



MILPITAS PLANNING COMMISSION
AGENDA REPORT

PUBLIC HEARING

Meeting Date: July 9, 2008

APPLICATION: Conditional Use Permit No. UP07-0001 and Environmental Impact Assessment No. EA08-0002, Crosspoint Church of Silicon Valley

APPLICATION SUMMARY: A request to locate a church facility within a 38,837 square foot industrial building zoned Heavy Industrial (M2).

LOCATION: 638 Gibraltar Ct. (APN: 86-24-030)
APPLICANT: Pastor Andy Ching, 680 E Calaveras Boulevard, Milpitas, CA 95035
OWNER: Crosspoint Chinese Church of Silicon Valley, 680 E Calaveras Boulevard, Milpitas, CA 95035

RECOMMENDATION: Staff recommends that the Planning Commission: Adopt Resolution No. 08-033 Approving the project subject to the findings and Conditions of Approval.

PROJECT DATA:
General Plan/
Zoning Designation: Manufacturing & Warehousing / Heavy Industrial (M2)

Overlay District "S" Combing District

Site Area: 2.47 acres

CEQA Determination: Environmental Impact Assessment No. EA08-0002, Mitigated Negative Declaration pursuant to section 15074 of the California Environmental Quality Act, "Consideration and Adoption of a Mitigated Negative Declaration.

PLANNER: Tiffany Kunsman, Junior Planner

PJ: 2508

- ATTACHMENTS:**
- A. Resolution No. 08-033
 - B. Environmental Impact Assessment (Mitigated Negative Declaration)
 - C. Mitigation Monitoring Program
 - D. Staff Report and Minutes form 6/11/08 Planning Commission Meeting

BACKGROUND

The Planning Commission held a public hearing on the above referenced project at the June 11, 2008 meeting. The Commissioners closed the public hearing and moved to continue the item to the July 9, 2008. After receiving testimony during the public hearing, the Commission directed Staff to return with the necessary California Environmental Quality Act (CEQA) documentation and conditions of approval from the project.

PROJECT DESCRIPTION

The proposal includes one main assembly/worship room at approximately 4,171 square feet with 420 fixed seats, three alternate assembly/worship rooms (one for youth) ranging from 1,110 square feet to 2,803 square feet with an average of 90 fixed seats, a community center, youth center, four Sunday school classrooms teaching children ranging from three to 10 years of age, and a 728 square foot child center, 6,783 square foot gymnasium, seven offices and ten meeting rooms. For more information please see the staff report for the June 11, 2008 Planning Commission Meeting.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles.

Table 4
General Plan Consistency

Guiding Principles	Consistency Finding
<p><i>2.d-G-2</i> Development 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</p>	<p>Consistent</p>

While the proposed project is located amidst industrial uses, on a larger scale, the location provides convenient access to parishioners who live both in the City and in nearby communities per the statements of support given at the June 11, 2008 meeting.

Zoning Ordinance

Per Chapter 10, Section 57.03-5 of the Milpitas Municipal, Conditional Use Permits May be granted by the Planning Commission if all of the following findings are made, based on the evidence in the public record:

- (a) The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor the public health, safety, and general welfare;

The proposed use is conducted entirely within the proposed facility, the project meets the parking requirements, the mitigations pertaining to hazardous materials lower the risk to less than significant, and the project proposal does not include exterior modifications that may take away from the industrial character of the business park.

(b) The proposed use is consistent with the Milpitas General Plan; and

As noted on the previous page under General Plan and after considering all the testimony submitted at the June 11, 2008 Planning Commission meeting, the project proposal is consistent with guiding principal 2.d-G-2

(c) The proposed use is consistent with the Milpitas Zoning Ordinance.

The proposed project is located within the M2 zoning district and is a conditionally permitted use requiring Planning Commission approval (Milpitas Municipal Code Chapter 10, Section 31.03-4.1).

ENVIRONMENTAL REVIEW

An Initial Study and Draft Mitigated Negative Declaration were prepared for the project. The commenting period began on June 19, 2008 and closed on July 9, 2008. Potential environmental impacts from the project include exposure to potential hazardous materials, which is discussed in detail in the above section titled *Risk Assessment*. However, with the proposed mitigation measures, it is expected that this will reduce the impacts to a less than significant level.

PUBLIC COMMENT/OUTREACH

At the June 11, 2008 Planning Commission meeting, there was a substantial amount of persons speaking in support of the project. The public hearing was closed on the June 6, 2008 meeting. For more details please see attached meeting minutes.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission Approve **CONDITIONAL USE PERMIT NO. UP07-0001**, Crosspoint Church, subject to the attached Resolution and Conditions of Approval.

ATTACHMENTS:

- A. Resolution No. 08-033
- B. Environmental Impact Assessment (Mitigated Negative Declaration)
- C. Mitigation Monitoring Program
- D. Staff Report and Minutes from 6/11/08 Planning Commission Meeting

RESOLUTION NO. 08-033

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP07-0001 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0002, CROSSPOINT CHURCH OF SILICON VALLEY, TO LOCATE A CHURCH FACILITY WITHIN A HEAVY INDUSTRIAL DISTRICT AT 638 GIBRALTAR COURT.

WHEREAS, on November 7, 2007, an application was submitted by Pastor Andy Ching, 680 E Calaveras Boulevard, Milpitas, CA 95035, to locate a church facility within a 38,837 square foot industrial building located at 638 Gibraltar Court. The property is located within the Heavy Industrial Zoning district (APN: 086-24-030); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and prepared a Mitigated Negative Declaration. The Mitigated Negative Declaration was circulated between June 19, 2008 through July 9, 2008 and recommends that the Planning Commission adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA guidelines; and

WHEREAS, on Jun 11, 2008, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the applicant, and other interested parties and continued the item to the July 9, 2008 Planning commission meeting; and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: Pursuant to Section 15074 of the California Environmental Quality Act guidelines, on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the lead agencies independent judgment and analysis.

Section 3: After considering all the testimony submitted at the June 11, 2008 meeting, the project is consistent with the Milpitas General Plan (*Guiding Principle 2.d-G-2*), in that the project will encourage development of adequate civic, recreational and cultural centers in locations for the best service to the community and in a way which will protect and promote community beauty and growth.

Section 4: The project is consistent with the Milpitas Zoning Ordinance in terms of use pursuant to Section 31.03-4.1, Heavy Industrial, conditionally permitted uses, church facilities.

Section 5: With respect to the Conditional Use Permit No. UP07-0001, the project, as conditioned and mitigated, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare in that the proposed use is conducted entirely within the proposed facility, the project meets the parking requirements, the mitigations pertaining to hazardous materials lower the risk to less than significant, and the project proposal does not include exterior modifications that may take away from the industrial character of the business park.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP07-0001, and Environmental Impact Assessment No. EA08-0002, Crosspoint Church of Silicon Valley, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on July 9, 2008.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on July 9, 2008, and carried by the following roll call vote:

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

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP07-0001 AND ENVIRONMENTAL IMPACT
ASSESSMENT NO. EA08-0002**

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on July 9, 2008 in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

2. Conditional Use Permit No. UP07-0001 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued.

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UP07-0001 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. This use permit approval does not allow for any daycare facilities or a K-12 school as defined by the Education Code of the State of California to operate at this site. (PC)
4. Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. **Monitoring needs to be provided for Hydrogen Bromide, Chlorine and Boron Trichloride at this time.** Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants. (PC, P, F, Mitigation Measure 1)
4. All gas monitoring systems shall pass a functional test. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow.

Notification shall be in English as well as the primary language of the occupants. (*P, F, Mitigation Measure 2*)

5. Building ventilation system shall have a manual and automatic shutoff capabilities with the control device located per Fire Department direction. Automatic shutoff shall occur upon gas detection. (*P, F, Mitigation Measure 3*)
6. Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release. (*P, F, Mitigation Measure 4*)
7. Warning notification signs shall be posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Sign may be required in multiple languages, as appropriate for occupants of the building. (*P, F, Mitigation Measure 5*)
8. **The plans indicate rooms for childcare including but not limited to Sunday school room(s) and Youth Centers(s)** . Thus the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area and the emergency procedures that will be in place to protect their children and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested. (*P, F, Mitigation Measure 6*)
9. The applicant shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP), which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. The training documentation will include how to respond to an accidental release of the hazardous materials specific to this site prior to arrival of the fire department (*PC, P, F, Mitigation Measure 7*)
10. Drills, with the Fire Department on site, shall be conducted to test and document implementation of the EAP. One drill with the EAP designated staff prior to occupancy, and one drill including building occupants immediately following occupancy. Drills shall be conducted and documented monthly, and, on an annual basis conducted with the Fire Department on site. (*PC, P, F, Mitigation Measure 8*)
11. Both the Risk Assessment and The Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall

incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. An individual meeting the Fire Department requirements shall prepare the updated plans. If the review shows additional chemical hazards mitigation measures shall be implemented for the new hazards. *(P, F, Mitigation Measure 9)*

12. Six months and 12 months after issuance of the certificate of occupancy, the applicant must return to the Planning Commission for a review on Conditional Use Permit No. UP07-0002 and to address any concerns that may have occurred. *(PC)*

PC = Planning Commission

P = Planning Division

F = Department of Fire Prevention



**ENVIRONMENTAL
IMPACT ASSESSMENT NO: P-EA08-0002**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Tiffany Kunsman June 18, 2008
date

Title: Junior Planner

1. Project title: Crosspoint Chinese Church of Silicon Valley

2. Lead Agency Name and Address: City of Milpitas, 455 E Calaveras Blvd., Milpitas, CA 95035

3. Contact person and phone number: Tiffany Kunsman, 408-586-3283

4. Project location: 638 Gibraltar Court (APN: 086-24-030)

5. Project sponsor's name and address:
Pastor Andy Ching, 680 E Calaveras Boulevard, Milpitas, CA 95035

6. General plan designation: Manufacturing & Warehousing 7. Zoning: Heavy Industrial (M2)

8. 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 project includes locating a religious facility in a 38,837 square foot industrial building. The facility would contain several uses including one main assembly/worship room at approximately 4,171 square feet, three alternate assembly/worship rooms ranging from 1,110 square feet to 2,803 square feet, a community center, youth center, four Sunday school classrooms, a 728 square foot child center utilized only during services, a 6,783 square foot gymnasium, seven offices and ten meeting rooms. The project will be developed in three phases.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project is located at 638 Gibraltar Court with Yosemite Drive located to the south, Topaz Street to the north, South Milpitas Boulevard to the east and Union Pacific Railroad to the west. Surrounding zoning is Heavy Industrial and land uses include office, research and development, and warehousing and manufacturing.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
None.

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"/>	2, 12, 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"/>	2, 12, 18
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"/>	2, 18
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"/>	2
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"/>	12, 14
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"/>	12, 14
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"/>	12, 14, 19

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, 12
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	1, 2, 12				
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"/>	1, 2, 12				
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, 12
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"/>	2
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"/>	19
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"/>	19

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"/>	19
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"/>	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"/>	2, 12, 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"/>	2, 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"/>	12, 19
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"/>	12, 19
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"/>	12, 19
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"/>	19
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:						

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 checked="" type="checkbox"/>	<input type="checkbox"/>	9, 12
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9, 12
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9, 12
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9, 12
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"/>	12
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"/>	9, 12
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"/>	12
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"/>	12
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"/>	2, 8, 14, 19
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 8, 14, 19
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
mile of an existing or proposed school?						
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"/>	2, 19
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"/>	19
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"/>	19
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"/>	8, 19
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"/>	19
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"/>	22, 23
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"/>	22, 23
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"/>	2

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"/>	2
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"/>	2, 19
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
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"/>	2, 21
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"/>	21
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"/>	21
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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"/>	14, 19, 20

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"/>	12, 14
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"/>	12
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"/>	12
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"/>	12
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"/>	2, 27
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"/>	2, 27
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"/>	2, 27
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"/>	2, 27

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"/>	19
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"/>	19
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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20
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"/>	2, 19
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"/>	2, 19
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"/>	18, 19

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"/>	2, 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"/>	2, 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"/>	2, 19
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"/>	2, 19
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"/>	2
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"/>	2
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 14, 19

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"/>	12, 19
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"/>	23
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"/>	23
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"/>	23, 24
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"/>	22
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"/>	23
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"/>	19
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"/>	19

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, 12, 19
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, 8, 12, 19
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, 8, 14, 19,

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans, and letter of description
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. Environmental Risk Assessment
9. Alquist-Priolo Special Studies Zones Maps
10. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
11. Santa Clara Valley Water District
12. Milpitas General Plan Map and Text
13. Milpitas Midtown Specific Plan Map and Text
14. Zoning Ordinance and Map
15. Aerial Photos
16. Register of Cultural Resources in Milpitas
17. Inventory of Potential Cultural Resources in Milpitas
18. Field Inspection
19. Planner's Knowledge of Area
20. Experience with other project of this size and nature
21. Flood Insurance Rate Map, September 1998
22. June 1994 Water Master Plan
23. June 1994 Sewer Master Plan
24. July 2001, Storm Master Plan
25. Bikeway Master Plan
26. Trails Master Plan
27. Milpitas Municipal Code
28. Other: Plum Maps prepared by the Milpitas Fire Prevention Division

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 is located at 638 Gibraltar Court with Yosemite Drive located to the south, Topaz Street to the north, South Milpitas Boulevard to the east and Union Pacific Railroad to the west. The zoning of the site is Heavy Industrial and the Surrounding zoning is Heavy Industrial which includes land uses for office, research and development, and warehousing and manufacturing.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit (UP07-0001) for the request to locate a church facility within a 38,837 square foot Industrial building in a Heavy Industrial (M2) District. The church facility includes one main assembly/worship room at approximately 4,171 square feet with 420 fixed seats, three alternate assembly/worship rooms (one for youth) ranging from 1,110 square feet to 2,803 square feet with an average of 90 fixed seats, a community center, youth center, four Sunday school classrooms teaching children ranging from three to 10 years of age, a 728 square foot child center, a 6,783 square foot gymnasium, seven offices and ten meeting rooms.

Attachment to: Crosspoint Chinese Church of Silicon Valley; Conditional Use Permit and Environmental Impact Assessment

Project Number: 2508

Permit Numbers: UP07-0001 and EA08-0002

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

Environmental Impacts

a, b, c, d,) Would the project have a substantial adverse effect on a scenic vista or highways, scenic resources, degrade existing character, or create new substantial lighting? (NI)

The project is locating within an existing industrial structure and proposes no exterior modifications to the building. An industrial building fits in with the character of the existing business park and does not impede on scenic resources nor create new substantial lighting.

II. AGRICULTURE RESOURCES

Environmental Impacts

a,b,c) Would the project conflict with existing zoning for agriculture use, convert farmland, or locate next to farmland which could result in a conversion of farmland to a non-agricultural use? (NI)

The project site is located within the Heavy Industrial (M2) zoning district and is surrounded by Heavy Industrial uses. The proposed project does not include a conversion of farmland nor will it result in a conversion of farmland to a non-agricultural use.

III. AIR QUALITY

Environmental Impacts

a-e) Would the project conflict with or obstruct implementation of the applicable air quality plan, violate air quality standards, expose sensitive receptors to substantial pollutant concentrations, or add a considerable new increase of criteria pollutant creating objectionable odors? (NI)

The proposed project will not emit any type of chemicals or pollutants that will effect the air quality and therefore will not violate air quality standards or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Environmental Impacts

a-f) Will the project have substantial adverse effect on sensitive species, riparian habitat, federally protected wetlands, or impede on native wildlife species/nursery sites etc.? (NI)

The project site is a 2.47 acre parcel, consisting of a 38,837 square foot building located within an industrial business park setting. There are no proposed exterior modifications for the project site therefore the proposed project will not have any effect on sensitive species, riparian habitat, federally protected wetlands, or impede on native wildlife species/nursery sites etc.

V. CULTURAL RESOURCES

Environmental Impacts

a-d) Would the project cause a substantial adverse change in the significance of a historical resource, archaeological resource, destroy a unique paleontological resource, geologic feature, or disturb any human remains? (NI)

The project site is a 2.47 acre parcel, consisting of a 38,837 square foot building located within an industrial business park setting. There are no proposed exterior modifications for the project and therefore will not have an effect on cultural resources.

VI. GEOLOGY AND SOILS

Environmental Impacts

ai, aii, aiii) Would the project expose people or structure to potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic ground shaking, seismic-related ground failure? (LS)

The project area is located outside the boundaries of the Alquist-Priolo Special Studies Zone for geologic Hazards contained in the General Plan. All structures in the City are designed to withstand strong ground shaking in accordance with the Uniform Building Code. As this is an existing building with valid building permits it was built to the approved building codes. Any interior modifications will also be required to be built per the Uniform Building Code. Therefore, this is not a significant impact.

aiv, b-e) Would the project expose people or structure to potential substantial adverse effects, including the risk of loss, injury, or death involving because of landslides? Would the project 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? result in substantial soil erosion or the loss of topsoil?, be located on unstable soil/geological unit?, or be located on expansive soil (NI)

The project site is not located within the potential landslide areas. The project site contains an existing building that is currently supported by the City's public facilities including sewer facilities. Because the project site is currently developed, there will be no impact on the soils.

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

a, c-h) Would the project create a significant hazard to the public or the environment through: the routine transport, use, or disposal of hazardous materials?, emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?, be located on a site which is included on a list of hazardous materials sites and, as a result, would it create a significant hazard to the public or the environment?, located within an airport land use plan?, within the vicinity of a private airstrip?, impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?, or 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)

The project proposal does not include the usage of hazardous materials nor is the location of the site included on a list of hazardous material sites. The project site is not located within a quarter mile of an existing or proposed school, nor is it located within an airport or airstrip land use plan. The project site will not interfere with any adopted emergency response or evacuation plans. The project site is not located within or near an environment involving wildland fires.

b) Would the proposed 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)

The project is proposing to bring sensitive receptors (younger children and older adults) into the City's Heavy Industrial district on a reoccurring permanent basis. Neighboring businesses use Hazardous Materials in their everyday business activities. If an accident occurred at one of the businesses and released poisonous gasses, in a worst-case scenario gasses may expose the proposed project site effecting the church members and sensitive receptors.

A risk assessment identified three businesses that use substantial pollutants located within a mile radius of the proposed project site. The three facilities include: Linear Technology Corporation, 275 South Hillview Drive (located .7 miles away from proposed site), Nanogram Corporation, 165 Topaz Street (.5 miles from proposed site), and Magic technologies, 463 South Milpitas Boulevard (.3 miles from proposed site)

Linear Technology uses the chemical hydrogen bromide, which is a poisonous, corrosive, and airborne agent type of gas. Nanogram Corporation uses the chemicals anhydrous ammonia, boron trichloride, and phosphine. Anhydrous ammonia is a poisonous, corrosive, and airborne agent type of gas. Boron trichloride is also a poisonous, corrosive, and airborne agent type of gas. Phosphine is a poisonous, flammable airborne agent type of gas. Magic Technologies uses anhydrous ammonia, boron trichloride, carbon monoxide and chlorine. Anhydrous ammonia and boron trichloride, as stated previously, are poisonous, corrosive airborne agent type of gasses. Carbon monoxide is a poisonous and flammable airborne agent type of gas and chlorine is a chlorine is a poisonous, corrosive airborne agent type of gas.

To assess the potential effects of these chemicals, the National Institute of Occupational Health and Safety (NIOSH) has established an evaluation criteria known as the "Immediately Dangerous to Life and Health" (IDLH) level. The IDLH is the concentration of an airborne contaminant that represents the maximum level from which one could escape within 30 minutes without any irreversible effects. The IDLH levels are based on a healthy adult. Therefore, it can be assumed that the health risks are increased when applied to children and the elderly.

The Milpitas Fire Prevention Division has recommended mitigation measures that will ensure the safety of all church members at the site which includes the installation of chemical sensors, interior and exterior alarms, a windsock, notification at the building entrances, parental notification process and an emergency evacuation plan. These mitigation measures will assist in adequately informing all church members, in the event if hazardous material gasses were released, and provide for proper shelter and evacuation plan which reduces the impact to less than significant.

Mitigation Measure 1:

*Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. **Monitoring needs to be provided for Hydrogen Bromide, Chlorine and Boron Trichloride at this time.** Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants.*

Mitigation Measure 2:

All gas monitoring systems shall pass a functional test. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants.

Mitigation Measure 3:

Building ventilation system shall have a manual and automatic shutoff capabilities with the control device located per Fire Department direction. Automatic shutoff shall occur upon gas detection.

Mitigation Measure 4:

Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.

Mitigation Measure 5:

Warning notification signs shall be posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Sign may be required in multiple languages, as appropriate for occupants of the building.

Mitigation Measure 6:

The plans indicate rooms for childcare. Thus the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area and the emergency procedures that will be in place to protect their children and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.

Mitigation Measure 7:

The applicant shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP), which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. The training documentation will include how to respond to an accidental release of the hazardous materials specific to this site prior to arrival of the fire department.

Mitigation Measure 8:

Drills, with the Fire Department on site, shall be conducted to test and document implementation of the EAP. One drill with the EAP designated staff prior to occupancy, and one drill including building occupants immediately following occupancy. Drills shall be conducted and documented monthly, and, on an annual basis conducted with the Fire Department on site.

Mitigation Measure 9:

Both the Risk Assessment and The Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. An individual meeting the Fire Department requirements shall prepare the updated plans. If the review shows additional chemical hazards mitigation measures shall be implemented for the new hazards.

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

a-j) Would the project violate or substantially deplete any water quality standards and waste discharge requirements including groundwater supplies? Would the project alter existing drainage patterns, create new runoff water, or substantially degrade water quality? Would the project place housing within a 100-year flood hazard area, or expose people or structures to a significant risk of loss, injury or death involving flooding, including the failure of a levee or dam and other disasters such as seiche, tsunami, or mudflow? (NI)

The project site is a 2.47 acre parcel, consisting of an existing 38,837 square foot building located within an industrial business park setting. The existing site is not located within the 100-year flood zone, nor is it in a location that will be effected by the failure of a levee or dam, and other disasters such as seiche, tsunami, or mudflow.

IX. LAND USE AND PLANNING

Environmental Impacts

a- c) Would the project physically divide an established community and or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project or disturb applicable habitat and natural community conservation plan(s)? (NI)

The proposed use does not conflict with any General Plan policies, and is consistent with Guiding Principle 2.d-G-2, which encourages 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. While the site is located amidst industrial uses, on a larger scale, the location provides convenient access to parishioners who live both in the City and in nearby communities.

The proposed religious facility is consistent with the Heavy Industrial (M2) district in terms of use. The Heavy Industrial district conditionally permits churches following review and approval by the Planning Commission.

The project site is a 2.47 acre parcel, consisting of a 38,837 square foot building located within an industrial business park setting. The property is a built-out site with no proposed exterior modifications. Therefore the proposed project will not have any effect on or disturbance of applicable habitat(s) and natural community conservation plan(s), nor will it physically divide an established community.

X. MINERAL RESOURCES

Environmental Impacts

a,b) 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 or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (NI)

The project site is an existing developed business park. The proposal does not include any exterior changes or modifications to the building, thus there will be no effect to or loss of mineral resources.

XI. NOISE

Environmental Impacts

a-f) Would the project result in exposure of persons to: a generation of noise levels in excess of standards established in the local general plan, noise ordinance, applicable standards of other agencies?, excessive groundborne vibration noise levels? Would the proposed project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? 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? 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)

The project does not generate a significant amount of noise, as the use will be contained internally within the existing building and is a similar use to an assembly or office use. The project proposal does not include the operation of noisy equipment or machinery and is not located within an airport or airstrip thus the project has no impact.

XII. POPULATION AND HOUSING

Environmental Impacts

a-c) Would the project induce substantial population growth, displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or a substantial numbers of people, necessitating the construction of replacement housing elsewhere? (NI)

The proposed project site is an existing developed business park and does not require displacement of housing or persons and will not induce a substantial population growth within the area.

XIII. PUBLIC SERVICES

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.
- **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.

Environmental Impacts

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:

The proposed project site is an existing developed business park and does not require new facilities nor will it alter acceptable service ratios, response times or other performances for any of the applicable public services.

XIV. RECREATION

Environmental Impacts

a, b) Would the project increase the use of existing recreational facilities in such that substantial physical deterioration of the facility would occur or be accelerated and therefore require the construction of recreational facilities.

The proposed project site is an existing developed business park. Because the proposed facility is similar to that of an assembly use or office use the project will not require more open space than what is already provided.

XV. TRANSPORTATION/TRAFFIC

Major roadways serving the site include: *Gibraltar court, Gibraltar Drive, Yosemite Drive, and S Milpitas Boulevard.*

Environmental Impacts

a-g) Would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and exceed the level of service standard, or result in a change to air traffic patterns or substantially increase traffic hazards due to a design feature? Will the project result in inadequate emergency access or inadequate parking capacity or conflict with any policies, plans, or programs supporting alternative transportation? (NI)

The proposed project site is an existing developed business park and was designed to withstand an assembly or office type of facility. When the business park was designed, the project went through the appropriate transportation standards which will not result in creating substantial traffic related hazards or an inadequate emergency access.

The project site has 156 parking spaces. Because the church offers a variety of services and activities, it is not anticipated that the facility would operate at full capacity, plus parking requirements would carry from day to day and from morning, afternoon, and evening. Due to the uniqueness of this type of quasi-public use, staff requires the proposal meet the maximum peak activity/event parking requirements rather than the maximum amount of parking required

if the building were at full capacity. It is anticipated that the maximum peak activity/event time occurs on Sundays between 11:00 A.M. and 12:05 P.M. During this time the facility requires 142 parking spaces.

The proposed project use is a church facility which brings in a large amount of people, but for a short period of time. The facility's peak hours of operation (*the largest amount of people visiting the facility at the same time*) is on a Sunday. The neighboring businesses peak hours of operation are Mondays – Fridays. Because the peak hours of operation for the church are offset buy the rest of the neighboring businesses, there is no impact on traffic and transportation issues.

XVI. UTILITIES AND SERVICE SYSTEMS --

The project site is 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

Environmental Impacts

a-g) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, require or result in the construction of new water or wastewater treatment facilities, and storm water drainage facilities? Will the project have sufficient water supplies available to serve the project from existing entitlements and resources? Will the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste (NI)

The proposed project site is an existing developed business park and was reviewed and designed to Regional Water Quality Control Board standards. Because it was designed with the proper standards and regulations for an assembly/office use, the proposed project will have no impact on utilities and services systems.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a, b) 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? Does the project have impacts that are individually limited but cumulatively considerable? (NI)

The project site is an existing built-out 2.47 acre parcel, consisting of a 38,837 square foot building located within an industrial business park setting. The proposal does not include exterior modification to the building or site. Thus the project will no impact on the quality of the environment or reduce any wildlife habitat or species. Due to the nature of the proposal, the project will not have a cumulatively considerable impact on the environment.

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

The project is proposing to bring sensitive receptors (younger children and older adults) into the City's Heavy Industrial district on a reoccurring permanent basis. Neighboring businesses use Hazardous Materials in their everyday business activities. If an accident occurred at one of the businesses and released poisonous gasses, in a worst-case scenario gasses may expose the proposed project site effecting the church members and sensitive receptors.

The Milpitas Fire Prevention Division has recommended mitigation measures that will ensure the safety of all church members at the site which includes the installation of chemical sensors, interior and exterior alarms, a windsock, notification at the building entrances, parental notification process and an emergency evacuation plan. These mitigation measures will assist in adequately informing all church members, in the event if hazardous material gasses were released, and provide for proper shelter and evacuation plan which reduces the impact to less than significant. Please refer to the Hazards and Hazardous Materials Section 7 for Mitigation Measures.

**MITIGATION MONITORING PROGRAM
EIA NO. EA08-0002**

**638 GIBRALTAR COURT – CROSSPOINT CHINESE CHURCH OF SILICON VALLEY
CONDITIONAL USE PERMIT NO. UP07-0001**

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement	Remarks
<p><u>Mitigation Measure 1:</u> <i>Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site.</i> Monitoring needs to be provided for Hydrogen Bromide, Chlorine and Boron Trichloride at this time. <i>Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants.</i></p>	<p>Responsibility: Applicant Timing: Prior to building permit issuance</p>	<p>Responsibility: Planning and Fire Department</p>	<hr/> <p style="text-align: center;">Initials</p> <hr/> <p style="text-align: center;">Date</p>	<hr/> <p style="text-align: center;">Initials</p> <hr/> <p style="text-align: center;">Date</p>	
<p><u>Mitigation Measure 2:</u> <i>All gas monitoring systems shall pass a functional test. Notification shall alert Fire dispatch of an alarm and also</i></p>	<p>Responsibility: Applicant Timing: Prior to issuance of the</p>	<p>Responsibility: Planning and Fire Department</p>	<hr/> <p style="text-align: center;">Initials</p> <hr/> <p style="text-align: center;">Date</p>	<hr/> <p style="text-align: center;">Initials</p> <hr/> <p style="text-align: center;">Date</p>	

<p><i>provide in-place communication to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants.</i></p>	<p>Certificate of Occupancy</p>				
<p><u>Mitigation Measure 3:</u> <i>Building ventilation system shall have a manual and automatic shutoff capabilities with the control device located per Fire Department direction. Automatic shutoff shall occur upon gas detection.</i></p>	<p>Responsibility: Applicant Timing: Prior to issuance of the Certificate of Occupancy</p>	<p>Responsibility: Planning and Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p><u>Mitigation Measure 4:</u> <i>Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.</i></p>	<p>Responsibility: Applicant Timing: Prior to building permit issuance</p>	<p>Responsibility: Planning and Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p><u>Mitigation Measure 5:</u> <i>Warning notification signs shall be posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Sign may be required in multiple languages, as appropriate for occupants of the building.</i></p>	<p>Responsibility: Applicant Timing: Prior to issuance of the Certificate of Occupancy</p>	<p>Responsibility: Planning and Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	

<p><u>Mitigation Measure 6:</u> <i>The plans indicate rooms for childcare. Thus the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area and the emergency procedures that will be in place to protect their children and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.</i></p>	<p>Responsibility: Applicant Timing: Prior to issuance of the Certificate of Occupancy</p>	<p>Responsibility: Planning and Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p><u>Mitigation Measure 7:</u> <i>The applicant shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP), which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. The training</i></p>	<p>Responsibility: Applicant Timing: Prior to issuance of the Certificate of Occupancy</p>	<p>Responsibility: Planning and Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	

<p><i>documentation will include how to respond to an accidental release of the hazardous materials specific to this site prior to arrival of the fire department.</i></p>					
<p><u>Mitigation Measure 8:</u> <i>Drills, with the Fire Department on site, shall be conducted to test and document implementation of the EAP. One drill with the EAP designated staff prior to occupancy, and one drill including building occupants immediately following occupancy. Drills shall be conducted and documented monthly, and, on an annual basis conducted with the Fire Department on site.</i></p>	<p>Responsibility: Applicant Timing: Prior to Occupancy, immediately following occupancy, and annually</p>	<p>Responsibility: Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p><u>Mitigation Measure 9:</u> <i>Both the Risk Assessment and The Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. An individual meeting the Fire Department requirements shall prepare the updated plans. If the review shows additional chemical hazards mitigation measures shall be implemented for the new hazards.</i></p>	<p>Responsibility: Applicant Timing: annual basis</p>	<p>Responsibility: Fire Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	

UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

June 11, 2008

I. ROLL CALL

Present: Ali-Santosa and Williams
Absent: None
Staff: Ah Sing, Andrade, and Hom

1. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0007

Cindy Hom, Assistant Planner, presented a request to install a new 4'-6" security fencing along the east property line for the industrial building located at 100 S. Milpitas Blvd. Ms. Hom recommended to approve the project subject to conditions of approval.

Motion to approve Minor Site Development Permit No. MS08-0007.

M/S: Ali-Santosa/Williams

AYES: 2

NOES: 0

2. ADMINISTRATIVE PERMIT NO. AD08-0006

Cindy Hom, Assistant Planner, presented a request for a one day outdoor event for the Comcast Customer Appreciation Event to be held on June 14, 2008 in the Great Mall Parking Lot area near Great Mall Drive and Falcon Drive. Ms. Hom recommended approving the project subject to conditions of approval.

Motion to approve Minor Site Development Permit No. AD08-0006.

M/S: Williams/Ali-Santosa

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:39 p.m.

UNAPPROVED

PLANNING COMMISSION MINUTES

June 11, 2008

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL/SEATING
OF ALTERNATE**

Present: Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Sudhir Mandal and Cliff Williams

Alternate Present: Aslam Ali

Absent: Gurdev Sandhu

Late: Noella Tabladillo

Staff: AhSing, Andrade, Hom, Joki, Kunsman, Lindsay, Ogaz and Oliva

Chair Williams stated Alternate Commissioner Ali will be a voting member tonight.

**III.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

Isaac Hughes, Milpitas Resident, said a prayer for the Planning Commission.

**IV.
APPROVAL OF MINUTES
May 28, 2008**

Chair Williams called for approval of the minutes of the Planning Commission meeting of May 28, 2008.

Commissioner Ali-Santosa asked staff to include his following statements on Page 4:

"Commissioner Ali-Santosa agreed with Commissioner Tabladillo regarding the need of having another school".

"Commissioner Ali-Santosa asked if the Union Pacific Railroad has considered using an electronic horn at the intersection instead of the air horn. Mr. Lindsay said they met with Union Pacific Railroad and none of the areas are within a designated quiet zone".

Motion to approve the minutes of May 28, 2008 as amended.

M/S: Mandal/Ali-Santosa

AYES: 5

NOES: 0

ABSTENTION: 1 (Larry Ciardella)

**V.
ANNOUNCEMENTS**

There were no staff announcements.

UNAPPROVED

Planning Commission Minutes

June 11, 2008

**VI.
CONFLICT
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

Commissioner Tabladillo arrived at 7:10 p.m.

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar, however, on Item No. 2 (Conditional Use Permit No. UP08-0014), staff received an e-mail from a concerned resident that opposes the application and that e-mail was provided to the Commission.

Chair Williams asked if the resident was in the audience and there was no response.

Chair Williams opened the public hearing on Item Nos. 1, 2, 3 and 4.

There were no speakers from the audience.

Motion to close the public hearing on Item Nos. 1, 2, 3 and 4.

M/S: Mandal/Ali-Santosa

AYES: 7

NOES: 0

Motion to approve the consent calendar Item Nos. 1, 2, 3 and 4.

M/S: Mandal/Galang

AYES: 7

NOES: 0

- *1 **CONDITIONAL USE PERMIT NO. UA08-0001:** A request to allow an industrial use with outdoor storage area to be located at 340 S. Milpitas Blvd. *(Recommendation: Close the Public Hearing and adopt Resolution No. 08-021 approving the project subject to Conditions of Approval)*
- *2 **CONDITIONAL USE PERMIT NO. UP08-0014:** A request to operate a Large Family Childcare Home, caring for nine to fourteen children located at 225 Sylvia Ave. *(Recommendation: Close the Public Hearing and adopt Resolution No. 08-024 approving the project subject to Conditions of Approval)*
- *3 **ZONE CHANGE NO. ZA08-003:** A request to re-zone a 1.17 acre parcel located at the end of Hanson Court from Agriculture (A) to Industrial Park (MP). *(Recommendation: Close the Public Hearing and adopt Resolution No. 08-025 recommending approval to the City Council)*
- *4 **SITE AND ARCHITECTURAL REVIEW NO. SZ07-0014:** A request to allow modifications to a previously approved and partially constructed office complex. The changes include the addition of 32,297 square feet for a total of 238,392 square feet, proposing three separate buildings rather than one building, modifications to landscaping plans and parking arrangements, located at 751 McCarthy Ranch Boulevard. *(Recommendation: Close the Public Hearing and adopt Resolution No. 08-017 approving the project subject to Conditions of Approval)*

**IX.
PUBLIC HEARING**

5. SITE AND ARCHITECTURAL REVIEW NO. SZ08-0001, CONDITIONAL USE PERMIT NO. UP08-0001

Sheldon Ah Sing, Senior Planner, presented a request to construct a 46,920 square foot Honda auto dealership and repair facility located at 920 Thompson Street. Mr. Ah Sing, recommended the Commission close the public hearing and adopt Resolution No. 08-019 approving the project subject to Conditions of Approval.

Commissioner Mandal asked how the project compares with the Toyota dealership. Mr. Ah Sing said the Toyota dealership is larger and the project meets the FAR which is maximum .35 and the building does compliment the size of the lot.

Commissioner Mandal asked if the project has the same conditions of approval as Toyota and Mr. Ah Sing said there are some differences because the Honda dealership is adjacent to residents while the Toyota dealership is more south.

Commissioner Ciardella asked how steep is the ramp and Mr. Ah Sing deferred the question to the applicant.

Alternate Commissioner Ali asked about condition no. 4 b which states: *No pennants, streamers, or balloons shall be allowed outside on-site or on displayed vehicles outside.* Mr. Ah Sing said that sometimes dealerships use small balloons to attract attention and it would not be allowed.

Commissioner Tabladillo asked if clients come on site to look at vehicles is there ample parking for those customers to park on the property or would they park on the street. Mr. Ah Sing said there are designated parking stalls which is consistent with the Toyota dealership and there is timed parking on the street.

Chair Williams asked if there will be noise restriction on site because of the nearby residents. Mr. Ah Sing deferred the question to the applicant.

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Chair Williams asked about the light standards and Mr. Ah Sing said the lights near the residents have lower lighting.

Vice Chair Mandal asked if the dealership will be using solar power and Mr. Ah Sing deferred the question to the applicant.

Commissioner Galang asked about Condition No. 11b which states *Biology and Hydrology: The applicant shall modify the existing Stormwater Pollution Protection Plan (SWPPP). This plan shall include provisions to minimize on-site and off-site impacts to biological resources and water quality resulting from project related runoff. Measures shall include the following: b) Installation of grit and oil trap systems which shall be maintained in perpetuity.*

Mr. Ah Sing said that is a best management practices that is used to filter storm water runoff.

Commissioner Galang asked how many service bays are proposed and Mr. Ah Sing said 36 bays.

Commissioner Galang asked how will they handle the oil and Mr. Ah Sing deferred the question to the applicant.

Chair Williams introduced the applicant.

George Avanesian, 400 Oyster Point Blvd., #115, S. San Francisco, CA 94080, said they are in agreement of the conditions of approval.

Commissioner Ciardella asked how steep the ramps are. Mr. Avanesian said the ramps comply with ADA minimum requirements and people from the sidewalk can reach the floor and the height is approximately 30 inches above the flood zone. The ramps for the vehicles are steeper so the bumpers don't drag.

Commissioner Ciardella asked about the service flow. Mr. Avanesian said customers would drive towards the service reception, go inside the lounge and take the car to the shop.

Commissioner Ciardella asked where the parts area located and Mr. Avanesian said next to the service department.

Commissioner Ciardella said customers would have to park far in order to walk to the parts area. Mr. Avanesian explained that it is routine for wholesalers, however, retailers could park in the customer area and simply walk inside the boutique which is located inside the building and assured Commissioner Ciardella that there is ample parking for everyone.

Vice Chair Mandal asked if Honda is considering solar energy. Mr. Avanesian said they considered it but are looking into different sources.

Chair Williams asked how Honda will mitigate noise. Mr. Avanesian said the new dealerships do not have speakers and every salesman use cell phones.

Chair Williams asked about the lighting. Mr. Avanesian said the outdoor is the showroom and decreased the intensity of the fixtures and if it becomes a problem the lights can be shielded.

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Commissioner Galang asked how the oil will be disposed of. Mr. Avanesian said they have an oil room where the oil is kept in a tank and is well contained so there is no spillage. There are also no drains in the service floor so the oil cannot go in the storm drains.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

Commissioner Tabladillo requested that the lines of communication be open with the Honda dealership, the City and the nearby KB Home residents.

Motion to adopt Resolution No. 08-019 approving the project subject to Conditions of Approval.

M/S: Galang/Ali-Santosa

AYES: 7

NOES: 0

**6. CONDITIONAL USE
PERMIT NO. UP07-0001**

Tiffany Kunsman, Project Planner, presented a request to locate a church use within a 38,837 square foot industrial building located at 638 Gibraltar Court. Ms. Kunsman recommended that the Commission close the public hearing and deny the project subject to the attached resolution.

Commissioner Ciardella asked what safeguards Linear Technology, Magic Technologies and Nanogram have in place in case of a toxic spill. James Lindsay, Planning and Neighborhood Services Director, said that all three companies are following all state protocols.

Commissioner Ciardella asked what would be the radius of exposure to toxic chemicals if a company had an accidental toxic release. Mr. Lindsay said it would depend on the situation.

Commissioner Ciardella asked if the building the church wants to occupy has safeguards in place and Ms. Kunsman said no.

Vice Chair Mandal asked if the nearby technology companies were notified about the project and Ms. Kunsman said notices were sent to a 1,000 foot radius around the project area and staff received no responses.

Vice Chair Mandal asked what is the pattern of technology companies moving out because of churches relocating into business parks. Mr. Lindsay said as the churches are moving into business parks, the character of the uses change to community service facility which makes it less possible for a technology company to move in.

Commissioner Ali-Santosa asked what would be the protocol in case of an accidental release and if the risk factor changes on the weekend because of the additional amount of people located on site. Ms. Kunsman deferred the question to the Fire Marshal.

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Commissioner Tabladillo asked if the City can provide emergency care to a large group of attendees in case of an accidental release. Ms. Kunsman deferred the question to the Fire Marshal.

Alternate Commissioner Ali asked if Linear Technology, Magic Technologies and Nanogram ever had an accidental release.

Vice Chair Galang suggested that all church members sign a waiver stating they understand the risk that an accidental release could occur. City Attorney Mike Ogaz said that he would not recommend it because it would not cover visitors and members.

Commissioner Tabladillo asked if staff suggested an alternative area where the church could locate. Mr. Lindsay said that staff suggested the Los Coches and Cadillac/Fairview area.

Chair Williams asked if there was any dialogue relative to the number of members that would be attending on an average ratio and the frequency of special events. Ms. Kunsman deferred the question to the applicant.

Chair Williams asked about parking. Ms. Kunsman referred the Commission to page 3 and 4 of the staff report which summarizes the parking analysis.

Vice Chair Mandal asked if there are other areas where staff is suggesting that churches locate to. Ms. Kunsman said that churches are permitted in residential and commercial areas.

Commissioner Ali-Santosa asked what would be the hours of the childcare center. Ms. Kunsman said it will only be during hours of worship and service.

Chair Williams introduced the City's Fire Marshall Patti Joki.

Chair Williams asked where is the nearest fire station to this site and Ms. Joki said Fire station No. 2.

Chair Williams asked what is the protocol of an accidental release. Ms. Joki said that if there was a release at a site, there is a requirement that the business have safety alarms 24 hours a day that would notify the Fire Dept. Depending on what the release was, the Milpitas Fire Department could utilize the Santa Clara County Fire Department Hazardous Materials unit to assist.

Chair Williams asked if there had been any incidents where vehicles have been in the way of the Fire Department's response and Ms. Joki said no.

Vice Chair Mandal asked if the Fire Department has a checklist for community services facilities to locate into industrial areas. Ms. Joki said the checklist for hazardous materials is in the Fire Code.

Commissioner Ciardella asked what would happen if a human came into contact with hazardous chemicals. Ms. Joki said that anhydrous ammonia is an irritant that will make it difficult to breathe, chlorine is toxic by inhalation and is a strong irritant to tissue, hydrogen bromide is toxic by inhalation and a strong irritant to the eyes and skin and boron trichloride is a strong corrosive to skin and its fumes are corrosive and toxic.

Commissioner Ciardella asked how people would be notified of an accidental release. Ms. Joki said that depending on the situation, the Fire Department or Police Department would be involved.

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Commissioner Ali-Santosa asked if it is a bigger risk factor to the church that the companies operate 24 hours a day, seven days a week. Ms. Joki said that it is a continuous operation and does not stop at certain hours of the day.

Commissioner Galang asked where does Magic Technologies contain there hazardous materials and Ms. Joki said the materials are contained both inside and outside the building.

Commissioner Galang asked if employees have to wear a face mask and Ms. Joki said that employees have to wear a bunny suit when operating near toxic gases.

Chair Williams introduce the applicant.

Pastor Abraham Chiu, Susan How, Kyle Chin, Karen Lau and Isaac Hughes of Crosspoint Chinese Church of Silicon Valley, 680 E. Calaveras Blvd., and Dr. Douglas Duarte with Environ International Corporation, presented a PowerPoint presentation for a conditional use permit to locate a church facility within a 38,837 square foot industrial building zoned Heavy Industrial (M2).

RECESS

The Planning Commission took a recess at 9:18 p.m.

The meeting resumed at 9:28 p.m.

Chair Williams asked the applicant how many events they plan on having. Pastor Chiu said that the maximum capacity for the church facility is 540 members and there is enough parking to accommodate. They do not plan on having many special events but when they do, they will regulate the number of people that attend.

Chair Williams said he is concerned about visitors parking in adjacent buildings. Pastor Chiu said the events will be conducted when the other businesses are closed and somebody will be directing traffic.

Commissioner Ali-Santosa asked the applicant to submit their petition to the recording secretary. Pastor Chiu said he was not going to submit the petition at this time; however, he wanted to let the Commission know that the church had tremendous support for this project.

Chair Williams said that should the project be approved, the applicant will have to submit an environment impact report and risk assessment.

Commissioner Ail-Santosa added that should the project be approved, staff will have to condition the project. Chair Williams said that staff already anticipated that and prepared special conditions of approval just in case.

Vice Chair Mandal asked the applicant if they considered other sites if the project was denied. Pastor Chiu said they tried searching for other sites but this is the only site they could afford and that is big enough to serve their members and they want to stay in Milpitas.

Commissioner Ciardella encouraged the applicant that when they do have special events that their members carpool.

Commissioner Tabladillo asked how large is the congregation and Pastor Chiu said they have approximately 360 members and 100 children.

Commissioner Tabladillo asked what their potential for growth is. Pastor Chiu said if the project gets approved, the new building will allow them to grow.

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Chair Williams opened the public hearing.

Sam, Pastor, 2540 Fairfield Lane, San Jose, encouraged the Commission to approve the project and is very impressed with the church's work with the Asian Community in promoting harmony.

Dr. Herman Suriotomo, Owner of City Square Shopping Center in Milpitas on N. Milpitas Blvd., is in support of the church and said their business has been greatly benefited from congregation members.

Francis, 304 Turquoise Street, Milpitas, is in support of the project and said their business will do no harm to neighbors.

Frances Wong, church member, said she is grateful to the church for their support and location and encourage the Commission to support the project.

Roseanna Chow, 823 Visory Way, Ministry Coordinator, said the church is very kind and everyone is welcomed. She is in support of the project.

Kenneth Jung, 10273 Norwich Avenue, Cupertino, Operation Manager, urged the Commission to approve the project.

Pastor Manuel Castro recognizes the church for welcoming different ethnic backgrounds and asked the Commission to approve their project.

Mr. Ho, 565 Bryce Court, Milpitas, fully supports the church remaining in Milpitas.

Kay Yim, operator of Banana Leaf Restaurant in Milpitas, is in support of the church in Milpitas and said that church members frequent their business.

Esther, Director of the World Federation of Chinese Restaurant Ministries, Topaz Street, fully supports the church's new location and said that they have brought new members from other cities. She is in support of the project.

Ms. Leung, member of the church, said the church supported her family through a crisis and asked the Commission to approve the project.

Resident at 1720 Pinewood Court, Milpitas, said his good friend is a member of the church and urged the Commission to approve the project.

Gary Wu, Fremont Resident, said they were having problems raising their child and the church offered seminars for families. They asked the Commission to approve the project.

Helen, 222 Olive Avenue, Fremont, attends the church with her kids and said the church provides many activities for kids. She is in support of the project.

Sharon Tam, Fremont Resident, supports the church because they nurture kids. She is in support of the project.

Cindy Chan, 43904 South Morea, Fremont, said the church saved their lives by providing love and kindness to children. She urged the Commission to approve the project.

Wayne Chang, 887 Pacheco Drive, Milpitas, is in support of the church and asked the Commission to approve their use permit.

Michelle, 5069 Ridgewood Drive, Fremont, said the church provides her spiritual guidance and asked the Commission to approve the project.

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Karl Kam, Works at 155 S. Milpitas Blvd., said the church has changed the lives of many families and asked the Commission to approve the project.

Chris, 928 Cameron Circle, supports the church and asked the Commission to approve the project.

Louis Chong, 46320 Olson Avenue, Fremont, said the church fully supports families and urged the Commission to grant their use permit.

Wendy Yu, Mountain View Resident, said the church provides her family with spiritual guidance and asked the Commission to approve their project.

Grace Lee, 288 Merz Court, Milpitas, said her family attends the church and fully supports their location. She asked the Commission to approve their project.

April Chow, 302 Monroe Drive, persuaded the Commission to approve the project and said the church supports international students.

Felicia Phan, Milpitas Resident, supports the church in the community and asked the Commission to approve the project.

Christina Lee, 1370 Nelson Way, Sunnyvale, said the church has touched her in a very extraordinary way and provides her spiritual support and asked the Commission to approve the project.

Milpitas Resident, 120 Dixon Landing Road, Milpitas, said the church helped her when she had depression and asked the Commission to approve the project.

Daniel Yap, 2221 Murphy Way, San Jose, said the church is very good and benefits all church members. He asked the Commission to approve the project.

Gary Kang, 2228 Suarz Court, Santa Clara, said that he will move to Milpitas because his church is located here and asked the Commission to approve the project.

Wendy Tan, California Avenue in Sunnyvale, said the church has provided a lot of support to students asked the Commission to approve the project.

Resident, 334 Gary Court, San Jose, said he was very depressed and stressed and the church taught him how to manage emotionally and physically. He asked the Commission to approve the project.

Mountain View Resident said the church brings good things to students. He asked the Commission to approve the project.

Isaac Hughes, Milpitas Resident, said the church is very sincere and considerate and asked the Commission to approve the project.

Motion to close the public hearing.

M/S: Tabladillo/Ciardella

AYES: 7

NOES: 0

Chair Williams said based on the evidence presented, he will support the project, however, he will be recommending special conditions that the applicant will have to comply with.

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Commissioner Ali-Santosa said that just because staff recommended denial on the project they were not discriminating against the church. He said from a land use perspective, he did not foresee any problems and is in support of the project.

Vice Chair Mandal said the church would benefit the community and is in favor of the project.

Commissioner Tabladillo said that she respects the church because they support the children and the community; however, she wants the applicant to comply with the special conditions so that the church members will be safe in case of an accident.

Commissioner Ciardella and Commissioner Galang echoed the comments from their fellow Commissioners.

Chair Williams suggested that the project be conditioned to have a 6 and 12 month review and install a monitoring system.

Commissioner Tabladillo suggested a special condition of approval that the church implements an emergency evacuation plan and hazardous training.

Alternate Commissioner Ali suggested that the applicant keep the lines of communication open with their neighbors in case of an accidental chemical release.

Commissioner Tabladillo suggested that the church does not have a child care center on site.

Motion to continue Conditional Use Permit No. UP07-0001 to July 9, 2008 and direct staff to return with the necessary CEQA document and resolution to approve the project and include the special conditions expressed by the Commission.

M/S: Williams/Mandal

AYES: 7

NOES: 0

7. GENERAL PLAN AMENDMENT NO. GM2006-2, ZONE CHANGE NO. ZC2007-8, "S" ZONE NO. SZ2007-10, PLANNED UNIT DEVELOPMENT NO. PD2007-1, VESTING MAJOR TENTATIVE MAP NO. MA2007-4, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-6

Cindy Hom, Project Planner, presented a request to change the land use designation of 9.65 acres from industrial to residential and develop an 80 lot subdivision at Sinclair Frontage Road, north of Wrigley Way. Ms. Hom recommended that the Commission close the Public Hearing and adopt Resolution No. 08-020 and recommend approval to the City Council subject to the Conditions of Approval.

Mr. Lindsay noted that the applicant requested that this item be continued to the June 25, 2008 meeting and there will be no staff presentation. He asked the Commission to open the public hearing and continue to June 25, 2008.

Chair Williams opened the public hearing.

There were no speakers from the audience.

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Motion to continue General Plan Amendment No. GM2006-2, Zone Change No. ZC2007-8, "S" Zone No. SZ2007-10, Planned Unit Development No. PD2007-1, Vesting Major Tentative Map No. MA2007-4, and Environmental Impact Assessment No. EA2007-6.

M/S: Ali-Santosa/Tabladillo

AYES: 7

NOES: 0

**8. PARKING TASK
FORCE TASK 3
TECHNICAL
MEMORANDUM**

Joe Oliva, Principal Transportation Planner, presented a summary of staff's public outreach efforts to interested stakeholders in the community regarding the state of parking in various land use districts throughout the City, including residential, industrial, commercial and quasi-public areas. Mr. Oliva recommended that the Commission close the Public Hearing and Note Receipt and File.

Due to the lateness of the meeting, staff recommends that the Commission open the public hearing and continue this item to June 25, 2008.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to continue the Parking Task Force Task 3 Technical Memorandum to the June 25, 2008 meeting.

M/S: Ali-Santosa/Mandal

AYES: 7

NOES: 0

**XII.
ADJOURNMENT**

The meeting was adjourned at 11:31 p.m. to the next regular meeting of June 25, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary

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