EIR and the city's building code standards. Would the project result in substantial soil erosion or the loss of topsoil? NI.

Discussion: The project site is an existing developed industrial site and will not result in substantial soil erosion or loss of topsoil.

- b) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? NI.

Discussion: According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study and the city's building code standards.

c) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? NI.

Discussion: The project site is an existing developed industrial site. According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study and the city's building code standards.

d) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? NI.

Discussion: The project site is an existing developed industrial site and is already connect to city services for wastewater and sewer.

VII. HAZARDS AND HAZARDOUS MATERIALS

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? NI.

Discussion: The operation of the religious center will not involve the use or handling of hazardous materials.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? LS/M.

Discussion.

Impact 1. The potential for sensitive receptors (children and the elderly) to be subject to accidental exposures to hazardous materials would be less than significant with mitigation because of the following:

- 1. The project site abuts residential homes to the south and southeast*
- 2. The project is located within the Venture Commerce Center which prohibits Manufacturing, refining or storage of chemical, petro-chemicals, and radioactive materials per the recorded Convents, Conditions and Restrictions (CC&Rs).*
- 3. The project is within the same vicinity of three church buildings.*

The project will be conditioned the following mitigation measures to ensure public health and safety:

- **MM 1:** The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency*

procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.

- **MM 2:** *The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.*
- **MM3:** *The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.*

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? NI.

Discussion: The operation of the religious facility will not involve the use or handling of hazardous materials.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? NI.

Discussion: The project is not listed site with the Department of Toxic Substance Control (DTSC).

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project site? NI.

Discussion: The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project site? NI.

Discussion: The project is not within an airport land use plan or within 2 miles of a public airport or private airstrip.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? NI.

Discussion: The project site is an existing developed site that will not physically interfere with an adopted emergency response plan and evacuation plan. No modification will be made to the public roads.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? NI.

Discussion: The project site is an existing development within an urbanized area and there would be no impact resulting from wildfires.

VIII. HYDROLOGY AND WATER QUALITY

a) Would the project violate any water quality standards or waste discharge requirements? NI.

Discussion: The operation of the religious facility will not violate any water quality standard. The project is an existing developed site and will not increase storm water runoff beyond current conditions.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? NI.

Discussion: The operation of the religious facility will not substantially deplete groundwater supplies or groundwater recharge. The project proposal will decrease the amount of existing impervious surfaces with the addition of new landscape areas.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? NI.

Discussion: The project site is an existing development that is not near a stream or river.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? NI.

Discussion: The project site is an existing development that is not near a stream or river.

e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? NI.

Discussion: The operation of the religious facility will not create or contribute runoff water that would exceed capacity of the existing storm water drainage system or generate additional sources of polluted runoff.

f) Would the project otherwise substantially degrade water quality? NI.

Discussion: The project site is an existing development and the proposed operation of the religious facility will not generate water quality impacts.

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? The project site contains areas that lie within Zone A which is subject to a 100 year flood hazard and Zone X which is subject to a 500 year flood hazard. NI.

Discussion: The project proposal does not include new housing.

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows? NI.

Discussion: The project site is located within the 100 year flood zone. Considering this is an existing developed site, the impacts were previously reviewed and mitigated with the Cadillac Fairview and Dixon Landing Business Park EIR.

g) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? NI.

Discussion: Considering this is an existing developed site, the impacts were previously reviewed and mitigated with the Cadillac Fairview and Dixon Landing Business Park EIR.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? NI.

Discussion: The project site is unlikely to be impacted by inundation by seiche, tsunami or mudflow because it is located away from Sandy Wool Dam and San Francisco Bay.

IX. LAND USE AND PLANNING

a) Would the project physically divide an established community? NI.

Discussion: The project proposes a church use in an existing development and therefore will not divide an established community.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? NI.

Discussion: The project is not in conflict with the city's Zoning or General Plan land use policies and regulations. Religious facilities are permitted with a conditional use permit in the Industrial Park zone.

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? NI.

Discussion: The project does not fall within a habitat conservation plan or natural community conservation plan area.

X. MINERAL RESOURCES

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? NI.

Discussion: The project site is outside of the four areas that are identified by the State Geologist as containing regionally significant construction aggregate resources.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? NI.

Discussion: The project site is outside of the four areas that are identified by the State Geologist as containing regionally significant construction aggregate resources.

XI. NOISE

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? NI.

Discussion: The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? NI.

Discussion: The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? NI .

Discussion: The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? NI.

Discussion: The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project site to excessive noise levels? NI.

Discussion: This project site is not within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project site to excessive noise levels? NI.

Discussion: This project site is not within the vicinity of a private airstrip.

XII. POPULATION AND HOUSING

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? NI.

Discussion. The project site is an existing development that will not require new roads or infrastructure. The operation of the religious center will not likely induce population growth in the area.

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? NI.

Discussion: The project site is an existing development and will not displace existing homes.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? NI.

Discussion: The project site is an existing development and will not displace people or necessitate construction of replacement housing.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. NI.

Discussion: The project site is served by the following service providers:

Fire Protection – *Fire protection is provided by the City of Milpitas Fire Department which provides structural fire suppression, rescue, hazardous materials control and public education services.*

Police Protection – *Police protection is provided by the City of Milpitas Police Department.*

Schools – *Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that would serve the project include Milpitas High School (grades 9-12), middle schools (grades 6-8) and elementary schools (grades K-5).*

Maintenance – *The City of Milpitas provides public facility maintenance, including roads, parks, street trees and other public facilities. Milpitas' Civic Center is located at 455 E. Calaveras Boulevard.*

Other governmental services – Other governmental services are provided by the City of Milpitas including community development and building services and related governmental services. Library service is provided by the Santa Clara County Library.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? NI.

Discussion: The operation of the religious facility will not increase the use of existing neighborhood and regional parks that would cause substantial deterioration of the facility.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? NI.

Discussion: The project proposal includes interior modification to the existing building to allow for indoor gymnasium that will be used by the church for its youth activities.

XV. TRANSPORTATION/TRAFFIC

Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? LS/M.

Discussion: The project will not substantially increase the existing traffic on the street system because the proposed religious facility operates during the off peak periods and therefore will not affect the traffic during the peak demand periods.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? LS/M.

Discussion: The project will result not result in a change in the Level of Service (LOS) on the existing street system because the anticipated number of trips would be less than what was originally intended for R&D uses.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? NI.

Discussion: The project will not result in changes in air traffic pattern because there are no proposed modifications that would increase the height of the building.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). NI.

Discussion: The project does not propose any modification to the existing street system that creates hazards due to sharp curves or dangerous intersections.

e) Result in inadequate emergency access? NI.

Discussion: The project does not propose any modification to the existing street system that would impede emergency access.

f) Result in inadequate parking capacity? NI.

Discussion: The Milpitas Zoning Ordinance requires (17) parking spaces for the proposed religious facility and exceeds the (13) spaces that were allocated to the building. The project requires a conditional use permit for a parking reduction of (4) parking spaces, however, impact is less than significant with mitigation because the project proposal will include shuttle service to church members to help mitigate the parking shortage, securing off-site parking agreements with adjacent business for a total of (7) parking spaces, and offsetting the hours of operations to avoid conflict with the peak periods for the office uses.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? NI.

Discussion: The project will not conflict with an adopted policy, plan, or programs for alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? NI

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? NI

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? NI

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? NI

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? NI

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? NI

g) Comply with federal, state, and local statutes and regulations related to solid waste? NI.

Discussion. The project site is and existing development and is currently served by the following service providers:

- *Electrical and natural gas power: Pacific Gas and Electric Company*
- *Communications: AT&T and Southern Bell Corporation*
- *Water supply: Provided by the City of Milpitas with the wholesale providers being either the San Francisco Water Department or the Santa Clara Valley Water District*
- *Recycled water: South Bay Water Recycling Program*
- *Sewage treatment: Provided by the City of Milpitas and treated at the San Jose/Santa Clara Water Pollution Plant in San Jose.*
- *Storm drainage: City of Milpitas*
- *Solid waste disposal: Disposal is at the Newby Island Landfill, operated by BFI*
- *Cable Television: Comcast*

The project shall adhere to all local, state and federal regulations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

NI. Discussion. The project is an existing developed site and will not have the potential to degrade the environment, reduce wildlife habitat, threaten endangered plant or animal species, or impact historical or cultural resources.

b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? NI.

Discussion. The project will not have incremental effects considering the subject site is located within an existing industrial park and urbanized area.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? LS/M. *Discussion.*

Impact 1. The proposed project site is located in an existing industrial park. The applicant is proposing to operate a religious facility in two existing research and development building which could subject sensitive receptors (children and elderly) to hazardous materials in the event of an accidental release. significant unless mitigated. However, the risk assessment recommends preparation of a Site Emergency Preparedness Plan that incorporates evacuation procedures, a shelter-in-place program, and ventilation system shut down safety controls. In addition, the Milpitas Fire Department recommends the applicant design an airborne chemical monitoring system, in-place communication system, annual update of the Emergency Action Plan and annual reviews of the Risk Assessment survey. Therefore, with these programs in place, the impacts would be reduced to a level of less than significant with mitigation incorporation.

MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2007-9

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE LIVING WORD BAPTIST CHURCH, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Sikh Foundation of Milpitas

Project Description: The applicant is requesting a conditional use permit to operate a 4,030 square foot religious facility within a newly constructed R&D shell building and a parking reduction of four parking spaces. The applicant is also requesting an “S” Zone Amendment for proposed minor landscape modifications that includes the removal of approximately 40 square feet of landscaping to accommodate a widened front entrance walkway. The project is located within the Venture Commerce Center business park located at 1180 Cadillac Court.

Project Location: 1180 Cadillac Ct. (APN: 022-38-025), zoned Industrial Park with “S” Combining District (MP-S)

Project Proponent: Sikh Foundation of Milpitas, Rouble Claire, P.O. Box 360416, Milpitas, CA 95035.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form and 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 1.: *The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.*

Mitigation Measure 2: *The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.*

Mitigation Measure 3: *The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.*

Copies of the E.I.F. and E.I.A. may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By: _____
Project Planner

TITLE: PARKING STUDY
PURPOSE: THE CITY OF MILPITAS BUILDING USE PERMIT
APPLICANT: SIKH FOUNDATION OF MILPITAS
RE: 1180 CADILLAC COURT, BUILDING E
MILPITAS, CA 95035
VCC-Milpitas

DAY	DATE	TIME				
		10:00	11:00	12:00	1:00	2:00
June, 07						
Sunday	6/10/2007	3 (10) *	5 (22)	9 (48)	8 (42)	7 (39)
Sunday	6/24/2007	3 (12)	7 (28)	11 (52)	9 (41)	9 (47)
July, 07						
Saturday	7/7/2007	4 (16)	6 (29)	7 (38)	8 (42)	8 (42)
Sunday	7/15/2007	3 (12)	4 (21)	11 (48)	10 (50)	7 (38)
Sunday	7/22/2007	2 (8)	5 (23)	12 (56)	8 (44)	8 (44)
Saturday	7/28/2007	3 (11)	6 (24)	11 (54)	11 (56)	10 (53)
Aug, 07						
Sunday	8/5/2007	4 (17)	6 (32)	10 (52)	12 (62)	9 (50)
Sunday	8/12/2007	2 (11)	4 (27)	8 (46)	11 (56)	10 (58)
Sep, 07						
Sunday	9/9/2007	3 (13)	5 (27)	10 (56)	10 (53)	9 (50)
Saturday	9/15/2007	4 (15)	6 (32)	11 (55)	9 (49)	7 (43)
Sunday	9/23/2007	3 (12)	4 (24)	11 (62)	10 (56)	10 (54)

Notes:

* Figures in black represent number of cars parked in the parking lot of San Cracolice building on south Able street or Jose Higuera Adobe building in the city of Milpitas.

* Figures in blue represent the number of people present on the building premises.

* These figures vary and are dependent on the time of the day during the religious services. Sikh Foundation of Milpitas rents only one of these buildings based on availability from the city of Milpitas to hold weekend religious services for the Sikh community of Milpitas.

ADDENDUM

Parking Mitigation Plan:

Building E on Cadillac court has 10 parking spaces assigned to it. Foundation expects the congregation to exceed 55 persons only occasionally. Two shuttle vans will be used to shuttle congregation members particularly senior citizens to and from the church building. The shuttle vans will not be parked in the bulk parking lot during the religious services and will only be parked briefly for loading/unloading of passenger

This in turn help preserve the allotted parking spaces for the regular vehicles.

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MEMORANDUM

Economic Development Department – City Manager’s Office



To: Cindy Hom, Planning Division
From: Joseph J. Oliva III, Principal Transportation Planner
Subject: 1180 Cadillac Court Use Permit
Date: October 12, 2007

This memorandum is in regards to the Sikh Foundation of Milpitas application to occupy an industrial building located at 1180 Cadillac Court for assembly and religious services. The applicant is proposing a 475 square foot assembly area for Sunday services. According to the Milpitas Zoning Ordinance, the use would require 17 parking spaces (1 space per 35 square feet for the assembly area plus office space).

The site currently provides 13 parking spaces on-site. The Industrial Park owners have submitted a letter authorizing an additional 7 parking spaces for use on Sundays for a total of 20 parking spaces. The Sikh Foundation currently leases the Milpitas Senior Center on South Abel Street for services and has conducted a parking survey for their existing uses. Their parking study was conducted between June and September 2007 and measured number of vehicles parked and number of occupants in the Senior Center building. The maximum number of vehicles parked was 12 and 62 occupants were observed in the building. It should be noted the Sikh Foundation provides a shuttle service for members who need assistance or do not drive.

Therefore, since the Use Permit requires 17 parking spaces per City code and they will have legal access to 20 spaces, Staff does not anticipate any parking impacts at this site on Sundays during religious services. To insure this, the Sikh Foundation of Milpitas should continue to provide shuttle services to those members who require it and encourage carpooling among its congregation.

Attachment: Sikh Foundation of Milpitas Parking Survey

Cc: Diana Whitecar, Economic Development Director
Felix Reliford, Acting Planning and Neighborhood Services Director
Sheldon Ahsing, Senior Planner
Janice Spuller, Assistant Transportation Planner

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