



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: February 11, 2009

APPLICATION: **CONDITIONAL USE PERMIT NO. UP08-0036 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0010**

APPLICATION SUMMARY:

A request to locate a new 2,900 square foot Religious Cultural Center within an existing R&D building in the Venture Commerce Center within the Dixon Landing Business Park.

LOCATION: 1160 Cadillac Court (APN: 22-38-025)
APPLICANT: Arun Shah, 39795 Paseo Padre Parkway, Fremont, CA 94538
OWNER: SVCC Inc. 1160 Cadillac Court, 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 No. 09-003 and conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation: Industrial Park / Industrial Park (M)

Overlay District: Site and Architectural (-S)

CEQA Determination: A Mitigated Negative Declaration (Environmental Impact Assessment No. EA08-0010) was prepared per the CEQA Guidelines Section 15070.

PLANNER: Tiffany Brown

PJ: 2552

ATTACHMENTS:

- A. Resolution No. 09-003
- B. Site Plans
- C. Mitigated Negative Declaration (EA08-0010)
- D. Public Inquiries

LOCATION MAP



Venture Commerce Center

PHASE I
PHASE II

Proposed Project Location

No scale

BACKGROUND

On March 22, 2006 the Planning Commission approved an “S” Zone Approval (SZ2005-9), a Major Tentative Map (MA2005-9), and Environmental Assessment (EA2005-11) for the Venture Commerce Center business park. The Venture Commerce Center is located within the Dixon Landing Business Park bordered by Interstate 880 to the west, Dixon Landing to the north, Penitencia Creek Trail to the east and medium density residential to the south.

On August 25, 2008, Arun Shah of Siddhi Vinayaka Cultural Center (SVCC Temple) applied for a conditional use permit an Initial Study to allow for a new quasi-public use within and research and development (R&D) building in the Venture Commerce Center business Park.

The Milpitas General Plan designates this site as Industrial Park. The project site is located on an 11 acre parcel located within the Industrial Park (MP) Zoning District near Fairview Way and Cadillac Court. Venture Commerce was approved in two phases. The project site is within the Phase I plan for the Venture Commerce Center. The constructed Phase I plan consists of eight R&D buildings and a parking lot. The Phase II portion of the project is not yet constructed but will consist of four R&D buildings and more parking. Surrounding uses include office, R&D offices, and a quasi-public use such as Sikh Foundation. The project site has two driveway entrances, one along Fairview Way and the second along Cadillac Court. A vicinity map of the subject site location is included on the previous page.

PROJECT DESCRIPTION

The applicant request is for a conditional use permit and parking agreement to allow for a new Cultural Center within a 2,900 square foot research and development (R&D) building located at 1600 Cadillac Court. The site is located within a business park setting. The project proposal is limited to interior tenant improvements with no exterior changes to the building being proposed. Interior improvements include two bathrooms, a lobby, an office, a storage room for shoe cabinets, a prayer hall and storage/utility rooms.

The Cultural Center does not have set hours for congregated prayers; people come and go throughout the day as they please. The main hall will be designated for prayer where most people will be seated on the floor. There will be no fixed seating within the main hall. Some portable chairs will be available for those who cannot kneel on the floor.

Parking

Venture Commerce Center was approved in two phases. The proposed project site is located within the Phase I plan which includes eight buildings and a total of 286 parking spaces. The required amount of parking spaces per Milpitas Municipal Code Chapter 10, Section 53 is 218 parking spaces. This leaves a surplus of 68 parking spaces within the Phase I plan.

The project location at 1160 Cadillac Court R&D building is required nine (9) parking spaces per the City’s Parking Ordinance for R&D uses (Milpitas Municipal Code Chapter 10, Section 53.23-3(3)). The proposed cultural center use is considered an assembly use. The Cultural Center use in this building will require a total of 26 parking spaces per Milpitas Municipal Code Chapter 10, Section 53.23-5 and Section 53.21(c) for religious institutions and measurements standards. While the business

park has sufficient parking provided, the building is technically short the required number of parking spaces because of the CC&Rs. To ensure compliance with the zoning ordinance, the applicant needs to demonstrate that additional parking spaces can be secured for the use. Because the business park has enough surplus parking, the Cultural Center can either execute a parking agreement with the Venture Commerce Center, securing 17 of the surplus parking spaces required or, they can execute a joint use parking agreement per Milpitas Municipal Code Chapter 10, Section 53.07, with the approval of the City Attorney. In either circumstance proof of securing the parking is required to ensure compliance with the zoning ordinance.

Because Phase II is part of the Venture Commerce Center, staff checked to make sure that taking some of the surplus parking in Phase I will not affect the forthcoming Phase II project. When the Phase II R&D buildings are constructed, the required amount of parking in total for the business park will be 403 parking spaces and the site plans demonstrate construction of 430 parking spaces. This leaves a surplus of 27 parking spaces for the entire business park and therefore, the business park will have enough parking for the proposed Cultural Center before and after the second phase of the project is built. See table below:

Table 1:
Venture Commerce Parking Requirements

Phase	Required Parking	Provided Parking
Phase I	218	286
Phase II	186	144
<i>Total</i>	<i>403</i>	<i>430</i>

Parking required for SVCC = 17 more spaces
 430 parking spaces – 17 parking spaces = 413 parking spaces
 10 parking spaces in surplus

General Plan

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

Table 2
General Plan Consistency

Policy	Consistency Finding
2.d-G-1: Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.	<i>Consistent.</i>
2.2-G-2: Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.	<i>Consistent.</i>

The project is in conformance with the City of Milpitas General Plan in that the proposed use will provide an alternate type of religious assembly, which provides different civic opportunities to facilitate the needs of worshipers within and around the community.

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 Industrial Park zoning district and is a conditionally permitted use requiring Planning Commission approval per Milpitas Municipal Code Chapter 10, Section 35.04-4. As discussed in the next section the project will implement conditions of approval regarding the potential for any adverse hazardous materials being dispersed in the vicinity of the subject building.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that an Initial Study and Mitigated Negative Declaration, (attached hereto as Environmental Impact Assessment No. EA08-0010) was required per the CEQA

The project is proposing to bring sensitive receptors (younger children and older adults) into the City's Industrial Park Zoning district on a reoccurring permanent basis. Neighboring businesses may use hazardous materials in their everyday business activities. If an accident were to occur at a business that uses hazardous materials, poisonous gasses may be released and in a worst-case scenario, gasses may expose the Cultural Center, affecting the members and sensitive receptors.

The certified Mitigated Negative Declaration (EA2007-9) for the Sikh Foundation analyzed a similar project located at 1180 Cadillac Court, which is situated on the same property and approximately 190 feet away from the proposed Cultural Center location. This certified Mitigated Negative Declaration provided mitigations to reduce the risk of exposing sensitive receptors to hazardous materials to less than significant.



In developing the initial study and Mitigated Negative Declaration for 1160 Cadillac Court, staff recommends that the Planning Commission find that the project will have no significant impact upon the environment with the implementation of the appropriate Mitigation Measures and Conditions of Approval, as recommended in the approved EA2007-9 for the Sikh Foundation.

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 seven inquiries from the public. The applicant held a meeting with the neighboring tenants to inform them of their proposed business and to ask if they would be willing to consider a shared parking arrangement or agreement with the new religious facility. One inquiry opposed the use permit. Two of the inquiries oppose sharing their parking with the facility. Two of the inquires support the project and are willing to consider parking arrangements or agreements with the religious facility if approved. And the last two inquiries favor the project proposal; however, they are not willing to consider parking arrangements or agreements with the new facility.

In regards to the parking arrangements or agreements, the applicants first wanted to inform his neighbors of the project, and then ask who would be willing to have a parking agreement or arrangement with them. This way, the applicant knows his options in complying with the conditions of approvals to arrange a parking agreement showing that the use will meet the required parking.

CONCLUSION

The Siddhi Vinayaka Cultural Center is consistent with the policies of the City's General Plan and is in conformance with the development standards and provisions of the Zoning Ordinance. The Cultural Center will provide an alternate type of religious place of assembly, which will bring options and facilitate the needs to the worshipers and community. The Dixon Landing Business Park is an adequate location for the facility because the entire business park has multiple quasi-public uses with the closest quasi-public use being only 200 feet away.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve UP08-0036 and EA08-0010, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 09-003
- B. Site Plans
- C. Mitigated Negative Declaration (EA08-0010)
- D. Public Inquiries

RESOLUTION NO. 09-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP08-0036 AND ADOPTION OF MITIGATED NEGATIVE DECLARATION NO. EA08-0010, FOR THE SIDDHI VINAYAKA CULTURAL CENTER, TO LOCATE A NEW 2,900 SQUARE FOOT CULTURAL CENTER IN THE VENTURE COMMERCE CENTER, LOCATED AT 1160 CADILLAC COURT.

WHEREAS, on August 25, 2008, an application was submitted by Arun Shah of Siddhi Vinayaka Cultural Center, 39795 Paseo Padre Parkway, Fremont, CA 94538, to for a new cultural center within the Venture Commerce Center. The property is located within the Industrial Park zoning district with Site and Architectural overlay district (MP-S). (APN: 022-38-025); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine that the Mitigated Negative Declaration, (Environmental Impact Assessment No. EA08-0010), adequately addresses any new environmental impacts that were not identified in the previous underlying environmental document for the site.

WHEREAS, on February 11, 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: In accordance with CEQA, the Mitigated Negative Declaration prepared by staff demonstrates that the project will have no significant impact upon the environment with the implementation of Mitigation Measures and Conditions of Approval

Section 3: The project is in conformance with the City of Milpitas General Plan in that the proposed use will provide an alternate type of religious assembly, which provides different civic opportunities to facilitate the needs of worshipers within and around the community.

Section 4: The project is in conformance with the Zoning Ordinance in that the proposed use for a cultural center is a conditionally permitted use within the Industrial Park zoning district.

Section 5: The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and General welfare.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP08-0036 and Mitigated Negative Declaration (EA08-0010) for the Siddhi Vinayaka Cultural Center, 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 February 11, 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 February 11, 2009, and carried by the following roll call vote:

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

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP08-0036 AND MITIGATED NEGATIVE
DECLARATION (EA08-0010)**

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans by the Planning Commission on February 11, 2009, in accordance with these Conditions of Approval.

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

2. CONDITIONAL USE PERMIT NO. UP08-0036 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. (P)

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UP08-0036 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

Conditional Use Permit

3. Prior to occupancy permit, the applicant shall design and install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy. (F)
4. The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (F)

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

6. Prior to Building Permit Approval, the applicant shall execute a Joint Use parking agreement approved by the City of Milpitas Attorney for the additionally required 17 parking spaces. If the applicant cannot execute a Joint Use parking agreement per Milpitas Municipal Code Chapter 10, Section 53.07, then they must submit a signed and dated letter of agreement from the Venture Corporation stating that the Cultural Center has secured the required 17 parking spaces. (P)

SVCC TEMPLE

CONDITIONAL USE PERMIT APPLICATION FOR PROPOSED TENANT IMPROVEMENTS

1160 CADILLAC COURT MILPITAS, CA 95035

RECEIVED

DEC 17 2008

CITY OF MILPITAS
PLANNING DIVISION

**ARUN SHAH &
ASSOCIATES**

39795 PASEO PADRE
PARKWAY,
FREMONT, CA 94538
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(510) 657-4265 FAX



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**SVCC TEMPLE
CONDITIONAL USE PERMIT APPLICATION
1160 CADILLAC COURT
MILPITAS, CA**

GENERAL NOTES

SCOPE OF WORK:

SCOPE OF WORK INVOLVES REMODELING EXISTING ONE STORY SHELL BUILDING TO ACCOMMODATE A HINDU TEMPLE. THE PROPOSED IMPROVEMENTS WILL INCLUDE BUILDING TWO WATER CLOSETS, UTILITY CLOSETS AND MODIFY STOREFRONT TO BUILD NEW EXIT DOOR.

CODES:

MILPITAS MUNICIPAL CODE 2008
CALIFORNIA BUILDING CODE 2007 EDITION
CALIFORNIA FIRE CODE 2007 EDITION
CALIFORNIA MECHANICAL CODE 2007 EDITION
CALIFORNIA PLUMBING CODE 2007 EDITION
CALIFORNIA ELECTRICAL CODE 2007 EDITION

ALONG WITH ANY OTHER APPLICABLE LOCAL ORDINANCES AND STATE LAWS AND REGULATIONS.

EXISTING CONDITIONS:

INFORMATION ABOUT EXISTING CONSTRUCTION AND AREAS, SHOWN ON THE DRAWINGS WERE OBTAINED FROM ORIGINAL BUILDING DRAWINGS PREPARED BY DES ARCHITECTS ENGINEERS, DATED JULY 2006. THE ENGINEER DOES NOT TAKE ANY RESPONSIBILITY FOR THE ACCURACY OF EXISTING CONSTRUCTION.

PROJECT DATA

PROJECT ADDRESS: 1160-1162 CADILLAC COURT
MILPITAS, CA 95035
APN: 022-57-042

ZONING: M-P-INDUSTRIAL

CONSTRUCTION TYPE: V-B, AFES
CONC. TILT-UP, PANELIZED ROOF

PERMITTED OCCUPANCY: B
PROPOSED OCCUPANCY: A3, B
OCCUPANCY CATEGORY: II (<300 OCCUPANTS)

NUMBER OF STORIES: 1-STORY

MIN FIRE SEP. DISTANCE: 10-FT MIN. (WEST SIDE)
RATED EXT. WALLS AND
PROTECTION OF OPENINGS NOT
REQUIRED

EXISTING AREAS:

BUILDING AREA: 2,783 SQ. FT.
LEASE ABLE FLOOR AREA: 2,477 SQ. FT.
(PER ORIGINAL BUILDING DRAWINGS)

PROPOSED USES (OCCUPANCY):

1. PRAYER HALL (A3) 882 SQ. FT.
2. OFFICE, ACCESSORY (B) 1,595 SQ. FT.

NUMBER OF OCCUPANTS: 882/7 = 126

NUMBER OF EXITS REQ'D: 2 (0.15*126=18.9" WIDE)
NUMBER OF EXIST PROVIDED: 2 (32"*2 = 64" TOTAL)

PROJECT DATA

ALLOWABLE AREA CALCULATIONS:

BASIC ALLOWABLE AREA: 6,000 SQ. FT.
FRONTAGE (3 SIDES): 48.04% $\{(158.5/217-0.25)30/30\}$
SPRINKLER INCREASE: 300%
ALLOWABLE AREA: 26,882 SQ. FT.

ACTUAL TO ALLOWABLE AREA RATIO: 2,783/26,882 = 0.10 < 1.0

PLUMBING FIXTURES:

PER CPC TABLE 4-1 & TABLE A

TOTAL NUMBER OF OCCUPANTS: 882/30 = 29 (PER TABLE A)
SEPARATE FACILITIES FOR WOMEN & MEN PROVIDED

FIXTURES	REQUIRED	PROVIDED
WATER CLOSETS	1 EACH	2 EACH
LAVATORY	1 EACH	1 EACH
URINALS	1 (MALE)	SUBSTITUTED BY WC
WATER FOUNTAINS	1	2

PARKING REQUIREMENTS:

MAIN ASSEMBLY AREA = 882 SQ. FT.
NO OF SPACES REQUIRED = 882/7/5 = 25

EXISTING SPACES = 9
ADDITIONAL SPACES TO BE PURCHASED = 4
OFF-SITE PARKING = 12

INDEX OF DRAWINGS

A0 TITLE SHEET
A1.1 SITE PLAN
A2.1 PROPOSED 1ST FLOOR PLAN
A3.1 BUILDING ELEVATIONS

CONTACT LIST

OWNER:

MR. UMASHANKAR DIXIT/MR. JACK IYER
PHONE: 415.548.8297
email: jackiyer@hotmail.com
email: umashankardixit@hotmail.com

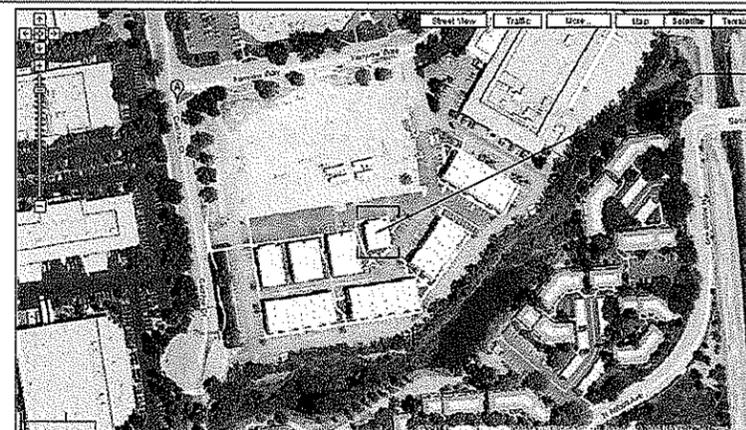
PLANNING & DESIGN:

ANU NATARAJAN
PHONE: 510.501.0332
email: anu@webslides.com

ARUN SHAH
PHONE: 510.220.4264
email: arun@ArunShahandAssociates.com

SITE MAP

SCALE: NTS



Sheet

TITLE SHEET

Date	Issued For
08.22.08	C.U.P. APPLICATION
11.18.08	C.U.P. APPLICATION
12.17.08	C.U.P. APPLICATION

Drawn by ARUN

Checked by ARUN

Project no. Sheet no.
 A0



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VENTURE CORPORATION
 600 Miller Avenue
 Mill Valley, CA 94941

VENTURE COMMERCE CENTER MILPITAS

1100 Cadillac Ct.
 Milpitas, CA 95035

SITE PLAN
 NEW WORK

ISSUE DATES:

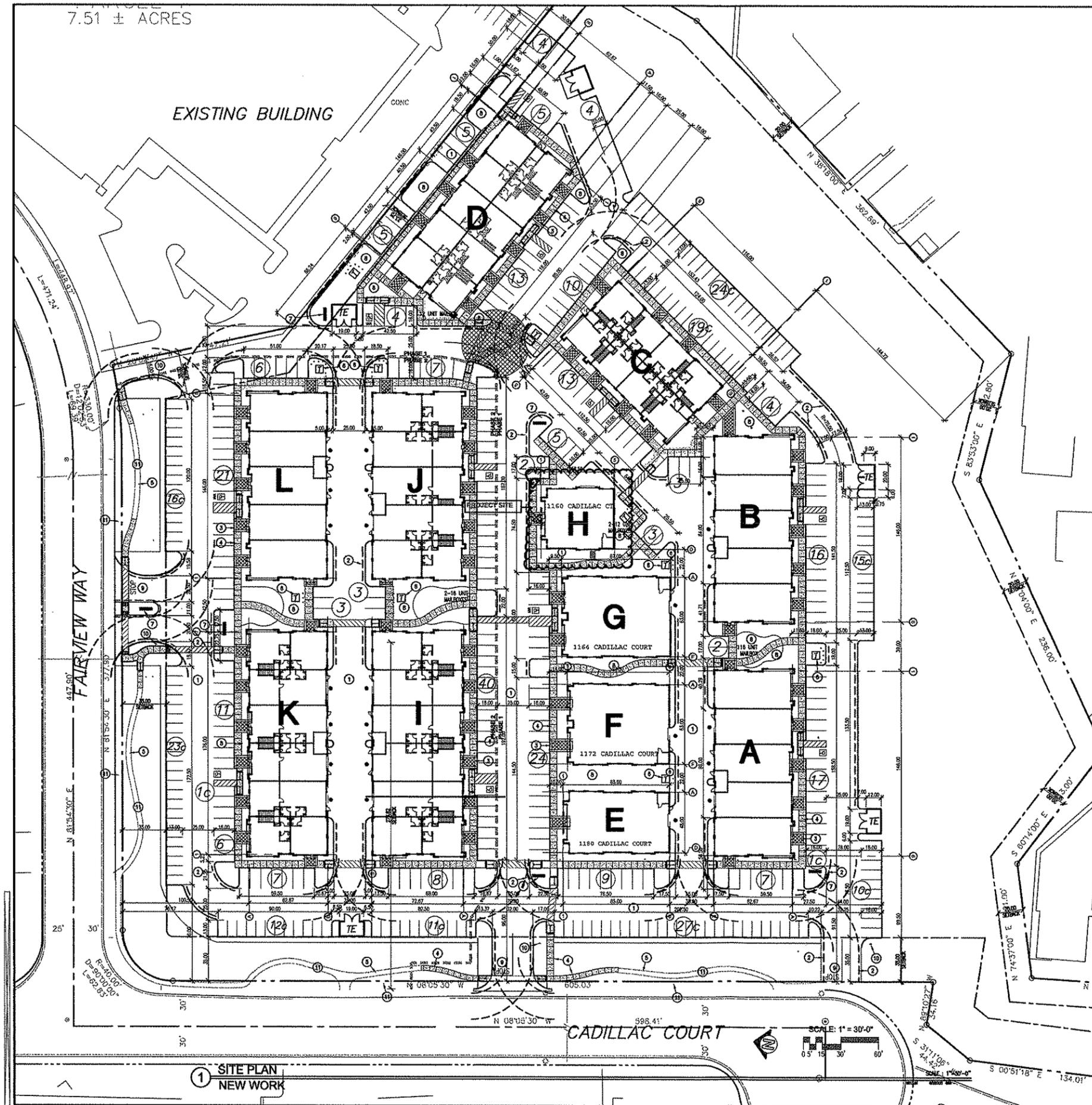
DRAWN BY: ESD
 REVIEWED BY: PAK
 APPROVED BY: STE
 DES PROJECT NO. 96

© 2005

BUILDING

A1.1

INFORMATION ONLY



PROJECT DATA

Assessor Parcel Number: 022-28-016 Parcel Size: 223,591 S.F.
 Existing Building Size: 125,200 S.F. (no demo)

PHASE 1: Gross Floor Area*			PHASE 1: Building Floor Area**		
Building	First Floor	Second Floor	Building	First Floor	Second Floor
Building A	8,594	3,355	Building A	8,140	3,670
Building B	8,594	3,355	Building B	8,140	3,670
Building C	8,594	3,355	Building C	8,140	3,670
Building D	8,594	3,355	Building D	8,140	3,670
Building E	3,746	0	Building E	4,920	0
Building F	4,908	0	Building F	5,327	0
Building G	8,546	0	Building G	8,474	0
Building H	2,477	0	Building H	2,705	0
Phase 1 Total	48,619	14,065	Phase 1 Total	62,699	16,341

PHASE 2: Gross Floor Area*			PHASE 2: Building Floor Area**		
Building	First Floor	Second Floor	Building	First Floor	Second Floor
Building I	10,068	3,078	Building I	12,752	4,540
Building J	10,007	3,255	Building J	10,810	3,670
Building K	10,208	3,078	Building K	11,002	4,540
Building L	8,524	3,355	Building L	8,140	3,670
Phase 2 Total	41,008	14,666	Phase 2 Total	43,304	16,920

PROJECT TOTAL

TOTAL: Gross Floor Area*			TOTAL: Building Floor Area**		
Project	First Floor	Second Floor	Project	First Floor	Second Floor
Total	89,627	28,731	Total	106,003	33,261

- SITE LEGEND**
- (T) 200V, 2000AMP TRANSFORMER, 5'-45" x 10'-0" ON 8'-10" x 6'-0" CONCRETE PAD (TYP.)
 - NEW TRASH ENCLOSURE, SEE DETAILS
 - REGULAR PARKING STALL (8.5' x 10')
 - COMPACT PARKING STALL (7.5' x 10')
 - ROLL-UP DOOR
 - ASSUMED PROPERTY LINE
 - SET BACK LINES
 - FIRE LANE, CURB TO BE PAINTED RED
 - SITE SIGNAGE
 - FIRE TRUCK TURNING RADIUS
 - EXISTING FIRE HYDRANTS
 - NEW FIRE HYDRANTS

- GENERAL NOTES**
1. REFER TO CIVIL DRAWINGS FOR SITE GRADING, STORM WATER MANAGEMENT, SITE UTILITIES, FIRE WATER LINE AND HYDRANT LOCATIONS, FAWNS, CURBS AND GUTTER DETAILS, AND HORIZONTAL CONTROL DIMENSIONS.
 2. REFER TO LANDSCAPE DRAWING FOR CONCRETE WALKS, FAWNS, BERMS, LANDSCAPING AND IRRIGATION.
 3. ALL PARKING STRIPING SHALL BE PER LOCAL AUTHORITY STANDARDS.
 4. PLANS FOR FIRE HYDRANTS AND FIRE SPRINKLERS MUST BE REVIEWED AND APPROVED BY THE FIRE DEPARTMENT.
 5. FIRE HYDRANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL FIRE DEPARTMENT STANDARDS.
 6. NEW FIRE HYDRANT LOCATION WITH COLLARS PER LOCAL FIRE DEPARTMENT STANDARDS, SEE SITE LEGEND.
 7. AUTOMATIC FIRE SPRINKLER SYSTEMS SHALL BE DESIGNED IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - NFPA 13 - COMMERCIAL
 - NFPA 13-23 - GENERAL STORAGE
 - NFPA 231C - RACK STORAGE OF MATERIALS
 8. ALL PARKING STALL STRIPING SHALL BE PER LOCAL JURISDICTION STANDARDS.
 9. ACCESSIBLE PARKING STALL FOR THE PHYSICALLY DISABLED (5'-0" WIDE X 10'-0" LONG) WITH A 5'-0" WIDE LOADING AREA. PROVIDE AN 8'-0" WIDE LOADING AREA AT VAN PARKING.
 10. FIRE LANE TO BE CONTINUOUSLY PAVED TO ACCOMMODATE 40,000 POUNDS.
 11. FIRE LANE SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 13'-0" AND PROVIDE ACCESS TO FIRE APPARATUS WITH AN EXTERIOR TURNING RADIUS OF 45'-0" (MIN) AND AN INTERIOR RADIUS OF 20'-0" (MAX).
 12. SITE DRAINAGE SHALL NOT FLOW ACROSS PEDESTRIAN WALKWAYS.
 13. ALL DIMENSIONS ARE TO FACE OF CONCRETE WALL, FACE OF CONCRETE CURB, PROPERTY LINE, OR CENTERLINE OF PARKING STALL UNLESS NOTED OTHERWISE.
 14. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING. REFER TO CIVIL DRAWINGS.
 15. REFER TO CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS.
 16. CONCRETE WALK SHALL PROVIDE EXPANSION JOINTS AT 15'-0" O.C. MAX. AND CONTROL JOINTS AT 5'-0" O.C. MAX BETWEEN EXPANSION JOINTS UNLESS NOTED OTHERWISE.
 17. SITE IMPROVEMENTS ARE PERMITTED UNDER PERMIT 0-92008-1.

- SHEET NOTES**
- 1 ASPHALT PAVING
 - 2 FIRE LANE CURB, DASHED LINE INDICATES EXTENT OF CURB TO BE PAINTED RED (TYP.)
 - 3 BUILDING ENTRY HARDSCAPE, SEE LANDSCAPE DRAWINGS (TYP.)
 - 4 CONCRETE WALK, SEE LANDSCAPE DRAWINGS (TYP.)
 - 5 EXISTING CONCRETE WALK
 - 6 TRANSFORMER
 - 7 SITE SIGNAGE, SEE DRAWINGS BY SUPERIOR ELECTRICAL ADVERTISEMENTS, TO BE PERMITTED UNDER SITE IMPROVEMENT PERMIT.
 - 8 LANDSCAPE AND IRRIGATION AREA, SEE LANDSCAPE DRAWINGS (TYP.)
 - 9 STOP SIGN AND ROAD STRIPING PER CALIFORNIA "TRAFFIC MANUAL" & "UNIFORM SIGN CHART"
 - 10 15 MPH SPEED RESTRICTION SIGNAGE PER CALTRANS
 - 11 REMOVE AND REPLACE DAMAGED SIGNAGE, CURBS AND GUTTERS WHERE PROPERTY LINE FRONTS CADILLAC CT. AND/OR FAIRVIEW WAY (TYP.)

7.51 ± ACRES

EXISTING BUILDING

FAIRVIEW WAY

CADILLAC COURT

1 SITE PLAN
 NEW WORK

SCALE: 1" = 30'-0"

ARUN SHAH & ASSOCIATES

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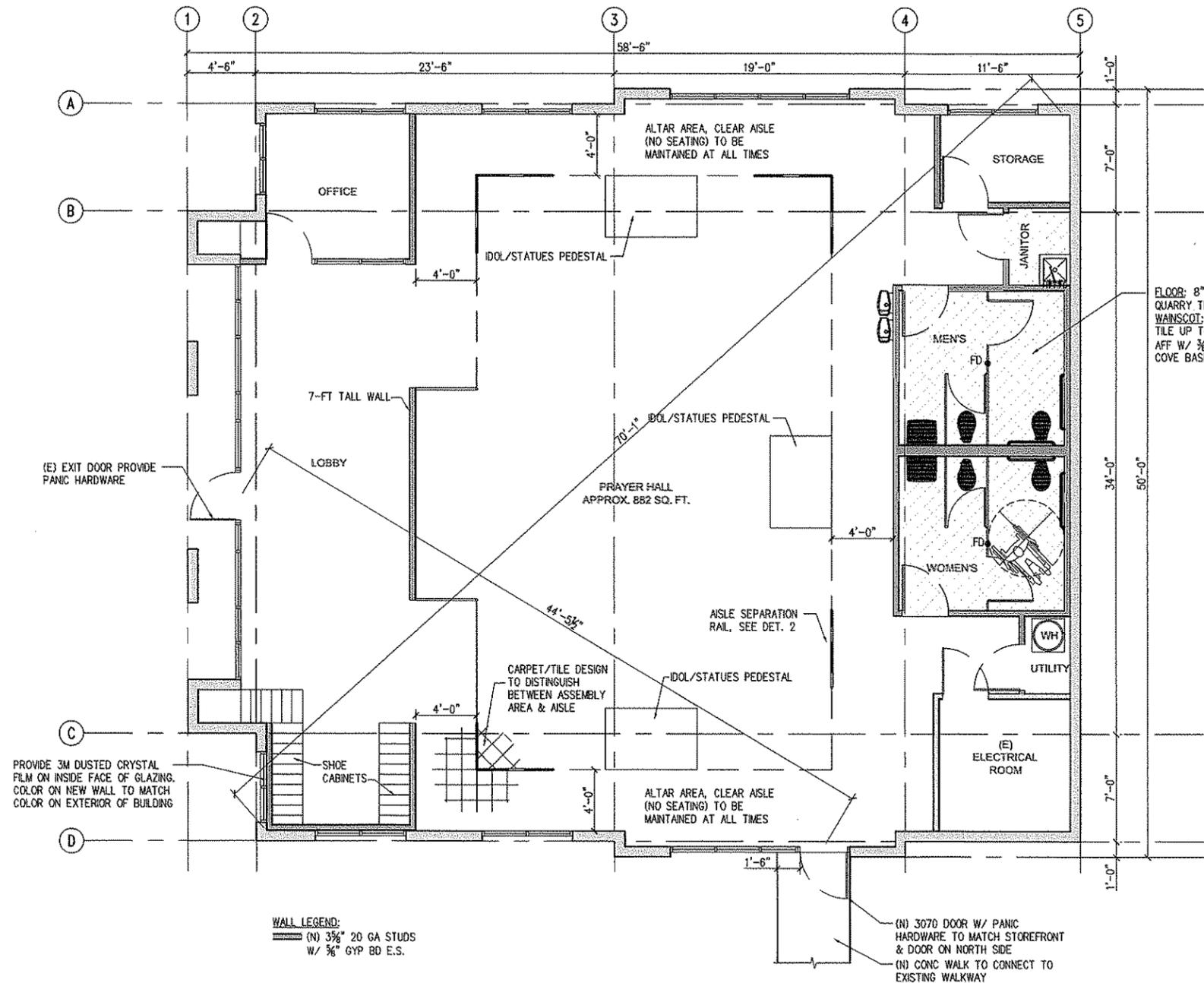
**SVCC TEMPLE
CONDITIONAL USE PERMIT APPLICATION
1160 CADILLAC COURT
MILPITAS, CA**

Sheet
FLOOR PLAN

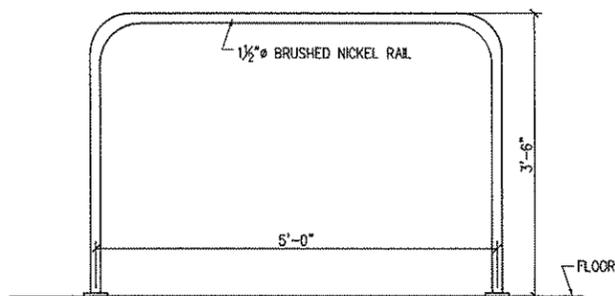
Date	Issued For
08.22.08	C.U.P. APPLICATION
11.18.08	C.U.P. APPLICATION
12.17.08	C.U.P. APPLICATION

Drawn by ARUN
Checked by ARUN

Project no. Sheet no.
A2.1

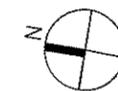


WALL LEGEND:
 (N) 3 1/2" x 20 GA STUDS
 W/ 3/8" GYP BD E.S.



2 AISLE SEPARATION BARRIER
1"=1'-0"

1 FLOOR PLAN
1/4"=1'-0"



**ENVIRONMENTAL
IMPACT ASSESSMENT NO: EA08-0010**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Tiffany Brown

January 12, 2009

date

Title: Junior Planner

1. Project title: Siddhi Vinayaka Cultural Center
2. Lead Agency Name and Address: Milpitas, 455 East Calaveras Blvd., Milpitas, CA 95035
3. Contact person and phone number: Tiffany Brown, 408-586-3283
4. Project location: 1600 Cadillac Court, Milpitas, CA 95035
5. Project sponsor's name and address:
Arun Shah, 39795 Paseo Panre Parkway, Fremont, CA 94538
6. General plan designation: Industrial Park
7. Zoning: Industrial Park
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 applicant request is for a conditional use permit and parking agreement to allow for a new Cultural Center within an 2,477 square foot research and development (R&D) building located at 1600 Cadillac Court. The site is located within the Venture Commerce Center business park. The existing building requires nine parking spaces per Milpitas Municipal Code Chapter 10, Section 53.23-3 for R&D. The project proposal includes interior tenant improvements with no exterior changes to the building. To convert the tenant space into a place of assembly, interior improvements include two bathrooms, a lobby, an office, a storage room for shoe cabinets, a prayer hall and storage/utility rooms. The Center does not have set hours for congregated prayers; people come and go throughout the day as they please. The main hall will be designated for prayer where most people will be seated on the floor. There will be no fixed seating within the main hall. Some portable chairs will be available for those who cannot kneel on the floor. This type of use (quasi-public, assembly) requires 26 parking spaces per the Milpitas Municipal Code Chapter 10, Section 53.23-5 and Section 53.21(c) for religious institutions and measurements standards.
9. Surrounding land uses and setting:
The General Plan and zoning ordinance designate this site as Industrial Park and is located within the Venture Commerce Center business park located within the Dixon Landing Business Park bordered by highway 880 to the west, Dixon Landing to the north, Penitencia Creek Trail to the east and medium density Residential to the south. -

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input checked="" 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 checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input checked="" 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.

California Environmental Quality Act Checklist

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11
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"/>	2,11, 12,17, 18
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"/>	2,11, 12,18
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 12,18

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"/>	2,11
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
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"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18

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"/>	2,11,18
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
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"/>	2,11,18
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"/>	2,11,18
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,16 18
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"/>	2,11,16 18
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,16 18
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,16 18
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,8, 11,18
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,8, 11,18
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8, 11, 18
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8, 11, 18
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"/>	2, 8, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18
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, 11, 12, 18
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, 11, 12, 18

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, 11, 12, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18
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"/>	2, 11, 12, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18
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"/>	2, 11, 12, 18
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"/>	2, 11, 12, 18
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, 11, 12, 18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18
e) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18, 20
g) 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"/>	2, 11, 12, 18, 20
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18, 20
i) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 18, 20
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"/>	2, 11, 12

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"/>	2, 11, 12
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"/>	2, 11, 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"/>	2, 11
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
XI. NOISE:						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12
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, 11, 12
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, 11, 12
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, 11, 12

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"/>	2, 11, 12
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"/>	2, 11, 12
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12
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, 11, 12
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, 11, 12
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"/>	2, 11, 12

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, 11, 12
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, 11, 12
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, 11, 12, 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, 11, 12, 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, 11, 12, 19
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, 11, 12, 19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 19
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 11, 12, 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"/>	2, 11, 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"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 26
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"/>	2, 26
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"/>	2, 26
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"/>	2, 26
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"/>	2, 26
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"/>	2, 26

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"/>	2, 11, 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"/>	2, 11, 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"/>	2, 11, 12, 19

CALIFORNIA ENVIRONMENTAL QUALITY ACT CHECKLIST
SOURCE KEY

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

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

Attachment to the Siddhi Vinayaka Cultural Center

Discussion of Checklist/Legend

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

Listed below are the responses to the questions on the checklist which needed clarification or were checked as “less than significant with mitigation measures.” Responses here appear in the same order in which they appear on the checklist.

EXISTING SETTING:

The Milpitas General Plan designates this site as Industrial Park. The project site is located on an 11-acre parcel located with the Industrial Park (MP) Zoning District near Fairview Way and Cadillac Court. The project site is within the Phase I plan for the Venture Commerce Center. The Phase I plan consists of eight R&D buildings and a parking lot that consists of 286 parking spaces. Based on the City’s Zoning Ordinance, the parking requirement for the Phase I (eight buildings) plan is 218 parking spaces, which leaves a surplus of 68 parking spaces.



The Phase II R&D buildings will require a total of 186 parking spaces and supply 144 parking spaces. Once the business park is completely built out, the center will require a total of 403 parking spaces and will have supplied a total of 430 parking spaces. This will leave the Venture Commerce Center with a surplus of 27 parking spaces. Surrounding uses include office, R&D, and a quasi-public use, such as the Sikh Foundation. The project site has two driveway entrances, one along Fairview Way and the second along Cadillac Court. There are no onsite agricultural, biological, cultural or mineral resources, geologic hazards, hazardous materials, watercourses, sensitive land uses or residential uses associated with this project.

PROJECT DESCRIPTION:

The applicant request is for a conditional use permit and parking agreement to allow for a new Cultural Center within a 2,477-square foot research and development (R&D) building located at 1600 Cadillac Court. The site is located within the Venture Commerce Center business park. The existing building requires nine parking spaces per Milpitas Municipal Code Chapter 10, Section 53.23-3 for R&D. The project proposal includes interior tenant improvements with no exterior changes to the building. To convert the use to a place of assembly, interior improvements include two bathrooms, a lobby, an office, a storage room for shoe cabinets, a prayer hall and storage/utility rooms. The Center does not have set hours for congregated prayers; people come and go throughout the day as they please. The main hall will be designated for prayer where most people will be seated on the floor. There will be no fixed seating within the main hall. Some portable chairs will be available for those who cannot kneel on the floor. This type of use (quasi-public, assembly) requires 26 parking spaces per the Milpitas Municipal Code Chapter 10, Section 53.23-5 and Section 53.21(c) for religious institutions and measurements standards.

I. AESTHETICS

Environmental Impacts

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

The project site is not located within the proximity to a state scenic highway or vista. In addition, the project site is currently developed and located within industrial condominium buildings. The project proposal does not include exterior changes and therefore will not impact the character of the site, nor create a new source of substantial light.

II. AGRICULTURE RESOURCES

Environmental Impacts

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

The project site is a developed business park zoned Industrial. The project proposal will not affect prime farmland or conflict with a Williamson Act contract. Furthermore, the project will not cause or result in any conversion of farmland, considering the project site is in an

urbanized area that is developed with existing industrial buildings to the north, west, east and residential homes to the south.

III. AIR QUALITY

Environmental Impacts

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

The applicant request is for a conditional use permit and parking agreement to allow for a new Cultural Center within a 2,900 square foot research and development (R&D) building located at 1600 Cadillac Court. The site is located within a business park setting. The project proposal is limited to interior tenant improvements with no exterior changes to the building. Interior improvements include two bathrooms, a lobby, an office, a storage room for shoe cabinets, a prayer hall and storage/utility rooms. The project proposal will not conflict with an applicable air quality plan, violate any air quality standards, expose sensitive receptors to substantial air pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Environmental Impacts

a, b) Have a substantial adverse effect on candidate and/or sensitive habitats/specie in local or regional plans by the California Department of Fish & Game or Fish & Wildlife Service? NI

The project site is an existing developed industrial site that will not require modifications effecting habitats, species or local/regional plans by the California Department of Fish & Game or Fish & Wildlife Services and therefore will have no impact.

c, d) Have substantial adverse effect on Federally protected wetlands, interfere with movement of native or migratory fish or wildlife specie? NI

The project proposal does not include the movement of native or migratory fish and/or wildlife specie. The proposal is not located where federally protected wetlands are and therefore will have no impact.

e, f) Conflict with any local policies or provisions protecting biological resources or an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? NI

The project proposal is to locate a religious use within an existing industrial building. The project proposal does not conflict with any local policies or provisions protecting biological resources or habitat conservation plans, nor Natural Community Conservation Plans or any other approved local, regional, or state habitat conservation plan and therefore will have no impact.

V. CULTURAL RESOURCES

Environmental Impacts

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

The project site is currently developed with R&D buildings in an existing industrial park. No significant historical resources or archaeological resources have been identified on the site. No disturbance of the soil is anticipated with the tenant improvement.

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:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. NI

ii) Strong seismic ground shaking? NI

iii) Seismic-related ground failure, including liquefaction? NI

iv) Landslides? NI

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

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

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

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

In response to all questions above related to Geology and Soils; According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study that was prepared for the EIR and the city's building code standards. The proposal for this project does not include construction and therefore will have no effect on soils or have to create an alternative waste water disposal system.

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 materials within a quarter mile of a school; be located on a site which is included on the list of hazardous materials sites pursuant to Government Code Section 65962.5; be located within a public or private airport strip; 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? NI

The operation of the religious center will not involve the use or handling of hazardous materials. The site is not listed within the Department of Toxic Substance Control (CTSC) also known as Government Code Section 65962.5. The site is not located within a private or public airport or airstrip or located within two miles of one. The project proposal does not include exterior modifications or changes to public roadways and therefore will not interfere with an adopted emergency response plan and/or evacuation plan. And because the project site is in an urbanized area, there will be no impact resulting from wildfires.

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

The project is proposing to bring sensitive receptors (younger children and older adults) into the City's Industrial Park Zoning district on a reoccurring permanent basis. Neighboring businesses may use Hazardous Materials in their everyday business activities. If an accident were to occur at businesses that use Hazardous Materials, poisonous gasses may be released and in a worst-case scenario gasses may expose the religious facility, effecting the members and sensitive receptors.

The adopted Mitigated Negative Declaration EA2007-9 for the Sikh Foundation located at 1180 Cadillac Court, which is located on the same property and approximately 190 feet away from the proposed Cultural Center, provided mitigations to reduce the risk of exposing sensitive receptors to hazardous materials to less than significant. Because the two buildings are on the same property, and the proposed is the same type of use, the mitigation measures used for the Mitigated Negative Declaration for 1180 will be used as the mitigation measures for this project. See picture of site and mitigations on next page.

192 feet



1160



Mitigation

applicant shall

a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.

Measure 1: The design and install

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

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

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

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

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

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of

the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? NI

The proposed religious facility will not deplete groundwater supplies or groundwater recharge in that the project proposal does not include changes to the exterior of the existing facility.

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 location is not near a stream or river and will not interfere with the existing drainage pattern and will therefore have no impact.

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

The operation of the religious facility will not create or contribute runoff water that would exceed capacity of the existing storm water drainages system, generate additional sources of polluted runoff or degrade the water quality.

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

The project proposal does not include housing.

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

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

h, 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 or involving inundation by seiche, tsunami, or mudflow? NI

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

IX. LAND USE AND PLANNING

Environmental Impacts

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

The project proposes a church use within and existing development and therefore will not divide and established community.

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

The project is in conformance with the Milpitas General Plan and Zoning Ordinance policies and regulations. Religious facilities are a conditionally permitted use within the Industrial Park zoning district.

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

The project site does not fall within a habitat conservation plan or natural community conservation plan area and therefore has no impact.

X. MINERAL RESOURCES

Environmental Impacts

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

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

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

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

XI. NOISE

Environmental Impacts

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

The operation of the religious facility shall be attenuated within the building and therefore will not generate a noise impact.

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

The project proposal does not include anything that will generate excessive groundborne vibrations or noise levels and therefore will have not impact.

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

The project proposal as a religious facility will operate entirely within the building. The proposal will not generate a substantial permanent increase in ambient noise levels and therefore will have 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 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.

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

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

XII. POPULATION AND HOUSING

Environmental Impacts

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

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

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

The project site is an existing development and will not displace existing homes, people, or necessitate the construction of replacement homes and therefore will have no impact..

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically

altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: NI

The project site is served by the following service providers:

- Fire Protection. Fire protection is provided by the City of Milpitas Fire Department which provides structural fire suppression, rescue, hazardous materials control and public education services.
- Police Protection. Police protection is provided by the City of Milpitas Police Department.
- Schools. Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that would serve the project include Milpitas High School (grades 9-12), middle schools (grades 6-8) and elementary schools (grades K-5).
- Maintenance. The City of Milpitas provides public facility maintenance, including roads, parks, street trees and other public facilities. Milpitas' Civic Center is located at 455 E. Calaveras Boulevard.
- Other governmental services. Other governmental services are provided by the City of Milpitas including community development and building services and related governmental services. Library service is provided by the Santa Clara County Library.

XIV. RECREATION

Environmental Impacts

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

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

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

The project proposal does not include recreation facilities and the type of use will not require the construction or expansion of recreational facilities therefore has no impact.

XV. TRANSPORTATION/TRAFFIC

Major roadways serving the site include: California Circle/ Milmont Drive, Fairview Way, and Cadillac Court.



Environmental Impacts

The project proposal is for a conditional use permit to allow for a cultural center within an existing 2,477 square foot research and development building located within the Venture Commerce Center business park. Venture Commerce Center was approved in two phases. The proposed project site is located within the Phase I plan which includes eight buildings and a total of 286 parking spaces. The required amount of parking spaces per Milpitas Municipal Code Chapter 10, Section 53 is 218 parking spaces. This leaves a surplus of 68 parking spaces within the Phase I plan. The project location at 1160 Cadillac Court R&D building is allotted nine (9) parking spaces per Milpitas Municipal Code Chapter 10, Section 53.23-3(3). The Cultural Center use in this building will require a total of 26 parking spaces per Milpitas Municipal Code Chapter 10, Section 53.23-5 and Section 53.21(c) for religious institutions and measurements standards. Because the business park has enough surplus parking, the Cultural Center can either execute a parking agreement with the Venture Commerce Center, securing 17 of the surplus parking spaces required or, they can execute a joint use parking agreement per Milpitas Municipal Code Chapter 10, Section 53.07, with the approval of the City Attorney.

Because Phase II is part of the Venture Commerce Center, staff checked to make sure that taking some of the surplus parking in Phase I will not affect the Phase II project to come. When the Phase II R&D buildings are constructed, the required amount of parking in total for the entire business park will be 403 parking spaces and the site plans show they will construct a total of 430 parking spaces. This leaves a surplus of 27 parking spaces for the entire business park and in conclusion, the business park will have enough parking for the proposed Cultural Center before and after the second phase of the project is built. See table below:

Table I: Venture Commerce Parking Requirements

Phase	Required Parking	Provided Parking
Phase I	218	286
Phase II	186	144
Total	403	430

Parking required for SVCC Temple = 17 more spaces
 430 parking spaces – 17 parking spaces = 413 parking spaces
 10 parking spaces in surplus

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 will not substantially increase the existing traffic on the street system because the proposed religious facility does not have a set schedule for prayer which eliminates the large amounts of people arriving and leaving at the same time.

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

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

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

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

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

The project does not propose any modifications to the existing street system and therefore will have no impact.

e) Result in inadequate emergency access? NI

The existing street system was reviewed and approved prior to this project and this project does not propose modifications to the existing street system; therefore the project proposal will not result in inadequate emergency access.

f) Would the project result in inadequate parking capacity? LS

Because a condition of approval will insure that the applicant will meet the require parking for a Cultural Center use, the project's impact is less then significant.

4: *Prior to Building Permit Approval, the applicant shall execute a Joint Use parking agreement approved by the City of Milpitas Attorney for the additionally required 17 parking spaces. If the applicant cannot execute a Joint Use parking agreement per Milpitas Municipal Code Chapter 10, Section 53.07, then they must submit a signed and dated letter of agreement from the Venture Corporation stating that the Cultural Center secured the required 17 parking spaces.*

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

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

XVI. UTILITIES AND SERVICE SYSTEMS

Environmental Impacts

Would the project:

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

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

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

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

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

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

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

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*

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

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

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

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

The City of Milpitas has reviewed the Environmental Information Form and finds that the project will have no significant impact upon the environment with the implementation of the following Conditions of Approval, as recommended in the approved Mitigated Negative declaration EA2007-9 for the Sikh Foundation located at 1180 Cadillac Court. Because the proposed site and use for the Siddhi Vinayaka Cultural Center is very similar in use and location to the Sikh Foundation project, the conditions of approval will be as stated in the previous sections for Hazardous Materials.

Tiffany Brown

Subject: FW: Oppose permit for a temple in Venture Commerce Center Business Park

From: Roy Chang [mailto:roy620@yahoo.com]

Sent: Friday, February 06, 2009 7:34 AM

To: Tiffany Brown

Subject: RE: Oppose permit for a temple in Venture Commerce Center Business Park

I had a bad experience with the Indian temple(?) at California Circle last time. That temple broadcasted loud ritual for a couple days driving me crazy. Milpitas PD was not much better either. The dispatcher told me that it was OK for the temple to broadcast as loud as they wanted. The mayor and the city manager then, did not give me a straight answer either. I don't want a temple around my community. I hope that Indian temple going away ASAP too.

Thanks,
rc

FROM :

FAX NO. : 408 956 9115

Dec. 03 2008 04:04PM P1

To:

The City of Milpitas
Planning Department
Milpitas, CA

Subject: Application for conditional permit by SVCC, Inc
1160 Cadillac Court, Milpitas, CA 95035

- This is confirm that we are in support of this application and we, as neighbors, have no objection to the city granting the applicant the conditional use permit. We welcome SVCC as our new neighbors and are confident of their positive impact on the neighborhood and the community at large.
- We would be willing to consider shared parking arrangements or agreements if that is necessary to aid in this process.

[Handwritten Signature]
 Name: *Celina Salazar Camillo*
 Address: *First Call Nursing Services*
1176 Cadillac Court
Milpitas

Hi Celina.

Sign +
Please pay this back to me
408 956 1064.

Thanks

Deepka Lalwani
Ph. 408 956 9115
for 408 956 1064.

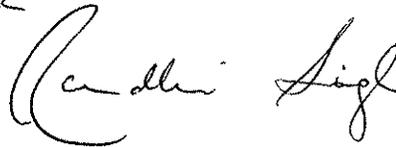
To:

The City of Milpitas
Planning Department
Milpitas, CA

Subject: Application for conditional permit by SVCC, Inc
1160 Cadillac Court, Milpitas, CA 95035

- This is confirm that we are in support of this application and we, as neighbors, have no objection to the city granting the applicant the conditional use permit. We welcome SVCC as our new neighbors and are confident of their positive impact on the neighborhood and the community at large.
- We would be willing to consider shared parking arrangements or agreements if that is necessary to aid in this process.

RANDHIR SINGH + ANU ~~ADYAK~~
368 FARVIEW WAY
MILPITAS CA 95035



Name:

Address:

Tiffany Kunsman

From: Ramiro Rodriguez [ramiro4homes@yahoo.com]
Sent: Tuesday, September 30, 2008 1:13 PM
To: Tiffany Kunsman
Subject: 1160 Cadillac Ct., Milpitas, CA 95035

Attention: Tiffany Kunsman

Please be advised that we are the owners of 354 Fairview Way, Milpitas CA` 95035 and that we are not in favor of sharing our assigned parking with SVCC whose address is the reference subject. 1160 Cadillac Ct. Milpitas CA 95035.

Please respond.

Ramiro Rodriguez
Broker

Supreme Realty
354 Fairview Way, Suite A
Milpitas CA, 95035
Tel. (408) 280-6755
Fax.(408) 280-6989
Cell.(408) 393-3198
email: ramiro@supremerealtyonline.com
www.supremerealtyonline.com

Tiffany Kunsman

From: Marisol Odfina [marisol_odfina@sbcglobal.net]
Sent: Tuesday, September 30, 2008 11:57 AM
To: Tiffany Kunsman *
Subject: Application for Conditional Permit by SVCC, Inc. 160 Cadillac Ct., Milpitas, CA 95035
Attachments: SVCC introductory letter.jpg; SVCC letter to City of Milpitas.jpg

Hi Tiffany,

First of all, thanks for returning my call. My husband and I are the co-owner of building 366 Fairview Way, Milpitas. We received some sort of a flyer/letters from SVCC, Inc. introducing themselves and that they are organizing a community meeting today from 5 to 6PM. Then there's another letter prepared by them address to the City of Milpitas in regards to their application for conditional permit.

I have attached both letters we got from them. What surprised as was the letter address to City of Milpitas regarding the application for conditional permit which seems to be both favorable to them and at the bottom is for us to fill out our name and address. We are **NOT IN FAVOR** of sharing our parking with them. We would like to have the parking spaces in front of our building to be reserved for us, our employees and our clients. We are **not willing** to consider shared parking arrangements or agreements with them. The first part (pls. see attached) - asking us to confirm that we are in support of the conditional permit - that was very vague - we don't understand what the conditional permit is all about - therefore **we are not supporting it at all as well.**

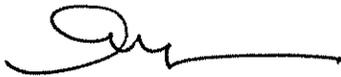
Thanks,
Marisol and Zaldy Odfina
366 Fairview Way, Milpitas, CA 95035

To:

The City of Milpitas
Planning Department
Milpitas, CA

Subject: Application for conditional permit by SVCC, Inc
1160 Cadillac Court, Milpitas, CA 95035

- This is confirm that we are in support of this application and we, as neighbors, have no objection to the city granting the applicant the conditional use permit. We welcome SVCC as our new neighbors and are confident of their positive impact on the neighborhood and the community at large.
- We would be willing to consider shared parking arrangements or agreements if that is necessary to aid in this process.



Name: GURMUKH MATHARU

Address: 1134 Cadillac Ct.

Milpitas, CA 95035

Dec 11 2008 4:43PM Salida Surgery Center

(209) 543-9688

p.1

December 11, 2008

The City of Milpitas
Planning Department
Milpitas, CA

Subject: Application for conditional permit by SVCC, Inc.
1160 Cadillac Court, Milpitas, CA 95035

Dear Sir or Madam:

This is to confirm that we are in support of this application and we, as neighbors have no objection to the city granting the applicant the conditional use permit on the basis that the occupation of this building does not interfere with the normal intended commerce. I would like to have some kind of stipulation in regards to the operating hours to insure normal business activity is not interfered with as this site is intended for commerce use. Please make sure that the city has a way to establish operating hours of this facility to be evenings during weekdays and full days on the weekends. If the above conditions can be met both by the city and the operating entity then we are in support of their application. We welcome SVCC as our new neighbors and hope they will be a positive impact on the neighborhood and the community at large.

We would also be willing to consider a shared parking arrangements if it would be necessary to aid in this process. We are willing to let SVCC use five of our assigned spaces during 6 PM to 7 AM on weekdays and full days on weekends. In turn, SVCC would let Bay Area Dental Surgery Center use their 5 assigned spaces during 7 AM to 6 PM on weekdays (M-F).

If you should have any further questions or comments, please reach me by telephone at (209) 456-2787. Thank you in advance.

Sincerely,



Pankaj Patel, D.M.D.
Medical Director, Bay Area Dental Surgery Center
1172 Cadillac Court
Milpitas, CA