



CITY OF MILPITAS

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

3/17/2015

Agenda Item No. 1



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



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



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5688



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REGINA ALCOMENDRAS, County Clerk – Recorder
by Veronica Aguirre, Deputy Clerk – Recorder,

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

- 1. LEAD AGENCY: City of Milpitas
- 2. PROJECT TITLE: Town Center General Plan Amendment and Zone Text Amendment: GP15-0001, ZA14-0001 and FA15-0001
- 3. APPLICANT NAME: City of Milpitas PHONE: 408.586
- 4. APPLICANT ADDRESS: 455 East Calaveras Blvd, Milpitas CA 95035-5411
- 5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
- 6. NOTICE TO BE POSTED FOR 20 DAYS.
- 7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) \$ 3,069.75 \$ 0.00
- 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) \$ 2,210.00 \$ 0.00
- 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) \$ 850.00 \$ 0.00
- 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS \$ 1,043.75 \$ 0.00
- 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) \$ 50.00 \$ 0.00
Fish & Game Code §711.4(e)

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) \$ 50.00 \$ 0.00
- 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)
- DOCUMENT TYPE: ENVIRONMENTAL IMPACT REPORT NEGATIVE DECLARATION \$ 50.00 \$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- NOTICE OF PREPARATION NOTICE OF INTENT NO FEE \$ NO FEE

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



CITY OF MILPITAS

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

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that Pursuant to the State of California Public Resources Code and the “Guidelines for Implementation of the California Environmental Quality Act of 1970” as amended to date, this is to advise you that the City of Milpitas has prepared an Initial Study for the following project.

Project: Town Center General Plan Amendment, Zoning Text Amendment and Environmental Impact Assessment

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.

Project Applicant: City of Milpitas

Project Description: The proposed project includes a General Plan Amendment and Zoning Text Amendment. The General Plan Amendment would eliminate the description, density, and plans for residential uses in the Town Center Land Use Designation in the General Plan. The following sentences would be deleted from the General Plan:

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

The Zoning Text Amendment would also eliminate residential uses, including live/work, from the Zoning Code. Residential and live/work uses would be deleted from Table XI-10-5.02-1; a provision would allow for existing residential and live/work units constructed on or before February 17, 2015 and any project securing an approved tentative map, conditional use permit or site development permit on or before February 17, 2015 would be allowed to continue. Section XI-10-13.12, as it pertains to live/work units, would also be deleted from the Zoning Code. A development project is not currently proposed.

Declaration:

Based on the Initial Study for this project, staff determined that the proposed project will not have a significant effect on the environment in that the project is a request to prohibit future residential land uses in the Town Center area of the City of Milpitas.

Public Comment Period: February 5, 2015 and February 25, 2015 the public and all affected agencies are hereby invited to review the Negative Declaration and Initial Study and submit

written comments. Only comments submitted during that period will be considered unless otherwise allowed under CEQA.

Public Hearing Date

Planning Commission

7:00PM January 8, 2013

455 E. Calaveras Blvd, Milpitas, CA

City Hall Council Chambers

Document Availability: The Initial Study and Negative Declaration (and all documents they reference) are available for review at the City of Milpitas Planning Division, 455 East Calaveras Boulevard, Milpitas, CA 95035 between the hours of 8:00AM and 5:00PM, Monday through Friday, except Holidays. The document is also available online at: <http://www.ci.milpitas.ca.gov/government/planning/environmental.asp>

Mitigated Negative Declaration Prepared By:

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035

Contact: Adam Petersen
Title: Senior Planner
Telephone: (408) 586.3274
Fax: (408) 586.3305

Signature: _____



Date: _____

2/5/15

Comments Due By February 25, 2015

The attached Negative Declaration is being referred to your agency/City department for review and comment. Your written comments should be received prior to, or be submitted verbally during the Public Hearing. If you have any questions, please contact the Contact Person above.

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. EA15-0001

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 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. The General Plan Amendment would eliminate the description of residential uses from the Town Center Land Use Designation in the General Plan. The following sentences would be deleted from the General Plan:

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

Further, any references to residential density in the Town Center Land Use Designation would be deleted from the General Plan.

The Zoning Text Amendment would also eliminate residential uses, including live/work, from the Zoning Code. Residential and live/work uses would be deleted from Table XI-10-5.02-1; a provision would allow for existing residential and live/work units constructed on or before February 17, 2015 and any project securing an approved tentative map, conditional use permit or site development permit on or before February 17, 2015 would be allowed to continue. Section XI-10-13.12, as it pertains to live/work units, would also be deleted from the Zoning Code. A development project is not currently proposed.

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

Project Proponent: Adam Petersen, 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

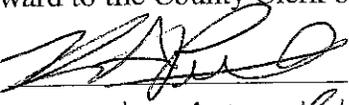
Initial Study and finds that the project will have no significant impact upon the environment, as recommended in the EIA.

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: February 5, 2015 to February 25, 2015.

By: Adam Petersen
Project Planner

Forward to the County Clerk on this 5 day of February, 2015

By: 
Kenneth Adam Petersen

CITY OF MILPITAS



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GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

ATTACHMENT C

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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 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. The General Plan Amendment would eliminate the description of residential uses from the Town Center Land Use Designation in the General Plan. The following sentences would be deleted from the General Plan:

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

Further, any references to residential density in the Town Center Land Use Designation would be deleted from the General Plan.

The Zoning Text Amendment would also eliminate residential uses, including live/work, from the Zoning Code. Residential and live/work uses would be deleted from Table XI-10-5.02-1; a provision would allow for existing residential and live/work units constructed on or before February 17, 2015 and any project securing an approved tentative map, conditional use permit or site development permit on or before February 17, 2015 would be allowed to continue. Section XI-10-13.12, as it pertains to live/work units, would also be deleted from the Zoning Code. A development project is not currently proposed.

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

Project Proponent: Adam Petersen, 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

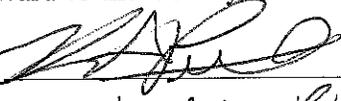
Initial Study and finds that the project will have no significant impact upon the environment, as recommended in the EIA.

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: February 5, 2015 to February 25, 2015.

By: Adam Petersen
Project Planner

Forward to the County Clerk on this 5 day of February, 2015

By: 
Kenneth Adam Petersen

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:** Adam Petersen, Senior Planner, apetersen@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; to add the words “mixed use” residential to the Town Center zoning description; and to prohibit ground floor residential development in the Town Center zone. A development project is not currently proposed. Adjustment of the density range, description of the zone, and uses would disallow single-family residential uses on the ground floor 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

2/5/15

Date



Printed Name

For

MAPS

Figure 1: Regional Map

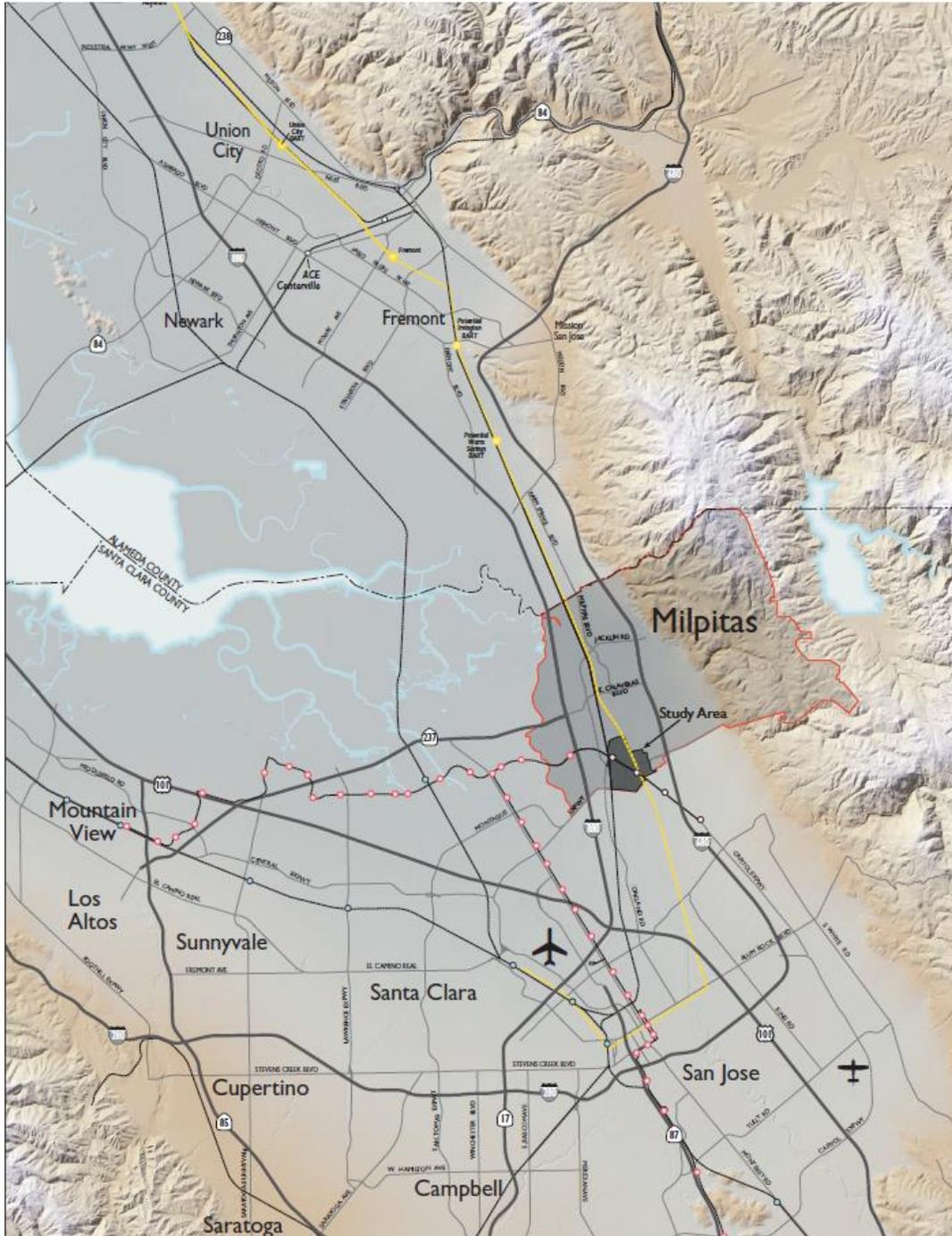
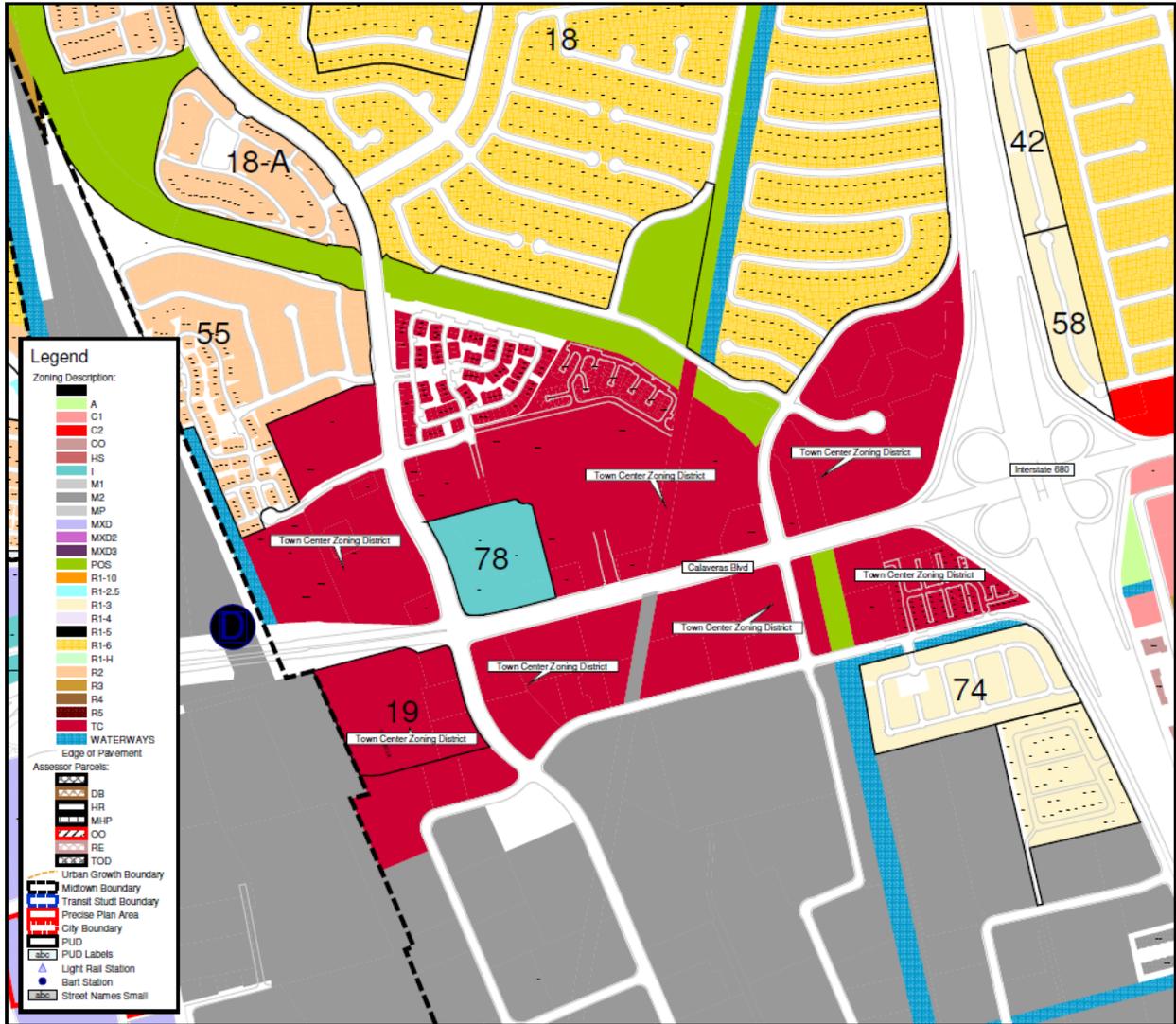


Figure 2: Vicinity Map



EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

ISSUES

I. AESTHETICS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	<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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 at the street level 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 alter the style residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of residential uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 to alter the style of residential uses in the Town Center district and establish uses which are 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. Adding “mixed-use” residential to the description of the zone, and prohibiting ground floor residential uses, would achieve greater consistency with the City’s General Plan by implementing a range of uses and higher densities. 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 and location of allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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:					
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 and location of allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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

Environmental Setting:

XIV. PUBLIC SERVICES					
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 and location of allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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

XV. RECREATION					
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 and location of allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 to 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 and location allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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 and location of allowed uses 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 to alter the style of residential uses in the Town Center district and establish uses which are 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?
- 4) 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.



CITY OF MILPITAS

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

3/17/2015

Agenda Item No. 1



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION





City Clerk's Office

MAR 16 2015

RECEIVED

March 12, 2015

The Honorable Jose Esteves
Mayor
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

RE: The Proposed Town Center General Plan Amendment, Zoning Amendment, and Environmental Impact Assessment (referenced as GP15-0001, ZA 14-0011, and EA 15-0001, respectively) Concerning Residential Uses within the Town Center Zoning District

Dear Mayor Esteves,

Reference is made to the proposed action in front of the City Council which proposes to eliminate residential uses from the Town Center Zoning District in the City of Milpitas. As you may know, Shapell Properties, Inc. ("Shapell") is the largest commercial stakeholder within the Town Center district by virtue of its ownership of the majority of the shopping centers located within the Town Center Zoning District, including The Milpitas Town Center, Beresford Square North, and Beresford Square South.

It has come to our attention that the above-referenced proposed zoning amendment was approved by the Planning Commission and will be presented to the City Council for adoption on March 17, 2015. Please do not take Shapell's lack of involvement in that Planning Commission hearing, or in the previous "public meetings", as silent consent to the proposed action. Rather, as a result of changes to the management within Shapell, the notice of the Planning Commission hearing was not received until the afternoon of the meeting itself, affording us no time to offer our position or reaction. This letter is intended to inform you, the City Manager, and your fellow City Councilmembers of Shapell's objection to the proposed change in zoning, and to request that you reject the proposal at the March 17 hearing.

Representatives of Shapell will attend the City Council meeting on March 17, and we hope that this letter and our follow-up correspondence will lead to better communication between Shapell and the City of Milpitas in future matters relating to the Town Center district. We find it particularly troubling that the largest stakeholder in the area was not directly contacted to solicit our feedback for what is such a potentially impactful departure from the Town Center Zoning District which was established over 30 years ago.

The basis for our opposition to the proposed actions are many, but the fundamental grievance over the proposed actions is the lack of a genuine, inclusive and well-planned public involvement, and absence of a legitimate study of land use, housing, transportation and economic impacts to the zoning change. Land

use decisions, particularly in areas such as the Town Center, are dependent upon an understanding of a myriad of factors and influences. Carefully considered land use policy calls for the inclusion of the community, of stakeholders, and of planning professionals in a collaborative dialogue. The potential impacts to the health and welfare of the City and of the stakeholders within the district were simply not appropriately considered prior to crafting this proposed zoning amendment, evidenced by the City's token prior public meetings and lack of any material study of the impacts of the change. Certainly a proposal brought forth by a developer to make a substantial change to an entire zoning district within the City would not be approved with such a perfunctory review.

Examples of unknown impacts are the availability of housing (for seniors or otherwise), affordability of housing, the loss of economic opportunities created by locating housing within an integrated, mixed-use area such as the Town Center, and potential impacts to the City's general fund resulting from diminished economic activity within the Town Center. It appears that the focus of impacts within the staff report centers upon the conclusion that the proposed zoning change is not inconsistent with the existing General Plan.

With regard to consistency to the General Plan, the fundamental nature of the zoning category itself seems incongruous with the categorical restriction on residential development. Even a cursory read of the General Plan will note that the zoning category intentionally and specifically relies upon the important relationship between successful retail/commercial businesses and closely proximate high-density housing. The General Plan description of the Town Center zoning designation is re-stated below for your reference (emphasis added):

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 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.*

The City's own General Plan recognizes the potential benefits that high density housing brings to the existing and future commercial uses within the Town Center. Shapell has very real concerns that the City's proposed re-zoning will create unforeseen and negative impacts to the interests of the business and land owners within the district, and to the welfare of the City itself.

We have no doubt that the City's leaders must grapple with a number of challenges brought upon by an increase in development activity. Rather than simply eliminating a complementary land use category from a key zoning district, we propose the City consider the merits of working together with its stakeholders to cooperatively study the impacts of land use changes within the Town Center area, and to understand how high-density housing (a use specifically identified as important and appropriate in that district) can best be implemented in the Town Center. Such an effort would necessarily involve the stakeholders, the public, City Staff and other professionals. Shapell would welcome an active involvement in such an effort.

Mayor Jose Esteves
March 12, 2015
Page 3 of 3

To summarize, the proposed action fails to meet the most basic standard of review and study of the varied impacts, and subverts the City's General Plan by creating an arbitrary and capricious change to a critical and complementary element of the City's most unique zoning designation. I am certain you will appreciate our concerns over this proposed swift change, which threatens the welfare of the stakeholders within the area, including Shapell, without proper consideration of its consequences. I therefore urge you and your fellow Councilmembers to reject the proposed zoning amendment in favor of an approach which includes serious study and genuine dialogue with those persons most impacted by the proposed changes.

Thank you for your time and consideration as you evaluate this important measure.

Yours Truly,



John A. Love
Vice President

cc: Carmen Montano, Vice Mayor
Debbie Indihar Giordano, Councilmember
Garry Barbadillo, Councilmember
Marsha Grilli, Councilmember
Thomas Williams, City Manager
Michael J. Ogaz, City Attorney
Steven McHarris, Director of Planning & Neighborhood Services
Edesa Bitbadal, Economic Development Manager
Bill West, CEO, Shapell Properties, Inc.
Brent Iloulian, Corporate Counsel, Shapell Properties, Inc.
Farouk Lalji, Regional Director, Shapell Properties, Inc.

MAR 16 2015

Mary Lavelle

RECEIVED

From: Mike Ogaz
Sent: Monday, March 16, 2015 4:10 PM
To: Mary Lavelle
Subject: FW: Letter from Shapell Properties, Inc. - Town Center General Plan Amendment, Zoning Amendment, and Environmental Impact Assessment

For the record...

-----Original Message-----

From: Farouk Lalji [mailto:flalji@shapell.com]
Sent: Monday, March 16, 2015 3:58 PM
To: Carmen Montano
Cc: Mike Ogaz
Subject: RE: Letter from Shapell Properties, Inc. - Town Center General Plan Amendment, Zoning Amendment, and Environmental Impact Assessment

Carmen, thank you for taking the time to reach out to me about what we believe, at Shapell Properties, is an extremely important watershed moment between the City and the stakeholders here in the Milpitas Town Center district on the Proposed General Plan Amendment.

To begin, it is worth noting that we are not questioning the legality of the process, but rather highlighting the fact that the proposed amendment has been a non-inclusionary and seemingly hasty undertaking by the City. Whereas you have properly noticed the stakeholders involved in this process, you have also fast-tracked a decision which is more in response to a Council directive (a result of overdevelopment of residential use in the City of Milpitas), rather than a use plan that is more advantageous to the overall Town Center district as laid out in the General Plan. The process has lacked inclusion of the primary stakeholders in the process and will result in a less effective outcome for those stakeholders (and taxpayers) as a result. Our initial suggestion is to perform an Environmental Impact Assessment/Report and an Economic Impact Assessment on the Proposed Amendment. While I am unaware of the potential timing on receipt of such reports, I did meet with Mayor Esteves, Steven McHarris and Tom Williams on October 30th and it was mentioned that Edesa was going to be working on an Economic Development Study of the Town Center district. If the City did commission such reports, they will hopefully be available shortly. Do you concur that the Amendment should be properly evaluated once the economic study is completed so the Council can understand its merits from every perspective?

I will also point out that there is a reason the General Plan has proved to be resilient to Amendments over the past 30 years since its inception. I would hope that the City would be cautious to enacting such a harsh amendment and slow this process down to take the time to better understand why it calls for the termination of "residential uses" within its description and to analyze and quantify further the "economic support" that residents in high density developments would offer the commercial businesses and offerings in the Town Center as laid out further in the current General Plan.

Thank you for your time and attention to this matter.

-Farouk

-----Original Message-----

From: Carmen Montano [mailto:cmontano@ci.milpitas.ca.gov]
Sent: Monday, March 16, 2015 1:39 AM
To: Farouk Lalji
Cc: Mike Ogaz
Subject: Re: Letter from Shapell Properties, Inc. - Town Center General Plan Amendment, Zoning Amendment, and Environmental Impact Assessment

Hello Mr. Lalji,
Thank you for your response to the Town Center general plan amendment. I have a question.

You mentioned having a serious study and genuine dialogue with the property owners. What Exactly do you have in mind In terms of your proposals and a time frame. From my understanding all protocol and legal due process of notifications and public hearings have already been set into motion giving the stakeholders a window of opportunity for comments. Please expand on my two comments in question. Thank you, Vice Mayor Montano

Sent from my iPad

On Mar 13, 2015, at 4:09 PM, Farouk Lalji <flalji@shapell.com<mailto:flalji@shapell.com>> wrote:

Dear Mayor Esteves,

I hope this email finds you well. I am emailing you a letter on behalf of Shapell Properties, Inc. ("Shapell") and John Love, Vice President at Shapell, as it relates to The Proposed Town Center General Plan Amendment, Zoning Amendment, and Environmental Impact Assessment (referenced as GP15-0001, ZA 14-0011, and EA 15-0001, respectively) concerning Residential Uses within the Town Center Zoning District. We have also hand delivered a copy of this letter to you at your office and have sent copies to all other recipients enclosed on this email including the other sitting members of the City Council, the City Manager, the Head of the Planning Commission and the City Attorney. Our objective, with this letter, is intended to inform you and your fellow City Councilmembers, as well as the City Manager, of Shapell's objection to the proposed change in zoning, and to request that you reject the proposal at the March 17 hearing. Our hope is for you and the other Council Members, together with the City Planning department and Economic Planning department, to approach this proposed zoning change through a serious study and genuine dialogue with those persons most impacted by the proposed changes.

Thank you, in advance, for your time and consideration of this matter.

Respectfully,

Farouk Z. Lalji

Regional Director, Commercial Properties flalji@shapell.com<mailto:flalji@shapell.com>

408.324.7155 direct dial | 415.823.3206 mobile SHAPPELL PROPERTIES, INC.

100 N. Milpitas Boulevard Suite 160 | Milpitas, CA 95035

<City of Milpitas.pdf>



CITY OF MILPITAS

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GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

3/17/2015

Agenda Item No. 4



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



**CITY OF MILPITAS, CALIFORNIA
REQUEST FOR PROPOSALS (RFP)
FOR OPERATION OF THE COMMUNITY ACCESS TELEVISION CHANNELS**

Introduction

The City of Milpitas (City) wishes to solicit proposals from qualified operators for the operation and management of the City's public television channel in accordance with this RFP. Award resulting from this RFP is expected to result in a three-year contract and one (1) three-year option to renew.

In addition to the scope of work itemized within this RFP document, the City encourages proposals to identify sustainable best practices and appropriate practical innovations that uniquely serve the goals of the community.

Background

Local public, educational and governmental (PEG) access channels began in the early 1970s, as a "tradeoff" offered to cities by the emerging cable television industry during franchise negotiations. PEG channels would be locally operated cable channels that would take advantage of the new medium's potential to become an "electronic soapbox" to encourage expression of a wide range of local viewpoints. As the channels evolved, the "E" (education) and "G" (government) channels focused on those respective topic areas, while the "P" channels provided free airtime and access to video production facilities to any member of the public, regardless of the speaker's message.

Public Access in Milpitas

The City has had an agreement with Milpitas Community Television 26 (MCTV26), to operate the community access channel, with the public access channel currently on Comcast system Channel 26. In addition to operating the community access channels, MCTV provides video production services to local government agencies and non-profit organizations.

The City, through this Request for Proposals (RFP), is seeking proposals from qualified non-profit 501(c)(3) organizations for the continued operation of the City's public access cable television channel and the studio located inside City Hall at 455 E. Calaveras Blvd, Milpitas, CA.

GOALS AND OBJECTIVES

The following goals and objectives have been identified for this project:

- Implement a community television operation solution that is financially stable.
- Provide techniques for assessing community needs and new opportunities.
- Provide techniques for openness and transparency in the operation of the station.

- Provide greater community television station effectiveness to independent art and cultural groups, entertainment groups, sports and recreation associations.
- Increase community support.
- Provide innovations for advancing the station in the ever-changing technology of video and television production.
- Provide educational training programs, business and non-profit engagement, marketing and grant awards that support community access television.

The City seeks proposals that demonstrate a realistic and achievable plan for immediately assuming channel operations. In addition, the successful proposer should demonstrate that it has the capacity to raise nongovernmental revenues or volunteer support to expand the existing services of the operation.

The successful proposer will provide quality services with the existing PEG funded equipment currently in the possession of and under the control of MCTV26 and will determine the future needs of the public access television facility.

The contract shall have an original term of five (3) years. However, the City, at its sole and absolute discretion, may terminate the contract at any time if the applicant fails to raise adequate funding or provide the specified services as agreed. In addition, the City shall have an option to agree to extend the term for one (1) **additional three**-year period, which the City may exercise in its sole and absolute discretion.

SCOPE OF WORK

The successful proposer will provide services for the operation and management of the City's Public channel:

General Management:

1. Provide access to equipment, facilities, channel, and services provided hereunder to the City, nonprofit organizations, and any resident of the City for non-commercial programming purposes, nonprofits and residents on a first-come, first-served non-discriminatory basis, pursuant to operating rules promulgated by operator.
2. Create and maintain operating policies and procedures. Maintain policies and guidelines for use and operation of the access equipment, facilities, and channel, and make modifications as necessary.
3. Properly maintain and make public the bylaws of the non-profit 501(c)(3) organization.
4. Manage one (1) PEG access channel and facilities in compliance with applicable laws, rules, and regulations.
5. Maintain an accurate inventory of all equipment, including a subcategory of inventory consisting of all equipment.
6. Provide financial reports to the City on a biannual basis.
7. Participate in public input workshops on an annual basis.

8. It is anticipated that there will be a period of transition when a new operator takes over. The successful proposer must be prepared to immediately operate the channels within 30 days of award of the contract, with specific attention to public access producers, community based organizations and public access viewers.

Services

Services include, but are not necessarily limited to, the following:

1. Operation of one community access channel.
2. Provide video production services for governmental and non-profit agencies.
3. Manage a video production facility which shall be available for public use at such hours and times as determined by operator and reasonable to ensure user access. Access to equipment and facilities shall be open to all those who satisfactorily complete training class(es) provided by operator. Cost of such training shall be reasonable and available to individuals with limited incomes.
4. Train interested local residents in the techniques of video production and provide technical advice regarding the execution of productions.
5. Scheduling of the channel and playback of programs produced by public access producers, including basic maintenance of related equipment.
6. Coordinate to include schedule of programs on Comcast's on-screen channel guide.
7. Organize and regularly schedule training for producers.
8. Check-out/in of equipment and reservation of facilities used by community producers.
9. Ensure adequate staff or volunteer personnel are available to operate the studio and control room facilities as needed by producers or other users of the community access television station.
10. Preventive and corrective maintenance of facilities and equipment provided for use by community producers.
11. Outreach to and recruitment of community organizations and individuals.
12. Promotion of the services provided by the public access facility and the programming airing on the access channel.
13. Retention of certified producers and assistance in producing initial and subsequent Public Access Programming.
14. Implement a marketing program for the television studio to engage the public and to identify and reach target audiences.

15. Create a menu of services offered and the associated professional fees/rates schedule. Fee schedule should include tiers for public, governmental and non-profit users.
16. Create and maintain a website.
17. Post and maintain office hours.
18. Present an annual "State of Community Access Television Report" to the Milpitas City Council.

The successful proposer will be a private 501(c)(3) nonprofit organization that is governed by a Board of Directors completely independent from the City. The Board is not to be considered as created by or under the control of the City. State laws such as the Brown Act and the Public Records Act do not apply, however, it is expected that board meetings will be open to the **public** with meeting schedules at least seven (7) days in advance. Agendas **will** be posted in a conspicuous place at the studio visible to the public or on a public web site at least 72 hours in advance of any scheduled meeting. The Board of Directors **shall** be responsible for fiduciary and operational oversight. Proposals are expected to address how proposed bylaws for the organization will incorporate a methodology for selection and removal of Board members that will ensure the Board is responsive to the mission and vision of community access television, the users of the facility and the public at large. The City encourages proposers to consider proposing a governance structure that includes in the bylaws a formal Advisory Council of external advisors, key staff and key partners with regular meetings focused on providing support, guidance and recommendations to the Board with respect to operations, programming and community interactions.

Funding Sources:

Please include the cost to manage the Public Channel and studio in proposal. The City will evaluate based on cost and services provide.

Equipment:

Operator shall keep in good condition. The City will provide the maintenance and repair of **all** equipment purchased through the use of PEG fees allowable through its budget.

Upon termination or expiration of the contract, all such equipment purchased through the use of PEG fees shall become the property of City.

Upon the expiration or the termination of the contract, the operator shall, transfer **all** assets of the operator representing City funded equipment, and/or the proceeds of either to the City, or at the City's option, to such organization or organizations designated by the City to manage PEG access, which shall at the time qualify as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States Internal Revenue Law).

PROPOSAL FORMAT AND SUBMITTAL REQUIREMENTS

Proposals without sufficient submittal data to provide a complete evaluation will not be considered. Proposals must fully address the evaluation criteria, references and data to verify qualifications and experience.

The proposal shall include, as a minimum, the following information:

1. Cover/Transmittal Letter — Letter is to be signed by a member of the organization having the authority to negotiate and execute contracts on behalf of the organization. Cover letter must acknowledge receipt of any and all addenda, if any were issued.
2. Project Understanding - This section should outline the proposer's basic understanding of the project. It should identify key issues to be addressed during the project and any insights or innovative ideas the proposer can provide in addressing those issues. Items that should be included are:
 - a. Identify a plan for transitioning from the current operator to the new operator, if applicable.
 - b. Education - Provide a detailed explanation of programs to be implemented currently as well as proposed future programs.
3. Scope of Work—Describe how you will accomplish the items in the Scope of Work and how you will meet the stated Goals and Objectives.
4. Related Experience — Include all experience that demonstrates your ability to operate a public access television station.
 - a. Describe your experience with providing operation and management of a public access television station. If proposer has no experience, please provide relevant experience that shows an ability to perform this project.
 - b. What examples do you have of keeping up-to-date with technologies, especially those that affect the ability of citizens to utilize the station?
6. Responsible Personnel — Provide a list of personnel (staff or volunteers) who will be involved with this project.

EVALUATION OF PROPOSALS AND NEGOTIATIONS

A panel, comprised of people knowledgeable of public access channel operations and/or who have acceptable knowledge of the goals of a community access channel, will review all proposals submitted and select the top proposals. These top proposers may then be asked to provide additional information to the evaluation panel. Based on the initial proposals the panel will select the proposal which best fulfills the requirements and is the best value to the City. The City will negotiate with that contractor to determine final contract form.

Overall responsiveness to the Request for Proposals is an important factor in the evaluation process. Evaluation of the proposals is expected to be completed within twelve days after their receipt due date of April 20, 2015.

Evaluation Criteria

The proposals will be evaluated, generally, in accordance with the criteria itemized below. The panel will review how closely an applicant's proposal is to meeting all the requirements set forth in the RFP.

Category Maximum Points Allowed

1.	Experience in public access operations and financial management	10
2.	Management plan for efficiency and innovation	10
3.	Plan for retention and development of producers and volunteers	15
4.	Plan for channel administration, oversight and governance	10
5.	Plan to develop partnerships with community groups, non-profit groups and government	15
6.	Outreach and marketing plan for public access services and programming	10
7.	Cost of operation	30
Total possible points		100

All agreement negotiations will be handled by the City of Milpitas. Award will be by the City Council. No other officer or agents may obligate or bind the City. Proposers will designate, by name, the representative who will negotiate. The person named will be an authorized agent of the organization who will be able to conduct negotiations or written offers in good faith.

ATTACHMENTS

1. Current Agreement with MCTV26