

List of Attachments for Public Hearing 2

Conduct Public Hearing and Consider General Plan Amendment No. GP-13-0004 and Zoning Amendment No. ZA-13-0005 to Revise the Allowable Residential Density Range from 1-40 Housing Units Per Gross Acre to 21-40 Housing Units Per Gross Acre in the Town Center (Staff Contact: Scott Ruhland, 408-586-3274)

Attachments:

- A. Resolution**
- B. Ordinance No. 38.809**
- C. Initial Study and Draft Negative Declaration**
- D. Planning Commission Staff Report, October 23, 2013**
- E. Planning Commission Minutes, October 23, 2013**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN AMENDMENT NO. 13-0004 TO ADJUST THE ALLOWABLE DENSITY FROM 1-40 RESIDENTIAL UNITS PER GROSS ACRE TO 21-40 RESIDENTIAL UNITS PER GROSS ACRE FOR THE TOWN CENTER LAND USE DESIGNATION AND ADOPTING A NEGATIVE DECLARATION

WHEREAS, on September 24, 2013, an application was submitted by the City of Milpitas Planning and Neighborhood Services Department to amend the General Plan and Zoning Ordinance to modify the allowable density in the Town Center from 1-40 residential units per gross acre to 21-40 residential units per gross acre. The properties subject to the amendments are located within the Town Center Land Use Designation and Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and recommends that the City Council determine this project will not have a significant effect on the environment; and

WHEREAS, on October 23, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and adopted a resolution recommending the City Council approve General Plan Amendment No. 13-0004 and Zoning Amendment No. 13-0005.

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

Section 1. 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. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2. In accordance with the provisions of the California Environmental Quality Act, California Public Resources Code §§ 21000, *et seq.* (CEQA), an Initial Study/Negative Declaration was prepared and properly circulated for public review and comments wherein it was determined that the project will not have a significant effect on the environment because no significant impacts were identified. A copy of the Initial Study/Negative Declaration is on file with the City of Milpitas Planning and Neighborhood Services Department and is incorporated fully herein by reference. The City Council has reviewed the Initial Study/Negative Declaration and further finds and determines that the conclusions and recommendations in the Initial Study/Negative Declaration represent the independent conclusions and recommendations of the City and that the Initial Study/Negative Declaration and these findings represent the independent judgment and analysis of the City. The City Council confirms, ratifies and adopts all of the findings and conclusions of the Initial Study/Negative Declaration.

Section 3. General Plan Amendment Findings – Milpitas Municipal Code Section XI-10-57.02.G.1

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

The General Plan Amendment is consistent with the General Plan, specifically Guiding Principles and Policies 2.a-G-2, 2.a-G-4, 2.a-G-10 and 2.a-I-27, because it furthers the identified Principles by focusing medium to high-density development in the Town Center to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating uses strengthening the City's fiscal position while achieving a mixed-use district in the heart of Milpitas.

b. The proposed amendment will not adversely affect the public health, safety, and welfare.

The General Plan Amendment will not adversely affect the public health, safety, and welfare because the Town Center Zoning District is intended to provide 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. Further, the change in policy towards more efficient use of land by

allowing only medium to high density housing as prescribed in the Town Center land use designation will not affect the general well-being of Milpitas residents since these uses are already allowed.

Section 4. The City Council of the City of Milpitas hereby approves General Plan Amendment No. GP-13-0004 to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre for the Town Center as outlined below and subject to the findings herein.

- a. Land Use Density for the Town Center in Table 2-4 on page 2-10 of the General Plan is amended to read as follows:

Table 2-4 Standards for Density And Development Intensity				
Land Use Designation	Residential Density (units/gross acre)	Maximum Permitted Floor-Area Ratio — FAR	Residential Population	
			Persons/Housing Unit¹	Persons/Acre
Residential-Retail High Density Mixed Use	31-50 ³	1.5 for office ⁴ No density limit for hotels	2.52	79-126
Boulevard Very High Density Mixed Use	41-75 ³	1.5 ⁴	2.52	104-189
Commercial				
Town Center	21 - 40 ⁵	0.85	Varies ⁶	Varies ⁶
General Commercial ^a	n.a.	0.50	n.a.	n.a.
Retail Sub-Center ^a	n.a.	0.35	n.a.	n.a.
Professional and Administrative Office	n.a.	0.50	n.a.	n.a.
Retail Transit-Oriented	n.a.	2.25	n.a.	n.a.
Industrial				
Industrial Park	n.a.	0.50	n.a.	n.a.
Manufacturing and Warehousing ^a	n.a.	0.40	n.a.	n.a.
HILLSIDE Residential				
Very Low Density	up to 0.1	n.a.	3.6	less than 1
Low Density	up to 1.0	n.a.	3.6	up to 4
Medium Density	up to 3.0	n.a.	3.6	up to 11

a The TOD Overlay does not change the standards for density and development intensity for the underlying land use designations.
1 Based on an overall average 3.14 household population per Milpitas total housing unit (Census 2000 baseline with Department of Finance data update).

2 Up to 90 du/ac with a Use Permit pursuant to the Transit Area Plan.

3 Up to 60 du/ac with a Use Permit pursuant to the Transit Area Plan.

4 Up to 2.5 FAR with a Use Permit pursuant to the Transit Area Plan.

5 Findings necessary.

6 Depends on the density of housing provided.

b. The paragraph on pages 2-13 and 2014 of the General Plan discussing the land use element for the Town Center is amended to read as follows:

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. Because of this unique and relatively intensive mix of activities, high density residential developments (i.e., 21 - 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.

PASSED AND ADOPTED this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

PLEASE NOTE:

This copy of Ordinance No. 38.809 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

REGULAR

NUMBER: 38.809

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING TITLE XI, CHAPTER 10, SECTION 5 OF THE MILPITAS MUNICIPAL CODE ZONING ORDINANCE CHANGING THE ALLOWABLE RESIDENTIAL DENSITY IN THE TOWN CENTER ZONING DISTRICT TO 21-40 RESIDENTIAL UNITS PER GROSS ACRE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on September 24, 2013, an application was submitted by the City of Milpitas Planning and Neighborhood Services Department to amend the General Plan and Zoning Ordinance modifying the allowable density in the Town Center from 1-40 residential units per gross acre to 21-40 residential units per gross acre. The properties subject to the amendments are located within the Town Center Land Use Designation and Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and determined this project will not have a significant effect on the environment; and

WHEREAS, on October 23, 2013 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and

WHEREAS, during the public hearing interested parties had an opportunity to review and comment on the Initial Study/Negative Declaration and subject application. After considering the evidence the Planning Commission adopted a resolution recommending that the City Council adopt a Negative Declaration for the project pursuant to CEQA Guidelines and find that the project will not have a significant effect on the environment and approve the change in density from 1-40 to 21-40 residential units per gross acre in the Town Center Zoning District; and

WHEREAS, the City Council finds that pursuant to Milpitas Municipal Code Section XI-10-57.02.G.3, the Zoning Ordinance Amendment herein is consistent with the General Plan, specifically Guiding Principles and Policies 2.a-G-2, 2.a-G-4, 2.a-G-10 and 2.a-I-27, because it furthers the identified Principles by focusing medium to high density development in the Town Center to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating uses strengthening the City’s fiscal position while achieving a mixed-use district in the heart of Milpitas; and

WHEREAS, the City Council finds that pursuant to Milpitas Municipal Code Section XI-10-57.02.G.3, the Zoning Ordinance Amendment herein will not adversely affect the public health, safety, and welfare because the Town Center Zoning District is intended to provide 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. Further, the change in policy towards more efficient use of land by allowing only medium to high density housing as prescribed in the Town Center land use designation will not affect the general well-being of Milpitas residents since these uses are already allowed.

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

Title XI, Section 5, Table XI-10-5.02-1 (Commercial Zone Uses) of the Milpitas Municipal Code is hereby amended under Section 9. Residential Uses, and by the addition of footnote 12, as follows:

Table XI-10-5.02-1 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
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 ⁷	NP	NP	P	P	NP
Small appliance repair	NP	NP	MCS	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
Bowling alley	NP	NP	P	P	P
Commercial athletic facilities					
Indoor	NP	C	P	P	P
Outdoor	NP	NP	NP	C	NP

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	C	C	C
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
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, metalworking, glassworking 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					
Schools, private (-elementary, middle, high)	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 ⁷	MCS	MCS	MCS	MCS	MCS
Private	P	P	P	P	P
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
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
With ancillary on-premise beer & wine with no separate bar	NP	MC	PMC	MC	MC
9. Residential Uses					
Caretaker (in conjunction with contractor's yard or mini-storage complex)	NP	NP	C	C	NP
Live-Work Units	NP	NP	NP	NP	C
Residential dwellings (between <u>2</u> 1 and 40 d.u. per gross acre) ¹²	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) ⁷	MCS	MCS	MCS	MCS	MCS
Car wash	NP	NP	C	C	NP
Service stations (with or without repair or retail) ^{7,8}	C	C	C	C	C
Drive through uses (restaurants, pharmacies, etc.)	NP	C	C	C	C
11. Unclassified Uses					
Accessory structures ⁹	P	P	P	P	P
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 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 Refer to Subsection XI-10-5.02-1, Commercial Zone Special Uses, of this Section.

⁸ Refer to Subsection XI-10-6.02-2, Special Uses, of this Chapter, for standards. Service stations shall follow the "General development policy: Gasoline service stations, and automotive service centers" adopted by the City Council on December 19, 1995.

⁹ Not including warehouses on the same site as the permitted use.

¹⁰ No tract sign shall be permitted within 600 feet of a Santa Clara County Expressway.

¹¹ Refer to Section XI-10-13.11, Temporary Uses and Structures, of this Chapter. 10- 5.02-1 Commercial Zone Special Uses

¹² [The density range of 21-40 per gross acre in the Town Center does not apply to the following existing projects: Sundrop/Robson Homes, P-SD10-0009; 345 Los Coches/Tripointe Homes, P-SD12-0003; Orchid/Braddock and Logan, P-SD12-0005; Town Center Villas, SZ2003-13; and, Beresford Village, Use Permit No. 1266](#)

SECTION 3. SEVERABILITY

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

SECTION 4. EFFECTIVE DATE AND POSTING

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

CITY OF MILPITAS



455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
 GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

ATTACHMENT C

NEGATIVE DECLARATION
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA13-0004

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE TOWN CENTER DENSITY GENERAL PLAN AND ZONING TEXT AMENDMENT, LOCATED IN THE TOWN CENTER LAND USE DESIGNATION AND ZONING DISTRICT, MILPITAS, CA, WHEN IMPLEMENTED, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Town Center Density General Plan and Zoning Text Amendment

Project Description: The proposed project includes a General Plan and Zoning text amendment to the Town Center land use and zoning district development standards to adjust the allowable residential density range from 0-40 housing units per acre to 21-40 housing units per acre. A development project is not currently proposed. Adjustment of the density range would disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed.

Project Location: Town Center Land Use Designation and Zoning District, Milpitas, CA.

Project Proponent: Scott Ruhland, Senior Planner, City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form (E.I.F.) and the Initial Study and finds that the project will have no significant impact upon the environment, as recommended in the EIA.

Copies of the Environmental Information Form and Initial Study/Negative Declaration may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

Public Review Period: October 2, 2013 to October 22, 2013.

By: Scott Ruhland
 Project Planner

Forward to the County Clerk on this _____ day of _____, 2013

By: _____

CEQA Initial Study

- 1. Project title:** Town Center Density General Plan and Zoning Text Amendment
- 2. Lead agency name and address:** City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.
- 3. Contact person, title, email and phone number:** Scott Ruhland, Senior Planner, sruhland@ci.milpitas.ca.gov, 408-586-3274
- 4. Project location:** Town Center land use designation and zoning district. Generally located along the Calaveras Boulevard corridor, between the Union Pacific railroad tracks and Interstate 680, City of Milpitas, CA.
- 5. Project sponsor's name and address:** City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.
- 6. General plan designation:** Town Center (TWC)
- 7. Zoning:** Town Center (TC)
- 8. Description of project:** The proposed project includes a General Plan and Zoning text amendment to the Town Center land use and zoning district development standards to adjust the allowable residential density range from 0-40 housing units per acre to 21-40 housing units per acre. A development project is not currently proposed. Adjustment of the density range would disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed.
- 9. Surrounding land uses and setting:** The Town Center district is located along the Calaveras Boulevard corridor from the Union Pacific Railroad tracks to Interstate 680 in central Milpitas. The area is characterized with a range of retail, service, entertainment, public and residential uses. The Union Pacific railroad tracks and additional commercial and service uses area located to the west; low to medium density residential uses are located to the north; Interstate 680 borders the district to the east, with commercial and residential uses beyond. Additional commercial, office and service uses are located to the south. Calaveras Boulevard is a six-lane arterial that carries high traffic volumes, particularly during the A.M and P.M. peak hours.
- 10. Other public agencies whose approval is required:** None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

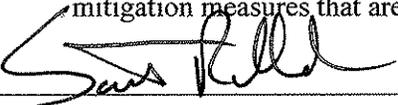
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature 9/30/13
 Date

SCOTT RUHLAND

 Printed Name For

MAPS

Figure 1: Regional Map

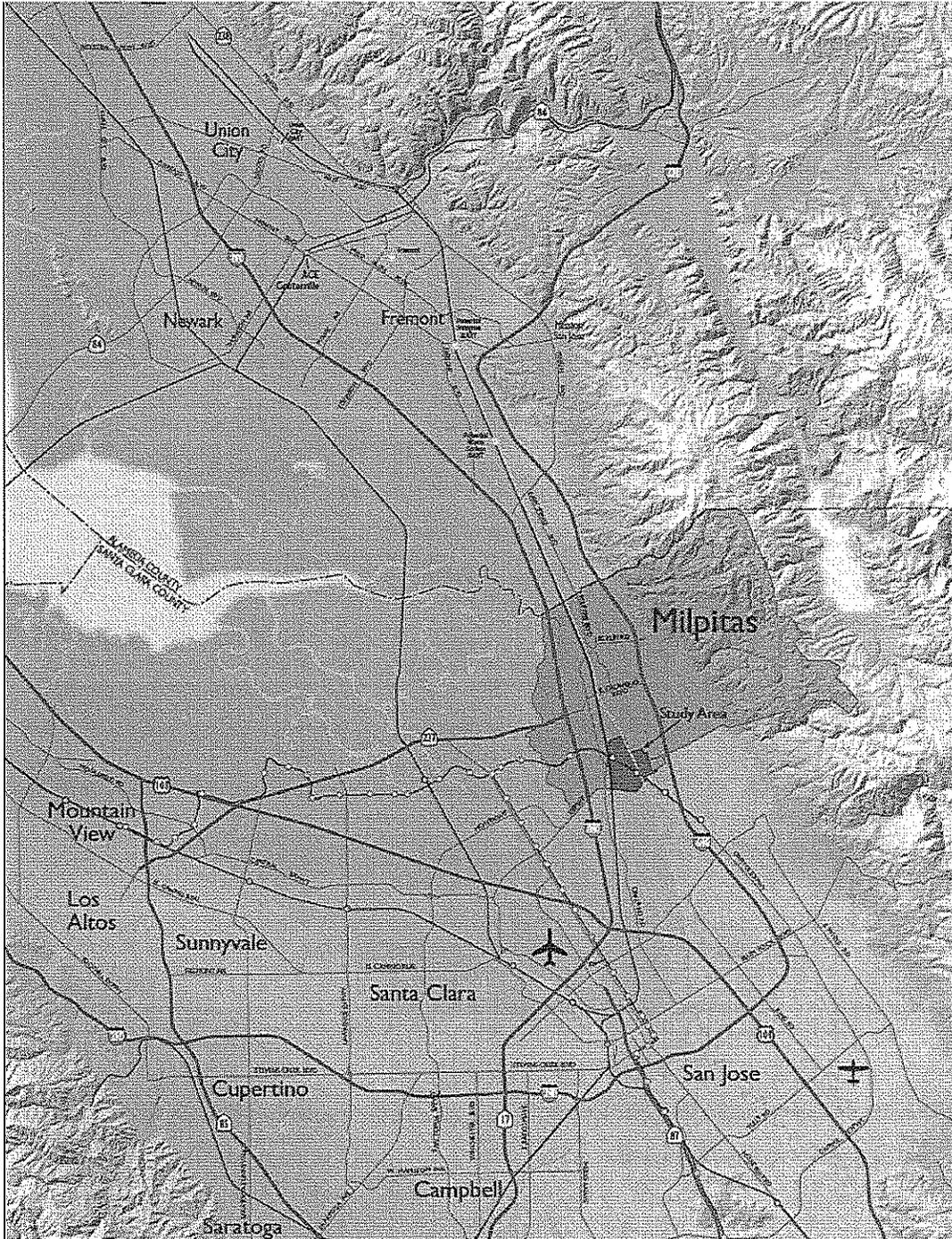
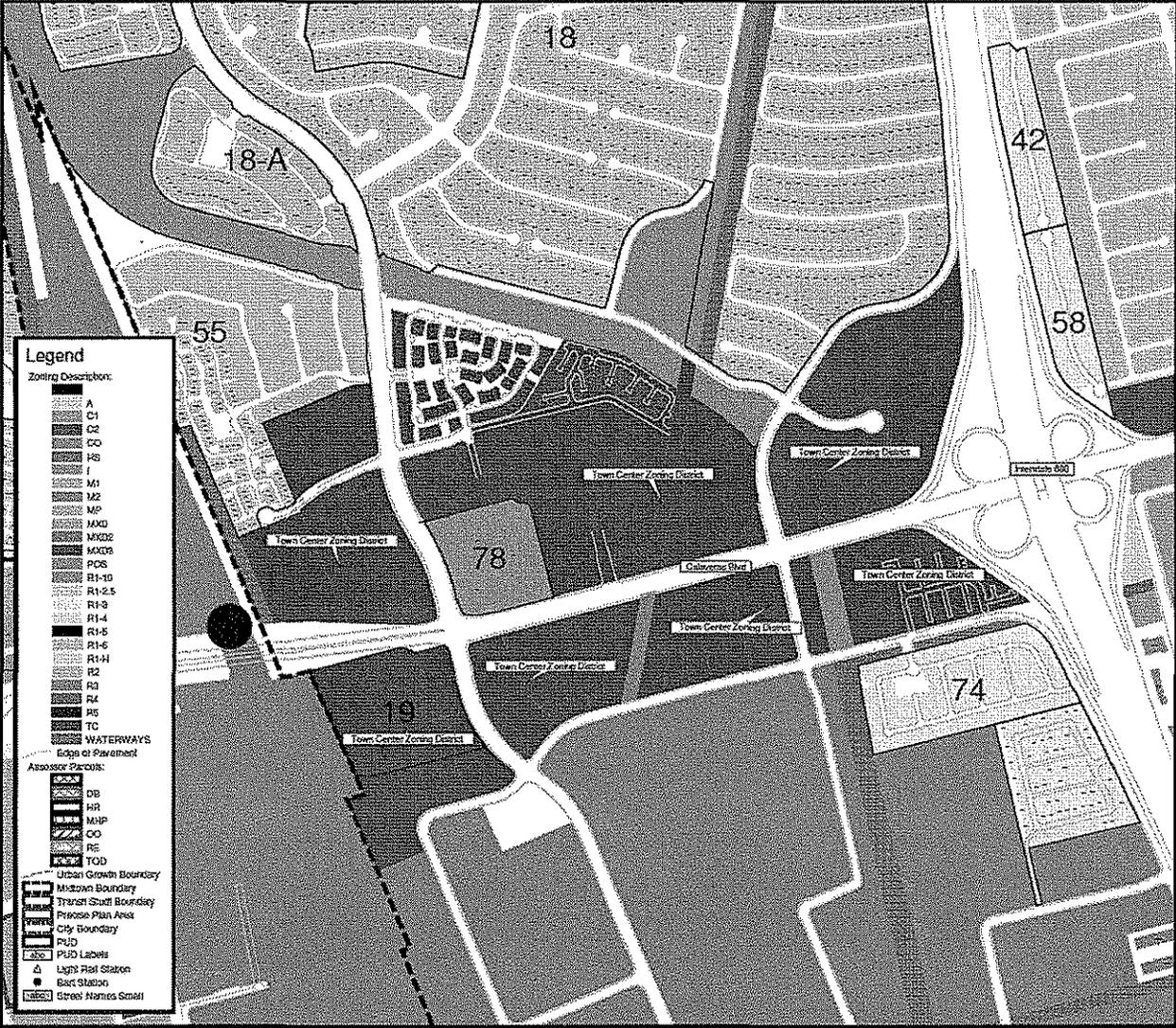


Figure 2: Vicinity Map



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

Environmental Setting: The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. Since single-family and lower density residential uses are typically 1-2 stories tall they include limited heights and lower profile structures and therefore would not affect scenic vistas, views or the overall visual quality of the

area. Nor would limiting certain types of residential uses affect lighting levels or increase the amount of lighting. Hence, there would not be an impact to aesthetics.

Comment: No further comment provided.

- 1) Have a substantial adverse effect on a scenic vista?
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 3) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,9
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,9

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)
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,9

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district does not have any agricultural resources. It is characterized by an urban environment with no vacant land available for agricultural use or land considered to be prime farmland. Hence, there would not be an impact to agricultural resources.

Comment: No further comment provided.

- 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?

- 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 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?

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

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. Since single-family uses typically have a greater impact on air quality through increased energy consumption and a greater reliance on the single-occupancy vehicle, disallowance of this use would not impact air quality and may have a beneficial impact. Hence, there would not be a significant impact to air quality by this land use policy change.

Comment: No further comment provided.

- 1) Conflict with or obstruct implementation of the applicable air quality plan?
- 2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 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?
- 4) Expose sensitive receptors to substantial pollutant concentrations?
- 5) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 8
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by an urban environment with no vacant land available for development. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Hence, there would not be an impact to biological resources as a result of this land use policy change.

Comment: No further comment provided.

- 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?

- 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?

- 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?

- 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?
- 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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?

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

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by an urban environment with no vacant land available for development. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Hence, there would not be an impact to cultural resources as a result of this land use policy change.

Comment: No further comment provided.

- 1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?
- 2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?
- 3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- 4) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11, 12, 13
b) Strong seismic ground shaking?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
d) Landslides?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Result in substantial soil erosion or the loss of topsoil?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13

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:					
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on geology and soils.

Comment: No further comment provided.

- 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.)
 - b) Strong seismic ground shaking?

- c) Seismic-related ground failure, including liquefaction?
 - d) Landslides?
- 2) Result in substantial soil erosion or the loss of topsoil?
 - 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?
 - 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?
 - 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?

VII. GREENHOUSE GAS EMISSIONS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. Since single-family uses typically have a greater impact on air quality through increased energy consumption and a greater reliance on the single-occupancy vehicle, disallowance of this use would not impact air quality and may have a beneficial impact. Hence, there would not be a significant impact to greenhouse gas emissions by this land use policy change.

Comment: No further comment provided.

- 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

VIII. HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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:					
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on hazards or hazardous materials.

Comment: No further comment provided.

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 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?
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 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?
- 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?
- 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?
- 7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?
- 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?

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

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

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on hydrology or water quality.

Comment: No further comment provided.

- 1) Violate any water quality standards or waste discharge requirements?

- 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)?

- 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?
- 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?
- 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?
- 6) Otherwise substantially degrade water quality?
- 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?
- 8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 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?
- 10) Be subject to inundation by seiche, tsunami, or mudflow?

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

X. LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4

Environmental Setting:

The Town Center land use is described as a...”meeting and market place, home of commercial and professional firms, entertainment area and place for restaurants and hotels”...in the City’s General Plan. It also states that....”very high residential densities (i.e. up to 40 units per acre) may be permitted to provide economic support to the commercial uses.” As such, the residential densities should be limited to the medium and higher ranges to support the intent of the district.

The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow lower density single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The proposed range of residential densities for allowance in the Town Center is between 21-40 housing units per acre. This range of densities typically results in attached townhomes, condominiums and multi-story apartment buildings. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to limit certain residential uses in the Town Center district would not have a significant impact on overall land use in the City since single-family residential is allowed in other districts.

Comment: No further comment provided.

- 1) Physically divide an established community?
- 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?
- 3) Conflict with any applicable habitat conservation plan or natural community conservation plan?

XI. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. There are no mineral resources identified in the Town Center district, therefore the change in land use policy to limit certain residential uses would not have a significant impact on mineral resources.

Comment: No further comment provided.

- 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?
- 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?

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:					

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

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and

activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on the noise environment.

Comment: No further comment provided.

- 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?
- 2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?
- 3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 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?
- 7) 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?

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

3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow future single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Further, single-family residential uses typically have a higher person per household average than multi-family uses. Limiting the proliferation of single-family uses would control unplanned population growth in the Town Center. Hence, there would not be an impact to population and housing.

Comment: No further comment provided.

- 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)?
- 2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 2) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment with public services already provided. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Further, single-family residential uses typically place a higher burden on public services, hence, the change in land use policy to limit certain residential uses would not have a significant impact on public services.

Comment: No further comment provided.

- 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:

- a) Fire Protection?

- b) Police Protection?
- c) Schools?
- d) Parks?
- e) Other public facilities?

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

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. No specific development project is currently proposed. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided and would be subject to park development impact fees. These fees are intended of offset any potential impact caused by new residential development and to ensure adequate parkland for new residents. The change in land use policy to limit certain residential uses would not have a significant impact on recreation.

Comment: No further comment provided.

- 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?

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?

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 16
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and transportation infrastructure already provided. According to the Institute of Transportation Engineers, Trip Generation Rates, single-family residential uses average 9-10 trips per weekday. Trip generation rates for higher density residential product types, such as attached townhomes, condominiums and apartments, range between 4-7 trips per weekday. This suggests a lower generation of trips per household and less demand on the transportation system. Therefore, the change in land use policy to limit certain residential uses would not have a significant impact on transportation or traffic.

Comment: No further comment provided.

- 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?
- 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?
- 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?
- 4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?
- 5) Result in inadequate emergency access?

6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

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

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: 7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. The project would not result in the allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on utilities and service systems.

Comment: No further comment provided.

- 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 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?
- 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?
- 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 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?
- 6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 7) Comply with federal, state, and local statutes and regulations related to solid waste?

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

Environmental Setting:

The project includes adjustment to the range of residential densities allowed in the Town Center zoning district. No development is currently proposed. The project would not result in the

allowance of new residential product types or uses that are not already allowed. The intent of the project is disallow single-family residential uses in the Town Center district which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility, transportation and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on the environment nor does it have impacts that can be considered cumulatively.

Comment: No further comment provided.

- 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?
- 3) 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)?
- 3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?
- 4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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
16. Institute of Transportation Engineers, *Trip Generation Rates*, 8th Edition, Trip Generation Report, 2008.

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.



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: October 23, 2013

APPLICATION: **TOWN CENTER GENERAL PLAN AMENDMENT, GP-13-0004, AND ZONING AMENDMENT, ZA-13-0005**

APPLICATION
SUMMARY:

A request for a General Plan and Zoning Text Amendment to the Town Center land use and zoning district development standards to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre.

LOCATION: Town Center Land Use Designation and Zoning District

APPLICANT: City of Milpitas

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 13-028 recommending the City Council adopt General Plan Amendment No. GP-13-0004 and Zoning Amendment No. ZA-13-0005 to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre for the Town Center.**

PROJECT DATA:

General Plan/

Zoning Designation:

Town Center/Town Center with Site and Architectural Overlay (TC-S)

CEQA Determination:

A Negative Declaration was prepared and circulated in accordance with the California Environmental Quality Act (CEQA).

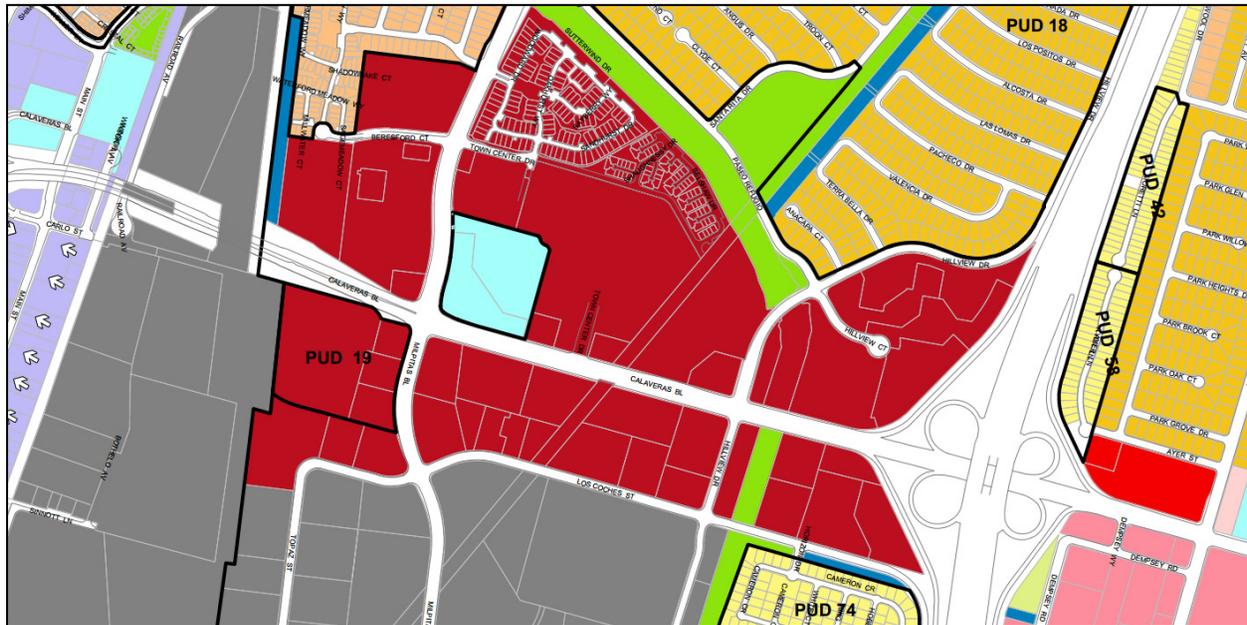
PLANNER:

Scott Ruhland, Senior Planner

ATTACHMENTS:

Resolution No.13-028

Initial Study and Draft Negative Declaration

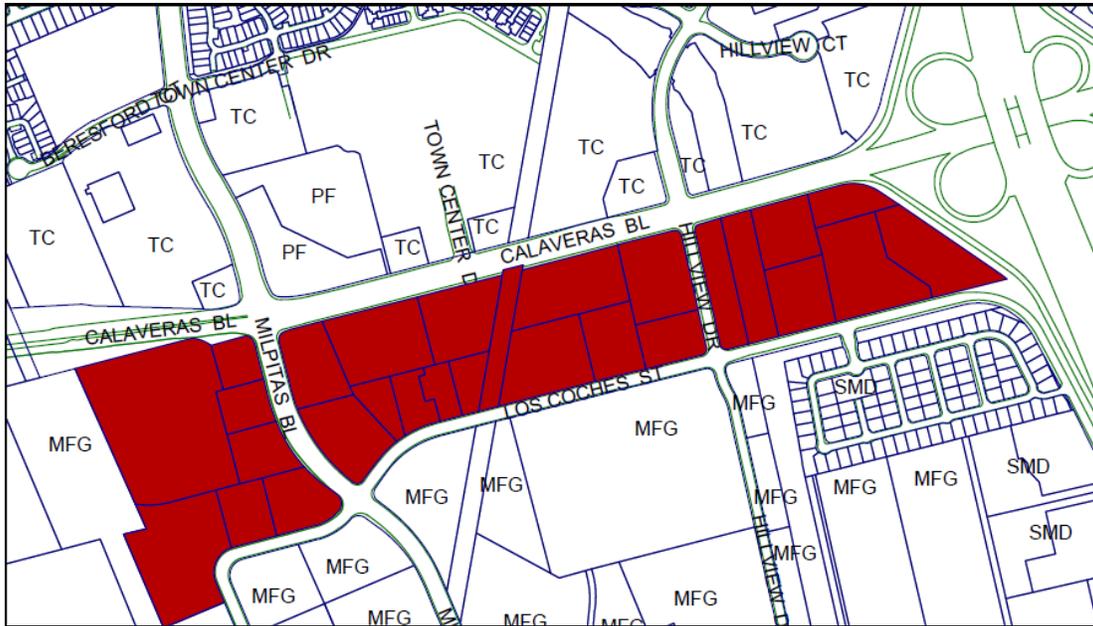
Map 1**Project Location****Town Center Zoning District**

Not to Scale

BACKGROUND***History***

The Town Center land use designation and zoning district applies to the central part of the City, generally focused along Calaveras Boulevard between Interstate 680 and the Union Pacific railroad corridor. The intent of the Town Center land use designation and zoning district is to support a wide range of administrative, business, entertainment, residential, dining and cultural activities in the geographic center of the City. A recent amendment to the Town Center zoning district was approved on May 21, 2013 to allow live/work units as a conditional use.

In 2010, the Town Center designation was amended and expanded to include a collection of parcels to the south of Calaveras Boulevard. The purpose of the amendment was to make the existing uses on these parcels (offices, cultural centers, religious institutions, medical offices, financial institutions, gasoline station, retail) conforming and allow for the flexibility of integrating other commercial and residential uses for future development. Since the redesignation of these parcels to Town Center some land use conversion to single-family residential development has occurred. A map of the expansion area is included below as Map 2.

Map 2**2010 Town Center Expansion Area*****The Application***

On September 24, 2013 the City of Milpitas Planning and Neighborhood Services Department prepared an application pursuant to Section 57 of the Milpitas Zoning Ordinance for a General Plan Amendment, Zoning Amendment and Environmental Assessment. The following is a summary of the requests:

- *General Plan Amendment:* To modify the allowable residential density in the Town Center land use designation from 1-40 units per gross acre to 21-40 units gross per acre.
- *Zoning Amendment:* To modify the allowable residential density in the Town Center zoning district from 1-40 units per gross acre to 21-40 units per gross acre.

PROJECT DESCRIPTION***Overview***

The project includes General Plan and Zoning text amendments to modify the allowable residential density range in the Town Center land use designation and zoning district. The development standards for the Town Center currently allow a range of densities from one to forty units per acre. This range allows single-family residential development which is inconsistent with the intent and purpose of the Town Center, as evidenced by the conversion of commercial and industrial properties to low-density single-family residential along the south side of Calaveras Boulevard. The proposed modification of allowable density will adequately address the type of residential product types envisioned for this mixed-use area. Residential product

types in this range of density typically include attached townhomes, multi-story condominium and apartments, and stacked flats. The residential density range chosen is based on the existing density range of the High Density Transit Oriented Residential district.

Location and Land Use

The proposed amendments apply to the Town Center General Plan land use designation and zoning district, the areas of which are coterminous. The Town Center zoning district is located in central Milpitas, generally along Calaveras Boulevard between Interstate 680 and the Union Pacific railroad corridor as shown in Map 1. Existing uses include the Town Center retail shopping center, restaurants, a variety of professional office buildings, banks and financial institutions, City Civic Center, hotels and multi-family residential uses.

Proposed Amendments

The proposed amendments affect two portions of the General Plan and one portion of the Zoning Ordinance. The General Plan Amendment will affect Table 2-4 on page 2-10 in the General Plan to modify the density range; and, it will also affect the Town Center land use description on pages 2-13 and 2-14. The Zoning Amendment will affect Table XI-10-5.02-1 Commercial Zone Uses to modify the density range. The proposed changes are identified below in underline and strike-out:

1. GENERAL PLAN AMENDMENT – LAND USE ELEMENT, PAGE 2-10

Table 2-4 - Standards for Density and Development Intensity

Land Use Designation	Residential Density (units/gross acre)	Maximum Permitted Floor-Area Ratio — FAR	Residential Population	
			Persons/Housing Unit	Persons/Acre
Commercial-Town Center	up to <u>21</u> - 40	0.85	Varies	Varies

2. GENERAL PLAN AMENDMENT – LAND USE ELEMENT, PAGE 2-13 – 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. Because of this unique and relatively intensive mix of activities, ~~very~~ high density residential developments (i.e., ~~up to~~ 21-40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.

3. ZONING TEXT AMENDMENT – MILPITAS CODE OF ORDINANCES, TITLE XI – ZONING, PLANNING AND ANNEXATION. CHAPTER 10 – ZONING, SECTION 5 COMMERCIAL ZONES AND STANDARDS.

Table XI-10-5.02-1 Commercial Zone Uses

Use	CO	C1	C2	HS	TC
9. Residential Uses					
Caretaker (in conjunction with contractor's yard or mini-storage complex)	NP	NP	C	C	NP
Live-Work Units	NP	NP	NP	NP	C
Residential dwellings (between <u>21</u> and 40 d.u. per gross acre)	NP	NP	NP	NP	C

FINDINGS

Pursuant to Section 57 of the Zoning Code, the Planning Commission is required to make specific Findings before recommending approval of a General Plan and Zoning Amendment. Findings shall identify the rationale behind the decision to take a certain action. Each code-required Finding is analyzed below.

- The proposed amendments are internally consistent with those portions of the General Plan not being amended because the limitation of single-family and lower density residential uses meets the intent of the Town Center designation. The Town Center is intended as the functional and visual focus of Milpitas while providing a meeting and market place for commercial, professional and entertainment uses. The more efficient use of land through higher density housing will ensure land is available for the continued focus of a mixed-use district that provides identity for the City while allowing a dense residential population to provide increased economic support to the commercial uses.*

The project is consistent with the following General Plan Guiding Principles and Policies:

Guiding Principle 2.a-G-2 – Maintain a relatively compact urban form.

Guiding Principle 2.a-G-4 – The Town Center will be the “heart” of Milpitas’ civic, cultural, business and professional life.

Guiding Principle 2.a-G-10 – Consider long term planning and strong land use policy in managing the City’s fiscal position.

Land Use Policy 2.a-I-27 – Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.

The modification of the Town Center residential density ranges is consistent with the General Plan because it furthers the identified principles and policy by directing medium to high density development to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating uses strengthening the City’s fiscal position while achieving a mixed-use district in the heart of Milpitas.

2. *The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas because the change in policy towards more efficient use of land by allowing only medium to high density housing as prescribed in the Town Center land use designation will not affect the general well-being of Milpitas residents since these uses are already allowed.*
3. *The project is internally consistent with the Milpitas Zoning Ordinance because the proposed text amendment only affects the allowable density in the Town Center while maintaining all other uses and development standards currently allowed and/or required.*

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). A Negative Declaration was prepared and circulated from October 2 to October 22, 2013. A Finding is proposed that the project will not have a significant effect on the environment because no impacts were identified.

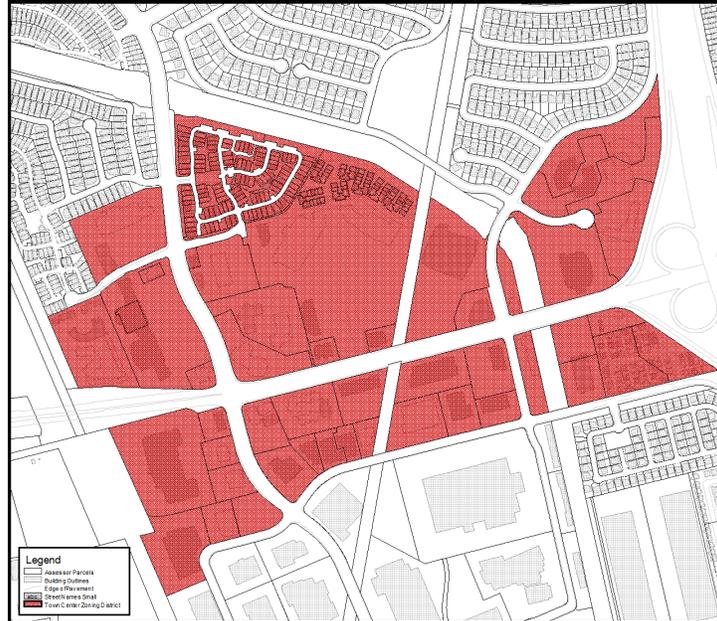
PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. The table below provides a summary of the City's public noticing efforts for this project.

Public Noticing Summary

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"> ▪ Public hearing notice posted in the Milpitas Post (<i>14 days prior to the hearing</i>) ▪ 227 notices mailed to affected property owners within Town Center designation (<i>10 days prior to the hearing</i>) ▪ Posted on the City's official notice bulletin board (<i>10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>) ▪ Posted on the City of Milpitas's Web site (<i>one week prior to the hearing</i>)

The map below illustrates the extent of the mailed notices.



CITY COUNCIL REVIEW

This item is scheduled as a public hearing by the City Council on November 19, 2013.

CONCLUSION

The proposed General Plan and Zoning Text Amendments will update the Municipal Code to reflect the recommended densities allowed for the Town Center district. The limitation of single-family uses in an area intended for a dense compact form and a vibrant mixed-use district is consistent with the General Plan and Zoning Ordinance and supports the City principles of a Town Center as the “heart” of Milpitas. Staff recommends that the Planning Commission adopt Resolution No. 13-028 recommending approval to the City Council.

RECOMMENDATION

Adopt Resolution No. 13-028 recommending the City Council adopt General Plan Amendment No. GP-13-0004 and Zoning Amendment No. ZA-13-0005 to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre for the Town Center.

Attachments:

A: Resolution No.13-028

B: Initial Study and Draft Negative Declaration

APPROVED
MILPITAS PLANNING COMMISSION
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd., Milpitas, CA

MEETING MINUTES
Wednesday, October 23, 2013

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Chair Sudhir Mandal, Commissioners Rajeev Madnawat, John Luk, Zeya Mohsin and Garry Barbadillo
Absent: Vice Chair Larry Ciardella, and Commissioner Gurdev Sandhu
Alternate Member: Demetress Morris
Staff: Steve McHarris, Scott Ruhland, Cindy Hom, Tiffany Brown, Felix Reliford, Johnny Phan and Rachelle Currie
 Alternate Member Morris was seated for voting, due to two regular voting Commissioners' absence.
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission for three minutes or less.
Peter Grispa, of Montecito Way, spoke about the proposed Waterstone Project and Chair Mandal suggested for him to speak about it during the Public Hearing Item No. 4 discussion.
Samantha Beard, 600 South Abel Street, Chair of Community Advisory Commission, invited everyone to attend CAC's "Make A Difference Day" Event scheduled on October 26, 2013 at the Seasons Marketplace on Landess Avenue.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the September 25, 2013 meeting minutes of the Planning Commission.
 No changes to the meeting minutes as written were requested.
Motion to approve Planning Commission meeting minutes of September 25, 2013 as submitted
 Motion/Second: Commissioners Luk / Madnawat
 AYES: 6
 NOES: 0
 ABSENT: 2 Vice Chair Ciardella, Commissioner Sandhu
- V. ANNOUNCEMENTS** Planning Director Steve McHarris announced that this Saturday, October 26, there is a scheduled Planning Commission Workshop at 11:30 am in the City Hall Committee

Conference Room; the workshop is regarding land use and design alternatives and visioning with Cal Poly Urban Regional Planning Design students' and staff regarding the California Circle area and a portion of the Midtown Specific Area.

Chair Mandal inquired staff about the Wednesday meeting before the Thanksgiving Thursday. Planning Director McHarris replied that historically the Commission has not held a Wednesday meeting before Thanksgiving Thursday, and it is up to the current Commission to decide what they want to do for this year's meeting.

VI. CONFLICT OF INTEREST

Assistant City Attorney Johnny Phan asked if any Commissioners had any personal or financial conflict of interest related to any of the items on the agenda.

No member identified any conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission had any changes to the agenda. Staff had no changes. Commissioner Madnawat would like a clarification from staff in regards to Item No. IX-1 line 4 "...range from 0-40 housing..." when everywhere else in the packet it's stated 1-40 range. Planning Director McHarris replied that it is a range from 1-40 dwelling units/acre.

Motion to approve the October 23, 2013 agenda as amended by staff's clarification for Item No. IX-1 line 4

Motion/Second: Commissioner Madnawat / Commissioner Mohsin

AYES: 6

NOES: 0

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

VIII. CONSENT CALENDAR

CONDITIONAL USE PERMIT NO. UP13-0018: request to operate a testing, and assembly processing business within an existing tenant space at 1677 South Main Street (APN: 86-21-073) zoned General Commercial with Site and Architectural Review Overlay (C2-S) located within the Midtown Specific Plan.

Motion: adopt Resolution 13-029 approving Conditional Use Permit No. UP13-0018 subject to conditions of approval

Chair Mandal asked if anyone would like to speak about the consent calendar item. No one expressed a desire to speak on this item.

Motion to approve the consent calendar as submitted

Motion/Second: Commissioner Madnawat / Commissioner Luk

AYES: 6

NOES: 0

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

IX. PUBLIC HEARINGS

IX-1 GENERAL PLAN AND ZONING TEXT AMENDMENT NO. GP13-0004, & ZA13-0005: a request for a General Plan and Zoning text amendment to the Town Center land use and zoning district development standards to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre; a Negative Declaration was prepared for this project.

Planning Director McHarris introduced new Senior Planner Scott Ruhland. Senior Planner Ruhland informed the Commission that the purpose of this text amendment is to limit additional single family residential uses in the Town Center area where a proliferation of such uses are really not appropriate for the intent and function of a Town Center.

Mr. Ruhland also clarified that it is a State requirement to be consistent on Land Use and Zoning documents that is why amendments are being proposed to both General Plan and Zoning Text tonight.

Commissioner Madnawat referred to the EIR prepared and certified by Senior Planner Ruhland and asked about not finding any negative impacts due to the increase in density like for example green house gas emission impact, noise, more traffic. Mr. Ruhland replied that there is no proposed increase in density, only limiting the lower density range.

Commissioner Madnawat asked if the existing homeowners would be grandfathered in after this amendment passes if they decide to demolish their existing homes. Mr. Ruhland said that existing single family units would be grandfathered.

Chair Mandal asked if there are any projects inline at the Town Center area that are going to be impacted. No projects are in line; so this administrative amendment would only impact future development proposals.

Commissioner Mohsin inquired about the transportation/traffic factor on page 31 of the EIR as to how to address the issue specifically the pedestrian/bicycle path impact as well as mass transit; are they going to widen the area of the plaza going out to Hillview Drive and other areas? Senior Planner Ruhland replied that it would be addressed based on the development proposal during the review process of the project and the City would want them to connect to the City's bike trail system with pedestrian connection to the streets. Commissioner Mohsin asked if those will be required of the development proposal and Mr. Ruhland said yes.

Alternate Member Morris asked what the financial gain would be for this amendment. Mr. Ruhland replied that it would allow the City to use the land more efficiently because the intended use of a town center is for office and commercial so the land use would generate tax revenue.

Commissioner Barbadillo asked staff's motivation in recommending the general plan and zoning text amendments to be approved. Mr. Ruhland replied that the proposed amendments are to correct inconsistencies the Town Center use for future developments to allow the maximum land use to be tax and mixed-use. It is also to encourage the Town Center to be a more compact urban form encouraging tax-generating uses and create a mix-use district area compared to a single-family residential neighborhood.

Commissioner Barbadillo asked why staff is requesting this amendment now. Planning Director answered that it is because the economy has changed and that the small lot

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single family detached homes are highly profitable to the development community. It is staff's opinion that additional single-family residential does not meet the vision for the Town Center's flourish to be more mix-use.

Commissioner Mohsin asked about the City's vision of the mix-use complex. Director McHarris responded there is no project before the Commission tonight but in a future development project in the town center, there could be a mix of commercial and residential either above the commercial (vertical) or possibly horizontal where stand-alone commercial buildings are integrated with residential in close proximity into what we also refer to as "mixed-use".

Commissioner Luk commented that the whole intent of this revision is to allow mixed-use urban environment for this important corridor in Milpitas with its close proximity to Calaveras and Interstate 680. He believes that a higher minimum density makes sense and the proposed town center designation amendment would be a good urban element for the City's commercial component that we lack.

Chair Mandal opened the public hearing for comments and heard none.

Motion: to close the public hearing after hearing no comments.

Motion/Second: Commissioner Mohsin / Alternate Member Morris

AYES: 6

NOES: 0

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

Chair Mandal asked for any other clarification questions from the Commissioners. Commissioner Madnawat asked about the California Public Utilities Commission letter. Principal Housing Planner Felix Reliford replied that it is related to the next public hearing agenda item.

Motion: to adopt Resolution No. 13-028 recommending the City Council adopt General Plan Amendment No. GP13-0004 and Zoning Amendment No ZA13-0005 to adjust the allowable residential density range from 1-40 housing units per gross acre to 21-40 housing units per gross acre for the Town Center Zoning District.

Motion/Second: Alternate Member Morris / Commissioner Mohsin

AYES: 4 Chair Mandal, Commissioners Mohsin and Luk and Alternate Member Morris

NOES: 2 Commissioners Madnawat / Commissioner Barbadillo

ABSENT: 2 Vice Chair Ciardella / Commissioner Sandhu

Commissioner Madnawat commented that Town Center is the heart of the City and opposed to having developer come in and put condominiums instead of mixed commercial/residential properties in this particular zoned district that's why he is opposed to the motion.

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