AGENDA ITEM: 2

MILPITAS PLANNING COMMISSION
AGENDA REPORT

PUBLIC HEARING Meeting Date: January 28, 2009

APPLICATION:	**CONDITIONAL USE PERMIT NO. UP08-0042 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0006**
APPLICATION SUMMARY:	A request to operate a certified Farmers' Market within the Great Mall parking lot on Sundays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving.
LOCATION:	1100 S Main Street (APN: 86-24-060)
APPLICANT:	Chang B. Yang, 2343 South Hughes Avenue, Fresno, California 93706
OWNER:	Richard Gallagher, 477 Great Mall Drive, Milpitas, CA 95035
RECOMMENDATION:	**Staff recommends that the Planning Commission:** **1. Close the public hearing; and** **2. Approve the project subject to the attached Resolution and conditions of approval.**
PROJECT DATA:	
General Plan/ Zoning Designation:	General Commercial / General Commercial (C2)
Overlay District:	Site and Architectural Overlay District (-S)
Related Permits:	
CEQA Determination:	A negative declaration was prepared and circulated in accordance with the California Environmental Quality Act.
PLANNER:	Tiffany Brown
	PJ: 2559
ATTACHMENTS:	A. Resolution No. 09-009 B. Environmental Impact Assessment No. EA08-0006 C. Public Comment Letters

LOCATION MAP

No scale

BACKGROUND

In 1994 the City Council approved an application to bring a "Great Mall" to the City of Milpitas. The purpose and intent was to reuse the former Ford manufacturing plant site and create a state of the art shopping center that not only appeals to shoppers of the Bay area, but provides a large area for all types of temporary events for the community and visitors of Milpitas.

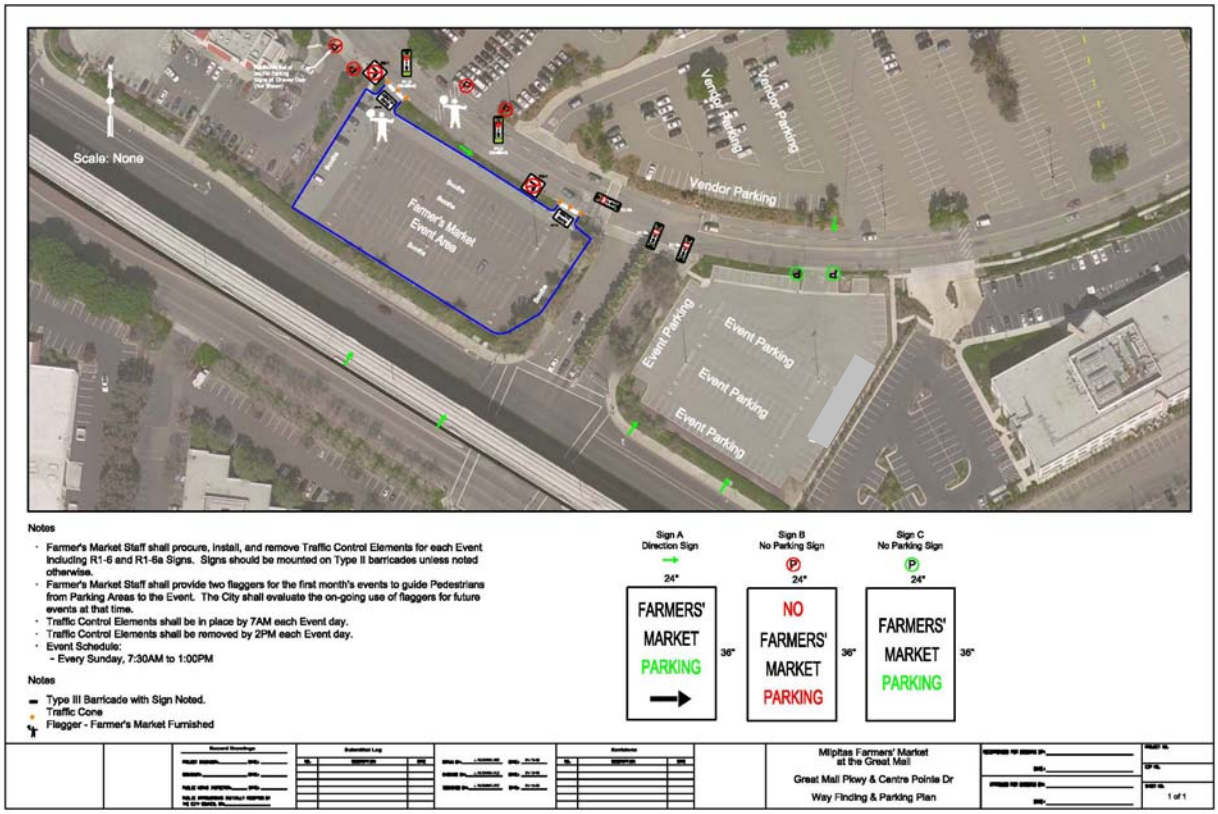
On October 13, 2008, Chang B. Yang submitted an application requesting to operate a farmers market at the great mall. The area proposed is within the vicinity of the new Transit Area Specific Plan and existing residential. This application requires a conditional use permit per section 19.03-16.1 of the Milpitas Municipal Code with the approval of the Planning Commission.

PROJECT DESCRIPTION

The project site is a flat asphalt parking lot that primarily serves the Great Mall. The section of parking is located on the southwest portion of the parking lot in-between McDonalds/Chevron and Mustang Drive. The parking lot is considered a periphery lot, since anyone parking there would have to cross Great Mall Drive and traverse through an additional field of parking to enter the mall. There are five (5) driveway entrances that provide access to the site; south entrance – Falcon Drive, west entrances – Mustang Drive, Fairlane Drive, Escort Drive, and north entrance – Spirit Walk. A vicinity map of the subject site location is included on the previous page. The property is zoned General Commercial and is surrounded by Very High Density Mixed Use within the Transit Area Specific Plan and High Density Residential.

The project request is to operate a certified Farmers' Market within the parking area closest to McDonalds/Chevron. The proposed hours of operation will be on Sundays from 8:00a.m. until 1:00p.m. during the months of April through the first Sunday prior to Thanksgiving in November. The market will provide approximately 104 vender stalls. The vender stalls are equivalent to parking stalls in size. Prior to the Market opening, each Vender will park within their parking stall and set up their booth behind their vehicle. During hours of operation, the market area will be for pedestrians only. The only time cars will be moving within the market area will be during set up time at 6:00a.m. and after the market is closed and cleaned up around 2:00p.m. The applicant will provide trash bins throughout the market area during hours of operation. An agreement has been set up with McDonalds/Chevron to utilize their trash and recycling facilities after the market is over. There is an agreement with the Great Mall to use the parking area and also to utilize their Security if necessary. The applicant has submitted a traffic control plan with regard to parking and pedestrian pathways, see *Parking* section below.

Pedestrian Safety/Parking



Safety

The site layout demonstrates staff's direction to the applicant regarding a safe and efficient transportation flow for both pedestrians and vehicles. As stated earlier, the Farmers Market Event Area will be for pedestrians only during the market hours. The only time vehicles will be driving within the area is to allow venders to set up before the market begins and after the market ends to break down any tents and move merchandise. The vehicle entrances to the market area will be properly blocked off with Type II barricades and orange cones with a sign indicating "Road Closed." Along with the entrances being blocked off, two signs will be placed along Great Mall Drive indicating "No Left Turn." A sign will be placed at the corner of the McDonalds/Chevron parking area stating "No Farmers Market No Parking." Signs will indicate where Farmers Market Parking is allowed. To ensure that pedestrians will cross Great Mall Drive safely, the Farmers Market Staff will have two flaggers on duty to help direct and calm traffic. For the Mustang Drive and Great Mall Drive intersection, there are currently stop signs and the Market will provide more signage that says "Stop for Pedestrians". This will ensure the safety of pedestrians and help create a pedestrian friendly environment for the Farmers Market participants.

Parking

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year and is located on an existing parking lot that serves the Great Mall. The various parking lots

around mall have over 5,000 spaces to support the site. It is expected that the market would operate during an off-peak period for the mall. In addition, the market will be on hiatus during the peak holiday shopping period, thus not creating a conflict with the expected increase in patrons to the mall. It is possible that there could be an increase in patrons coming to the mall during the period that the market is operating, but the parking facilities and roadways would have sufficient capacity to accommodate the influx as they are designed for weekday AM/PM peak traffic and holiday parking demand.

The market is a temporary use that will have a traffic flow plan, as discussed under the *safety* section, showing how traffic will operate while the Great Mall parking area is temporarily occupied by the market. The traffic control plan has been reviewed and approved by staff to provide for the safe operation that will decrease any potential hazards.

The Great Mall has a surplus of parking based on the mix of uses and the requirements of the City's Zoning Ordinance. The Great Mall was approved for a parking reduction in 1999 in conjunction with the remodel of the new entertainment zone at the north end of the Mall. A condition of approval included that the parking demand under both non-holiday and holiday seasons shall not exceed 90% of the parking capacity over a six-hour period. During the holiday season, as defined the period between Thanksgiving and Christmas, the Mall parking exceeded the 90% of parking capacity threshold and was required to secure offsite parking for employees, trained personnel directing traffic, and add informational signage during those months. Knowing that the Mall did not exceed the parking threshold for non-holiday seasons and the Farmers Market's proposed schedule is from the first Sunday in April to the last Sunday prior to Thanksgiving in November, the market will not operate during the holiday season and therefore will not add to the holiday congestion and will have no conflict with parking demand and supply.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 1
General Plan Consistency

Policy	Consistency Finding
2.a-I-10: Foster community pride and growth through beautification of existing and future development.	Consistent.
2.a-I-3: Encourage Economic pursuits which will strengthen and promote development through stability and balance.	Consistent.

The farmers market will foster community pride by bringing the community together to enjoy a farmers market. The market is a temporary use that brings beauty in the form of showing the vitality of the community to the existing parking lot that on any given day would be an empty lot. The market encourages economic pursuits which serves the existing community and future development that may emerge from the new Transit Area Specific Plan.

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 then 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*(As noted on the previous page under General Plan)*; and

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

The project site is located within the General Commercial Zoning District. The Farmers Market proposal is a conditionally permitted use within the General Commercial Zoning District per Milpitas Municipal Code Chapter 10, Section 19.03-16.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). A negative declaration was prepared and circulated from December 23, 2009 to January 23, 2009, in accordance with the California Environmental Quality Act.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been two public comments. The first comment was a representative from the Indian Community Center stating that they are against the farmers market from in regards to their recently approved farmers market. The Milpitas Zoning Ordinance has no restrictions on the number of markets allowed within the City and furthermore, the Conditional Use Permit process ensures that the operation of the facility will not cause any detriment.

In addition, staff received a written comment in opposition to the project. The resident is located within the Parc Place condominiums. The resident opposes the hours of operation and the duration proposed of the market. Parc Place is approximately 3,109 feet or .59 miles away to the north from the proposed farmer's market location. The proposed market duration and hours of operation are typical for a farmers market and because of the location of the market; the traffic and noise impacts associated with the market would be minimized by the distance and the mass of the Great Mall building.
(See Attachments C)

CONCLUSION

The project proposal is consistent with the Milpitas General Plan and Zoning Ordinance. The farmers market is locating directly across from existing residential and the Transit Area Specific Plan area. Staff's position is that the market will serve the existing residents and shoppers of Milpitas and will provide a walkable opportunity for the new High Density Residential homes that are permitted in the

Transit Area Specific Plan. Staff's position is that the market, although operating on the same date and time as the recently approved farmers market for the Indian Community Center, will provide not only two convenient opportunities for residents at two different locations, but will also provide a larger variety of foods and other merchandise that may not all be displayed in one farmers market.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve UP08-0042 and EA08-0006, subject to the attached Resolution and Conditions of Approval.

Attachments:
A. Resolution No. 09-009
B. Environmental Impact Assessment No. EA08-0006
C. Public Comment Letters

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RESOLUTION NO. 09-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP08-0042 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0006, TO ALLOW THE OPERATION OF A CERTIFIED FARMERS MARKET WITHIN THE GREAT MALL PARKING LOT ON SUNDAYS FROM 8:00A.M. UNTIL 1:00P.M. SIX MONTHS OUT OF THE YEAR LOCATED AT 1100 S MAIN STREET.

WHEREAS, on October 13, 2008, an application was submitted by Chang B. Yang, 2343 South Hughes Ave, Fresno, CA, A request to operate a certified Farmers' Market within the Great Mall parking lot on Sundays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving. The property is located within the General Commercial zoning district (APN: 86-24-060); and

WHEREAS, the Planning Division prepared and circulated a Negative Declaration for the Conditional Use Permit request to establish a farmers' market at the Great Mall in accordance with Article 6 of the California Environmental Quality Act Guidelines. The environmental assessment determined there would be no significant impacts related to this project. The document was circulated between December 23, 2008 through January 23, 2009; and

WHEREAS, on January 28, 2009, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

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

Section 2: A negative declaration was prepared and circulated in accordance with the California Environmental Quality Act. The project is will not have a significant impact on the environment.

Section 3: The project is consistent with the Milpitas General Plan Guidelines and Policies 2.a-I-10 and 2.a-I-3 in that the farmers market will foster community pride by bringing the community together to enjoy the market and the market is a temporary use that brings beauty in the form of showing vitality of the community to the existing parking lot that on any given day would be an empty parking lot. The market encourages economic pursuits which serves the existing community and future development.

Section 4: The project is consistent with the Milpitas Zoning Ordinance in that the farmers market is a conditionally permitted use pursuant to section 57.03-5. The proposed

project is will not be detrimental or injurious to property or improvements in the vicinity nor the public health, safety, and general welfare.

Section 5: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP08-0042 and EA08-0006 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 January 28, 2009.

_____
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 January 28, 2009, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Cliff Williams				
Aslam Ali				
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				

EXHIBIT 1

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP08-0042 AND EA08-0006

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 January 28, 2009, in accordance with these Conditions of Approval.

   Any deviation from the approved site plan or other approved submittal shall require the owner or designee to 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. This Conditional Use Permit No. UP08-0042 is for the request to operate a certified Farmers' Market within the Great Mall parking lot on Sundays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving in November. (P)

3. There will be NO vehicles allowed to drive around within the market area during hours of operation. The only vehicles allowed within the market area will be the venders vehicles, during set up time at 6:00a.m. and after the market is closed and cleaned up around 2:00p.m. (P)

4. The applicant will provide trash bins throughout the market area during hours of operation to ensure the area will stay clean. An agreement has been set up with McDonalds/Chevron to utilize their trash and recycling facilities after the market is over. (P)

5. In accordance with the approved Traffic Control Plan, the Market operator shall install and remove Traffic control Elements for each event including R1-6 and T1-6a Signs. Signs should be mounted on Type II Barricades unless noted otherwise. Farmers Market Staff shall provide two flaggers for the first months of the event to guide Pedestrians from Parking Areas to the Event. The City shall evaluate the on-going use of flaggers for future events. Traffic Control Element shall be in place by 7:00a.m. each event day. Traffic control Elements shall be removed by 2 P.M. each event day. (P)

6. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved conditional use permit. (P)

7. No music, performances or special event activities (i.e., cooking show, recipe contests, face painter) will be allowed within 200 feet of any residential property line unless specifically approved by the Planning Director or designee. (P)

8. The market operator is responsible for leaving the parking lot area clean and litter-free after each event. (P)

9. All foods must be produced, prepared, packaged, stored, transported and marketed in compliance with County Environmental Health Standards. The Market operator shall maintain in good standing all necessary health permit for the operations of the Market and shall be responsible for requiring all vendors to be in possession of necessary health permits for all products sold. (P)

10. The market operator shall obtain a master business license with the City of Milpitas for participating farmers and other vendors. (P)

11. The market operator shall enter into an indemnification agreement by which it agrees to defend, indemnify and hold harmless the City, its officers, agents and employees from any and all claims, damages, cost and other expense, including attorney fees, arising out of its approval of the conditional use permit, or environmental determination rendered in connection with the permit approval, or arising from or as a result of any actions by the Market pursuant to the conditional use permit. (P)

12. Applicant is advised that, per MMC V-200-7.61, *Right of Individual to Dispose of Recyclable Waste Material*, that individual vendors, or the farmers' market organization, may keep or "back haul" non-putrescible recyclable materials. (E)

13. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to any permit issuance, the applicant shall submit evidence to the City that the following <u>minimum</u> refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:

    a. Maintain an adequate level of service for trash collection.
    b. Maintain an adequate level of recycling collection.
    c. After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264.

    (E)

14. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters.

Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

15. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private parties, including but not limited to the Chevron/McDonald for the use of their facilities (restrooms). Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

16. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)

(P): Planning
(E): Engineering

ENVIRONMENTAL IMPACT ASSESSMENT NO: EA08-0006

Planning Division 455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3279

Prepared by: Tiffany Brown 12/22/08
date

Title: Junior Planner

1. Project title: Great Mall Certified Farmers' Market

2. Lead Agency Name and Address: City of Milpitas

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

4. Project location: APN: 068-24-060, within the Great Mall Parking Lot

5. Project sponsor's name and address:
Chang B. Yang, 2343 South Hughes Avenue, Fresno, California 93706

6. General plan designation: General Commercial

7. Zoning: General Commercial (C2)

8. Description of project:
Operate a certified Farmers' Market within the Great Mall parking lot. The Market will be located on the south west portion of the Mall parking lot between McChevron and Heald College. The Market will operate on Sundays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving.

9. Surrounding land uses and setting:
The project site is zoned General Commercial. Properties zoned to the north, northeast and southwest are zoned High Density Residential. Properties to the south are zoned High Density and very High Density Mixed Use, and properties to the west are zoned Heavy Industrial.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Dept. of Agriculture, Certified Farmers'
Dept. of Health, Santa Clara County – Health Permit

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:

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☒ Transportation / Traffic
☐ Utilities / Service Systems	☐ 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: _____ _____**Tiffany Brown**_____

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					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒	2, 11, 18
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☒	2, 11, 18
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒	2, 11, 18
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	☐	☐	☐	☐	☒	2, 11, 18
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?	☐	☐	☐	☐	☒	2, 11,13, 18
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒	2,13, 18
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?	☐	☐	☐	☐	☒	2, 11,13, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	1, 2, 11
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐	☒	1, 2, 11
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)?	☐	☐	☐	☐	☒	1, 2, 11
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒	1, 2, 11, 18
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	☒	1, 2, 11, 18
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?	☐	☐	☐	☐	☒	1, 2, 11, 18
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?	☐	☐	☐	☐	☒	1, 2, 11, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	1, 2, 11,13, 17, 18
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?	☐	☐	☐	☐	☒	1, 2, 11,13, 17, 18
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒	1, 2, 11, 13
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?	☐	☐	☐	☐	☒	1, 2, 11, 18
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☐	☒	1,2,11, 19
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☐	☒	1,2,11, 19
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒	1,2,11, 19
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐	☒	1,2,11, 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					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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.	☐	☐	☐	☐	☒	2, 8, 11, 18
ii) Strong seismic ground shaking?	☐	☐	☐	☐	☒	2, 8, 11, 18
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒	2, 8, 11, 18
iv) Landslides?	☐	☐	☐	☐	☒	2, 11, 18
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒	2, 11, 18
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?	☐	☐	☐	☐	☒	2, 11, 18
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?	☐	☐	☐	☐	☒	2, 11, 18
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?	☐	☐	☐	☐	☒	2, 11, 18
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?	☐	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☐	☒	1, 2
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter	☐	☐	☐	☐	☒	1, 2

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	2, 18
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?	☐	☐	☐	☐	☒	2, 18
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?	☐	☐	☐	☐	☒	2, 18
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒	2, 18,
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?	☐	☐	☐	☐	☒	2, 18
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒	2, 26
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?	☐	☐	☐	☐	☒	2, 26
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?	☐	☐	☐	☐	☒	2, 17, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
d) 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?	☐	☐	☐	☐	☒	1, 2, 17, 18
e) Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒	1, 2
f) 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?	☐	☐	☐	☐	☒	2
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐	☒	2
h) 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?	☐	☐	☐	☐	☒	2, 18
i) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒	11, 18
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	☐	☐	☐	☐	☒	2, 18
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?	☐	☐	☐	☐	☒	2, 11, 13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒	1, 17, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	1, 2, 18
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?	☐	☐	☐	☐	☒	1, 2, 18
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?	☐	☐	☐	☐	☒	2, 11, 18
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒	2, 11, 18
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	2, 11, 18
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	2, 11, 18
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?	☐	☐	☐	☐	☒	2, 11, 18
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒	2, 11, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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)?	☐	☐	☐	☐	☒	2, 18
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒	2, 18
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒	1, 18
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:						1, 2, 11, 13, 17, 18
Fire protection?	☐	☐	☐	☐	☒	
Police protection?	☐	☐	☐	☐	☒	
Schools?	☐	☐	☐	☐	☒	
Parks?	☐	☐	☐	☐	☒	
Other public facilities?	☐	☐	☐	☐	☒	
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?	☐	☐	☐	☐	☒	2, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	1, 2, 18
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)?	☐	☐	☐	☐	☒	1, 2, 18, 26
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒	1, 2, 18
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?	☐	☐	☐	☐	☒	2, 18
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒	2, 18
e) Result in inadequate emergency access?	☐	☐	☐	☐	☒	2
f) Result in inadequate parking capacity?	☐	☐	☐	☐	☒	2, 18, 26
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☐	☒	2, 11, 13, 17, 18, 26

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒	1, 2, 26
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?	☐	☐	☐	☐	☒	2, 18
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?	☐	☐	☐	☐	☒	2, 18
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐	☒	2, 18
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?	☐	☐	☐	☐	☒	2, 18
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	☒	2, 18
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒	2, 26

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	1, 2, 11, 13, 17, 18, 26
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐	☒	1, 2, 11, 13, 17, 18, 26
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☒	1, 2, 11, 13, 17, 18, 26

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

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

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

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

EXISTING SETTING:

The project site is a flat asphalt parking lot on the valley floor that primarily serves the Great Mall. Access is provided with five (5) driveway entrances; south entrance – Falcon Drive, west entrances – Mustang Drive, Fairlane Drive, Escort Drive, and north entrance – Spirit Walk. The parking lot includes a four story parking structure located on the east side of the property.

PROJECT DESCRIPTION:

Operate a certified Farmers' Market within the Great Mall parking lot. The Market will be located in a separated parking lot on the southwest portion of the mall parking lot between McDonalds/Chevron and Heald College. The market will operate on Sundays from 8:00a.m. until 1:00p.m. during the months of April through the first Sunday prior to Thanksgiving in November. The market will provide approximately 104 vender stalls. The market will start to set up at 6:00a.m. and will be completely cleaned up by 2:00p.m.

Attachment to: Great Mall Certified Farmers' Market, Conditional Use Permit and Environmental Impact Assessment.

Project Number: 2559

Permit Numbers: UP08-0042, EA08-0006

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 - c) Would the project have a substantial adverse effect on a scenic vista, scenic resources such as trees or historic buildings etc. or the visual character of the site and its surroundings? NI.

The existing site is a paved parking lot designed to serve the mall. The mall currently has around 6,616 parking spaces and the market will take up 104 parking spaces. Occasionally, with the approval from the City, the Mall holds temporary special events, such as tent sales and other expositions. The mall and parking is not located within the General Plan's designated Scenic Vistas. Because the project site is an existing parking lot, the Farmers Market will not have a substantially adverse effect on scenic resources nor the visual character of the site and its surroundings.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? NI.

The Market hours of operation will be on Sundays from 8:00a.m. to 1:00p.m. and will not require additional lighting than what is already provided within the mall parking lot. The mall parking lot lighting will not alter the existing lighting schedule. Therefore the project will not create a new source of substantial light or glare which would adversely affect day or nighttime views within the area.

II. AGRICULTURE RESOURCES

Environmental Impacts

a - c) Would the project conflict with the existing environment resulting in a conversion of farmland to a non-agricultural use? NI

The General Plan and Zoning Ordinance designate the project site as General Commercial. The project site is located next to High Density Mixed Use, and High Density Residential. Because the project site and its surroundings are not designated farmland, the project will not result in a conversion of farmland.

III. AIR QUALITY

Environmental Impacts

a, b) Would the project conflict with or violate standards of the applicable air quality plan? NI

The proposed project is a temporary use located on an exiting site and will not be using any materials or equipment that will violate standards of the applicable air quality plan. The project is operating during an off-peak commuting period and it is anticipated that the market operations would not contribute to excessive levels of pollutants.

c - e) Would the project expose sensitive receptors to a pollutant, create a net increase of any criteria pollutant, or create objectionable odors. NI

The location of the project site and the Market will not expose sensitive receptors to pollutants. The market is located within a parking lot that serves the Great Mall and should not create objectionable odors to the neighboring properties. The closest residence and residentially zoned property is approximately 6,000 feet away.

IV. BIOLOGICAL RESOURCES

Environmental Impacts

a – c) Would the project have a substantial adverse effect on any protected species, riparian habitats, or wetlands as defined by Section 404 of the Clean Water Act? NI

The project site is an existing parking lot that serves the Great Mall. The project is a temporary use located within the existing parking lot area and will not affect any protected species, riparian habitats, or wetlands.

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

The project site is an existing parking lot that serves the Great Mall. The project is a temporary use located within the existing parking lot area and does not require the removal of trees and therefore is not conflicting with any local policies or ordinances protecting biological resources such as tree preservation etc.

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

The project site is an existing parking lot that serves the Great Mall. The proposed project is a temporary use located within the existing parking lot area that will not disrupted the existing site and therefore will not conflict with the provisions of an adopted Habitat Conservation Plan.

V. CULTURAL RESOURCES

Environmental Impacts

a-d) Would the project cause a substantial adverse change in the significance of historical, archaeological or paleontological resources or disturb human remains? NI

The project site is an existing parking lot that serves the Great Mall and the project intents to place temporary tents and structures on the parking lot surface. As proposed, the project will not cause any change to historical, archaeological or paleontological resources. The project does not include grading of any kind and will not disturb human remains.

VI. GEOLOGY AND SOILS

Environmental Impacts

a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving earthquake faults, strong seismic ground shaking, seismic-related ground failure or landslides? NI

The project site is an existing parking lot that serves the Great Mall located on the valley floor. The Alquist-Priolo Earthquake Fault Zoning Act main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active fault. The project is a temporary use that includes tents and temporary barricades that does not include the construction of buildings. The project will not expose people or structures to potential effects that may result in the loss, injury or death of persons involving earthquake faults, strong seismic ground shaking, seismic related ground failure or landslides.

b) Would the project result in substantial soil erosion or the loss of topsoil? NI

The project proposal is a temporary use that would located on an existing parking lot and will not include construction and therefore will not result in a substantial soil erosion or loss of topsoil.

c, d) Would the project be located on a geologic unit or soil that is unstable, or considered expansive soil, creating risks to life or property? NI

According to the General Plan Geotechnical Hazards Figure 5-1, the project proposal is not located on expansive, compressible, or unstable soils. Therefore the project will not create risks of life or property and will have no impact.

e) 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? NI

The project proposal is a temporary use that will not require septic tanks or alternative waste water disposal and therefore will have no impact.

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

a-d) Would the project create a significant hazard to the public or the environment through the use of hazardous materials, ? NI

The project proposal is a farmers market which is a temporary use that will not use, transport, or dispose hazardous materials and therefore will have no impact.

e) For a project located within an airport land use plan, or within two miles of a public airport would the project result in a safety hazard for people residing or working in the project site? NI

The project site is not located within an airport land use plan or within two miles of a public airport and therefore the project has no impact.

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

The project site is not located within the vicinity of a private airstrip and therefore will have no impact.

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

The project site is an existing parking lot that serves the Great Mall located on the valley floor. The project proposal is a farmers market and the closest buildings that are located near the market are anywhere from 500 feet to 1,000 feet away. The site is approximately 1,000 feet from the Great Mall, approximately 500 feet away from the McDonalds/Chevron to the northwest and 500 feet from the Heald Collage to the southeast. The farmers market is a temporary use that will not impair implementation of or interfere with an adopted emergency response plan or evacuation plan and therefore has no impact.

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

The project site is not located near any open space or wildlands that would be subject to wildfires.

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

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

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The market has an agreement with McDonalds/Chevron to temporarily share their trash disposal area where all waste will properly be disposed.

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

The project is a temporary use that will not impact ground water supplies in any way and therefore has no impact.

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

The project does not propose to alter any drainage patterns since the market will locate temporary tents over an existing parking lot.

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

The project site is an existing parking lot that serves the Great Mall located on the valley floor. The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project proposal is a temporary use that will not create or contribute to runoff water which would exceed the existing stormwater drainage systems. The market will properly clean up the site after sales are complete, returning the site to its original condition. Because the market will completely clean up the site after hours of operation, the market will not create additional sources of polluted runoff.

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

The project site is an existing parking lot that serves the Great Mall located on the valley floor. The project proposal is a certified farmers market operating once a week on Sundays 6 months out of the year. The project is a temporary use that is not anticipated to degrade the water quality and therefore will have no impact.

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? NI

The project proposal does not include the construction of housing and therefore has no impact.

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

The project site is an existing parking lot that serves the Great Mall located on the Valley floor within the 500 year flood zone and therefore there is no impact.

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

The project proposal is a certified farmers market operating once a week on Sundays 6 months out of the year. The project site is an existing parking lot that serves the Great Mall located on the Valley floor within the 500 year flood zone. Because the site is located within the 500 year

flood zone, the site is not considered locating people or structures within a significant risk of loss, injury or death involving flooding.

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

The project site is an existing parking lot that serves the Great Mall located on the Valley floor. The proposed site is more then 40,000 feet away from the hillside and over 100,000 feet from the Bay. Due to the project location; the farmers market will not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow and therefore has no impact.

IX. LAND USE AND PLANNING

Environmental Impacts

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

The project proposal is a certified farmers market operating once a week on Sundays 6 months out of the year on an existing parking lot that serves the Great Mall. The farmers market is a temporary use located between the Great Mall, Heald college and the McDonalds/Chevron. The project will not physically divide an established community and therefore will have no impact.

b, c) Would the project conflict with any applicable land use plan or habitat conservation plan? NI

The farmers market is a temporary use that will not conflict with any applicable land use plan or habitat conservation plan and therefore has no impact.

X. MINERAL RESOURCES

Environmental Impacts

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

According to the City's General Plan there are no mineral resources in the vicinity. Furthermore, the temporary use would not affect the subsurface area and therefore it is anticipated that there would be no impact to mineral resources.

XI. NOISE

Environmental Impacts

a-d) Would the project result in exposure of persons to or generate noise levels, ground borne vibration noise levels, or ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Or would the

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

The closest residentially zoned property is XX. The farmers market is a temporary use that will not create a noise level exceeding the Day Night Noise Level (DNL) for commercial uses as depicted in the general plan and therefore it is anticipated that there would be no impact.

e, f) For a project located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, would the project expose people residing or working in the project site to excessive noise levels? NI.

This project site is not within an airport land use plan or within two miles of a public airport or public use airport and therefore there is no impact.

XII. POPULATION AND HOUSING

Environmental Impacts

a-c) Would the project induce substantial population growth in an area and/or displace existing housing or people necessitating the construction of replacement housing elsewhere? NI

The subject site is a parking lot for a commercial facility. The farmers market is a temporary use that does not require construction, the proposal does not include new homes or require demolition of existing homes and therefore there is no impact on population growth or displacement of people and homes.

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.

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

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

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

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:

Fire Protection? NI

Police Protection? NI

Schools? NI

Parks? NI

Other Public Facilities? NI

It is not anticipated that the temporary use would require additional public services. The proposal includes a traffic control plan, an agreement with McDonalds/Chevron to utilize their trash and recycling bin, and a agreement with the Great Mall to utilize there security and bathrooms. Therefore, it is anticipated that the project would have no impact.

XIV. RECREATION

Environmental Impacts

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? NI

The project is a temporary commercial enterprise that does not require recreational facilities or the construction/expansion of recreational facilities, and therefore there has no impact.

XV. TRANSPORTATION/TRAFFIC

Major roadways serving the site include: *Montague Expressway, Great Mall Parkway, S Main Street, Fairlane Drive, Mustang Drive, Falcon Drive and Great Mall Drive.*

Environmental Impacts

Would the project:

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

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year and is located on an existing parking lot that serves the Great Mall. It is expected that the market would operate during an off-peak period for the mall. In addition, the market will be on hiatus during the peak holiday shopping period, thus not creating a conflict with the expected increase in patrons to the mall. It is possible that there could be an increase in patrons coming to the mall during the period that the market is operating, but the parking facilities and roadways would have sufficient capacity to accommodate the influx as they are designed for weekday AM/PM peak traffic and holiday parking demand.

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

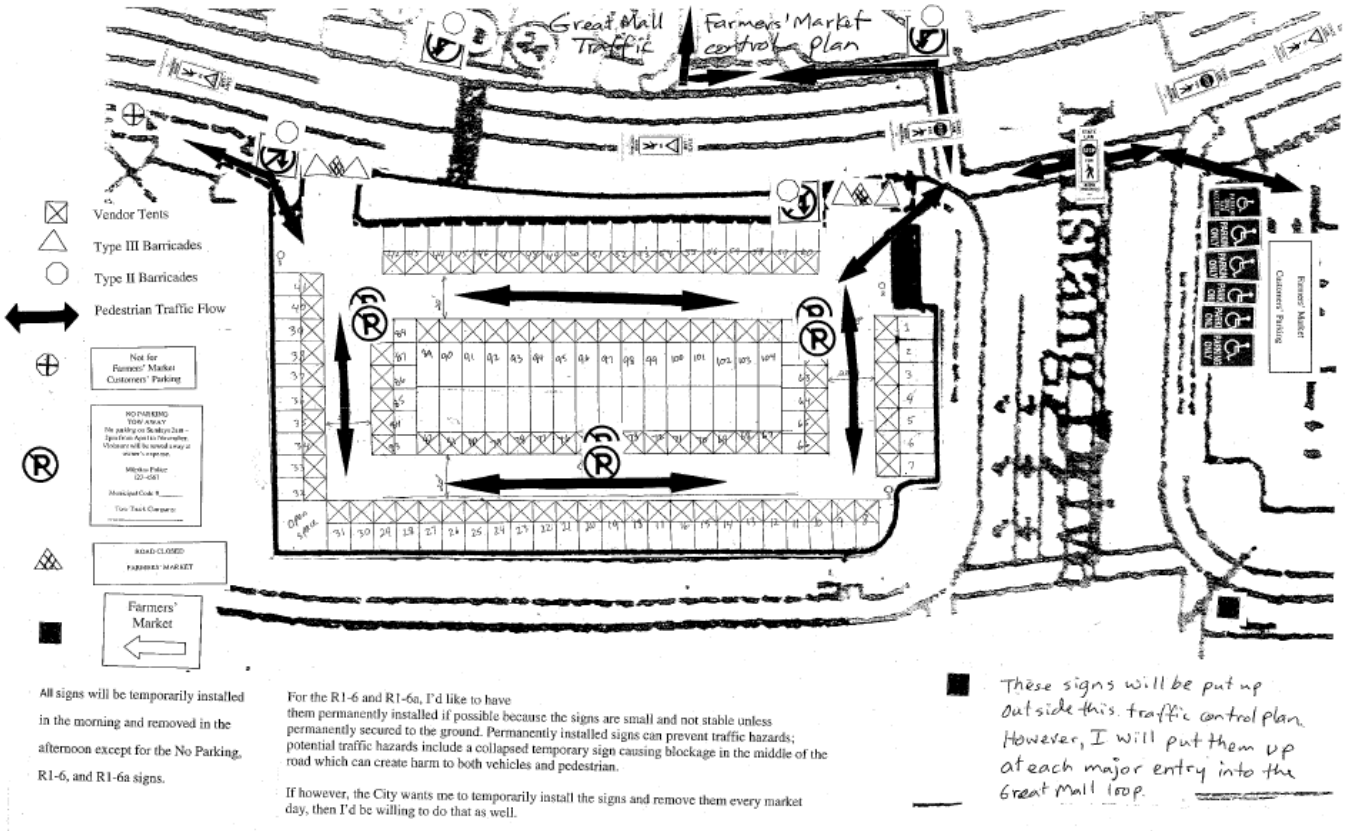
See the response above.

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

The market is a temporary use and is not located within an airport and therefore has no impact.

d, e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or result in inadequate emergency access? NI

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project site is an existing parking lot that serves the Great Mall. The market is a temporary use and has provided a traffic flow plan showing how traffic will operate while the market parking area is temporarily occupied by the market. The traffic control plan has been reviewed and approved by staff to be a safe design that will not substantially increase hazards.



f) Result in inadequate parking capacity? NI

The Great Mall has a surplus of parking allotted to them. The Great Mall was approved for a parking reduction in 1999 in relation to the remodel of the new entertainment zone at the north end of the Mall. A special condition of approval for this permit included that the parking demand under both non-holiday and holiday seasons shall not exceed 90% of the parking capacity over a six hour period. During the holidays season, as defined the period between Thanksgiving and Christmas, the Mall parking exceeded the 90% of parking capacity threshold and was required to secure offsite parking for employees, trained personnel directing traffic, and add informational signage during those months. Knowing that the Mall did not exceed the parking threshold for non-holiday seasons and the Farmers Market's proposed schedule is from the first Sunday in April to the last Sunday prior to Thanksgiving in November, the market

will not operate during the holiday season and therefore will not add to the holiday congestion and will have no impact.

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

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project site is an existing parking lot that serves the Great Mall. The market is a temporary use that will not conflict with adopted policies, plans or programs supporting alternative transportation and therefore has no impact.

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

Would the project:

a-g) Exceed wastewater treatment requirements, require construction of new treatment facilities, or not comply with the state and local statutes and regulations related to solid waste? NI

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project site is an existing parking lot that serves the Great Mall. The proposal includes an agreement with McDonalds/Chevron to utilize their trash and recycling bin, and an agreement with the Great Mall to utilize their security and bathrooms. The project proposal will not exceed or require new wastewater treatment facilities and will comply with the state and local solid waste regulations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project site is an existing parking lot that serves the Great Mall and requires no construction or removal of landscaping. The market is a temporary use that will not result in substantial adverse physical impacts associated with degrading the quality of the environment, wildlife habitats, or threaten elimination of plants or animal communities.

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

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project's use of an existing parking lot for a regional mall, coupled with a waste, security and traffic plan to be implemented by the market will not cause a cumulative impact by the project because the market is using existing infrastructure already in place and in use by the mall.

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

The project proposal is a certified farmers market operating once a week on Sundays, 6 months out of the year. The project site is an existing parking lot that serves the Great Mall. The market is a temporary use, and when its comprehensive waste, security and traffic plans is implemented, it is not expected that there will be any substantial adverse effect on human beings, either directly or indirectly.

1/22/09
Thomas Rainwater
94 Parc Place
Milpitas, CA 95035

City of Milpitas
Milpitas Planning Commission

Ref: Conditional Use Permit # UP08-0042 Great Malls request for Farmers Market

I want to voice my objection to the Great Malls plan to have a Farmers Market, every Sunday from April to Thanksgiving.

The following objections are raised:

- The time period is excessive, it is in excess of eight months, a significant change to our tranquil condo living experience.

- The requested frequency is excessive, most cities allow these types of events only once or twice per month, this requested frequency of weekly is absurd and severely damages our tranquil condo living experience.

- The hours of the events are excessive 8 to 1 in the afternoon is voluminous. Most cities I am aware of have these for two to three hours maximum, SF is only for three hours.

- Traffic management for these events require additional personnel for better traffic flow. I would add the city should shut down Curtis street entrance to the mall and reserve its use to Condo residents only, when these events are being held.

Significant revision to the current Great Mall farmers Market requests must be addressed before further consideration and action. As it stands, it should be rejected out of hand.

Additionally I will raise the issue of the FAILURE of the CITY to inform residences of the Great Mall's Midnight Opening after Thanksgiving for this years Holiday Season. Volumes of cars crept along forming two lines into the Mall on Curtis starting at 11Pm and disturbing our sleep and peace well past one-thirty in the morning; this was done without the filling of an impact statement and without the cities notification to the effective residences. **Midnight shopping should not be allowed to occur again.**

Regards,

Tiffany Brown

From: Anil Godhwani [godhwani@yahoo.com]
Sent: Thursday, January 22, 2009 5:41 PM
To: Tiffany Brown
Subject: Concern from ICC about the day & timing of proposal for new Farmers Market in Milpitas

Hi Tiffany,

I am writing to you in reference to the "Notice of Public Hearing" for the operation of a Farmers Market at the Great Mall on Sunday mornings. As you know, India Community Center just got approval from City Council to operate a Farmers Market at ICC in Milpitas on Sunday mornings starting mid March timeframe. We at the India Community Center are big believers in community and the positive benefits of the Farmers Markets as they improve the health of the community and bring people together.

That being said, we have a serious concern in two Farmers Markets in Milpitas operating at on the same day, at the same time and within 2.4 miles of each other. Both will end up cannibalizing each other which could potentially result in both markets shutting down over time and Milpitas may once again be left without a farmers market. Given that the Planning Commission and the City Council has already approved the ICC Farmers market for Sunday Mornings, we want to propose that this request for another farmers market (Conditional Use Permit No. UP08-0042) be granted for a different day than Sunday. Ideally this should be in the middle of the week – something like Wed or Thu as that can really benefit Milpitas residents.

Thanks for considering this request. I will be at the Planning Commission meeting to share this in person with the commissioners as well as answer any questions on the 28th.

Take care,

Anil Godhwani
Founder, India Community Center