

**LIST OF ATTACHMENTS FOR PUBLIC HEARING
ITEM NO. 1 – Hold Public Hearing to Introduce
Ordinance No. 38.805 for Zoning Amendment No. ZA12-
0002; and Adopt Resolution approving General Plan
Amendment No. GP12-0001, Specific Plan Amendment
No. ST12-0001, and Conditional Use Permit No. UP12-
0013 and Adopting Negative Declaration (EA12-0002) for
the South Bay Tech Center, located at 1603-1787 South
Main Street**

- A. Ordinance No. 38.805 with Exhibit 1**
- B. City Council Resolution with Exhibits 1 – 3**
- C. 06/27/2012 Planning Commission Staff Report**
- D. 06/27/2012 Planning Commission Approved
Minutes**
- E. Environmental Assessment Report No. EA12-0002**
- F. Project Plans**

REGULAR

NUMBER: 38.805

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on March 27, 2012, an application was submitted by Brandy Krechel with SB Tech LLC, 3090 Pullman Street, Costa Mesa, CA 92626, seeking to amend the City’s Zoning Sectional Map to change the designation of a 11.17-acre parcel site located at 1603-1787 S. Main Street (APN 86-21-073) from Industrial Park (MP-S) to General Commercial(C2-S); and

WHEREAS, on June 12, 2012, a community outreach meeting on the project was held at Zanker Elementary School; and

WHEREAS, the Planning Commission held a properly noticed public hearing on June 27, 2012, at which time it considered evidence presented by City staff and other interested parties, and recommended approval of the zoning change; and

WHEREAS, the proposed zoning change will be consistent with the amended General Plan and Midtown Specific Plan in that it would promote General Plan guiding principles and implementing policies 2.a-G-1, which encourages a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center. The proposed change would also be consistent with Implementing Policy No. 2.a-G-6, in that it furthers the implementation of the Midtown Specific Plan by creating a mixed-use community that includes residential, service-oriented commercial, and industrial uses; and

WHEREAS, the City Council finds that proposed amendment will not adversely affect the public health, safety and welfare in that the proposed rezone would provide for the harmonious development of needed commercial uses that could operate in a compatible manner with continued, conditionally permitted industrial uses; and

WHEREAS, the City Council finds that with the inclusion of this Zoning Map amendment, the Zoning Ordinance would remain internally consistent; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and the City Council held a public hearing on August 7, 2012, on the rezone application and considered staff’s determination that on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment. A Negative Declaration was publicly circulated for 20 days from May 30, 2012 through June 19, 2012. After duly considering the materials presented to it and hearing public testimony on the matter, the City Council adopted the Negative Declaration for the proposed rezone and associated General Plan and Midtown Specific Plan amendments and the issuance of a conditional use permit for continued industrial operations. This Negative Declaration reflects the City’s independent judgment and analysis.

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

SECTION 1. RECORD AND BASIS FOR ACTION

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

SECTION 2. AMENDMENT OF THE CITY OF MILPITAS ZONING SECTIONAL MAPS AND ZONING ORDINANCE

The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 580, a copy of which is attached hereto as Exhibit 1 and incorporated herein, and which shall be kept in uncodified form and be available upon request from the Planning Division of the City of Milpitas. All necessary related index entries and textual references are also hereby amended.

SECTION 3. SEVERABILITY

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

SECTION 4. EFFECTIVE DATE AND POSTING

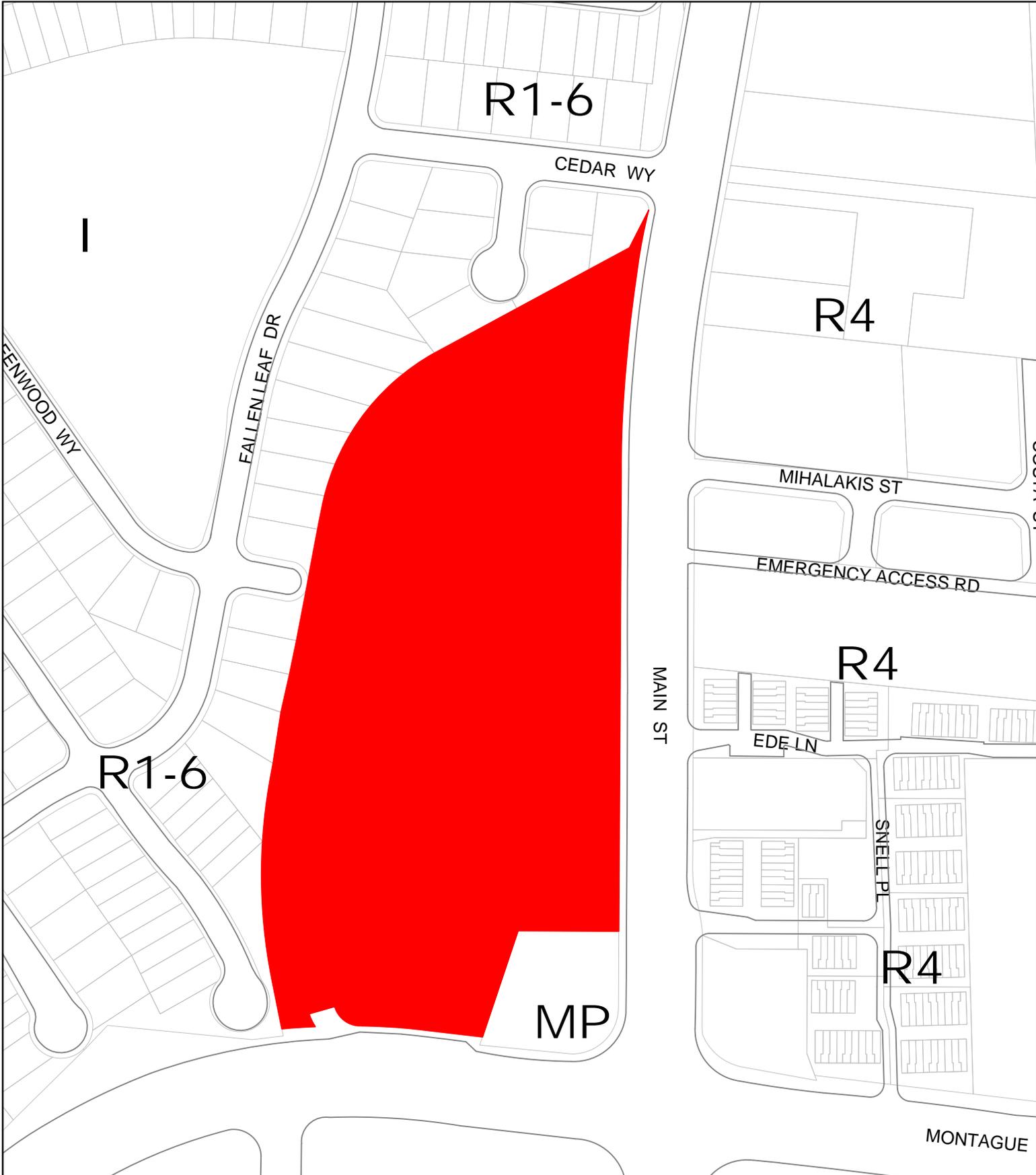
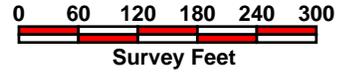
In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section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



City of Milpitas
New Zoning Designation
Sectional District Map No. 580
Exhibit 1

Legend

- General Commercial
- Parcel Boundary



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

WHEREAS, on March 27, 2012 an application was submitted by Brandy Krechel with SB Tech LLC, 3090 Pullman Street, Costa Mesa, CA 92626, for a zoning designation change for a 11.17-acre site located at 1603-1787 S. Main Street (APN 86-21-073) (“Property”) from Industrial Park (MP) to General Commercial (TC) through the amendment of the Milpitas Zoning Ordinance and the amendment of provisions regulating the Property in the Milpitas General Plan and the Midtown Specific Plan. This application also caused the request for the issuance of a Conditional Use Permit to allow the continued operation of existing industrial tenant spaces for industrial uses; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the City Council adopt a Negative Declaration; and

WHEREAS, on June 12, 2012, a community outreach meeting on the project was held at Zanker Elementary School; and

WHEREAS, the Planning Commission held a properly noticed public hearing opened on June 27, 2012, at which time it considered evidence presented by City staff and other interested parties, and recommended approval of the project; and

WHEREAS, all required notices and legally required procedures have been satisfied; and

WHEREAS, on August 7, 2012, the City Council held a duly noticed public hearing and considered evidence presented by City staff and other interested parties, including written materials previously presented to the Planning Commission, as well as to the City Council prior to its meeting on this project proposal.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The requirements of the California Environmental Quality Act (CEQA) have been satisfied as follows:
 - a. An Initial Study and a Negative Declaration for this project have been prepared in compliance with CEQA.
 - b. The Negative Declaration was advertised in accordance with CEQA and was publicly circulated for 20 days from May 30, 2012, through June 19, 2012.
 - c. There is no substantial evidence that the project will have an effect on the environment.
 - d. The Negative Declaration reflects the independent judgment of the City of Milpitas.
3. Approval of General Plan Amendment No. GP12-0001 is in the public interest and the General Plan so amended will remain internally consistent. The plan amendment would be in keeping with the General Plan guiding principles and implementing policies 2.a-G-1, which encourage a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center as well as Implementing Policy No. 2.a-G-6, in that it furthers the implementation of the Midtown Specific Plan by creating a mixed-use community that includes residential, service-oriented commercial, and industrial. The General Plan amendment would facilitate

the implementation of such goals and would address the decline of research and development operations in favor of commercial uses, in a manner consistent with the General Plan and the demands of surrounding residential uses.

4. Approval of Specific Plan Amendment No. ST12-0001 is also in the public interest and is consistent with the Milpitas General Plan, as amended. The proposed Midtown Specific Plan amendment would affect a project site that is surrounded by residential uses and the added retail and commercial services would be neighborhood serving and maintains employment centers close to residential. The proposed Midtown Specific Plan amendment is consistent with the Midtown Specific Plan goals in that it would encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses as well as promote transit use within the Midtown area.
5. The issuance of a conditional use permit for the continued operation of industrial uses in specific tenant spaces is consistent with the General Commercial Zoning in terms of development standards. The conditionally permitted industrial operations shall be subject to operating conditions to ensure compatibility and safety with adjacent commercial and neighboring residential uses and shall be subject to all local, state, and federal regulations.
6. Therefore, General Plan Amendment No. GP12-0001, Specific Plan Map Amendment No. ST12-0001, Conditional Use Permit No. UP12-0013, and Environmental Assessment No. EA12-0002, SB Tech Center Rezone, are adopted, subject to the above Findings of the City Council. Exercise and use of this project approval are contingent upon adoption of uncodified Ordinance No. 38.805. Staff is authorized to make the Midtown Specific Plan map amendment, attached hereto as Exhibit 1, and the Milpitas General Plan map amendment, attached hereto as Exhibit 2, and all necessary accompanying textual changes. Conditions of approval for Conditional Use Permit No. UP12-0013 are attached hereto as Exhibit 3.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

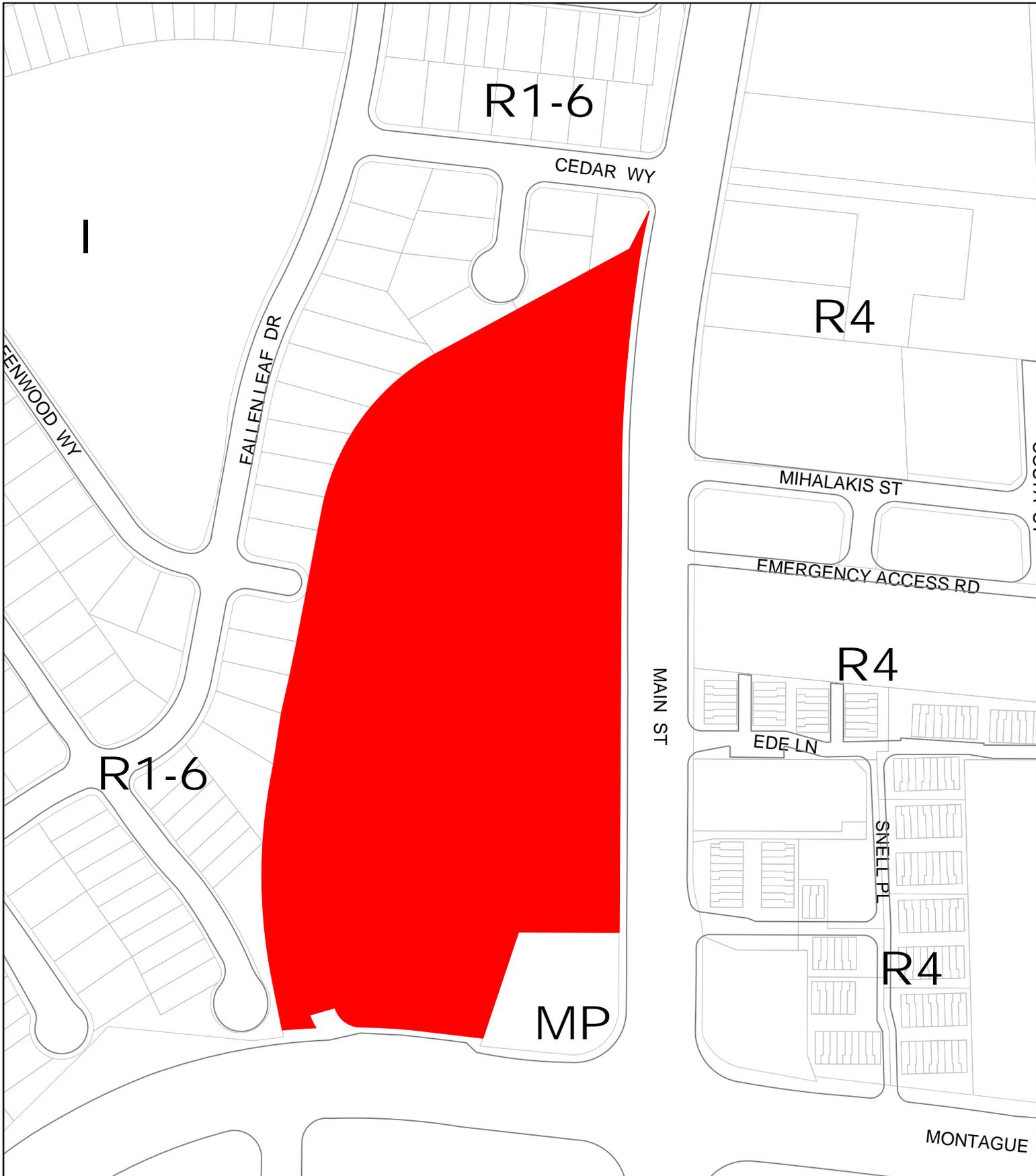
Michael J. Ogaz, City Attorney



City of Milpitas Midtown Specific Plan Map Amendment Map Exhibit 1

Legend

-  General Commercial
-  Parcel Boundary





City of Milpitas General Plan Amendment Map Exhibit 2



Legend

General Commercial

Parcel Boundary

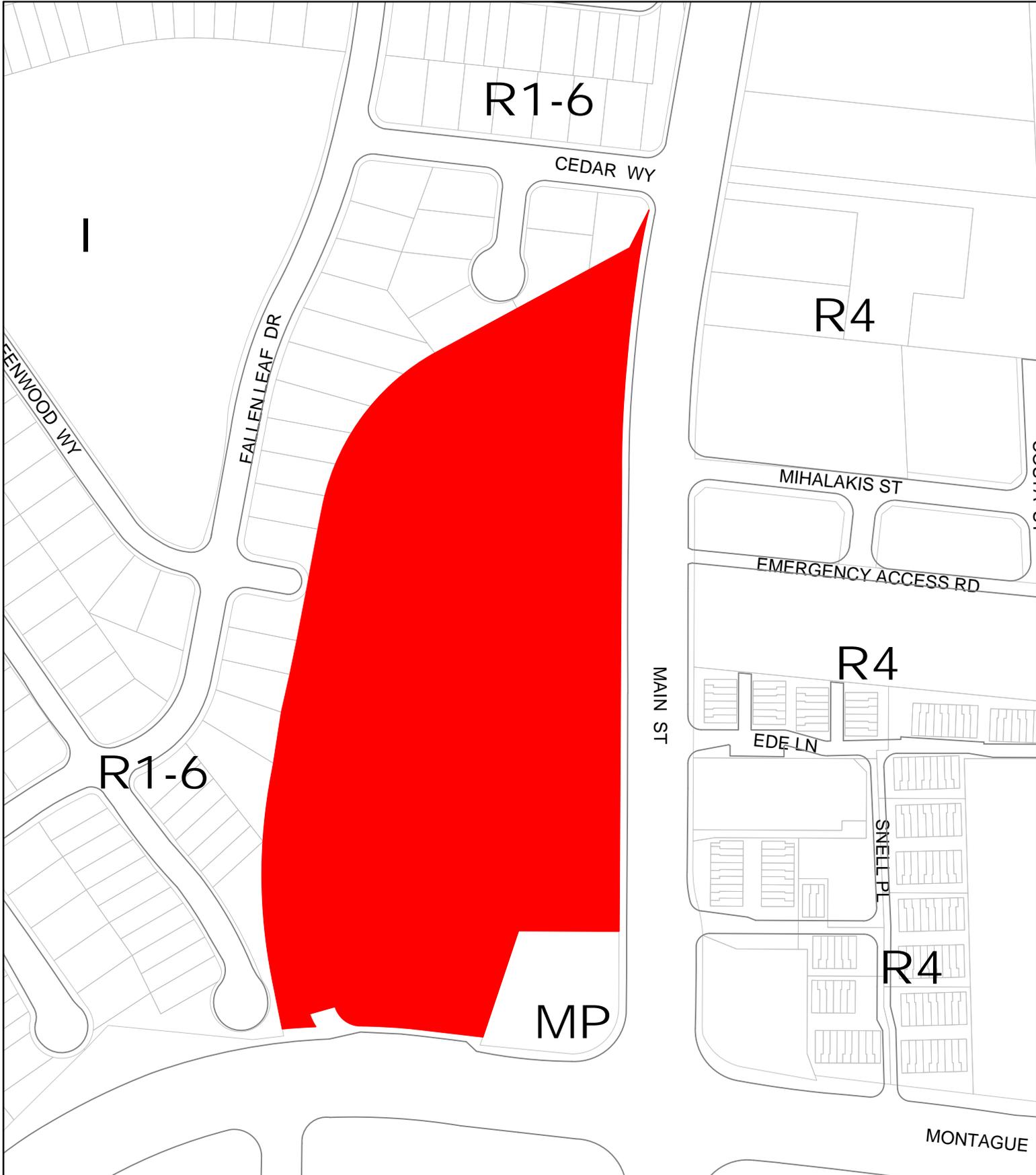
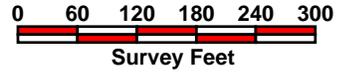


EXHIBIT 3

CONDITIONAL USE PERMIT NO. UP12-0013

General Conditions

1. This Conditional Use Permit applies to the following tenant spaces listed below only, located with the South Bay Tech Center (APN 86-21-073). This permit may expire as to any specific given space, according to the cessation of use and/or abandonment provisions of the Milpitas Municipal Code. Any expansion, intensification, or change of the conditionally permitted use in the spaces listed below shall require a permit amendment.

	Tenant Space Address	Permitted Tenant Square Footage
1	1623 S. Main Street	2,496
2	1625 S. Main Street	2,496
3	1627 S. Main Street	3,744
4	1637 S. Main Street	2,480
5	1643 S. Main Street	2,480
6	1645 S. Main Street	2,204
7	1657 S. Main Street	1,469
8	1659 S. Main Street	1,469
9	1663 S. Main Street	1,469
10	1665 S. Main Street	1,469
11	1671 S. Main Street	1,043
12	1729 S. Main Street	4,755
13	1759-Unit 100 and 104	1,745
14	1759-Unit 124 and 128	1,745
15	1765-117 S. Main Street	11,136

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

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



MILPITAS PLANNING COMMISSION AGENDA REPORT

Public Hearing

Meeting Date: June 27, 2012

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

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

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

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

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

Site Area: 11.17 acres

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

PLANNER: Cindy Hom, Assistant Planner

PJ: PJ 2814

ATTACHMENTS:

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

LOCATION MAP



No scale

BACKGROUND

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

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

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

PROJECT DESCRIPTION

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

The project site is located on an 11.7 acre parcel at the northwest corner of the intersection of South Main Street and Montague Expressway. The project does not include the former gas station site at the corner of South Main Street and Montague Expressway, since that is under separate ownership and declined to be a part of this amendment.

The project site includes six multi-tenant industrial buildings totaling 161,652 square feet of floor area. The site is bounded by South Main Street to the east, Montague Expressway to the south, and Starlite Pines residential community to the west and north. A vicinity map of the subject site location is included on page 3 of this report.

Surrounding land uses include single family residential homes and elementary school to the west and north, commercial and multi-family residential uses to the east, and industrial uses to the south. The project site is currently zoned Industrial Park. Abutting zoning districts include, Single Family Residential, Low Density (R1-6) to the west and north and Multi-family Residential, Very High Density (R4) to the east as depicted in the sectional Zoning Map below.



General Plan Amendment

In the last few years, the South Bay Tech Center has experienced a decline of R&D operations. Over the years the South Bay Tech center has transitioned as more of an office/warehousing product with only seven (7) R&D tenants. Majority of the tenants operate as industrial and commercial offices. The proposed General Commercial land use designation would be appropriate considering the C2 Zoning would allow industrial uses with a conditional use permit. The proposed zone change would be not conflict with the current Land Use Conversion Moratorium since the zone change is from Industrial Park to General Commercial. Furthermore, the project site is surrounded by residential uses and the added retail and commercial services would be neighborhood serving, and maintaining employment centers close to residential.

The project would be in keeping with the General Plan guiding principles and implementing policies 2.a-G-1 which encourages a land use program that balances Milpitas' regional and local roles by

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

Midtown Specific Plan Amendment

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

Zone Change (Zoning Amendment)

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

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

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

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

Conformance to C2 Development Standards

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

Table 1
Development Standards

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

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

ENVIRONMENTAL REVIEW

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

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

PUBLIC COMMENT/OUTREACH

Outreach

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

Public Notice

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. Staff publicly noticed the application in accordance with City and State law.

CONCLUSION

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

RECOMMENDATION

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

Attachments:

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

Mr. McKibbin – The light spillage on the sheet detail is a little more than what it will actually be. The LED lights are efficient and long lasting. Accessibility to the sign is not a problem and maintenance will be done directly by APEX. During the development of the sign program APEX felt this one sign would be applicable in this one location instead of spreading signage throughout.

Commissioner Barbadillo – Questioned if the structure where the sign will be erected is already existing. Also, back in 2011 when an application for modification of exterior fixtures was requested, why was this sign variance not proposed then?

Mr. McKibbin – The project is currently under construction; however, this particular wing of the building is not yet constructed. It is typical that the sign development package follows the initial entitlement approvals for the design of the building. This allows for the marketability of the project.

Commissioner Barbadillo – Inquired of staff if marketing reasons is considered a special circumstance to be able to deviate from the standard signage measures and would not want this variance to encourage this type of variance on future projects.

Assistant City Attorney Bryan Otake – Clarified that marketing needs in general are not a basis for a sign variance, but this request is more to promote a more positive development for reasons set forth in the proposed Resolution. Additionally, the location of the property has limited street frontage for the signage that would be of proper scale to the building.

Commissioner Tao – Mentioned that this project has changed ownership resulting in a deviation from the original design and concept. Therefore, the variance request seems reasonable for how the project now exists.

Motion to close the public hearing.

M/S: Sandhu/Tao

AYES: 6

NOES: 0

ABSENT: 2 (John Luk and Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 12-027 approving the project subject to conditions of approval.

M/S: Tao/Madnawat

AYES: 6

NOES: 0

ABSENT: 2 (John Luk and Zeya Mohsin)

ABSTAIN: 0

**2. GENERAL PLAN
AMENDMENT NO.
GP12-0001, Zoning
Amendment ZA12-0002,**

Assistant Planner, Cindy Hom made a presentation for a General Plan Amendment, Zoning Amendment, Specific Plan Amendment, and Conditional Use Permit. This request is to change the land use designation from industrial park to general commercial located at 1603-1787 S Main St. The project is to rezone South Bay Tech

Specific Plan Amendment ST12-0001, Conditional Use Permit No. UP12-0013 and Environmental Assessment No. EA12-0002

Center which is on an 11 acre parcel and includes 6 industrial buildings (161,000 sq ft) with 612 parking spaces.

The proposal will introduce commercial uses. The zoning map depicts the adjacent zoning districts. Over time the development along S Main St has transitioned from industrial to high-density residential, with 15 industrial uses remaining. The proposed zoning would allow flexibility to attract uses to complement existing tenants and the adjacent neighborhoods. The application includes a blanket conditional use permit to allow existing industrial uses to remain.

Staff findings are that the proposal is consistent with General Plan and Midtown Specific Plan, the project is surrounded by residential, the added retail and commercial will be neighborhood serving, will retain employment centers close to residential, promotes a mixed use community and conforms to the general commercial zoning. Staff recommends adopting Resolution No. 12-029 recommending approval to the City Council.

Commissioner Madnawat – Asked if there were any concerns brought up at the public outreach meeting held at Zanker school? Also is there a way to place a condition that fast food restaurants will not be allowed with this approval.

Planner Cindy Hom attended the community meeting and mentioned some of the public concerns were: what type of commercial would be anticipated, another fast food, convenience store, or liquor store adjacent to the Starlite Pines neighborhood. The public wanted to encourage interest in having a Trader Joe's or grocery store in the center. The property owners want to maintain the business center as it is today and have flexibility to allow for certain uses. Under the current industrial zoning some uses are not permitted nor may this center be fitted for certain uses. There are no proposed physical changes to this site.

Senior Planner Sheldon Ah Sing – Clarified that under zoning ordinance C-2 Fast food is a permitted use under restaurants. However, a drive in or drive through is conditionally permitted, and therefore would be at the discretion of the Commission.

Commissioner Tao – Asked staff for clarification of the following: If any other tenant outside the list of current industrial users could come in and apply the same uses in another suite? If one of the current industrial users elected to expand or relocate within the park are they grandfathered in and granted the relocation? Expressed concern over current tenants' method of running business that would create issues for the general public, and would want to avoid use conflicts or create unintended consequences.

Planner Cindy Hom – Indicated that if there was another industrial unit that wanted to locate in a tenant not identified on the list, they would need to apply for a conditional use permit. If an existing tenant wanted to move in another tenant within the same center, they would need to reapply. The existing land use is industrial and businesses are able to operate as R&D or light manufacturing. Any of the current listed tenants that may use hazardous materials have already gone through the Fire Department for their hazardous use permit along with all the necessary City permit processes.

Commissioner Tao – Was further concerned that the site could run into parking issues and that the parking ratio needs to allow for unoccupied square footage to achieve 2 ½ - 3 spaces per thousand. A request was made if staff could track the parking allocation with a running tally for the remaining parking spaces for new general commercial uses.

Avoid ending up with a portion of unoccupied space due to unavailable parking.

Planner Cindy Hom – Indicated that staff verifies parking compliance with development standards at the time of permitting or business tenant improvement. This center has been developed at this parking ratio and this tenant has been allocated a certain number of spaces. If use exceeds allotment, rezoning does provide provisions for a shared parking arrangement. However, in this situation there is no additional property to use.

Senior Planner Sheldon Ah Sing – Emphasized this is an existing site that is built out as industrial and probably will not have the typical retail use, especially the buildings in the back. It may be necessary for the land owner to take down a building in order to provide more parking. Staff is anticipating group instruction and through a CUP, parking will be established on-site through offsetting parking uses for different time of day uses.

Acting Planning Director, Felix Reliford – Indicated that any use needs to meet City parking requirements. Also, there is a vacant lot on the corner, and the developer may have the option to purchase the lot to increase parking capacity.

Commissioner Tao – Asked the owner to address the parking and make sure the integration of uses and parking capacity. Also, is the ownership going to do any changes to the exterior? Is the project site lighting going to be looked at since the lighting seems to be dim, and there is concern for the proper illumination based on the new proposed uses?

Susan Causey, Property Manager and Lance Kluger, Property Owner of 1615 S Main St. Susan Causey indicated the property is not set up for fast food type business use right now. Currently there is plenty of parking for use requests such as recreational or congregational since the business offices are closed on weekends or evenings which will make parking. There is no plan to change the structure at this time. Property owner, Lance Kluger, said he will look at the proper lighting to fit the use. Susan Causey mentioned that currently there are two tenants that use chemicals; however, that the center is not looking for that type of new tenant.

Commissioner Madnawat – Would like the owner to assess the safety aspect of the buildings and large trucking due to the change in use and the public that will be present.

Chair Mandal – Asked if any liquor store has requested tenancy? There is concern for the residential homes in the area.

Property Manager, Susan Causey – Indicated there is an internet-based wine distributor, and they do not plan on going retail.

Motion to close the public hearing.

M/S: Ciardella/Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (John Luk and Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 12-029 approving the project subject to conditions of

APPROVED
Planning Commission Minutes
June 27, 2012

approval.

M/S: Tao/Madnawat

AYES: 6

NOES: 0

ABSENT: 2 (John Luk and Zeya Mohsin)

ABSTAIN: 0

X. ADJOURNMENT

The meeting was adjourned at 8:04 p.m. to the next meeting of July 11, 2012, which will be held in the Committee Conference Room instead of the Council Chambers.

Respectfully Submitted,

M/S: Madnawat/Sandhu

Sheldon S. Ah Sing
Senior Planner

Joann DeHerrera
Recording Secretary

Appendix G**ENVIRONMENTAL CHECKLIST FORM**

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

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

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

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

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

6. General plan designation: Industrial Park (INP)

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

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

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

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

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

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

Exhibit 3: Sectional Zoning Map



- | | | | |
|---|--|---|--|
|  | Single Family Residential min. 6,000 s.f. lot (R1-6) |  | Mixed Use Very High Density (MXD3) |
|  | Multi-Family Residential, High Density (R3) |  | General Commercial (C2) |
|  | Multi-Family Residential, Very High Density (R4) |  | Parks and Open Space (POS) |
|  | Industrial Park (MP) |  | Transit Oriented Development Overlay (TOD) |
|  | Institutional (I) | | |

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

SB Tech Center Land Use Change

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

ISSUES

I. 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"/>	2,4, 8
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8

Comment:

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

II. AGRICULTURAL AND FOREST RESOURCES					
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
<p>Would the project:</p> <p>1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4
<p>2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
<p>3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
<p>4) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
<p>5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Comment:

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

III. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

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

IV. 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"/>	1,4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 8

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

Comment:

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

V. 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"/>	1,4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

Comment:

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

SB Tech Center Land Use Change

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

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 12, 13
b) Strong seismic ground shaking?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
d) Landslides?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Result in substantial soil erosion or the loss of topsoil?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13

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

Comment:

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

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

Comment:

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

VIII. 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
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

VIII. 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:					
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

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

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

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2, 14
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 14
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Comment:

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

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

X. LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4

Comment:

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

[No Impact]

XI. 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, 4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

Comment:

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

XII. 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, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6

Comment:

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

XIII. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

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

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

XIV. PUBLIC SERVICES					
Would the project:					
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

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

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

Fire Station # 1: 777 South Main St.

Fire Station # 2: 1263 Yosemite Dr.

Fire Station # 3: 45 Midwick Dr.

Fire Station # 4: 775 Barber Ln.

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

Schools: Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that would serve the project include Milpitas High School (grades 9-12), two middle schools (grades 7-8) and nine elementary schools (grades K-6).

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

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

XV. RECREATION

XV. 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, 4, 8
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 8

Comment:

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

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

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

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

XVII. 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:					

XVII. 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"/>	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Comment:

The following service providers serve the project site:

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

SB Tech Center Land Use Change

- Water supply: Provided by the City of Milpitas with the wholesale providers being either the San Francisco Water Department or the Santa Clara Valley Water District.
- Recycled water: South Bay Water Recycling Program
- Sewage treatment: Provided by the City of Milpitas and treated at the San Jose /Santa Clara Water Pollution Plant in San Jose.
- Storm drainage: City of Milpitas
- Solid waste disposal: Disposal is at the Newby Islands Landfill, operated by BFI
- Cable Television: Comcast

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

XVIII. 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"/>	1-15, A
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-15, A

SB Tech Center Land Use Change

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

Comment:

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

SOURCES

General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H, 06085C0080H, 06085C0086H, and 06085C0087H*
15. Midtown Specific Plan Draft Environmental Impact Report, October 2001

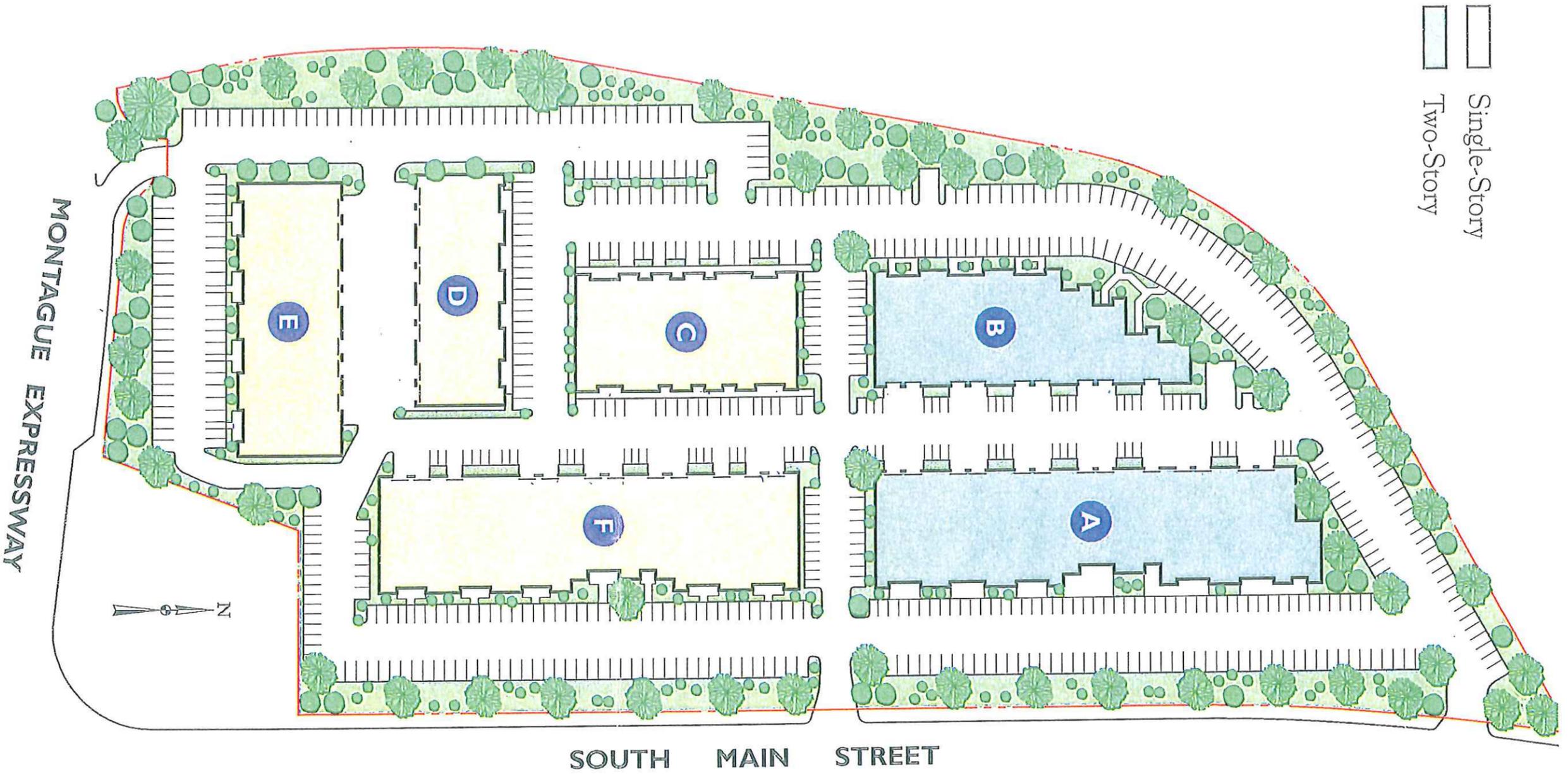
Project Related Sources:

- A. Project application and plans

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

SB Tech Center Land Use Change

Water Agency (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.



RECEIVED

MAR 27 2012

CITY OF MILPITAS
PLANNING DIVISION

SOUTH BAY
TECH CENTER

