January 26, 2005 Planning Commission Meeting Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing Report prepared by: Kim Duncan

Public Hearing: Yes: __X__ No: _____

Notices Mailed On: 1-14-05 Published On: 1-13-05 Posted On: 1-14-05

TITLE:	**USE PERMIT NO. UP2004-12; SA2004-107, ENVIRONMENTAL ASSESSMENT NO. EA2004-11**
Proposal:	A request for approval to operate a community center in an existing 38,743 square foot industrial building with uses to include administrative offices, fitness center, library, classrooms, youth and senior programs, after-school tutoring, medical services, auditorium for events, and cafeteria/kitchen, as well as building and site modifications, in the Industrial Park (MP) zoning district.
Location:	525/535 Los Coches Street
APN:	086-28-052
RECOMMENDATION:	**Approval with conditions**
Applicants:	India Community Center, 555 Los Coches Street, Milpitas, CA 95035.
Property Owner:	Marin County Employees Retirement Association, 3501 Civic Center Drive, San Rafael, CA 94903.
Previous Action(s):	'S'-Zone Approval and Amendments, Minor Tentative Map
General Plan Designation:	Industrial Park
Present Zoning:	Industrial Park with 'S'-Zone Overlay (MP-S).
Existing Land Use:	Vacant R & D/Office building
Agenda Sent To:	Applicant, project manager and property owner
Attachments:	Plans, letter of request from applicant with proposed hours of operation and schedule of activities, Risk Assessment dated December 13, 2004 and revisions dated December 16, 2004, Initial Study and Mitigated Negative Declaration, Mitigation Monitoring Program
PJ#	2405

1.

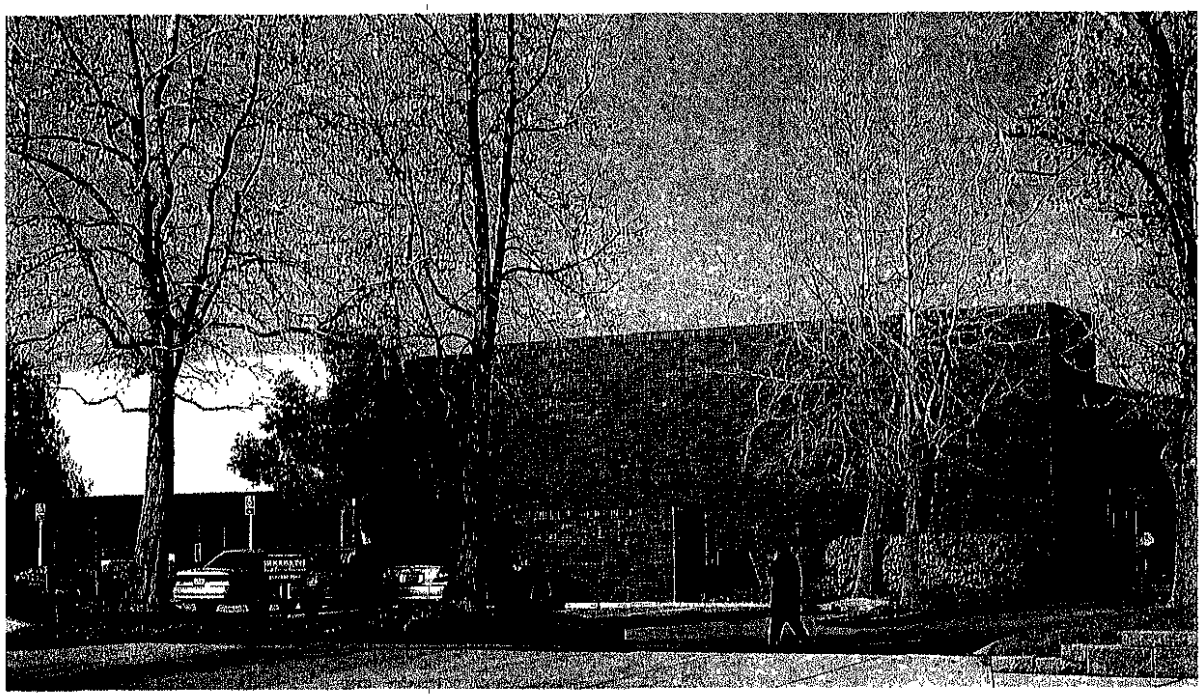
BACKGROUND

On February 18, 1982, the Planning Commission approved an "S" Zone application for two (2) speculative industrial buildings on an approximately 3.99 acre parcel located east of the Hetch-Hetchy, north of Los Coches Street. Subsequent approvals include 'S' Zone Approval-Amendments for driveway modifications, fenced patio, freestanding sign and building signs. A Minor Tentative Map was recorded in October 1988 with Santa Clara County, dividing the parcel into one 2.44-acre parcel (525/535 Los Coches) and one 1.54 acre parcel (555 Los Coches). On October 23, 2002, the Planning Commission approved Use Permit No. UP2002-38 for the operation of the existing India Community Center adjacent to the project site.

Site and Area Description

The project site is located on a 2.44-acre parcel east of the Hetch-Hetchy, north of Los Coches and west of Hillview Drive. The site is currently developed with a vacant 39,473 square foot research and development building constructed of textured concrete, smoked glass windows and brick siding. Access to the project site is provided by a shared driveway with the adjacent property to the east (555 Los Coches/India Community Center). On-site parking is provided along the perimeter of the subject parcel and landscape strips are located on the north, west and south property lines, as well as perimeter of the building.

Adjacent land uses include office buildings and a bank to the north, the current India Community Center and a medical clinic to the east, and heavy industrial uses to the west and south.



525/535 Los Coches Street

1.

THE APPLICATION

The application is submitted pursuant to Milpitas Municipal Code Section 57.02-10 (Conditional Uses Permitted by Commission-Community center), Section 57.00 (Use Permits) and Section 42.00 (Site and Architectural Review). The applicant is requesting approval of Use Permit No. UP2004-12 for a non-profit community center within the Industrial Park (MP) zoning district.

PROJECT DESCRIPTION

The applicant requests approval to operate a non-profit community center in an existing 39,473 square foot research and development building located in an Industrial Park (MP) zoning district. Proposed uses include an auditorium for large and small events; classrooms for tutoring, youth activities and senior programs; cafeteria and kitchen for staff/senior lunches and event catering; athletic facility for yoga and fitness instruction; offices for administrative uses and medical services; recreation/lounge area for ancillary recreational purposes; and library. The project will not be operating as a child day-care or school, as defined in the Milpitas Zoning Ordinance, Section 2.69 (institutions that offer instruction required for public schools by the California State Education Code). The applicant is also requesting an "S" Zone Approval Amendment (SA2004-107) for minor modifications to the building storefront, as well as raising the auditorium roof/ceiling to 36 feet for acoustical enhancement within the auditorium.

Facility Operations

The applicant proposes the facility to operate in the following manner:

Classrooms and library: Seven (7) classrooms and one library that will be used for youth services, senior programs, after-school tutoring, and Indian culture classes Monday through Friday (9:00 a.m. to 10:00 p.m.) and Saturday and Sunday (8:00 a.m. to 6:00 p.m.).

Fitness/yoga rooms: One fitness room and two (2) yoga studios to provide fitness equipment, yoga instruction, and aerobics classes Monday through Friday (5:00 a.m. to 10:00 p.m.) and Saturday and Sunday (7:00 a.m. to 6:00 p.m.).

Recreation/lounge: One recreation/lounge area with chairs, couches, and game tables (pool, carom, chess, card tables) as a socialization area Monday through Friday (9:00 a.m. to 10:00 p.m.) and Sat/Sun (8:00 a.m. to 6:00 p.m.)

Offices: Eight (8) offices, one conference and boardroom for administrative operations of the center Monday through Friday (8:00 a.m. to 5:00 p.m.)

Medical services: One medical office to provide screening and non-emergency medical services to low-income/uninsured clients Monday, Wednesday, Thursday (6:00 pm to 9:00 pm) and Saturday (9:00a.m. to 12:00 p.m.)

Cafeteria/kitchen: Cafeteria with tables and 64 seats, as well as kitchen, to provide light snacks during daily hours of operation (Monday-Friday 9:00 am to 10:00pm). In addition, the kitchen will provide support to outside caterers during events on Friday evenings, Saturday and Sunday.

Auditorium: One 5,686 square foot auditorium for small and large events, such as cultural, athletic, educational (seminars/lectures), and entertainment events, on Friday (7:00 pm to 10:00 pm) and all day Saturday and Sunday (9:00 a.m. to 11:00 p.m.).

ISSUES

Parking

Off-street parking requirement calculations for this project are based on Milpitas Zoning Ordinance Sections 53.23-Parking Schedule, 53.05-Mixed Occupancies (which provides for mixed use occupancy off street parking to be calculated per the different uses), and 53.06-Uses Not Specified (which allows the Planning Commission to determine off street parking requirements based upon the experience of other local cities).

The Milpitas zoning ordinance Parking requirements (Section 53) do not specify parking requirements for recreation/lounge area uses. However, the City of San Jose specifies parking requirements for such uses at a ratio of 1 space per 200 square feet. Based on parking requirements Section 53 (Parking Requirements) in the zoning ordinance and City of San Jose for recreation areas, the parking requirements for this proposed community center are shown in Table 1, below.

India Community Center Parking Requirements

Use	Proposed	Parking Standard	Required Parking
Auditorium	5,686 sq. ft.	1 per 4 seats	203
Classrooms	7 classrooms	1 per classroom	7
Offices	3,488 sq. ft.	1 per 200 sq. ft.	14
Library	872 sq. ft.	1 per 400 sq. ft.	2
Fitness/Yoga	8,492 sq. ft.	3.5 per 1,000 sq. ft.*1	30
Medical Office	402 sq ft.	1 per 225 sq. f.t	2
Cafeteria/Kitchen	64 seats	1 per 3 seats + 10%	23
Recreation/Lounge	1,614 sq. ft.	1 per 200 sq. ft.*2	8
Total required			289

*1 Based on previously approved use permit (1544) for commercial athletic facility

*2 Based on City of San Jose parking requirement for same use

When the project site was developed, parking was based on 1 space per 260 square foot ratio for research and development uses, requiring 150 parking spaces. However, according to the project plans, 152 parking stalls are currently provided on site.

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According to parking requirements, the community center would require 289 parking spaces for full use. However, it should be noted that according to the schedule of activities provided by the applicant, peak parking demand times would be Friday evenings and all day Saturday and Sundays when events take place and the office is not in use. Therefore, the peak parking demand for the community center would require 275 parking spaces, thereby creating a 123 parking stall shortage during events.

The applicant has been working with neighboring property owners to secure offsite parking spaces and, to date, has secured a portion of the required spaces. However, the applicant has not obtained parking agreements for all 123 required parking spaces. In addition, there is the potential that off-site parking may be secured across Los Coches Street with the potential of requiring future public improvements, such as installation of sidewalks and crosswalks. Therefore, as a condition of approval, ***staff recommends*** the project applicant provide a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements, to meet the peak parking demand requirement. As part of this condition, the applicant will be required to submit recorded parking agreements to the City prior to issuance of building occupancy permit. In addition, ***staff recommends***, as a condition of approval, the applicant submit any public improvement plans, as required for off-site parking, to the City Engineer for review and approval. It is anticipated that the off-hours peak parking demand, additional 123 off-site parking spaces, and recorded parking agreements will provide adequate parking for the proposed project.

Circulation

Primary access to the project site is provided by two (2) two-way driveways off Los Coches Street, located on the west and east portions of the site. The driveway to the east provides shared access to the project site and the adjacent parcel to the east. On-site parking is provided along the perimeter of the parcel on all sides. On-site traffic circulation is provided in a circular direction around the building perimeter, providing a smooth flow of in-and-outgoing traffic on the site. According to a Traffic Impact Analysis prepared by Fehr and Peers, dated January, 2005, submitted by the applicant, the project is estimated to generate less than 100 net new peak-hour trips and the project will not negatively impact the level of service (LOS).

According to the Traffic Impact Assessment, dated January 2005, the proposed community center would not result in significant traffic impact during the peak traffic periods, however it would contribute traffic to the Los Coches Street and Hillview Drive intersection. To account for the cumulative impacts of new development traffic on the Los Coches Street/Hillview Drive intersection, ***staff recommends*** as a condition of approval, the applicant will be required to contribute a "fair share" monetary amount towards future improvements, such as signalization of the intersection.

Environmental Review

An Initial Study (EA2004-11) and a Mitigated Negative Declaration have been prepared for this project. The twenty-day public review period was from January 6, 2005 to February 25, 2005. Any comments received will be presented at the public hearing for this project. The environmental assessment identifies the following potential impacts related to this project:

1.

- Hazards and Hazardous Materials
- Transportation/Traffic

Further discussion of other potential impacts and mitigation measures are included in the attached Environmental Assessment No. EA2004-11.

Hazardous Materials:

When an applicant with sensitive receptors (children and older people) proposes to locate in an industrial area of the city, there is always the concern of the appropriateness/compatibility of the two uses (community center and industrial) next to each other. Industrial users often use and store hazardous materials as part of their daily business and there is always a chance that an accident could occur which could release, spill or discharge hazardous materials into the environment. Therefore, staff has required a risk assessment be completed to ensure that all hazardous material impacts are identified and analyzed and that impacts are mitigated.

A risk assessment was performed by ENVIRON (dated December 13, 2004) that analyzed all of the hazardous materials used and stored within the project's vicinity. The risk assessment revealed the use of numerous hazardous chemicals including anhydrous ammonia, arsine, boron trichloride, chlorine, diborane, hydrogen bromide, hydrogen chloride, phosphine and tungsten hexafluoride within 1/4 mile of the project site. To assess the potential effects of these chemicals, the National Institute of Occupational Health and Safety (NIOSH) has established an evaluation criteria known as the "Immediately Dangerous to Life and Health" (IDLH) level. The IDLH is the concentration of an airborne contaminant that represents the maximum level from which one could escape within 30 minutes without any irreversible health effects.

Two of these chemicals, chlorine and hydrogen bromide, are used by two semi-conductor manufacturing facilities, Sipex (233 S. Hillview Drive) and Linear Technologies (275 S. Hillview Drive), located south of the subject site (See Figure 3 in attachments). Worst-case scenario modeling revealed that an instantaneous release of these toxic gases to the outdoors could exceed the IDLH concentrations (chlorine = 10ppm and hydrogen bromide = 30ppm) outside the building at the project site. Under worst case scenarios, the other chemicals, anhydrous ammonia, arsine, boron trichloride, diborane, hydrogen chloride, phosphine and tungsten hexafluoride, predicted outdoor concentrations that did not exceed the IDLH levels.

The IDLH levels are based on a healthy adult. It can then be assumed that the health risks are increased when applied to children and the elderly, even though the specifics of these health risks are unknown because they have not been analyzed. Therefore, the chemicals that do not exceed the IDLH levels may still have the potential to impact the health of sensitive receptors.

The ***Fire Department recommends*** the following mitigations measures that will adequately notify the occupants of the facility of the potential hazards:

- Installation of a chemical monitoring system with chemical sensors for the specific chemicals identified in the risk assessment (i.e. chlorine and hydrogen bromide) that alerts Fire dispatch and occupants of the site and provides direction on emergency procedures via a recorded message;
- Manual and automatic shutoff capabilities of the building ventilation system;
- Installation of a windsock to determine the wind direction in case of a gaseous release;

- Installation of warning notification signs posted at all building entrances to advise occupants of potential hazards;
- Implementation of a parental notification process for all children who use the facility for which records must be kept and reviewed by the Fire Department on an annual basis;
- Implementation of an Emergency Action Plan including shelter in place, training and drills with the Fire Department; and
- Annual updates of both the risk assessment and the Emergency Action Plan.

The implementation of these mitigation measures would assist in adequately informing all occupants using or visiting the facility of the potential risks associated with the hazardous materials in the area and would provide proper safety procedures in the event of an accident, thus reducing the impact to less than significant.

Exterior modifications

Proposed exterior modifications include elevating the roofline above the auditorium on the northeast portion of the building to 30-feet 6-inches in height. The proposed parapet would exceed the rooftop height by five (5)-feet six (6)-inches, therefore the new building height would be 36 feet. Development standards for the Industrial Park (MP) zoning district do not have a specific limitation on structure height, however, for structures greater than 35 feet in height the Planning Commission must make a finding that the excess height will not be detrimental to the light, air or privacy of any other structure. The proposed roof elevation and parapet would be located on the northeast portion of the building. In addition, the existing building is located a minimum of 30 feet from the side and rear property lines, therefore staff is confident that the additional one (1)-foot in structure height will not be detrimental to the light, air or privacy of adjacent structures.

Proposed building materials would consist of textured stucco over concrete masonry, as well as brick masonry, to match the existing building walls. In addition, a new storefront is proposed to provide exterior access to the auditorium on the east elevation of the building that includes double glass entry doors, windows, and a metal awning. All colors and materials proposed will match the existing building.

Solid Waste/Recycling

According to the project plans, the applicant is proposing to construct an approximately 200 square foot trash/recycling enclosure adjacent to the east building elevation. However, the plans do not provide details of the proposed trash enclosure. Therefore, ***staff recommends,*** as a condition of approval, the applicant provide detailed drawings and elevations of the proposed trash enclosure constructed of materials and painted to match the existing building to Planning Division for review and approval. In addition, it is expected that the community center would not generate higher levels of garbage than the previous research and development, however, ***staff recommends***, as a condition of approval, the applicant submit evidence to the City that minimum refuse and recycling services have been subscribed for the project.

Long Term Impacts

The proposed project is for the operation of a community center located in an existing Industrial Park (MP) zoning district. As conditioned, the applicant will be responsible for annually

updating and modifying the required Emergency Action Plan for Fire Department approval as new tenants and hazardous materials are introduced into the industrial park. The proposed project, as conditioned, will not require more restrictive standards for future tenants of the industrial park because of the operation of a community center.

Use Permit Findings

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how the proposed project, as conditioned, meets these findings.

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

Conformance with the Zoning Ordinance

The proposed community center is consistent with the Industrial Park (MP) zoning district and Section 57.02 of the Milpitas Zoning Ordinance, which conditionally permit community centers following review and approval by the Planning Commission. In addition, as a condition of approval, the applicant will be required to implement mitigation measures that include an evacuation/shelter-in-place, Emergency Action Plan and annual reviews by the Fire Department. Therefore, the proposed project is consistent with the Section 57.00 of the Milpitas Zoning Ordinance in terms of promoting the public health, safety, peace, morals, comfort and welfare.

Neighborhood/Community Impact

As conditioned, the proposed community center is not anticipated to create a negative community impact. The project use would not generate any new odors or noise above what exists. The peak parking demand times would occur on Friday evenings, Saturdays and Sundays, which is not when neighboring tenants experience their peak demand. In addition, as a condition of approval, the applicant will be required to provide recorded parking agreements for an additional 123 off-site parking spaces to meet the City parking requirement for this proposed use. Therefore, staff concludes that the project, as conditioned, will not negatively impact the surrounding neighborhood.

Staff extended the public hearing notification radius from 300 feet to 1, 0000 feet. This notification included all property owners within 1,000 feet of the subject site, as well as the companies identified in the risk assessment. At the time of the preparation of the staff report, no

inquires or concerns were received by staff. Any comments received will be presented at the Planning Commission hearing.

Conformance with CEQA

An Initial Study and Draft Mitigated Negative Declaration were prepared for the project. The commenting period began on January 6, 2005 and will close on January 25, 2005. Potential environmental impacts from the project include exposure to potential hazardous materials and inadequate parking capacity, which is discussed in detail in the above sections titled Hazardous Materials and Parking. However, with the proposed mitigation measures, it is expected that the impacts will be reduced to a less than significant level.

At the time of preparation of the staff report, no comments were received. Any additional comments received will be presented at the Planning Commission hearing. Staff recommends adoption of the Mitigated Negative Declaration with the mitigation measure s incorporated therein.

RECOMMENDATION

Close the Public Hearing. Adopt Initial Study and Mitigated Negative Declaration No. EA2004-11 and approve Use Permit (UP2004-12) and 'S' Zone Approval-Amendment (SA2004-107) based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The Initial Study and Mitigated Negative Declaration (EIA No. EA2004-11) prepared for this project represents the independent review of the City of Milpitas Planning Staff and Planning Commission.
2. The proposed project is consistent with the Milpitas General Plan in that it is consistent with Guiding Principle 2.d-G-2 which provides for development of civic, recreational and cultural centers in locations that will serve both the immediate and larger neighborhood (City wide).
3. The proposed project, as conditioned, is consistent with the Zoning Ordinance in terms of use, which is conditionally permitted in the MP district. The exterior modifications are consistent with the MP development standards in terms of the 36-foot tall building parapet with Planning Commission approval.
4. The proposed project, as conditioned, would not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare. As conditioned, the project is not anticipated to result in a negative community impact as the community center would not generate any new odors, noise or traffic and would provide adequate parking.
5. As conditioned, the project complies with the "S" Zone Combining District in that modifications to the site and building exterior are compatible and aesthetically harmonious with the existing building and no adverse visual impact would result from the proposed project.

SPECIAL CONDITIONS

1. This Use Permit No. UP2004- 12 approval is for an approximately 24,000 square foot community center in accordance with the plans approved on January 26, 2005 and as modified by the conditions within this approval. Any modification to the project as proposed will require a use permit amendment by the Planning Commission. (P)
2. The 'S' Zone Approval Amendment No. SA2004-107 approval is for the exterior modifications associated with the use including an increased roof height of 36 feet for the auditorium, in accordance wit the plans approved on January 26, 2005 and as modified by the conditions within this approval. (P)
3. All rooftop equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment detailed architectural plans for the screening of this equipment demonstrating that the equipment from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
4. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
5. This use permit approval is not for any day care facilities or K-12 school, as defined by the Education Code of the State of California to operate at this site. (P)
6. Prior to building occupancy permit issuance, the applicant shall contribute a "fair share" monetary amount determined by the City Transportation Engineer towards the future Hillview Drive/Los Coches Street intersection improvements. (P)
7. Prior to building permit issuance, the applicant shall provide detailed drawings and elevations of the proposed trash enclosure to the Planning Division for review and approval. All construction materials and colors shall match the existing building. (P)
8. Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants both inside and outside of the building of an emergency, via pre-recorded message (required to be in English and in the other dominant language of the facility users), and shall direct them on emergency procedures to follow. As part of the monitoring system, building ventilation shall have manual and automatic shutoff capabilities with the control device located per Fire Department direction. (P, Mitigation Measure VIIb-1)
9. Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather-monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release. (F, Mitigation Measure VIIb-2)

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10. Prior to building permit issuance, the tenant improvement plans shall indicate the locations of warning notification signs posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple languages, as appropriate for occupants of the building. (F, Mitigation Measure VIIb-3)

11. Prior to certificate of occupancy issuance, the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area, what emergency procedures will be in place to protect their children, and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested. (F, Mitigation Measure VIIb-4)

12. Prior to certificate of occupancy issuance, the employer shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP) which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. Once the Emergency Action Plan has been completed, it shall be submitted to Milpitas Fire Department for review for completeness prior to implementation. (F, Mitigation Measure VIIb-5)

13. Prior to the certificate of occupancy issuance and before implementing the EAP, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. The employer shall advise each employee of his/her responsibility under the plan. (F, Mitigation Measure VIIb-6)

14. Prior to certificate of occupancy issuance, drills with EAP designated staff and the Fire Department shall be conducted on site to test and document implementation of the EAP. An additional drill including building occupants shall occur immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis conducted with the Fire Department on site. (F, Mitigation Measure VIIb-7)

15. Both the Risk Assessment and Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. The updated plans shall be prepared by an individual meeting Fire Department requirements. (F, Mitigation Measure VIIb-8)

16. Prior to building occupancy permit issuance, the applicant will provide a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements. The applicant shall provide the City with recorded parking agreements securing any off-site parking spaces. Prior to

recordation, the applicant will provide a copy of the Agreements to the City Attorney for review. (P, Mitigation Measure XVf-1)

17. Prior to building occupancy permit issuance, the applicant shall submit any public improvement plans, as required for off-site parking, to the City Engineer for review and approval. (P)

18. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)

19. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)

20. Any occupancy of the tenant space shall not occur until all conditions of approval have been satisfied and verified by the City. (P)

21. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI (P, E):

    A. Maintain an adequate level of service for trash collection, 1 - 4 CYD, collected three times per week.

    B. Maintain an adequate level of service for recycling services, 1 - 4 CYD, collected three times per week.

    C. The Garbage and Recycling bins shall be stored out of public view and be accessible to BFI.

    After the applicant has started its business, the solid waste services shall be evaluated by BFI commercial representative to determine the adequacy of the service level. If the services are found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234.

22. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance by the Building Division. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)

(P) = Planning Division

(E) = Engineering

(F)= Fire

India Community Center

Enriching Lives.
Building Community.

Date: Oct 27, 2004

To: Planning Commissioners
City of Milpitas

Re.: Conditional Use Permit for India Community Center at 525/535 Los Coches Road, Milpitas

Dear Commissioners,

The Board of Directors, Trustees, staff and members of India Community Center (ICC) are pleased to submit this application for a conditional use permit for an expanded center. As many of you are aware, ICC has called Milpitas home for almost two years now.

ICC opened the doors of the first large India Community Center on February 8, 2003 at a 20,000 square foot building located at 555 Los Coches Road. The center is the largest of its kind in North America, and offers a broad range of programs and services for the entire community.

Based on increased membership and the popularity of the programs and services offered, ICC is considering moving into its own facility – an approximately 40,000 square foot building located right adjacent to the existing center.

ICC MISSION

ICC's **Mission** is to promote Indian culture and values by providing social, cultural, recreational and community programs, thereby uniting the Indian community, and raising awareness about Indian culture in the local community.

The **Values** of ICC will serve to help the organization find the right direction as it moves to create its presence in North America. ICC values will be reflected in its actions.

- **Community Ownership**: Our efforts are to create a place that our community thinks of as their own, instead of being associated with particular individuals or organizations. We expect this will happen due to broad community support with volunteerism, monetary contributions, and usage of the facilities and programs.

- **Involve the Local Community**: Our aim is to create a bridge with the local community, exposing them to Indian culture and activities. A proactive effort will be made to ensure that activities of interest to the local community are provided, and that interaction between the two communities is fostered.

- **Unite the Indian Community**: We will continue to create programs and services that bring together members of various demographic, socio-economic and religious subgroups of the Indian community. Indians should collectively recognize that they are Indian first, and members of their

sub-community second. ICC will remain a non-profit, non-religious, non-political, non-regional organization, aiming to create "unity amidst diversity."

- **Diversity**: We strive to create a place where both Indians and non-Indians will participate from all demographic, socio-economic, religious, and regional backgrounds.

- **Highest Quality**: We will strive to provide world-class quality. In a time when our community has several examples where quality is lower than expected, high quality is an integral component to our success.

- **Highest Ethical Standards**: Every initiative endured must have a direct benefit back to the community, and at no time should personal gain emerge for any of the officers, or members or other constituents.

PROGRAMS AND SERVICES

Some of the **Programs** and **Services** offered at ICC currently include:

- 200 + Classes Seminars & Workshops (e.g. language, dance, music, art)
- Health & Wellness Program (e.g. yoga, meditation, nutrition, aerobics)
- Social Activities & Programs (e.g. festivals, special events, trips)
- Support & Referral Services (e.g. global hotline, legal and medical clinics)
- Senior Programs (e.g. senior-specific classes, trips, activities)
- Kids & Family Programs (e.g. structured weekly learning)
- Café, Lounge & Recreation Area (e.g. snacks, table tennis, billiards)
- Sports Ladders and Leagues (Table Tennis, Billiards, Carrom, Chess)
- Free Medical and Legal Clinics

NEW FACILITY AT 525/535 LOS COCHES ROAD

ICC is requesting a conditional use permit to move into an existing 40,000 square foot building that would be the permanent home for ICC and possibly several other Indo-American organizations. Ownership of such a facility, gives ICC the ability to truly showcase and unite the Indo-American community of the Bay Area. Listed below are the major areas within the Center:

Multi-purpose Room/Auditorium

This 8,200 square foot space will be used for holding cultural, social, professional, entertainment and other events in a high quality facility dedicated to serving the Indian community.

Fitness Center

A professional quality Fitness center is included as a major part of the Center. In addition to the approximately 6,400 square foot equipment area, the Center will include two Yoga/Aerobics Studios, lockers and showers.

Malavalli Learning Center including Library
This center would have all the classrooms, dance studio, library and a computer center. It would be the hub of activity for all learning programs for all ages. In particular, the classes offered will include music, dance, language, India immersion, enrichment, skills enhancement etc. A major thrust would be distance learning and science and math programs for kids and teens.

Office Center
A common office area is proposed for ICC and potentially and other Indian organizations. It includes several office rooms and an open office cluster for the staff of ICC. In addition, there are conference rooms and boardrooms that are part of the Office Center.

Café
The Café is located in a central area of the building adjacent to the auditorium, with an attached kitchen. This is a natural, central meeting point for all members and guests as well as those working in the facilities.

Member Lounge and Game area
A 1,700 square foot member lounge with sofas and chairs, a TV, as well as a place for magazines, vending machines for tea/coffee/sodas. It will also have pool tables, carrom, chess and card tables. It is expected that this will be a welcoming place for all members including seniors.

HOURS OF OPERATION

The proposed **Hours of Operation** are as follows:

Monday through Thursday	6.00 am to 11.00 pm
Friday	6.00 am to 11.00 pm
Saturday	8.00 am to 11.00pm
Sunday	8.00 am to 8.00 pm

While the Center is open during the week, the bulk of the visits to the Center are during off-peak hours – after work hours on weekdays and on weekends.

PARKING
The proposed Center has 160 parking spaces. In addition to the spaces on-site, ICC is working with some of the adjacent property owners to obtain shared parking agreements for evening and weekend use. We already have a letter/contract of shared parking from Smurfit Stone Container Enterprises, Inc. and Kaiser Permanente which we have attached with this application. The combined additional parking available to ICC with these two agreements will be over 270 additional spots in addition to the 160 we have.

BUILDING MODIFICATIONS
No major exterior changes are proposed to either the site plan or the existing building. The façade facing the street will remain unchanged. Towards the rear of the building – at the auditorium, the roof height is proposed to be increased from the existing 21 feet to 28 feet in order to allow additional interior height for the auditorium. Building signage will be submitted as a separate package.

Proposed Day and Hours of Operation for Each Use

1. Fitness Center– The Health and Wellness program of the India Community Center will include the availability of fitness exercise equipment including stationary bicycles, treadmill, stairmasters and elliptical cardiovascular machines. Additionally, there will be weights and weightlifting equipment.

   Schedule: The hours proposed for the fitness center will be from 5am to 10pm daily Monday through Friday, and from 7am to 6pm on Saturday and Sundays.

2. Yoga and Aerobics – Yoga and Aerobics will available and provided as part of the Health and Wellness program. Therapeutic and specialized Ayurvedic massage will also be available as part of our fitness regimen. Massage services will be provided by academically trained and certified therapists and work under the supervision of health specialists on staff. All massage services will comply with appropriate County and municipal ordinances.

   Schedule: The hours proposed for Yoga and Aerobics will be from 6pm to 9pm daily Monday through F[illegible] on Saturday and Sundays. Aerobics and Yoga clas[illegible]ded, scheduled to meet the needs of clients of the F[illegible] with sessions in the evening. Massage services will b[illegible]sis during the hours of fitness center operation.

   FINAL REV. ORIGINAL

3. Library - The library w[illegible]nd DVDs for use in the library and for checkou[illegible]

   Schedule: The library will be available during the hours that the Community Center is open from 10am to 10pm daily Monday through Friday and from 8am to 6pm on Saturday and Sundays.

4. Classrooms – The classrooms will be used for scholarship and fee-based classes for children, adults and families.

   Youth Services: Playgroups for children under 5 years of age will be held in classrooms, these consist of instructor implemented activities with parental assistance. Additionally, afterschool programming for school-age children and youth will be available.

   Schedule: The playgroup classes and activities will utilize classrooms daily from 9am to 11am Monday to Friday. The afterschool program, homework and academic support activities will utilize the classrooms from 3pm to 5pm daily from Monday to Friday.

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Senior Programs: Social and recreational activities for older adults and seniors including a County funded nutrition program will be held during weekdays.

Schedule: Senior program activities will utilize the classroom from 11am to 3pm from Monday to Friday.

Cultural and classes: Cultural classes will consist of expert instruction in various Indian languages, classical music, voice and dance. In addition, focused athletic instruction (e.g. martial arts) and other classes such as computer skills training will be provided.

Schedule: Other Classes will be taught in the evenings from 5pm to 10pm daily from Monday to Thursday, and on Friday from 5pm to 7pm, on Saturday and Sunday, classes will be held from 8am to 6pm.

*It should be noted that the classrooms will not have overlapping populations. The flow through the day in sequence will be: children under 5, older adults and seniors, school-age youth, and then children, adults and families in the evening.

5. Community Events and Small Events – Community events involving ICC and our sister nonprofit, cultural, religious, athletic and other associations will be held. Additional small events will include seminars and lectures. These small events will be held in the auditorium.

   Schedule: The Community Events will be held on Friday evenings from 7pm to 10pm utilizing the Auditorium and when classes are not in session. In addition, small events will be held during the day on Saturdays and Sunday from 9am to 6pm in the auditorium.

6. Auditorium (Small and Large Events)– The auditorium will provide a much needed venue for ICC and the community to gather for Small (community, seminar and lecture events) and Large events (concerts, banquets and cultural performances in music and dance.)

   Schedule: The Auditorium will be utilized for Large Events on Saturday and Sunday evenings only from 6pm to 11pm. For Community and Small Events, the schedule is as described above in Item 4.

7. Cafeteria and Kitchen: During the hours that the community center is open, the cafeteria will provide light snacks and beverages. During banquets and other meetings when the auditorium is available, a kitchen designed to support outside caterers in their service to the event will be available.

Schedule: The Cafeteria will be available from 9am to 10pm Monday to Friday and from 9am to 6pm on Saturdays and Sundays. The kitchen will be utilized to serve seniors with the County nutrition program 3 times a week during the lunch hours on weekdays and during events in which meals are served. During Large Events and Banquets, the catering kitchen will be utilized from 6pm to 11pm on Saturdays and Sundays.

8. Medical Services: Free primary medical services will be provided to clients and community following a model similar to Rotacare, a Rotary Club initiative in which low-income and uninsured clients can receive screening services and non-emergency and limited episodic care. This will be staffed by volunteer physicians and health personnel approximately 3 hours per day on Monday, Wednesday, Thursday, and Saturday.

   Schedule: Services will be provided for approximately 3 hours daily on Monday, Wednesday and Thursday from 6pm to 9pm, on Saturday from 9am to 12pm.

9. Offices: Administration offices for management and support staff would be utilized for normal executive and operational support for the organization during the weekdays.

   Schedule: Administrative offices will be utilized Monday through Friday from 8am to 5pm.

10. Recreation Area and Lounge: An area for up to 3 pool tables along with lounge area for those in transit between, before or after functions such as classes and fitness workouts will be available for members during the weekdays and weekends.

    Schedule: The Recreation and Lounge Area will be available Monday through Friday from 9am until 10pm. It will be available on Saturdays from 8am to 6pm.

Current Planned Schedule of Activities

Day	Time	Room	Activity	Occupants	Max. Daily
Monday					
	5am to 10pm	Fitness Center	Fitness Center - Gym	80	80
	6pm to 9 pm	Fitness Center	Aerobics and Yoga	80	80
	10am to 10pm	Library	Books, tapes and DVDS available		50
	9am to 10pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50
	9am to 11am	Classrooms	Playgroups for Children	30	120
	11am to 3pm	Classrooms	Senior nutrtion, social and recreation programs		100
	3pm to 5pm	Classrooms	Afterschool program, homework and academic support	30	180
	5pm to 10pm	Classrooms	Instruction in Indian languages, classical music, voice, dance	60	180
	9am to 10pm	Cafeteria/Kitchen	Light snacks and beverages		2
	6pm to 9pm	Medical Services	Free primary medical services by volunteer physicians		4
	8am to 5pm	Offices	Administration		25
Tuesday					
	5am to 10pm	Fitness Center	Fitness Center - Gym	80	80
	6 pm to 9 pm	Fitness Center	Aerobics and Yoga	80	80
	10am to 10pm	Library	Books, tapes and DVDS available		50
	9am to 10pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50
	9am to 11am	Classrooms	Playgroups for Children	30	120
	11am to 3pm	Classrooms	Senior nutrtion, social and recreation programs		100
	3pm to 5pm	Classrooms	Afterschool program, homework and academic support	30	180
	5pm to 10pm	Classrooms	Instruction in Indian languages, classical music, voice, dance	60	180
	9am to 10pm	Cafeteria/Kitchen	Light snacks and beverages		2
	8am to 5pm	Offices	Administration		25
Wednesday					
	5am to 10pm	Fitness Center	Fitness Center - Gym	80	80
	6 pm to 9 pm	Fitness Center	Aerobics and Yoga	80	80
	10am to 10pm	Library	Books, tapes and DVDS available		50
	9am to 10pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50
	9am to 11am	Classrooms	Playgroups for Children	30	120
	11am to 3pm	Classrooms	Senior nutrtion, social and recreation programs		100
	3pm to 5pm	Classrooms	Afterschool program, homework and academic support	30	180
	5pm to 10pm	Classrooms	Instruction in Indian languages, classical music, voice, dance	60	180
	9am to 10pm	Cafeteria/Kitchen	Light snacks and beverages		2
	6pm to 9pm	Medical Services	Free primary medical services by volunteer physicians		4
	8am to 5pm	Offices	Administration		25
Thursday					
	5am to 10pm	Fitness Center	Fitness Center - Gym	80	80
	6 pm to 9 pm	Fitness Center	Aerobics and Yoga		80
	10am to 10pm	Library	Books, tapes and DVDS available		50
	9am to 10pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50

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	9am to 11am	Classrooms	Playgroups for Children	30	120
	11am to 3pm	Classrooms	Senior nutrtion, social and recreation programs		100
	3pm to 5pm	Classrooms	Afterschool program, homework and academic support	30	180
	5pm to 10pm	Classrooms	Instruction in Indian languages, classical music, voice, dance	60	180
	9am to 10pm	Cafeteria/Kitchen	Light snacks and beverages		2
	6pm to 9pm	Medical Services	Free primary medical services by volunteer physicians		4
	8am to 5pm	Offices	Administration		25
Friday					
	5am to 10pm	Fitness Center	Fitness Center - Gym	80	80
	6 pm to 9 pm	Fitness Center	Aerobics and Yoga	80	80
	10am to 10pm	Library	Books, tapes and DVDS available		50
	9am to 10pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50
	9am to 11am	Classrooms	Playgroups for Children	30	120
	11am to 3pm	Classrooms	Senior nutrtion, social and recreation programs		100
	3pm to 5pm	Classrooms	Afterschool program, homework and academic support	30	180
	5pm to 7pm	Classrooms	Instruction in Indian languages, classical music, voice, dance	60	180
	9am to 10pm	Cafeteria/Kitchen	Light snacks and beverages		2
	7pm to 10pm	Auditorium	Community and Small Events		150
	8am to 5pm	Offices	Administration		25
Saturday					
	7am to 6pm	Fitness Center	Fitness Center	80	120
	8am to 12 pm	Fitness Center	Aerobics and Yoga	80	80
	8am to 6pm	Library	Books, tapes and DVDS available		50
	8am to 6pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50
	8pm to 6pm	Classrooms	Instruction in Indian languages, classical music, voice, dance	60	180
	9am to 6pm	Cafeteria/Kitchen	Light snacks and beverages		2
	6pm to 11pm	Kitchen	Catering for Banquets		8
	9am to 12am	Medical Services	Free primary medical services by volunteer physicians		4
	9am to 6pm	Auditorium	Community and Small Events, lectures, seminars		150
	6pm to 11pm	Auditorium	Concerts, banquets and large events		500
Sunday					
	7am to 6pm	Fitness Center	Fitness Center	80	120
	8am to 12 pm	Fitness Center	Aerobics and Yoga	80	80
	8am to 6pm	Library	Books, tapes and DVDS available		50
	8am to 6pm	Recreation Area/Lounge	Three pool tables and lounge area for those in transit		50
	8pm to 6pm	Classrooms	Instruction in Indian languages, classical music, voice, dance		180
	9am to 6pm	Cafeteria/Kitchen	Light snacks and beverages		2
	6pm to 11pm	Kitchen	Catering for Banquets		8
	9am to 6pm	Auditorium	Community and Small Events, lectures, seminars		150
	6pm to 11pm	Auditorium	Concerts, banquets and large events		500

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665

ENVIRONMENTAL DECLARATION

For CLERK-RECORDER'S USE ONLY
POSTED ON JAN 06 2005, 2005 THROUGH JAN 26 2005
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY _____, DEPUTY

FOR CLERK RECORDER FILE STAMP
ENDORSED
JAN 06 2005
BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
By _____ Deputy

LAURA RIVAS

CLERK-RECORDER FILE NO. E12164

CA Dept. of Fish and Game Receipt # ---

NAME OF LEAD AGENCY: City of Milpitas

NAME OF APPLICANT: India Community Center

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. (✓) NOTICE OF ~~PREPARATION~~ Intent to adopt a Mitigated Negative Declaration
2. ( ) NOTICE OF EXEMPTION
3. NOTICE OF DETERMINATION
   NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE § 21080(C)

   ( ) $1300.00 REQUIRED ($1250.00 STATE FILING FEE AND $50.00 COUNTY CLERK FEE)

   ( ) CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT ATTACHED - $50.00 COUNTY CLERK FEE REQUIRED
4. NOTICE OF DETERMINATION
   ENVIRONMENTAL IMPACT REPORT PURSUANT TO PUBLIC RESOURCES CODE § 21152

   ( ) $900.00 REQUIRED ($850.00 STATE FILING FEE AND $50.00 COUNTY CLERK FEE)

   ( ) CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT ATTACHED - $50.00 COUNTY CLERK FEE REQUIRED
5. Other: _____

NOTICE TO BE POSTED FOR 20 DAYS.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL ENVIRONMENTAL DOCUMENTS LISTED ABOVE (*INCLUDING COPIES*) SUBMITTED FOR FILING.
CHECKS SHOULD BE MADE PAYABLE TO : COUNTY CLERK-RECORDER.

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kniss
Acting County Executive: Peter Kuipers

CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

E12164

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

INDIA COMMUNITY CENTER
EIA NO. EA2004-11

NOTICE IS HEREBY GIVEN that a Mitigated Negative Declaration (a statement briefly describing the reasons that the proposed project, once mitigated, **will not** have a significant effect on the environment) has been completed by the City of Milpitas Planning Division for the operation of a community center in the Industrial Park (MP) zoning district as described below.

Project Description: The project applicant is requesting Use Permit approval to operate a community center in a vacant industrial/research and development building, totaling 38,743 square feet, located in the Industrial Park (MP) zoning district. Proposed uses include an auditorium for large and small events, tutoring, youth activities, senior programs and meals, athletic facility, offices, medical services, ancillary recreation, and library. The project includes minor exterior building modifications.

Project Location: The project is located at 525 Los Coches Street (APN: 086-28-052).

Document Availability: A copy of the Initial Study and Mitigated Negative Declaration (and all documents they reference) are available for review at the Planning Division, 455 East Calaveras Boulevard, Milpitas, CA 95035. You may also obtain a copy of the Initial Study and Mitigated Negative Declaration by calling Kim Duncan (408) 586-3283 and requesting one.

Public Review Timeline: Written public comment on the Initial Study and Mitigated Negative Declaration may be submitted between January 6, 2005 and January 25, 2005 to the Milpitas Planning Division, Attention Kim Duncan, 455 East Calaveras Boulevard, Milpitas, CA 95035.

Planning Commission Consideration: It is anticipated that the Planning Commission will consider this Mitigated Negative Declaration, all written comments received by January 25, 2005, and the project proposal at its meeting of January 26, 2005 at 7:00 p.m. Any person wishing to be heard on this item may attend this meeting and address the Commission. The meeting will be held in the Council Chambers at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA.

Questions: If you have any questions on this project please contact Kim Duncan, Project Planner, City of Milpitas (408) 586-3283.

ENVIRONMENTAL IMPACT ASSESSMENT NO: EA2004-11

E1216 4

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

Prepared by: Kim Duncan January 6, 2005
date

Title: Project Planner

1. Project title: INDIA COMMUNITY CENTER

2. Lead Agency Name and Address: CITY OF MILPITAS, 455 E. CALAVERAS BOULEVARD, MILPITAS, CA 95035

2. Project location: 525 LOS COCHES STREET (APN: 086-28-052)

3. Project sponsor's name and address:
INDIA COMMUNITY CENTER c/o Anil Godhwani, 555 LOS COCHES STREET, MILPITAS, CA 95035

4. General plan designation: Industrial Park 5. Zoning: Industrial Park (MP)

6. 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.)
Operation of a 38,743 square foot community center in a vacant industrial building that includes the following uses: auditorium for large and small events; classrooms for tutoring, youth activities and senior programs; cafeteria and kitchen for staff/senior lunches and event catering; athletic facility for yoga and fitness instruction; offices for administrative uses and medical services; recreation/lounge area for ancillary recreational purposes; library. Minor exterior building modifications include elevating roof with materials and colors to match the existing building.

7. *Surrounding land uses and setting: Briefly describe the project's surroundings:*
The project site is located north of Los Coches Drive, east of South Milpitas Boulevard and west of South Hillview Drive, in an Industrial Park zoning district. Surrounding uses include office, research and development, and industrial uses, such as a Kaiser clinic, Smurfit and the existing India Community Center. The project site shares driveways with adjacent properties to the east and west and parking is provided around the perimeter of the project site.

8. *Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)*
None

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:

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning

- [ ] Mineral Resources
- [ ] Noise
- [ ] Population / Housing
- [ ] Public Services
- [ ] Recreation
- [ ] Transportation / Traffic
- [ ] Utilities / Service Systems
- [ ] Mandatory Findings of Significance

E12164

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.
- [x] 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.

Date: Jan 6, 2005

Kim Denner
Project Planner

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. 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.

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒	1,2, 11 17,18 19
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☒	1,2, 11 15,16 17,18 19
c) *Substantially degrade the existing visual* character or quality of the site and its surroundings?	☐	☐	☐	☐	☒	1,2,11 17,18 19
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	☐	☐	☐	☐	☒	1,2,11 17,18+ 19
II. AGRICULTURE RESOURCES: In determining whether impacts to *agricultural resources are significant* environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and *farmland. Would the project:*						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the *California Resources Agency, to non-*agricultural use?	☐	☐	☐	☐	☒	1,2,11 17,18 19
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒	1,2,11 13,17 18,19
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☐	☒	1,2,11 13

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

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

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

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
d) Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒	1,2,13 18,19 27
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	2,13,14 18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	2,13,14 17,18 19
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒	2,18,19 27
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☒	1,2,14 18,19
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒	1,2,18 19
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☐	☐	☒	1,2,18 19
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	☐	☐	☐	☐	☒	1,2,13 18,19

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

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WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☒	11,13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒	11,19
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒	2,11,19
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒	2,11,19
XI. NOISE:						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	☒	1,2,11 19
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒	1,2,11 19
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	1,2,11 19
d) A substantial temporary or periodic in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	1,2,11 19

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

E12164

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒	2,18,19
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?	☐	☐	☐	☐	☒	2,18,19
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☐	☒	2,4,11 18
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒	2,4, 11,18
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒	2,18,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒	2, 4,17 18,19
e) Result in inadequate emergency access?	☐	☐	☐	☐	☒	2,27
f) Result in inadequate parking capacity?	☐	☐	☒	☐	☐	2,13,14 17,18 19

E12164

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

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

ENVIRONMENTAL IMPACT ASSESSMENT SOURCE KEY

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

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

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

EXISTING SETTING:
The project site is located on a 2.45-acre parcel north of Los Coches Drive, east of South Milpitas Boulevard and west of South Hillview Drive, and zoned Industrial Park (MP). The project site is bound to the south by Los Coches Drive and the Hetch-Hetchy to the west. The parcel is developed with a vacant 38,743 square foot research and development building. Surrounding uses include office, research and development, and industrial uses such as Kaiser Hospital, Smurfit and the existing India Community Center. The project site shares driveway entrances with the adjacent properties to the east and west and parking is provided around the perimeter of the project site. There are no onsite agricultural, biological, cultural or mineral resources geologic hazards, hazardous materials, watercourses, sensitive receptors, sensitive land uses or residential uses. The project site is designated by the Milpitas General Plan as Industrial Park.

PROJECT DESCRIPTION:

The proposed project is the operation of a 38,743 square foot community center in a vacant industrial/research and development building located in an Industrial Park (MP) zoning district. Proposed uses include an auditorium for large and small events; classrooms for tutoring, youth activities and senior programs; cafeteria and kitchen for staff/senior lunches and event catering; athletic facility for yoga and fitness instruction; offices for administrative uses and medical services; recreation/lounge area for ancillary recreational purposes; and library. The project will not be operating as a child day-care or school, as defined in the Milpitas Zoning Ordinance, Section 2.69 (institutions that offer instruction required for public schools by the California State Education Code). Proposed minor exterior building modifications include an elevated ceiling/roof with materials and colors to match the existing building

Attachment to India Community Center, EA2004-11, UP2004-12, SA2004-107

Discussion of Checklist/Legend

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

VII. HAZARDS AND HAZARDOUS MATERIALS:

Environmental Impacts

a) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? LS/M

The project site is located within an existing Industrial Park (MP) zoning district which hosts businesses that transport, store and utilize various hazardous materials. The proposed project will introduce a sensitive population with low adult-child ratio to potential exposure of hazardous materials upon an accidental exposure event. However, the peak hours of operation for the project are primarily during events, which are proposed for Friday evenings and all day on weekends. Therefore, the limited hours of operation for the proposed project will minimize sensitive receptor exposure to hazardous materials from nearby industrial activities during normal daytime operations.

In addition, a Risk Assessment was prepared for this application by Environ, dated December 13, 2004. The assessment outlined the most significant potential impacts for this site to be those that are created from an incident involving toxic substances generated from neighboring industrial properties, such as chlorine from Sipex Corporation and hydrogen bromide from Linear Technology. According to the results of the Risk Assessment, potential impacts from these off-site risks can be reduced to a non-significant level by development and implementation of an Emergency Action Plan (EAP) that is specific to the building that addresses evacuation procedures, shelter-in-place programs, ventilation system shut-down safety controls, as well as training and familiarization of the EAP for building occupants.

The Fire Department reviewed the submitted Risk Assessment and recommended safety measures for the proposed community center that include an airborne chemical monitoring system (sensors), wind directional sock, manual and automatic ventilation system shutoff capabilities, warning notification signs, parental notification process, Emergency Action Plan, employee training, drills with the Fire Department, and annual updates of the EAP. The Plan shall describe the evacuation/shelter-in-place program and all related emergency procedures, training and drills. In addition, the Fire Department recommends the applicant annually review the Risk Assessment survey and incorporate any controls and technological advances for the protection of occupants at the site.

The proposed mitigation measures, off-hours operation of the proposed project that will be specified in the Use Permit, and a use-specific update of the Emergency Action Plan will reduce the potential impacts to ***less than significant with mitigation incorporation.***

Mitigation Measure VIIb-1:
Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants both inside and outside of the building of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. As part of the monitoring system, building ventilation shall have manual and automatic shutoff capabilities with the control device located per Fire Department direction.

Mitigation Measure VIIb-2:
Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather-monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.

Mitigation Measure VIIb-3:
Prior to building permit issuance, the tenant improvement plans shall indicate the locations of warning notification signs posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple languages, as appropriate for occupants of the building.

Mitigation Measure VIIb-4:
Prior to certificate of occupancy issuance, the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area, what emergency procedures will be in place to protect their children, and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.

Mitigation Measure VIIb-5:
Prior to certificate of occupancy issuance, the employer shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP) which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. Once the Emergency Action Plan has been completed, it shall be submitted to Milpitas Fire Department for review for completeness prior to implementation.

Mitigation Measure VIIb-6:
Prior to the certificate of occupancy issuance and before implementing the EAP, the

employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. The employer shall advise each employee of his/her responsibility under the plan.

Mitigation Measure VIIb-7:
Prior to certificate of occupancy issuance, drills with EAP designated staff and the Fire Department shall be conducted on site to test and document implementation of the EAP. An additional drill including building occupants shall occur immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis conducted with the Fire Department on site.

Mitigation Measure VIIb-8:
Both the Risk Assessment and Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. The updated plans shall be prepared by an individual meeting Fire Department requirements.

XV. TRANSPORTATION/TRAFFIC:

Environmental Impacts:

f.) Would the project result in inadequate parking capacity? LS/M

The project site is located on a 2.45-acre parcel within an existing Industrial Park (MP) zoned district. Two shared driveways on the west and east property lines provide primary access to the site and all parking areas. Existing parking is located around the perimeter of the parcel and provides 152 parking stalls on site. According to a Traffic Impact Assessment submitted by the applicant, peak hours of traffic in the area are primarily during the daytime when area industrial businesses are in operation. However, according to the schedule of activities provided by the applicant, peak parking demand times would be Friday evenings and all day on weekends during events. In addition, the proposed community center would require 275 parking spaces, thereby creating a 123 parking stall shortage during events, which would be a *significant impact unless mitigated*. Therefore, the project applicant will be providing a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements, to meet the peak parking demand requirement. In addition, the applicant will submit recorded parking agreements to the City prior to issuance of building occupancy permit. It is anticipated that the off-hours peak parking demand of the proposed project, additional 123 off-site parking spaces, and recorded parking agreements will reduce the impact to ***less than significant with mitigation.***

Mitigation Measure XVf-1:
Prior to building occupancy permit issuance, the applicant will provide a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements. The applicant shall provide the

City with recorded parking agreements securing any off-site parking spaces. Prior to recordation, the applicant will provide a copy of the Agreements to the City Attorney for review. (P)

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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? NI

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)? NI

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

E12164

CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

INDIA COMMUNITY CENTER
ENVIRONMENTAL IMPACT ASSESSMENT (EA2004-11)
INITIAL STUDY

Project Description:
The proposed project is the operation of a 38,743 square foot community center in a vacant industrial/research and development building located in an Industrial Park (MP) zoning district. Proposed uses include an auditorium for large and small events; classrooms for tutoring, youth activities and senior programs; cafeteria and kitchen for staff/senior lunches and event catering; athletic facility for yoga and fitness instruction; offices for administrative uses and medical services; recreation/lounge area for ancillary recreational purposes; and library. The project will not be operating as a child day-care or school, as defined in the Milpitas Zoning Ordinance, Section 2.69 (institutions that offer instruction required for public schools by the California State Education Code). Proposed minor exterior building modifications include an elevated ceiling/roof with materials and colors to match the existing building

The project site is located on a 2.45-acre parcel north of Los Coches Drive, east of South Milpitas Boulevard and west of South Hillview Drive, and zoned Industrial Park (MP). The project site is bound to the south by Los Coches Drive and the Hetch-Hetchy to the west. The parcel is developed with a vacant 38,743 square foot research and development building. Surrounding uses include office, research and development, and industrial uses such as a Kaiser clinic, Smurfit and the existing India Community Center. The project site shares driveway entrances with the adjacent properties to the east and west and parking is provided around the perimeter of the project site. There are no onsite agricultural, biological, cultural or mineral resources geologic hazards, hazardous materials, watercourses, sensitive receptors, sensitive land uses or residential uses. The project site is designated by the Milpitas General Plan as Industrial Park.

Responses Needing Clarification and Responses to Less Than Significant and Mitigated Impacts

Listed below are responses to all answers which need clarification or were checked "less than significant" and "less than significant with mitigation" on the checklist (Part II of this Initial Study). Responses here are presented in the same order in which they appear on the checklist:

Hazards and Hazardous Materials

Response to Question VII.b:

The project site is located within an existing Industrial Park (MP) zoning district which hosts businesses that transport, store and utilize various hazardous materials. The proposed project will introduce a sensitive population with low adult-child ratio to potential exposure of hazardous materials upon an accidental exposure event. However, the peak hours of operation for the project are primarily during events, which are proposed for Friday evenings and all day on

weekends. Therefore, the limited hours of operation for the proposed project will minimize sensitive receptor exposure to hazardous materials from nearby industrial activities during normal daytime operations.

In addition, a Risk Assessment was prepared for this application by Environ, dated December 13, 2004. The assessment outlined the most significant potential impacts for this site to be those that are created from an incident involving toxic substances generated from neighboring industrial properties, such as chlorine from Sipex Corporation and hydrogen bromide from Linear Technology. According to the results of the Risk Assessment, potential impacts from these off-site risks can be reduced to a non-significant level by development and implementation of an Emergency Action Plan (EAP) that is specific to the building that addresses evacuation procedures, shelter-in-place programs, ventilation system shut-down safety controls, as well as training and familiarization of the EAP for building occupants.

The Fire Department reviewed the submitted Risk Assessment and recommended safety measures for the proposed community center that include an airborne chemical monitoring system (sensors), wind directional sock, manual and automatic ventilation system shutoff capabilities, warning notification signs, parental notification process, Emergency Action Plan, employee training, drills with the Fire Department, and annual updates of the EAP. The Plan shall describe the evacuation/shelter-in-place program and all related emergency procedures, training and drills. In addition, the Fire Department recommends the applicant annually review the Risk Assessment survey and incorporate any controls and technological advances for the protection of occupants at the site.

The proposed mitigation measures, off-hours operation of the proposed project that will be specified in the Use Permit, and a use-specific update of the Emergency Action Plan will reduce the potential impacts to ***less than significant with mitigation incorporation.***

Mitigation Measure VIIb-1:
Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants both inside and outside of the building of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. As part of the monitoring system, building ventilation shall have manual and automatic shutoff capabilities with the control device located per Fire Department direction.

Mitigation Measure VIIb-2:
Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather-monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.

Mitigation Measure VIIb-3:
Prior to building permit issuance, the tenant improvement plans shall indicate the locations of warning notification signs posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple

languages, as appropriate for occupants of the building.

Mitigation Measure VIIb-4:
Prior to certificate of occupancy issuance, the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area, what emergency procedures will be in place to protect their children, and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.

Mitigation Measure VIIb-5:
Prior to certificate of occupancy issuance, the employer shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP) which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. Once the Emergency Action Plan has been completed, it shall be submitted to Milpitas Fire Department for review for completeness prior to implementation.

Mitigation Measure VIIb-6:
Prior to the certificate of occupancy issuance and before implementing the EAP, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. The employer shall advise each employee of his/her responsibility under the plan.

Mitigation Measure VIIb-7:
Prior to certificate of occupancy issuance, drills with EAP designated staff and the Fire Department shall be conducted on site to test and document implementation of the EAP. An additional drill including building occupants shall occur immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis conducted with the Fire Department on site.

Mitigation Measure VIIb-8:
Both the Risk Assessment and Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. The updated plans shall be prepared by an individual meeting Fire Department requirements.

Transportation/Traffic

Response to Questions XVf:

The project site is located on a 2.45-acre parcel within an existing Industrial Park (MP) zoned district. Two shared driveways on the west and east property lines provide primary access to the

site and all parking areas. Existing parking is located around the perimeter of the parcel and provides 152 parking stalls on site. According to a Traffic Impact Assessment submitted by the applicant, peak hours of traffic in the area are primarily during the daytime when area industrial businesses are in operation. However, according to the schedule of activities provided by the applicant, peak parking demand times would be Friday evenings and all day on weekends during events. In addition, the proposed community center would require 275 parking spaces, thereby creating a 123 parking stall shortage during events, which would be a *significant impact unless mitigated.* Therefore, the project applicant will be providing a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements, to meet the peak parking demand requirement. In addition, the applicant will submit recorded parking agreements to the City prior to issuance of building occupancy permit. It is anticipated that the off-hours peak parking demand of the proposed project, additional 123 off-site parking spaces, and recorded parking agreements will reduce the impact to ***less than significant with mitigation.***

Mitigation Measure XVf-1:

Prior to building occupancy permit issuance, the applicant will provide a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements. The applicant shall provide the City with recorded parking agreements securing any off-site parking spaces. Prior to recordation, the applicant will provide a copy of the Agreements to the City Attorney for review. (P)

Mandatory Findings of Significance

Response to Question XVII.c:

The project's potential for adverse effects on humans were discussed under Hazards and Hazardous Materials and Transportation/Traffic and mitigation measures were identified for potentially significant hazardous materials and parking impacts.

E12164

CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2004-11

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

Project Title: India Community Center

Project Description: Operate a community center in a vacant industrial/research and development building, with a total of 38,743 square feet, located in the Industrial Park (MP) zoning district.

Project Location: A 2.45-acre site located at 525 & 535 Los Coches Street, within the City of Milpitas, County of Santa Clara. Assessor's Parcel Numbers: 086-28-052.

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

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

Required Mitigation Measures:

Mitigation Measure VIIb-1:
Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants both inside and outside of the building of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. As part of the monitoring system, building ventilation shall have manual and automatic shutoff capabilities with the control device located per Fire Department direction.

Mitigation Measure VIIb-2:
Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather-monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.

Mitigation Measure VIIb-3:
Prior to building permit issuance, the tenant improvement plans shall indicate the locations of warning notification signs posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple languages, as appropriate for occupants of the building.

Mitigation Measure VIIb-4:
Prior to certificate of occupancy issuance, the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area, what emergency procedures will be in place to protect their children, and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.

Mitigation Measure VIIb-5:
Prior to certificate of occupancy issuance, the employer shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP) which recognizes the nature of the risks at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. Once the Emergency Action Plan has been completed, it shall be submitted to Milpitas Fire Department for review for completeness prior to implementation.

Mitigation Measure VIIb-6:
Prior to the certificate of occupancy issuance and before implementing the EAP, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. The employer shall advise each employee of his/her responsibility under the plan.

Mitigation Measure VIIb-7:
Prior to certificate of occupancy issuance, drills with EAP designated staff and the Fire Department shall be conducted on site to test and document implementation of the EAP. An additional drill including building occupants shall occur immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis conducted with the Fire Department on site.

Mitigation Measure VIIb-8:
Both the Risk Assessment and Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. The updated plans shall be prepared by an individual meeting Fire Department requirements.

Mitigation Measure XVf-1:
Prior to building occupancy permit issuance, the applicant will provide a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements. The applicant shall provide the City with recorded parking agreements securing any off-site parking spaces. Prior to recordation, the applicant will provide a copy of the Agreements to the City Attorney for review. (P)

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

By: Kim Duncan 1/6/05
Project Planner

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

By _____

Approved by the Planning Commission

_____ day of _____, 2005

MITIGATION MONITORING PROGRAM

INDIA COMMUNITY CENTER AT 525 LOS COCHES STREET
ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2004-11
(USE PERMIT NO. UP2004-12)

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement.	Remarks
Mitigation Measure VIIb-1: *Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site. Notification shall alert Fire dispatch of an alarm and also provide in-place communication to alert occupants both inside and outside of the building of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. As part of the monitoring system, building ventilation shall have manual and automatic shutoff capabilities with the control device located per Fire Department direction.*	*Responsibility:* Applicant *Timing:* Prior to issuance of any building permits.	*Responsibility:* Fire Division	_____ initials _____ date	_____ initials _____ date	
Mitigation Measure VIIb-2: *Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather-monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.*	*Responsibility:* Applicant *Timing:* Prior to issuance of any building permits.	*Responsibility:* Fire Division	_____ initials _____ date	_____ initials _____ date	

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Mitigation Measure VIIb-3: *Prior to building permit issuance, the tenant improvement plans shall indicate the locations of warning notification signs posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple languages, as appropriate for occupants of the building.*	*Responsibility:* Applicant *Timing:* Prior to issuance of building permits	*Responsibility:* Fire Division	initials date	initials date	
Mitigation Measure VIIb-4: *Prior to certificate of occupancy issuance, the applicant shall prepare to the satisfaction of the Fire Department and implement a parental notification process for any activities involving children. The notification shall include a description of how each parent will be notified of the nature of hazards in the area, what emergency procedures will be in place to protect their children, and what procedures the parents need to follow in the event of each type of anticipated emergency. The business owner or operator shall maintain records of notification signed by each parent, stating that they understand and accept the procedures that are in place. Records shall be updated annually and readily available for review by Fire Department when requested.*	*Responsibility:* Applicant *Timing:* Prior to issuance of Certificate of Occupancy	*Responsibility:* Fire Division			
Mitigation Measure VIIb-5: *Prior to certificate of occupancy issuance, the employer shall prepare to the satisfaction of the City's Fire Department, an Emergency Action Plan (EAP) which recognizes the nature of the risks at the project site in the surrounding industrial area The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in place and assembly areas, and location of emergency equipment. Once the Emergency Action Plan has been completed, it shall be submitted to Milpitas Fire Department for review for completeness prior to implementation.*	*Responsibility:* Applicant *Timing:* Prior to issuance of certificate of occupancy	*Responsibility:* Fire Division			

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Mitigation Measure VIIb-6: *Prior to the certificate of occupancy issuance and before implementing the EAP, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. The employer shall advise each employee of his/her responsibility under the plan.*	*Responsibility:* Applicant *Timing:* Prior to issuance of certificate of occupancy	*Responsibility:* Fire Division	———	———	
Mitigation Measure VIIb-7: *Prior to certificate of occupancy issuance, drills with EAP designated staff and the Fire Department shall be conducted on site to test and document implementation of the EAP. An additional drill including building occupants shall occur immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis conducted with the Fire Department on site.*	*Responsibility:* Applicant *Timing:* Prior to issuance of certificate of occupancy	*Responsibility:* Fire Division	———	———	
Mitigation Measure VIIb-8: *Both the Risk Assessment and Emergency Action Plan shall be reviewed, updated and submitted to the Fire Department for review on an annual basis. This review shall incorporate any changing conditions within industry and chemical usage within the area. It shall also incorporate any engineering/administrative controls and technological advances available. The updated plans shall be prepared by an individual meeting Fire Department requirements.*	*Responsibility:* Applicant *Timing:* Prior to issuance of certificate of occupancy	*Responsibility:* Fire Division	———	———	
Mitigation Measure XVf-1: *Prior to building occupancy permit issuance, the applicant will provide a minimum of 123 off-site parking spaces, with safe pedestrian access, through the demonstration of restriping, off-street parking and parking agreements. The applicant shall provide the City with recorded parking agreements securing any off-site parking spaces. Prior to recordation, the applicant will provide copies of the Agreements to the City Attorney for review. (P)*	*Responsibility:* Applicant *Timing:* Prior to issuance of certificate of occupancy	*Responsibility:* Planning Division	———	———	

E12164

REVISED RISK ASSESSMENT REPORT

PROPOSED INDIA COMMUNITY CENTER
525/535 LOS COCHES STREET
MILPITAS, CALIFORNIA

Prepared for:

India Community Center

Milpitas, California

Prepared by:

ENVIRON International Corporation
Emeryville, California

December 13, 2004

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PLANNING DIVISION

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REGISTERED PROFESSIONAL ENGINEER
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EXP. 6/30/06
CHEMICAL
STATE OF CALIFORNIA

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A	Environmental Database Report prepared by Environmental Data Resources, Inc. (EDR)
B	List of Facilities Under CalARP Program in Santa Clara County (under the jurisdiction of the County of Santa Clara Department of Environmental Health), dated February 10, 2004
C	List of Businesses in Milpitas that are Large and Medium Chemical Users and a List of Businesses in Milpitas that conduct Semiconductor Activities, provided by the Milpitas Fire Department on October 28, 2004
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ACRONYMS

AST	Aboveground Storage Tank
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CUPA	Certified Unified Program Agency
EDR	Environmental Data Resources, Inc.
IDLH	Immediately Dangerous to Life or Health
HMCD	County of Santa Clara Department of Environmental Health -- Hazardous Materials Compliance Division
HMBP	Hazardous Materials Business Plan
R&D	Research and Development
RMP	Risk Management Plan
TEP	Toxic Endpoint
TGO	City of Milpitas Toxic Gas Ordinance
USEPA	United States Environmental Protection Agency
UST	Underground Storage Tank

EXECUTIVE SUMMARY

The India Community Center (ICC) is interested in purchasing the properties identified as 525 and 535 Los Coches Street, Santa Clara County, California (the "site" or the "proposed ICC site"). Because the use of the site as a community center will likely attract sensitive receptors (e.g., youth and elderly), the City of Milpitas is requiring a Risk Assessment "...to evaluate the potential health and safety risks to individuals from the exposure to hazardous material which may occur at the proposed site due to its location in an industrial zone". On behalf of the ICC, ENVIRON International Corporation (ENVIRON) has prepared this report to address the risk assessment requirement imposed by the City of Milpitas. The focus of this report is on neighboring businesses that may store chemicals that could have off-site consequences if catastrophically released. This includes chemicals that are acutely toxic, exist in a form that readily allows off-site transport after release and are used/stored in sufficient quantities that a release could adversely impact individuals who may be at the proposed ICC location.

First, ENVIRON identified facilities of potential concern in the vicinity of the proposed ICC. The facilities of potential concern were identified by conducting a number of tasks including conducting a visual reconnaissance of the site vicinity, identifying land use in the site vicinity, reviewing listings of facilities on federal and state environmental databases, identifying facilities that have had historical hazardous material releases, identifying facilities that have submitted Risk Management Plans (RMPs) under the Federal RMP or California Accidental Release Prevention (CalARP) Programs, and identifying facilities in the site vicinity that have submitted Hazardous Material Business Plans (HMBPs) that indicate large or medium chemical use, as characterized by the City of Milpitas, including use of toxic gases under the City of Milpitas Toxic Gas Ordinance (TGO). Based on the findings of these tasks, ENVIRON identified several facilities of potential concern.

Second, ENVIRON conducted file reviews of the facilities identified as facilities of potential concern at the Milpitas Fire Department and the County of Santa Clara Department of Environmental Health – Hazardous Materials Compliance Division (HMCD). Based on information gathered during the file reviews (e.g., type and quantity of hazardous materials stored, and number and significance of historical releases, if any) and discussions with the Milpitas Fire Department, ENVIRON concluded that three of the facilities (McCabe's Quality Foods, Sipex Corporation, and Linear Technology Corporation) store toxic chemicals that could have off-site consequences if catastrophically released. McCabe's Quality Foods, which is located approximately 1.6 miles south of the proposed ICC site, uses anhydrous ammonia in its food refrigeration systems. Both Sipex Corporation and Linear Technology Corporation, which are located approximately 0.25 miles south-southeast of the proposed ICC site, are semiconductor manufacturers that use various toxic gases (e.g., anhydrous ammonia, arsine, boron trichloride, chlorine, diborane, hydrogen bromide, hydrogen chloride, phosphine, and tungsten hexafluoride) in its operations.

Third, ENVIRON further evaluated the potential risk posed by toxic chemical storage at these three facilities. Based on determinations by the Milpitas Fire Department, ENVIRON evaluated worst-case toxic chemical release scenarios, as defined under RMP, for certain toxic chemicals at these facilities. Based on this evaluation, ENVIRON concluded that a catastrophic release of chlorine

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from the Sipex Corporation facility and hydrogen bromide from the Linear Technology Corporation facility could have off-site consequences at IDLH concentrations that could affect individuals at the proposed ICC site. ENVIRON further concluded that it is unlikely that a catastrophic release of the other toxic chemicals evaluated from the three facilities would have off-site consequences at the IDLH concentrations that would affect individuals at the proposed ICC site.

ENVIRON understands that the Milpitas Fire Department also requests distances to either the TEP or 1/10 the IDLH for the toxic gases evaluated. Table 6 shows the distances to both the TEP (if established) and 1/10 the IDLH for each of the toxic gases evaluated. Based on worst-case release scenarios, the distance to either the TEP or 1/10 the IDLH encompasses the proposed ICC site for the following toxic gases at the three facilities: anhydrous ammonia at McCabe's Quality Foods; anhydrous ammonia and chlorine at Sipex Corporation; and boron trichloride, hydrogen bromide, and tungsten hexafluoride at Linear Technology Corporation.

Based on these results, ENVIRON believes an emergency and protective action plan would aid the proposed India Community Center in developing mitigation measures for catastrophic off-site consequences from Sipex Corporation and Linear Technology Corporation. As an emergency and protective action plan is to be tailored to individual buildings and coordinated with local planners and emergency response systems, the development of this plan requires coordination between the India Community Center, Sipex Corporation, Linear Technology Corporation, the Milpitas Fire Department, and the Milpitas Planning Department.

1.0 INTRODUCTION

The India Community Center (ICC) is currently leasing the building located at 555 Los Coches Street, Santa Clara County, California. The ICC is interested in purchasing the properties identified as 525 and 535 Los Coches Street (the "site" or the "proposed ICC site"), located adjacent to their current location. The location of the site is shown on Figure 1.

Because the use of the site as a community center will likely attract sensitive receptors (e.g., youth and elderly), the City of Milpitas is requiring a Risk Assessment "...to evaluate the potential health and safety risks to individuals from the exposure to hazardous material which may occur at the proposed site due to its location in an industrial zone". On behalf of the ICC, ENVIRON International Corporation (ENVIRON) has prepared this report to address the risk assessment requirement imposed by the City of Milpitas. The focus of this report is on neighboring businesses that may store chemicals that could have off-site consequences if catastrophically released. This includes chemicals that are acutely toxic, exist in a form that readily allows off-site transport after release and are used/stored in sufficient quantities that a release could adversely impact individuals at the proposed ICC.

Subsequent to this Introduction (Chapter 1.0), this report is divided into five sections as follows: Description of Proposed Project (Chapter 2.0); Identification of Facilities of Potential Concern (Chapter 3.0); Evaluation of Potential for Adverse Impacts (Chapter 4.0); Conclusions and Mitigation Measures (Chapter 5.0); and Limitations (Chapter 6.0).

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2.0 DESCRIPTION OF PROPOSED PROJECT

The ICC is interested in purchasing the properties identified as 525 and 535 Los Coches Street. The site is located on the northern side of Los Coches Street between Milpitas Boulevard and Hillview Drive. Los Coches Street is located one block south of Calaveras Boulevard (Highway 237), which is a major thoroughfare in Milpitas. The site is located in a commercial/industrial setting.

The proposed use of the property is for a Community Center whose mission is to promote Indian culture and values by providing social, cultural, recreational and community programs. Some of the programs and services to be offered at the Center include:

- 200 + Classes Seminars & Workshops (e.g. language, dance, music, art)
- Health & Wellness Program (e.g. yoga, meditation, nutrition, aerobics)
- Social Activities & Programs (e.g. festivals, special events, trips)
- Support & Referral Services (e.g. global hotline, legal and medical clinics)
- Senior Programs (e.g. senior-specific classes, trips, activities)
- Kids & Family Programs (e.g. structured weekly learning)
- Café, Lounge & Recreation Area (e.g. snacks, table tennis, billiards)
- Sports Ladders and Leagues (Table Tennis, Billiards, Carrom, Chess)
- Free Medical and Legal Clinics

No outdoor activities are planned at this time. Based on the type of proposed activities, it is anticipated that sensitive receptors (i.e., children, elderly, and handicapped) will be present at the site.

The site is currently developed with a 40,000 square foot commercial building; approximately 60,000 square foot paved parking area, and some perimeter landscaping. The single-story building is constructed on a concrete slab with brick exterior walls. The interior finishes are primarily sheetrock walls, with suspended ceiling panels. The building occupies approximately 35% of the site. Approximately 55% is paved parking lot and 10% is landscaped.

No major exterior changes are proposed to either the site plan or the existing building. The major areas within the proposed India Community Center are anticipated to include the following:

- Multi-purpose Room/Auditorium
- Fitness Center
- Learning Center including Library
- Office Center
- Café
- Member Lounge and Game area

The proposed Hours of Operation for the Center are:

Monday through Thursday	6.00 am to 11.00 pm
Friday	6.00 am to 11.00 pm
Saturday	8.00 am to 11.00pm
Sunday	8.00 am to 8.00 pm

While the Center is open during the week, the bulk of the visits to the Center are expected to be during off-peak hours – after work hours on weekdays and on weekends. The occupancy rate at the Center will be consistent with City requirements.

3.0 IDENTIFICATION OF FACILITIES OF POTENTIAL CONCERN

3.1 INTRODUCTION

The focus of this report is on neighboring businesses that may store chemicals that could have off-site consequences if catastrophically released. In order to identify facilities that may pose this type of risk to individuals who may frequent the proposed ICC, ENVIRON conducted a number of tasks to identify facilities of potential concern. These tasks included: conducting a visual reconnaissance of the site vicinity; identifying land use in the site vicinity; reviewing listings of facilities on federal and state environmental databases; identifying facilities that have had historical hazardous material releases; identifying facilities that have submitted RMPs under the Federal RMP or CalARP Programs; and identifying facilities in the site vicinity that have submitted HMBPs that indicate large or medium chemical use, as characterized by the City of Milpitas, including the use of toxic gases under the City of Milpitas Toxic Gas Ordinance (TGO).

In order to conduct some of these tasks, ENVIRON contacted the Certified Unified Program Agency (CUPA) for Milpitas. The CUPA is the local agency that has been certified by the California Environmental Protection Agency (CalEPA) to implement the six state environmental programs within the local agency's jurisdiction. The CUPA for the City of Milpitas is the County of Santa Clara, Department of Environmental Health, Hazardous Materials Compliance Division (HMCD). In addition, the Milpitas Fire Department is considered a participating agency in the HMCD program. The HMCD is the lead agency for facilities in Milpitas concerning Hazardous Waste/Tiered Permitting and the CalARP Program. The Milpitas Fire Department is the lead agency for facilities in Milpitas concerning underground storage tanks (USTs), aboveground storage tanks (ASTs), Hazardous Materials Business Plans (HMBPs)/Emergency Response Plans, and the Uniform Fire Code, which has incorporated the TGO.

Several interstates, highways, and railroad right-of-ways run within two miles of the site, including Highway 237 (less than 1/8 mile north), I-680 (approximately 0.5 miles east), I-880 (approximately 1.25 miles west), and the Union Pacific Railroad right-of-ways (approximately 0.4 miles west). Hazardous materials can be transported on major highways and railroads, and releases of hazardous materials from vehicles and railcars can occur. The potential for release of toxic chemicals from vehicles or railcars traveling along roadways or railroads was not assessed in this report.

3.2 SITE VICINITY RECONNAISANCE

On October 13, 2004, Kimberly Schmidt of ENVIRON conducted a visual reconnaissance of the site vicinity. The reconnaissance was conducted by foot and car from public walkways, parking lots, and public thoroughfares. ENVIRON personnel did not enter any buildings, cross private property, or conduct any interviews with occupants of the properties located in the vicinity of the site. Neighboring businesses within a 0.25-mile radius of the proposed ICC location were identified during the site vicinity reconnaissance. To the extent possible, the name of each business, the address of each business, and the type of activity conducted at each business were identified. Table 1 identifies the name, address, and type of businesses located within an approximately 0.25-mile

radius of the proposed ICC location. Using assessor parcel maps that ENVIRON obtained from the Santa Clara County Office of the Assessor, each of the businesses identified during the site vicinity reconnaissance was mapped. Figure 2 identifies the location and identification of the businesses located within a 0.25-mile radius of the proposed ICC location.

ENVIRON recognizes that certain businesses located more than one-quarter mile from the site could have potential environmental impacts on the site. During the site vicinity reconnaissance, ENVIRON drove around the area outside the 0.25-mile radius to identify large facilities that appeared to store large quantities of chemicals. ENVIRION did not identify any facilities that appeared to storage large quantities of chemicals during the drive-by reconnaissance. ENVIRON did note the potential use of large quantities of refrigerants at one facility (T. Marzetti Company located at 876 Yosemite Drive), which is located approximately 0.5 miles south of the subject site. T. Marzetti Company makes salad dressings and other specialty foods.

3.3 SITE LOCATION AND LAND USE IN SITE VICINITY

Based on the results of the site vicinity reconnaissance, the proposed ICC is located within a mixed-use commercial/industrial area and near to residential areas. ENVIRON identified industrial, small businesses, medical offices, municipal buildings, commercial, retail, banks, churches, and residential land uses within one-quarter mile of the proposed ICC location. In general, industrial land use is located to the south of the site and generally includes a corrugated container manufacturing facility (Jefferson Smurfit Corporation) and several semiconductor manufacturing/research and development (R&D) facilities, including Sipex Corporation, Linear Technology, Headway Technologies, Seagate Technology, and JDS Uniphase. In general, small businesses, medical offices, and several banks are located east and west of the site. Calaveras Boulevard (Highway 237), which is a major thoroughfare in Milpitas, is located one block north of the site. In general, commercial establishments (primarily located in the Milpitas Town Center Shopping Center), restaurants, small businesses, a hotel, and the City of Milpitas municipal buildings, including the Milpitas City Hall, Milpitas Fire Department, Milpitas Community Center, and the Milpitas Community Library are located along Calaveras Boulevard within one-quarter mile north of the site. In addition, a new single-family residential area with a playground covering approximately 14 acres is located within one-quarter mile southeast of the site.

3.4 REVIEW OF LISTINGS ON ENVIRONMENTAL DATABASES

On October 11, 2004, ENVIRON ordered a report from Environmental Data Resources, Inc. (EDR), which compiles searches of federal and state environmental database records for the subject site, as well as properties adjacent to or in the vicinity of the subject site.[1] The EDR database searches contained a number of unmapped sites. ENVIRION identified three unmapped sites within the site vicinity and included discussion of these unmapped listings below. A copy of the environmental database report is included as Appendix A.

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[1] Because the environmental databases themselves are sometimes not updated by the specific regulatory agencies for periods up to one year or more (depending on the database and the state), the database search conducted herein will not necessarily list an environmental investigation or listing that has been initiated subsequent to the last update.

The database search conducted by EDR includes the following federal databases: National Priorities List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); CERCLIS-No Further Remedial Action Planned (CERCLIS-NFRAP); Resource Conservation and Recovery Act (RCRA) Corrective Actions (CORRACTS); Resource Conservation and Recovery Information System (RCRIS), Emergency Response Notification System (ERNS), and Toxic Chemical Release Inventory System (TRIS). EDR accessed state databases of California including the following: CAL-SITES; No Further Action (NFA) issued by the Department of Toxic Substances Control (DTSC); the California Hazardous Material Incident Report System (CHMIRS); Leaking Underground Storage Tank (LUST); Registered Underground Storage Tanks (UST); Historical USTs (HIST UST); Hazardous Waste Information System (HAZNET); California Waste Discharge System (CA WDS); and California Spills, Leaks, Investigations, and Cleanups, other than from USTs or other regulated sites (CA SLIC). Further descriptions of these databases are provided in the EDR report in Appendix A.

Based on ENVIRON's review of the EDR database report, the subject addresses (525 and 535 Los Coches Street) are not listed on any of the environmental databases searched; however, there are several facilities located within 0.25-mile radius of the subject address listed on environmental databases. Table 2 provides a summary of the database listings for facilities located within a 0.25-mile radius of the subject site. Most of the listings on the databases concern generation of hazardous wastes, holders of wastewater discharge permits, registration of current or former USTs, LUST incidents, a spill of liquid to the ground undergoing cleanup, or no further action at a contaminated site (CERCLIS-NFRAP and NFA). While some of these listings could indicate potential soil and groundwater contamination at off-site locations, these database listings do not indicate nearby facilities that may store chemicals that could have off-site consequences if catastrophically released. Two facilities located within 0.25-mile of the subject site are listed on the Toxic Chemical Release Inventory System (TRIS) database. These facilities are Linear Technology (located at 275 S. Hillview Drive) and Husko, Inc. (or SAE Magnetics) (located at 100 S. Milpitas Blvd). Listing on the TRIS database indicates that the facility manufactures, processes, or otherwise uses a listed toxic substance above a specified threshold and submits the required regulatory annual inventory forms. One facility is listed on the ERNS database, which indicates a federally reportable spill. The JDS Uniphase facility (located at 345 Los Coches Street) is listed as releasing one gallon of hydrochloric acid to land in September 1994. According to the database listing, the release was cleaned up by the Milpitas Fire Department.

Based on findings during the site vicinity reconnaissance, the land use in the site vicinity, and facility listings on federal and state environmental databases, ENVIRON identified several facilities that store hazardous materials in the vicinity of the proposed ICC location. ENVIRON obtained additional information concerning these facilities from the HMCD and the Milpitas Fire Department, as described in the next sections.

3.5 REVIEW OF RMPs FOR FACILITIES SUBJECT TO CalARP PROGRAM

As mentioned above, the HMCD is the lead agency for facilities in Milpitas concerning Hazardous Waste/Tiered Permitting and the CalARP Program. ENVIRON contacted Nicole Pullman, who is in charge of the CalARP Program with the HMCD. On October 25, 2004 Ms. Pullman faxed

ENVIRON a list of all facilities under HMCD's jurisdiction that have submitted Federal Risk Management Plans (RMPs) or CalARPs under the State Program. This list, which is dated February 10, 2004, is attached as Appendix B. One facility on the list is located in the City of Milpitas. This facility, McCabe's Quality Foods located at 1029 Montague Expressway, is located approximately 1.6 miles south of the proposed ICC location. Other facilities on the list are located in San Jose, Palo Alto, Los Gatos, San Martin, and Gilroy. The facilities listed in San Jose are located further away from the proposed ICC location to the south and east. The T. Marzetti Company identified during the visual reconnaissance as potentially a user of large quantities of refrigerants did not show up on this list.

ENVIRON conducted a review of McCabe's Quality Foods' CalARP at the HMCD on November 1, 2004. Based on ENVIRON's review of the CalARP, McCabe's Quality Foods stores a total of approximately 8,000 pounds of anhydrous ammonia, a toxic gas, in the refrigeration system at its Milpitas location. The largest container at the facility, which is located indoors, holds 2,960 pounds of anhydrous ammonia. The CalARP, which is dated March 17, 2003, indicates that the facility has had no reportable accidents in the last five years. For security reasons, the HMCD removes the Consequence Analysis from the CalARP prior to allowing public access. Therefore, ENVIRON was unable to review the discussion concerning the potential zone of impact that could be affected if the McCabe's Quality Foods facility had a catastrophic release of anhydrous ammonia. Given this information, ENVIRON identified the McCabe's Quality Foods site as a facility of potential concern. As described in Chapter 4.0 (Potential for Adverse Impacts), ENVIRON evaluated the distance to the Immediately Dangerous to Life and Health (IDLH), 1/10 IDLH, and the RMP/CalARP toxic endpoint (TEP) using a worst-case release scenario of anhydrous ammonia at the McCabe's Quality Foods facility.

3.6 REVIEW OF FILES AT MILPITAS FIRE DEPARTMENT

As mentioned above, the Milpitas Fire Department (Hazardous Materials and Environmental Services Unit) is the lead agency for facilities in Milpitas concerning USTs, ASTs, Hazardous Materials Business Plans (HMBPs)/Emergency Response Plans, and the Uniform Fire Code, which has incorporated the TGO.

In 1990, the City of Milpitas adopted the TGO (Milpitas Municipal Code, Title V-Chapter 300). The intent of the TGO was to protect the public from acute exposure due to accidental releases of toxic gases and to supplement the Hazardous Materials Storage Ordinance by identifying and requiring safety controls for toxic gases. In general, the TGO regulates the safe storage, use and handling of toxic gases. Through amendments to the 2001 California Fire Code, the Milpitas Fire Code now provides the controls previously found in the TGO.

ENVIRON contacted Patricia Joki, the Fire Marshal at the Milpitas Fire Department, to try to identify facilities that are subject to the TGO. In a conversation on October 28, 2004, Ms. Joki reported that the Milpitas Fire Department does not maintain a list of facilities that are subject to the TGO; however, Ms. Joki reported that the Milpitas Fire Department conducts annual inspections of facilities that store hazardous materials, including toxic gases. Based on our conversation, Ms. Joki faxed to ENVIRON a list of businesses in Milpitas that are registered as large chemical users, medium chemical users, and conduct semiconductor activities. All of these types of facilities

undergo annual inspections. This list is attached as Appendix C. Ms. Joki indicated that specifics concerning storage of hazardous materials, including toxic gases, for facilities are available by conducting file reviews at the Milpitas Fire Department for each individual facility of interest.

On November 1, 2004, ENVIRON conducted file reviews for seven facilities at the Milpitas Fire Department. ENVIRON determined which facilities to conduct file reviews on primarily by looking at the facilities on the list that the Milpitas Fire Department sent ENVIRON, in conjunction with information gathered during the site vicinity reconnaissance, listings on environmental databases, and an interview with a Hazardous Materials Inspector for the Milpitas Fire Department.

ENVIRON conducted file reviews of the following facilities: Jefferson Smurfit Corporation, located at 201 S. Hillview Drive; Sipex Corporation, located at 233 S. Hillview Drive; Linear Technology, located at 275 S. Hillview Drive; Golden Altos Corporation, located at 402 S. Hillview Drive; Headway Technologies, Inc., located at 497 S. Hillview Drive; SAE Magnetics (H.K.) Ltd dba Husko, Inc., located at 100 S. Milpitas Blvd; and Seagate Technology, located at 155 & 195 S. Milpitas Blvd. In general, ENVIRON reviewed the current HMBP, annual Hazardous Materials Inspection Reports, and incident reports (if present) in each facility's file. During the file reviews, ENVIRON focused on the type and quantity of toxic gases stored at each facility, as well as any history of hazardous material incidents at these facilities.

Based on the file reviews conducted at the Milpitas Fire Department, ENVIRON concluded that there are three facilities (Sipex Corporation, Linear Technology, and Headway Technologies) located in the site vicinity that store toxic gases (e.g., anhydrous ammonia, arsine, boron trichloride, chlorine, diborane, hydrogen bromide, hydrogen chloride, phosphine, and tungsten hexafluoride). All three of these facilities conduct semiconductor manufacturing operations. Tables 3, 4, and 5 list the types of toxic gases stored and the amount of each toxic gas stored in the largest container at these three facilities, respectively. In addition, the tables show the CalARP threshold for each toxic gas, and the IDLH, 1/10 the IDLH, and TEP for each toxic gas. In most cases, storage of toxic gases at these three facilities is well below CalARP threshold quantities. However, ENVIRON notes that chlorine stored in the largest container at both Sipex Corporation and Linear Technology Corporation is equal to or above the CalARP threshold quantity.

The Sipex Corporation facility has had a number of TGO violations, ranging from toxic gas releases to malfunctioning and false alarms involving the toxic gas monitoring and alarm system. ENVIRON identified two historical toxic gas incidents at the Sipex Corporation facility. In November 2000, boron trifluoride was released at the facility, and in January 2001, phosphorous oxychloride was released at the facility. Based on information reviewed, neither of these releases resulted in off-site consequences. Based on files ENVIRON reviewed, Sipex Corporation does not appear to have had a toxic gas incident since 2001. No additional historical toxic gas incidents were identified in the files reviewed.

Facilities that store toxic gases are required to test their toxic gas monitoring systems annually in the presence of Milpitas Fire Department personnel. Based on files ENVIRON reviewed, it appears that Sipex Corporation, Linear Technology, and Headway Technologies have passed the 2003 annual TGO review. In addition, according to a review of the annual Hazardous Materials Inspection Reports, the Milpitas Fire Department has issued violations at all of the facilities

reviewed. The facilities subsequently corrected the violations and the Inspection Reports were updated to indicate closure of the issues.

Based on the type and quantity of certain toxic gases stored at Sipex Corporation and Linear Technology Corporation and their location in the immediate vicinity (approximately 0.25-mile to the south-southeast) of the proposed ICC site, the Milpitas Fire Department requested off-site consequence analysis for a catastrophic release of five toxic gases stored at Sipex Corporation (anhydrous ammonia, arsine, chlorine, diborane, and phosphine) and four toxic gases stored at Linear Technology Corporation (boron trichloride, hydrogen bromide, phosphine, and tungsten hexafluoride).[2] Based on the Milpitas Fire Department's review, off-site consequence analysis for the toxic gases stored at the Headway Technologies facility was not warranted. As described in Chapter 4.0 (Potential for Adverse Impacts), ENVIRON evaluated the distance to the IDLH and either the TEP or 1/10 the IDLH using a worst-case release scenario of the above listed toxic gases from the Sipex Corporation and Linear Technology Corporation facilities.

3.7 SUMMARY OF FINDINGS

Based on the findings of these tasks, ENVIRON, in conjunction with the Milpitas Fire Department, identified three facilities that require further evaluation. These facilities include: 1) McCabe's Quality Foods located at 1029 Montague Expressway, which stores anhydrous ammonia above the CalARP threshold quantity; 2) Sipex Corporation located at 233 S. Hillview Drive, which stores anhydrous ammonia, arsine, chlorine, diborane, and phosphine in quantities of concern to the Milpitas Fire Department; and 3) Linear Technology Corporation located at 275 S. Hillview Drive, which stores boron trichloride, hydrogen bromide, phosphine, and tungsten hexafluoride in quantities of concern to the Milpitas Fire Department. The potential for adverse impacts from these three facilities are provided in Chapter 4.0.

[2] Based on telephone communication on December 8, 2004, with Patricia Joki, Fire Marshal for the Milpitas Fire Department.

4.0 POTENTIAL FOR ADVERSE IMPACTS

4.1 METHODOLOGY FOR ASSESSING POTENTIAL FOR ADVERSE IMPACTS

ENVIRON performed off-site consequence analyses for worst-case accidental releases for certain toxic gases stored at McCabe's Quality Foods, Sipex Corporation, and Linear Technology Corporation following USEPA guidelines established for toxic and flammable substances for the RMP.[3] Select pages of USEPA's RMP guidance are attached as Appendix D.[4]

ENVIRON's consequence analysis focused on a worst-case release scenario (i.e., a catastrophic, instantaneous release) under the meteorological and topographical conditions as recommended by USEPA's RMP guidance. For the worst-case release scenarios, ENVIRON assumed that all of the toxic gas in the single largest container at the facility was released to the outdoors in ten minutes as per USEPA guidelines. USEPA's RMP guidance and CalARP regulations have defined the worst-case release scenario as the release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint under conservative meteorological conditions.[5] For worst-case release scenario analysis under RMP/CalARP, the possible causes of the worst-case release or the probability that such a release might take place are not considered; the release is simply assumed to occur. Worst-case release scenarios represent the failure modes that would result in the worst possible off-site consequences, however unlikely, and not more likely smaller releases that would potentially result in smaller impacts.

For the evaluation of impacts from accidental releases, ENVIRON understands that the Milpitas Planning Department requires the distance to the IDLH for planning purposes. ENVIRON further understands that the Milpitas Fire Department would also like to see distances to either the RMP/CalARP TEP or 1/10 the IDLH. To evaluate the distance to various toxic endpoints (i.e., IDLH, TEP, and/or 1/10 IDLH) if the facilities evaluated had a catastrophic release of a toxic gas, ENVIRON used lookup tables prepared by the USEPA for their RMP Program.[6] Specifically, ENVIRON used Reference Table 5 on page 5-8 (*Dense Gas Distances to Toxic Endpoint, 10-minute Release, Rural Conditions, F Stability, Wind Speed 1.5 Meters per Second*). In addition, USEPA prepared chemical-specific lookup tables for certain chemicals including anhydrous ammonia and chlorine. Therefore, ENVIRON used Reference Table 9 on page 5-12 (*Distances to Toxic Endpoint for Anhydrous Ammonia Liquefied Under Pressure, F Stability, Wind Speed 1.5 Meters per Second*), and Reference Table 11 on page 5-14 (*Distances to Toxic Endpoint for Chlorine, F Stability, Wind Speed 1.5 Meters per Second*) for anhydrous ammonia and chlorine. The distances calculated in these lookup table assume the following: the terrain in the vicinity of the facility is generally flat and unobstructed (i.e., rural conditions); the wind speed is 1.5 meters per

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[3] USEPA. 1999. *Risk Management Program Guidance for Offsite Consequence Analysis.* EPA 550-B-99-009. April.

[4] The complete document can be found at the following web address: http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/oca-all.PDF/$File/oca-all.PDF

[5] Ibid.

[6] Ibid.

second (3.4 miles per hour); the stability class is F, and the air temperature is 77 degrees Fahrenheit. ENVIRON also assumed that the chemicals are liquefied under pressure resulting in a dense gas release. These reference tables are included in Appendix D.

Reference Table 5 allows the user to lookup the distance to various toxic endpoints at various release rates for dense gas releases. According to USEPA RMP guidance (page 4-4), if the endpoint of the substance is halfway between two values on the table, one chooses the value on the table that is smaller; otherwise, the closest value is chosen. Similarly, if the release rate is halfway between two values on the table, one chooses the release rate that is larger; otherwise, the closest value is chosen. When choosing the distances to the various endpoints, ENVIRON followed this guidance. Further, the smallest release rate available on the table is one pound per minute (1 lb/min). Given that some of the release rates were much less than 1 lb/min, ENVIRON extrapolated the distances assuming that the distance was linear between release rates of 0 and 1 lb/min.

Reference Tables 9 and 11 allows the user to lookup the distance to the TEP at various release rates for anhydrous ammonia liquefied under pressure and chlorine, respectively. Because ENVIRON was interested in distances to other endpoints (e.g., the IDLH), ENVIRON calculated a normalized dispersion factor (TEP/Release Rate) for the reported distances in Reference Table 9 and 11 and calculated new release rates corresponding to the same distances for the endpoints of interest. The calculation tables showing the distance to the IDLH and 1/10 the IDLH for anhydrous ammonia and chlorine are provided as Appendix E.

The following sections describe, in further detail, the evaluation of a worst-case release scenario of certain toxic gases from McCabe's Quality Food, Sipex Corporation, and Linear Technology Corporation in Milpitas, California.

4.2 McCABE'S QUALITY FOODS

As discussed above, the McCabe's Quality Foods facility located at 1029 Montague Expressway was identified as a facility of potential concern. Because the HMCD removed the Consequence Analysis Section from the publicly-available CalARP, ENVIRON was unable to review the discussion concerning the potential zone of impact that could be affected if the McCabe's Quality Foods facility had a catastrophic release of anhydrous ammonia. Therefore, ENVIRON evaluated a worst-case release scenario of anhydrous ammonia from the McCabe's Quality Foods facility.

In ENVIRON's review of the CalARP for the facility provided by HMCD, it appears that the maximum amount of anhydrous ammonia in a single vessel is 2,960 pounds. Based on the methodology described above for a worst-case release scenario of anhydrous ammonia, the estimated distance to the IDLH is 0.8 miles. The distances to the various toxic endpoints are shown on Table 6. The proposed ICC site is located approximately 1.6 miles north of the facility. Therefore, under the worst-case scenario for the actual amount of anyhdrous ammonia in the single largest vessel, the proposed ICC site is not located within the distance to the IDLH. Given that an Accidental Release Prevention Program is in-place at the facility and that the proposed ICC site is not located within the distance to the IDLH for the worst-case scenario for the actual amount of anyhdrous ammonia in the single largest vessel, ENVIRON believes that a catastrophic release of

anhydrous ammonia from this facility would unlikely have off-site consequences that would affect the proposed ICC site for Milpitas Planning Department purposes.

4.3 SIPEX CORPORATION

As discussed above, the Sipex Corporation facility located at 233 S. Hillview Drive was identified as a facility of potential concern. Based on the type and quantity of certain toxic gases stored at Sipex Corporation and its location in the immediate vicinity (approximately 0.25-mile to the south-southeast) of the proposed ICC site, the Milpitas Fire Department requested off-site consequence analysis for a catastrophic release of five toxic gases stored at Sipex Corporation. The five toxic gases include anhydrous ammonia, arsine, chlorine, diborane, and phosphine. Based on the methodology described above, ENVIRON evaluated the distances to the IDLH and either the TEP or 1/10 the IDLH using a worst-case release scenario of the above listed toxic gases from the Sipex Corporation facility.

Table 6 shows the distances to the various toxic endpoints for a catastrophic release of the five toxic gases evaluated for the Sipex Corporation facility. As shown in Table 6, the distances to the IDLH for four of the toxic gases (anhydrous ammonia, arsine, diborane, and phosphine) are either <0.1 or 0.1 mile. The proposed ICC site is located approximately 0.25 miles to the north-northwest of the Sipex Corporation facility. Therefore, under the worst-case scenario for the actual amount of these toxic gases in the single largest vessel, the proposed ICC site is not located within the distance to the IDLH. Given that the proposed ICC site is not located within the distance to the IDLH, ENVIRON believes that a catastrophic release of anhydrous ammonia, arsine, diborane, and phosphine from the Sipex Corporation facility is unlikely have to have off-site consequences that would affect the proposed ICC site for Milpitas Planning Department purposes.

Further, the distance to the IDLH for chlorine at the Sipex Corporation facility is 0.5 miles, as shown in Table 6. Therefore, under the worst-case scenario for the actual amount of chlorine stored in the single largest vessel, the proposed ICC site is located within the distance to the IDLH, as shown in Figure 3. Thus, it is possible that a catastrophic release of chlorine from the Sipex Corporation facility could have off-site consequences that would affect the proposed ICC site. Based on these results, ENVIRON believes an emergency and protective action plan would aid the proposed India Community Center in developing mitigation measures for catastrophic off-site consequences of chlorine from Sipex Corporation. These mitigation measures are discussed in Chapter 5.0 (Conclusions and Mitigation Measures).

4.4 LINEAR TECHNOLOGY CORPORATION

As discussed above, the Linear Technology Corporation facility located at 275 S. Hillview Drive was identified as a facility of potential concern. Based on the type and quantity of certain toxic gases stored at Linear Technology Corporation and its location in the immediate vicinity (approximately 0.25-mile to the south-southeast) of the proposed ICC site, the Milpitas Fire Department requested off-site consequence analysis for a catastrophic release of four toxic gases stored at Linear Technology. The four toxic gases include boron trichloride, hydrogen bromide, phosphine, and tungsten hexafluoride. Based on the methodology described above, ENVIRON

evaluated the distance to the IDLH and either the TEP or 1/10 the IDLH using a worst-case release scenario of the above listed toxic gases from the Linear Technology Corporation facility.

Table 6 shows the distances to the various toxic endpoints for a catastrophic release of the four toxic gases evaluated for the Linear Technology Corporation facility. As shown in Table 6, the distances to the IDLH for three of the toxic gases (boron trichloride, phosphine, and tungsten hexafluoride) are <0.1, 0.1, or 0.2 mile. The proposed ICC site is located approximately 0.25 miles to the north-northwest of the Linear Technology Corporation facility. Therefore, under the worst-case scenario for the actual amount of these toxic gases in the single largest vessel, the proposed ICC site is not located within the distance to the IDLH. Given that the proposed ICC site is not located within the distance to the IDLH, ENVIRON believes that a catastrophic release of boron trichloride, phosphine, and tungsten hexafluoride from the Linear Technology Corporation facility would unlikely have off-site consequences that would affect the proposed ICC site for Milpitas Planning Department purposes.

Further, the distance to the IDLH for hydrogen bromide at the Linear Technology Corporation facility is 0.3 miles, as shown in Table 6. Therefore, under the worst-case scenario for the actual amount of hydrogen bromide stored in the single largest vessel, the proposed ICC site is located within the distance to the IDLH, as shown in Figure 3. Thus, it is possible that a catastrophic release of hydrogen bromide from the Linear Technology Corporation facility could have off-site consequences that would affect the proposed ICC site. Based on these results, ENVIRON believes an emergency and protective action plan would aid the proposed India Community Center in developing mitigation measures for catastrophic off-site consequences of hydrogen bromide from Linear Technology Corporation. These mitigation measures are discussed in Chapter 5.0 (Conclusions and Mitigation Measures).

4.5 DISTANCES TO OTHER TOXIC ENDPOINTS

In addition to the distance to the IDLH for planning purposes, ENVIRON understands that the Milpitas Fire Department also requests the distances to either the TEP or 1/10 the IDLH for the toxic gases evaluated. Table 6 shows the distances to both the TEP (if established) and 1/10 the IDLH for each of the toxic gases evaluated at the three facilities discussed above. Based on worst-case release scenarios, the distance to either the TEP or 1/10 the IDLH encompasses the proposed ICC site for the following toxic gases at the three facilities: anhydrous ammonia at McCabe's Quality Foods; anhydrous ammonia and chlorine at Sipex Corporation; and boron trichloride, hydrogen bromide, and tungsten hexafluoride at Linear Technology Corporation.

5.0 CONCLUSIONS AND MITIGATION MEASURES

ENVIRON, in conjunction with the Milpitas Fire Department, identified three facilities in the vicinity of the proposed India Community Center site that store chemicals that could have off-site consequences if catastrophically released. The three facilities and the toxic chemicals stored in quantities of concern are summarized below:

- McCabe's Quality Foods (1029 Montague Expressway) – anhydrous ammonia;
- Sipex Corporation (233 S. Hillview Drive) – anhydrous ammonia, arsine, chlorine, diborane, and phosphine; and
- Linear Technology Corporation (275 S. Hillview Drive) – boron trichloride, hydrogen bromide, phosphine, and tungsten hexafluoride.

ENVIRON evaluated the potential risk posed by these chemicals at these three facilities by evaluating worst-case release scenarios as defined under RMP. For the evaluation of impacts from accidental releases, ENVIRON understands that the Milpitas Planning Department requires the distance to the IDLH for planning purposes. Following the methodology outlined in Chapter 4.0, our offsite consequence analysis showed that it is unlikely that a worst-case release (i.e., a catastrophic, instantaneous release) of the chemicals evaluated from these three facilities would have off-site consequences that would affect individuals at the IDLH at the proposed ICC site, with the following two exceptions:

- Our analysis of the worst-case release scenario for chlorine at the Sipex Corporation facility results in an impact radii of 0.5 miles to the IDLH, as shown in Table 6 and Figure 3. The proposed ICC site is located approximately 0.25 miles to the north-northwest of the Sipex Corporation site.
- Our analysis of the worst-case release scenario for hydrogen bromide at the Linear Technology Corporation facility results in an impact radii of 0.3 miles to the IDLH, as shown in Table 6 and Figure 3. The proposed ICC site is located approximately 0.25 miles to the north-northwest of the Linear Technology Corporation facility.

ENVIRON understands that the Milpitas Fire Department also requests distances to either the TEP or 1/10 the IDLH for the toxic gases evaluated. Table 6 shows the distances to both the TEP (if established) and 1/10 the IDLH for each of the toxic gases evaluated. Based on worst-case release scenarios, the distance to either the TEP or 1/10 the IDLH encompasses the proposed ICC site for the following toxic gases at the three facilities: anhydrous ammonia at McCabe's Quality Foods; anhydrous ammonia and chlorine at Sipex Corporation; and boron trichloride, hydrogen bromide, and tungsten hexafluoride at Linear Technology Corporation.

Note that in worst-case release scenario analysis under RMP/CalARP, the possible causes of the worst-case release or the probability that such a release might take place are not considered; the

release is simply assumed to occur. Worst-case release scenarios represent the failure modes that would result in the worst possible off-site consequences, however unlikely, and not more likely smaller releases that would potentially result in smaller impacts.

Based on the worst-case scenario results, ENVIRON believes an emergency and protective action plan would aid the proposed India Community Center in developing mitigation measures for catastrophic off-site consequences from Sipex Corporation and Linear Technology Corporation. The U.S. Army Corps of Engineers has developed a draft guideline document entitled "Protecting Buildings and Their Occupants from Airborne Hazards" that can provide the ICC with good background information on the development of a protective action plan.[7] Specifically, Chapter 6 of this guideline discusses protective actions for perceptible hazards and includes discussion of the applicability, advantages, and disadvantages of evacuation, sheltering in-place, use of ventilation system and smoke purge fans, and use of protective masks. As discussed in this guideline, the effectiveness of protective action requires a protective action plan specific to each building, as well as training and familiarization for building occupants. Chapter 7 of this guideline discusses the four steps of developing a protective action plan, which includes the following:

- conducting a building survey to determine practical protective actions for the specific building;
- writing procedures for implementing emergency and protective action plans;
- designating and training protective action coordinators; and
- training of those who reside in the building on the steps to be taken during an emergency or implementation of protective actions.

As an emergency and protective action plan is to be tailored to individual buildings and coordinated with local planners and emergency response systems, the development of these plans require coordination between the India Community Center, Sipex Corporation, Linear Technology Corporation, the Milpitas Fire Department, and the Milpitas Planning Department.

[7] U.S. Army Corps of Engineers (USACE). 2001. *Protecting Buildings and Their Occupants from Airborne Hazards*, Draft. Engineering and Construction Division. Washington, DC. October.

6.0 LIMITATIONS

This report has been prepared exclusively for use by the India Community Center for submission to the City of Milpitas and may not be relied upon by any other person or entity without ENVIRON's express written permission. The conclusions presented in this report represent ENVIRON's professional judgment based upon the information available to us and conditions existing as of the date of this report, and are correct to the best of ENVIRON's knowledge as of the date of this report. Future conditions (e.g., new industrial uses) may differ from those described herein and this report is not intended for use in future evaluations of risks to the site. In performing its assignment, ENVIRON relied upon publicly available information, including information submitted by facilities to the HMCD and the Milpitas Fire Department. Accordingly, the conclusions in this report are valid only to the extent that the information provided to ENVIRON was accurate and complete. In particular, ENVIRON accepted the Milpitas Fire Department's classification of whether sites were large, medium or small chemical users, and did not independently review the classifications. Further, ENVIRON accepted the Milpitas Fire Department's selection of chemicals of concern. ENVIRON does not make any warranties or representations, whether expressed or implied, regarding the accuracy of such information, and shall not be held accountable or responsible in the event that any such inaccuracies are present.

ENVIRON's scope of work for this assignment was limited to identifying neighboring businesses that may store chemicals that could have off-site consequences if catastrophically released. The proposed India Community Center is located in close proximity to both I-680 (approximately 0.5 miles east) and I-880 (approximately 1.25 miles west), and is located approximately 0.4 miles east of the Union Pacific Railroad right-of-way, consisting of multiple tracks. The scope of work for this report did not include evaluation of potential risks from trucks accidents or railcar derailments involving releases of hazardous materials. Further, because the proposed India Community Center site is located within the greater Bay Area, which is urban and industrialized, the proposed India Community Center faces the same potential risks and hazards as any other business in an industrial/urban area. This report is intended, consistent with normal standards of practice and care, to assist the client in identifying the risks of known current conditions within the site vicinity.

TABLE 6
Distances to the IDLH, TEP, & 1/10 IDLH for Catastrophic Release Scenario for Toxic Gases of Concern[1] Stored in the Vicinity of the Proposed India Community Center (ICC) Site

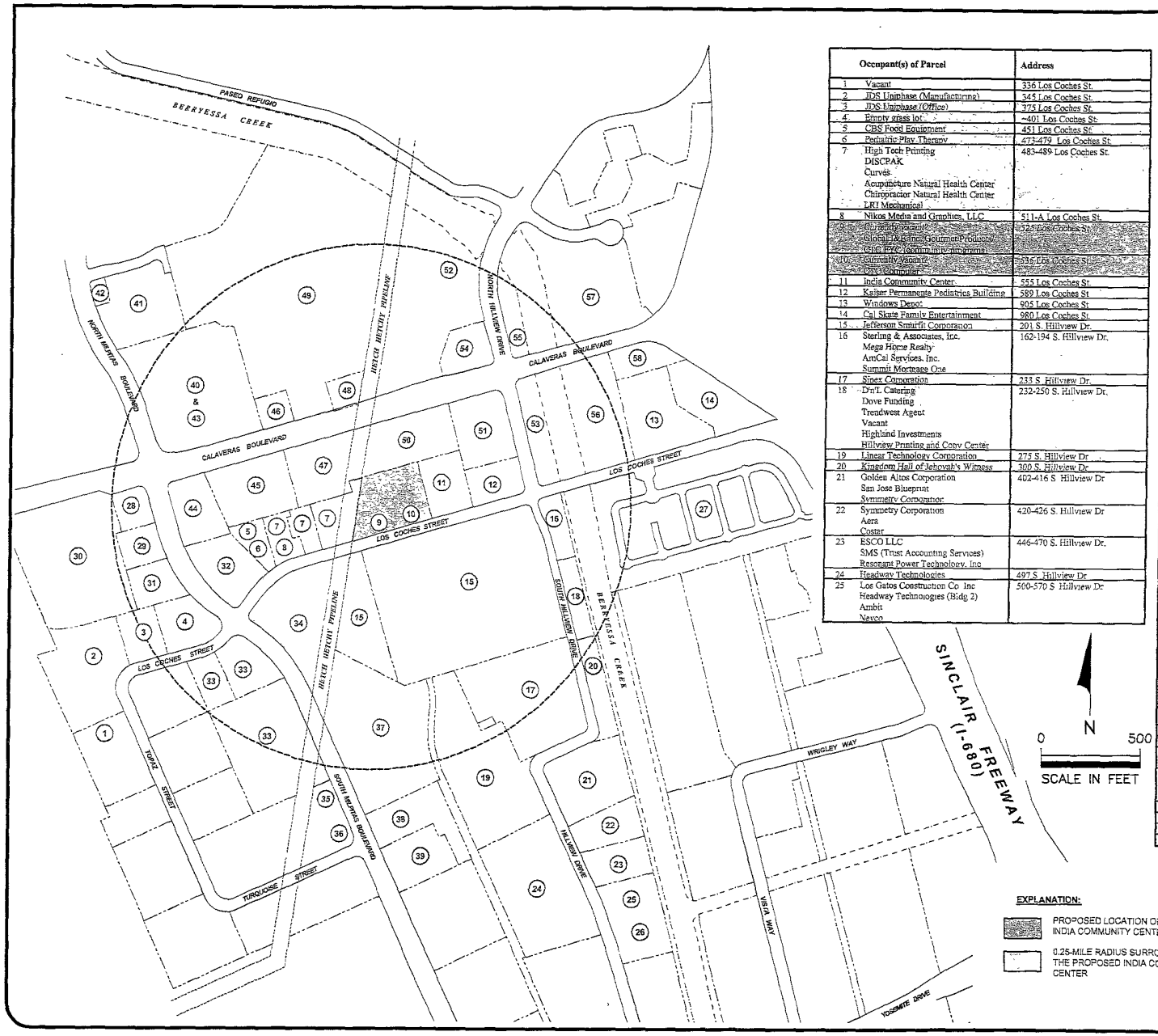
Facility	Approximate Distance and Direction from Proposed ICC Site[2]	Chemical	Amount of Toxic Chemical in Largest Container (lbs)	Release Rate (lbs/min)[3]	IDLH (mg/L)	TEP (mg/L)	1/10 IDLH (mg/L)	Distance to IDLH[4,5] (miles)	Distance to TEP (miles)	Distance to 1/10 IDLH (miles)
McCabe's Quality Foods 1029 Montague Expressway	~1.6 miles to the S	Anhydrous Ammonia[6,7]	2,960	296	0.209	0.14	0 0209	0.8	1.0	**2.6**
Sipex Corporation 233 S. Hillview Drive	0.25 miles to the SSE	Anhydrous Ammonia[6,7]	50	5	0.209	0.14	0.0209	0.1	0.1	**0.3**
		Arsine	1.1	0.11	0.010	0.0019	0.001	<0.1	0.1	0.2
		Chlorine[7]	150	15	0.029	0.0087	0.0029	**0.5**	**0.8**	**1.5**
		Diborane	0.9	0.09	0.017	0.0011	0.0017	<0.1	0.1	0.1
		Phosphine	1.0	0.1	0.069	0.0035	0.0069	<0.1	0.1	0.1
Linear Technology 275 S. Hillview Drive	0.25 miles to the SSE	Boron Trichloride	5	0 5	0.120	0.0096	0.0120	0.1	**0.3**	**0.3**
		Hydrogen Bromide	68.5	6.85	0.099	NE	0.0099	**0.3**	–	**1.0**
		Phosphine	2.4	0.24	0.069	0.0035	0.0069	<0.1	0.2	0.1
		Tungsten Hexafluoride	44.4	4.44	0.365	NE	0.0365	0.2	–	**0.5**

Notes:
Distance to toxic endpoints based on USEPA 1999.
BOLD indicates that the distance to the toxic endpoint is greater than the distance to the proposed ICC site.

[1] Chosen in conjunction with the Milpitas Fire Department.
[2] Distance based on center of properties.
[3] Assumes worst-case catastrophic release in which all of the toxic chemical is released from the largest container in 10 minutes.
[4] Assumes rural landscape.
[5] ENVIRON understands that the planning department only requires the distance to the IDLH for planning purposes and decisions.
We further understand that the FD would also like to see distances to either the RMP/CalARP toxic endpoint (TEP) or 1/10 the IDLH for Fire Department planning purposes.
[6] Assumes anhydrous ammonia is liquefied under pressure.
[7] Distances for anhydrous ammonia and chlorine based on chemical-specific dispersion models provided in USEPA 1999.
NE = not established

Reference:
USEPA. 1999. *Risk Management Program Guidance for Offsite Consequence Analysis*. Office of Solid Waste and Emergency Response. EPA 550-B-99-009. April 1999.

FIGURES



	Occupant(s) of Parcel	Address
1	Vacant	336 Los Coches St.
2	JDS Uniphase (Manufacturing)	345 Los Coches St.
3	JDS Uniphase (Office)	375 Los Coches St.
4	Empty grass lot	~401 Los Coches St.
5	CBS Food Equipment	451 Los Coches St.
6	Pediatric Play Therapy	473-479 Los Coches St.
7	High Tech Printing DISCPAK Curves Acupuncture Natural Health Center Chiropractor Natural Health Center LRI Mechanical	483-489 Los Coches St.
8	Nikos Media and Graphics, LLC	511-A Los Coches St.
9	Currently vacant/ Global Packaging Gourmet Products	525 Los Coches St.
10	(Grace PPC (community programs)	
10	Currently vacant/	535 Los Coches St.
10	CTC Computer	
11	India Community Center	555 Los Coches St.
12	Kaiser Permanente Pediatrics Building	589 Los Coches St.
13	Windows Depot	905 Los Coches St.
14	Cal Skate Family Entertainment	980 Los Coches St.
15	Jefferson Smurfit Corporation	201 S. Hillview Dr.
16	Sterling & Associates, Inc. Mega Home Realty AmCal Services, Inc. Summit Mortgage One	162-194 S. Hillview Dr.
17	Sinex Corporation	233 S. Hillview Dr.
18	D'nT. Catering Dove Funding Trendwest Agent Vacant Highland Investments Hillview Printing and Copy Center	232-250 S. Hillview Dr.
19	Linear Technology Corporation	275 S. Hillview Dr
20	Kingdom Hall of Jehovah's Witness	300 S. Hillview Dr.
21	Golden Altos Corporation San Jose Blueprint Symmetry Corporation	402-416 S. Hillview Dr
22	Symmetry Corporation Aera Costar	420-426 S. Hillview Dr
23	ESCO LLC SMS (Trust Accounting Services) Resonant Power Technology, Inc	446-470 S. Hillview Dr.
24	Headway Technologies	497 S. Hillview Dr
25	Los Gatos Construction Co. Inc Headway Technologies (Bldg 2) Ambit Nexco	500-570 S. Hillview Dr

	Occupant(s) of Parcel	Address
26	Headway Technologies (Bldg 3)	678 S. Hillview Dr.
27	single-family residences & playground	Horizon Drive/Cameron Circle/etc.
28	Wells Fargo	1 S. Milpitas Blvd
29	Union Bank of California	11 S. Milpitas Blvd
30	Currently vacant? Read-Rite Corporation	31 S. Milpitas Blvd
31	Central Coast Medical Specialists/ Commonwealth Central Credit Union	75 S. Milpitas Blvd
32	SAE Magnetics (H.K.) Ltd.	100 S. Milpitas Blvd
33	Seagate Technology	155 & 195 S. Milpitas Blvd
34	Vacant space/ Bay Tool & Supply, Inc.	166 S. Milpitas Blvd
35	noHold, Inc	225 S. Milpitas Blvd
36	Eddie's Billiards	235 S. Milpitas Blvd
37	Solectron Global Services Headquarters	240-270 S. Milpitas Blvd
38	Frank Electric Co. Inc.	310-340 S. Milpitas Blvd
39	Parikh Consultants, Inc. Custom Micro Machining Action Computer Toner Supply, Inc. SCI	356-374 S. Milpitas Blvd
40	Milpitas Community Library	40 N. Milpitas Blvd
41	Shapell Industries of Northern California/ US Bank/Pands Express/Nextel Mobile Phones	100 N. Milpitas Blvd
42	Noah's Bagels/Starbucks	124 & 128 N. Milpitas Blvd
43	Milpitas City Hall/Milpitas Community Center	455 E. Calaveras Blvd
44	Calaveras Dental Center	420-444 E. Calaveras Blvd
45	Calaveras Park Professional Center	450-470 E. Calaveras Blvd
46	El Torito Restaurant	477 E. Calaveras Blvd
47	Multi-tenant Office Building	500 E. Calaveras Blvd
48	Red Lobster Restaurant	503 E. Calaveras Blvd
49	Milpitas Town Center Shopping Center: New Tung Kee Noodle House Well Fargo Financial Milpitas Town Center Dental Care Beck's Shoes Wells Fargo Home Mortgage Staples Acupuncture Center Chamber of Commerce Cingular Wireless The UPS Store Aloha Restaurant Cinema Saver 10 First Quadrant Spirit Halloween Elect Lalwani City Council Comcast Sushi Lovers Real Beauty Chocolate Affaire RIMI Security Giorgio's Italian Food & Pizzeria Vision Care AI Foundation SVC Move & Mortgage	481-649 E. Calaveras Blvd and 138-148 N. Milpitas Blvd
50	PRN Calaveras Physical Therapy Crosspoint Chinese Church Kaiser Permanente Occupational Health Center	650-700 E. Calaveras Blvd
51	Bank of America	740 E. Calaveras Blvd
52	Mervyn's California	749 E. Calaveras Blvd
53	Currently vacant/ Former restaurant	750 E. Calaveras Blvd
54	Big 5 Sporting Goods Jenny Craig Weight Loss Center Kelly Services	727, 759 & 763 E. Calaveras Blvd
55	Lyon's Restaurant	765 E. Calaveras Blvd
56	Kaiser Permanente Medical Offices	770 E. Calaveras Blvd.
57	Embassy Suites Hotel	901 E. Calaveras Blvd
58	Shell Gas Station with car wash	950 E. Calaveras Blvd

EXPLANATION:

PROPOSED LOCATION OF THE INDIA COMMUNITY CENTER

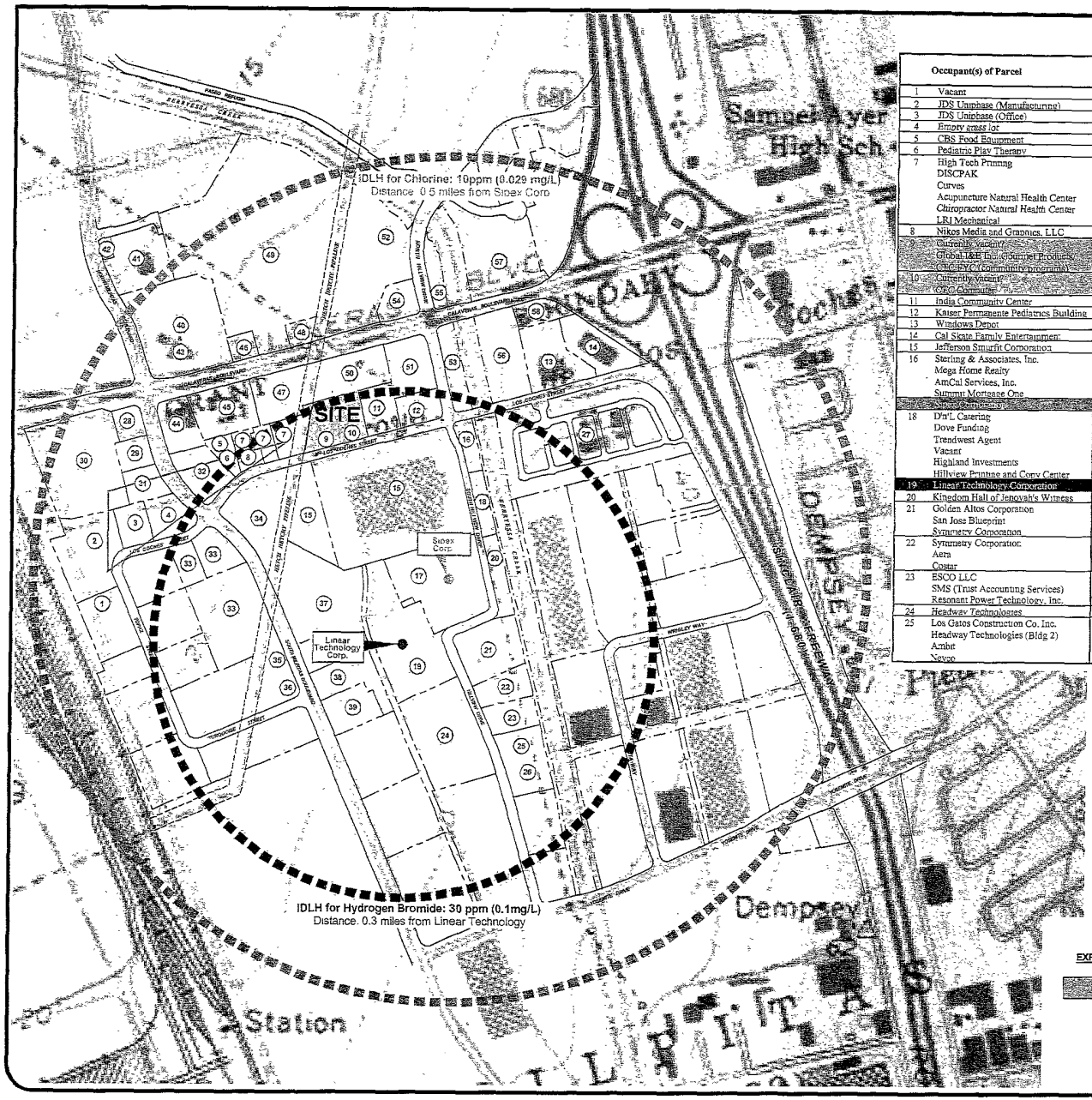
0.25-MILE RADIUS SURROUNDING THE PROPOSED INDIA COMMUNITY CENTER

ENVIRON

Location and Identification of Occupants Located within 0.25-mile Radius of the Proposed India Community Center
525/535 Los Coches Street
Milpitas, California

DATE:	CONTRACT NUMBER:		FIGURE
10/21/04	03-13199A		2
DRAFTER: RS	APPROVED:	REVISED:	

0313199A-LAYOUT.DWG



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7	High Tech Printing DISCPAK Curves Acupuncture Natural Health Center *Chiropractor Natural Health Center* LRI Mechanical	483-489 Los Coches St
8	Nikos Media and Graphics, LLC	511-A Los Coches St.
9	Currently vacant? Global D&B Inc. (Courier Products) CHC SVC (Community programs)	525 Los Coches St.
10	Currently vacant? OPG Computer	535 Los Coches St.
11	India Community Center	555 Los Coches St.
12	Kaiser Permanente Pediatrics Building	589 Los Coches St.
13	Windows Depot	905 Los Coches St.
14	Cal Skate Family Entertainment	980 Los Coches St.
15	Jefferson Smurfit Corporation	201 S. Hillview Dr.
16	Sterling & Associates, Inc. Mega Home Realty AmCal Services, Inc. Summit Mortgage One	162-194 S. Hillview Dr.
17	Vacant	215 S. Hillview Dr.
18	D'n'L Catering Dove Funding Trendwest Agent Vacant Highland Investments Hillview Printing and Copy Center	232-250 S. Hillview Dr.
19	Linear Technology Corporation	225 S. Hillview Dr.
20	Kingdom Hall of Jehovah's Witness	300 S. Hillview Dr
21	Golden Altos Corporation San Jose Blueprint Symmetry Corporation	402-416 S. Hillview Dr
22	Symmetry Corporation: Aera Costar	420-426 S. Hillview Dr
23	ESCO LLC SMS (Trust Accounting Services) Resonant Power Technology, Inc.	446-470 S. Hillview Dr
24	*Headway Technologies*	*497 S. Hillview Dr*
25	Los Gatos Construction Co. Inc. Headway Technologies (Bldg 2) Ambit Nevro	500-570 S. Hillview Dr

	Occupant(s) of Parcel	Address
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27	single-family residences & playground	Horizon Drive/Cameron Circle/etc.
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57	Embassy Suites Hotel	901 E. Calaveras Blvd
58	*Shell Gas Station with car wash*	*950 E. Calaveras Blvd*

EXPLANATION:

PROPOSED LOCATION OF THE INDIA COMMUNITY CENTER

ENVIRON

Zone of Impact for Catastrophic Release of Chlorine from Sipex Corporation and Hydrogen Bromide from Linear Technology Corporation

Milpitas, California

DATE:	CONTRACT NUMBER:	FIGURE:
10/21/04	03-13199A	3
DRAFTER: RS	APPROVED:	REVISED:

03131199A-DAT-RELEASE.DWG

1.

INDIA COMMUNITY CENTER

CONDITIONAL USE PERMIT APPLICATION FOR PROPOSED TENANT IMPROVEMENTS

525 & 535 LOS COCHES STREET MILPITAS, CA 95035

GENERAL NOTES

SCOPE OF WORK

SCOPE OF WORK INVOLVES REMODELLING EXISTING ONE STORY OFFICE BUILDING TO ACCOMODATE A COMMUNITY CENTER. THE PROPOSED USES WILL INCLUDE A AUDITORIUM, FITNESS CENTER, CLASSROOMS, OFFICES AND OTHER SUPPORTING ACCESSORY USES. PARTIAL ROOF OF EXISTING BUILDING WILL BE RAISED OVER AUDITORIUM AREA. AREA SEPARATION WALL WILL BE BUILT TO SEPARATE THE DIFFERENT OCCUPANCIES

CODES

CALIFORNIA BUILDING CODE 2001 EDITION (1997 UBC)
UNIFORM CODE FOR BUILDING CONSERVATION (1997 UCBC)
CALIFORNIA FIRE CODE 2001 EDITION (2000 UFC)
CALIFORNIA MECHANICAL CODE 2001 EDITION (2000 UMC)
CALIFORNIA PLUMBING CODE 2001 EDITION (2000 UPC)
CALIFORNIA ELECTRICAL CODE 2001 EDITION (1999 NEC)
CITY OF MILPITAS REQUIREMENTS

ALONG WITH ANY OTHER APPLICABLE LOCAL ORDINANCES AND STATE LAWS AND REGULATIONS.

EXISTING CONDITIONS.

INFORMATION ABOUT EXISTING CONSTRUCTION, SHOWN ON THE DRAWINGS WERE OBTAINED FROM ORIGINAL BUILDING DRAWINGS DATED JUNE 1982. THE ENGINEER DOES NOT TAKE ANY RESPONSIBILITY FOR THE ACCURACY OF EXISTING CONSTRUCTION

PROJECT DATA

BLDG PERMIT #TBD

PROJECT ADDRESS	525 LOS COCHES STREET MILPITAS, CA 95035 APN 86-28-052
ZONING	M-P-INDUSTRIAL
CONSTRUCTION TYPE. AREA SEPARATION WALL	V-N, III-1 HR (PROPOSED) 4-HOUR
OCCUPANCY	A2.1, A3, B, E1
EXISTING LOT	2.451 ACRES
EXISTING AREAS 1ST FLOOR	38,743 SQ. FT

NO ADDITION TO BUILDING AREA PROPOSED

PROPOSED AREAS (OCCUPANCY)

1	AUDITORIUM (A2.1)	6,810 SQ. FT
2	FITNESS CENTER, MEDITATION (A3)	8,667 SQ. FT
3.	CAFETERIA (A3)	3,137 SQ. FT
4	CLASSROOMS (E1)	2,768 SQ. FT
5.	RECREATION/LOUNGE (A3)	1,614 SQ. FT
6	OFFICES (B) INCL. ACCESSORY USES	15,449 SQ. FT.

INDEX OF DRAWINGS

A0	TITLE SHEET
A0.1	SITE PLAN
A1.1	PROPOSED 1ST FLOOR PLAN
A1.2	PROPOSED ROOF PLAN
A2.1	BUILDING ELEVATIONS
L-1	LANDSCAPE PLANTING PLAN (INFORMATIONAL EXHIBIT OF EXISTING LANDSCAPE PLAN)

CONTACT LIST

INDIA COMMNUITY CENTER
555 LOS COCHES ST
MILPITAS, CA 95035

ANIL GODHWANI
PHONE: 408.934.1130
FAX 408.934.1150

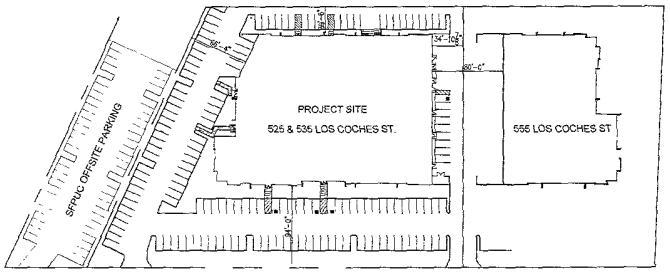
ANU NATARAJAN
PHONE: 510.501.0332

FAROOQ ABBASI
PHONE 408.802.0279

LOCATION MAP

SITE MAP

SCALE 1/64" =1'-0"



ARUN SHAH & ASSOCIATES

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FREMONT, CA 94538
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(510) 657-4265 FAX

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INDIA COMMUNITY CENTER
CONDITIONAL USE PERMIT APPLICATION
525 & 535 LOS COCHES STREET
MILPITAS, CA

Sheet
TITLE SHEET

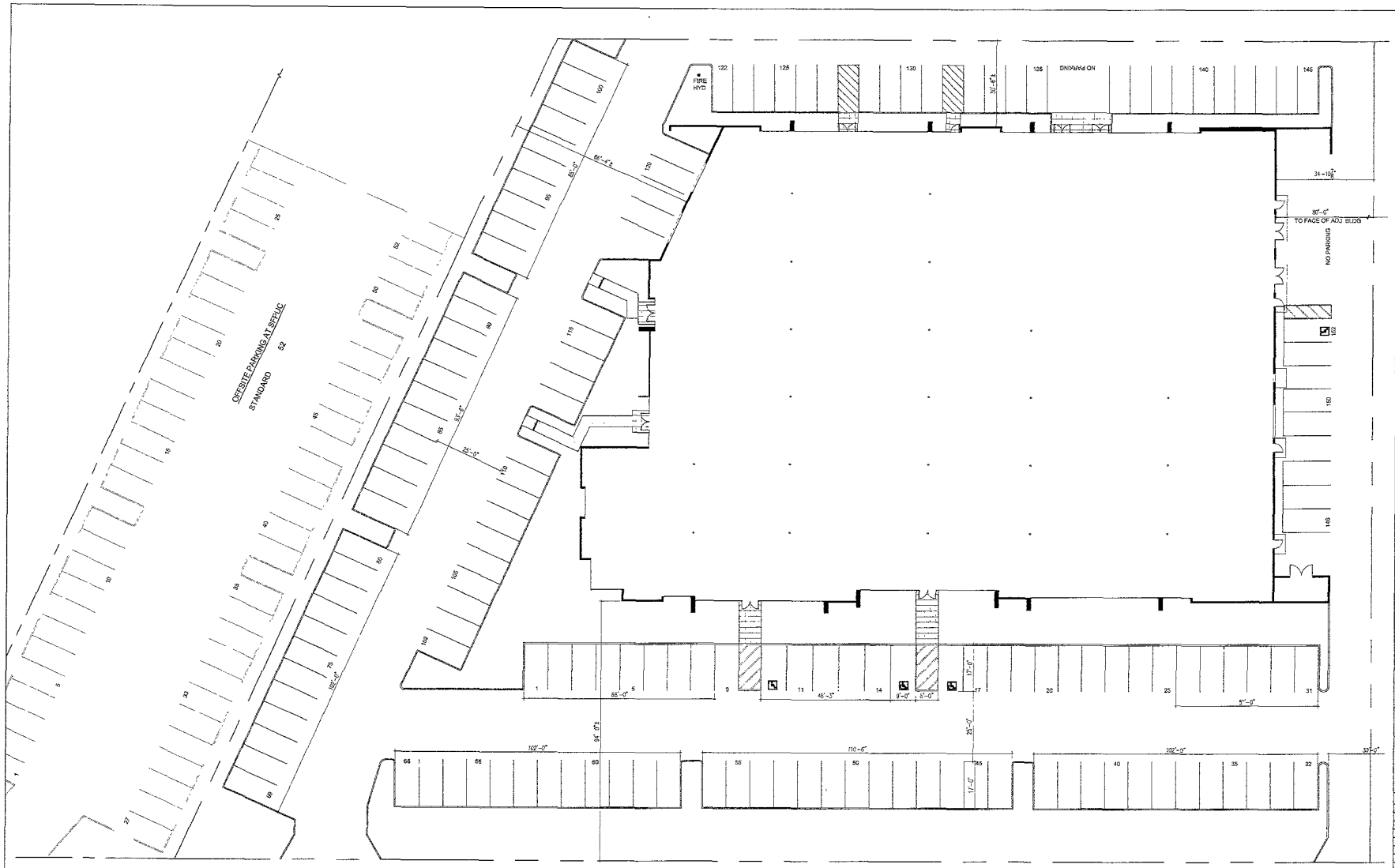
Date	Issued For
10.15.04	PROGRESS/REVIEW
10.25.04	USE PERMIT APP.
12.03.04	PROGRESS/REVIEW
12.08.04	CITY SUBMITTAL

Drawn by ARUN

Checked by ARUN

Project no.

Sheet no. A-0



1 SITE PLAN

1/16"=1'-0"

N

ON-SITE PARKING

STANDARD	124
COMPACT	24
ACCESSIBLE	4
TOTAL	152

OFF-SITE PARKING

STANDARD	52
TOTAL	152 + 52 = 204

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INDIA COMMUNITY CENTER
CONDITIONAL USE PERMIT APPLICATION
525 & 535 LOS COCHES STREET
MILPITAS, CA

Sheet
SITE PLAN

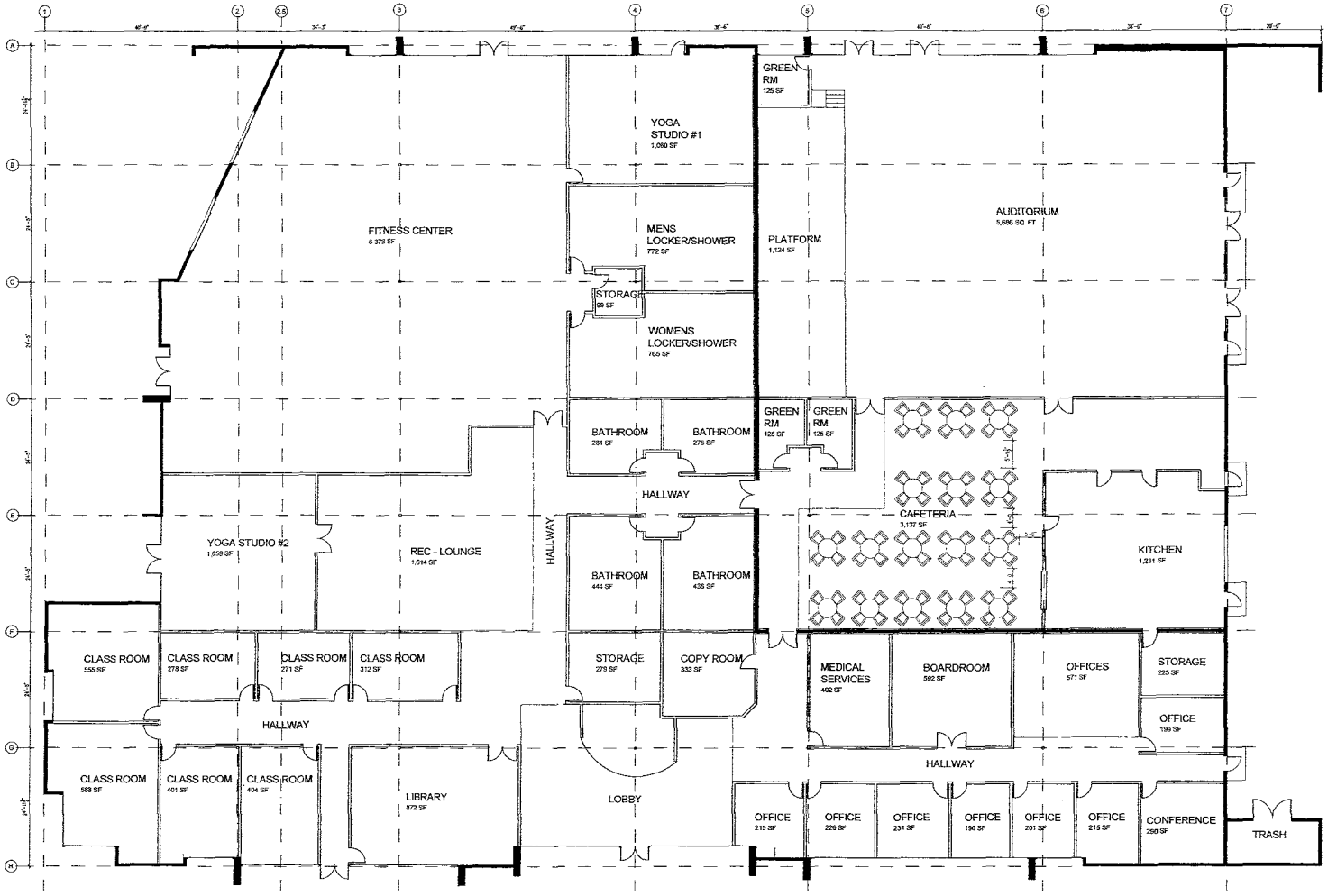
Date	Issued For
10.15.04	PROGRESS/REVIEW
10.25.04	USE PERMIT APP
12.03.04	PROGRESS/REVIEW
12.08.04	CITY SUBMITTAL

Drawn by ARUN

Checked by ARUN

Project no.

Sheet no. A-0.1



1 FIRST FLOOR PLAN

3/32"=1'-0"

N

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CONDITIONAL USE PERMIT APPLICATION
525 & 535 LOS COCHES STREET
MILPITAS, CA

Sheet

FLOOR PLAN

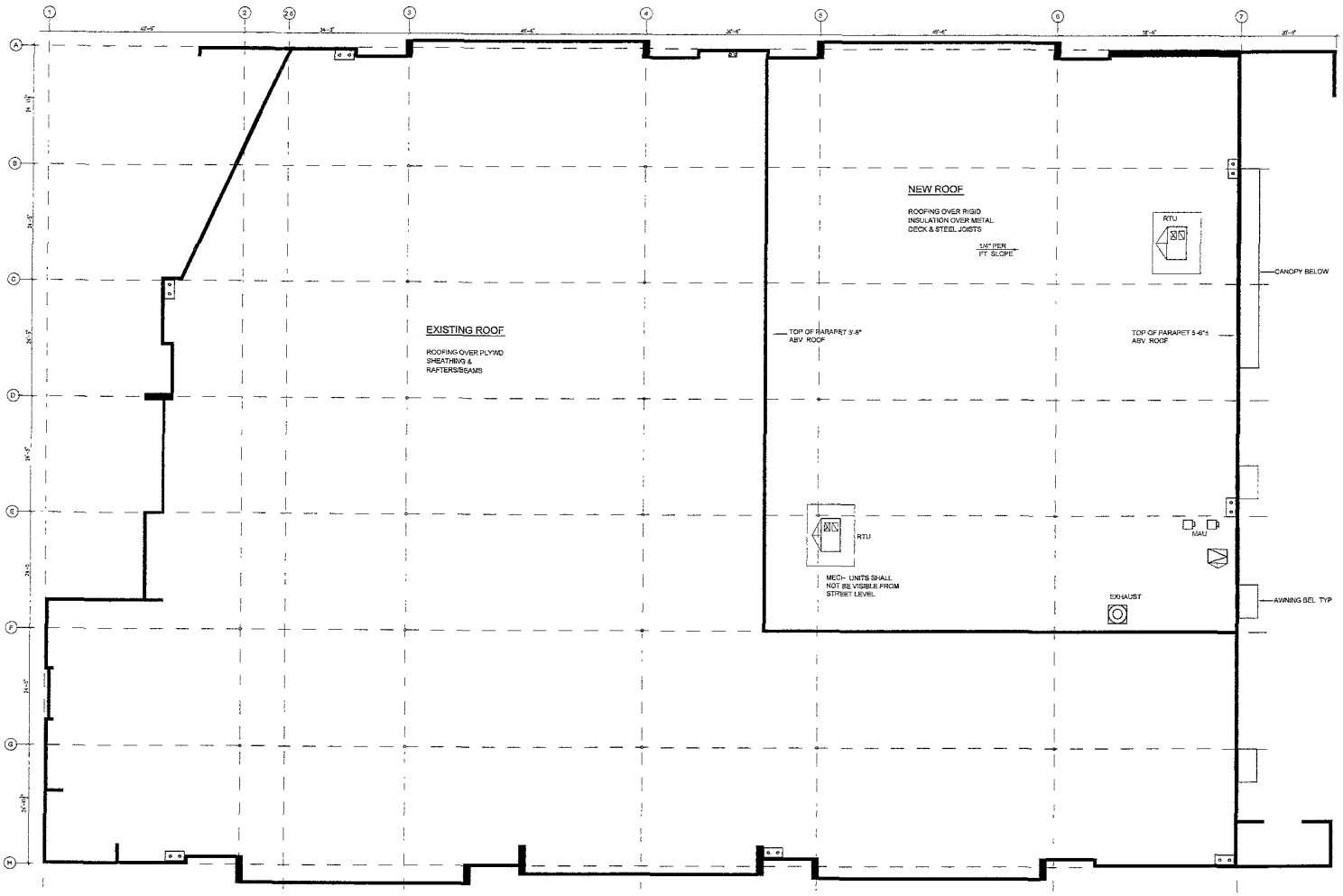
Date	Issued For
10.15.04	PROGRESS/REVIEW
10.25.04	USE PERMIT APP
12.03.04	PROGRESS/REVIEW
12.08.04	CITY SUBMITTAL
12.20.04	CITY SUBMITTAL

Drawn by ARUN

Checked by ARUN

Project no.

Sheet no. A-1.1



1 ROOF PLAN

3/32"=1'-0"

N

ARUN SHAH & ASSOCIATES

39795 PASEO PADRE PARKWAY,
FREMONT, CA 94538
(510) 220-4264
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INDIA COMMUNITY CENTER
CONDITIONAL USE PERMIT APPLICATION

525 & 535 LOS COCHES STREET
MILPITAS, CA

Sheet

ROOF PLAN

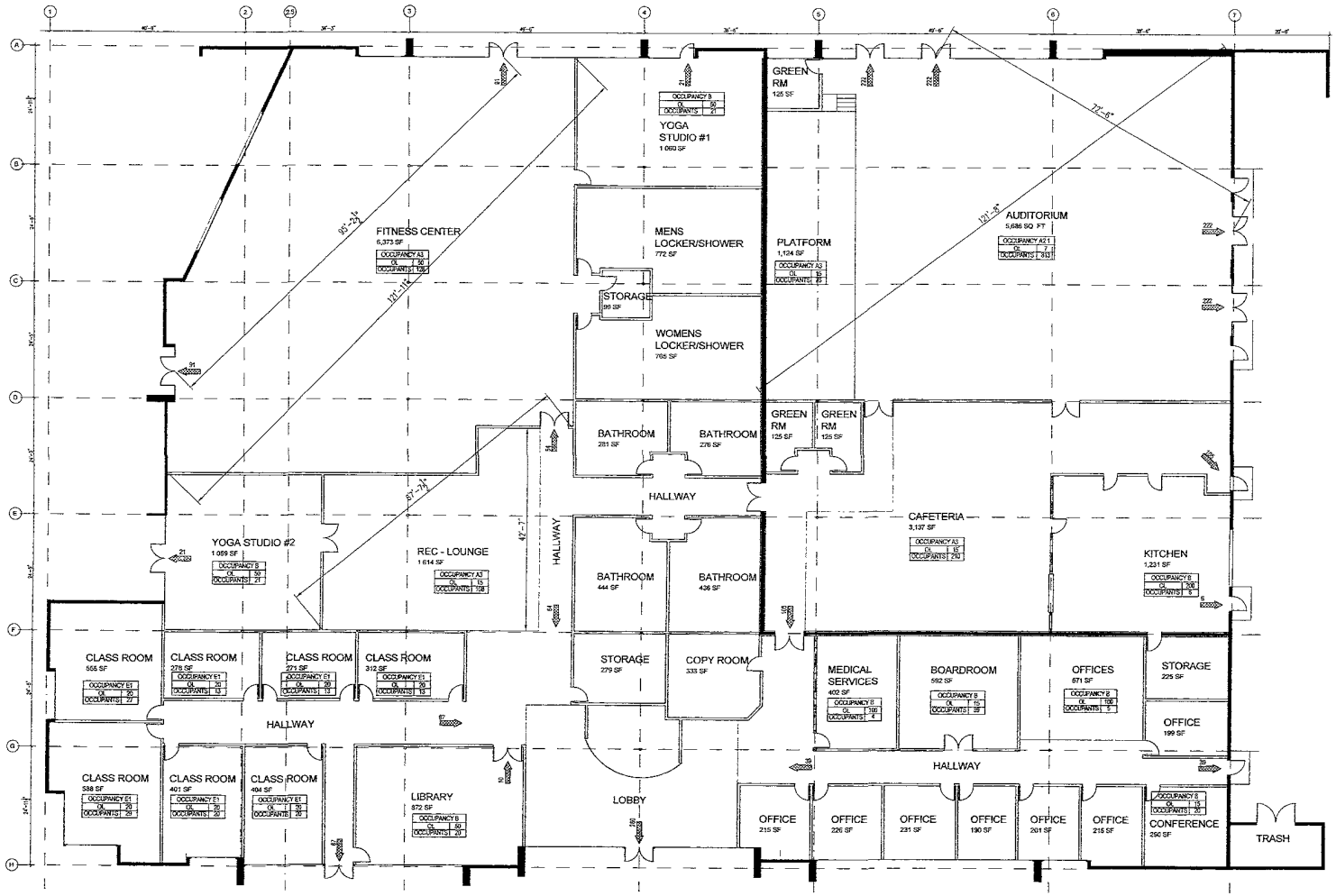
Date	Issued For
10.15.04	PROGRESS/REVIEW
10.25.04	USE PERMIT APP
12.03.04	PROGRESS/REVIEW
12.08.04	CITY SUBMITTAL

Drawn by ARUN

Checked by ARUN

Project no.

Sheet no. A-1.2



1 FIRST FLOOR PLAN
PRELIMINARY EXIT ANALYSIS 3/32"=1'-0"

N

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INDIA COMMUNITY CENTER
CONDITIONAL USE PERMIT APPLICATION

525 & 535 LOS COCHES STREET
MILPITAS, CA

Sheet
EXITING ANALYSIS

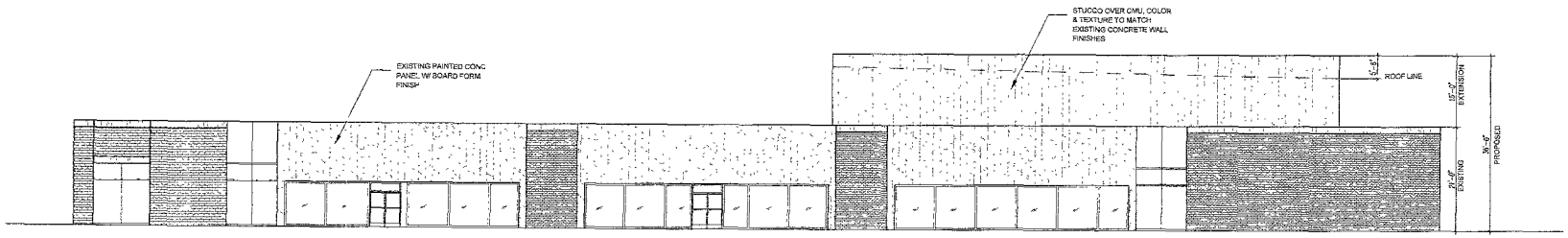
Date	Issued For
10.15.04	PROGRESS/REVIEW
10.25.04	USE PERMIT APP
12.03.04	PROGRESS/REVIEW
12.06.04	CITY SUBMITTAL
12.20.04	CITY SUBMITTAL

Drawn by ARUN

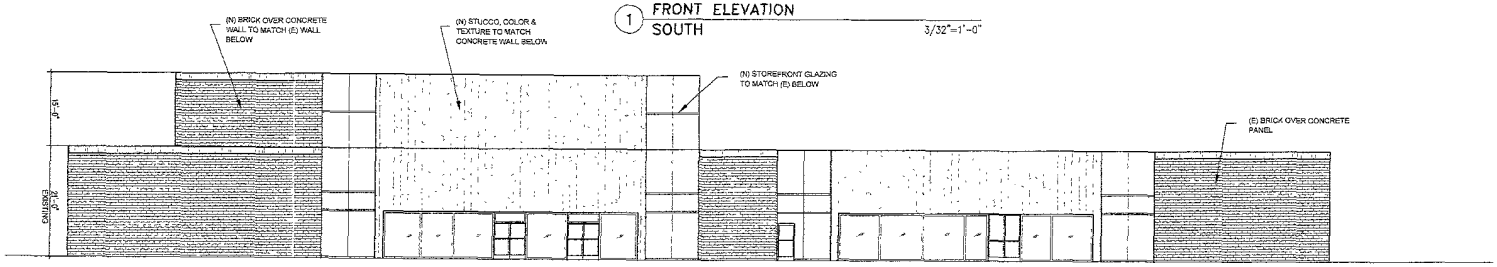
Checked by ARUN

Project no.

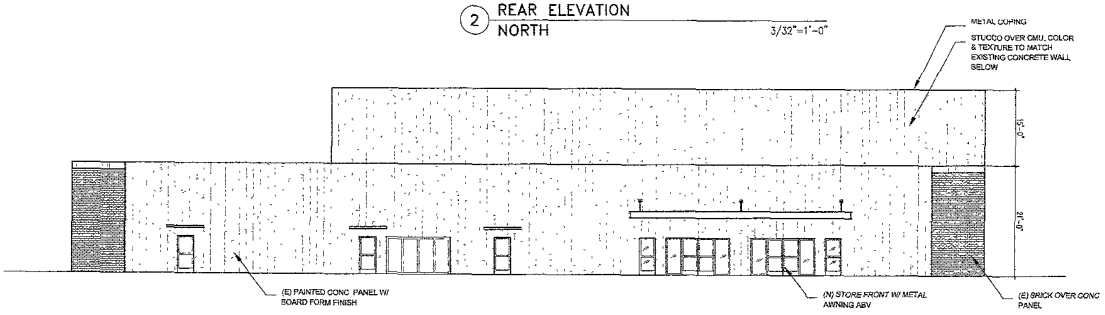
Sheet no. A-1.3



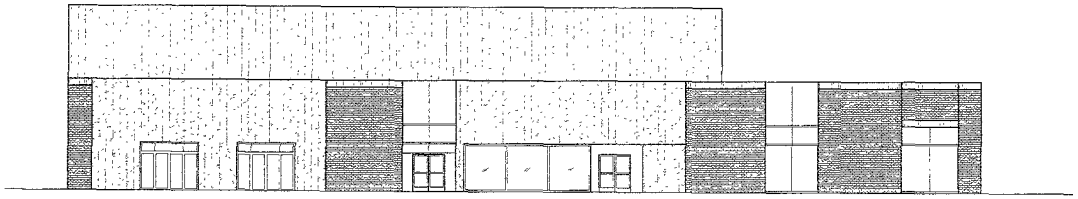
1 FRONT ELEVATION
SOUTH 3/32"=1'-0"



2 REAR ELEVATION
NORTH 3/32"=1'-0"



3 RIGHT SIDE ELEVATION
EAST 3/32"=1'-0"



4 LEFT SIDE ELEVATION
WEST 3/32"=1'-0"

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INDIA COMMUNITY CENTER
CONDITIONAL USE PERMIT APPLICATION

525 & 535 LOS COCHES STREET
MILPITAS, CA

Sheet
BUILDING ELEVATIONS

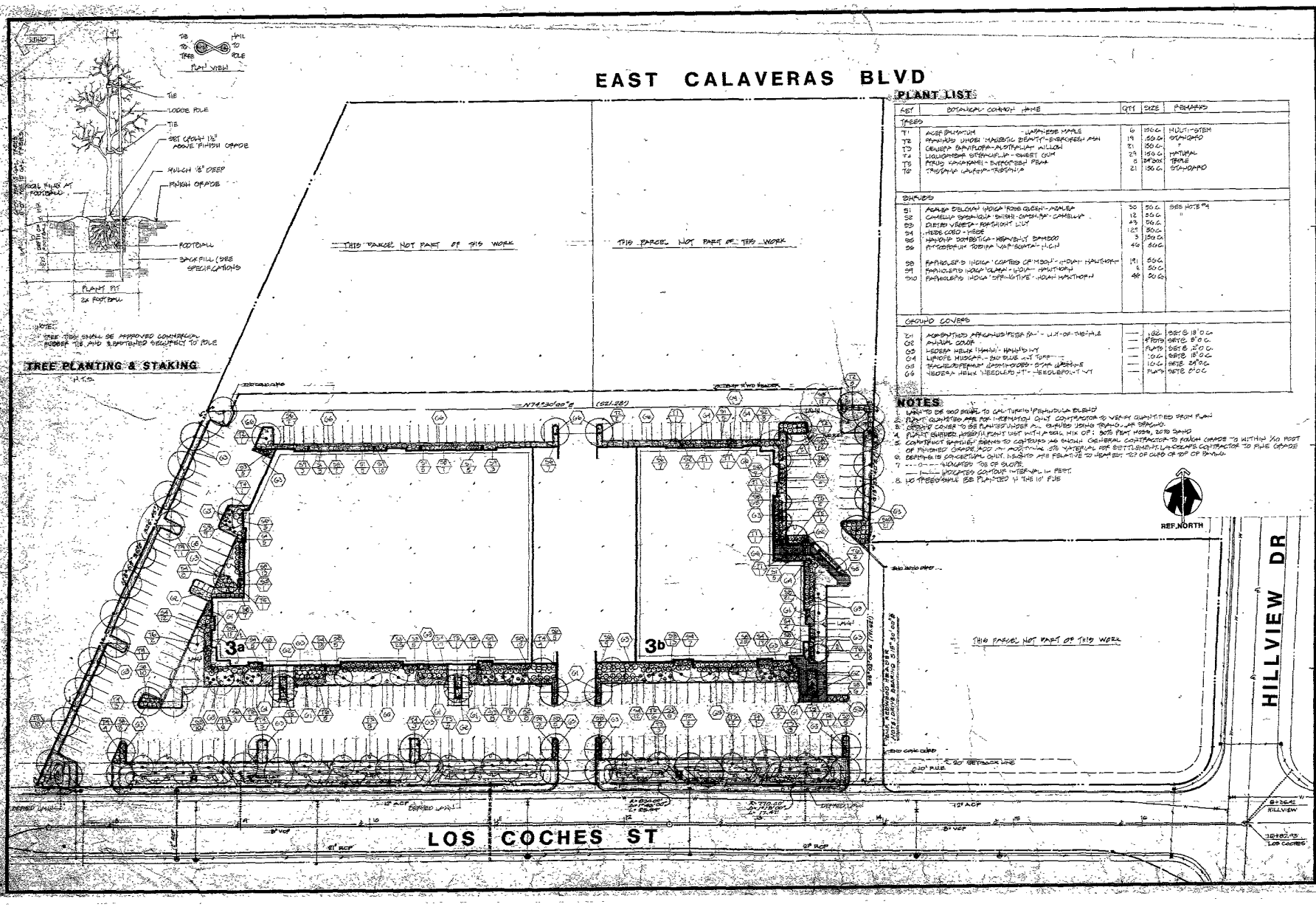
Date	Issued for
10.15.04	PROGRESS/REVIEW
10.25.04	USE PERMIT APP
12.03.04	PROGRESS/REVIEW
12.08.04	CITY SUBMITTAL

Drawn by ARUN

Checked by ARUN

Project no.

Sheet no. A-2.1



PLANT LIST

KEY	BOTANICAL · COMMON NAME	QTY	SIZE	REMARKS
TREES				
T1	ACER PALMATUM · JAPANESE MAPLE	6	15G.C.	MULTI-STEM
T2	FRAXINUS UHDEI 'MAJESTIC BEAUTY' · EVERGREEN ASH	19	15G.C.	STANDARD
T3	GEUSEA RAMIFLORA · ALSTRALIAN WILLOW	21	15G.C.	"
T4	LIQUIDAMBAR STYRACIFLUA · SWEET GUM	29	15G.C.	NATURAL
T5	PRUNUS KAMAKAMI · EVERGREEN PEAR	8	24"BOX	TRIPLE
T6	TRISTANIA LAURINA · RIBBONWOOD	21	15G.C.	STANDARD
SHRUBS				
S1	AZALEA BELGIAN INDICA 'ROSE QUEEN' · AZALEA	30	5G.C.	SEE NOTE #4
S2	CAMELLIA SASANQUA 'SHISHI-GASHIRA' · CAMELLIA	12	5G.C.	"
S3	DIETES VEGETA · RAIN LILY	45	5G.C.	
S4	HEBE CORD · HEBE	129	5G.C.	
S5	NANDINA DOMESTICA · HEAVENLY BAMBOO	3	15G.C.	
S6	PITTOSPORUM TOBIRA 'WARIEGATA' · LILY	46	5G.C.	
S8	RAPHIOLEPIS INDICA 'COPPER GRIMSON' · INDIAN HAWTHORN	181	5G.C.	
S9	RAPHIOLEPIS INDICA 'OLMEA' · INDIAN HAWTHORN	6	5G.C.	
S10	RAPHIOLEPIS INDICA 'SPRING TIME' · INDIAN HAWTHORN	48	5G.C.	
GROUND COVERS				
G1	ACHEMENTHES AFRICANUS 'PESTA RA' · LILY-OF-THE-NILE	—	1GC	SET @ 18" O.C.
G2	AJUGA CORP	—	4"POTS	SET @ 8" O.C.
G3	HEDERA HELIX 'THANE' · HANDY IVY	—	FLATS	SET @ 12" O.C.
G4	LIRIOPE MUSCARI · BLUE LILY TURF	—	1GC	SET @ 18" O.C.
G5	TRACHELOSPERMUM JASMINOIDES · STAR JASMINE	—	1GC	SET @ 24" O.C.
G6	HEDERA HELIX 'NEEDLEPOINT' · NEEDLEPOINT IVY	—	FLATS	SET @ 12" O.C.

NOTES

1. LAWN TO BE SOD SEED TO CALTURF 10 PERENNIAL RYE
2. PLANT QUANTITIES ARE FOR INFORMATION ONLY CONTRACTOR TO VERIFY QUANTITIES FROM PLAN
3. GROUND COVER TO BE PLANTED UNDER ALL SHRUBS USING TRIANGULAR SPACING.
4. PLANT SUBSTITUTIONS: PLANT LIST WITH A SOIL MIX OF: 30% PEAT MOSS, 20% SAND
5. CONTRACT BASELINE BERMS TO CONTOURS AS SHOWN GENERAL CONTRACTOR TO ROUGH GRADE TO WITHIN 1/10 FOOT OF FINISHED GRADE AND IN ADDITION 25% MATERIAL FOR SETTLEMENT. LANDSCAPE CONTRACTOR TO FINE GRADE
6. BERMS IN CONCERTUM ONLY. INSERTED ARE RELATIVE TO HEAVEST TOP OF CURB OR TOP OF BERM.
7. - - - - - INDICATED TOS OF SLOPE.
   — — — INDICATED CONTOUR INTERVAL 1M FEET.
8. NO TREES WILL BE PLANTED IN THE 10' PUE

CALAVERAS 1 - 4
FOR
LAKESIDE ASSOCIATES II
CALAVERAS BLVD.
MILPITAS, CALIFORNIA
BLDGS. 3a&3b

DEVCON CONSTRUCTION INCORPORATED
425 Lakeside Drive
Sunnyvale California 94086
(408) 735-9200 Lic #399163

REGISTERED LANDSCAPE ARCHITECT
James C. Hoffman
No. 1987
7-29-82
STATE OF CALIFORNIA

DCHOFFMAN ASSOCIATES
LANDSCAPE ARCHITECTURE INC

FOR CONSTRUCTION

GENERAL NOTES
CONTRACTOR SHALL FIELD VERIFY ALL JOB CONDITIONS AND DIMENSIONS. VARIATIONS THEREOF FROM THE DRAWINGS BE REPORTED TO THE ARCHITECT.

DETAILS INDICATED ON THE DRAWINGS ARE REPRESENTATIVE AND TYPICAL. ALL ATTACHMENTS AND CONNECTIONS SHALL CONFORM TO BEST PRACTICE AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	3 26 82	REMOVE TREES FROM 10' PUE REMOVE PLANTS UNDER PROPOSED BUILDING ADDED SOD SEED	CF
2	4 21 82	PLANT LIST CHANGED, GRID LINE ADDED	EC

SCALE 1:30'

LANDSCAPE PLANTING PLAN

JOB NO.	81 58/59
DATE	4 1 82
DRAWN	82636
CHECKED	
APPROVED	

SHEET NO. L-1

9 OF 20 SHEETS