



MILPITAS PLANNING COMMISSION STAFF REPORT

May 11th, 2016

APPLICATION:	625 North McCarthy Boulevard - Site Development Permit (P-SD15-0013), Conditional Use Permit (P-UP15-0018), Tentative Subdivision Map (P-MT15-0012), and Environmental Assessment (P-EA16-0004). A request for a Site Development Permit, Conditional Use Permit, Tentative Subdivision Map and Environmental Assessment to subdivide the property into six parcels, allow the demolition of existing structures, removal of existing trees and construction of five industrial buildings totaling 804,476 square feet and one restaurant building of 6,015 square feet on a 44.17 acre site.
RECOMMENDATION:	Staff recommends that the Planning Commission: Adopt Resolution No. 16-017, recommending approval of a Site Development Permit (P-SD15-0013), Conditional Use Permit (P-UP15-0018), Tentative Subdivision Map (P-MT15-0012), and Environmental Assessment (P-EA16-0004) to the City Council, subject to the attached Conditions of Approval.
LOCATION:	
Address/APN:	625 North McCarthy Blvd. (APN 220-029-036 and 220-029-037)
Area of City:	McCarthy Creekside
PEOPLE:	
Project Applicant:	McCarthy Ranch, 15425 Los Gatos Boulevard, Suite 102
Property Owner:	Same as applicant
Project Planner:	Michael Fossati
LAND USE:	
General Plan Designation:	Industrial Park (INP)
Zoning District:	Industrial Park (MP)
Overlay District:	Recreation and Entertainment (RE)
ENVIRONMENTAL:	The McCarthy Ranch Mixed Use Project was approved in 2009 pursuant to a Certified EIR (SC#2008092082) pursuant to CEQA Guidelines Section 15183. This project represents a subset of the 2009 mixed use project. Accordingly, an Initial Study (P-EA16-0004) has been prepared to consider whether any of the conditions or circumstances contemplated in CEQA Guidelines Section 15162 are present and would necessitate further environmental review. The Initial Study concluded that no such conditions or circumstances were present that the project would have no new potentially significant impacts, all impacts were adequately

evaluated in the certified McCarthy Ranch Mixed Use Project EIR, and no additional environmental analysis is therefore necessary.

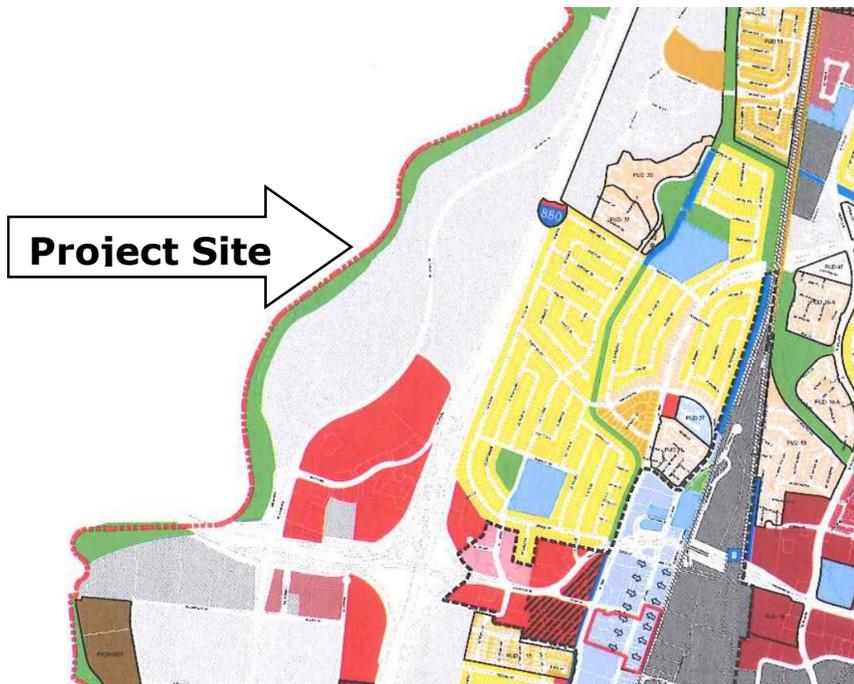
EXECUTIVE SUMMARY

The McCarthy Creekside project represents a significant opportunity to increase the proportion of industrial and office floor space within the City of Milpitas. McCarthy Creekside is proposed on 44.17 acres and near two regional roadways (State Route 237 and Interstate 880).

The five single story industrial buildings are intended to be used as warehouse, industrial, and office facilities. The single story restaurant will support the surrounding development and is anticipated to serve patrons from the project site.

An Environmental Impact Report was prepared for the project in accordance with the California Environmental Quality Act in 2009, and describes the project’s impacts on the environment. An Initial Study was completed for this specific project to ensure the Environmental Impact Report and associated mitigation measures remain up to date and no significant changes have occurred since 2009. An updated Traffic Impact Analysis has been completed and includes an analysis for shared parking for the restaurant.

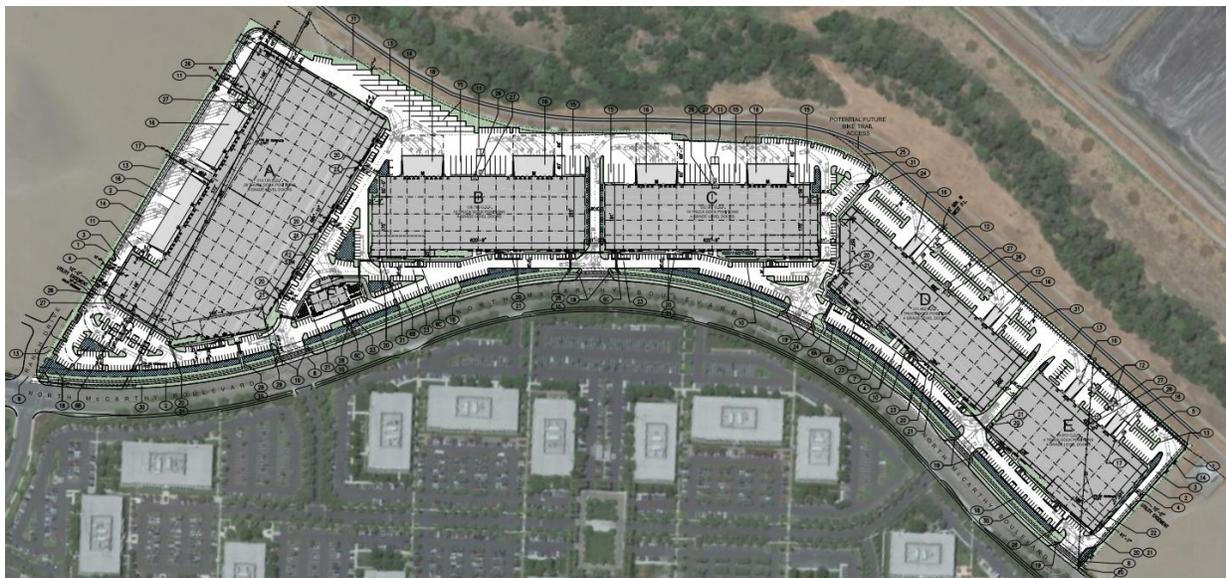
Map 1
Project Location



Map 2
Project Site



Map 3
Site Plan



BACKGROUND

The project site contains several vacant structures, including a cold house storage building, two smaller storage buildings and several small outbuildings. All previous uses on the project site were associated with agricultural uses and all structures on the property have been vacant for some time. The vacant site although has been designated within the General Plan and Zoning Code for industrial uses.

The Application

On December 7th, 2015, an application was submitted in conformance with the Milpitas Zoning Code for a Site Development Permit, Conditional Use Permit, Tentative Subdivision Map, and an Environmental Assessment. The following is a summary of the requests:

- *Site Development Permit:* To evaluate the proposed site layout, architecture, massing and proposed design for the project and the removal of existing trees.
- *Conditional Use Permit:* Required for operation of the restaurant, and to allow for shared parking.
- *Tentative Subdivision Map:* To subdivide the property.
- *Environmental Assessment:* To verify the project is consistent with the 2009 McCarthy Ranch Mixed-Use Project EIR.

General Plan Designation	INP - Industrial Park								
Zoning District	MP – Industrial Park								
Site Size	44.17 acres								
Present Use	Vacant – formerly agricultural uses								
Surrounding Zoning and Uses	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">North:</td> <td>Industrial Park; currently vacant agricultural with small City of Milpitas pump house;</td> </tr> <tr> <td>South:</td> <td>Industrial Park; currently vacant agricultural;</td> </tr> <tr> <td>East:</td> <td>Industrial Park; Irvine Business Park, R&D, and Light Industrial campus;</td> </tr> <tr> <td>West:</td> <td>Park and Open Space; Coyote Creek trail.</td> </tr> </table>	North:	Industrial Park; currently vacant agricultural with small City of Milpitas pump house;	South:	Industrial Park; currently vacant agricultural;	East:	Industrial Park; Irvine Business Park, R&D, and Light Industrial campus;	West:	Park and Open Space; Coyote Creek trail.
North:	Industrial Park; currently vacant agricultural with small City of Milpitas pump house;								
South:	Industrial Park; currently vacant agricultural;								
East:	Industrial Park; Irvine Business Park, R&D, and Light Industrial campus;								
West:	Park and Open Space; Coyote Creek trail.								
Access	Site access is from North McCarthy Boulevard								

PROJECT DESCRIPTION

Overview

The existing structures will be demolished and removed from site prior to site grading. The construction of five new industrial buildings will provide 804,476 square feet of space for warehousing, manufacturing and office. The following is the percentage breakdown of office space and warehouse/manufacturing area for each proposed structure.

BUILDING #	OFFICE SPACE	WAREHOUSE/MANUFACTURING	TOTAL
A	9.8%	90.2%	313,978 G.S.F.
B	17.6%	82.4%	136,785 G.S.F.
C	20.0%	80.0%	122,361 G.S.F.
D	74.1%	25.9%	131,482 G.S.F.

BUILDING #	OFFICE SPACE	WAREHOUSE/MANUFACTURING	TOTAL
E	37.0%	63.0%	99,653 G.S.F.
F – RESTAURANT	N/A	N/A	6,015 G.S.F

The applicant will be required to obtain approval from the Planning Director to substantially modify the originally proposed square footages above.

The project will provide a total of 1,032 parking spaces. See below:

BLDG	PARKING SPACES PROVIDED
A	277
B	144
C	135
D	294
E	144
F	38
MISCELLANEOUS	52
BICYCLE	55 incorporated above

Miscellaneous parking spaces include truck, trailer, and accessible parking. Per Municipal Code Section XI-10-53.09, the project must provide bicycle parking spaces in an amount equal to 5% of the total vehicular parking required. By providing 55 bicycle parking spaces, the project meets this requirement. The project as proposed meets the zoning code parking requirements for the five industrial buildings.

One of the main constraints on the site design is the location of Coyote Creek and its associated flood prevention levee. The County Engineer has required the site design include a 15-foot undeveloped area adjacent to the levee toe. By restricting building structure development or landscape planting within the undeveloped area, the levee will remain structurally sound and protected. This restriction requires one portion of the site’s western elevation to be barren of trees, plants and screening vegetation. The applicant has amended the landscaping scheme to maximize planting wherever else possible along the western portion of the site while remaining within the provisions of the levee protection standards.

Throughout the north, south and east elevations, planting will be extensive to limit the visual impact of the buildings. The extensive planting is particularly relevant on the street frontage, as it will also create an attractive and usable section of pathway.

Mitigation measures required by the 2009 Environmental Impact Report apply to this proposed project and have been incorporated into the proposed development, and are reflected in Resolution 16-017.

Access points along North McCarthy Boulevard are designed to accommodate large truck and trailer movements, while retaining an appropriate and human scale design for pedestrians and trail

users. Physical alterations along North McCarthy Boulevard will create four, two-lane ingress and egress driveways to accommodate traffic.

PROJECT ANALYSS

Zoning Conformance

The 44.17-acre project site is located on the west side of North McCarthy Boulevard and Interstate 880. The topography of the project site is generally flat having been previously used for agriculture. Coyote Creek, including its trail and levee, are west of the project site. The Zoning Map shows industrial designations surrounding the site to the north, south and east.

Table 3
Industrial Zone Development Standards (MP)

Development Standards	Required	Proposed
Lot area minimum	Individual sites shall be of such size to ensure that all space requirements in this table are satisfied.	44.17 acres
Lot width minimum	100 feet	432 feet
Front yard setback minimum	35 feet	87 feet
Side yard setback (interior) Minimum	10 feet	North – 51 feet South – 60 feet
Rear yard setback minimum	20 feet	48 feet
Street Side Yard Setback, minimum	Same as front yard setback	Same as front yard setback
Building height maximum	3 stories 35 Feet ¹	49 feet
Floor area ratio	0.50	0.482
Maximum number of stories	3.0	1.0

Notes:

1. Structures that exceed three (3) stories or thirty-five (35) feet in height may be approved if the Planning Commission makes the following finding: that any such excess height will not be detrimental to the light, air or privacy of any other structure or use currently existing or anticipated.

Property located south of the project site is expected to develop with office uses. Given this potential development, the project has been designed to complement potential future growth by maintaining a 60-foot setback between the proposed structure and the shared side property line, and by incorporating generous landscape improvements to screen the parking/loading area and building from the neighboring property. The applicant is proposing to install 61 trees and 180 shrubs at that location and all proposed plant material will be evergreen, low water adaptive and

native evergreen trees and shrubs. Installation of proposed landscape material will mitigate any negative visual and sound impacts from the proposed project onto the neighboring lot and any future development that may occur on that lot. Staff thus believes that allowing the requested height increase above 35 feet will result in no detriment to the light, air, or privacy of any other structure or use currently existing or anticipated.

Subdivision Ordinance

The project is consistent with the provisions in Title XI, Chapter 1, Section 4 (Tentative Maps) of the City's Municipal Code regarding the form, content and dedications of the tract map, as set forth in the attached Resolution #16-017. Tentative Tract Maps require a recommendation from the Planning Commission in the form of a resolution to the City Council for their ultimate approval.

Site and Architectural Design

The architecture is a contemporary design with elevation set-backs and undulation that provide aesthetic and visual interest. Exterior walls will have a combination of panel finishes and colors, including soft blue and gray tones.

The site is separated by the four lane North McCarthy Boulevard from uses to the east. The industrial buildings will be one story and range in heights up to 49 feet above grade. The restaurant building would be approximately 18 feet above grade. The buildings' size and bulk would be compatible with neighboring structures and would not have a negative impact on the visual appearance of the area. Integration of the project site with the surroundings is achieved through extensive landscaping along the periphery, which is appropriate to the character and setting of the proposed buildings and the location.

Landscaping and Open Space

A complete landscape plan is proposed. Complementing elements include decorative hardscape finishes, outdoor furnishings and extensive site planting. Conditions of approval ensure compatibility with the existing McCarthy Ranch area, and the long-term maintenance of the landscaping.



Representative elevation of building

Santa Clara Valley Water District requires structures and landscaping to maintain a 15-foot setback from the Coyote Creek levee, to prevent the flood levee from being undermined and thus preserving flood prevention for the area.

As discussed above, the 15 foot levee setback has resulted in limited screening to Building C (west elevation) in views from the Canyon Creek trail. The proposal includes a curvilinear trail at this location, combined with innovative landscape screening that will help mitigate any negative visual impact of Building C. Although screening is important, meeting the provision for safe development around the levee is a priority for this scheme.

Parking

The existing site provides 1,032 surface parking spaces in line with the requirements of Section 53 of Chapter 10 of the Milpitas Zoning Ordinance. The proposed project includes 5% bicycle parking in a combination of lockers and secure spaces. The proximity to the Coyote Creek trail and public transit will ensure alternative modes of transportation are available to employees and visitors to the site.

Shared Parking

The project includes a restaurant facility and the applicant proposes to use “shared parking” as a way to create more efficient use of land, reduce underutilized parking and lower the overall development area.

Shared parking is typically applied when land uses have different parking demand patterns and are able to use the same parking spaces throughout the day. Shared parking is most effective when these land uses are complementary and have significantly different peak parking characteristics, varying by time of the day, day of the week or season of the year. In these situations, shared parking

strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

Hexagon Transportation Consultants developed a shared parking study in line with the City's Shared Parking requirements (as set forth in Municipal Code Section XI-10-53.11) and the Urban Land Institute Shared Parking methodology (see pages 115-119 of Attachment D). Shared parking occurs when complementary land uses on the same site or in close proximity are able to utilize the same parking spaces because they have different peak parking characteristics. The shared parking demand estimates are used to calculate the required parking supply by considering how many spaces would be dedicated to the commercial uses and how the remaining parking spaces could serve all forms of uses during peak conditions.

The shared parking analysis estimated the total number of seats and number of employees, to justify the supply needed to meet the demands of the project. In this case, the peak hours would be between 12:00 p.m. and 1:00 p.m. The results indicate the following total parking supply needed to accommodate the shared demand:

- It was observed that during the busiest hour between 12:00 p.m. and 1:00 p.m., 67% of the customers walked to the restaurant and only 33% used a vehicle. Based on these observations, at full occupancy, the proposed restaurant would require around 32 parking spaces (33% of 96 spaces).

The results of the supplemental transportation analysis indicate that 32 spaces will be needed for the restaurant parking based on the maximum parking demand. In a review of the on-site number of parking spaces surrounding the restaurant, a typical walking distance of 500 ft. includes a total number of parking spaces of 242. On the assumptions of the transportation study, the number of parking spaces surrounding the restaurant represents a large number of available spaces and opportunity for shared parking to operate effectively.

Signs

The project site contains approximately 2,930 feet of frontage along North McCarthy Boulevard to the east of the project. Section XI-10-24 of the Municipal Code allows for one free-standing sign per parcel. However, per Section XI-10-24.05(F) of the Municipal Code, the Planning Commission may approve, conditionally approve or deny a Sign Program for the project. The applicant has submitted a proposed Sign Program that would incorporate all proposed signs, including language to address potential future tenants of the site. The proposed Sign Program includes up to 10 free-standing monument signs, each approximately 5 feet tall by 9 feet wide and 1 and ½ feet deep and include natural wood detail. Two monument signs will be installed at each main entrance to the development. One curvilinear monument sign is also proposed for the southerly main entrance. The curvilinear planter sign will be approximately 66 feet long containing a radius of approximately 61 feet; it will be two and one-half feet in width and five and one-half feet tall and will contain drought tolerant vegetation. The proposed plans indicate the southerly most entrance will contain two monument signs as well as one curvilinear planter sign. The applicant would be permitted to install either two monument signs OR one monument sign along with one curvilinear sign at that location. Modifications to the permitted Sign Program must be approved by the Planning Director prior to installation.

The wall sign area proposed for the site is approximately 1,163 square feet. The allowable sign for the commercial tenants is 4,765 square feet, as summarized in Table 5 below.

Table 5
Site Sign Area Summary

Total Parcel Frontage	3,884 linear feet
Allowable sign area	4,767 square feet

Table 6
Site Sign Area Building Summary

BLDG NO.	BLDG PERIMETER Linear Feet	PROPOSED SIGNAGE Square Feet	ALLOWABLE SIGNAGE Square Feet
A	2,733	249.5 sq. ft.	1,366.5
B	1,721.5	226.0 sq. ft.	860.75
C	1,669.5	226.0 sq. ft.	834.75
D	1,739	226.0 sq. ft.	869.5
E	1,336	205.5 sq. ft.	668
F	336.5	30.0 sq. ft.	168.25

Sign Program

The Permittee is proposing a Sign Program to maintain consistency with the General Plan, Specific Plan and Municipal Code pursuant to Section XI-10-24.05(F) of the Municipal Code and upon Planning Commission approval. See the attached Sign Program (Attachment B) for additional information.

The Sign Program includes directional signs (canopy entry signs and parking signs), which are not required to be included in the sign area calculations but will conform to standard requirements for directional signs.

Operation of the restaurant

The restaurant is proposed to accommodate mostly patrons from the surrounding commercial uses. The restaurant is proposed to have drive-through facilities, and external seating increasing the usable floor space for patrons. The location of the restaurant is unlikely to attract patrons from the wider community, and will mainly be a focus for the McCarthy Creekside employees. There are a variety of other places to purchase food and drinks in the vicinity of the site.

Restaurant uses are allowed in the MP zoning district upon approval of a Conditional Use Permit. The project satisfies all of the findings necessary to issue a Conditional Use Permit, as discussed in greater detail below.

Public Art

The applicant is required to devote ½ of one percent of the Building Development costs for the purpose of acquisition and installation of Publically Accessible Art. The project will be conditionally approved to meet this requirement and the applicant will be required to sign and submit an agreement to this effect prior to issuance of any final building permits.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission or City Council has considered in making a decision. Findings discuss the rationale behind the decision to take a certain action.

Site Development Permit

To approve the Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F):

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

As shown on the project plans, the architectural features including contemporary fenestration, elevational accents, and building design will be integrated across the site maintaining a high level of design quality. Exterior walls will have a combination of plaster and concrete panel finish. The color scheme includes soft blue and gray tones. Conditions of approval for the project include ensuring certain elements such as lighting, details on the building and on-site development complement the style of architecture. The project's site design, architecture and massing include materials, variation in height, façade plane changes, and landscaping that is appropriate for the surroundings.

2. The project is consistent with the Milpitas Zoning Ordinance.

The project's Floor Area Ratio (0.41) is within the required thresholds of the underlying zoning district (0.50). The project is consistent with respect to development standards for the Industrial Park zoning district in terms of height, setbacks, and the City's parking ordinance as described in this staff report and as demonstrated in the project plans.

3. The project is consistent with the Milpitas General Plan.

The proposed project is consistent with the underlying General Plan Industrial Park land use designation in that warehouse, manufacturing and offices are proposed. The underlying land use designation allows up to 0.50 FAR. The project proposes a FAR of 0.41.

The project is consistent with Policies:

- i. 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance. The project creates new commercial opportunities at a location that is appropriate for that use, thereby strengthening and promoting development with a balance of uses.

ii. 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention. The project includes large commercial spaces which expand employment within the City.

iii. 2.a-I-17 Foster community pride and growth through beautification of existing and future development. The project includes the demolition of older, underused agricultural buildings and the construction of a contemporary designed commercial facility.

4. The height will not be detrimental to the light, air or privacy of any other structure or use currently existing or anticipated.

The height maximum for this location in the zoning ordinance is 35 feet. The City's Municipal Code allows the height to exceed this maximum if the Planning Commission finds that the additional height will not be detrimental to light, air or privacy. Given the location, deep project setbacks, and surroundings of the project site, the additional height is appropriate and will not interfere with the light, air, or privacy of any other structure of use now in place or anticipated to be developed.

Signs

1. All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.

The project's proposed signs are in conformance with the design guidelines of the Sign Ordinance. The signs include a combination of sizes and locations on the proposed buildings. Conditions ensure the details of future tenant signs are approved prior to installation.

2. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.

The proposed signs as shown on the project plans provide compatibility of size, location and continuity with other signs and buildings on-site. The signs are smaller in size than would be allowed under the Sign Ordinance. The signs include a combination of monument, wall and main building signs in a consistent and cohesive manner.

3. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed.

The proposed signs as shown on the project plans provide visibility and legibility and provide the appropriate relationship of scale and height to the building.

4. The design and materials of the sign provide a contrast between the background and letters.

The proposed signs as shown on the project plans provide contrast between background and letters.

Sign Program

1. The provisions of the Sign Program ensures consistency in design and style of all new signs.

The proposed sign program provides the dimensions, size and location for future sign requests for the project, thereby assuring consistency.

2. The provisions of the Sign Program address compatibility of the design and style of any existing signs on the building or site.

The proposed signs provide compatibility of materials, architecture, design and continuity with other signs and buildings on-site.

3. All new signs within the Sign Program are in compliance with the design guidelines of this Chapter.

- a. *The proposed signs provide appropriate relationship of size to space on the building.*

- b. *The proposed signs have appropriate relationships with the height of the buildings. The proposed signs above the entrances of the commercial buildings are appropriate given the height of the buildings.*

Tentative Map

To approve the Tentative Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

1. The design and improvement of the proposed subdivision conform to the Milpitas General Plan.

The tentative map enables the uses allowed by the General Plan and provides sufficient information to assure the General Plan goals are met.

The project is consistent with Policies:

- i. *2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance. The project creates new commercial opportunities at a location that includes an underutilized agricultural format.*

- ii. *2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention. The project includes commercial space that would expand employment.*

iii. 2.a-I-17 Foster community pride and growth through beautification of existing and future development. The project includes the demolition of older agricultural buildings and the construction of a contemporary designed commercial facility.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-57-10.04(F):

1. The proposed use at this location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The proposed shared parking in conjunction with the restaurant use require the approval of a Conditional Use Permit. A restaurant use in the MP zoning district likewise requires a Conditional Use Permit.

- a. *With respect to the shared parking to serve the proposed restaurant, the patrons of the restaurant are anticipated to be primarily individuals already on-site. The peak parking for the restaurant is consistent with the surrounding number of available parking spaces provided to the site’s industrial uses. Given this, sufficient parking spaces are available for the restaurant without requiring the full number of spaces that would typically be allowed under the City’s parking requirements. Allowing shared parking will reduce underutilized parking spaces and overdevelopment of the site and not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare;*
- b. *With respect to the proposed restaurant, the position, size and proposed use will comply with City of Milpitas requirement to retain high levels of public health, safety and general welfare for the surrounding community, and therefore will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

2. The proposed use is consistent with the Milpitas General Plan.

The proposed project is consistent with the underlying Industrial Park designation in that warehousing, manufacturing and offices are the main uses and the restaurant is a complimentary proposed use. The General Plan is supporting of this type of arrangement. The use of shared parking at the project is likewise consistent with the General Plan.

The project is consistent with Policies:

- a. *2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance. The project creates new commercial opportunities which supports the proposed larger commercial format.*
- b. *2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention. The restaurant represents a small commercial space that would cater to the surrounding businesses and employees.*

3. The proposed use is consistent with the Milpitas Zoning Ordinance.

Shared parking arrangements may be approved under the Milpitas Zoning Ordinance after completion of a shared parking analysis. Applicant has commissioned such a shared parking analysis to comply with the City's parking regulations. Conditions of approval for the restaurant use ensures safety and public welfare are maintained.

The project includes a shared parking analysis to comply with the City's parking regulations. The proposed arrangement provides 1,032 surface parking spaces. The proposed project will eliminate the need for 64 surface parking spaces, which would otherwise be required for the proposed restaurant. The project would provide sufficient amounts of parking for the proposed uses.

The Milpitas Zoning Ordinance likewise allows for restaurant uses in the MP zoning district upon approval of a conditional use permit.

ENVIRONMENTAL REVIEW

Background

In 2009, the City of Milpitas certified an EIR (SC#2008092082) studying the McCarthy Ranch Mixed Use Project. The project before the Planning Commission this evening is a subset of the McCarthy Ranch Mixed Use Project. The City, as lead agency, has prepared an additional Initial Study, in line with the California Environmental Quality Act (CEQA) requirements (P-EA16-0004) to analyze the project. The Initial Study considered whether (1) substantial changes were proposed in the project which would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project would be undertaken which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect; or (3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete showed that (a) the project would have one or more significant effects not discussed in the EIR, (b) significant effects previously examined would be substantially more severe than those shown in the EIR, (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt the mitigation measure or alternative, or (d) mitigation measures or alternatives which would be considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the applicant declined to adopt the mitigation measure or alternative, per CEQA Guidelines Section 15162. The Initial Study concluded that none of these conditions or circumstances existed. The proposed project will not have a significant impact on the environment due to the mitigation measures that have been attached to the project which will reduce the impacts to less than significant. Mitigation measures include those designed to address Air Quality, Biological Resources, Cultural Resources, Geology, Soils and Seismicity, Hydrological Resources and Utilities, Noise and Utilities and Service Systems. These mitigation measures have been added

as Conditions of Approval and are part of the Mitigation Monitoring and Reporting Program (MMRP).

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law requirements. Legal noticing includes posting in the local newspaper and sending letters to residents and property owners within 1,000 feet of the subject property. As of the time of writing this report, there have been no formal written comments submitted to the City.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and close the public hearing;
2. Adopt Resolution No. 16-017, recommending approval of the Site Development Permit, Conditional Use Permit, Tentative Map, and Environmental Assessment to the City Council, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 16-017
- B. Project Plans
- C. Final EIR – Exhibit C Mitigation and Monitoring Report Program