MILPITAS PLANNING COMMISSION
AGENDA REPORT

PUBLIC HEARING Meeting Date: October 14, 2009

APPLICATION:	**CONDITIONAL USE PERMIT NO. UP09-0011**
APPLICATION SUMMARY:	**CONDITIONAL USE PERMIT NO. UP09-0011:** Request to locate a new church facility with tutoring center and after school family oriented programs to locate within an existing 20,358 square foot Industrial Park building.
LOCATION:	555 Los Coches Drive (APN: 86-28-051)
APPLICANT:	Second Vietnamese Alliance Chruch, 1851 McCarthy Blvd. #102, Milpitas, CA 95035
OWNER:	Barry C.L. Fernald, 555 Los Coches Drive, Milpitas, CA 95035
RECOMMENDATION:	**Staff recommends that the Planning Commission:** **1. Close the public hearing following public testimony; and** **2. Adopt Resolution No. 09-049 subject to the conditions of approval.**
PROJECT DATA:	
General Plan/ Zoning Designation:	Industrial Park / Industrial Park with Site and Architectural Overlay District (MP-S)
Related Permits:	Conditional Use Permit UP2002-38, approved for a community center, and Conditional Use Permit Amendment UA2005-9 and Mitigated Negative Declaration No EA2005-6, approved for an additional summer day camp.
CEQA Determination:	An addendum to the adopted negative declaration per Section 15164 of the California Environmental Quality Act.
PLANNER:	Tiffany Brown
PJ:	2585
ATTACHMENTS:	A. Resolution No. 09-049 B. Site Plans C. 2005 Mitigated Negative Declaration D. Addendum with Initial Study E. Public Inquiry

LOCATION MAP

N

No scale

BACKGROUND

In October of 2002, the Planning Commission approved a conditional use permit to allow for a quasi-public use located within the 20,358 square foot industrial building. Subsequent permits were approved in 2005 to allow for the operation of the summer day camp. Part of that approval included the adoption of a Mitigated Negative Declaration.

In April 2009, the City Council adopted an ordinance prohibiting certain places of assembly within the industrial districts of the City. However, this ordinance had a "grace period" that specifically allowed land use applications submitted by April 30, 2009 to be considered under previous Zoning Ordinance standards, which allowed places of assembly as conditionally permitted uses in a City industrial district. On April 28, 2009, Hung Pham of Second Vietnamese Alliance Church submitted an application to allow for a church facility in a City industrial district. This project represents the only application submitted during the "grace period" for conditional use permit consideration by the Planning Commission under the prior Zoning Ordinance provisions..

PROJECT DESCRIPTION

The project site is located at 555 Los Coches, neighboring the India Community Center and adjacent to Kaiser medical. The property is zoned Industrial Park with Site and Architectural Overlay District (MP-S) with Town Center West zoning neighboring to the north, Industrial Park to the east and west, and Heavy Industrial to the south. A vicinity map of the subject site location is included on the previous page.

The project proposal is a request to locate a new church within an existing industrial building. The church will take up 11,358 square feet of the building, and the other 9,000 square feet of the building will remain R&D offices. The new church will include a lobby, classrooms for counseling and studies, a cafeteria, a multipurpose sanctuary, a mother and toddler toy room, and a breakout/play room. Both the mother and toddler toy room and breakout/play room will not be used as a childcare facility. This is just an area for the children to go after worship services.

The two main events for the church will be on Friday nights, when they have bible studies, counseling classes, and youth and children activities; and Sundays when they have worship services. The parking standards for the church are based on the Zoning Ordinance ratio for the main sanctuary because that is when the church is expected to be it's busiest and when worship services are being conducted, no other room will be in use. The part of the building that will remain R&D offices parking ratio will remain. Please see the table on the following page.

Parking

Because the church offers a variety of services and activities, it is not anticipated that the facility would operate at full capacity, plus parting requirements would carry from day to day and form morning, afternoon, and evening. Due to the uniqueness of this type of quasi-public use, staff requires the proposal meet the maximum peak activity/event parking requirements rather then the maximum amount of parking required if the building were at full capacity. It is anticipated that the maximum peak activity/event time occurs on Sundays between approximately between 11:00 A.M. and 12:05 P.M. At this time, the Church facility requires 62 parking spaces (see table 1 below).

Table 1
Parking Standards

	Parking Ratio	Required Parking
R&D portion of the Building 9,000 square feet	1 parking space per every 300 square feet.	30 spaces
Church Facility Sanctuary hall, 2,153 sq. ft.	1 parking space per every 5 seats 1 seat = 7 square feet.	62
	Total	**92**

The total amount of parking provided for this building is 92 spaces. In conclusion, the new church facility and offices meet the required parking standards. In addition the church facility will paint all the parking stripes for the parking spaces (92 spaces) a different color to help ensure that their members only park within their parking lot and not neighboring businesses. To date, the property does not have any parking agreement or arrangements with any other business to use their parking spaces.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 2
General Plan Consistency

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

The project proposal is consistent with the Policy above in that the project will encourage development of adequate civic, recreational, and cultural centers, and is in a location that will coincide with the neighboring uses.

Zoning Ordinance

As previously mentioned, per the Milpitas Zoning Ordinance provisions prior toApril of 2009, a church facility in an industrial district was a conditionally permitted use with Planning Commission Approval. The City Council adopted an Ordinance approving Zoning Amendment changes which went into effect on May 21, 2009. One of the changes, as it pertains to this project, is that the Ordinance no longer allows quasi-public uses within the industrial zoning districts.

In adopting the Ordinance, the City Council allowed a period for organizations to submit proposals meeting the former regulations. This project represents the only application submitted during the period to be considered by the Planning Commission through the Conditional Use Permit process.
The proposed use, at the proposed location will not be detrimental or injurious to the property or improvements neither in the vicinity nor to the public health, safety and general welfare as conditioned. If the Planning Commission approves the applicant's request, the project will be subject to the City's Nonconforming Use regulations under Section 56 of the Zoning Ordinance. The project will have limitations regarding proposals to expand services of the scope of their approval.

ENVIRONMENTAL REVIEW

In 2002, the India Community Center obtained a conditional use permit to conduct a community center within the building at 555 Los Coches. At the time of the original approval of the India Community Center, risk assessments (a determination of risk related to a recognized hazard, such as toxins associated with industrial uses) were not required. However, in 2003 through the present, risk assessments have been required for all applications involving the placement of sensitive receptors (children and older people) in areas where hazardous materials are stored and used by surrounding businesses. Staff requires a risk assessment to ensure that all hazardous material impacts are identified and analyzed and that all impacts are mitigated.

In 2005, the Indian Community Center requested a conditional use permit amendment to allow for a summer day camp at the 555 Los Coches location. At this time, the community center prepared a Risk Assessment for this location and the Planning Commission approved the conditional use permit amendment and adopted the mitigated negative declaration prepared by staff.

For the subject project, the Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The applicant also prepared an updated Risk Assessment for the project location. Because the proposed use is a very similar use to what was approved previously, staff determined that the project would require an addendum to the adopted mitigated negative declaration per Section 15164 of the California Environmental Quality Act.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there was one public inquiry from the public that is attached to this staff report. See Attachment E.

CONCLUSION

At the time of submittal, the proposed use at the proposed location is consistent with both the General Plan and Zoning Ordinance. The use is a similar use to the original approval and is a compatible use with the existing businesses.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CONDITIONAL USE PERMIT No. UP09-0011, subject to the attached Resolution and Conditions of Approval.

Attachments:

A. Resolution No. 09-049
B. Site Plans
C. 2005 Mitigated Negative Declaration
D. Addendum with Initial Study
E. Public Inquiry

ATTACHMENT A.

RESOLUTION NO. 09-049

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP09-0011, REQUEST TO LOCATE A NEW CHRUCH FACILITY WITH TUTORING CENTER AND AFTER SCHOOL FAMILY ORIENTED PROGRAMS LOCATED AT 555 LOS COCHES.

WHEREAS, on April 28, 2009, an application was submitted by Hung Pham, 1851 McCarthy Blvd. #102, Milpitas, CA 95035, to request to locate a new church facility with a tutoring center and after school family oriented programs within an existing 20,358 square foot Industrial Park building. The property is located within the Industrial Park (APN: 86-28-051); 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 an addendum to the previously adopted negative declaration is warranted; and

WHEREAS, on October 14, 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; and

WHEREAS, approval of this entitlement would render the project subject to the nonconforming use regulations of the Milpitas Zoning Ordinance.

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: The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The applicant prepared an updated Risk Assessment for the project location. Because the proposed use for this site is similar to the use that was approved previously and no new environmental impacts were identified in the initial study, the addendum to the adopted mitigated negative declaration per Section 15164 of the California Environmental Quality Act is adopted.

Section 3: The proposed use is consistent with the Milpitas General Plan Principle Policy 2.d.-G-2, in that the project will encourage development of adequate civic, recreational, and cultural centers, and is in a location that will coincide with the neighboring uses.

Section 4: The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed church facility can be conditionally permitted in this area. The project application was submitted prior to the effective date of a new Zoning Ordinance prohibiting non-business related

places of assembly in the industrial zone. The proposed use, at the proposed location will not be detrimental or injurious to the property or improvements neither in the vicinity nor to the public health, safety and general welfare as conditioned.

Section 5: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit No. UP09-0011, 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 October 14, 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 October 14, 2009, and carried by the following roll call vote:

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

EXHIBIT 1

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP09-0011
To locate a new church facility with tutoring center and after school family oriented programs to locate within an existing 20,358 square foot Industrial Park building at 555 Los Coches
(APN: 86-28-051)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on October 14, 2009, in accordance with these Conditions of Approval. (P)

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

2. UP09-0011 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

   Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of UP09-0011 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. Restripe the parking lot lines to contrast the neighboring buildings parking strips, and add the extra eight (8) parking spaces to equal total of 92 parking spaces. (P)

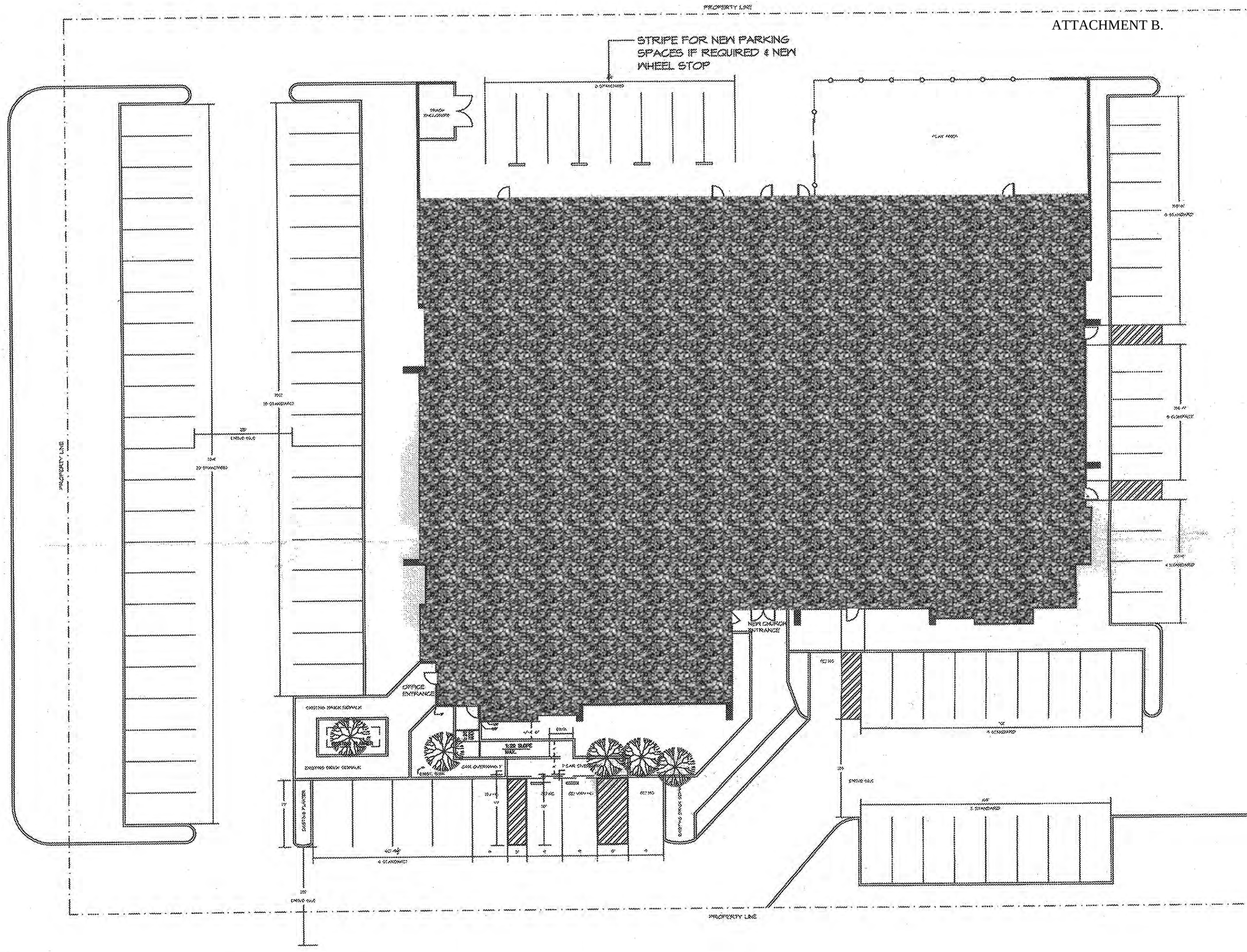
4. The approved Mitigation Negative Declaration EA2005-6 remains in full force and effect. (P)
5. The project description states that musical classes will be given, rooms where musical instruction is taking place must be sound proof rooms, so that the noise will not disturb the neighbors. (P)

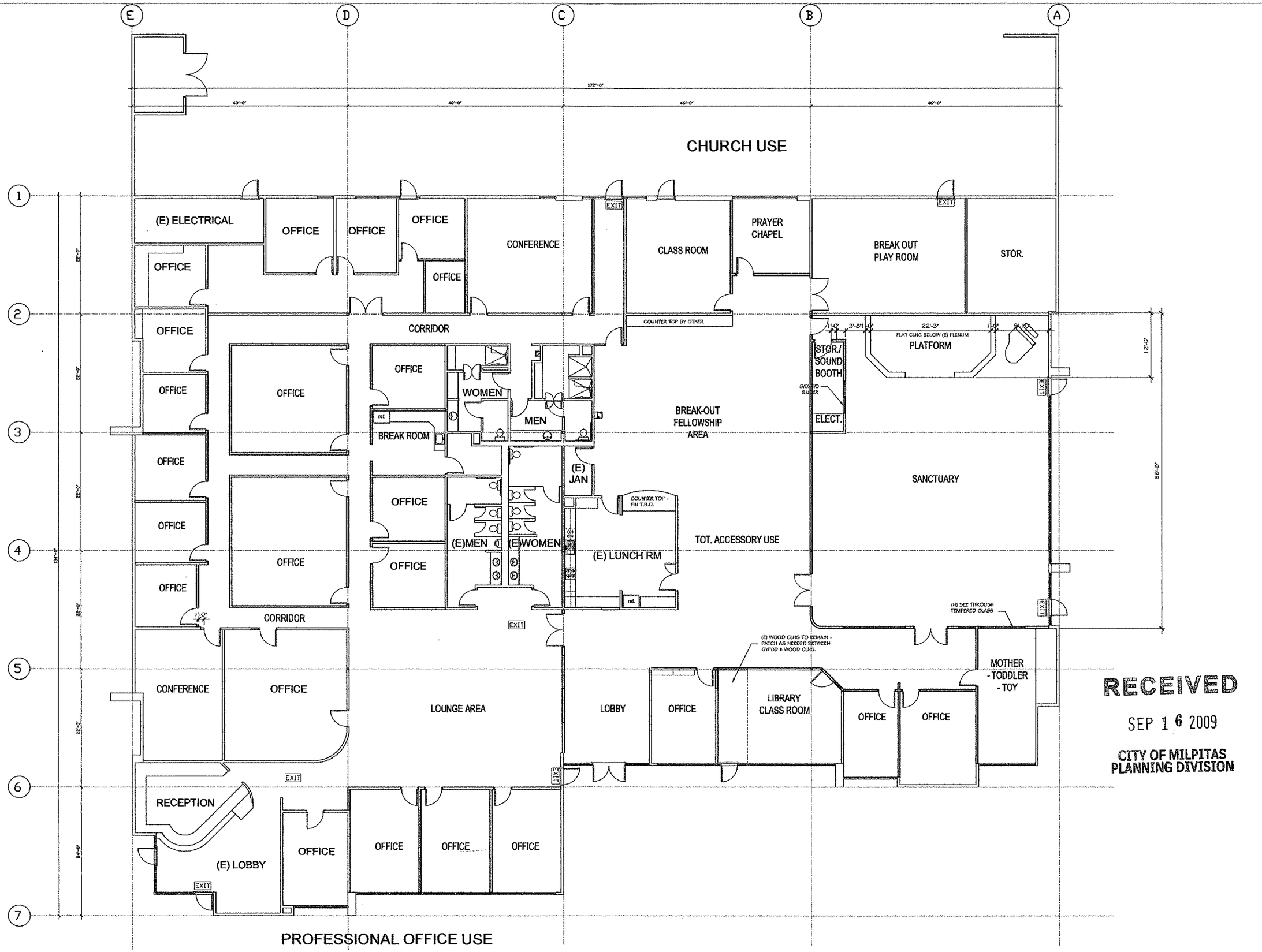
6. All gas monitoring systems shall pass a functional test. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via

pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants. (F)

(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention

ATTACHMENT B.





RECEIVED
SEP 16 2009
CITY OF MILPITAS
PLANNING DIVISION

The 2nd San Jose Vietnamese Alliance Church

PROPOSED FLOOR PLAN

TENANT IMPROVEMENT

555 LOS COCHES DRIVE
MILPITAS, CA 95035

DATE	DESCRIPTION	BY
09/08	REV 1	LT

DATE: 09/01/09
SCALE: AS NOTED
DRAWN BY: LT
CHECK BY: CTS
SHEET
A2

MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2005-6

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE INDIA COMMUNITY CENTER SUMMER DAY CAMP, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: India Community Center Summer Day Camp

Project Description: Operation of an annual 10-week indoor summer day camp within an existing community center located in the Industrial Park (MP) zoning district.

Project Location: A 1.542-acre site located at 555 Los Coches Street, within the City of Milpitas, County of Santa Clara. Assessor's Parcel Numbers: 086-28-051.

Project Proponent: Anil Godhwani, India Community Center, 555 Los Coches Street, Milpitas, CA 95035.

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

Required Mitigation Measures:

Mitigation Measure IIId-1:

Prior to the issuance of building permits, the applicant shall submit to the Planning Division for approval a procedure outlining how drop off, pick up, and indoor queuing of summer day campers for field trips will occur to minimize outdoor exposure of children to hazardous materials.

Mitigation Measure VIIb-1:
Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants of an emergency, via

pre-recorded message, and shall direct them on emergency procedures to follow. Notification shall be in English as well as the primary language of the occupants.

Mitigation Measure VIIb-2:
The sensors and alarm systems shall be maintained in an operable manner and tested on an annual basis. Maintenance and testing shall be performed by a qualified person. Testing shall be witnessed by Fire Department personnel.

Mitigation Measure VIIb-3:
The building ventilation system shall have a manual and automatic shutoff capabilities with the control device located per Fire Department direction. Automatic shutoff shall occur upon gas detection.

Mitigation Measure VIIb-4:
Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.

Mitigation Measure VIIb-5:
Prior to building permit final, warning notification signs shall be posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple languages, as appropriate for occupants of the building.

Mitigation Measure VIIb-6:
Prior to building permit final, the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area and the emergency procedures that will be in place to protect their children and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.

Mitigation Measure VIIb-7:
Prior to issuance of building permits, the applicant shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP), which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment.

Mitigation Measure VIIb-8:
Prior to implementation of the EAP, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of the occupants of the building. Key personnel shall be advised of their responsibility under the EAP.

Mitigation Measure VIIb-9:
Prior to building permit final, drills, with the Fire Department on site, shall be conducted to test and document implementation of the EAP: One drill with the EAP designated staff prior to occupancy, and one drill including building occupants immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis conducted with the Fire Department on site.

Mitigation Measure VIIb-10:
Prior to building permit final, both the Risk Assessment and the Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. An individual meeting the Fire Department requirements shall prepare the updated plans.

Copies of the Initial Study and Mitigated Negative Declaration may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By:_____
Project Planner

Forward to the County Clerk on this _____ day of _____, 2005

By _____

ATTACHMENT D.

CEQA ADDENDUM

Mitigated Negative Declaration No. EA2005-6 for 555 Los Coches

October 14, 2009

City of Milpitas
Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95008

Staff contact: Tiffany Brown, Junior Planner, (408) 586.3283

SUMMARY OF THIS DOCUMENT

This addendum assesses the environmental impact(s) of changing the scope of the development in association with the project located at 555 Los Coches Drive. (APNs: 086-28-051), as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City of Milpitas, as the lead agency under CEQA, will consider the potential environmental impacts of changing the scope of the project listed above when it considers the project in its entirety. This Addendum is an informational document, intended to be used in the planning and decision making process as provided for under Section 15164 of the CEQA Guidelines. The Addendum does not recommend approval or denial of the proposed refinements to the Project.

The fundamental conclusion of this addendum is that the proposed changes to the Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the Mitigated Negative Declaration EA2005-6. Thus, a subsequent or supplemental Negative Declaration need not be prepared.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under CEQA Guidelines Section 15164, an addendum to an adopted mitigated negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare an (EIR) if there are any new significant environmental effects associated with the refined project. With respect to the Project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, this addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164.

BACKGROUND

Mitigated Negative Declaration No. EA2005-6 was drafted to analyze the potential environmental impacts of the future location of a quasi-public use with sensitive receptors (sensitive receptors: children and seniors) for a summer day camp to locate within a 20,358

square foot office building within an industrial zone. Industrial users often use and store hazardous materials as part of their daily business and there is always a chance that an accident could occur which would release, spill, or discharge hazardous materials into the environment. The Mitigated Negative Declaration analyzed the impacts on Hazardous Materials and other pertinent areas.

PROJECT DESCRIPTION

An application was submitted proposing to locate a church facility, also a quasi public use with sensitive receptors, within an existing 20,358 square foot office building.

PROJECT IMPACTS

The use of a summer day camp is a very similar use to a church facility as they are both quasi-public uses with sensitive receptors. It is not expected that any environmental impacts would occur beyond what was already identified in the Mitigated Negative Declaration.

PLANNING AND DEVELOPMENT DEPARTMENT FINDINGS

It is the finding of the Planning Division that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or Negative Declaration is not required for the issue areas discussed above. Discretionary processing of the new Church facility may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

ENVIRONMENTAL IMPACT ASSESSMENT NO: _____

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

Prepared by: Tiffany Brown September 24, 2009
date

Title: Junior Planner

1. Project title: Second Vietnamese Alliance Church

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

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

4. Project location: 555 Los Coches Street (APN: 086-28-051)

5. Project sponsor's name and address:
Hung Pham, 1851 McCarthy Blvd #102, Milpitas CA 95035

6. General plan designation: Industrial Park 7. Zoning: Industrial Park (MP)

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.)
CONDITIONAL USE PERMIT NO. UP09-0011: Request to locate a new church facility with tutoring center and after school family oriented programs to locate within an existing 20,358 square foot Industrial Park building.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project site is located at 555 Los Coches, neighboring the India Community Center and adjacent to Kaiser. The property is zoned Industrial Park with Site and Architectural Overlaying District (MP-S) with Town Center West zoning neighboring to the north, Industrial Park to the east and west, and Heavy Industrial to the south.

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒	1,2,11, 17,18
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☒	1,2,11, 16,18
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒	1,2,11, 18
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	☐	☐	☐	☐	☒	1,2,11, 17,18
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒	1,2,11, 17,18
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒	1,2,11, 13,17, 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?	☐	☐	☐	☐	☒	1,2,11, 13

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☒	1,2,9
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐	☒	1,2,9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☐	☒	1,2,9
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒	1,2,9
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	☒	1,2,18, 19
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	☐	☐	☐	☐	☒	1,2,11, 13,18
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	☐	☐	☐	☐	☒	1,2,11, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒	1,2,11, 18
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	☒	1,2,11, 18
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒	1,2,11, 13,19, 26
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒	1,2,11, 19,26
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☐	☒	1,2,11, 15,16, 18
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☐	☒	1,2,11, 15,16
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒	1,2,11, 17,18
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐	☒	1,2,11, 17,18
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:	☐	☐	☐	☐	☒	1,2,8, 11,18, 19

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐	☒	1,2,8, 11
ii) Strong seismic ground shaking?	☐	☐	☐	☐	☒	1,2,8, 11
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒	1,2,8, 11
iv) Landslides?	☐	☐	☐	☐	☒	1,2,8, 11
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒	1,2,8, 11
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☒	1,2,8, 11
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☐	☒	1,2,8, 11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐	☒	1,2,8, 11
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒	1,2,19
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒	1,2,18, 27,29
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter	☐	☐	☐	☐	☒	1,2,13, 18,19

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
mile of an existing or proposed school?						
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒	1,2,13, 18,19, 27
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	2,13, 14, 18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	2,13, 14, 18, 19
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒	2,19,27
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?	☐	☐	☐	☐	☒	1,2,14, 18,19
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒	1, 2, 19
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?	☐	☐	☐	☐	☒	1, 2, 19
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?	☐	☐	☐	☐	☒	1, 2, 13, 19

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☐	☒	2, 13, 17, 18, 19
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	☐	☐	☐	☐	☒	2, 18, 19
f) Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒	2, 18, 19
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☐	☒	2, 18, 19
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐	☒	2, 18, 20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐	☒	2, 18, 20
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒	2, 18, 20
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	☐	☐	☐	☐	☒	2, 11, 13

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☐	☒	11, 13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒	2, 11
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒	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?	☐	☐	☐	☐	☒	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?	☐	☐	☐	☐	☒	1,2,11, 19
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒	1,2,11, 19
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	1,2,11, 19
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	1,2,11, 19

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒	2, 13, 18, 19
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒	2, 13, 18, 19
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐	☒	2, 11, 18, 19
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒	2, 11, 18, 19
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒	2, 11, 18, 19
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	☐	☐	☐	☐	☒	1, 11, 26, 27

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
XIV. RECREATION:						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒	2, 18, 19
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	☒	2, 18, 19
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☐	☒	2, 13
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒	2, 13
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒	2, 13, 19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒	2, 17, 19
e) Result in inadequate emergency access?	☐	☐	☐	☐	☒	2, 27
f) Result in inadequate parking capacity?	☐	☐	☐	☐	☒	2, 13, 14, 17, 18

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☐	☒	2, 11
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒	1, 2, 11, 22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒	1, 2, 11, 21, 22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒	1, 2, 23
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐	☒	1, 2, 21
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☒	1, 2, 22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	☒	1, 2, 11, 19
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒	2, 11, 19

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☐	☐	☐	☒	1, 2, 11, 13, 15, 16, 17, 18, 26
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐	☒	2, 11, 18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☒	1, 2, 18, 19, 26, 27, 28

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

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

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

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

EXISTING SETTING:

Briefly describe the project setting.

PROJECT DESCRIPTION:

Provide a detailed description of the project.

Attachment to: Conditional Use Permit for a new Church Facility

Project Number: PJ 2585

Permit Numbers: UP09-0011

Discussion of Checklist/Legend

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

I. AESTHETICS

Environmental Impacts
The project proposal is to locate a new church within an existing industrial building. The proposal does not include exterior changes to the building or landscaping. Because the project will not change the existing look and character of the site, the new church will not have an adverse effect on any scenic vistas, nor will it damage scenic resources. The project will not be adding any exterior lighting to the existing parking lot and building and therefore will not adversely affect day or nighttime views in the area.

a) Would the project have a substantial adverse effect on a scenic vista? NI
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? NI
c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings? NI

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

II. AGRICULTURE RESOURCES

Environmental Impacts

Per the Milpitas General Plan and Zoning Ordinance, the project site is designated as industrial park. Surrounding designated land uses include Town Center to the north, Industrial Park to the west and east, and Heavy Industrial to the south. The project site will not have an affect on any type of farmland as described below.

a) Would the project 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? NI

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? NI

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? NI

III. AIR QUALITY

Environmental Impacts

The proposed use is a church facility with after school activities and tutoring sessions. The church will not use chemicals or pollutants and will not have an affect on the air quality of the neighborhood.

a) Would the project conflict with or obstruct implementation of the applicable air quality plan? NI

b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? NI

c) Would the project 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 that exceed quantitative thresholds for ozone precursors)? NI

d) Would the project expose sensitive receptors to substantial pollutant concentrations? NI

e) Would the project create objectionable odors affecting a substantial number of people? NI

IV. BIOLOGICAL RESOURCES

Environmental Impacts

The project site is currently built out with industrial R&D buildings. The project proposal is to locate a church facility within the existing R&D building, no exterior modifications are proposed. The project site does not conflict with any Habitat Conservation Plan, Natural

Conservation Plan, or approved local, regional, or state habitat conservation plan. Because the site is currently built out, there is no anticipated impact.

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 & Games or U.S. Fish & Wildlife Services? NI

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 & Games or U.S. Fish & Wildlife. NI

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, costal, etc.) through direct removal, filling, hydrological interruption, or other means? NI

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

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

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

V. CULTURAL RESOURCES

Environmental Impacts

The project site will not affect any cultural resources or historical resources and therefore there is no anticipated impact.

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? NI

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? NI

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? NI

d) Would the project disturb any human remains, including those interred outside of formal cemeteries? NI

VI. GEOLOGY AND SOILS

Environmental Impacts

The project proposal does not involve grading or the addition of a septic tank. The project site is not a site listed on the Alquist-Priolo Earthquake Fault Zoning Map, and is not located on a geological soil that is not stable and therefore is anticipated to have no impact.

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

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

The project proposal is for a new church to locate within the existing industrial building. The project proposal does not include the use of, transpiration of, or disposal of hazardous materials and therefore is anticipated to have no impact.

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

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? NI

In 2005, the Planning Commission approved a conditional use permit amendment and Mitigated Negative Declaration to allow for a summer day camp at the 555 Los Coches. As mentioned previously, this project site is located within an industrial zone. Industrial users often use and store hazardous materials as part of their daily business and there is always a chance that an accident could occur which could release, spill or discharge hazardous materials into the environment. Therefore, during the review of the project, a Risk Assessment was prepared for this site to identify all hazardous material impacts are analyzed and those impacts are mitigated.

The project proposal for a church is a similar use as a summer day camp in that they both contain sensitive receptors such as children and senior citizens. As a part of this Conditional Use Permit No. UP09-0011 to allow for a church facility at 555 Los Coches, the conditions of approval require the new church to follow and enforce the adopted mitigated negative declaration that was approved in 2005.

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

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

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

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

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

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

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

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

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

The project site is a 1.54 acre parcel consisting of an exiting 20,358 square foot building built in 1983 within an industrial business park setting. The project proposal does not include exterior modifications or grading. The existing site is not located within the 100 year flood zone, nor is it in a location that will be affected by the failure of a levee or dam, and other disasters such as seiche, tsunami, or mudflow.

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

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

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

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

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

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

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

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

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

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

IX. LAND USE AND PLANNING

Environmental Impacts

The proposed use does not conflict with any General Plan policies, and is consistent with Guiding Principle 2.d-G-2, which encourages development of adequate civic, recreational and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth. While the site is located amidst industrial uses, on a larger scale, the location provides convenient access to parishioners who live both in the City and in nearby communities.

Per the Milpitas Zoning Ordinance in April of 2009, a church facility was a conditionally permitted use with Planning Commission Approval. The City Council adopted an Ordinance approving Zoning Amendment changes which went into effect on May 21, 2009. One of the changes, as it pertains to this project, is that the Ordinance no longer allows quasi-public uses within the industrial zoning districts. In adopting the Ordinance, the City Council allowed a period for organizations to submit proposals meeting the former regulations. This project represents the only application submitted during the period to be considered by the Planning Commission through the Conditional Use Permit process. The proposed use, at the proposed location will not be detrimental or injurious to the property or improvements neither in the vicinity nor to the public health, safety and general welfare as conditioned.

The project location is a built-out site with no proposed exterior modifications. Therefore the proposed project will not have any effect on or disturbance of applicable habitat(s) and natural community conservation plan(s), nor will it physically divide an established community.

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

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

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

X. MINERAL RESOURCES

Environmental Impacts

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

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

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

XI. NOISE

Environmental Impacts

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

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

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

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

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

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

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

XII. POPULATION AND HOUSING

Environmental Impacts

The proposed project site is an existing developed business park and does not require displacement of housing or persons and will not induce a substantial population growth within the area and therefore is anticipated to have no impact.

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

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

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

XIII. PUBLIC SERVICES

The project site is served by the following service providers:

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

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

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

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

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

Environmental Impacts

The project proposal does not include nor require new *facilities nor will it altar acceptable service ratios, response times or other performances for any of the applicable public services and therefore is anticipated to have no impact.*

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

Fire Protection? NI

Police Protection? NI

Schools? NI

Parks? NI

Other Public Facilities? NI

XIV. RECREATION

Environmental Impacts

The project proposal includes using the existing R&D building. Because the proposed facility is similar to that of an assembly use or office use the project will not require more open space then what is already provided.

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

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

XV. TRANSPORTATION/TRAFFIC

Major roadways serving the site include: *Calaveras Boulevard, South Milpitas Boulevard, South Hillview Drive, and Los Coches.*

Environmental Impacts

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

The project site has 92 parking spaces. Because the church offers a variety of services and activities, it is not anticipated that the facility would operate at full capacity, plus parting requirements would carry from day to day and form morning, afternoon, and evening. Due to the uniqueness of this type of quasi-public use, staff requires the proposal meet the maximum peak activity/event parking requirements rather then the maximum amount of parking required if the building were at full capacity. It is anticipated that the maximum peak activity/event time occurs on Sundays approximately between 11:00 A.M. and 12:05 P.M. During this time the facility requires 62 parking spaces.

The proposed project use is a church facility which brings in a large amount of people, but for a short period of time. The facility's peak hours of operation (the largest amount of people visiting the facility at the same time) is on a Sunday. The project proposal meets the required amount of parking and is anticipated to have no impact.

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

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

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

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

e) Result in inadequate emergency access? NI

f) Result in inadequate parking capacity? NI

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

XVI. UTILITIES AND SERVICE SYSTEMS --

The project site is served by the following service providers:

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

Environmental Impacts

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

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 site is an existing built-out 1.54 acre parcel, consisting of a 20,358 square foot building located within an industrial business park setting. The proposal does not include exterior modification to the building or site. Thus the project will have no impact on the quality of the environment or reduce any wildlife habitat or species.

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

Due to the nature of the proposal, the project will not have a cumulatively considerable impact on the environment.

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

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

In 2005 a Mitigated Negative Declaration was approved with the Milpitas Fire Prevention Division recommended mitigation measures that will ensure the safety of all church members at the site which includes the installation of chemical sensors, interior and exterior alarms, a windsock, notification at the building entrances, parental notification process and an emergency evacuation plan. These mitigation measures will assist in adequately informing all church members, in the event if hazardous material gasses were released, and provide for proper shelter and evacuation plan which reduces the impact to less than significant. The conditions of approval for the new church locating 555 Los Coches includes the enforcement of the approved Mitigated Negative Declaration which ensures the safety of all church members.

From: Myron Crawford [Mcrawford@MISSIONWEST.com]
Sent: Friday, October 02, 2009 3:03 PM
To: Tiffany Brown
Cc: Ray Marino
Subject: 555 Los Coches Drive Conditional Use Permit UP09-0011

Attachments: 555 Los Coches-Milpitas CA.jpg; Document.pdf

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(408) 725-0700 - fax (408) 725-1626
mcrawford@missionwest.com

10/2/09

Tiffany Brown
City of Milpitas
Building Inspection Division
455 E. Calaveras Blvd.
Milpitas, CA 95035
Ph 408-586-3283 Fax 408-586-3285 Page 1 of 1
TBrown@ci.milpitas.ca.gov

Reference: 555 Los Coches Drive
Conditional Use Permit UP09-0011

Subject: Objection To Church And School Facilities Operations

Tiffany,

Berg and Berg aka Mission West Properties as owners of 233 Hillview (86-38-029); a manufacturing facility with hazardous material use capability, we object to mass congregations of non industrial users or facilities for children that could in anyway impact or limit the use or potential use by a prospective tenant for our heavy industrial facilities.

As laudable as the purposes of religious facilities and schools maybe, it is important to not locate them in industrial areas where they impact or limit industrial users, industrial parks are not the proper location for these institutions.

In addition to the hazardous materials aspect, we have experienced that there is always conflict over parking when churches and schools are near industrial facilities.

Thank you,

Myron Crawford