

REGULAR

NUMBER: 38.786

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, AMENDING TITLE XI CHAPTER 10, SECTION 13 AND 35 OF THE MUNICIPAL CODE FOR THE PURPOSE OF INCLUDING FARMER'S MARKETS AS A SPECIAL USE OF THE MILPITAS ZONING ORDINANCE AND ALLOWING FARMER'S MARKETS AS CONDITIONALLY PERMITTED USES OF THE INDUSTRIAL PARK ZONING DISTRICT OF THE MILPITAS ZONING ORDINANCE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, 2008, upon motion by Councilmember _____ and was adopted (second reading) by the City Council at its meeting of _____, 2008 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

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael Ogaz, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS

WHEREAS, on September 16, 2008, an application was submitted to the City of Milpitas by Anil Godhwani to amend the Milpitas Municipal Code so as to allow farmer's markets as conditional uses in the Industrial Park Zoning District and as an allowed Special Use under the Zoning Ordinance. The proposed ordinance amendment was also accompanied by a Conditional Use Permit application and an Environmental Assessment to locate a farmer's market at the India Community Center located at 525 Los Coches Street (APN 86-28-052), zoned Industrial Park with a Site and Architectural Overlay (MP-S); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on December 10, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and recommended approval of the zoning text amendment and adoption of the Subsequent or Supplemental Negative Declaration; and

WHEREAS, the City Council finds that the proposed zoning amendment is consistent with General Plan goals and objectives and that the conditional use permit for the India Community Center's farmers' market are consistent with the General Plan implementing policies by encouraging economic pursuits and business retention by attracting customers to the area and creating a sense of community; and

WHEREAS, the City Council finds that with the inclusion of the amendments to the Zoning Ordinance, the document remains internally consistent; and

WHEREAS, the City Council finds that the proposed zoning text amendment is categorically exempt pursuant to Section 15061 of the CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects, which have the potential causing a significant effect on environment. The proposed zoning amendment includes a text change to Section 35 (Industrial Park Zoning District) to merely add farmer's markets as conditionally permitted uses and include farmer's markets in Section 13 (Special Uses) with new review requirements and minimum performance standards that will streamline review of future farmer's markets.

ORDAINING CLAUSE:

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title XI, Chapter 10, Section 13 ("Special Uses") of the Milpitas Municipal Code is hereby amended with the addition of a new Subsection 13.10, which shall read in its entirety as follows:

10-13.10 Farmer's Markets

A. Purpose and Intent. The purpose of this Subsection is to establish reasonable and uniform regulations for the operations of farmer's markets. The standards that follow are minimum performance standards to ensure compatibility with surrounding uses and to promote public health, safety and general welfare.

B. Review Requirements.

1. Scaled or fully dimension site plan that shows location, buildings, parking facilities, and site improvements.
2. Traffic Handling Plan.
3. Market Layout plan that shows location of booths, stalls, and trash receptacles. The layout plan shall demonstrate compliance with Fire and Building requirements for access and accessibility requirements.
4. Description of Market Operations and standard procedures.

C. Minimum Performance Standards

1. No music, performances or special event activities (i.e., cooking show, recipe contests, face painter) will be allowed within 200 feet of any residentially zoned property unless specifically approved by the Planning Director.
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved use permit.
3. The Market operator is responsible for leaving the parking lot area clean and litter-free after each event.
4. The Market operator shall be responsible for providing recycling bins and trash receptacles and disposal of such trash as required by the County Environmental Health Services and the City.
5. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards. The Market shall maintain in good standing all necessary health permits for the operations of the Market and shall be responsible for requiring all vendors be in possession of necessary health permits for all products sold.
6. The Market operator shall be responsible for all traffic controls during the event, including set up and tear down of equipment needed for the execution of traffic handling plan.
7. The Market operator shall obtain a master business license with the City of Milpitas for participating farmers and other vendors.
8. The Market operator shall enter into an indemnification agreement by which it agrees to defend, indemnify and hold harmless the City, its officers, agents and employees from any and all claims, damages, cost and other expense, including attorney fees, arising out of its approval of the conditional use permit, or environmental determination rendered in connection with the permit approval, or arising from or as a result of any actions by the Market operator pursuant to the conditional use permit.

SECTION 3. Title XI, Chapter 10, Section 35 (Industrial Park Zoning District) of the Milpitas Municipal Code is hereby amended with the addition of a new Subsection 35.04-13, which shall read in its entirety as follows:

35.04-13 Farmer's markets, in accordance with the standards of Section XI-10-13.10.

SECTION 4. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 5. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and thereafter the same shall be in full force and effect. Prior to the expiration of fifteen (15) days from the passage thereof, this Ordinance shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara. At the election of the City, this Ordinance may be published in summary form if prior to adoption the complete text is posted in the City Clerk's Office pursuant to Government Code Section 36933(c).

ICC Farmer's Market

Application No. ZA08-0009, UP08-0039, & EA08-0007

Initial Study

December 2008

City of Milpitas

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APPENDICES

APPENDIX	A Updated Risk Report dated 2/27/07	
APPENDIX	B Addendum to the India Community Center Emergency Action Plan dated 12/4/08	

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by 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 the potentially significant effects (1) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable legal standards, and (2) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

SECTION 1 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of Milpitas. This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from establishing a farmer's market at the India Community Center located at 525 Los Coches Street, which is located in an Industrial Park zone and in proximity of potential hazardous materials and gases.

A previous Mitigated Negative Declaration (MND) was adopted on January of 2005 for the India Community Center (ICC) in which this project is located. The document is supplemental Negative Declaration and was prepared pursuant to Article 11, Section 15162 of the California Environmental Quality Act. The proposed Farmer's Market constitutes a change to the project and a Supplemental Negative Declaration was required to address the proposed outdoor activities that were not included in the original MND.

The City of Milpitas is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

SECTION 2 PROJECT INFORMATION

2.1 PROJECT TITLE

India Community Center (ICC) Farmer's Market

2.2 PROJECT LOCATION

The proposed project is located at 525 Los Coches Street, Milpitas, California 95035.

2.3 PROPERTY OWNER/PROPONENT

Anil Godhwani
India Community Center
525 Los Coches Street
Milpitas, CA 95035

2.4 LEAD AGENCY CONTACT

City of Milpitas
Cindy Hom, Assistant Planner
City of Milpitas Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95035

2.5 ASSESSOR'S PARCEL NUMBERS

86-28-052

2.6 ZONING DISTRICT, GENERAL PLAN AND SPECIFIC PLAN DESIGNATIONS

Zoning District: *Industrial Park with Site Development Overlay (MP-S)*
General Plan Designation: *Industrial Park (INP)*

Figure 2.1-1: Regional Map

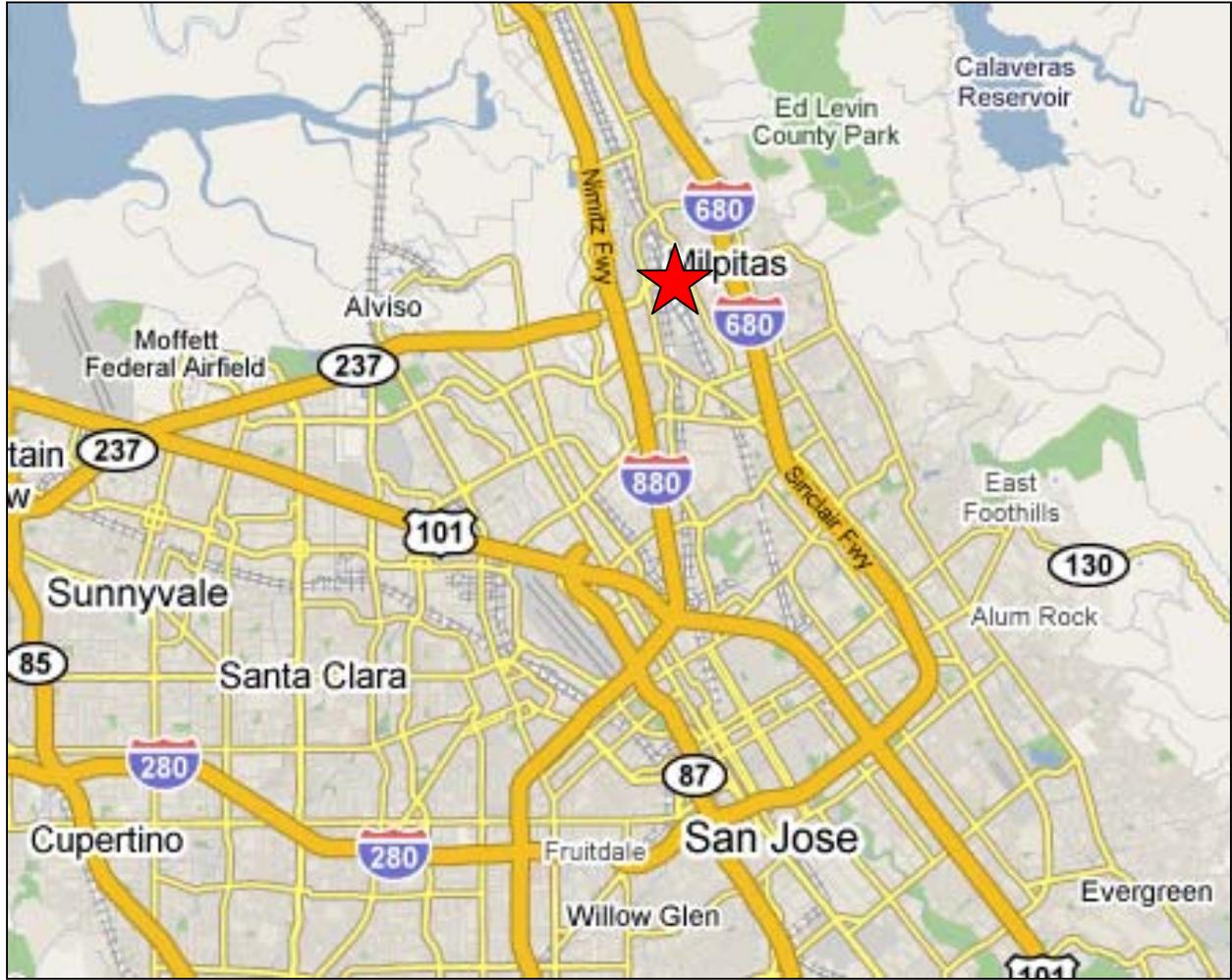


Figure 2.1-2: Vicinity Map

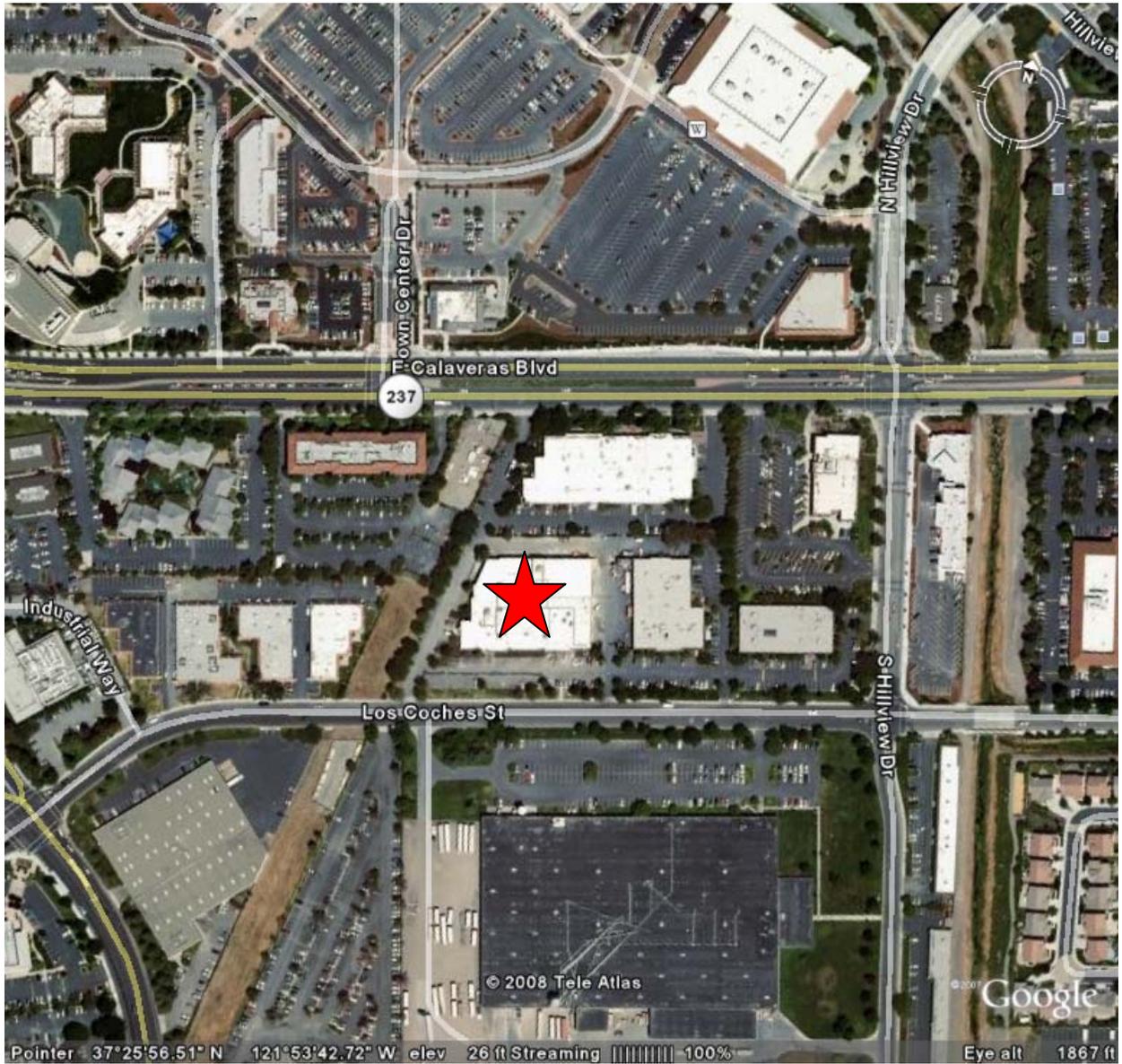
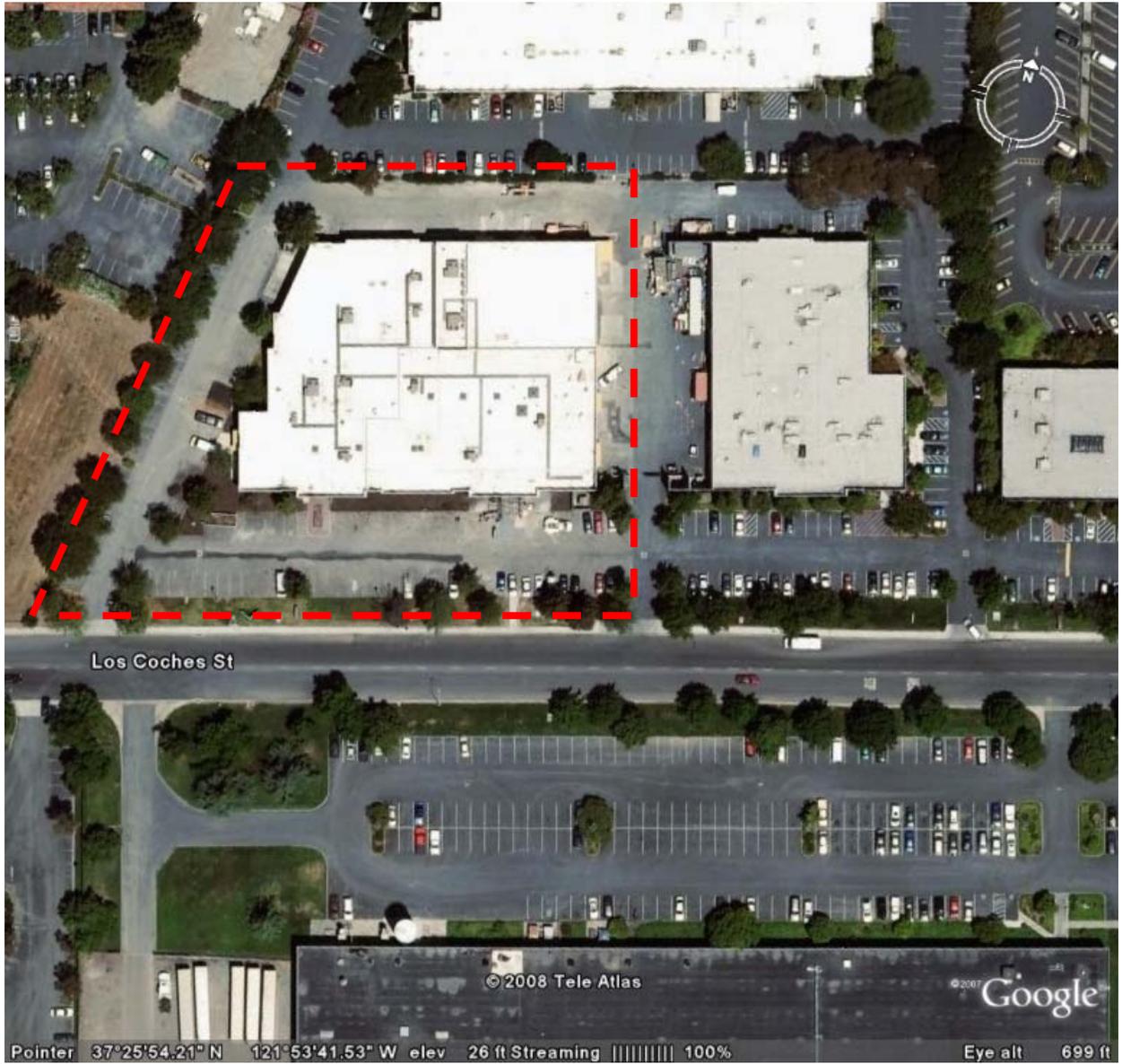


Figure 2.1-3: Aerial



SECTION 3 PROJECT DESCRIPTION

ENTITLEMENT

The project includes the following permit applications:

Zoning Amendment – to include Farmer’s Markets as Conditionally Permitted Uses in the Industrial Park Zoning District (Section 35) and include as a Special Use within the Milpitas Zoning Ordinance. The Zoning Amendment will also include a set performance standards that will help streamline review of future farmer’s markets.

Conditional Use Permit – that allows for the operations of a farmer’s market all year on Sundays between the hours of 7:00AM to 1:00PM at the India Community Center parking lot located at 525 Los Coches Street. The proposed farmer’s market will consist of 40-60 booths that provide fresh produce, specialty food items, cut flowers, and craft items.

The project proposal includes approximate 40-60 booths that are located in parking lot area. Designated vendor parking areas will be located at the rear of the building and along Los Coches Street. The project proposes no building or site modifications.

PROJECT SITE AND SURROUNDING LAND USES

The project site is located north of Los Coches Drive, east of South Milpitas Boulevard and west of South Hillview Drive, in an Industrial Park zoning district. The project site is a 2.44-acre parcel developed with a 36,810 square foot community center building and associated site improvements. The project site shares driveways with adjacent properties to the east and north and parking is provided around the perimeter of the project site.

Surrounding uses include professional and financial offices to the north and north east, industrial uses to the south and southwest, and other quasi public uses including medical offices, churches, and commercial athletic facilities that are located to the immediate east and west of the project site.

SECTION 4 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. Measures that are standard and required by the City or law are categorized as “Standard Measures.” Measures that are required to reduce significant impacts to a less than significant level are categorized as “Mitigation Measures.”

4.1 AESTHETICS

Setting

As shown on the aerial photograph, the project site is currently developed with an existing 36,810 square foot community center, site improvement, and landscaping. The building is a single story building designed with modern architectural features that include brick cladding,

slate tiling, enhanced front entry, and metal canopies. The existing building is located on the valley floor and does not impede view hillside or other scenic vistas. The project does not propose any architectural or exterior modifications.

Environmental Checklist and Discussion of Impacts

AESTHETICS					
	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"/>	1, 11
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"/>	1, 11
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"/>	1, 11
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, 11

Conclusion

The proposed project entails the operations of a farmer’s market and involves installation of temporary tents and booths that will be located in the parking lot area once a week, on Sundays between 7:00 AM and 1:00PM. No exterior building or permanent site modifications are proposed and therefore, there are no impacts to aesthetics. **[No Impact]**

4.2 AGRICULTURAL RESOURCES

Setting

According to the Santa Clara County Important Farmland 2006 Map, the project site is designated *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. Currently, the project site is not used for agricultural purposes.

Environmental Checklist and Discussion of Impacts

AGRICULTURAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 6
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 6
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 6

The project site is not currently used for agricultural purposes and is not designated as farmland of any type.

Conclusion

The proposed project would not result in any impacts to agricultural resources. **[No Impact]**

4.3 AIR QUALITY

Setting

Local and Regional Air Quality

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are

described in criteria documents. The major criteria pollutants are ozone, carbon monoxide, nitrogen dioxide (NO_x) sulfur dioxide, and particulate matter.

Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, community centers, retirement homes, hospitals, and medical clinics.

Environmental Checklist and Discussion of Impacts

AIR QUALITY					
	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"/>	
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"/>	
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"/>	
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Air Quality Impacts

BAAQMD has established thresholds for what would be considered a significant addition to existing air pollution. According to the BAAQMD CEQA guidelines, a project that generates more than 80 pounds per day of ozone precursors (i.e., reactive organic gases (ROG) and nitrogen oxides) is considered to have a potentially significant impact on regional air quality. According to the BAAQMD, projects that do not exceed 2,000 vehicle trips would not exceed this threshold. The project does not anticipate generating vehicle trips that would exceed 2,000-vehicle trips threshold given the trip generation based on the expected attendance of 800 customers per hour.

The operations of the proposed farmer's market will not conflict or violate any applicable air quality plan or air quality standard or create objectionable odors given that it is a temporary use that occurs on Sundays between the hours of 7:00AM to 1:00PM.

The project site is located within an existing Industrial Park (MP) zoning district that includes businesses that transport, store, and utilize various hazardous materials associated with industrial processes. As described in the Hazardous Materials section below, the applicant submitted an updated Risk Assessment prepared by Environ, dated 2007. The assessment outlined the most significant potential impacts for this site to be those that are created from an incident involving toxic substances generated from neighboring industrial properties. Customers attending the proposed outdoor farmer's market have the potential of exposure in the event of an accidental release. The India Community Center has existing mitigation measures such as an Emergency Action Plan (EAP), fire system, communication system, chemical monitoring and sensor/alarm system that are applicable to the proposed farmers market and therefore the impact is *less than significant*. **[Less Than Significant]**

Conclusion

The project is not anticipated to conflict with any air quality plan, violate any applicable air quality standard or result in any cumulative considerable net increase of any criteria pollutants. The project is located within proximity of industrial businesses and has the potential to exposure sensitive receptors to toxic substances in event of an accidental release. The impact is less than significant because of existing mitigation measures that include an Emergency Action Plan that outlines procedures in event of accidental release to ensure that public health and safety. **[Less Than Significant Impact]**

4.4 BIOLOGICAL RESOURCES

Existing Habitat

The site contains is developed with a 36,810 square foot community center with existing site improvements. The project does not propose any site or building modifications.

Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES					
	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"/>	1,11
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"/>	1,11

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
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, 11
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, 11
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, 11
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, 11

4.4.2 Conclusion

The project is already developed as a community center, parking lot, and site improvements. The project proposes temporary tents and booths that will not impact any biological resources or affect any wetlands, wildlife habitat, tree conservation policy, ordinance, or habitat conservation plan. The project anticipates no impacts to biological resources. **[No Impact]**

4.5 CULTURAL RESOURCES

Setting

Prehistoric Context

The Milpitas area was likely settled by Native Americans between 12,000 and 6,000 years ago. Penutian-speaking peoples migrated into central California around 4,500 years ago and were firmly settled around San Francisco Bay by 1,500 years ago. The descendants of the native groups who lived between the Carquinez Strait and the Monterey area prefer to be called Ohlone, although they are often referred to by the name of their linguistic group, Costanoan.

Milpitas is within the ethnographic territory of the Alson tribe of Ohlone, who occupied the area near the mouth of the Coyote Creek. One factor which likely increased traffic through the Milpitas area was the presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory, which increased traffic through the early Milpitas area. The cinnabar (used as body paint) stimulated considerable trade. The deposits were known over much of northern California, and parties from as far away as the Columbia River journeyed to Costanoan territory to obtain it.

Trade for other items—such as wooden bows, salt, and pine nuts—also brought many visitors to the Tamyen territories. Wooden bows and salt from the bay were traded to the Plains Miwok. The words “salt” and “bow” were also taken from the Costanoan. Two notable Costanoan village sites lay within the city limits of Milpitas. One, a huge shell mound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of archaeological sites in California with such a long history of continuous occupation. Neither of these sites is within the Transit Area Specific Plan boundary.

Historic Context

During the Spanish expeditions of the late 1700s, several missions were founded in the San Francisco Bay Area. After the Mexican government took over the vast missions lands and distributed them among the Californios (Mexican pioneers living in California), the brief but lively “rancho” period began. The land in modern-day Milpitas was divided between the 6,352.9-acre Rancho Rincon de los Esteros, the 4,457.66-acre Rancho Milpitas and the 4,394-acre Rancho Tularcitos.

In the 1850s, large numbers of Americans from the East, Canadians, Irish, Chileans, British, Germans and more arrived to farm the fertile lands of Milpitas. They brought with them their own agricultural traditions, adopting them to the local soils and climate. They continued to raise cattle and horses, but they also conducted dairy operations and planted new crops, such as potatoes. In 1850, they introduced a new means of irrigation, artesian wells, which made possible the cultivation of new vegetable crops and berries. The early settlers farmed the land and set up many businesses on a section of what was then called Mission Road, which by the late 20th century became known as the “Midtown” district. The Midtown area, the oldest part of Milpitas, has few remaining historic residences and was the only commercial district that existed before 1945. Midtown is situated along Main and Abel Streets and is bordered by Montague Expressway in the south and Weller Street in the north.

Milpitas was named after Alviso's rancho by Joseph Weller when the first U.S. Post Office was opened on Main Street. However many locals had taken to calling the collection of buildings at the crossroads along Penitencia Creek “Penitencia,” after the small Catholic building next to the creek that was used by the Spanish Padres to hear confession by the

nearby natives. The word Milpitas is from the word "Milpa" which is derived from a Mexican Indian word for "place where maize grows."

In the early 1900s, Milpitas served as a popular rest stop for travelers on the old Oakland-San Jose Highway. At the intersection of that road with the Milpitas-Alviso Road, Smith's Corners, patrons for a century before becoming a restaurant in 2001; it still stands. In the 1920s, one of America's earliest "fast food" chain restaurants, "The Fat Boy," opened nearby but was demolished in 1985.

When the Ford Motor Assembly Plant came to the southern edge of town. The automobile manufacturing era in Milpitas lasted little more than a quarter century. After the plant closed it remained largely unused for nearly fifteen years. Today, it is the Great Mall of the Bay Area.

The prehistoric and historic records search revealed that no prehistoric or historic era sites have been recorded in or adjacent to the project parcel.

There is no evidence of recorded historic and/or prehistoric archaeological resources inside or immediately adjacent to the project area.

Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES					
	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, 3, 11
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, 3, 11
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, 3, 11
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, 3, 11

Conclusion

The proposed project would not result in any significant impacts to cultural resources considering it an existing development and the project does not propose any earthwork that may disrupt or uncover archeological or historic artifacts. **[No Impact]**

4.6 GEOLOGY AND SOILS

Setting

On-Site Geologic Conditions

The Planning Area is located approximately eight miles from the shoreline of San Francisco Bay. The project site is located within the valley floor which is relatively flat and urbanized that is underlain by alluvial soil of Quaternary age which consists of interlayered, poorly sorted gravel, sand, silt, and clay deposited by water. The alluvial soils in Milpitas vary laterally and vertically over small distances and depths. The alluvial soil in Milpitas is expansive and susceptible to liquefaction

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

Several active faults have the potential to cause widespread damage to the City of Milpitas. The California State Mining and Geology Board classify active faults as faults that have had surface displacement within Holocene time (within the last 11,000 years). The primary active faults in the region are the Hayward and San Andreas faults. The Hayward Fault trends northwest approximately 2 miles east of the planning area; the San Andreas Fault trends northwest through the Santa Cruz Mountains approximately 13 miles to the west. The Hayward Fault was identified by the USGS Working Group on California Earthquake Probabilities as the most likely (27 percent chance) to experience a 6.7 or higher magnitude earthquake by 2032. Also of particular importance to the City of Milpitas is the Calaveras Fault, which trends northwest on the eastern edge of the city.

Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS					
	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:					1, 3, 9
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"/>	
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 9
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 9
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 9
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 9
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 9
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 9

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, 3, 9

Based on the General Plan map for Geotechnical Hazards (Figure 5-1) and Seismic and Geotechnical Evaluations Requirements (Figure 5-2), the project site is not identified with any known geotechnical hazards and is outside of the Alquist-Priolo Special Study Zone.

Conclusion

The proposed project is to locate a farmers' market at an existing community center and involves the temporary installation of tents and booths. The community center already has an emergency action plan that outlines emergency procedures in event of an earthquake. Therefore the impact would be less than significant. **[Less Than Significant Impact]**

4.7 HAZARDS AND HAZARDOUS MATERIALS

Setting

Background Information

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples of hazardous materials include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above certain thresholds can result in adverse health effects on humans, as well as harm to plants and wildlife.

Site Conditions

The 2.44-acre site is currently developed with 36,810 square foot community center. The project site surrounding by professional office, industrial businesses, and other quasi-public uses.

Based on an updated risk assessment dated February 2007 prepared by Environ, there are seven businesses that use or store hazardous materials that are in the vicinity of the India Community Center. Based on the updated assessment, the only compounds that were not included in the revised risk assessment dated December 2004 are arsine stored at Linear Technologies at 275 Hillview Drive and carbon monoxide stored at Magic Technologies at

463 S. Milpitas Boulevard, however, these compounds would not impact the ICC site. In addition, chemical quantities previously evaluated in the revised risk assessment either remained the same or decreased, therefore the conclusions reached in the original risk assessment are still valid.

Potential On-Site Sources of Contamination

The site is presently used as a community center and does not store, transport, use or dispose of hazardous materials.

Other Hazards

The project site is not within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on a City designated evacuation route.

Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS					
	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, 12
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 12
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, 12

HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
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, 12
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, 12
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, 12
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, 12
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, 12

Conclusion

The proposed project will not result in hazardous materials impacts to workers and future users of the site. The project has existing mitigation measures that reduce potential impacts related to hazardous materials to a level of less than significant. The existing Emergency

Action plan for the India Community Center is applicable to the proposed outdoor farmers' market. **[Less Than Significant Impact]**

4.8 HYDROLOGY AND WATER QUALITY

Setting

Hydrology and Flooding

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within Zone AO (depth 1). Zone AO is defined as the areas of 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1.0 and 3.0 feet. Average whole-foot depths derived from the detailed hydraulic analyses are shown within this zone on the FIRM.

Storm Drainage

The City of Milpitas owns and maintains the municipal storm drainage system in the vicinity of the project.

Water Quality

The proposed project is required to comply with Provision C.3 of the City's NPDES permit and the City's local polices and ordinances regarding urban runoff and water quality. The C.3 requirements seek to reduce water pollution by both reducing the volume of stormwater runoff and the amount of pollutants that are contained within the runoff. The methods used to achieve these objectives vary from site to site, but can include measures such as a reduction in impervious surfaces, onsite detention facilities, biofiltration swales, settlement/debris basins, etc.

Environmental Checklist and Discussion of Impacts

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: 1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11

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:					
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, 11
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, 11
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, 11
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, 11
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11

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, 10, 11
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10, 11
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, 11
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11

Drainage and Flooding

The project proposes a farmers' market that is a periodic use located within an existing asphalted parking lot and does not alter existing impervious surface, drainage, or proposes any earthwork.

Water Quality

The project proposes a farmers' market that is a temporary use of the site. The farmers' market will sell fresh produces, specialty food items, crafts, and fresh cut flowers. The proposed activities would generate temporary debris and litter, however, standard operations require the site to be clean of litter and debris after closing of each market, therefore there will be no impact. **[No Impact]**

Conclusion

The proposed project would not result in any impacts that relate to water quality, flooding or drainage. **[No Impact]**

4.9 LAND USE

Setting

The site is approximately 2.44 acres that is currently developed with a community center and ancillary parking lot. The site is bounded by Los Coches to the South, and industrial and commercial buildings to the west, north, and east.

The proposed project is a locating a farmers' market at the India Community Center. The site is suitable given that it is already a quasi-public facility. The project does not result in result in a divided community, conflict with any land use plan, habitat conservation, or natural community conservation plan. **[No Impact]**

4.10 MINERAL RESOURCES

Setting

The site is in an urban, built up area and has been developed with industrial/office buildings since 1982.

Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES					
	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, 3, 11
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, 3, 11

The project would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present within the general area. The proposed project, therefore, would not result in impacts to mineral resources.

Conclusion

The project would not result in impacts to known mineral resources. **[No Impact]**

4.11 NOISE

Setting

Noise Background

Noise is defined as unwanted sound. Noise can be disturbing or annoying because of its pitch or loudness. Pitch refers to relative frequency of vibrations, higher pitch signals sound louder to people.

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Twenty-four hour descriptors have been developed that emphasize quiet-time noise events. The Day/Night Average Sound Level, L_{dn} , is a measure of the cumulative noise exposure in a community. It includes a 10 dB addition to noise levels from 10:00 PM to 7:00 AM to account for human sensitivity to night noise.

Applicable Noise Standard

The Environmental Quality Element of the City of Milpitas’s General Plan identifies noise and land use compatibility standards for various land uses (General Plan Figure 5-G). The City establishes 60 DNL as the noise limit for public/educational land uses. Chapter 9.10 “Regulation of Noise and Vibration,” of the City of Milpitas Municipal Code identifies allowable hours for construction to limit impacts to sensitive uses.

Environmental Checklist and Discussion of Impacts

NOISE					
	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, 3, 11
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
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, 3, 11
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, 3, 11

NOISE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
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, 3, 11
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"/>	1,3,11

Potential Noise Impacts

The proposed farmers’ market may generate periodic noise from vehicles entering or leaving the site. The farmers’ market also proposes musical performances from time to time that may generate noise as well. However, the noise impact would be minimal because the use is temporary and occurs once a week on Sundays during the hours of 7:00AM to 1:00PM. The site is not adjacent to any residential uses. The use is conditioned so that noise levels shall minimized so that it is not disruptive to surrounding businesses.

Conclusion

Implementation of the proposed project would result in less than significant noise impacts. **[Less than Significant Impact]**

4.12 POPULATION AND HOUSING

Setting

Build-out under the 2008 land use designations of the General Plan would result in an additional population of approximately 17,900 in the City, or a total population of about 108,400 in the Planning Area.

Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING					
	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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11
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, 11
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, 11

Conclusion

The proposed project is to locate a farmers’ market at the India Community Center and would not result in significant population or housing impacts. The project would provide a community benefit because it offers fresh organic produces and fosters a sense of community. **[No Impact]**

4.13 PUBLIC SERVICES

Setting

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 161 acres of city owned parks and recreational facilities.

Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
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, 11
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11

Public Services Impacts

There are no anticipated public service impact given the project site is located in an urbanized area and that the proposed farmers' market is a periodic use of the site.

Conclusion

The project would not result in significant impacts to public facilities. **[No Impact]**

4.14 RECREATION

Setting

The project site is currently developed as a community center with ancillary parking.

Environmental Checklist and Discussion of Impacts

RECREATION					
	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, 11
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, 11

The project will not increase the use of existing park facility or require construction or expansion of recreation facilities because the farmers’ market will be located at the India Community Center and is a temporary use of the site.

Conclusion

The proposed project would not result in any impacts to parks and recreational facilities. **[No Impact]**

4.15 TRANSPORTATION

Setting

Existing Roadway Network

The road system that encompasses the project site includes Los Coches Street, South Milpitas Boulevard, South Hillview Street and Calaveras Boulevard.

Regional and Local Roadway Access

Regional access is either provided by Interstate 680 and Interstate 880.

Bus Service

AC Transit currently has a bus stop in front of the India Community Center.

Existing Pedestrian and Bicycle Facilities

Based on the General Plan Bikeways Map (Figure 3-1) and Trail Map (Figure 3-2), there is a bike lane facility along South Milpitas Boulevard, which is located on the west side of the project site and a city trail that transverse the project site on the west side of the project site.

Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
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, 3, 11
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, 3, 11
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
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, 3, 11

Traffic Impacts

The anticipated traffic generation for the proposed farmers' market will occur on Sundays only during non-peak period. The applicant estimates approximate 4,000 customers during the peak season (May to September), which equate to approximately 800 customers per

hour. Since many industrial business and offices are closed on Sunday, there is low level of traffic along Los Coches, S. Milpitas Boulevard, and S. Hillview Drive.

The overall net parking supply of 256 parking spaces includes on-site parking, joint parking facilities, and public street parking that is available to accommodate the proposed farmers' market. However, based on previous farmers' markets that operated in the city, parking impacts have occurred. As a result, staff is requiring a three-month review as a condition of approval to ensure that there are no parking issues. Furthermore, the ICC is located within proximity to residential use and is served by public transit and sidewalks that encourage alternative modes of transportation.

The project is subject to a three month review to review any potential parking impacts that may arise from the operations of the proposed farmers' market. The project shall be operated in conformance with the Traffic Handling Plan to ensures safe and efficient movement of vehicle and pedestrian traffic. The traffic-handling plan includes crossing guards, directional signage, and utilizing traffic control elements during operating hours. The City shall monitor the effectiveness of the traffic-handling plan and evaluate traffic conditions on an ongoing basis and shall work with the operator on any adjustments that may be warranted. Therefore the parking impact is less than significant.

Emergency Access

The project will not alter or impede any emergency access. The proposed farmers' market will control and regulate traffic condition through implementation of a traffic-handling plan.

Conclusion

The proposed project would not result in significant transportation impacts with implementation of a three-month review and monitoring of traffic handling plan. **[Less Than Significant Impact]**

4.16 UTILITIES AND SERVICE SYSTEMS

Setting

Water Service

Potable water supply is provided by the City of Milpitas through its municipal water system. The City of Milpitas buys domestic water from two sources: the San Francisco Public Utilities Commission (SFPUC), delivered through the Hetch Hetchy Water system, and Santa Clara Valley Water District (SCVWD), delivered through the South Bay Aqueduct. The City's emergency supply consists of one local groundwater wells—with a second one under construction—and three emergency interties, one with the San Jose Water Company and two with the Alameda County Water District.

Recycled water is also currently available in Milpitas through the South Bay Water Recycling Program (SBWRP).

Wastewater

The San Jose/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas and for several other cities and sanitary districts in the region. The WPCP is a regional facility located in San Jose. The cities of San Jose and Santa Clara jointly own the facility while San Jose operates and maintains the facilities. The WPCP currently provides primary, secondary and tertiary wastewater treatment (filtration, disinfectant and disinfectant removal).

Storm Drainage

The City of Milpitas owns and maintains a system of underground pipes and a network of street gutters that convey flows from urban runoff to the San Francisco Bay. Most major drainage facilities within the city, such as creeks and channels, are owned and maintained by SCVWD.

Solid Waste

The City of Milpitas disposes of all solid waste at the Permitted Class III, Subtitle D facility, the Newby Island Sanitary Landfill (NISL), administered by Allied Waster. The Newby Island facility accepts solid waste, recyclables, and compostable materials. The NISL does not accept hazardous waste. The facility is 342 acres, of which waste has been placed on approximately 270 acres, and has over 30 feet of 120 feet total depth available. The City's contract with the NISL runs through 2017.

Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS					
	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, 3, 11
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11

UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 11
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, 3, 11
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, 3, 11

Conclusion

The proposed operation of a farmers' market would not exceed the capacity of existing utilities and service systems. **[No Impact]**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	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"/>	

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 type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
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"/>

Discussion: With the implementation of the Mitigation Measures included in the project and described in the specific sections of this report (refer to *Section 4 Environmental Setting, Checklist, and Discussion of Impacts*), on pages 8-40 of this Initial Study, the proposed project would not result in significant environmental impacts.

Global Climate Change Impacts (Cumulative Impacts and Long-Term Environmental Goals)

Global climate change is the alteration of the Earth's weather including its temperature, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic-generated atmospheric gases, such as carbon dioxide, methane, and nitrous oxide. These gases allow sunlight into the Earth's atmosphere, but prevent radiative heat from escaping into outer space, which is known as the "greenhouse" effect. The world's leading climate scientists have reached consensus that global climate change is underway and is very likely caused by humans.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California, a multi-agency "Climate Action Team" has identified a range of strategies and the Air Resources Board, under Assembly Bill (AB) 32, has been designated to adopt the main plan for reducing California's GHG emissions by January 1, 2009, and various regulations and other initiatives for reducing GHG emissions by January 1, 2011. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

While the state of California has established programs to reduce greenhouse gas emissions, there are no established standards for gauging the significance of greenhouse gas emissions. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of greenhouse gases. Given the global scope of global climate change, the challenge under CEQA is for a Lead Agency to translate the issue down to the level of a CEQA document for a specific project in a way that is meaningful to the decision making process. Under CEQA, the essential questions are whether a project creates or contributes to an environmental

impact or is subject to impacts from the environment in which it would occur, and what mitigation measures are available to avoid or reduce impacts.

Impacts From the Project

The project is unlikely to generate climate change impacts because of its temporary use of the site which occurs once a week on Sundays. The location proposed farmers' market is suitable site because it is an existing quasi-public facility and is within proximity to residential and is served by sidewalks, trails, and bike facilities that can accommodate alternative modes of transportation.

Significance of Cumulative Global Climate Change Impacts

In an effort to disclose environmental impacts and to conform with the CEQA Guidelines [§16064(b)], it is the City's position that, based on the proposed project, its location within an established urban area served by existing infrastructure would not impede the state's ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32.

Conclusion: The proposed operations of a farmers' market at the India Community Center would not make a cumulatively considerable contribution to global climate change.

[No Impact]

Checklist Sources

1. Project application and plans.
2. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
3. City of Milpitas *City of Milpitas General Plan, 2002.*
4. City of Milpitas, *Municipal Code.*
5. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005.
6. Bay Area Air Quality Management District, CEQA Guidelines, December 1999.
7. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964.
8. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.
9. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.
10. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel No. 060344-0003-G.*
11. Planner's knowledge of the area
12. Updated Risk Assessment (Feb. 2007)
13. Addendum to ICC Emergency Action Plan (Dec. 2008)

SECTION 5 REFERENCES

Association of Bay Area Governments, *Dam Failure Inundation Hazard Map for Morgan Hill*, 1995. <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>

Association of Bay Area Governments, *Projections 2007*, December 2006.

Bay Area Air Quality Management District, *CEQA Guidelines*, December 1999.

California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.

California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map, June 2006.

City of Milpitas, *City of Milpitas General Plan*, 2002.

City of Milpitas, *Municipal Code*.

Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel No. 060350 0001C*, July 16, 1980.

United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.

Updated Risk Assessment, Environ Consulting, February 2007.

Addendum to ICC Emergency Action Plan, TGO Solutions, December 2008.

SECTION 6 AUTHORS AND CONSULTANTS

Authors: **City of Milpitas**
Cindy Hom, Assistant Planner



CITY OF MILPITAS

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NEGATIVE DECLARATION **ENVIRONMENTAL ASSESSMENT NO. EA08-0007**

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE INDIA COMMUNITY CENTER FARMERS' MARKET PROJECT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: India Community Center Farmers' Market

Project Description: The project includes the following permit applications:

- **Zoning Amendment** – to include Farmer's Markets as conditional Permitted Uses in the Industrial Park Zoning District and include as a Special Use within the Milpitas Zoning Ordinance. The Zoning Amendment will also include a set performance standards that will help streamline review of future farmer's markets.
- **Conditional Use Permit** – that allows for the operations of a farmer's market all year on Sundays between the hours of 7:00AM to 1:00PM at the India Community Center parking lot located at 525 Los Coches Street. The proposed farmer's market will consist of 40-60 booths that provide fresh produce, specialty food items, cut flowers, and craft items.

The project proposal includes approximate 40-60 booths that are located in parking lot area. Designated vendor parking areas will be located at the rear of the building and along Los Coches Street. The project proposes no permanent building or site modifications.

Project Location: 525 Los Coches Street Milpitas, CA 95035 (APN 86-28-052)

Project Proponent: Anil Godhwani, India Community Center, 525 Los Coches Street Milpitas, CA 95035.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form and the Initial Study and finds that the project will have less than significant impact upon the environment.

Copies of the E.I.F. and E.I.A. may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By: _____
Project Planner

ICC MILPITAS FARMERS MARKET

The India Community Center - ICC (a 501 c 3 non profit org) has called Milpitas home for almost 6 years now. Last July, we moved into our expanded 36,000 square foot facility located at 525 Los Coches Street. ICC's mission is to promote Indian culture and values by providing social, cultural, recreational and community programs, thereby uniting the Indian community, and raising awareness about Indian culture in the local community. One of our aims is to create a bridge with the local community and in furthering that goal we are proposing to bring the Farmers market back to Milpitas. This goal also reflects the desire of the city & residents of Milpitas to bring the farmers market back to Milpitas.

The India Community Center (ICC) wants to help with that as a community partner by providing space and volunteers to help make this happen. There are numerous advantages to bringing the farmers market back including:

- Providing a viable economic outlet for local California farmers.
- Supporting the health & wellness of the residential community in helping them get fresh and organic produce.
- Fostering community by bringing people together every week by providing space for use of area community groups, local businesses and nonprofit organizations at no cost to them.

PROJECT DETAILS

Included below are the project details:

Name: ICC Milpitas farmers market

Operator: Pacific Farmers Market Association (largest farmers market association in CA that operates 55 markets and has over 250 farmers/producers – see brochure)

Sponsor/Community Partner: India Community Center (ICC)

Location: India Community Center located at 525 Los Coches Street,
Milpitas, CA 95035 (detailed layout attached)

Day & time: Sundays from 7:30 am to 1pm all year

Proposed start date: Saturday, January 4, 2009

Number of booths/stalls: 40-60

ICC PROGRAMMING

The Farmers Market will be held on Sunday mornings. The ICC facility is used sparsely in the mornings on Sundays. Specifically, the multi-purpose room does not get used – which frees up parking spaces for the farmers market (see parking details below). Additionally, the cafe is not operational and no senior programs are offered on Sunday mornings. Listed are some of the activities during Sunday mornings and the number of members in attendance.

Health & Fitness members – Maximum of 20-25 members at any given time

Dance and music classes – Maximum of 20-25 students at any given time

PARKING PLAN

It is ICC's goal to ensure that parking and circulation work well from the onset to ensure the success of both the farmers market and the continued operations of ICC. We have worked hard with city staff to make this aspect of the project functional. The specifics of the parking availability are included below.

The number of parking spaces currently available include 152 spaces on site, 50 spaces on the Kaiser (589 Los Coches), and 105 spaces at Smurfit Stone (210 Hillview Drive) for a total of 307 spaces. This does not include the on-street parking available on both sides of the street.

With the farmers market located on site (see site plan for details), the number of parking spaces we will lose is 70. The overall number of spaces available is listed below.

- India Community Center: 152 less 70 spaces for farmers market = 82 spaces

- Kaiser @ 589 Los Coches Street = 50 spaces
- Smurfit stone @ 210 Hillview Drive = 105 spaces

In addition to the spaces listed above, there is a total of approximately 120 on-street spaces available on Los Coches between Hillview and Milpitas Boulevard.

The total spaces available for Milpitas farmers market is 367 spaces. The 40 – 50 farmer/vendor parking will be along the north side of the street along the property's frontage and some spaces parallel to their stalls along the west side (see parking plan for details).

In order to ensure safety of pedestrians, ICC proposes to have volunteers as crossing guard with the right clothing and hand signage (stop sign) for the first month and longer if necessary to help people cross the street safely. In addition, we will encourage people to park at India Community Center or Kaiser first with the use of signs and volunteers so most people are on the same side of the street.

SIGNAGE FOR PROMOTION

To make sure that we can run the Farmers market in the best way possible, we will have the following signage and promotion on the days of the farmers market:

- Signage on 237, Milpitas Blvd, Hillview and Los Coches directing people to the farmers market. This will be done with A frame signs or other temporary directional signs guiding people to the parking areas.
- Signage to mark the area of the farmers market with A frame signs to mark the perimeter of farmers market on both ends as well as the area adjacent to the Chinese Crosspoint church.
- Signage and barricades to block off 555 Los Coches with A frame signs so people do not park in that lot as we don't have a shared agreement there.

We, at ICC, are excited about the farmers market and will constantly strive to make it a successful venture. Should you have any questions or need additional details, please feel free to contact Anil Godhwani at godhwani@yahoo.com or at 510-754-3257.

ENCLOSURES

Enclosure A: Site Plan

Enclosure B: Parking Plan

Enclosure C: About ICC

Enclosure D: Pacific Farmers Market Association Brochure

Enclosure E: Joint Parking Agreements

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ON OF THE CITY OF MILPITAS ADOPTING A SUPPLEMENTAL NEGATIVE DECLARATION (EA09-0007) AND APPROVING CONDITIONAL USE PERMIT NO. UP08-0039 TO LOCATE A FARMER’S MARKET AT 525 LOS COCHES STREET

WHEREAS, on September 16, 2008, an application was submitted by Anil Godhwani to amend the Milpitas Zoning Ordinance to allow farmer’s markets as conditional uses in the Industrial Park Zoning District and include as a Special Use within Section 13 of the Zoning Ordinance. The Zoning Text Amendment was also accompanied with a Conditional Use Permit and Environmental Assessment to locate a farmer’s market at the India Community Center located at 525 Los Cochés Street (APN 86-28-052), zoned Industrial Park with the Site and Architectural Overlay (MP-S); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and duly prepared and circulated a Supplemental Negative Declaration, pursuant to Section 15162 of the California Environmental Quality Act, to analyze the possible impacts of a proposed Conditional Use Permit to establish a farmer’s market at the India Community Center. The proposed Farmer’s Market constitutes a change to the previously approved project and involves proposed outdoor activities that were not included in the original Mitigated Negative Declaration. The environmental assessment determined there would be no significant impacts related to this project. The environmental assessment/Subsequent or Supplemental Negative Declaration was circulated between December 9 and December 29, 2008; and

WHEREAS, on December 10, 2008, 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. The Planning Commission voted and unanimously recommended approval of the application by the City Council; and

WHEREAS, on January 6, 2009, the City Council 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 City Council 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 a valid environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and duly circulated a Subsequent or Supplemental Negative Declaration, which is hereby adopted

Section 3. The India Community Center is suitable site for a farmer’s market because the proposed use is temporary and the site is already used as quasi-public facility.

Section 4: The proposed India Community Center farmer’s market will not be detrimental or injurious to property, improvements, public healthy, safety, and general welfare because it is a periodic use of the site, implementation of a traffic-handling plan to ensure safe and efficient movement of vehicle and pedestrian traffic, and the existing Emergency Action plan that provides procedures in the event of an emergency.

Section 5: As conditioned, the proposed India Community Center’s farmer’s market will not create nuisances and shall be operated in accordance in all federal, state, and local regulations.

BE IT FURTHER RESOLVED that the City Council hereby approves the Project subject to Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED this _____ day of _____ by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TOFORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. UP08-0039, AND ENVIRONMENTAL ASSESSMENT NO. EA08-0007, FARMER'S MARKET

Conditional Use Permit

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on December 10, 2008, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)
2. Conditional Use Permit No. UP08-0039 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed. (P)
3. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of Conditional Use Permit No. UP08-0039 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)
4. The India Community Center farmer's market is allowed to operate all year, on Sundays between the hours of 7:00AM to 1:00PM with reasonable additional time of set up prior to opening and reasonable time of restoration and clean up after market closing. (P)
5. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved conditional use permit. (P)
6. No music, performances or special event activities (i.e., cooking show, recipe contests, face painter) will be allowed within 200 feet of any residential property line unless specifically approved by the Planning Director. (P)
7. The volume of any permitted amplified music or sounds shall be maintained at a level that is not disruptive to neighboring businesses. (P)
8. The Market operator is responsible for leaving the parking lot area clean and litter-free after each event. (P)
9. The Market operator shall be responsible for providing recycling bins and trash receptacles and disposal of such trash as required by the County Environmental Health Services and the City. (P)
10. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards. The Market operator shall maintain in good standing all necessary health permits for the operations of the Market operator and shall be responsible for requiring all vendors be in possession of necessary health permits for all products sold. (P)
11. The Market operator shall be responsible for all traffic controls during the event, including set up and tear down of equipment needed for the execution of traffic handling plan. (P)
12. City shall monitor the effectiveness of the traffic-handling plan and evaluate traffic conditions on an ongoing basis and shall work with the operator on any adjustments that may be warranted. (P)
13. The Market operator shall obtain a master business license with the City of Milpitas for participating farmers and other vendors. (P)
14. The Market operator shall enter into an indemnification agreement by which it agrees to defend, indemnify and hold harmless the City, its officers, agents and employees from any and all claims, damages, cost and other expense, including attorney fees, arising out of its approval of the conditional use permit, or environmental determination rendered in connection with the permit approval, or arising from or as a result of any actions by the Market pursuant to the conditional use permit. (P)
15. No signage is part of this approval. Any proposed signs for the India Community Center farmer's market shall conform to the City of Milpitas Sign Regulations. Any temporary signs shall in accordance with the procedures for Temporary and Promotional Signs. (P)

16. The effectiveness of the Conditional Use Permit shall not occur until 30 days after the second reading of the Zoning Ordinance adopting the text amendments allowing the Farmer's Market as a conditionally permitted use in the Industrial Park (MP) zoning districts. No Farmer's market shall operator prior to that date. (P)
17. The project shall be subject to a three-month review that shall occur after the market becomes operational. The applicant shall submit all the necessary public hearing materials and fees to the Planning Division at the time of permit review.
18. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to any permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:
 - Maintain an adequate level of service for trash collection.
 - Maintain an adequate level of recycling collection. (E)After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
19. Prior to any permit issuance, applicant shall provide written statement describing agreement with the Indian Community Center (ICC) to use the recycling and garbage bins collected by Allied Waste Services. City review and approval of the agreement is required. Written statement shall include:
 - 20. Evidence of agreement in the form of an official letter or resolution granting use of its solid waste containers provided by the Indian Community Center;
 - Details of how vendors shall be informed of proper recycling and garbage handling;
 - Description, including the amount and locations, of recycling and garbage receptacles to be provided for public use during operating hours;
 - Description how applicant shall maintain separate recycling and garbage services during operating hours and how materials shall be properly disposed. (E)
21. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
22. Prior to start of any work within the public right of way or easement, including but not limited to traffic control and temporary sign installation, applicant shall obtain an encroachment permit from the City of Milpitas Engineering Division. (E)
23. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
24. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)

(P): Planning Division

(E): Engineering Division