List of Attachments for Public Hearing Item No. 3 – Introduce Ordinance No. 38.797, and Adopt a Resolution Changing the Land Use Designation and Zoning of 50 Acres to Town Center including Minor Zoning Text Amendments

A. Ordinance No. 38.797
B. Resolution
C. Negative Declaration
D. Strikeout and Underline Exhibit
E. Planning Commission Staff Report of 8/25/2010
F. Planning Commission Approved Meeting Minutes of 8/25/2010
G. Letters
H. Maps

A

REGULAR

NUMBER: 38.797

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE FOR THE PURPOSE OF COMBINING THE TOWN CENTER SUB-DISTRICTS AND AMENDING CERTAIN USE CATEGORIES; AND AN AMENDMENT TO THE CITY'S ZONING SECTIONAL MAP, CHANGING THE ZONING DESIGNATION OF 50 ACRES FROM HEAVY INDUSTRIAL, HIGHWAY SERVICES AND INDUSTRIAL PARK TO TOWN CENTER

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Robert Livengood, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on May 13, 2010, an application was submitted by Mike Black, representing a consortium of property owners, to amend the City's Zoning Ordinance to combine the Town Center sub-districts, change certain use classifications and amend the City's Zoning Sectional Map to change the designation of a 50-acre parcel from Heavy Industrial, Highway Services and Industrial Park with Site and Architectural Overlay to Town Center with Site and Architectural Overlay (TC-S); and

WHEREAS, on August 25, 2010, the Planning Commission held a duly noticed public hearing on the project's application and considered staff's determination that on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the City's independent judgment and analysis. A negative declaration was publicly circulated for 30 days from July 1, 2010 through July 30, 2010; and

WHEREAS, the proposed zoning text amendment is consistent with the General Plan in that the project encourages economic pursuits which will strengthen and promote development through stability and balance.

WHEREAS, the proposed zoning text amendment will not adversely affect the public health, safety and welfare in that the existing uses within the project site will be consistent with the Town Center district and the other uses that are inconsistent will be subject to the Zoning Ordinance's Non-conforming provisions; and

WHEREAS, the proposed Sectional Zoning Map amendment will be consistent with the General Plan.

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

SECTION 1. RECORD AND BASIS FOR ACTION

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

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Section 5.01(E) ("Town Center (TC) Zone") of Chapter 10 of Title XI of the Milpitas Municipal Code is hereby amended to read as follows:

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

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Table 5.02-1, ("Commercial Zone Uses") of Chapter 10 of Title XI of the Municipal Code is hereby replaced in its entirety to read as follows:

Table 5.02-1
Commercial Zone Uses

Use	CO	C1	C2	HS	TC
1. Commercial Uses					
Alcoholic beverage sales	C[6]	C	C	NP	C
Art/photography studio or gallery	NP	P	P	P	P
Bookstore	NP	P	P	P	P

Use	CO	C1	C2	HS	TC
Commercial services[1]	P	P	P	NP	P
Funeral home or mortician	NP	NP	C	C	NP
Furniture sales	NP	P	P	P	P
Grocery store (supermarkets)					
Within 1,000 ft. of residential zone	NP	C	C	C	C
Not within 1,000 ft. of residential zone	NP	P	P	P	P
Home improvement (hardware, blinds, interior decorating, etc.)	NP	P	P	C	P
Not fully enclosed operation	NP	C	C	C	C
Household appliance store	NP	NP	P	P	NP
Small appliance repair	NP	NP	C	P	NP
Large appliance repair	NP	NP	NP	P	NP
Janitorial services	NP	NP	P	P	NP
Newsstand					
Indoor	P	P	P	NP	P
Outdoor	C	C	C	NP	C
Nursery (flower or plant)					
Indoor	NP	NP	P[2]	P	P
Outdoor	NP	NP	C	P	NP
Office supply sales (stationary, equipment)	P	P	P	P	P
Paint and wallpaper stores	NP	NP	P	P	P
Pawnshops	NP	NP	C	NP	NP
Pet stores	NP	NP	P	P	P
Printing (newspaper, publishing)	NP	NP	P	P	P
Rentals (medical supplies, costumes, party equipment, office equipment)	NP	NP	P	P	P
Retail stores, general merchandise	NP	P	P	NP	P
Tanning salon	NP	NP	P	NP	P
Thrift store	NP	NP	P	P	P
Tobacco shop	NP	C	C	NP	C
2. Entertainment and Recreation					
Adult business[3]	NP	NP	NP	P	NP
Billiards	NP	C	C	C	C
Bowling alley	NP	NP	P	P	P
Commercial athletic facilities					
Indoor	NP	C	P	P	P
Outdoor	NP	NP	NP	C	NP
Internet access studio	C	C	C	C	C
Motion picture theater (See 7 below)					
Recreation or entertainment facility	NP	C	C	C	C
Shooting range, indoor	NP	NP	NP	C	NP
3. Health and Veterinarian Uses					
Animal grooming (no boarding)	NP	P	P	P	P
Hospital	C	NP	C	C	C
Kennel	NP	NP	C	NP	NP
Massage establishment	NP	NP	C	C	C
Medical and dental office	P	P	P	NP	P
Medical and dental clinic	P	C	C	NP	P
Medical support laboratories	P	C	P	P	P
Optician and optometrist shop	P	P	P	NP	P
Pharmacy or drug store	NP	P	P	P	P
Sauna and steam bath	NP	NP	NP	P	NP

Use	CO	C1	C2	HS	TC
Veterinary clinic	NP	NP	P	P	P
4. Industrial Uses[4]					
Assembly from pre-processed materials	NP	NP	C	NP	NP
Commercial fueling facility	NP	NP	NP	C	NP
Commercial laboratory	NP	NP	C	P	NP
Contractor's yards and offices	NP	NP	C	C	NP
Disinfection and extermination business	NP	NP	C	P	NP
Dry cleaning plant	NP	NP	NP	P	NP
Food storage locker	NP	NP	NP	P	NP
Landscape contractor	NP	NP	C	P	NP
Lumberyards	NP	NP	C	C	NP
Mini-storage complex	NP	NP	C	C	NP
Plumbing, sheet metal or woodworking	NP	NP	C	C	NP
Research & development	NP	NP	C	NP	NP
Sign sales and fabrication (Electric and neon sign, sign painting)	NP	NP	C	P	NP
Warehousing and wholesale	NP	NP	C	NP	NP
5. Lodging					
Hotel and motel	NP	NP	C	C	C
6. Professional Offices, Financial Institutions and Related Uses					
Automatic Teller Machines (freestanding)[5]	NP	P	P	P	P
Financial institutions (banks, savings and loans, etc.)	P	P	P	P	P
General offices (administrative and business services, real estate, travel agencies, etc.)	P	P	P	P	P
7. Public, Quasi-Public and Assembly Uses					
Auction hall	NP	NP	C	C	C
Child care					
Child care center	C	C	C	C	C
Day care school	C	C	C	C	C
Large family child care home	NP	NP	NP	NP	C
Small family child care home	NP	NP	NP	NP	C
Club or social organization, religious assembly	C	C	C	C	C
Cultural center	NP	NP	C	C	C
Educational institutions					
School-elementary (K-8 Public or Private)	NP	NP	C	NP	C
School-secondary (9-12 Public or Private)	NP	NP	C	NP	C
Trade and vocational school	C	NP	P	P	C
Farmer's market (not including flea market)	NP	C	C	C	C
Instruction					
Group	C	C	C	C	C
Private	P	P	P	P	P
Library	NP	C	NP	NP	C
Motion picture theater					
Indoor	NP	C	C	C	C
Outdoor	NP	NP	NP	C	NP
Parking facility, storage garage	NP	P	P	C	C
Public utilities	C	C	C	C	C
Transportation facility (taxi, limousine, etc.)	NP	NP	C	C	C
8. Restaurants or Food Service					
Banquet hall	NP	NP	C	C	C
Bar or nightclub	NP	NP	C	C	C
Catering establishment	NP	NP	P	P	P

Use	CO	C1	C2	HS	TC
Restaurants	C[6]	P	P	P	P
With live entertainment/dancing	NP	NP	C	C	C
With drive-in or drive-through	NP	C	C	C	C
9. Residential Uses					
Caretaker (in conjunction with contractor's yard)	NP	NP	C	C	NP
Residential dwellings (between 1 and 40 d.u. per gross acre)	NP	NP	NP	NP	C
10. Vehicle Related Uses					
Auto repair (tire, oil change, smog check, etc.)	NP	NP	C	C	NP
Auto sales and rental, outdoor (new and used cars, RV and truck)	NP	NP	C	C	NP
Auto broker (wholesale, no vehicles on site)	C	C	C	C	C
Car wash	NP	NP	C	C	NP
Service stations (with or without repair or retail)[7]	C	C	C	C	C
Vehicle-oriented window service facility	NP	C	C	C	C
11. Unclassified Uses					
Accessory structures[8]	P	P	P	P	P
Agriculture[9]	P	NP	NP	NP	NP
Model home complex[10]	NP	NP	NP	NP	P
Mortuary or crematory	NP	NP	NP	C	NP
Radio or television station	NP	NP	C	P	NP
Temporary seasonal sales[11]	NP	P	P	P	P

[1] Refer to the definition for "Commercial Services" in Section 2, Definitions, of this Chapter.
[2] Provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.
[3] In accordance with Title III, Chapter 4, Adult Business Ordinance and Subsection 13.04, Adult Businesses, of this Chapter.
[4] For conditionally permitted uses, refer to Subsection 57.04(C) (9), Certain Industrial Uses within Commercial Districts, of this Chapter.
[5] Refer to Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.
[6] When intended to serve the occupants and patrons of the permitted use (office, etc.) and conducted and entered from within the building and provided there is no exterior display of advertising.
[7] Entrances to the service bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.
[8] Not including warehouses on the same site as the permitted use.
[9] Except for the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
[10] Reserved.
[11] No tract sign shall be permitted within 600 feet of a Santa Clara County Expressway.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Table 5.03-1, ("Commercial Zone Development Standards") of Chapter 10 of Title XI of the Milpitas Municipal Code is hereby replaced in its entirety to read as follows:

Table 5.03-1
Commercial Zone Development Standards

Standard	CO	C1	C2	HS	TC
Lot Area, minimum	None	None	10,000 s.f.	Fronting	None

Standard	CO	C1	C2	HS	TC
				major street (4 or more lanes): 1.5 ac. Fronting all other streets (two lanes): 20,000 s.f.	
Lot Width, minimum	None	None	100 ft.	Fronting major street: 250 ft. Fronting all other streets: 125 ft.	None
Front Yard Setback, minimum	10 ft.	20 ft.	0 ft.	Major street: 50 ft. All other streets: 0 ft.	20 ft. 35 ft. along E. Calaveras Blvd.
Side Yard Setback (Interior), minimum	10 ft.	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District
Street Side Yard Setback, minimum	10 ft.	0 ft.	0 ft.	0 ft.	20 ft. 35 ft. along E. Calaveras Blvd.
Rear Yard Setback, minimum	10 ft. When abutting residential, not less than R District required setback	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District
Building Height, maximum Primary building Accessory building	 35 ft. or 3 stories 25 ft. or 2 stories	 35 ft. or 2.5 stories 25 ft. or 2 stories	None	None	None[1]
Parking	Refer to Section 53, Off Street Parking, of this Chapter.				
Lot Coverage	None	None	None	None	None

Standard	CO	C1	C2	HS	TC
Floor Area Ratio	0.50	0.35	0.50	0.50	0.85
Landscaping	None	None	None	25% of front yard setback	All required setback areas and the ends of each parking aisle[2]

[1] Refer to Subsection 57.04(C)(1), Applicability, of this Chapter for additional requirements.
[2] The Planning Commission shall determine the size of the planters through site and architectural review.

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Section 5.04(B) ("TC Zone") of Chapter 10 of Title XI of the Milpitas Municipal Code is hereby added to read in its entirety as follows:

B. TC Zone

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

SECTION 6. AMENDMENT OF THE CITY OF MILPITAS ZONING SECTIONAL MAP

The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 579, a copy of which is attached hereto and incorporated herein as Exhibit 1. This Zoning Map shall be kept in uncodified form and shall be made available upon request from the Director Planning & Neighborhood Services.

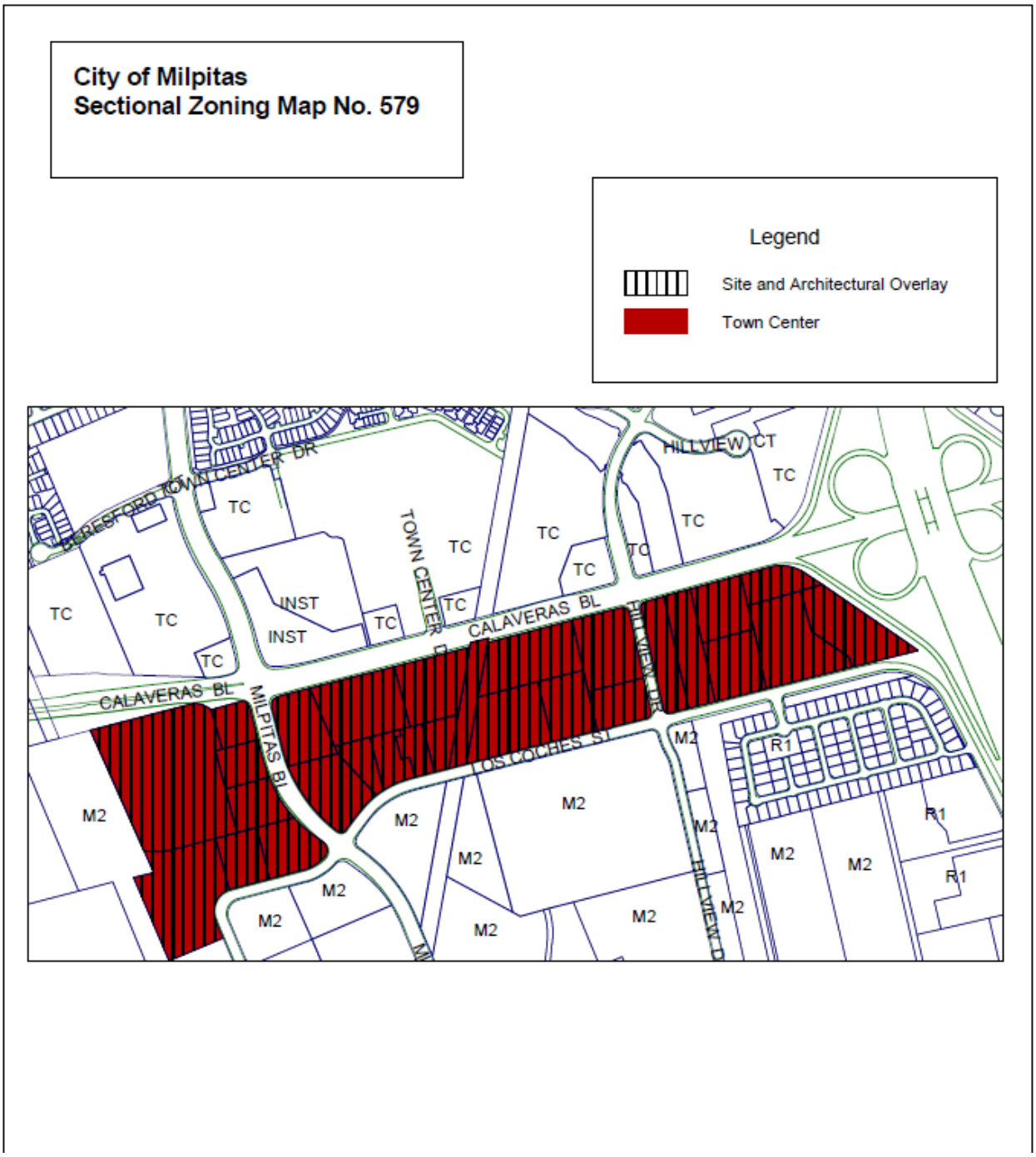
SECTION 7. SEVERABILITY

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

SECTION 8. EFFECTIVE DATE AND POSTING

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

Exhibit 1 Zoning Sectional Map No. 579[a]



[a] This Sectional Map is kept shall be kept in uncodified form and shall be available upon request from the Director Planning & Neighborhood Services.

B

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING A NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT NO. GP10-0002 (LOS COCHES REZONE PROJECT) TO ALLOW A CHANGE IN THE LAND USE DESIGNATIONS FROM HIGHWAY SERVICES, INDUSTRIAL PARK AND MANUFACTURING &WAREHOUSING/HEAVY INDUSTRIAL TO TOWN CENTER

WHEREAS, on May 13, 2010, an application was submitted by Mike Black (Barry Swenson Builders), 777 N. 1st St., San Jose, CA 95112, representing a consortium of property owners, to allow the change of the land use designations for a 50-acre site, generally located south of Calaveras Boulevard to Los Coches Street and bounded by Interstate 680 on the east and the railroad right-of-way to the west, from Highway Services, Industrial Park and Manufacturing & Warehousing/Heavy Industrial to Town Center (TC); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and circulated a Negative Declaration for 30 days from July 1, 2010 through July 30, 2010; and

WHEREAS, on August 25, 2010, the Planning Commission held a duly noticed public hearing on the subject application and recommended in pertinent part approval of the General Plan amendment and the adoption of the Negative Declaration; and

WHEREAS, the General Plan would continue to remain internally consistent after approval of the proposed General Plan amendment; and

WHEREAS, on September 21, 2010, the City Council held a duly noticed public hearing on the project and considered evidence presented by City staff and other affected parties, including but not limited to the materials and evidence previously presented to the Planning Commission.

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

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

2. On the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment. A Negative Declaration was publicly circulated for 30 days from July 1, 2010 through July 30, 2010. The Negative Declaration reflects the City's independent judgment and analysis and adequately and thoroughly assesses the environmental impacts of the project. The Negative Declaration for the General Plan amendment is hereby adopted.

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

4. The proposed amendment will not adversely affect the public health, safety, and welfare in that the existing uses within the project site will be consistent with the Town Center district and the other uses that are inconsistent will be subject to the Milpitas Zoning Ordinance's non-conforming use provisions.

5. General Plan Amendment No. GP10-0002 is hereby adopted, thereby amending the General Plan by changing the land use designations for the project site, as set forth in Exhibit 1, from Highway Services, Industrial Park and Manufacturing & Warehousing/Heavy Industrial to Town Center (TC).

PASSED AND ADOPTED this_____ day of_____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

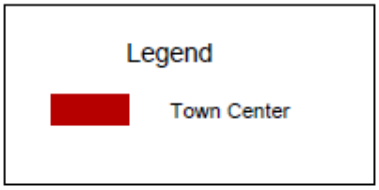
_____
Robert Livengood, Mayor

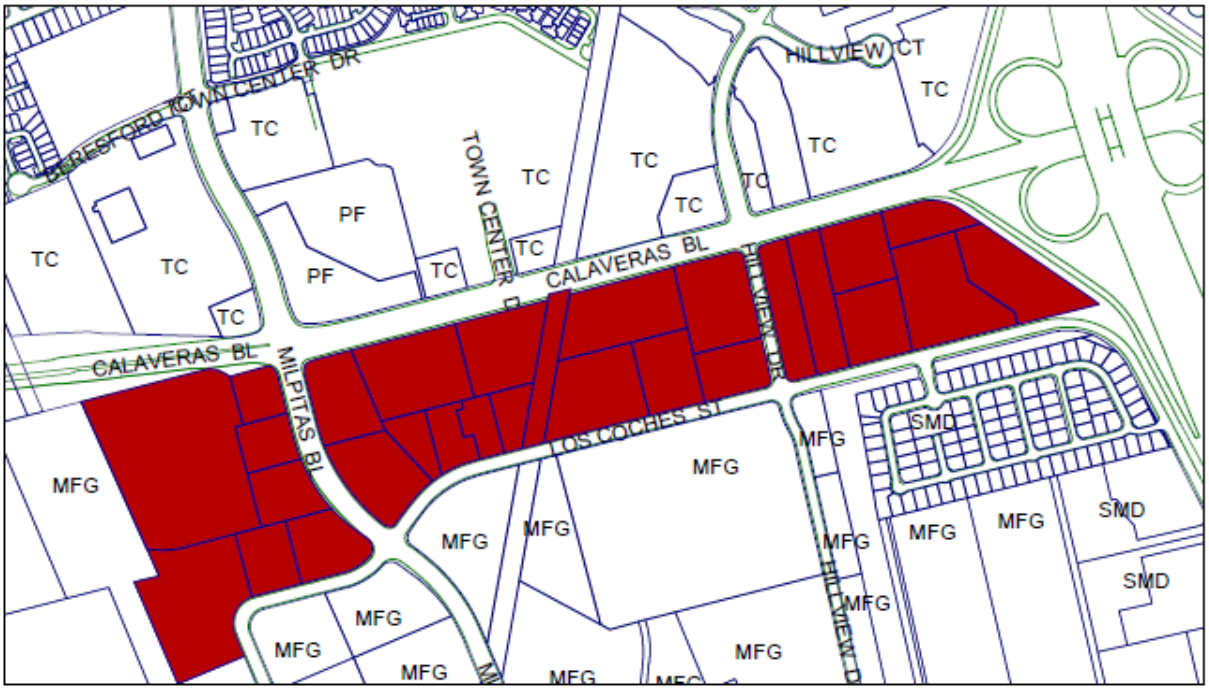
APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT 1

General Plan Land Use Map Exhibit





Appendix G

ENVIRONMENTAL CHECKLIST FORM

1. Project title: Los Coches Land Use Change

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

3. Contact person and phone number: Sheldon S. Ah Sing (408) 586.3278

4. Project location: 50 acres between Railroad ROW and I-680 and Calaveras Blvd. and Los Coches Street

5. Project sponsor's name and address: Mike Black, 777 N. First St. 5th floor, San Jose, CA 95112

6. General plan designation: Highway Services (HWS) and Industrial Park (INP)

7. Zoning: Highway Services (HS) and Industrial Park (MP)

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

A request to change the general plan and zoning designations for 50 acres from Highway Services and Industrial Park to Town Center. The overlay district, "Site and Architectural" will remain. The project area is generally located south of Calaveras Boulevard to Los Coches street and bounded by Interstate 680 on the east and railroad right-of-way to the west. The Town Center district is a mixed use district, which allows commercial, entertainment and recreation, health and veterinarian, lodging, offices, public/quasi public and assembly areas, residential, restaurants or food service, and other similar uses. The Town Center district allows up to 0.85 Floor Area Ratio. The present zoning districts are limited in nature in uses allowed and the FAR maximum is 0.50. In addition, the project includes an amendment to the combine the Town Center East and West sub-districts and to require Conditional Use Permits for residential uses and to allow medical and dental clinics as permitted uses.

There is one vacant parcel within the project area; all other properties have existing buildings containing a variety of businesses. No development applications have been submitted at this time, only the change in land use designation.

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

The City of Milpitas is located in northern Santa Clara County, and is bordered by San Jose to the south and west, unincorporated Santa Clara County hillside lands to the east, and Fremont (in Alameda County) to the north.

Milpitas is a suburban community of approximately 14.5 square miles and a population of 70,000 people. The City's geographic area is defined by the hillside to the east and the valley floor for the majority of the city. The city is at the crossroads of Silicon Valley with Interstates 880 and 680 traversing north/south and State Route 237 bisecting the city. The County's Montague Expressway anchors the southern portion of the city.

The project site is adjacent to MP zoned property to the south, Town Center and Institutional (City Hall and Community Center) to the north.

10. 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 and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☐	Greenhouse Gas Emissions	☐	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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

_____ _____

Signature Date

_____ _____

Printed Name For

MAPS

Figure 1: Regional Map

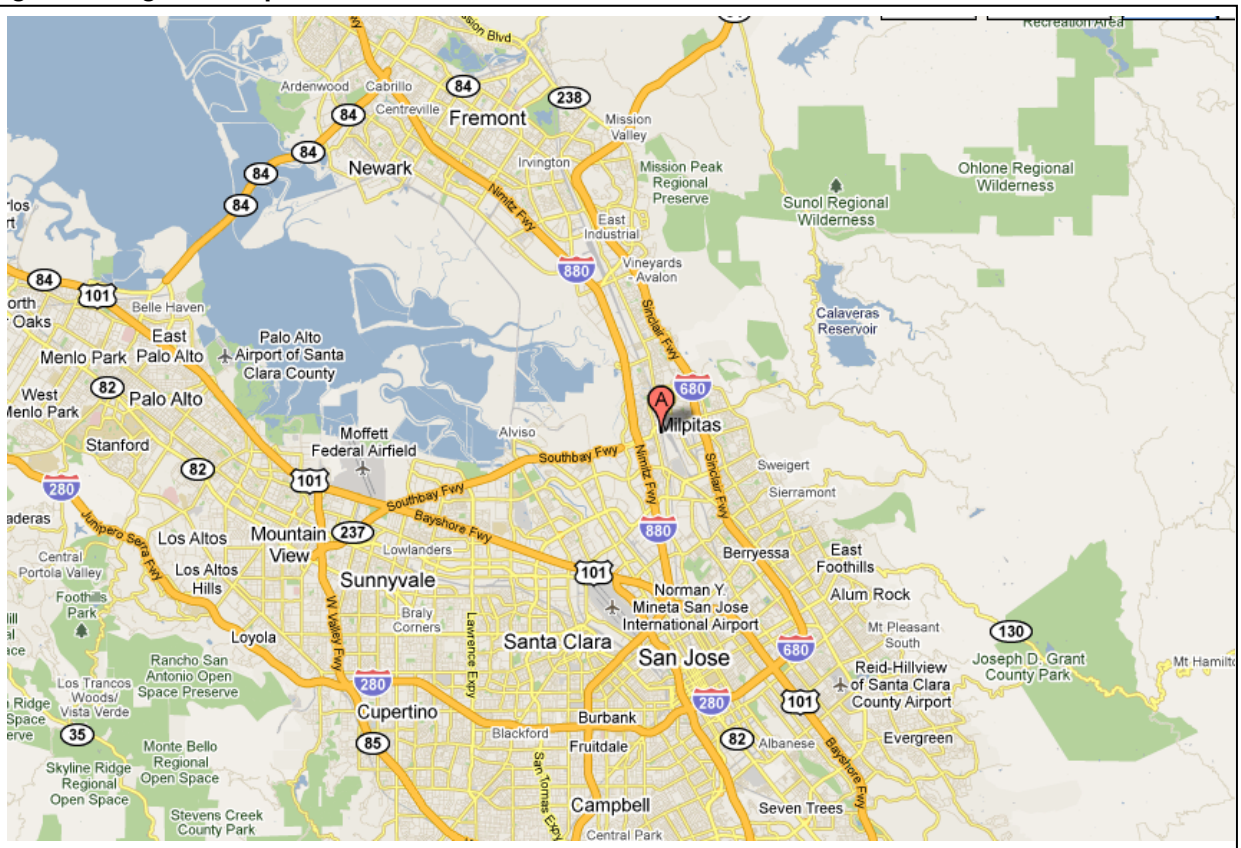
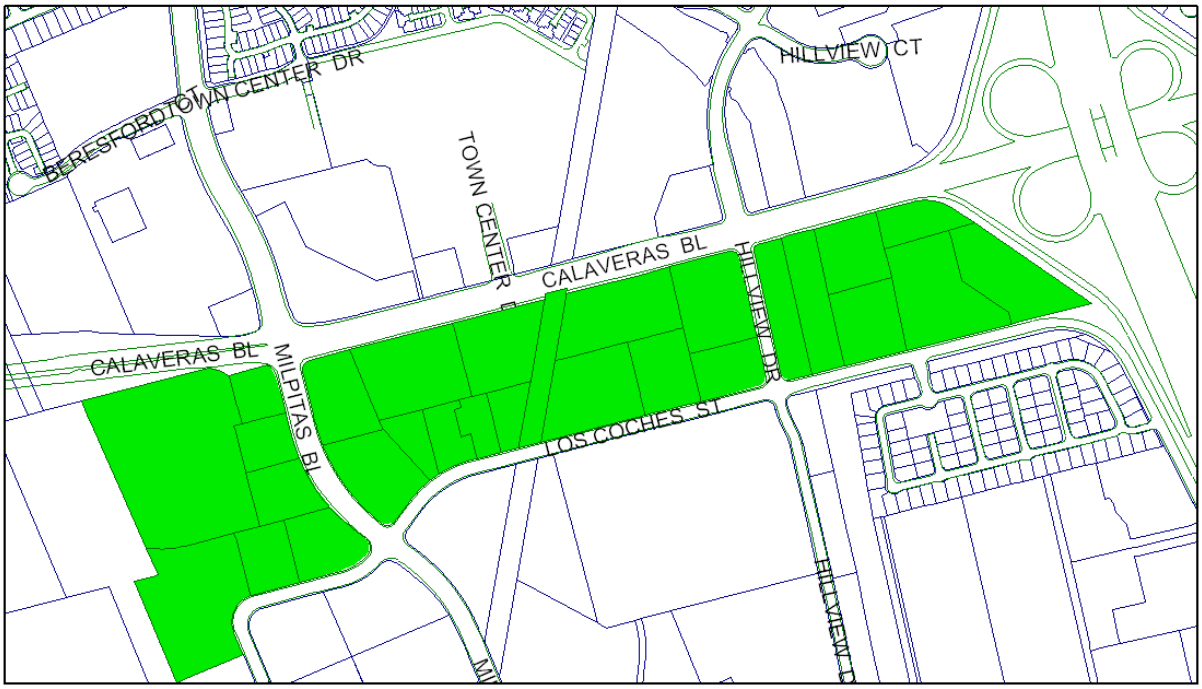


Figure 2: Vicinity Map



EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3) (D). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

   a. the significance criteria or threshold, if any, used to evaluate each question; and
   b. the mitigation measure identified, if any, to reduce the impact to less than significance

ISSUES

I. AESTHETICS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	2,4, 8
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	2,4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	1, 8

Comment: The proposed project includes a change in the General Plan and Zoning land use designation from “Highway Services” and “Industrial Park” to “Town Center.” The Town Center district is a mixed use district and allows up to 0.85 FAR, which is higher than the current district’s 0.50 FAR. The “Site and Architectural” overlay will remain and ensure architectural and aesthetic compatibility of future projects.

Future development proposals would be subject to development standards included in the Town Center designation. Individual future projects would be reviewed for conformance with City policies and standards and would be subject to site specific environmental analysis. No aesthetic impacts would result from the proposed project. No mitigation is necessary.

II. AGRICULTURAL AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,2,4
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	☐	☐	☐	☒	
4) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

Comment: The proposed project would not result in the conversion of farmland, nor would it conflict with any existing Williamson Act contracts. No agricultural resource impacts would result from the proposed project since the existing land uses are commercial and industrial. No mitigation is necessary.

III. AIR QUALITY
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	1,10
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	1,10
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1

Comment: The project proposes to change the existing land use designations from “Highway Services” and “Industrial Park” to “Town Center.”

The Town Center designation accommodates the existing uses and also allows for future development if so desired to residential, commercial and office uses. Individual future projects would be subject to CEQA review to evaluate site specific environmental effects. No air quality impacts would result from the proposed project. No mitigation is required.

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	1,4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	1,4
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1,4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1, 4, 8
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,4

Comment: The proposed project itself would not result in the impact to any known natural habitat for endangered, threatened, or rare species. Individual future projects would be subject to individual review for analysis of site specific environmental effects. No biological resource impacts would result form proposed project. No mitigation is necessary.

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

Comment: The proposed project would not have an impact on any known significant historical, paleontological, or archeological resources. Individual future projects would be subject to individual review for analysis of site specific environmental effects. No cultural resource impacts would result from the proposed project. No mitigation is necessary.

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1,11, 12, 13
b) Strong seismic ground shaking?	☐	☐	☒	☐	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1, 11, 12, 13
d) Landslides?	☐	☐	☐	☒	1
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	1, 11, 12, 13
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	1, 11, 12, 13
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒	1, 11, 12, 13
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1, 11, 12, 13

Comment: The existing zoning districts conditionally permit hotels and motels. The Town Center designation allows for residential development, which may have the potential to expose people to geologic hazards. However, this proposal does not include any development plans. Building plans for site specific future projects would be required to demonstrate that the proposed building design has addressed the finding outlined in the technical geologic and seismic hazards reports, in accordance with California building code requirements. This project may lead to less than significant impacts. No mitigation is necessary.

VII. GREENHOUSE GAS EMISSIONS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	2, 3
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	2, 3

Comment: The proposed project amends the General Plan and Zoning designation for 50 acres. The Town Center district is a mixed use land designation and allows up to 0.85 Floor Area Ratio, which is more than the existing 0.50 FAR allowed under the current land use designations.

Future development projects would be subject to individual review for analysis of site specific environmental effects. No greenhouse gas emissions impacts would result from the proposed project. No mitigation is necessary.

VIII. HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1

VIII. HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

Comment: Because the site is presently zoned “Highway Services” and “Industrial Park” and would be adjacent to sites zoned “Industrial Park”, any future individual projects could be located near sites that are included on the California Environmental Protection Agency’s Hazardous Waste and Substance Site List included in the “Envirostor” database. Individual future projects would be subject to site specific review for analysis of environmental effects. As such, no hazards or hazardous materials exceed a “less than significant” threshold. No mitigation is required.

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	1,2
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☐	☒	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	1,2
6) Otherwise substantially degrade water quality?	☐	☐	☐	☒	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,2, 14

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	1, 2, 14
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2

Comment: The proposed project does not alter the current condition of any property. Individual, future projects would be subject to individual review for analysis of site specific environmental effects. No hydrology or water quality impacts would result from the proposed project. No mitigation is necessary.

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

Comment: The transition of the area from industrial uses to a mix of cultural, medical and office uses over time has lent itself to the zoning district north of Calaveras Boulevard, which is Town Center. The proposed project would allow the existing land uses within the project site area to be conforming to zoning. For example, there are religious and community serving establishments that are considered legal-nonconforming. Those establishments under the existing zoning designations cannot expand their use. By changing the land use designations, these establishments become conforming and would be able to expand if they meet the development standards of the zoning district.

Individual, future projects would be subject to individual review for analysis of site specific environmental effects.

This project would not result in the physical division of an established community. No land use or planning impacts would result from the proposed project. No mitigation is necessary.

XI. MINERAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1, 4

Comment: The proposed project would not result in the loss of availability of any know mineral resource that would be of future use to the region. No mineral resource impacts would result from the proposed project. No mitigation is necessary.

XII. NOISE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1, 6
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1, 6
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 6
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 6

Comment: The proposed project would include a change in land use designations to Town Center, which introduces a new residential land use category for the project site, although hotels and motels are presently conditionally permitted in the current land use designations. The City's General Plan establishes policy for appropriate noise generation and exposure to noise. As such, a less than significant impact may occur. Individual future projects, would be subject to review for analysis of site specific environmental effects. No mitigation is necessary.

XIII. POPULATION AND HOUSING					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

Comment: The project proposes changing the land use designation to Town Center. Town Center allows residential uses, where the existing land use designations did not allow previously. Future development may occur with more intensity because the Town Center designation allows up to 0.85 Floor Area Ratio (FAR), where as the existing zoning allows up to 0.50 FAR.

Individual, future projects would be subject to individual review for analysis of site specific environmental effects. No mitigation is necessary.

XIV. PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☐	☒	1
Police Protection?	☐	☐	☐	☒	1
Schools?	☐	☐	☐	☒	1
Parks?	☐	☐	☐	☒	1
Other Public Facilities?	☐	☐	☐	☒	1

Comment: Future projects would be subject to any impacts fees, community facility district fees, school fees and other development related fees or obligations and requirements (utility connections, park facilities, etc.) in effect at the time development is considered.

The proposed project would not adversely impact any public services. Individual, future projects would be subject to individual review for analysis of site specific environmental effects. No mitigation is necessary.

XV. RECREATION					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1, 4, 8
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1, 4, 8

Comment: The project introduces the Town Center district to the project area and includes residential uses, where previously that use was not allowed. At the time future, individual residential projects are proposed, compliance with the City's Subdivision Ordinance regarding parkland dedication or in-lieu fee is required. Furthermore, future, individual projects would be subject to individual review for analysis of site specific environmental effects. No recreation impacts would result from the proposed project. No mitigation is necessary.

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 3
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 3
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1
5) Result in inadequate emergency access?	☐	☐	☐	☒	1
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	1

Comment: The project amends the existing underlying general plan and zoning land use designation to Town Center, which includes a residential category and increased FAR (from 0.50 to 0.85). Development under the new designation may impact transportation, however, no development is proposed with this project and it would be speculative to analyze the impacts resulting from redevelopment of existing properties, since the Town Center designation is a mixed use designation and the 50-acre project site is represented by multiple property owners and a variety of existing uses. Furthermore, individual projects would be subject to any impact fee in effect at the time development is proposed. Future, individual, projects would be subject

to individual review for analysis of site specific effects on the environment. No mitigation is necessary.

XVII. UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1,2

Comment: The project amends the existing underlying general plan and zoning land use designation to Town Center and includes a residential category and increased FAR (from 0.50 to 0.85). Individual, future projects would be subject to individual review for analysis of site specific effects on the utilities and services systems. No mitigation is necessary.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	1-15, A
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-15, A
3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	1-15, A
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-15, A

Comment: The project amends the existing underlying general plan and zoning land use designation to Town Center and includes a residential category and increased FAR (from 0.50 to 0.85). The proposed project does not have the potential to degrade the quality of the environment, nor cause substantial adverse environmental impacts, as described in this initial study. Individual, future projects would be subject to individual review for analysis of site specific environmental effects.

SOURCES

General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006,* Map. June 2005
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19,* 1964
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H.06085C0080H, 06085C0086H, and 06085C0087H*
15. Transit Area Specific Plan Final Environmental Impact Report, June 2008

Project Related Sources:

A. Project application and plans

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

SECTION 5 COMMERCIAL ZONES AND STANDARDS

10-5.01 Purpose and Intent
10-5.02 Commercial Use Regulations
10-5.03 Commercial Zone General Development Standards
10-5.04 Commercial Zone Special Development Standards
10-5.05 Conformance with Specific Plans

10-5.01 Purpose and Intent

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

A. Administrative and Professional Office (CO) Zone. The purpose and intent of this zone is to provide a district for medical, business, and professional offices, and medical and dental clinics.

B. Neighborhood Commercial (C1) Zone. The purpose and intent of this zone is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development which will afford a pleasant shopping environment and will complement the essential residential character of the neighborhood. The Neighborhood Commercial District shall contain, as permitted uses, those activities which primarily provide for the day-to-day shopping needs of the residential neighborhood it is located in. It shall not include uses which generate loud noises or unpleasant odors. It shall not include retail stores, offices or service establishments which are not open to minors or which are designed to attract customers and traffic from areas other than the neighborhood area in which they are located.

C. General Commercial (C2) Zone. The purpose and intent of this zone is to provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of the City and to promote stable, attractive commercial development which will afford a pleasant shopping environment. It is intended to include those commercial uses in which shopping may be conducted by people walking to several stores as in a center and may include uses customarily of a single-purpose character served from an immediately parked automobile. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize potential traffic hazards. The C2 District, when appropriate, will be located along major thoroughfares and in accordance with the adopted City of Milpitas General Plan.

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

E. Town Center (TC) Zone. The purpose and intent of this zone is to provide for an area that supports a wide range of administrative, business, entertainment, residential, dining, and cultural activities in

the geographic center of the city to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the city's transportation network.

~~The Town Center District consists of two (2) distinct subareas. This separation of the Town Center into distinct subareas allows for a great variety of uses within the Town Center District and yet, through their separateness, ensures that they will reinforce rather than negatively affect each other.~~

~~1. Town Center East. This sub-district is located between I-680 and North Hillview Drive.~~

~~a. Town Center East will predominately have office and highway serving uses (hotels, restaurants, etc.).~~

~~2. Town Center West. This sub-district is located between North Hillview Drive westerly to the railroad tracks.~~

~~b. Town Center West will predominately have retail and entertainment uses and may include residential.~~

10-5.02 Commercial Use Regulations.

A. Permitted and Conditionally Permitted Uses.

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

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

B. Prohibited Uses. The following uses are prohibited:

1. Uses where the symbol "NP" appears within Table 5.02-1.

2. Uses that have been excluded from Table 5.02-1, unless they are found by the City to be similar to permitted or conditionally permitted uses in accordance with C below.

C. Other Uses. Any other uses, may be considered by the Planning Commission that are similar in accordance with the procedure, prescribed in Subsection 10-54.02, Other Uses Permitted by Commission, of this chapter.

Table XI-10-5.02-1
Commercial Zone Uses

Use	CO	C1	C2	HS	TC ~~W~~	~~TC E~~
1. Commercial Uses						
Alcoholic beverage sales	C[6]	C	C	NP	C	~~C~~
Art/photography studio or gallery	NP	P	P	P	P	~~NP~~
Bookstore	NP	P	P	P	P	~~NP~~
Commercial services[1]	P	P	P	NP	P	~~NP~~
Funeral home or mortician	NP	NP	C	C	NP	~~NP~~
Furniture sales	NP	P	P	P	P	~~NP~~
Grocery store (supermarkets)						
Within 1,000 ft. of residential zone	NP	C	C	C	C	~~NP~~
Not within 1,000 ft. of residential zone	NP	P	P	P	P	~~NP~~
Home improvement (hardware, blinds, interior decorating, etc.)	NP	P	P	C	P	~~NP~~
Not fully enclosed operation	NP	C	C	C	C	~~NP~~
Household appliance store	NP	NP	P	P	NP	~~NP~~
Small appliance repair	NP	NP	C	P	NP	~~NP~~
Large appliance repair	NP	NP	NP	P	NP	~~NP~~
Janitorial services	NP	NP	P	P	NP	~~NP~~
Newsstand						
Indoor	P	P	P	NP	P	~~NP~~
Outdoor	C	C	C	NP	C	~~NP~~
Nursery (flower or plant)						
Indoor	NP	NP	P[2]	P	P	~~NP~~
Outdoor	NP	NP	C	P	NP	~~NP~~
Office supply sales (stationary, equipment)	P	P	P	P	P	~~P~~
Paint and wallpaper stores	NP	NP	P	P	P	~~NP~~
Pawnshops	NP	NP	C	NP	NP	~~NP~~
Pet stores	NP	NP	P	P	P	~~NP~~
Printing (newspaper, publishing)	NP	NP	P	P	P	~~NP~~
Rentals (medical supplies, costumes, party equipment, office equipment)	NP	NP	P	P	P	~~NP~~
Retail stores, general merchandise	NP	P	P	NP	P	~~NP~~
Tanning salon	NP	NP	P	NP	P	~~NP~~
Thrift store	NP	NP	P	P	P	~~NP~~
Tobacco shop	NP	C	C	NP	C	~~NP~~
2. Entertainment and Recreation						
Adult business[3]	NP	NP	NP	P	NP	~~NP~~
Billiards	NP	C	C	C	C	~~NP~~
Bowling alley	NP	NP	P	P	P	~~NP~~
Commercial athletic facilities						
Indoor	NP	C	P	P	P	~~NP~~
Outdoor	NP	NP	NP	C	NP	~~NP~~
Internet access studio	C	C	C	C	C	~~C~~
Motion picture theater (See 7 below)						
Recreation or entertainment facility	NP	C	C	C	C	~~NP~~
Shooting range, indoor	NP	NP	NP	C	NP	~~NP~~

Use	CO	C1	C2	HS	TC-~~W~~	~~TC-E~~
3. Health and Veterinarian Uses						
Animal grooming (no boarding)	NP	P	P	P	P	~~NP~~
Hospital	C	NP	C	C	C	~~C~~
Kennel	NP	NP	C	NP	NP	~~NP~~
Massage establishment	NP	NP	C	C	C	~~NP~~
Medical and dental office	P	P	P	NP	P	~~P~~
Medical and dental clinic	P	C	C	NP	P~~C~~	~~C~~
Medical support laboratories	P	C	P	P	P	~~P~~
Optician and optometrist shop	P	P	P	NP	P	~~P~~
Pharmacy or drug store	NP	P	P	P	P	~~NP~~
Sauna and steam bath	NP	NP	NP	P	NP	~~NP~~
Veterinary clinic	NP	NP	P	P	P	~~NP~~
4. Industrial Uses[4]						
Assembly from pre-processed materials	NP	NP	C	NP	NP	~~NP~~
Commercial fueling facility	NP	NP	NP	C	NP	~~NP~~
Commercial laboratory	NP	NP	C	P	NP	~~NP~~
Contractor's yards and offices	NP	NP	C	C	NP	~~NP~~
Disinfection and extermination business	NP	NP	C	P	NP	~~NP~~
Dry cleaning plant	NP	NP	NP	P	NP	~~NP~~
Food storage locker	NP	NP	NP	P	NP	~~NP~~
Landscape contractor	NP	NP	C	P	NP	~~NP~~
Lumberyards	NP	NP	C	C	NP	~~NP~~
Mini-storage complex	NP	NP	C	C	NP	~~NP~~
Plumbing, sheet metal or woodworking	NP	NP	C	C	NP	~~NP~~
Research & development	NP	NP	C	NP	NP	~~NP~~
Sign sales and fabrication (Electric and neon sign, sign painting)	NP	NP	C	P	NP	~~NP~~
Warehousing and wholesale	NP	NP	C	NP	NP	~~NP~~
5. Lodging						
Hotel and motel	NP	NP	C	C	C	~~C~~
6. Professional Offices, Financial Institutions and Related Uses						
Automatic Teller Machines (freestanding)[5]	NP	P	P	P	P	~~P~~
Financial institutions (banks, savings and loans, etc.)	P	P	P	P	P	~~P~~
General offices (administrative and business services, real estate, travel agencies, etc.)	P	P	P	P	P	~~P~~
7. Public, Quasi-Public and Assembly Uses						
Auction hall	NP	NP	C	C	C	~~C~~
Child care						
Child care center	C	C	C	C	C	~~C~~
Day care school	C	C	C	C	C	~~C~~
Large family child care home	NP	NP	NP	NP	C	~~C~~
Small family child care home	NP	NP	NP	NP	C	~~C~~
Club or social organization, religious assembly	C	C	C	C	C	~~C~~
Cultural center	NP	NP	C	C	C	~~C~~
Educational institutions						
School-elementary (K-8 Public or Private)	NP	NP	C	NP	C	~~C~~
School-secondary (9-12 Public or Private)	NP	NP	C	NP	C	~~C~~
Trade and vocational school	C	NP	P	P	C~~NP~~	~~NP~~

Use	CO	C1	C2	HS	TC-~~W~~	~~TC-E~~
Farmer's market (not including flea market)	NP	C	C	C	C	~~C~~
Instruction						
Group	C	C	C	C	C	~~NP~~
Private	P	P	P	P	P	~~NP~~
Library	NP	C	NP	NP	C	~~C~~
Motion picture theater						
Indoor	NP	C	C	C	C	~~C~~
Outdoor	NP	NP	NP	C	NP	~~NP~~
Parking facility, storage garage	NP	P	P	C	C	~~C~~
Public utilities	C	C	C	C	C	~~C~~
Transportation facility (taxi, limousine, etc.)	NP	NP	C	C	C	~~C~~
8. Restaurants or Food Service						
Banquet hall	NP	NP	C	C	C	~~C~~
Bar or nightclub	NP	NP	C	C	C	~~C~~
Catering establishment	NP	NP	P	P	~~NP~~ P	~~NP~~
Restaurants	C[6]	P	P	P	P	~~P~~
With live entertainment/dancing	NP	NP	C	C	C	~~C~~
With drive-in or drive-thru	NP	C	C	C	C	~~C~~
9. Residential Uses						
Caretaker (in conjunction with contractor's yard)	NP	NP	C	C	NP	~~NP~~
Residential dwellings (between 1 and 4~~2~~0 d.u. per gross acre)	NP	NP	NP	NP	C	~~C~~
~~Residential dwellings (between 21 and 40 d.u. per gross acre)~~	~~NP~~	~~NP~~	~~NP~~	~~NP~~	~~P~~	~~NP~~
10. Vehicle Related Uses						
Auto repair (tire, oil change, smog check, etc.)	NP	NP	C	C	NP	~~NP~~
Auto sales and rental, outdoor (new and used cars, RV and truck)	NP	NP	C	C	NP	~~NP~~
Auto broker (wholesale, no vehicles on site)	C	C	C	C	C	~~C~~
Car wash	NP	NP	C	C	NP	~~NP~~
Service stations (with or without repair or retail)[7]	C	C	C	C	C~~NP~~	~~C~~
Vehicle oriented window service facility	NP	C	C	C	C	~~C~~
11. Unclassified Uses						
Accessory structures[8]	P	P	P	P	P	~~P~~
Agriculture[9]	P	NP	NP	NP	NP	~~NP~~
Model home complex[10]	NP	NP	NP	NP	P	~~P~~
Mortuary or crematory	NP	NP	NP	C	NP	~~NP~~
Radio or television station	NP	NP	C	P	NP	~~NP~~
Temporary seasonal sales[11]	NP	P	P	P	P	~~P~~

[1] Refer to the definition for "Commercial Services" in Section XI-10-2, Definitions, of this Chapter.

[2] Provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

[3] In accordance with the Title III, Chapter 4, Adult Business Ordinance and Subsection XI-10-13.04, Adult Businesses, of this Chapter.

[4] For conditionally permitted uses refer to Subsection XI-10-57.04(C)(9), Certain Industrial Uses within Commercial Districts, of this Chapter.

[5] Refer to Subsection XI-10-57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

[6] When intended to serve the occupants and patrons of the permitted use (office, etc.) and conducted and entered from within the building and provided there is no exterior display of advertising.
[7] Entrances to the service bays shall not be open to the street, but shall be so designed to face the rear or interior side property line. Service stations shall follow the "General development policy: Gasoline service stations, and automotive service centers" adopted by the City Council on December 19, 1995.
[8] Not including warehouses on the same site as the permitted use.
[9] Except for the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
[10] Refer to Subsection XI-10-13.11(E), Model Home Complexes and Sales Offices, of this Chapter for temporary tract offices.
[11] Refer to Section XI-10-13.11(D), Temporary Seasonal Sales, of this Chapter.

10-5.03 Commercial Zone General Development Standards

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

Table 5.03-1
Commercial Zone Development Standards

Standard	**CO**	**C1**	**C2**	**HS**	**TC ~~W~~**	**~~TC-E~~**
Lot Area, minimum	None	None	10,000 s.f.	Fronting major street (4 or more lanes): 1.5 ac. Fronting all other streets (two lanes): 20,000 s.f.	None.	~~None~~
Lot Width, minimum	None	None	100 ft.	Fronting major street: 250 ft. Fronting all other streets: 125 ft.	None	~~None~~
Front Yard Setback, minimum	10 ft.	20 ft.	0 ft.	Major street: 50 ft. All other streets: 0 ft.	20 ft. 35 ft. along E. Calaveras Blvd.	~~20 ft.~~ ~~35 ft. along E. Calaveras Blvd.~~
Side Yard Setback (Interior), minimum	10 ft.	0 ft. 15 ft.	0 ft. 15 ft.	0 ft. 15 ft.	0 ft. 15 ft.	~~0 ft.~~ ~~15 ft. when~~

Standard	CO	C1	C2	HS	TC~~-W~~	~~TC-E~~
		when abutting R District	when abutting R District	when abutting R District	when abutting R District	~~abutting R District~~
Street Side Yard Setback, minimum	10 ft.	0 ft.	0 ft.	0 ft.	20 ft. 35 ft. along E. Calaveras Blvd.	~~20 ft. 35 ft. along E. Calaveras Blvd.~~
Rear Yard Setback, minimum	10 ft. When abutting residential, not less than R District required setback	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	0 ft. 15 ft. when abutting R District	~~0 ft. 15 ft. when abutting R District~~
Building Height, maximum						
Primary building	35 ft. or 3 stories	35 ft. or 2.5 stories	None	None	None[1]	~~None[1]~~
Accessory building	25 ft. or 2 stories	25 ft. or 2 stories				
Parking	Refer to Section 53, Off Street Parking, of this Chapter.					
Lot Coverage	None	None	None	None	None	~~None~~
Floor Area Ratio	0.50	0.35	0.50	0.50	0.85	~~0.85~~
Landscaping	None	None	None	25% of front yard setback	All required setback areas and the ends of each parking aisle[2]	~~All required setback areas and the ends of each parking aisle[2]~~

1 Refer to Subsection 57.04(C)(1~~9~~), Applicability~~Height~~, of this Chapter for additional requirements.
2 The Planning Commission shall determine the size of the planters through site and architectural review.

10-5.04 Commercial Zone Special Development Standards

A. All Zones.

1. Areas for Collecting and Loading Recyclable Materials. There shall be provided areas for collecting materials in accordance with Subsection 54.12, Areas for collecting and loading recyclable materials, of this Chapter

2. All outdoor storage areas of such things as trash and materials shall be within a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum six (6) feet in height and shall not be located within any front or street side yard setback area.

3. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

B. TC Zone

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

10-5.05 Conformance with Specific Plans. Properties located within Specific Plans shall conform to the underlying Specific Plan in accordance with Section XI-10-11.06, Conformance with Specific Plans, of this Chapter.

Milpitas General Plan Exhibit Pg. 2-14

Town Center. This designation provides for a variety of commercial, civic and residential uses appropriate to the Center's role as the functional and visual focus of Milpitas. The Town Center is a meeting place and a market place, the home of commercial and professional firms, an entertainment area and a place for restaurants and hotels. ~~The Center consists of two distinct sub-areas, one to the east of Hillview Drive, the other to the west. The development concept for the Town Center is to have predominantly office and highway serving uses (hotels, restaurants, etc.) in the East Area, and predominantly retail and entertainment uses in the West Area. This separation into distinct sub-areas allows for a variety of uses within the Town Center and yet, through their separateness, ensures that they will reinforce rather than negatively affect each other.~~

Because of this unique and relatively intensive mix of activities, very high density residential developments (i.e., up to 40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.

E

MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 25, 2010

APPLICATION: **General Plan Amendment No. GP10-0002 & Zoning Amendment No. ZA10-0001**

APPLICATION SUMMARY: A request to change the general plan and zoning designations for 50 acres from Highway Services, Heavy Industrial and Industrial Park to Town Center. The overlay district, "Site and Architectural" will remain. The project area is generally located south of Calaveras Boulevard to Los Coches street and bounded by Interstate 680 on the east and railroad right-of-way to the west. The Town Center district is a mixed use district, which allows commercial, entertainment and recreation, health and veterinarian, lodging, offices, public/quasi public and assembly areas, residential, restaurants or food service, and other similar uses. The Town Center district allows up to 0.85 Floor Area Ratio. The present zoning districts are limited in nature in uses allowed and the FAR maximum is 0.40-0.50. In addition, the project includes an amendment to the combine the Town Center East and West sub-districts and to require Conditional Use Permits for residential uses and vocational schools and to allow medical and dental clinics as permitted uses. No development applications are considered with this application, only the change in land use designation. The project includes a Negative Declaration for consideration.

LOCATION: An area between the railroad (under Highway 237 overpass) to Interstate 680, bounded by Los Coches to the south and Calaveras Blvd. to the north.

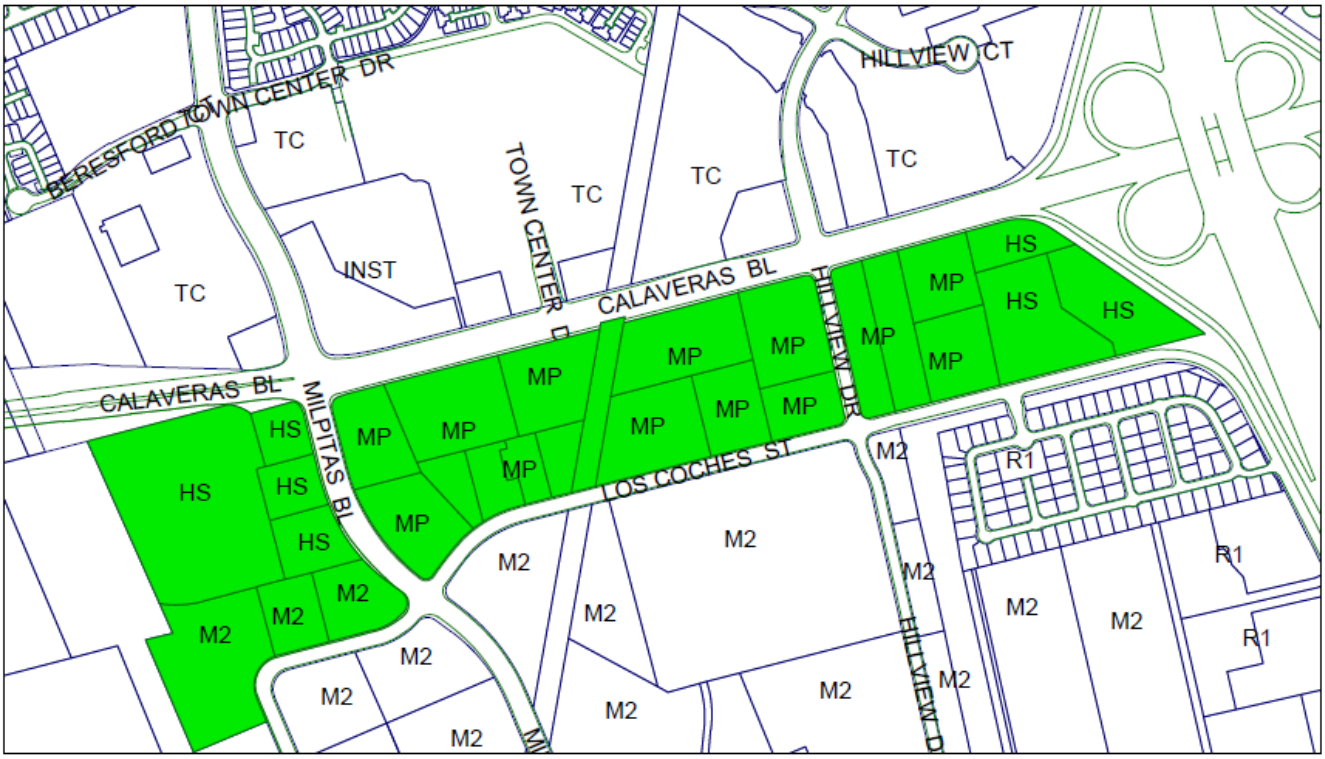
APPLICANT: Mike Black, Barry Swenson Builders; 777 N. 1st St., San Jose, CA 95112

OWNER: Multiple

RECOMMENDATION: **Staff recommends that the Planning Commission:**
Adopt Resolution No. 10-034 recommending approval of the project to the City Council.

PROJECT DATA:	
General Plan/ Zoning Designation:	Highway Services (HWS), Industrial Park (INP), Manufacturing and Warehousing (MFG)/Highway Services (HS), Industrial Park (MP) and Heavy Industrial (M2)
Overlay District:	Site and Architectural (-S)
Site Area:	50 acres
CEQA Determination:	In accordance with Section 15070(b), a Negative Declaration was prepared and circulated between July 1, 2010 and August 3, 2010.
PLANNER:	Sheldon S. Ah Sing, Senior Planner
PJ:	2644
ATTACHMENTS:	A. Resolution No. 10-034 B. Negative Declaration C. General Plan Land Use Map and Zoning Map Exhibits D. General Plan and Zoning Strikeout and Underline Exhibits E. Applicant material

LOCATION MAP



No scale

BACKGROUND

On May 13, 2010, a consortium of property owners submitted an application to amend the general plan and zoning land use designation for an approximate 50-acre area depicted on the location map from Highway Services, Industrial Park and Heavy Industrial to Town Center. The purpose of the amendment is to make the existing uses (offices, cultural centers, religious institutions, medical offices, financial institutions, gasoline station, retail) on the parcels conforming as to use and allow for the flexibility of integrating other commercial and residential uses for future development. No development proposals are being considered with this application.

According to Title XI, Section 57.02(D) of the Milpitas Municipal Code, initiation of general plan and zoning amendments can be achieved in three ways: 1) by property owner consent from at least 50% of the area being rezoned; 2) by majority vote of the Planning Commission or City Council; or 3) by a property owner who seeks their parcel to be rezoned. There are multiple parcels controled by various property owners. The consortium submitted documents confirming consent from property owners that represent over 50% of project's area.

As recently as three years ago, applications were processed for the parcels west of Milpitas Boulevard and also near I-680 and Los Coches to accommodate residential development. Those applications were withdrawn.

PROJECT DESCRIPTION

Site and Surroundings

The project site is a 50-acre area zoned as Highway Services, Industrial Park and Heavy Industrial. The major roadways either tangent or intersecting the site include Calaveras Boulevard to the north, Los Coches to the south and the site is intersected north/south by Milpitas Boulevard on the western end and Hillview Drive on the eastern end.

The site is characterized by a combination of single and multiple story development that includes religious and cultural uses, medical uses, administrative and financial offices, a service station, retail uses, and research and development. Development over the years has led to a transition from a typical industrial setting to one of an office and public/quasi-public setting. In 2009, in an effort to focus development of business related uses within industrial areas, the City adopted an ordinance which prohibits non-business uses in industrial areas. As a result of the ordinance, the subject site now includes non-conforming uses, which have strict limitations on expansions and operations.

The surrounding zoning includes Heavy Industrial to the immediate south, Single Family Residential to the southeast, Institutional (City's civic center) to the north, and Town Center to the north. The site abuts the railroad right-of-way to the west and abuts I-680 to the east. A vicinity map of the subject site location is included on the previous page.

Land Use Designation Change

The project proposes a change from the existing land use designations to Town Center. The purpose and intent of the Town Center is to provide for an area that supports a wide range of administrative, business, entertainment, residential, dining, and cultural activities in the geographic center of the City to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the City's transportation network.

Presently, the Town Cener includes East and West sub-districts. This project proposes to combine the two sub-districts.

Permitted and Conditionally Permitted Uses

Town Center is a good fit for the project area, not only because it is adjacent to the project site and meets the purpose and intent of the project proposal, but the existing uses within the project area are permitted or conditionally permitted within the Town Center, with the exception of light manufacturing and research and development. Staff recommends changing the process for "medical and dental clinics" from condtionally permitted to permitted (to be consistent with the Commercial Office "CO" district), allow vocational schools as a conditionally permitted use (to be consistent with the CO district), and change the process for residential project with densities between 21 and 40 units/acre from permitted to conditionally permitted.

The change to Town Center will allow the property owners to market towards a wider variety of use classifications in the office and commerial markets, and also have the flexibility to develop mixed use concepts. Conversely, with the change, the owners will have limited ability to attract typical industrial users.

Development Standards

The Town Center allows for more intensive development. The Floor Area Ratio for the Town Center is 0.85, while the existing zoning allows between 0.40 and 0.50. In addition, the setbacks are less restrictive in the Town Center, with the exception of a front yard setback and a setback along Residential districts, there are no setbacks.

With the change, none of the properties will be non-conforming regarding development standards.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

With the proposed changes, the project site will be consistent with the General Plan and Zoning Ordinance.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project required a Negative Declaration because the project would not have a significant effect on the environment. A Negative Declaration was available for public review and comments between July 1, 2010 and August 3, 2010. Refer to Attachment B for the Negative Declaration.

Since the project only includes a change to the land use designations and no development is considered, the project will have no impacts on the environment. Any development considered by a future project will be subject to analysis under CEQA.

PUBLIC COMMENT/OUTREACH

Because the project involves a General Plan amendment, the project is subject to Native American Tribal consultation. Staff followed the process for consultation accordingly with state law.

A community meeting was held on July 20, 2010 at the India Community Center as an opportunity for the consortium to present their proposal to interested parties. Approximately 20 people were in attendance.

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

CONCLUSION

The proposed Town Center Zoning is more appropriate than the underlying industrial and highway service designations given the buildings and uses are predominately non-industrial in nature. The property owners will be able to market the property to a wider commercial and office market, as well as provide the flexibility to include mixed use developments which would enhance the Calaveras corridor.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing and adopt Resolution No. 10-034 recommending approval of the project to the City Council.

Attachments:

A. Resolution No. 10-034
B. Negative Declaration
C. General Plan Land Use Map and Zoning Map Exhibits
D. General Plan and Zoning Strikeout and Underline Exhibits
E. Applicant materials

regarding adequate lighting.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

2. GENERAL PLAN AMENDMENT NO. GP10-0002 AND ZONING AMENDMENT NO. ZA10-0001 FOR LOS COCHES LAND USE CHANGE PROJECT

Commissioner Tabladillo was excused from this item due to a conflict of interest.

Sheldon Ah Sing, Senior Planner, presented a request to change the general plan and zoning designations for 50 acres from Highway Services and Industrial Park to Town Center. The project area is generally located south of Calaveras Boulevard to Los Coches street and bounded by Interstate 680 on the east and railroad right-of-way to the west. The zoning amendment includes text revisions to the Town Center District. Mr. Ah Sing recommended adopting Resolution No. 10-034 recommending approval to the City Council.

Commissioner Tao asked if a parking analysis is in place. Mr. Ah Sing stated the parking ordinance does provide flexibility and staff would look at each project in a case by case basis.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Ciardella

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Noella Tabladillo)

Motion to adopt Resolution No. 10-034 recommending approval to the City Council.

M/S: Ciardella, Mandal

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Noella Tabladillo)

X. NEW BUSINESS

1. PROJECT STATUS AND FORECAST OF FUTURE PROJECTS

James Lindsay, Planning Director, provided the Commission with a summary of development activity and forecast of future projects.

Chair Williams suggested coming up with some new goals to bring the Midtown area back on track mainly the intersections of Serra/Main Street.

Vice-Chair Mandal suggested having a parking lot for the patrons of the Midtown area.

Commissioner Sandhu agreed with Chair Williams about coming up with new goals to

G

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

April 2, 2010

Re: Rezoning Calaveras Boulevard./Los Coches Street and vicinity

Dear City of Milpitas Planning Division:

We are submitting our formal application requesting our properties and those noted on the site plan, be rezoned to Town Center Zoning. The rezoning of the area will greatly assist our businesses as well as enhance the surrounding area and encourage further growth and prosperity of Milpitas.

The undersigned property owners have agreed and are committed to the rezoning efforts including the rezoning process and the equal sharing of any financial obligations that may be incurred. All financial commitments will be shared equally among the participating property owners and with their prior approval.

We look forward to collaborating with the City of Milpitas and the acceptance of our rezoning request.

Sincerely,

Property Owners- Los Coches Street and East Calaveras Boulevard

Enclosed: List of participating owners

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MAY 13 2010
CITY OF MILPITAS
PLANNING DIVISION

RICHARD SEELEY
Post Office Box 10890
Oakland, California 94610
(510) 547-3462 • (510) 547-4190 FAX

July 30, 2010

Planning Commission
City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035
Sheldon S. Ah Sing, Senior Planner

Dear Persons:

As the long-time owner[1] of the two-story commercial office building located at 75 S. Milpitas Boulevard (APN 086-28-050-00), I wanted to clearly, firmly, and loudly be recorded as being in full and unequivocal support of the Los Coches Land Use Change project. Many times and with various Planning Department personnel over these years, I've discussed obtaining a zoning change on my property from the highly-restrictive (and, to my view, illogical) Highway Services Zoning that this property carries, only to be discouraged by the projected cost and complexity of individually seeking such a zoning change from the city.

The #75 property for many years has suffered with heavy and continuing vacancies and today is only half occupied. Re-zoning of this and of the immediately-surrounding parcels (many also carrying long-term and heavy vacancies) will constitute a vital business opportunities lifeline being given to the property's in this district, who will no longer be cut off by restricted zoning from participation in the vitality of central business district business life. Approval of this re-zoning is welcomed as creating a lifeline type opportunity to achieve needed revitalization through expanded business growth and convenient service to the Milpitas public. I fully and heartily commend approval for this most-welcome and vitally-needed change.

Very truly,

Richard Seeley

RS:cm

cc: Milpitas City Council
Milpitas City Manager

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[1] Over 15 years originally as sole owner and now through my family holding company, ABSMJS, L.P.

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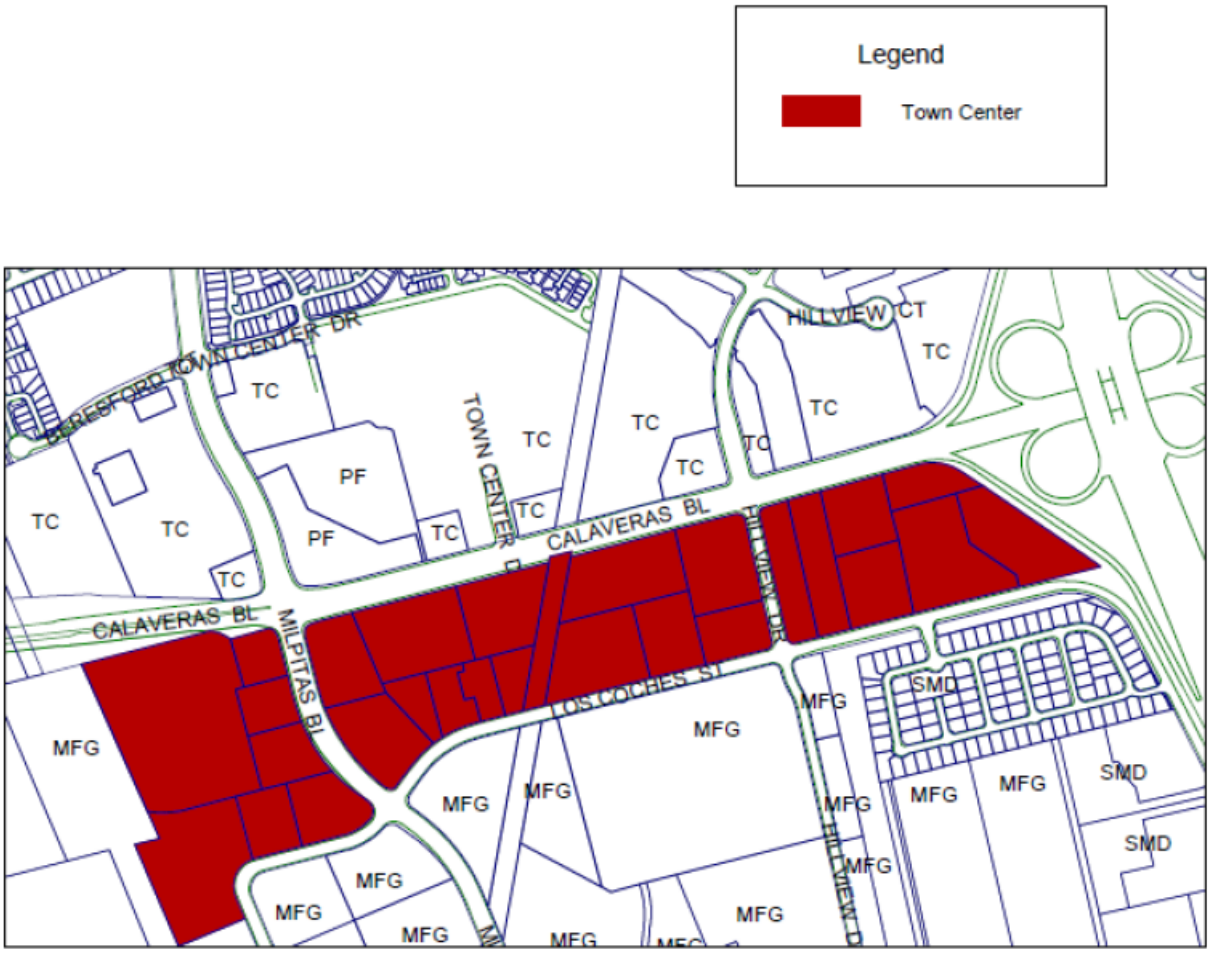
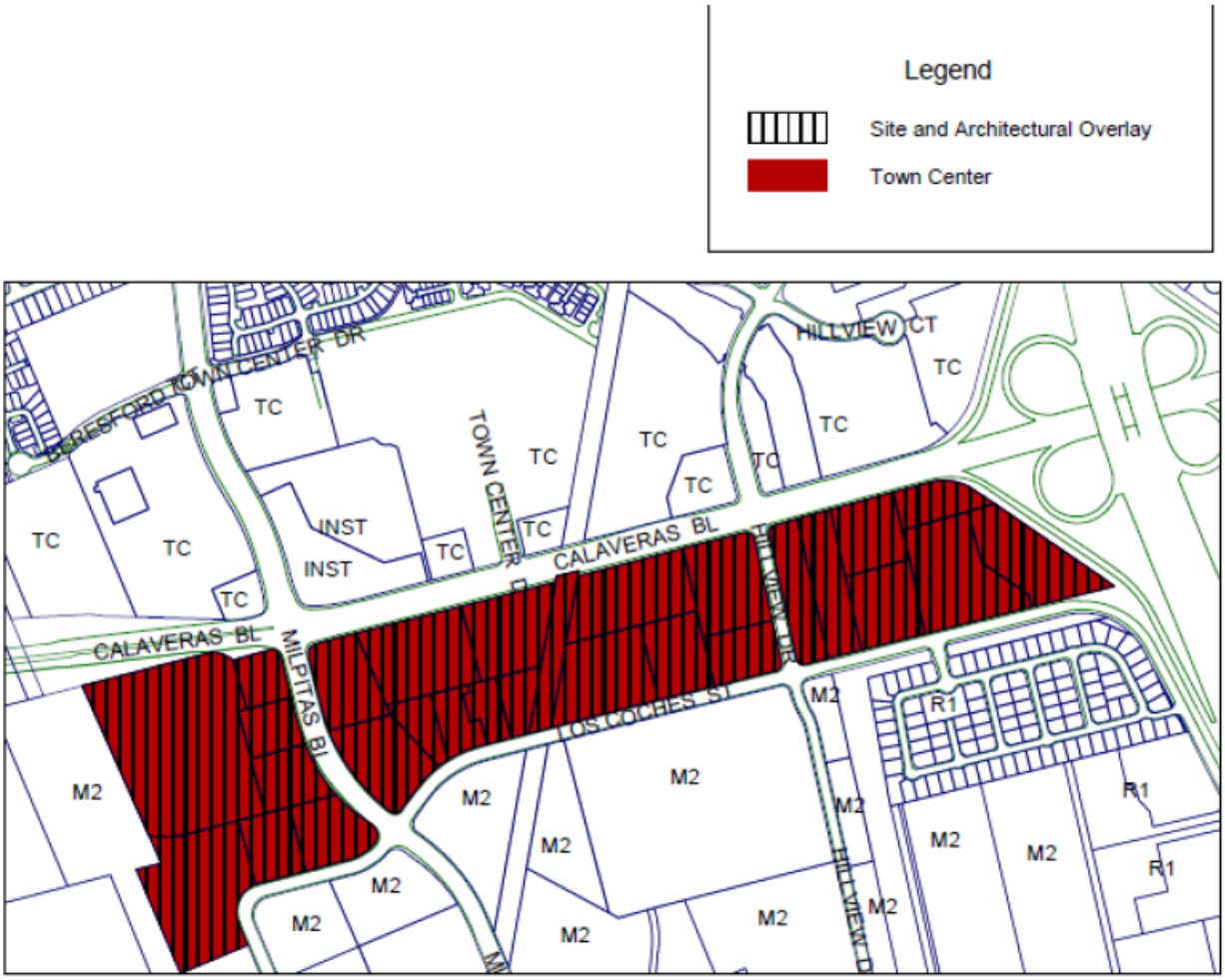
General Plan Land Use Map Exhibit



Zoning Sectional Map Exhibit