



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING :

Meeting Date: March 9, 2011

APPLICATION: **CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0001**

APPLICATION
SUMMARY:

A request to amend the existing conditional use permit for the Certified Farmers' Market at Great Mall to operate on Saturdays versus Sundays during the same time and months as previously approved.

LOCATION:

Great Mall parking lot near (APN: 086-24-023)

APPLICANT:

Chang B. Yang, 2343 S. Hughes Ave., Fresno, CA 93706

OWNER:

Simon Property Group, Inc. Richard Gallagher, 477 Great Mall Drive, Milpitas, CA 95035

RECOMMENDATION:

Staff recommends that the Planning Commission: Adopt Resolution No. 11-012 subject to the attached conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation:

General Commercial / General Commercial with Site and Architectural Review Overlay District (C2-S)

Related Permits:

Conditional Use Permit No. UP08-0042 and Environmental Impact Assessment No. EA08-0006

CEQA Determination:

An addendum to the Negative Declaration No. EA08-0006 was prepared in accordance with the California Environmental Quality Act.

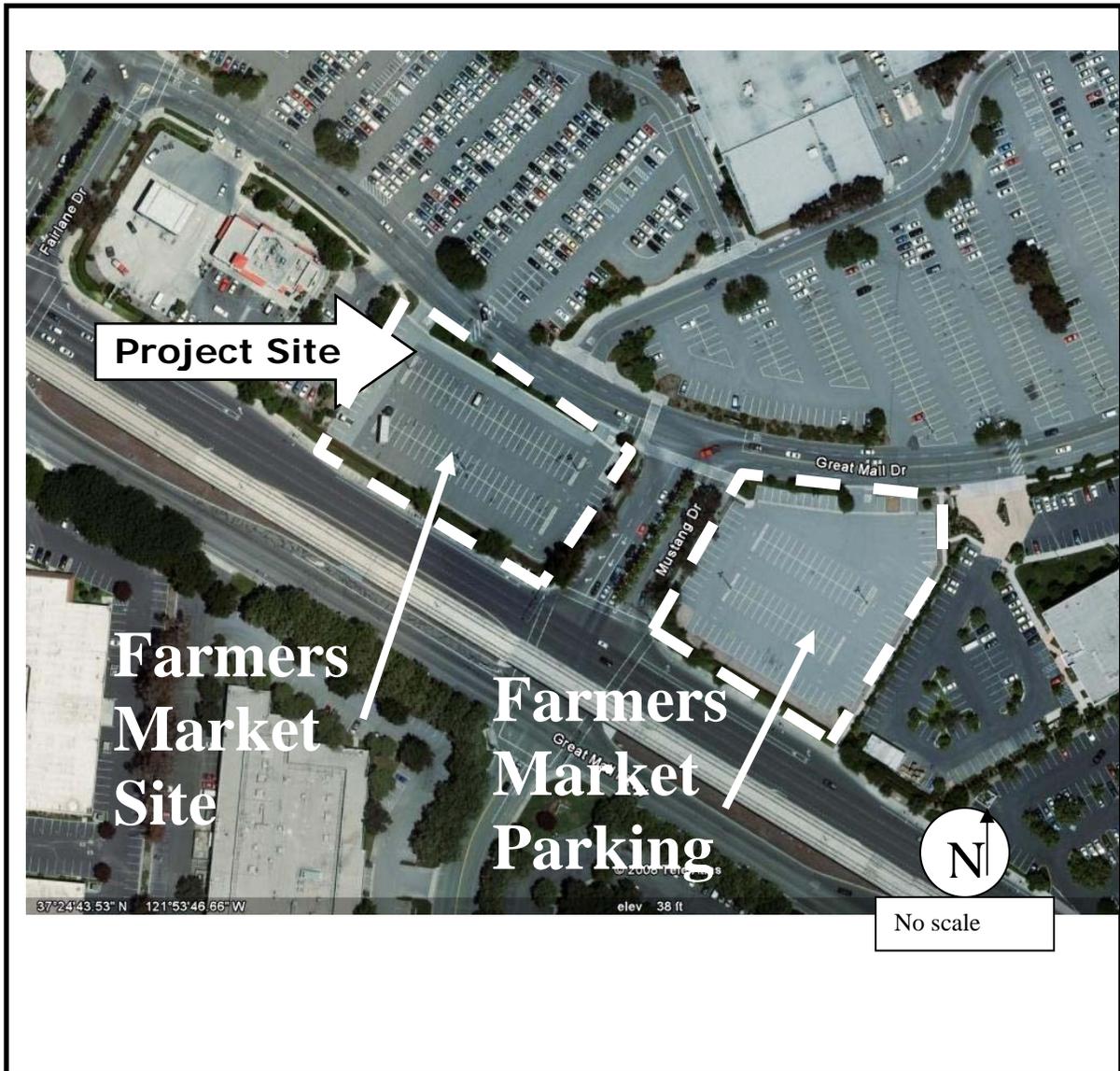
PLANNER:

Tiffany Brown

ATTACHMENTS:

- A. Resolution No. 11-012
- B. Site Plans
- C. Addendum to Negative Declaration
- D. January 28, 2009 Meeting Minutes
- E. January 28, 2009 Staff Report

LOCATION MAP



BACKGROUND

In January of 2009, the Planning Commission approved a Conditional Use Permit to allow for the operation of a farmers market located within the Great Mall parking lot near Mustang Drive and Great Mall Drive. The use permit allows for the certified Farmers’ Market to operate on Sundays from 8:00a.m. until 1:00 p.m., during the months of April until the first Sunday prior to Thanksgiving in November.

Simon Properties, property owner/designee for the Great Mall has required the market to operate on Saturdays instead of Sundays. Per Section 57.04 for Applications for a Conditional Use Permit, any change in a business that requires a conditional use permit, shall be reviewed and approved by the Planning Commission as an amendment. On January 31, 2011, Chang B. Yang, owner of the Certified Farmers Market, submitted an application for a conditional use permit amendment, requesting to change the date for the farmers market to Saturdays instead of Sundays.

PROJECT DESCRIPTION

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

The Certified Farmers’ Market currently operates on Sundays from 8:00a.m. until 1:00 p.m. during the months of April through the first Sunday prior to Thanksgiving in November. The market provides approximately 104 vender stalls that are equivalent to parking stalls in size. The Farmers Market operation and set up will remain the same just on Saturday versus Sunday. For further detail on the operation and set up of the market, refer to Attachment E.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 1
General Plan Consistency

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

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

Zoning Ordinance

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

- a. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor the public health, safety, and general welfare;
- b. 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.
- c. The proposed use is consistent with the Milpitas General Plan (As noted on the previous page under General Plan); and
- d. The proposed use is consistent with the Milpitas Zoning Ordinance.

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

ENVIRONMENTAL REVIEW

A Negative Declaration was adopted by the Planning Commission on January 28, 2009. The Planning Division conducted an initial environmental assessment of the project changes and determined the change in days for the operation for the farmers market is a minor technical change and an addendum was prepared in accordance with Article 11 Section 15164 of the California Environmental Quality Act Guidelines.

No additional environmental impacts will occur as a result of the change in the day of operation.

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 no inquiries.

CONCLUSION

The minor change in the Certified Farmers Market day of operation will not affect the ability for the market to serve the existing residents and shoppers of Milpitas. The market at this location provides a close opportunity for future residents of the new High Density Residential homes that

are permitted in the Transit Area Specific Plan. The market remains consistent with the General Plan and Zoning Ordinance and will continue to provide a great amenity for the surrounding community.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. approving UA11-0001, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-012
- B. Site Plans
- C. Addendum to Negative Declaration
- D. January 28, 2009 Meeting Minutes
- E. January 28, 2009 Staff Report

RESOLUTION NO. 11-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT NO. UP11-0001 TO ALLOW THE OPERATION OF A CERTIFIED FARMERS MARKET WITHIN THE GREAT MALL PARKING LOT ON SATURDAYS FROM 8:00 A.M. UNTIL 1:00 P.M. SIX MONTHS OUT OF THE YEAR LOCATED AT 1100 S MAIN STREET

WHEREAS, on January 31, 2011, an application was submitted by Chang B. Yang, 2343 S. Hughes Ave., Fresno, CA 93706, to operate a certified Farmers' Market within the Great Mall parking lot on Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Saturday prior to Thanksgiving. The property is located within the General Commercial zoning district (APN: 86-24-060); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and prepared an Addendum to the adopted Negative Declaration in accordance with Article 11 Section 15164 of the California Environmental Quality Act Guidelines; and

WHEREAS, on March 9, 2011, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

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

Section 2: A Negative Declaration was reviewed and approved by the Planning Commission on January 28, 2009. The Planning Commission conducted an initial environmental assessment of the project changes and determined the date change in operation for the farmers market is a minor technical change and as a result no new environmental impacts would result and an addendum was prepared in accordance with Article 11 Section 15164 of the California Environmental Quality Act Guidelines.

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

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

Section 5: The existing farmers’ market operations have proven to not be detrimental or injurious to property or improvements in the vicinity nor the public health, safety, and general welfare. The applicant is proposing to operate the same, just on a different day of the week and it is expected to remain consistent with the above statement.

Section 6: The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit Amendment No. UA11-0001, Certified Farmers’ Market, 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 March 9, 2011.

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 March 9, 2011, and carried by the following roll call vote:

| COMMISSIONER | AYES | NOES | ABSENT | ABSTAIN |
|---------------------|-------------|-------------|---------------|----------------|
| Lawrence Ciardella | | | | |
| Sudhir Mandal | | | | |
| Zeya Mohsin | | | | |
| Gurdev Sandhu | | | | |
| Steve Tao | | | | |
| Noella Tabladillo | | | | |
| Mark Tiernan | | | | |
| John Luk | | | | |

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT AMENDMENT NO. UP11-0001**

Operate a certified Farmers' Market within the Great Mall parking lot on Saturdays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Saturdays prior to Thanksgiving in November.
(APN: 086-24-023)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on **March 9, 2011**, in accordance with these Conditions of Approval.

Any deviation from the approved site plan or other approved submittal shall require that, prior to market operation, 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)**

UA11-0001 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of **UA11-0001** if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
 3. This Conditional Use Permit Amendment No. UP11-0001 is for the request to operate a certified Farmers' Market within the Great Mall parking lot on Saturdays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving in November. This approval supersedes any other previous approval for the market. **(P)**
 4. There will be **NO** vehicles allowed to drive around within the market area during hours of operation. The only vehicles allowed within the market area will be the vender's vehicles, during set up time at 6:00a.m. and after the market is closed and cleaned up around 2:00p.m. **(P)**

5. The applicant will provide trash bins throughout the market area during hours of operation to ensure the area will stay clean. An agreement has been set up with McDonalds/Chevron to utilize their trash and recycling facilities after the market is over. **(P)**
6. In accordance with the approved Traffic Control Plan, the Market operator shall install and remove Traffic control Elements for each event including R1-6 and T1-6a Signs. Signs should be mounted on Type II Barricades unless noted otherwise. Farmers Market Staff shall provide two flaggers for the first months of the event to guide Pedestrians from Parking Areas to the Event. The City shall evaluate the on-going use of flaggers for future events. Traffic Control Element shall be in place by 7:00a.m. each event day. Traffic control Elements shall be removed by 2 P.M. each event day. **(P)**
7. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved conditional use permit. **(P)**
8. No music, performances or special event activities (i.e., cooking show, recipe contests, and face painter) will be allowed within 200 feet of any residential property line unless specifically approved by the Planning Director or designee. **(P)**
9. The market operator is responsible for leaving the parking lot area clean and litter-free after each event. **(P)**
10. All foods must be produced, prepared, packaged, stored, transported and marketed in compliance with County Environmental Health Standards. The Market operator shall maintain in good standing all necessary health permits for the operations of the Market and shall be responsible for requiring all vendors to be in possession of necessary health permits for all products sold. **(P)**
11. The market operator shall obtain a master business license with the City of Milpitas for participating farmers and other vendors. **(P)**
12. The market operator shall enter into an indemnification agreement by which it agrees to defend, indemnify and hold harmless the City, its officers, agents and employees from any and all claims, damages, cost and other expense, including attorney fees, arising out of its approval of the conditional use permit, or environmental determination rendered in connection with the permit approval, or arising from or as a result of any actions by the Market pursuant to the conditional use permit. **(P)**
13. Applicant is advised that, per MMC V-200-7.61, *Right of Individual to Dispose of Recyclable Waste Material*, that individual vendors, or the farmers' market organization, may keep or "back haul" non-putrescible recyclable materials. **(E)**
14. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to any permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:

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

(E)

- 15. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
- 16. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private parties, including but not limited to the Chevron/McDonald for the use of their facilities (restrooms). Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
- 17. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)

(P) = Planning

(E) = Engineering

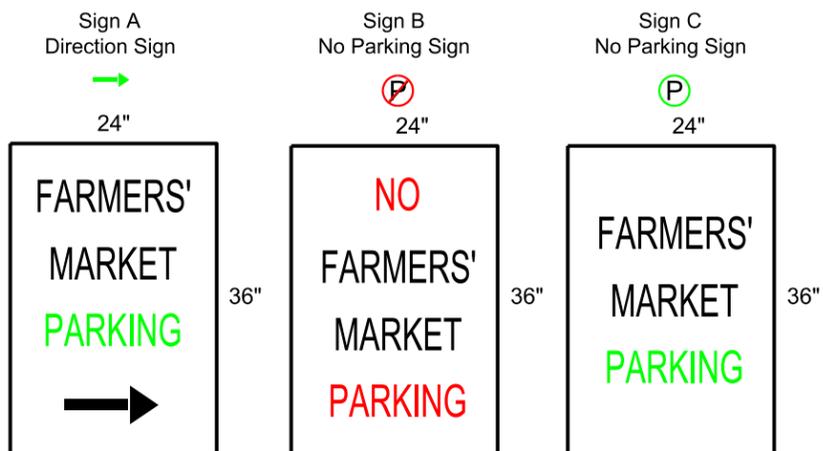


Notes

- Farmer's Market Staff shall procure, install, and remove Traffic Control Elements for each Event including R1-6 and R1-6a Signs. Signs should be mounted on Type II barricades unless noted otherwise.
- Farmer's Market Staff shall provide two flaggers for the first month's events to guide Pedestrians from Parking Areas to the Event. The City shall evaluate the on-going use of flaggers for future events at that time.
- Traffic Control Elements shall be in place by 7AM each Event day.
- Traffic Control Elements shall be removed by 2PM each Event day.
- Event Schedule:
 - Every Sunday, 7:30AM to 1:00PM

Notes

- Type III Barricade with Sign Noted.
- Traffic Cone
- Flagger - Farmer's Market Furnished



| <p>Record Drawings</p> <p>PROJECT ENGINEER: _____ DATE: _____</p> <p>DESIGNER: _____ DATE: _____</p> <p>PUBLIC WORKS INSPECTOR: _____ DATE: _____</p> <p>PUBLIC IMPROVEMENTS INITIALLY ACCEPTED BY THE CITY COUNCIL ON: _____</p> | | <p>Submittal Log</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> | | NO. | DESCRIPTION | DATE | | | | | | | | | | | | | <p>Revisions</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> | | NO. | DESCRIPTION | DATE | | | | | | | | | | | | | <p>Milpitas Farmers' Market at the Great Mall</p> <p>Great Mall Pkwy & Centre Pointe Dr</p> <p>Way Finding & Parking Plan</p> | | <p>RECOMMENDED FOR BIDDING BY: _____</p> <p>DATE: _____</p> <p>APPROVED FOR BIDDING BY: _____</p> <p>DATE: _____</p> | | <p>PROJECT NO. _____</p> <p>CIP NO. _____</p> <p>SHEET NO. _____</p> <p>1 of 1</p> | |
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ADDENDUM TO NEGATIVE DECLARATION: EA08-0006

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Tiffany Brown 2/22/11
date

Title: Junior Planner

1. Project title: Great Mall Certified Farmers' Market
2. Lead Agency Name and Address: City of Milpitas
3. Contact person and phone number: Tiffany Brown, 408-586-3283
4. Project location: APN: 068-24-060, within the Great Mall Parking Lot
5. Project sponsor's name and address:
Chang B. Yang, 2343 South Hughes Avenue, Fresno, California 93706

6. General plan designation: General Commercial 7. Zoning: General Commercial (C2)
8. Description of project:
Operate a certified Farmers' Market within the Great Mall parking lot. The Market will be located on the south west portion of the Mall parking lot between McChevron and Heald College. The Market will operate on Saturdays from 8:00a.m. until 1:00p.m. during the months of April until the first Saturday prior to Thanksgiving.

9. Proposed Addendum:
Pursuant to CEQA Guidelines Section 15164(b), where an addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or non of the conditions described in Section 15162 calling for the preparation of a subsequent Negative Declaration have occurred.

The operation of the Certified Farmers Market that was reviewed and approved in 2008 will remain unchanged. This addendum is for the request to operate on a Saturday versus Sunday. The continued operation of the market would maintain existing conditions of approval and therefore was considered a minor technical change.

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

| WOULD THE PROJECT: | IMPACT | | | | | Source |
|--|--------------------------|--------------------------------|--|------------------------------|-------------------------------------|---------------|
| | Cumulative | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | |
| I. AESTHETICS: | | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |
| II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 13, 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, 13, 18 |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 13, 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"/> | 1, 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"/> | 1, 2, 11 |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 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"/> | 1, 2, 11, 18 |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 18 |
| IV. BIOLOGICAL RESOURCES: Would the project: | | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 18 |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 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"/> | 1, 2, 11, 13, 17, 18 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 13, 17, 18 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 13 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 18 |
| V. CULTURAL RESOURCES: Would the project: | | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11, 19 |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11, 19 |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11, 19 |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,11, 19 |
| VI. GEOLOGY AND SOILS: Would the project: | | | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | | |

| WOULD THE PROJECT: | IMPACT | | | | | 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, 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, 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, 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, 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, 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"/> | 1, 2 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2 |
| 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"/> | 1, 2 |

| 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, 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, 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, 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, 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, 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, 26 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 26 |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 17, 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"/> | 1, 2, 17, 18 |
| e) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2 |
| f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2 |
| 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 |
| 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, 18 |
| i) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11, 18 |
| 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, 18 |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 13 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 17, 18 |

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

| | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-----------|
| X. MINERAL RESOURCES: | | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 18 |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 18 |
| XI. NOISE: | | | | | | |
| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |
| 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, 18 |
| 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, 18 |
| 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, 18 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 11, 18 |

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

| | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|----------------------|
| 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, 18 |
| 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, 18 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 18 |
| XIII. PUBLIC SERVICES: | | | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | | 1, 2, 11, 13, 17, 18 |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 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, 18 |

| WOULD THE PROJECT: | IMPACT | | | | | Source |
|--|--------------------------|--------------------------------|--|-------------------------------------|-------------------------------------|-----------------------|
| | Cumulative | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 18 |
| XV. TRANSPORTATION/TRAFFIC: Would the project: | | | | | | |
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 18, 26 |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 18 |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 18 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 18 |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2 |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2, 18, 26 |
| 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, 13, 17, 18, 26 |

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

| XVI. UTILITIES AND SERVICE SYSTEMS: Would the project: | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 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, 18 |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 18 |
| 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, 18 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 18 |
| 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, 18 |
| 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"/> | 1, 2, 11, 13, 17, 18, 26 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 13, 17, 18, 26 |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 11, 13, 17, 18, 26 |

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

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

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

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

EXISTING SETTING:



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

PROJECT DESCRIPTION:

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

PROPOSED ADDENDUM:

Pursuant to CEQA Guidelines Section 15164(b), where an addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or non of the conditions

described in Section 15162 calling for the preparation of a subsequent Negative Declaration have occurred.

The operation of the Certified Farmers Market that was review and approved in 2008 will remain unchanged. This addendum is for the request to operate on a Saturday versus Sunday. The continued operation of the market would maintain previously operated and analyzed conditions and therefore was considered a minor technical change.

Attachment to: Great Mall Certified Farmers' Market, Conditional Use Permit Amendment and Negative Declaration

Project Number: 2559

Permit Numbers: UA11-0001, EA08-0006

Discussion of Checklist/Legend

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

I. AESTHETICS

Environmental Impacts

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

No change from the 2008 approval as the existing site is a paved parking lot designed to serve the mall. The mall currently has around 6,616 parking spaces and the market will take up 104 parking spaces. Occasionally, with the approval from the City, the Mall holds temporary special events, such as tent sales and other expositions. The mall and parking is not located within the General Plan's designated Scenic Vistas. Because the project site is an existing parking lot, the Farmers Market will not have a substantially adverse effect on scenic resources nor the visual character of the site and its surroundings.

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

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

II. AGRICULTURE RESOURCES

Environmental Impacts

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

The change of day the market operates has no impact on this section in that the General Plan and Zoning Ordinance designate the project site as General Commercial. The project site is located next to High Density Mixed Use, and High Density Residential. Because the project site and its surroundings are not designated farmland, the project will not result in a conversion of farmland.

III. AIR QUALITY

Environmental Impacts

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

There is no change from the approval in 2008 in that the proposed project is a temporary use located on an existing site and will not be using any materials or equipment that will violate standards of the applicable air quality plan. The project is operating during an off-peak commuting period and it is anticipated that the market operations would not contribute to excessive levels of pollutants.

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

There is no change from the 2008 approval in that the location of the project site and the Market will not expose sensitive receptors to pollutants. The market is located within a parking lot that serves the Great Mall and should not create objectionable odors to the neighboring properties. The closest residence and residentially zoned property is approximately 2,000 feet away.

IV. BIOLOGICAL RESOURCES

Environmental Impacts

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

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

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

The operation of the market has not changed and is a temporary use located within the existing parking lot area and does not require the removal of trees and therefore is not conflicting with any local policies or ordinances protecting biological resources such as tree preservation etc.

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

The proposal is the same that is approved in 2008 in that the market existing will not cause a disruption, as it is located in the parking lot and therefore will not conflict with the provisions of an adopted Habitat Conservation Plan.

V. CULTURAL RESOURCES

Environmental Impacts

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

The market places temporary tents and structures on the parking lot surface and as approved 2008 will not cause any change to historical, archaeological or paleontological resources. The project does not include grading of any kind and will not disturb human remains.

VI. GEOLOGY AND SOILS

Environmental Impacts

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

No change from the 2008 approval (see Negative Declaration)

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

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

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

The project location has not changed from the approved location in 2008.

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

The market operations have not changed and does not require septic tanks or alternative waste water disposal..

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

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

The farmers market does not use, transport, or dispose hazardous materials and therefore will have no impact.

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

The market is located within the same place as approved in 2008. The site is not located within an airport land use plan or within two miles of a public airport and therefore the project has no impact.

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

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

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

The farmers' market operation and location remain unchanged. The only change to what was previously approved in 2008 is the day of operation from Saturday instead of Sunday. The site is approximately 280 feet from the Great Mall, approximately 150 feet away from the McDonalds/Chevron to the northwest and 500 feet from the Heald Collage to the southeast. The farmers market is a temporary use that will not impair implementation of or interfere with an adopted emergency response plan or evacuation plan and therefore has no impact.

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

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

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

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

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

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

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

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

The market operations will remain the same and does not affect drainage patterns since the market locates temporary tents over an existing parking lot.

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

No change from the 2008 approval (see Negative Declaration)

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

No change from the 2008 approval (see Negative Declaration)

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

The Farmers market does not include the construction of housing and therefore has no impact.

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

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

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

No change from the 2008 approval (see Negative Declaration)

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

No change from the 2008 approval (see Negative Declaration)

IX. LAND USE AND PLANNING

Environmental Impacts

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

The farmers market is a temporary use located between the Great Mall, Heald college and the McDonalds/Chevron. The market does not physically divide an established community and therefore will have no impact.

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

The farmers market does not conflict with any applicable land use plan or habitat conservation plan and therefore has no impact.

X. MINERAL RESOURCES

Environmental Impacts

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

No change from the 2008 approval in that according to the City's General Plan there are no mineral resources in the vicinity. Furthermore, the temporary use would not affect the subsurface area and therefore it is anticipated that there would be no impact to mineral resources.

XI. NOISE

Environmental Impacts

a-d) Would the project result in exposure of persons to or generate noise levels, ground borne vibration noise levels, or ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Or would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? NI

The closest residentially zoned property is Centria. The farmers market is a temporary use that does not create a noise level exceeding the Day Night Noise Level (DNL) for commercial uses as depicted in the general plan and therefore as approved is anticipated to have no impact.

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

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

XII. POPULATION AND HOUSING

Environmental Impacts

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

NI

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

XIII. PUBLIC SERVICES

The project site is served by the following service providers:

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

Environmental Impacts

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

Fire Protection? NI

Police Protection? NI

Schools? NI

Parks? NI

Other Public Facilities? NI

No change from the 2008 approval (see Negative Declaration)

XIV. RECREATION

Environmental Impacts

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

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

XV. TRANSPORTATION/TRAFFIC

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



Environmental Impacts

Would the project:

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

The certified farmers market currently operates once a week on Sundays, six months out of the year in the existing parking lot that serves the Great Mall. This addendum is to change the day of operation from Sundays to Saturdays. The hours of the market partially occur when the mall is closed. It is expected that the market would operate during an off-peak period for the mall because typically the peak would occur in the mid-afternoon after the market is closed. In addition, the market will be on hiatus during the peak holiday shopping period, thus not creating a conflict with the expected increase in patrons to the mall. It is possible that there could be an increase in patrons coming to the mall during the period that the market is operating, but the parking facilities and roadways would have sufficient capacity to accommodate the influx as they are designed for weekday AM/PM peak traffic and holiday parking demand.

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

See the response above.

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

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

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

The market operates and will continue to operate in accordance with the traffic control plan has been reviewed and approved to be a safe design that will not substantially increase hazards. (See Adopted Negative Declaration for traffic control plan)

f) Result in inadequate parking capacity? LS

The market will operate in the same location within the Great Mall parking lot on Saturdays versus Sundays during the non-holiday season defined as the period between Thanksgiving and Christmas. The Great Mall has a surplus of parking allotted to them and was approved for a parking reduction in 1999 in relation to the remodel of the new entertainment zone at the north end of the Mall. A condition of approval for this project included that the parking demand under both non-holiday and holiday seasons shall not exceed 90% of the parking capacity over a six hour period. Knowing that the Mall did not exceed nor come near the 90% parking threshold for non-holiday seasons, the market should not have a significant impact on the parking capacity.

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

The market does not conflict with adopted policies, plans or programs supporting alternative transportation and therefore has no impact.

XVI. UTILITIES AND SERVICE SYSTEMS

The project site is served by the following service providers:

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

Environmental Impacts

Would the project:

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

No change from the 2008 approval (see Negative Declaration)

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 Certified Farmers Market will operate on Saturdays versus Sundays, and all other operations remain unchanged from what was reviewed and adopted in the 2008 Negative Declaration. (See Negative Declaration for more information)

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)? LS

The market's use of an existing parking lot for a regional mall, coupled with a waste, security and traffic plan to be implemented by the market will not cause a cumulative impact by the project because the market is using existing infrastructure already in place and in use by the mall.

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

As the market operates to date, little to no substantial adverse effects to human beings, either directly or indirectly have occurred. It is expected that the day change in the operation from Saturdays versus Sundays will not change the previously reviewed and approved situation as it relates to direct or indirect adverse effects on human beings.

Motion to Adopt Resolution No. 09-008 approving the project subject to conditions of approval with (2) two 6-months review and video surveillance.

M/S: Mandal, Ciardella

AYES: 4

NOES: 2 (Aslam Ali, Noella Tabladillo)

ABSENT: 1 (Alex Galang)

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UP08-0042
AND ENVIRONMENTAL
IMPACT ASSESSMENT
NO. ES08-0006**

Tiffany Brown, Junior Planner, presented a request to operate a certified Farmers' Market within the Great Mall parking lot located at 1100 S. Main Street. The market's proposed hours of operation are for Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Sunday prior to Thanksgiving. Ms. Brown recommended to Adopt Resolution No. 09-009 approving the project subject to conditions of approval and adopting the Negative Declaration for the project.

Chair Williams stated the Great Mall falls between Parc Place and the proposed Farmers' Market.

Chang B. Yang, 2343 So. Hugh Ave, Fresno, CA, does not think that his Farmers' Market will cause any effect on the other Farmers' Market.

Commissioner Sandhu asked if the produce or products come from local farmers or from other growers in the area. Mr. Yang stated that most of the produce would be from the San Joaquin Valley and Morgan Hill.

Commissioner Tabladillo asked Mr. Yang if he operated a Farmers' Market on other days. Mr. Yang stated no, he goes to Farmers' Market in San Leandro and other cities on Saturday as a vendor. This is the first Farmers' Market he will operate. He has been in the Farmers' Market industry for 13 years.

Chair Williams has a concern with traffic flow. Mr. Yang stated he has no personal experience with traffic problems. He will have an assistant to help with traffic flow and pedestrian safety. Chair Williams asked Mr. Yang if he has personally observed the traffic going into the Great Mall at that time. Mr. Yang stated yes in the early morning the traffic would not be any problem.

Chair Williams opened the public hearing.

Anil Godhwani, India Community Center, he is proposing to have the Farmers' Market on a Wednesday or Thursday.

Tom Rainwater, Parc Place, is against on having the Farmers' Market at the Great Mall. He feels the market should only be twice a month and only 3 hours. He also stated that there is no management plan, no sanitation, or security.

Motion to close the public hearing

M/S: Ciardella, Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Alex Galang)

ABSTAIN: 0

Commissioner Tabladillo asked what the definition of a Certified Farmers' Market is. Mr. Yang stated the farmers have to sell the produce they grow themselves. They can not sell produce from other growers. Each grower has to be certified by the County. Commissioner Tabladillo asked the minimum and maximum of vendors at the site. Ms. Brown stated there is no minimum but there is a maximum of 104 vendors.

Vice-Chair Mandal asked about security. Ms. Brown stated there will be flaggers for pedestrian safety. Great Mall will provide security, no Police assistance.

Commissioner Sandhu suggested the applicant having his Farmers' Market on Wednesday which he believes would be more beneficial to the community.

Commissioner Tabladillo proposed having the market on another day. Mr. Yang stated the Mall opens every other day at 10:00 a.m. He said he could speak to the management at the Great Mall to see if it is feasible.

Chair Williams made a proposal to continue this item and have the applicant work with staff on a number of items brought force and report back to the Commission. James Lindsay, Planning Director, suggested continuing the item to the next meeting.

Motion to continue the public hearing with a report back to the Commission at the February 11th meeting.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Alex Galang)

ABSTAIN: 0

**3. ZONING
AMENDMENT NO. ZA08-
0010, SPECIFIC PLAN
AMENDMENT NO. ST08-
0003, PARKING
ORDINANCE
AMENDMENTS**

Sheldon Ah Sing, Senior Planner, presented a request to amend the city of Milpitas Zoning Ordinance Section 53 regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses within the City, including those within the Midtown and Transit Area Specific Plans. The proposed changes would affect new or remodel projects. Mr. Ah Sing recommended to Adopt Resolution No. 09-007 recommending approval of the amendments to the City Council.

Chair Williams asked if there have been any complaints. Mr. Ah Sing stated staff heard a lot from neighbors in the existing areas.

Commissioner Ciardella asked if staff could restrict restaurants from moving into buildings to solve the restaurant parking problem. Mr. Ah Sing stated that if new projects come into effect it would be up to the Commission to decide the restrictions.

Chair Williams opened the public hearing.

John Holmes, 1438 Clear Lake Avenue, stated that according to the State a restaurant is suppose to have one parking space for each employee. He is concerned about the parking capacity at the Church on Park Victoria.

E James Murar, Milpitas Station LLC, wanted to thank the Commission for bringing in the property owners and stake holders as part of the study. He is in support of staff's recommendations.



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 28, 2009

APPLICATION: **CONDITIONAL USE PERMIT NO. UP08-0042 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0006**

APPLICATION SUMMARY: A request to operate a certified Farmers' Market within the Great Mall parking lot on Sundays from 8:00a.m. until 1:00p.m. during the months of April until the first Sunday prior to Thanksgiving.

LOCATION: 1100 S Main Street (APN: 86-24-060)
APPLICANT: Chang B. Yang, 2343 South Hughes Avenue, Fresno, California 93706
OWNER: Richard Gallagher, 477 Great Mall Drive, Milpitas, CA 95035

RECOMMENDATION: **Staff recommends that the Planning Commission:**
1. Close the public hearing; and
2. Approve the project subject to the attached Resolution and conditions of approval.

PROJECT DATA:
General Plan/
Zoning Designation: General Commercial / General Commercial (C2)

Overlay District: Site and Architectural Overlay District (-S)
Related Permits:

CEQA Determination: A negative declaration was prepared and circulated in accordance with the California Environmental Quality Act.

PLANNER: Tiffany Brown
PJ: 2559

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

LOCATION MAP



BACKGROUND

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

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

PROJECT DESCRIPTION

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

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

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

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

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

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 1
General Plan Consistency

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

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

Zoning Ordinance

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

- (a) The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor the public health, safety, and general welfare;
The proposed use is conducted entirely within the proposed facility, the project meets the parking requirements, the mitigations pertaining to hazardous materials lower the risk to less 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(*As noted on the previous page under General Plan*); and
- (c) The proposed use is consistent with the Milpitas Zoning Ordinance.

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

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT/OUTREACH

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

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

CONCLUSION

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

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

RECOMMENDATION

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

Attachments:

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

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