



# MILPITAS PLANNING COMMISSION AGENDA REPORT

Public Hearing

Meeting Date: June 27, 2012

**APPLICATION:** General Plan Amendment No. GP12-0001, Zoning Amendment No. ZA12-0002, Specific Plan Amendment No. ST12-0001, Conditional Use Permit No. UP12-0013, and Environmental Assessment No. EA12-0002, SB Tech Center Rezone

**APPLICATION SUMMARY:** A request to change the land use designation from Industrial Park to General Commercial on an 11.17-acre site with developed light industrial office buildings. The project proposal also includes a conditional use permit to allow for the operations of existing industrial uses.

**LOCATION:** 1603-1787 S. Main Street (APN 86-21-073)  
**APPLICANT:** SB Tech LLC, 3090 Pullman St. Costa Mesa, CA 92626  
**OWNER:** SB Tech LLC, 3090 Pullman St. Costa Mesa, CA 92626

**RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 12-029 recommending approval of the project subject to conditions of approval to the City Council.**

**PROJECT DATA:**  
 General Plan/  
 Zoning Designation: Industrial Park (INP)/Industrial Park (MP)  
 Overlay District: Site and Architectural Overlay  
 Specific Plan: Midtown Specific Plan

**Site Area:** 11.17 acres

**CEQA Determination:** A Negative Declaration has been prepared and circulated for public comment between May 30, 2012 and June 19, 2012.

**PLANNER:** Cindy Hom, Assistant Planner

**PJ:** PJ 2814

**ATTACHMENTS:**

- A. Resolution No. 12-029
  - 1. Exhibit 1 Conditions of Approval
  - 2. Exhibit 2 List of Tenants affected by Conditional Use Permit
  - 3. Exhibit 3 (Ordinance 38.805 and Sectional District Map)
  - 4. Exhibit 4 (General Plan Map Amendment)

5. Exhibit 5 (Midtown Specific Plan Map Amendment)

- B. Project Description
- C. Project Plans
- D. General Commercial Zoning
- E. Industrial Tenant List
- F. Environmental Assessment No EA12-0002

# LOCATION MAP



No scale

## **BACKGROUND**

The development of the South Bay Tech Center occurred in two phases. The development of Phase 1 consisting of two (2) two-story multi-tenant industrial office building totaling 79,782 square feet in floor area was approved by the Planning Commission for site development approval in March 1985. The second phase consisting of four (4) single story industrial buildings, totaling 81,780 square feet in floor area was approved in November 1989.

In May 2007, the Planning Commission reviewed a proposal for a General Plan Amendment, Zone Change, Specific Plan Amendment and site development permit for a 368-unit residential subdivision and installation of various site improvements. Due to strong opposition, the project was ultimately withdrawn.

On March 12, 2012, Brandy Krechel with SB Tech Center LLC, submitted an application for a General Plan Amendment, Zone Change, and Specific Plan Amendment to change the land use designation from Industrial Park to General Commercial. The Site and Architectural overlay would remain. The project proposal also includes a blanket conditional use permit to allow for the operations of the existing industrial uses. The application is submitted pursuant to Milpitas Municipal Code XI-57-.02 (General Plan/Specific Plan/Zoning Amendments, which requires a Planning Commission recommendation and City Council approval.

## **PROJECT DESCRIPTION**

The project proposes an amendment to the Milpitas General Plan, Zoning, and Midtown Specific Plan to change the land use designation change from Industrial Park (MP) to General Commercial (C2). The Site and Architectural overlay would remain. The applicant does not propose any modifications to the existing buildings or site conditions or any changes in its current operations as an industrial office complex that consist of mainly commercial and professional offices, an adult day care facility, and various industrial uses. The purpose of the zone change is to provide the property owners flexibility in filling vacancies within the South Bay Tech Center that would not be possible under the current Industrial Park Zoning. In the recent months, the property owners have received multiple requests to locate business for group instruction facilities (i.e. yoga studios, tutor centers, music or dance studios), however, these uses are prohibited under the Industrial Park zoning. The proposed General Commercial zoning would allow the property owners flexibility in attracting businesses that complement the existing tenants but are also compatible and neighborhood serving with the surrounding community. Development along Main Street has changed from industrial to high density residential recently, which would benefit from neighborhood serving commercial. Lastly, the project would also include a blanket use permit for the operations of the existing industrial tenant uses to continue and remain as conforming uses.



providing for a highly amenable community environment and a thriving regional industrial center as well as Implementing Policy No. 2.a-G-6, in that it furthers the implementation of the Midtown Specific Plan by creating a mixed-use community that includes residential, service-oriented commercial, and industrial.

### **Midtown Specific Plan Amendment**

The proposed land use change would require an amendment to the Midtown Specific Plan. The proposed amendment and zone change would be consistent with the existing Midtown Specific Plan in that the project would be consistent with Goal #1 in that it would encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown area. The proposed C2 zoning would allow for retail and commercial service uses that can be neighborhood serving to existing and future residents that would not exist under the industrial park zoning. The project would also be consistent with Goal #4 by allowing a land use mix that would support major transit facility such as the nearby Great Mall VTA Light Rail station, Future BART station, and VTA public bus transit. The project would maintain jobs near residents and support the use of transit.

### **Zone Change (Zoning Amendment)**

The project site would be rezoned to ensure conformance with the General Plan and Midtown Specific Plan designation. The existing zoning of Industrial Park with Site and Architectural Overlay (MP-S) would be rezoned to General Commercial with Site and Architectural Overlay (C2-S). As mentioned, the C2 zoning allows for a various commercial uses such as but not limited to general retail, financial institutions, instructional studios, eateries as well as certain industrial uses with a conditional use permit. A copy of the C2 zoning ordinance has been provided for the Planning Commission's review and reference (Attachment D).

As part of the project, the applicant requests a conditional use permit to allow existing industrial tenant uses to continue as conforming uses. The blanket conditional use permit will cover the fifteen existing industrial businesses. Attached with this staff report is a copy of the current tenant list (Attachment E). Any future industrial uses would require Planning Commission approval of a conditional use permit. To ensure the existing industrial maintain appropriate development standards, *staff recommends the following standard operating conditions to ensure neighborhood compatibility:*

1. *Outdoor storage for such things as trash and materials shall be permitted only when said storage areas are suitably screened with a solid wall or tight board fence and are located at least one hundred (100) feet from any R District and not within any required front or street side yard. Said location and screening of outdoor storage areas shall be to the approval of the Planning Commission. Modifications regarding outdoor storage at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of the City's Zoning Ordinance.*
2. *Emit no obnoxious, toxic or corrosive fumes or gases.*
3. *Emit no odors or smoke perceptible at the property line.*
4. *Discharge into the air no dust or other particular matter created by any industrial operations or emanating from any products stored prior or subsequent to processing.*

5. *Produce no heat or glare perceptible beyond the lot boundaries.*
6. *Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.*
7. *Produce no physical vibrations perceptible at or beyond the lot boundaries.*
8. *Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, except under controlled operations being conducted observing standards or methods or operation established by the Nuclear Regulatory Commission. Electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property.*
9. *Do not engage in the production or storage of any material designed for use as an explosive, or in the use of such material in production.*

**Conformance to C2 Development Standards**

The project was reviewed for conformance with the C2 development standards. The project complies with the development standards as demonstrated in Table 1:

**Table 1**  
**Development Standards**

	<i>Existing</i>	<i>Proposed (C2)</i>	<i>Complies</i>
Lot Area Minimum		None	Yes
Lot Area Width	100	100	Yes
<u>Setbacks (Minimum)</u>			Yes
Front to Primary Structure	100'	0'	Yes
Interior Side Yard	100'	0' or 15' when abutting R District	Yes
Street Side Yard	113'	0'	Yes
Rear	115'	0' or 15' when abutting R District	Yes
<u>Parking</u>	612	No Change*	Yes

\*The project does not propose any changes to the existing uses. Any new use shall be reviewed for conformance with the Milpitas Parking Ordinance.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff prepared an initial study and distributed a

Notice of Intent to Adopt a Negative Declaration. The Negative Declaration was circulated for public review between May 30, 2012 to June 19, 2012. The environmental assessment determined there would be no significant impacts related to this project. Further discussion of potential impacts is included in the attached Environmental Assessment No. EA12-0012. At the time of the preparation of the staff report, no comments were received by the public regarding the environmental document. Any additional comments received will be presented at the Planning Commission hearing. Staff recommends adoption of the Negative Declaration.

## **PUBLIC COMMENT/OUTREACH**

### Outreach

A community meeting was held on June 12, 2012 by the applicant at Zanker Elementary School. A notice was sent to property owners and residential renters within 1,000 feet radius of the project site. The purpose of the community meeting was to provide outreach of the project's proposal and objectives and to answer any questions regarding the project. Approximately twelve members of the Starlite Pine Residential Community attended the meeting and participated in the discussion. There were no significant objections to the project.

### Public Notice

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 from the public. Staff publicly noticed the application in accordance with City and State law.

## **CONCLUSION**

The proposed land use change from Industrial Park to General Commercial is consistent with the goals and objectives of the Milpitas General Plan and Midtown Specific Plan in that it provides a mixed-use community that includes residential, service-oriented commercial, and industrial.

## **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 12-029 recommending approval of General Plan Amendment No. GP12-0001, Zoning Amendment No. ZA12-0002, Specific Plan Amendment No. ST12-0001, Conditional Use Permit No. UP12-0013, and Environmental Assessment No. EA12-0002, SB Tech Center Rezone, subject to the attached Conditions of Approval to the City Council.

### *Attachments:*

- A. Resolution No. 12-029
  - 1. Exhibit 1 Conditions of Approval
  - 2. Exhibit 2 List of Tenants affected by Conditional Use Permit
  - 3. Exhibit 3 (Ordinance 38.805 and Sectional District Map)
  - 4. Exhibit 4 (General Plan Map Amendment)
  - 5. Exhibit 5 (Midtown Specific Plan Map Amendment)
- B. Project Description
- C. Project Plans
- D. General Commercial Zoning
- E. Industrial Tenant List
- F. Environmental Assessment No EA12-0002



## RESOLUTION NO. 12-029

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF GENERAL PLAN AMENDMENT NO. GP11-0001, SPECIFIC PLAN AMENDMENT NO. ST12-0001, ZONING AMENDMENT NO. ZA21-0002, CONDITIONAL USE PERMIT NOT UP12-0013, AND ENVIRONMENTAL ASSESSMENT NO. EA12-0002 FOR SOUTH BAY TECH CENTER REZONE PROJECT TO ALLOW A CHANGE IN THE LAND USE DESIGNATION FROM INDUSTRIAL PARK TO GENERAL COMMERCIAL

**WHEREAS**, on March 27, 2012 an application was submitted by Brandy Krechel with SB Tech LLC, 3090 Pullman Street, Costa Mesa, CA 92626, to allow the change of the land use designation for a 11.17-acre site from Industrial Park (MP) to General Commercial (TC); and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project requires a Negative Declaration; and

**WHEREAS**, on June 12, 2012, a community meeting was held at Zanker Elementary...

**WHEREAS**, on June 27, 2012, 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:** The Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and determined that on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the City's independent judgment and analysis. A negative declaration was publicly circulated for 20 days from May 30, 2012 through June 19, 2012. The initial study and negative declaration is on file with the Planning Division at City Hall.

**Section 3:** The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.

**Section 4:** The proposed amendment is consistent with the General Plan in that the project is surrounded by residential uses and the added retail and commercial services would be neighborhood serving and maintains employment centers close to residential. Furthermore, the

land use change would not conflict with the current Land Use Conversion Moratorium since the zone change is from Industrial Park to General Commercial.

**Section 5:** The project amendment is consistent with the Midtown Specific Plan goals in that it would encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses as well as promote transit use within the Midtown area.

**Section 6:** The project is consistent with the General Commercial Zoning in terms of development standards. With the approval of the blanket use permit for the existing industrial uses, the project is consistent with the Milpitas Zoning Ordinance in terms of land use. The project will not adversely affect the public health, safety, and welfare in that there are no changes to the existing uses and is subject to all local, state, and federal regulations.

**Section 7:** The Planning Commission of the City of Milpitas hereby recommends approval of General Plan Amendment No. GP12-0001, Zoning Amendment No. ZA12-0002, Specific Plan Amendment No. ST12-0001, Conditional Use Permit No. UP12-0013, and Environmental Assessment No. EA12-0002, SB Tech Center Rezone, subject to the above Findings to the City Council. To that end, the Planning Commission hereby recommends adoption and approval of the Zoning Code amendment Ordinance attached hereto as Exhibit 1, the amendments to the General Plan Map, attached hereto as Exhibit 2, the amendments to the Midtown Specific Plan map, attached hereto as Exhibit 3.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on June 27, 2012.

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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 June 27, 2012, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
<b>Lawrence Ciardella</b>				
<b>John Luk</b>				
<b>Rajeev Madnawat</b>				
<b>Sudhir Mandal</b>				

<b>Zeya Mohsin</b>				
<b>Gurdev Sandhu</b>				
<b>Steve Tao</b>				
<b>Garry Barbadillo</b>				

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT NO. UA12-0013**

**A request to permit existing industrial uses to continue operations at SB Tech Center**

**General Conditions**

1. This Conditional Use Permit applies to industrial businesses listed on Exhibit 2.
2. The project shall be operated in accordance with all local, state and federal regulations. (P)
3. Outdoor storage for such things as trash and materials shall be permitted only when said storage areas are suitably screened with a solid wall or tight board fence and are located at least one hundred (100) feet from any R District and not within any required front or street side yard. Said location and screening of outdoor storage areas shall be to the approval of the Planning Commission. Modifications regarding outdoor storage at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of the City's Zoning Ordinance.
4. Emit no obnoxious, toxic or corrosive fumes or gases. (P)
5. Emit no odors or smoke perceptible at the property line. (P)
6. Discharge into the air no dust or other particular matter created by any industrial operations or emanating from any products stored prior or subsequent to processing. (P)
7. Produce no heat or glare perceptible beyond the lot boundaries. (P)
8. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel. (P)
9. Produce no physical vibrations perceptible at or beyond the lot boundaries. (P)
10. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, except under controlled operations being conducted observing standards or methods or operation established by the Nuclear Regulatory Commission. Electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property. (P)
11. Do not engage in the production or storage of any material designed for use as an explosive, or in the use of such material in production. (P)

## EXHIBIT 2

**List of Industrial Uses**

<b>Tenant Space</b>	<b>Tenant</b>	<b>Tenant Square Footage</b>
1623	United Comfort Solutions Inc.	2,496
1625	TR Tech Inc.	2,496
1627	Vanguard	3,744
1637	KORG USA, Inc	2,480
1643	Adonai Perazim Inc.	2,480
1645	PWM Technology Inc.	2,204
1657	Paradigm Circuit Solutions Inc	1,469
1659	Sri Krishna Sweets USA LLC	1,469
1663	Tenika LLC	1,469
1665	Tiza Lab LLC	1,469
1671	Ceramtec Dental Lab LLC	1,043
1729	Teledesign Systems, Inc.	4,755
1759-Unit 100 and 104	Innosys Technologies Inc.	1,745
1759-Unit 124 and 128	Circuit Spectrum, Inc. a Calif	1,745
1765-117	Proposed R&D Tenant	11,136

**EXHIBIT 3**

**REGULAR**

**NUMBER: 38.805**

**TITLE: AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE FOR THE PURPOSE OF A MAP AMENDMENT TO THE CITY'S ZONING SECTIONAL MAPS FOR THE SOUTH BAY TECH REZONE FROM INDUSTRIAL PARK TO GENERAL COMMERCIAL**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by Councilmember \_\_\_\_\_ and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by Councilmember \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose Esteves, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**RECITALS AND FINDINGS:**

**WHEREAS**, on March 27, 2012 an application was submitted by Brandy Krechel with SB Tech LLC, 3090 Pullman Street, Costa Mesa, CA 92626, a request to amend the City's Zoning Sectional Map to change the designation of a 11.17-acre parcel from Industrial Park (MP-S) to General Commercial(C2-S); and

**WHEREAS**, on June 27, 2012, the Planning Commission held a duly noticed public hearing on the Project's application and considered staff's determination that on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the City's independent judgment and analysis. A negative declaration was publicly circulated for 20 days from May 30, 2012 through June 19, 2012; and

**WHEREAS**, the proposed zoning amendment will not adversely affect the public health, safety and welfare in that the existing uses within the project site will be consistent with the General Commercial district; and

**WHEREAS**, the proposed Sectional Zoning Map amendment will be consistent with the General Plan and Midtown Specific Plan.

**NOW, THEREFORE**, the City Council of the City of Milpitas does ordain as follows:

**SECTION 1. RECORD AND BASIS FOR ACTION**

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. AMENDMENT OF THE CITY OF MILPITAS ZONING SECTIONAL MAPS**

The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 580, a copy of which is attached hereto and incorporated herein, and which shall be kept in uncodified form and be available upon request from the Planning and Neighborhood Services Division of the City of Milpitas.

In addition, the exterior boundaries of the Zoning Map of the City of Milpitas as shown on the map entitled "Index Map to Section District Maps, Zoning Map of the City of Milpitas" (referred to herein as the "Index Map"), which was adopted as a part of Ordinance No. 38 of the City of Milpitas, and which is referred to in Section 3.03 of Ordinance No. 38, are hereby amended by adding Sectional District No. 580. A copy of the amended Index Map is attached hereto and incorporated herein, and shall also be kept in uncodified form and be available upon request from the Planning and Neighborhood Services Division of the City of Milpitas.

**SECTION 3. SEVERABILITY**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

**SECTION 4. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

**Exhibit 1: Zoning Sectional Map**



**City of Milpitas**  
**New Zoning Designation**  
**Sectional District Map No. 580**  
**Exhibit 3**

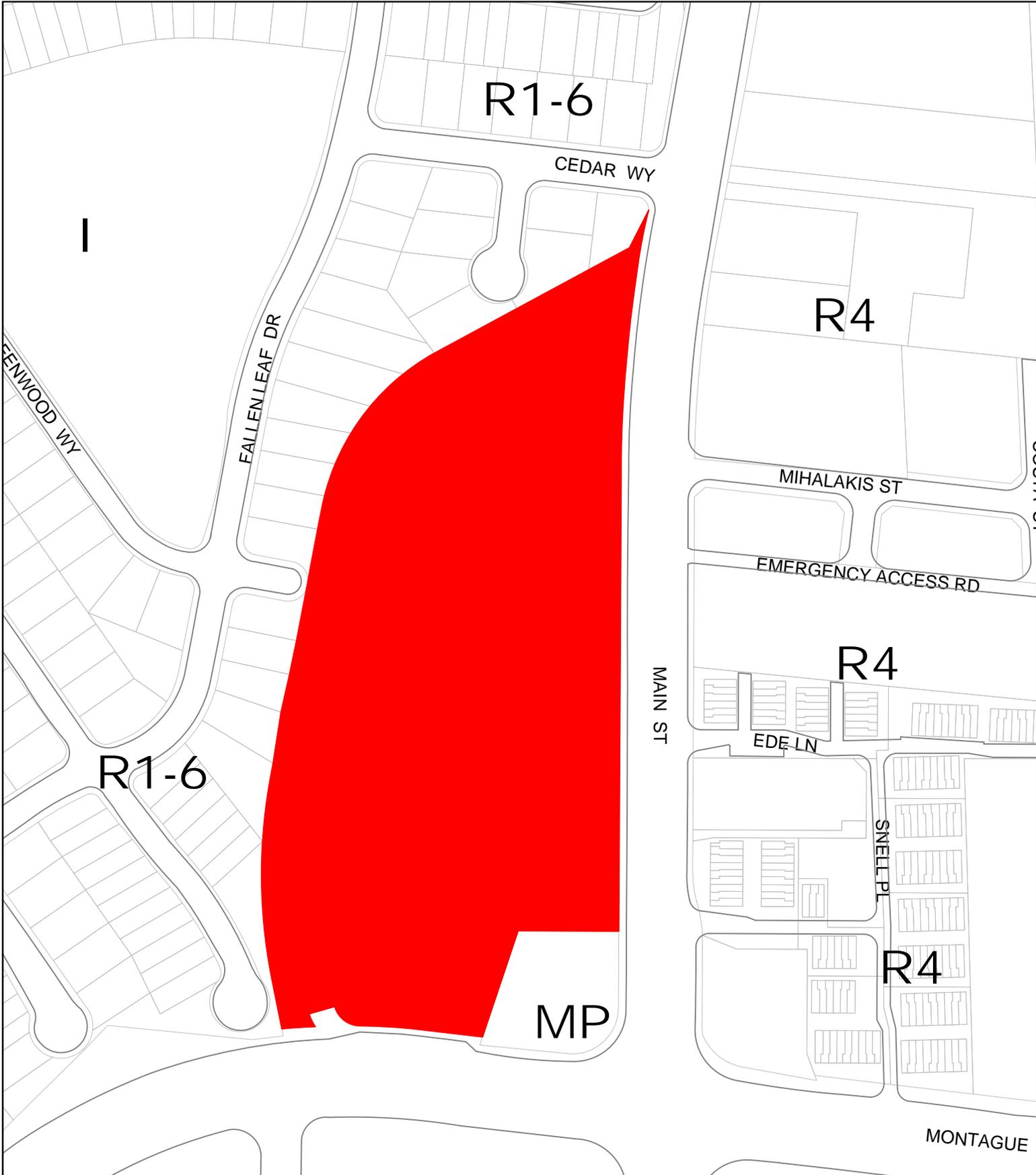
**Legend**



General Commercial



Parcel Boundary





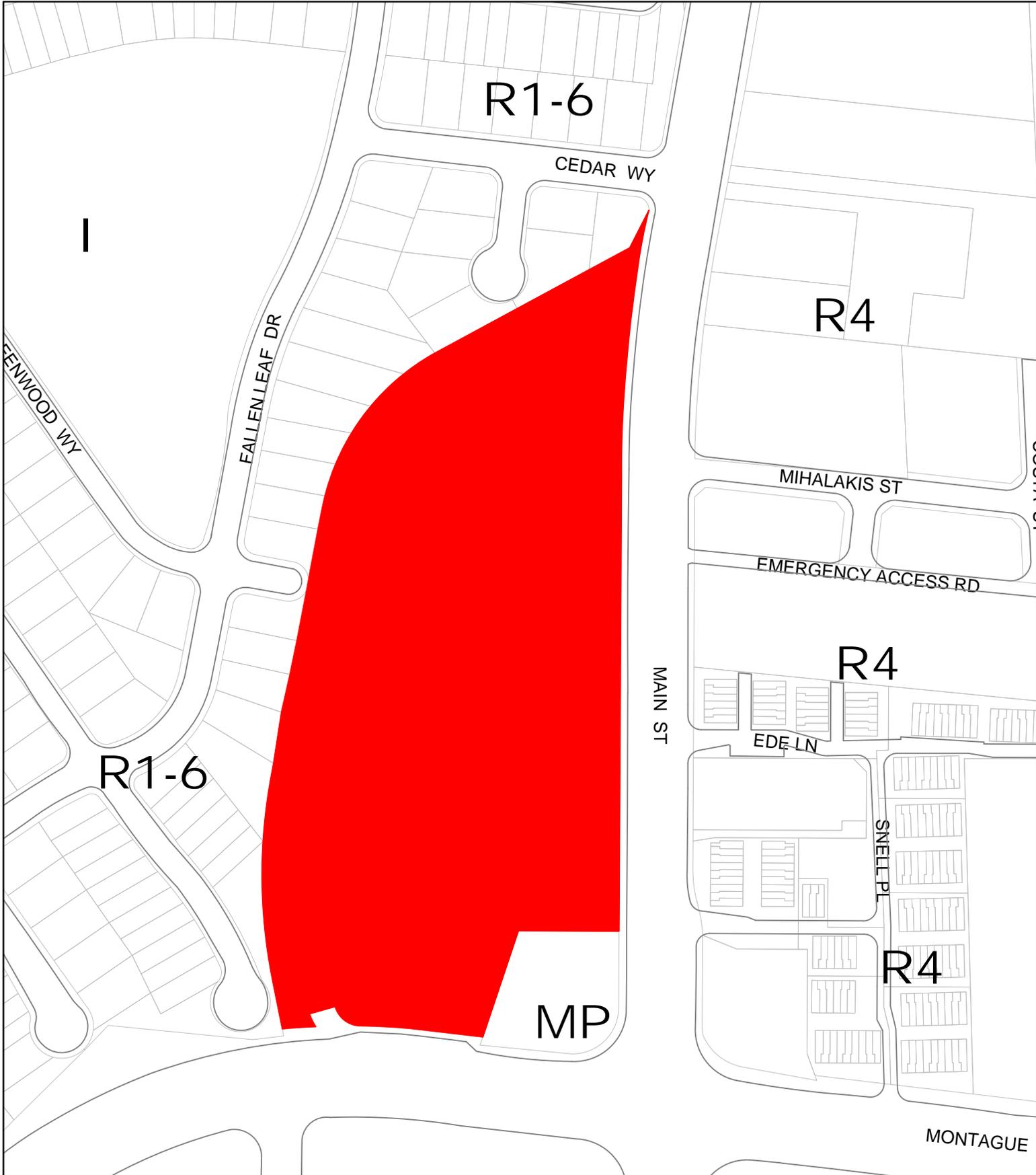
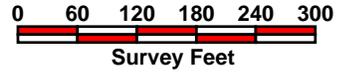
# City of Milpitas General Plan Amendment Map Exhibit 4



## Legend

General Commercial

Parcel Boundary

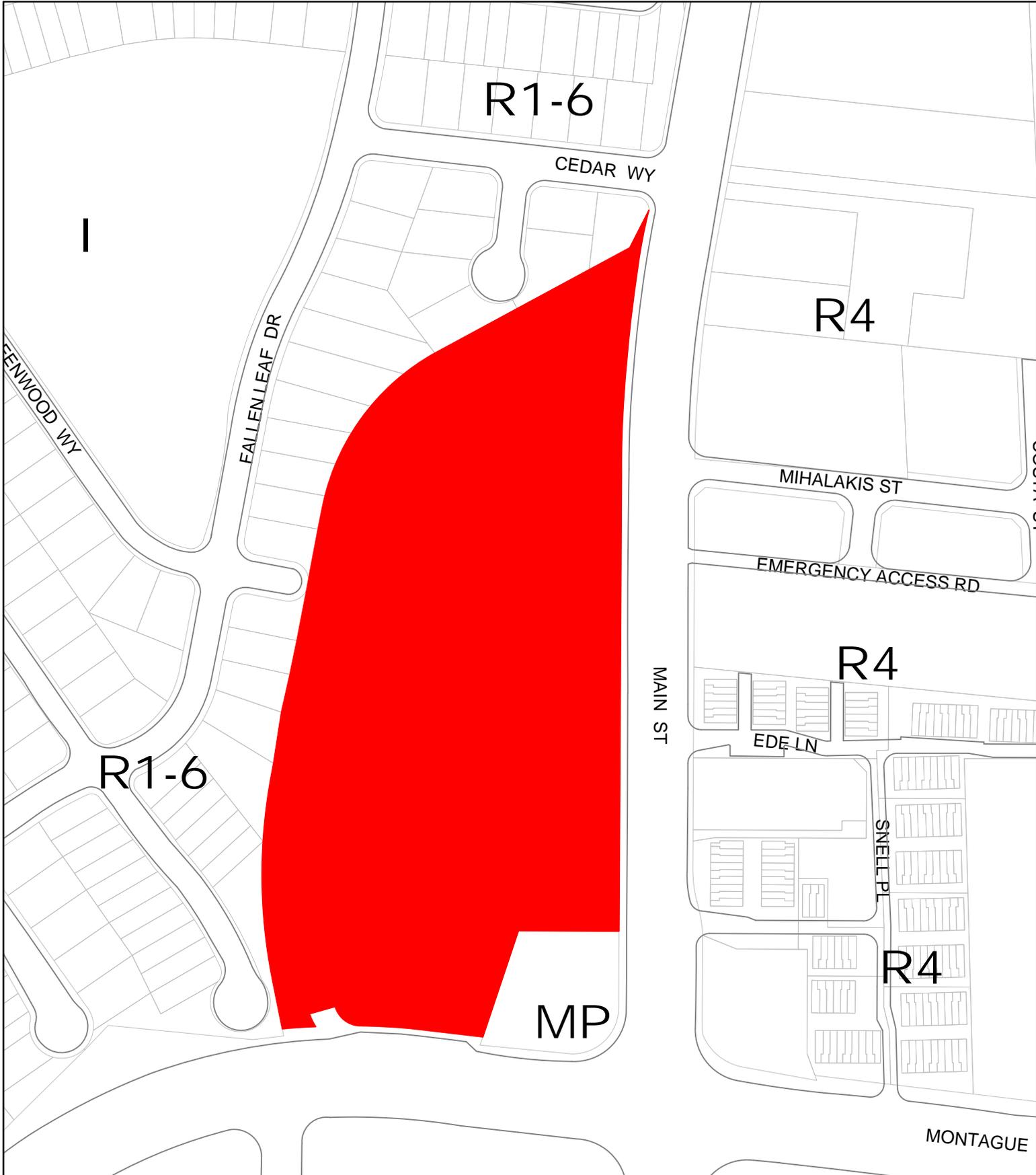


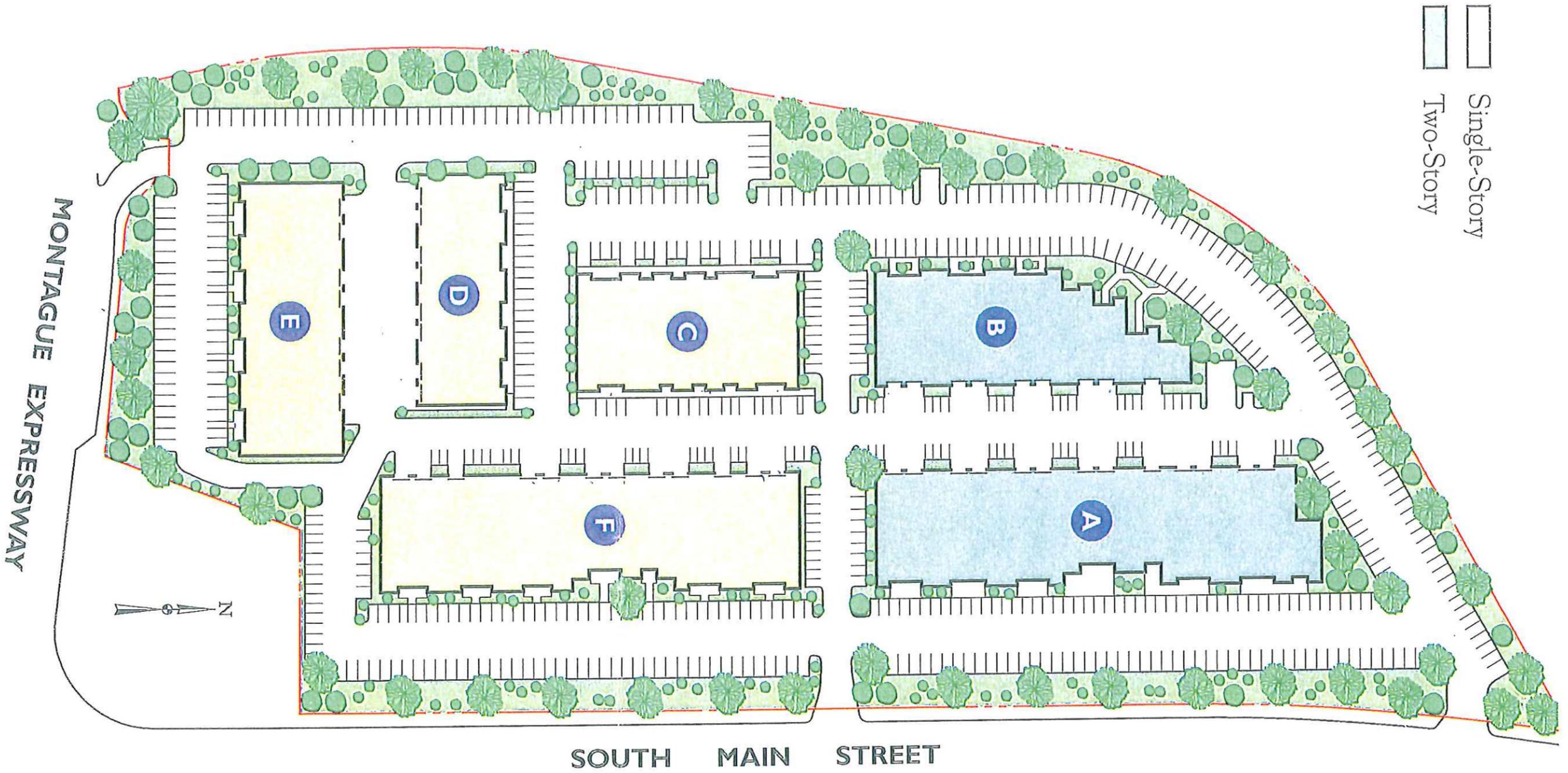


# City of Milpitas Midtown Specific Plan Map Amendment Map Exhibit 5

## Legend

-  General Commercial
-  Parcel Boundary



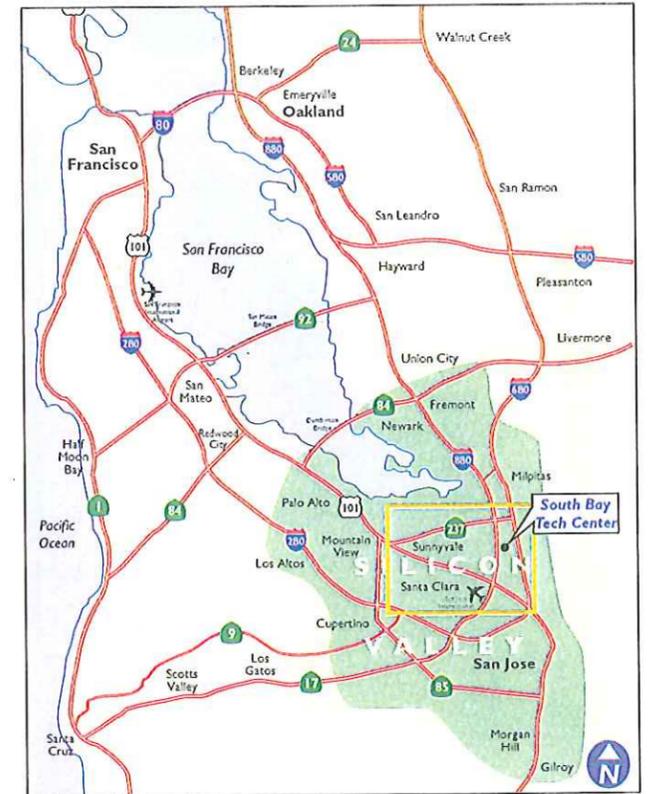
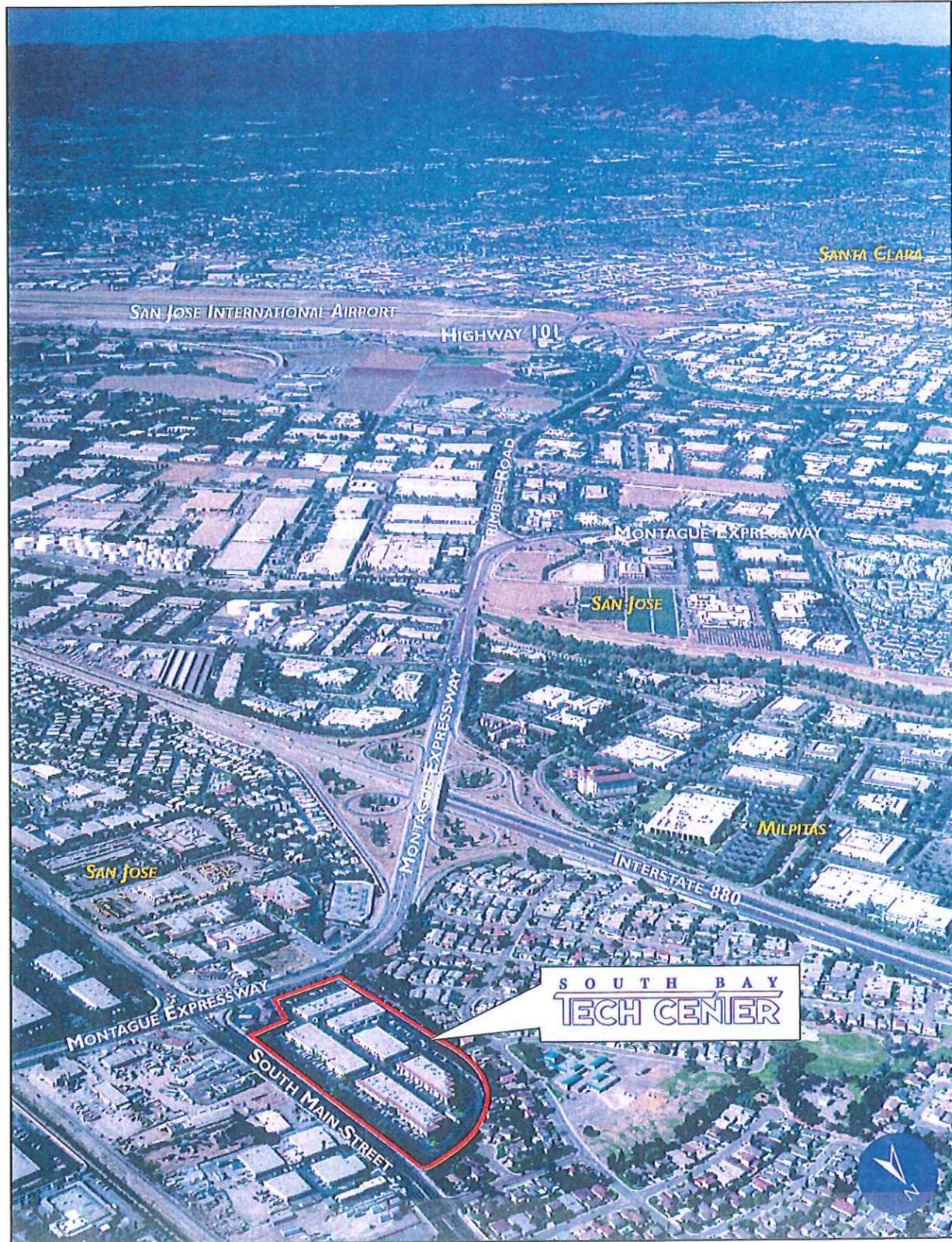


**RECEIVED**

MAR 27 2012

CITY OF MILPITAS  
PLANNING DIVISION

SOUTH BAY  
TECH CENTER





BAYHARBOR MANAGEMENT SERVICES, INC.

March 26, 2012

City of Milpitas  
Planning Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035

RE: Zoning Change Request for S. B. Tech Center located at  
1615 S. Main Street, Milpitas, CA 95035

To whom it may concern:

We hereby request a modification of the zoning for the referenced property. As the current industrial zoning restricts the variety of City approved uses, we feel it in the best interest of the property to modify the zoning to commercial.

The property once fit its original zoning, but over the years many business have found that they are better suited in a business park environment and, therefore, have turned to the office/warehouse product as an alternative.

During these difficult economic times, occupancy is challenging and restrictive zoning further hinders our efforts. With the change to commercial zoning, we will have an opportunity to attract businesses that would complement our current tenants and benefit the surrounding community.

We appreciate your consideration of our request. Should you have any questions, please feel free to contact me at 714-434-7507.

Sincerely,

Bayharbor Management Services, Inc.  
as Agent for S. B. Tech Center

  
Brandy Krechel  
Commercial Property Manager  
DRE License Number 01709211

Milpitas, California, Code of Ordinances >> Title XI - ZONING, PLANNING AND ANNEXATION >>  
Chapter 10 - ZONING >> [Section 5 - Commercial Zones and Standards](#) >>

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## Section 5 - Commercial Zones and Standards

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[XI-10-5.01 - Purpose and Intent](#)

[XI-10-5.02 - Commercial Use Regulations.](#)

[XI-10-5.03 - Commercial Zone General Development Standards](#)

[XI-10-5.04 - Commercial Zone Special Development Standards](#)

[XI-10-5.05 - Conformance with Specific Plans](#)

### XI-10-5.01 - Purpose and Intent

The General Plan details the goals, objectives and policies for the City's commercial zones, including provisions for a range of retail and office uses necessary to support the daily needs of residents of and visitors to Milpitas. It is the purpose of this section to implement the General Plan's vision for the commercial zones through development regulations that allow for a variety of retail and office uses, while creating distinct commercial areas that are compatible with their surrounding environment.

- A. Administrative and Professional Office (CO) Zone. The purpose and intent of this zone is to provide a district for medical, business, and professional offices, and medical and dental clinics.
- B. Neighborhood Commercial (C1) Zone. The purpose and intent of this zone is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development which will afford a pleasant shopping environment and will complement the essential residential character of the neighborhood. The Neighborhood Commercial District shall contain, as permitted uses, those activities which primarily provide for the day-to-day shopping needs of the residential neighborhood in which it is located. It shall not include uses which generate loud noises or unpleasant odors. It shall not include retail stores, offices or service establishments which are not open to minors or which are designed to attract customers and traffic from areas other than the neighborhood area in which they are located.
- C. General Commercial (C2) Zone. The purpose and intent of this zone is to provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of the City and to promote stable, attractive, commercial development which will afford a pleasant shopping environment. It is intended to include those commercial uses in which shopping may be conducted by people walking to several stores as in a center and may include uses customarily of a single-purpose character served from an immediately parked automobile. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize potential traffic hazards. The C2 District, when appropriate, will be located along major thoroughfares and in accordance with the adopted City of Milpitas General Plan.
- D.

Highway Services (HS) Zone. The purpose and intent of this zone is to provide for the wide range of personal and business services primarily oriented to the automobile customer and transient residential uses such as motels or mobile home parks. It is intended to include those commercial uses which customarily locate outside of the Central Business District area and tend to require lots with well-maintained grounds. The highway service uses listed are of a relatively low customer volume. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize potential traffic hazards. The HS District, when appropriate, will be located along State highways and major City thoroughfares and in accordance with the adopted City of Milpitas General Plan.

- E. Town Center (TC) Zone. The purpose and intent of this zone is to provide for an area that supports a wide range of administrative, business, entertainment, residential, dining, and cultural activities in the geographic center of the city to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the city's transportation network.

(Ord. No. 38.797, § 2, 10/5/10; Ord. No. 38.789, § 8, 4/21/09)

### **XI-10-5.02 - Commercial Use Regulations.**

- A. Permitted and Conditionally Permitted Uses.
1. Primary uses. The uses identified in Table 5.02-1, Commercial Zone Uses, shall be the primary uses allowed to occur on a property. All uses except for those noted shall be conducted within enclosed structures. The primary uses identified in Table 5.02-1 shall be permitted or conditionally permitted, as indicated:

P	Where the symbol "P" appears, the use shall be permitted.
P/C	Where the symbol "P/C" appears the use may be permitted if certain criteria is met or otherwise a Conditional Use Permit shall be required, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.
C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

- B. Prohibited Uses. The following uses are prohibited:
1. Uses where the symbol "NP" appears within Table 5.02-1.
  2. Uses that have been excluded from Table 5.02-1, unless they are found by the City to be similar to permitted or conditionally permitted uses in accordance with C below.
- C. Other Uses. Any other uses may be considered by the Planning Commission that are similar in accordance with the procedure prescribed in Subsection 10-54.02, Other Uses Permitted by Commission, of this Chapter.

**Table 5.02-1  
Commercial Zone Uses**

Use	CO	C1	C2	HS	TC
<b>1. Commercial Uses</b>					
Alcoholic beverage sales	C <sup>6</sup>	C	C	NP	C
Art/photography studio or gallery	NP	P	P	P	P
Bookstore	NP	P	P	P	P
Commercial services <sup>1</sup>	P	P	P	NP	P
Funeral home or mortician	NP	NP	C	C	NP
Furniture sales	NP	P	P	P	P
Grocery store (supermarkets)					
Within 1,000 ft. of residential zone	NP	C	C	C	C
Not within 1,000 ft. of residential zone	NP	P	P	P	P
Home improvement (hardware, blinds, interior decorating, etc.)	NP	P	P	C	P
Not fully enclosed operation	NP	C	C	C	C
Household appliance store	NP	NP	P	P	NP
Small appliance repair	NP	NP	C	P	NP
Large appliance repair	NP	NP	NP	P	NP
Janitorial services	NP	NP	P	P	NP
Newsstand					
Indoor	P	P	P	NP	P
Outdoor	C	C	C	NP	C
Nursery (flower or plant)					
Indoor	NP	NP	P <sup>2</sup>	P	P
Outdoor	NP	NP	C	P	NP
Office supply sales (stationary, equipment)	P	P	P	P	P
Paint and wallpaper stores	NP	NP	P	P	P
Pawnshops	NP	NP	C	NP	NP
Pet stores	NP	NP	P	P	P
Printing (newspaper, publishing)	NP	NP	P	P	P
Rentals (medical supplies, costumes, party equipment, office equipment)	NP	NP	P	P	P
Retail stores, general merchandise	NP	P	P	NP	P

Tanning salon	NP	NP	P	NP	P
Thrift store	NP	NP	P	P	P
Tobacco shop	NP	C	C	NP	C
<b>2. Entertainment and Recreation</b>					
Adult business <sup>3</sup>	NP	NP	NP	P	NP
Billiards	NP	C	C	C	C
Bowling alley	NP	NP	P	P	P
Commercial athletic facilities					
Indoor	NP	C	P	P	P
Outdoor	NP	NP	NP	C	NP
Internet access studio	C	C	C	C	C
Motion picture theater (See 7 below)					
Recreation or entertainment facility	NP	C	C	C	C
Shooting range, indoor	NP	NP	NP	C	NP
<b>3. Health and Veterinarian Uses</b>					
Animal grooming (no boarding)	NP	P	P	P	P
Hospital	C	NP	C	C	C
Kennel	NP	NP	C	NP	NP
Massage establishment	NP	NP	C	C	C
Medical and dental office	P	P	P	NP	P
Medical and dental clinic	P	C	C	NP	P
Medical support laboratories	P	C	P	P	P
Optician and optometrist shop	P	P	P	NP	P
Pharmacy or drug store	NP	P	P	P	P
Sauna and steam bath	NP	NP	NP	P	NP
Veterinary clinic	NP	NP	P	P	P
<b>4. Industrial Uses<sup>4</sup></b>					
Assembly from pre-processed materials	NP	NP	C	NP	NP
Commercial fueling facility	NP	NP	NP	C	NP
Commercial laboratory	NP	NP	C	P	NP
Contractor's yards and offices	NP	NP	C	C	NP
Disinfection and extermination business	NP	NP	C	P	NP
Dry cleaning plant	NP	NP	NP	P	NP
Food storage locker	NP	NP	NP	P	NP
Landscape contractor	NP	NP	C	P	NP
Lumberyards	NP	NP	C	C	NP
Mini-storage complex	NP	NP	C	C	NP
Plumbing, sheet metal or woodworking	NP	NP	C	C	NP
Research & development	NP	NP	C	NP	NP
Sign sales and fabrication (Electric	NP	NP	C	P	NP

and neon sign, sign painting)					
Warehousing and wholesale	NP	NP	C	NP	NP
<b>5. Lodging</b>					
Hotel and motel	NP	NP	C	C	C
<b>6. Professional Offices, Financial Institutions and Related Uses</b>					
Automatic Teller Machines (freestanding) <sup>5</sup>	NP	P	P	P	P
Financial institutions (banks, savings and loans, etc.)	P	P	P	P	P
General offices (administrative and business services, real estate, travel agencies, etc.)	P	P	P	P	P
<b>7. Public, Quasi-Public and Assembly Uses</b>					
Auction hall	NP	NP	C	C	C
Child care					
Child care center	C	C	C	C	C
Day care school	C	C	C	C	C
Large family child care home	NP	NP	NP	C	
Small family child care home	NP	NP	NP	NP	C
Club or social organization, religious assembly	C	C	C	C	C
Cultural center	NP	NP	C	C	C
Educational institutions					
School-elementary (K-8 Public or Private)	NP	NP	C	NP	C
School-secondary (9-12 Public or Private)	NP	NP	C	NP	C
Trade and vocational school	C	NP	P	P	C
Farmer's market (not including flea market)	NP	C	C	C	C
Instruction					
Group	C	C	C	C	C
Private	P	P	P	P	P
Library	NP	C	NP	NP	C
Motion picture theater					
Indoor	NP	C	C	C	C
Outdoor	NP	NP	NP	C	NP
Parking facility, storage garage	NP	P	P	C	C
Public utilities	C	C	C	C	C
Transportation facility (taxi, limousine, etc.)	NP	NP	C	C	C
<b>8. Restaurants or Food Service</b>					
Banquet hall	NP	NP	C	C	C
Bar or nightclub	NP	NP	C	C	C

Catering establishment	NP	NP	P	P	P
Restaurants	C <sup>6</sup>	P	P	P	P
With live entertainment/dancing	NP	NP	C	C	C
With drive-in or drive-through	NP	C	C	C	C
<b>9. Residential Uses</b>					
Caretaker (in conjunction with contractor's yard)	NP	NP	C	C	NP
Residential dwellings (between 1 and 40 d.u. per gross acre)	NP	NP	NP	NP	C
<b>10. Vehicle Related Uses</b>					
Auto repair (tire, oil change, smog check, etc.)	NP	NP	C	C	NP
Auto sales and rental, outdoor (new and used cars, RV and truck)	NP	NP	C	C	NP
Auto broker (wholesale, no vehicles on site)	C	C	C	C	C
Car wash	NP	NP	C	C	NP
Service stations (with or without repair or retail) <sup>7</sup>	C	C	C	C	C
Vehicle-oriented window service facility	NP	C	C	C	C
<b>11. Unclassified Uses</b>					
Accessory structures <sup>8</sup>	P	P	P	P	P
Agriculture <sup>9</sup>	P	NP	NP	NP	NP
Model home complex <sup>10</sup>	NP	NP	NP	NP	P
Mortuary or crematory	NP	NP	NP	C	NP
Radio or television station	NP	NP	C	P	NP
Temporary seasonal sales <sup>11</sup>	NP	P	P	P	P

<sup>1</sup> Refer to the definition for "Commercial Services" in Section 2, Definitions, of this Chapter.

<sup>2</sup> Provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

<sup>3</sup> In accordance with Title III, Chapter 4, Adult Business Ordinance and Subsection 13.04, Adult Businesses, of this Chapter.

<sup>4</sup> For conditionally permitted uses, refer to Subsection 57.04(C) (9), Certain Industrial Uses within Commercial Districts, of this Chapter.

<sup>5</sup> Refer to Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

<sup>6</sup> When intended to serve the occupants and patrons of the permitted use (office, etc.) and conducted and entered from within the building and provided there is no exterior display of advertising.

<sup>7</sup> Entrances to the service bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.

<sup>8</sup> Not including warehouses on the same site as the permitted use.

<sup>9</sup> Except for the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.

<sup>10</sup> Reserved.

<sup>11</sup> No tract sign shall be permitted within 600 feet of a Santa Clara County Expressway.

(Ord. No. 38.797, § 3, 10/5/10; Ord. No. 38.795, § 20, 4/6/10; Ord. No. 38.792, § 3, 8/4/2009; Ord. No. 38.789, § 8, 4/21/2009)

### **XI-10-5.03 - Commercial Zone General Development Standards**

The following minimum requirements shall be observed, except where increased for conditional uses. The minimum requirement shall be one of the following for the district classification as designated on the zoning map.

**Table 5.03-1  
Commercial Zone Development Standards**

Standard	CO	C1	C2	HS	TC
Lot Area, minimum	None	None	10,000 s.f.	Fronting major street (4 or more lanes): 1.5 ac. Fronting all other streets (two lanes): 20,000 s.f.	None
Lot Width, minimum	None	None	100 ft.	Fronting major street: 250 ft. Fronting all other streets: 125 ft.	None
Front Yard Setback, minimum	10 ft.	20 ft.	0 ft.	Major street: 50 ft. All other streets: 0 ft.	20 ft. 35 ft. along E. Calaveras Blvd.
Side Yard Setback (Interior), minimum	10 ft.	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District
Street Side Yard Setback, minimum	10 ft.	0 ft.	0 ft.	0 ft.	20 ft. 35 ft. along E. Calaveras Blvd.
Rear Yard Setback, minimum	10 ft. When abutting residential, not less than R District required setback	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District
Building Height, maximum					

Primary building	35 ft. or 3 stories	35 ft. or 2.5 stories	None	None	None <sup>1</sup>
Accessory building	25 ft. or 2 stories	25 ft. or 2 stories			
Parking	Refer to <a href="#">Section 53</a> , Off Street Parking, of this Chapter.				
Lot Coverage	None	None	None	None	None
Floor Area Ratio	0.50	0.35	0.50	0.50	0.85
Landscaping	None	None	None	25% of front yard setback	All required setback areas and the ends of each parking aisle <sup>2</sup>

<sup>1</sup> Refer to Subsection 57.04(C)(1), Applicability, of this Chapter for additional requirements.

<sup>2</sup> The Planning Commission shall determine the size of the planters through site and architectural review.

(Ord. No. 38.797, § 4, 10/5/10; Ord. No. 38.792, § 4, 8/4/09; Ord. No. 38.789, § 8, 4/21/09)

#### **XI-10-5.04 - Commercial Zone Special Development Standards**

##### A. All Zones.

1. Areas for Collecting and Loading Recyclable Materials. There shall be provided areas for collecting materials in accordance with Subsection 54.12, Areas for Collecting and Loading Recyclable Materials, of this Chapter.
2. All outdoor storage areas of such things as trash and materials shall be within a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum six (6) feet in height and shall not be located within any front or street side yard setback area.
3. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

##### B. TC Zone

1. Setbacks for Residential Projects. Except for the Calaveras Boulevard setback, all other setbacks shall be determined through a Site Development Permit.

(Ord. No. 38.797, § 4, 10/5/10; Ord. No. 38.789, § 8, 4/21/09)

#### **XI-10-5.05 - Conformance with Specific Plans**

Properties located within Specific Plans shall conform to the underlying Specific Plan in accordance with Section XI-10-11.06, Conformance with Specific Plans, of this Chapter.

(Ord. No. 38.795, § 21, 4/6/10; Ord. No. 38.789, § 8, 4/21/2009)

	Tenant Space	Tenant	Tenant Square Footage	Business Description
1	1623	United Comfort Solutions Inc.	2,496	HVAC contractor
2	1625	TR Tech Inc.	2,496	R&D for security software
3	1627	Vanguard	3,744	R&D for color chip design
4	1637	KORG USA, Inc	2,480	R&D for world's leading keyboards
5	1643	Adonai Perazim Inc.	2,480	Print shop
6	1645	PWM Technology Inc.	2,204	General office for cabling contractor for home builders
7	1657	Paradigm Circuit Solutions Inc	1,469	Warehouse for circuit boards
8	1659	Sri Krishna Sweets USA LLC	1,469	Warehouse for restaurant supplies
9	1663	Tenika LLC	1,469	Warehouse for wholesale distribution
10	1665	Tiza Lab LLC	1,469	Hi tech R&D
11	1671	Ceramtec Dental Lab LLC	1,043	Dental lab
12	1729	Teledesign Systems, Inc.	4,755	R&D for radio controls
13	1759-Unit 100 and 104	Innosys Technologies Inc.	1,745	R&D and Hi tech
14	1759-Unit 124 and 128	Circuit Spectrum, Inc. a Calif	1,745	Software sales and R&D
15	1765-117	Proposed R&D Tenant	11,136	Proposed Tenant is Lightera - They will be doing R&D

## Appendix G

### ENVIRONMENTAL CHECKLIST FORM

**1. Project title: General Plan Amendment No. GP12-0001, Zoning Amendment No. ZA12-0002, Specific Plan Amendment No. ST12-0001, and Environmental Assessment No. EA12-0002, SB Tech Center Rezone**

**2. Lead agency name and address: City of Milpitas, 455 E. Calaveras Blvd., Milpitas, CA 95035**

**3. Contact person and phone number: Cindy Hom, Assistant Planner, 408-586-3284**

**4. Project location: 1603-1787 S. Main Street (APN 86-21-073), zoned Industrial Park with Site and Architectural Overlay (MP-S).**

**5. Project sponsor's name and address: SB Tech Center, LLC 3090 Pullman St. Costa Mesa, CA 92626**

**6. General plan designation: Industrial Park (INP)**

**7. Zoning: Industrial Park with Site and Architectural Overlay (MP-S)**

**8. Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The project proposal is a land use designation change from Industrial Park to General Commercial on an 11.7-acre site that developed light industrial office buildings. This project requires an amendment to the General Plan, Zoning, and Midtown Specific Plan. The project would also include a blanket conditional use permit for the existing industrial uses to allow for consistency and conformance to the Zoning Ordinance. The purpose of the land use change is to allow greater flexibility to attract business and uses that would complement the current tenants and benefit the surrounding community.

**9. Surrounding land uses and setting:** Briefly describe the project's surroundings:

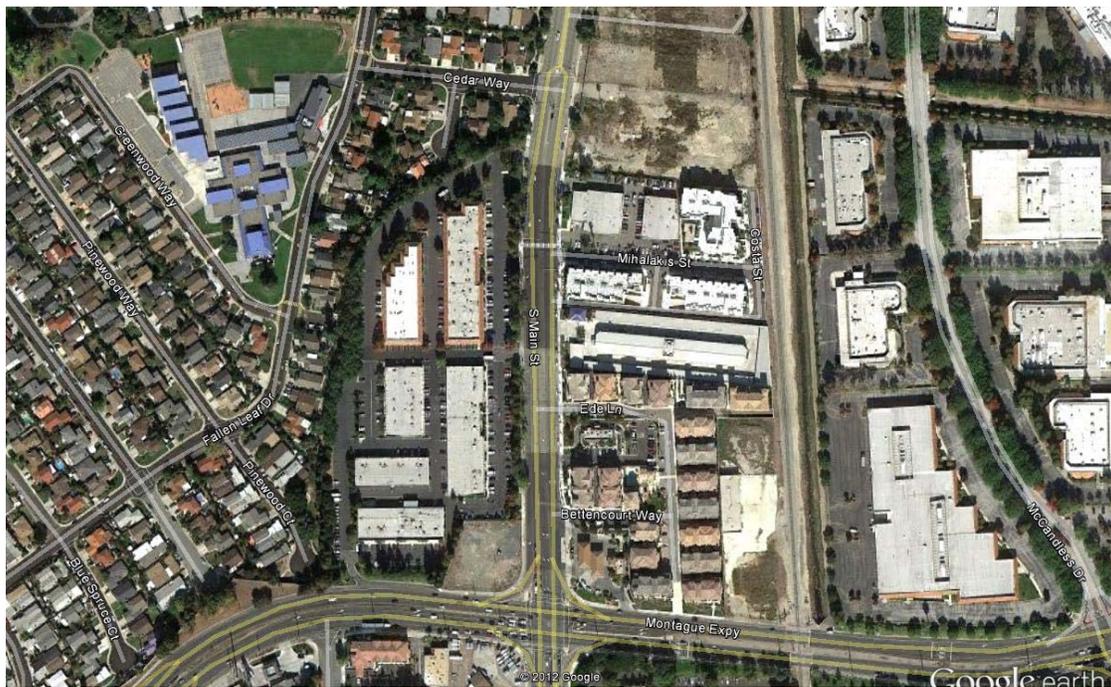
The subject site consists of an 11.7-acre parcel that is located at the northwest corner of intersection at South Main Street and Montague Expressway. The project site is currently developed as the South Bay Tech Center which includes a mix of one and two-story light industrial office buildings that are occupied by office/warehouse uses and some high tech businesses.

The site is bounded by South Main Street to the east, Montague Expressway to the south, and residential homes to the west and north. Surrounding land uses include single family residential homes and elementary school to the west and north, commercial and multi-family residential uses to the east, and industrial uses to the south. The project site is currently zoned Industrial Park. Abutting zoning districts include, Single Family Residential, Low Density (R1-6) to the west and north and Multi-family Residential, Very High Density (R4) to the east. The Milpitas/San Jose city boundary is located to the south. A Regional Location Map, Aerial Photo, and Zoning Map, for site and land use context are provided in Exhibit 1-3 below:

**Exhibit 1: Regional Location Map**



**Exhibit 2: Aerial Photo**





**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
  
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
  
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
  
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
  
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

SB Tech Center Land Use Change

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significance

**ISSUES**

<b>I. AESTHETICS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,4, 8
2) 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 checked="" type="checkbox"/>	2,4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8

**Comment:**

The project will not substantially impact any scenic vistas, damage scenic resources, degrade the existing visual quality or create a new source of substantial light or glare because the project site is located on the valley floor within an urban developed area. The project proposes to change the land use designation change from Industrial Park zoning to General Commercial zoning designation and a conditional use permit for the existing industrial uses so that they remain legal, conforming uses after the rezoning of the property. The project does not propose any new construction or other exterior modifications that would have any visual impacts. **[No Impact]**

<b>II. AGRICULTURAL AND FOREST RESOURCES</b>					
<p>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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
<p>Would the project:</p> <p>1) 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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4
<p>2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
<p>3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
<p>4) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
<p>5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**Comment:**

The project site is located in an urbanized commercial area. The project site is not currently used for agricultural purposes and is not zoned or designated as farmland of any type or would conflict with a Williamson Act Contract. **[No Impact]**

<b>III. AIR QUALITY</b>					
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.					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
2) 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 checked="" type="checkbox"/>	1,10
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as 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 checked="" type="checkbox"/>	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Comment:**

The project is a land use designation change that requires an amendment to the General Plan, Zoning Ordinance, and Midtown Specific Plan. The project does not propose any changes that would generate any new effects on air quality. Any subsequent projects will require further environmental analysis pursuant to CEQA. **[No Impact]**

<b>IV. BIOLOGICAL RESOURCES</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) 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 and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
2) 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 and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) 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 checked="" type="checkbox"/>	1,4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
5) 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 checked="" type="checkbox"/>	1, 4, 8

<b>IV. BIOLOGICAL RESOURCES</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 6) 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 checked="" type="checkbox"/>	1,4

**Comment:**

The project would not result in an additional or substantial effect on plant or animal habitat and/or on wildlife species since the project entails an amendment to the General Plan, Zoning Ordinance and Midtown Specific Plan. The amendment would allow for the change in the land use designation from Industrial Park and General Commercial. Furthermore, the project is an existing industrial development. No new construction or new uses are being contemplated with this project. **[No Impact]**

<b>V. CULTURAL RESOURCES</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

**Comment:**

The project site is within an urbanized area and is not likely to contain any significant cultural or historical resources. The project entails an amendment to the General Plan, Zoning and

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Midtown Specific Plan and a conditional use permit to allow existing industrial uses as conforming uses. Any subsequent redevelopment involving grading will require further environmental analysis. **[No impact]**

<b>VI. GEOLOGY AND SOILS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 12, 13
b) Strong seismic ground shaking?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
d) Landslides?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Result in substantial soil erosion or the loss of topsoil?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
3) Be located on a geologic unit or soil that is unstable, or that will 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 checked="" type="checkbox"/>	1, 11, 12, 13
4) 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 checked="" type="checkbox"/>	1, 11, 12, 13

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13

**Comment:**

The project area is located on the Valley Floor, in a mapped liquefaction hazard zone with soils that have a moderate potential for expansion. The project site is not located within a fault rupture zone or landslide hazard zone. The project area is located in a seismically active region and could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. The project is an amendment to the General Plan, Zoning and Midtown Specific Plan and would not result in any geological, geotechnical, or seismicity impacts beyond what was previously analyzed when the project site was originally approved. **[No Impact]**

VII. GREENHOUSE GAS EMISSIONS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,

**Comment:**

Considering the project is a land use designation change that requires an amendment to the General Plan, Zoning Ordinance, and Midtown Specific Plan and does not propose any changes to the existing conditions, new and substantial impacts on Greenhouse gases (GHG) would be unlikely. Any subsequent projects will require further a separate environmental analysis pursuant to CEQA. Furthermore, Midtown Specific Plan policies encourage development patterns that help reduces GHG emission. The implementation of these policies will make projects impact less then significant.

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) 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 checked="" type="checkbox"/>	1
2) 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 checked="" type="checkbox"/>	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) 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 checked="" type="checkbox"/>	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) 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 checked="" type="checkbox"/>	1

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
7) 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 checked="" type="checkbox"/>	1
8) 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 checked="" type="checkbox"/>	1

**Comment:**

The project is an amendment to the General Plan, Zoning and Midtown Specific Plan and a conditional use permit to allow existing industrial uses as conforming uses. The project does not involve the use, storage, or transport of hazardous materials nor is the project area located within any airport-related “restricted zoned”, private airstrip, or physically interferes with any emergency response plans. The project does not anticipate any additional substantial hazardous materials impacts. **[No Impact]**

<b>IX. HYDROLOGY AND WATER QUALITY</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14

<b>IX. HYDROLOGY AND WATER QUALITY</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) 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 checked="" type="checkbox"/>	1,14
3) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
5) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
7) 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 checked="" type="checkbox"/>	1,2, 14
8) 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 checked="" type="checkbox"/>	1, 2, 14
9) 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 checked="" type="checkbox"/>	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**Comment:**

The proposed project would not result in any additional substantial adverse flooring or drainage impacts beyond what was analyzed in the previous environmental document for development of the South Bay Tech Center. The proposed amendment to the General Plan, Zoning and Midtown Specific Plan and conditional use permit to allow existing industrial uses as conforming uses will not violate any water quality standards, affect groundwater supplies or interfere with groundwater recharge, alter existing drainage patterns, contribute to runoff water that would exceed capacity of existing or stormwater systems or amount of surface runoff. The project will not result in a substantial change in local housing development patterns. The project is not located in an area that is susceptible to inundation by seiche, tsunami, or mudflow. **[No Impact]**

X. LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

<b>X. LAND USE</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) 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 checked="" type="checkbox"/>	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4

**Comment:**

The project will not result in a physical divide of an established community since project is an amendment Milpitas General Plan, Zoning, and Midtown Specific Plan to allow for a land use designation change from industrial to commercial. The project also includes a conditional use permit to allow for the existing industrial uses. With approval of an amendment the project would be consistent with the Milpitas General Plan, Zoning, and Specific Plan. The project does not fall within any applicable habitat conversation plan or natural community conservation plan.

**[No Impact]**

<b>XI. MINERAL RESOURCES</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) 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 checked="" type="checkbox"/>	1, 4
2) 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 checked="" type="checkbox"/>	1, 4

**Comment:**

Based on the Milpitas General Plan, the project is not within an area with mineral resources. Those areas are located in the foothills, outside of the city limits. Therefore, no mineral resource impacts are anticipated for this project. **[No Impact]**

<b>XII. NOISE</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) 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 checked="" type="checkbox"/>	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6
3) 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 checked="" type="checkbox"/>	1, 6
4) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6
5) 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 checked="" type="checkbox"/>	1, 6
6) 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 checked="" type="checkbox"/>	1, 6

**Comment:**

The project proposes a land use designation change from industrial to commercial. The project will not result in any additional or substantial adverse noise impacts beyond what was analyzed in the previous environmental document. The project is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. **[No Impact]**

<b>XIII. POPULATION AND HOUSING</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Comment:**

The project proposes a land use designation change from industrial to commercial. The project does not propose any housing and therefore will not substantial increase population growth or demand on infrastructure; displace homes and/or substantial number of people that would require housing elsewhere. **[No Impact]**

<b>XIV. PUBLIC SERVICES</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)

<b>XIV. PUBLIC SERVICES</b>					
Would the project:					
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Comment:**

The project will not have an impact on public services considering it is an existing development in an urbanized area within the City of Milpitas. The project site is served by:

**Fire:** Fire protection is provided by the City of Milpitas Fire Department, which provides structural fire suppression, rescue, hazardous materials control and public education services. There are four Fire stations located within the city at the various locations below:

- Fire Station # 1:** 777 South Main St.
- Fire Station # 2:** 1263 Yosemite Dr.
- Fire Station # 3:** 45 Midwick Dr.
- Fire Station # 4:** 775 Barber Ln.

**Police Protection:** The City of Milpitas Police Department provides police protection.

**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), two middle schools (grades 7-8) and nine elementary schools (grades K-6).

**Maintenance:** The City of Milpitas Public Works Department provides public works maintenance of public utilities for water, sewer, and stormwater.

**Parks:** The City of Milpitas has approximately 190 acres of city owned parks and recreational facilities.

<b>XV. RECREATION</b>
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<b>XV. RECREATION</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) 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 checked="" type="checkbox"/>	1, 4, 8
2) 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 checked="" type="checkbox"/>	1, 4, 8

**Comment:**

The project does not propose any new housing and therefore will not increase the use of existing or physical deterioration of existing recreational facilities nor require the construction of new facilities. **[No Impact]**

<b>XVI. TRANSPORTATION/TRAFFIC</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3

<b>XVI. TRANSPORTATION/TRAFFIC</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3
3) 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 checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) 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 checked="" type="checkbox"/>	1

**Comment:**

The project is an amendment Milpitas General Plan, Zoning, and Midtown Specific Plan to allow for a land use designation change from Industrial Park to General Commercial and a conditional use permit to allow for the existing industrial uses. The project does not propose any exterior or site modification or any changes in its current operations as an industrial business center therefore there are no additional or substantial traffic impacts on traffic or circulation. . **[Less than Significant]**

<b>XVII. UTILITIES AND SERVICE SYSTEMS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					

<b>XVII. UTILITIES AND SERVICE SYSTEMS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
2) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) 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 checked="" type="checkbox"/>	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**Comment:**

The following service providers serve the project site:

- Electrical and natural gas power: Pacific Gas and Electric Company
- Communications: AT&T

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- 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 Islands Landfill, operated by BFI
- Cable Television: Comcast

The project is an existing industrial development which receives service for water, sewer, storm water, and solid waste. The City of Milpitas is currently operating a commercial recycling program that complies with state-mandated waste reduction goals specified in the Public Resources Code Section 40500. This project will not generate any significant impacts on this topic. **[No Impact]**

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-15, A
2) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1-15, A

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3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	1-15, A
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	1-15, A

**Comment:**

The project is a land use designation change that requires an amendment to the General Plan, Zoning Ordinance, and Midtown Specific Plan. The project does not propose any changes to the existing conditions and therefore would not generate any new and substantial environmental impacts. Any subsequent projects will require further environmental analysis pursuant to CEQA.

**SOURCES**

**General Sources:**

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968
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15. Midtown Specific Plan Draft Environmental Impact Report, October 2001

**Project Related Sources:**

- A. Project application and plans

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador*

## SB Tech Center Land Use Change

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