

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**



STAFF REPORT

TO Members of the Castro Valley Municipal Advisory Council
RE Scenic Corridor Combining District
HEARING DATE November 26, 2012

GENERAL INFORMATION

The following is an overview of proposed amendments to the County's Zoning Ordinance pertaining to scenic corridors.

STAFF RECOMMENDATION

Staff requests that the Council hear staff's presentation, receive public comment, and provide direction to staff in revising the proposed amendments.

STAFF ANALYSIS

Natural scenic beauty supports a number of important community elements, including the natural environment, community quality of life and character, and local economies. These viewsheds often contain relatively large natural areas and provide the benefits associated with the included ecosystems, such as watersheds and unfragmented habitat. The beauty of these areas contributes to the short-term and long-term quality of life for the people and communities who experience them.

Planning Department Staff has developed a Scenic Corridor Combining District to address the goal of preserving viewsheds within unincorporated Alameda County. The district addresses the following issues/concerns:

- Land Use
- Building Height, Mass, and Siting
- Building Materials, Colors and Styles
- Parking
- Outdoor Lighting
- Signs, Billboards, and Telecommunications Towers
- Landscaping and Grading
- Tree and Vegetation Conservation

On October 15, 2012, the Planning Commission heard a presentation from staff describing the process that would be employed to develop the Scenic Corridor Combining District. The Commission concurred with staff's recommendations, and since that time staff has been engaged in the development of the proposed amendment. In addition, on November 5, 2012 the Planning Commission provided comments on staff's initial draft, and their recommendations have been incorporated into the draft before you today. The Sunol Citizen's Advisory Committee discussed the draft amendment on November 14, 2012 and the Agricultural Advisory Committee will discuss the matter on November 27, 2012.

CONCLUSION

At this time staff requests that the Council provide feedback on the proposed amendments. The draft amendments will be submitted to the Planning Commission for approval as soon as possible.

ATTACHMENTS

- A. Draft Ordinance Amendment
- B. Planning Commission Staff Report, October 15, 2012

PREPARED BY:	Angela C. Robinson Piñon, Planner
REVIEWED BY:	Sonia Urzua, Senior Planner

SC DISTRICTS

Chapter ###.###- SC DISTRICTS

###.###.010 - Purpose.

The district, hereinafter designated as combining SC (scenic corridor) district, is intended to be combined with other districts containing lands located within scenic corridors as designated by the board of supervisors. The purpose of this chapter is to provide guidelines and approval procedures for the development and improvement of land within SC districts in unincorporated Alameda County.

###.###.020 - Areas subject to regulations.

The following areas are subject to the provisions of this chapter:

###.###.030 - Regulations.

In a combining SC district, all regulations shall remain the same as in the district with which it is combined, except as to the matters hereinafter described.

###.###.040 - General provisions.

A. All new development within the district shall comply with the provisions of this chapter, except the following shall be exempt from compliance:

1. Farm or agricultural-related structures outside of the forty (40) foot roadway buffer.
2. Single-family dwellings and manufactured homes on an existing lot of record.
3. Developments existing on the effective date of this chapter, provided that expansions or additions to existing development on or after the effective date of this chapter shall be subject to compliance with these regulations.

B. In the event of a conflict among the regulations in this chapter and those elsewhere in this code, the regulations in this chapter shall prevail. The provisions of this chapter shall also apply to projects undertaken by public agencies and special districts except for the maintenance of existing county public roads within existing rights-of-way.

C. No permit or administrative or discretionary approval shall be issued to authorize any grading or earthmoving activity, including grading or earthmoving necessary to create or improve an existing driveway, road or other access, or benches or shelves, if such earthmoving or grading would occur on slopes of fifteen (15) percent or more unless a variance has been granted in accordance with sections 17.54.090 through 17.54.120. Agricultural roads within planted areas subject to erosion control plans under Chapter 15.36 of the code shall not be subject to this requirement.

D. All future building sites identified on either a tentative parcel map, final map, or subdivision map shall be reviewed and conditions of approval established to ensure conformity with the purpose and intent of this chapter.

E. Applications requiring the issuance of a conditional use permit, as required by the General Ordinance Code, will be reviewed for their adherence to the requirements of this chapter during the application process for the issuance of the conditional use permit.

###.###.050 - SC Districts - Site development review—When required.

Site development review pursuant to Section 17.54.210 shall be required for any project for which a building or grading permit is required, excluding grading activities described in section ###.###.040 paragraph C.

###.###.060 - SC Districts - Development guidelines.

All development is subject to site development review pursuant to Sections ###.###.060 (SC Districts--Site Development Review—When Required) and 17.54.210 (Site Development Review) et seq. and to the following provisions:

SC DISTRICTS

- A. Development or improvements within a SC district shall comply with the following guidelines:
1. The design and location of each building and landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations should be considered as part of the development's design.
 2. Buildings and landscaping shall be so located that each does not create a walled effect along the scenic corridor. The positioning of buildings shall be varied in order to create a complimentary relationship between mass and void.
 3. All developments shall maintain a one hundred (100) foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings. No structure within the one hundred (100) foot setback shall exceed twenty (20) feet in height.
 4. A roadway buffer of at least forty (40) feet shall be provided within the required development setback, abutting the right-of-way of the scenic corridor. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the planning director. Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned and/or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the planning director.
 5. Existing topography, vegetation and scenic features of the site shall be retained and incorporated into the proposed development wherever possible. Manmade structures, as a visual element in the scenic corridor, should be secondary in importance to natural growth.
 6. Each structure or feature reviewable under this chapter shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies and adjoining structures.
 7. Each structure shall be constructed, painted and maintained and all planted material shall be planted and maintained to complement and enhance scenic views and the natural landscape.
 8. Unnatural and conflicting aesthetic elements shall be eliminated to the extent feasible consistent with safety requirements (for example, retain street lighting, but place wiring underground). Where it is not possible to locate such a feature out of view, it must be located in an area so as to minimize visibility from a scenic corridor or screened from view by planting, fence wall or berm. Where the screen consists of a fence, wall or berm, it may not be higher than six feet. Screening shall consist of primarily natural materials rather than solid fencing. Preference shall be given to vegetation in conjunction with a low earth berm.
 9. Lighting shall be compatible in type, style and intensity to the surrounding elements and not cause undue or aggravating disruption, glare and brightness.
 10. Grading or earth-moving shall be planned and executed in such manner that final contours appear consistent with a natural appearing terrain. Finished contours shall be planted with plant materials native to the area so that minimum care is required and the material is visually compatible with the existing ground cover.
 11. A road pattern, or characteristics of any road pattern, proposed as part of a development shall be designed and constructed to contribute to the scenic character of the landscape in view. New roads and driveways constructed within the scenic corridor shall not be dominant visually and there should be only a minimal amount of road in view within the roadway buffer.
 12. The number of access points to and from the scenic corridor shall be minimized

SC DISTRICTS

consistent with safety and circulation needs.

13. Parking on the scenic corridor roadways should be minimized.

14. No advertising signs shall be permitted within forty (40) feet of a public road or right of way.

15. All utility lines serving uses proposed or developed within the scenic corridor, including electric, telephone, data and cable television, shall be installed underground within the roadway buffer and development setback area. Underground utility trenches must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the scenic corridor with existing vegetation and/or revegetation. Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, shall be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.

B. The planning director shall hold a public hearing regarding a site development review application.

C. Violations of this section shall be subject to enforcement, penalties and abatement under chapters 17.58 and 17.59 of this title.

###.###.080 - SC Districts - Findings and appeal.

A. If the planning director recommends approval under this chapter, they shall make written findings and provide a copy to the applicant within ten (10) days of the decision.

B. A decision of the planning director may be appealed to the planning commission.

C. A person desiring to appeal an action taken under this chapter shall do so by filing written notice of appeal within ten (10) days after the decision. If no appeal is filed, the decision on the application is final.

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**



STAFF REPORT

TO Members of the Alameda County Planning Commission
RE Scenic Corridor Combining District
HEARING DATE October 15, 2012

GENERAL INFORMATION

The following is an overview of the possible amendments to the County's Zoning Ordinance intended to provide additional regulations for areas of visual significance.

STAFF RECOMMENDATION

Staff requests that the Commission hear the staff presentation and provide guidance to staff regarding a Scenic Corridor Combining District.

STAFF ANALYSIS

Introduction

Staff recommends the creation of a Scenic Corridor Combining District in order to preserve the character of the scenic corridors within unincorporated Alameda County. As with any other combining district, the proposed designation would not change the underlying use categories (e.g., Residential, Agricultural, Commercial, etc.) and not preclude development in the viewshed areas. However, any future development would be subject to more stringent standards designed to reduce the visual impact of new structures, parking, signs, and other features that might obstruct existing vistas. Staff believes that these development within a corridor could be effectively regulated using a modified site development review. The specifics of that process shall be provided in the draft Ordinance at a later date.

Background

On December 4, 2010, the Board of Supervisors approved a moratorium on development occurring within the Interstate 580/Dublin Canyon Corridor (Attachment A). This moratorium was to expire in November 2011, and was extended until November 2012. During the moratorium, the Planning Department was expected to "review existing policies and programs to better address the concern of development in the Dublin Canyon/I-580 Corridor." At this time, staff is developing policies to address development in the area.

Many jurisdictions have taken wide ranging approaches to the protection of scenic resources adjacent to highways and roads. For example, Los Angeles County developed a specific plan to preserve views along Mulholland drive, the City of Oakland and Napa County have adopted a combining district to address development in areas that have been identified for their scenic importance, and communities across the state have sought protection via State Scenic Route Designations. While all of these approaches achieve similar levels of protection, they provide differing levels of time and other associated costs. As a result, staff recommends that the Commission consider the creation of a combining district, hereinafter referred to as the Scenic Corridor Combining District, and subsequent rezoning of land within the corridor (as identified in the moratorium) to include the additional designation. Moreover, staff believes that the

adoption of these amendments would not preclude the later development of a specific plan or additional requirements within the Dublin Canyon/ Interstate 580 corridor, to ensure that future development is compatible with the visual features of the area.

Amendment Preparation

It is anticipated that the preparation of the Ordinance amendment will involve the following steps and consultations:

- Research Federal and State law. Staff will research State and Federal laws to provide guidance and the legal basis for the proposed district.
- Alameda County General Plan / Examples of Ordinances by Other Planning Departments. Staff will prepare an initial draft of the Ordinance amendments based on legal research, consistency with the General Plan, and reviewing examples of similar ordinances, recently adopted by other local agencies throughout the State.
- Consultation with Agencies and Committees. In the preparation of the draft amendment, staff will seek input from County Counsel, the Public Works Agency, the Unincorporated Services Committee, Agricultural Advisory Committee, Sunol Citizens Advisory Committee (SCAC), and the Castro Valley Municipal Advisory Council (CVMAC).
- Planning Commission Hearings. Planning Commission hearings will be scheduled as soon as possible. The hearings will provide the opportunity for additional public input and will allow the Commission to review the draft amendment, suggest revisions, and make a formal action to move the amendments to the Board of Supervisors for approval.

Issues to Be Addressed

The following is a list of topics which could be addressed under a Scenic Corridor Combining District.

Land Use: The Commission may want to consider limitations on certain types of uses within the combining district, which may be otherwise permitted or conditionally permitted

Building Height, Mass, and Siting: Development within the viewshed would be subject to height limits, as well as other design standards, including limits on building mass and scale. Guidance would also be provided on the siting of buildings within parcels so as to minimize viewshed impacts. Siting provisions may encompass distance from the roadway as well as specific steps to be taken to minimize impacts through attention to the characteristics of individual parcels.

Building Materials, Colors and Styles: Additional requirements or guidelines for building appearance, such as lists of acceptable materials, colors, or style requirements could also be considered, subject to the constraints of the state and federal law. For example, some municipalities require or recommend that commercial buildings include windows, surface textural treatments, and a pitched roof to avoid the appearance of a flat “box” on the landscape. Building orientation may also be regulated to avoid exposing rear facades to public roadways. The Commission may also want to consider specifying building styles and materials that are aesthetically compatible with the agricultural setting or with a predominant architectural style.

Parking: Scenic vistas are vulnerable not only to poorly designed or situated buildings, but to the visual impacts of parking lots and loading areas. For this reason, staff recommends that parking requirements be established within the Scenic Corridor Combining District. A widely recommended approach is to require

that parking be located behind buildings, or otherwise screened from direct view through landscaping. Landscaping could also be required to help minimize any visual impacts.

Signs, Billboards, and Telecommunications Towers: Sign regulations are among the most important elements within the proposed zone. The County's Billboard Ordinance and existing sign provisions would be the foundation of any regulations within the zone; however, the Commission may want to consider additional standards which may address the dimensions, number, location, and appearance of signs to minimize their impact on corridor views and the general appearance of the roadside. It is generally recommended that commercial signs be low in height, to reduce visual impact while still providing effective communication to the motorist. The Combining District could also contain standards regarding the color and illumination of signs. The Commission may also want to consider additional provisions to reduce any potential visual impact of wireless telecommunication facilities and electric transmission lines.

Outdoor Lighting: Outdoor lighting can also be regulated in the proposed Scenic Corridor Combining District, both to control the appearance of light fixtures and illuminated signs and to ensure that lighting complements the visual quality of the corridor at night.

Landscaping and Grading: The Scenic Corridor Combining District ordinance could include requirements for landscaping to soften the appearance of structures and signs. Proposed requirements for grading and landscaping shall be reviewed for consistency with the County's Grading and Water Efficient Landscaping Ordinances. Some municipalities also regulate the grading of building sites, in order to preserve existing contours and help ensure that future development is harmonious with existing topography. Landscaping may also be required to provide for naturalistic transitions between preserved areas and developed areas.

Tree and Vegetation Conservation: Within the Scenic Corridor Combining District, development would be subject to landscape requirements that could include the protection of certain categories of existing trees and other vegetation (such as farm hedgerows and mature tree stands or established meadows that form part of a critical viewshed).

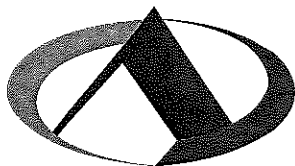
CONCLUSION

At this time staff requests that the Planning Commission provide feedback on the proposed amendment development process, and the topics/issues covered. A proposed workplan is provided as "Attachment B". The draft amendments will be submitted to the Planning Commission for approval as soon as possible. Following approval by the Planning Commission, The Board of Supervisors will consider the amendments.

ATTACHMENT

- A. Board Letter, December 21, 2010
- B. Ordinance Workplan

PREPARED BY:	Angela C. Robinson Piñon, Planner
REVIEWED BY:	Sonia Urzua, Senior Planner



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

December 15, 2010

Agenda Item # 4
December 21, 2010

Albert Lopez
Planning Director

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Honorable Board of Supervisors
Administration Building
1221 Oak Street, Fifth Floor
Oakland, CA 94612

Dear Board Members:

**SUBJECT: EXTENSION OF AN URGENCY INTERIM ORDINANCE ESTABLISHING
A MORATORIUM ON ALL DEVELOPMENT APPROVALS FOR
PROPERTIES ADJACENT TO INTERSTATE 580 IN DUBLIN CANYON**

RECOMMENDATION

Adopt the proposed urgency ordinance.

BACKGROUND/DISCUSSION

In connection with a recent proposal to construct a 20,000 square foot kennel project (Pet Galaxy/Haegeland) along the I-580 corridor in Dublin Canyon, members of the Board of Supervisors expressed concern that the canyon area lacks adequate protection of its significant scenic vistas and open space resources.

Although the Planning Department historically has not received many applications for development in this area, Staff believes additional protections of its scenic qualities could warrant further study, which could help protect a unique resource in the County and provide an additional level of clarity for future proposals in the area.

At your meeting of November 9th, 2010, the Board acted on the urgency ordinance to establish a preliminary 45 day moratorium, in anticipation of the possibility of extending the moratorium for an additional 11 months, to expire on November 4, 2011. This additional time is necessary to allow the Planning Department adequate time to review existing policies and programs to better address the concern of development in the Dublin Canyon/I-580 corridor. This review could potentially result in amendments to existing land use plans and other elements of the County's General Plan (and/or related documents).

Respectfully,

Chris Bazar, Director
Community Development Agency

Attachment

ORDINANCE NO. X-2010-

EXTENSION OF AN URGENCY INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON ALL DEVELOPMENT APPROVALS FOR PROPERTIES ADJACENT TO INTERSTATE 580 IN DUBLIN CANYON

The Board of Supervisors of the County of Alameda, State of California, do ordain as follows:

SECTION I

In enacting this ordinance, the Board of Supervisors makes the following findings:

1. The Dublin Canyon corridor, as depicted on Exhibit A hereto, is a valuable scenic corridor enhancing the quality of life in Alameda County by providing valuable open space and scenic corridors for the enjoyment of Alameda County citizens.
2. The Alameda County Community Development Agency has received and considered, within the last year, applications to develop structures in this corridor.
3. The Board of Supervisors wishes to protect valuable open space and scenic corridors by directing the Community Development Agency to study how to best protect and enhance these resources while allowing appropriate development to occur.
4. In order to protect the welfare of the citizens of Alameda County, it is necessary to pause development in the Dublin Canyon corridor area to allow the Community Development Agency to study the area.

The uncodified Alameda County Ordinance Code is hereby amended to add the following:

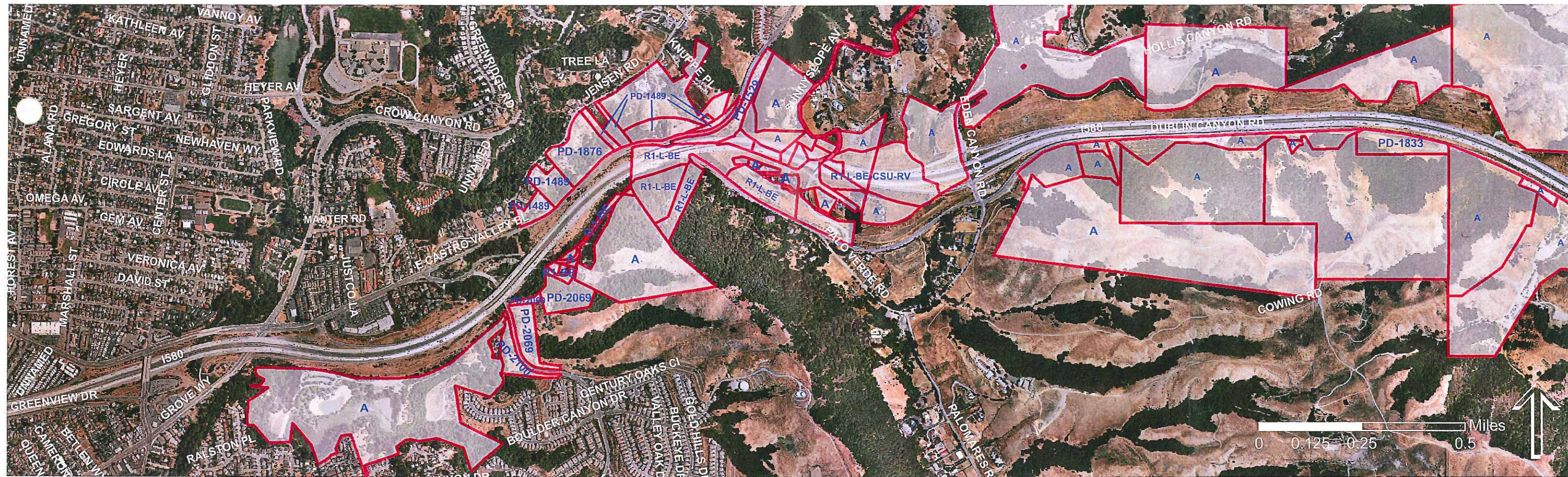
Temporary Prohibition of Approval of Development Applications

Beginning on the effective date of this interim ordinance and continuing for the duration of this interim ordinance and any extension(s) thereto, the County shall not approve development applications for development in the unincorporated area of the County adjacent to Interstate 580 within the Dublin Canyon area, beginning east of Grove Way and ending west of the southernmost point of Roys Hill Lane, as shown on Exhibit A, attached hereto.

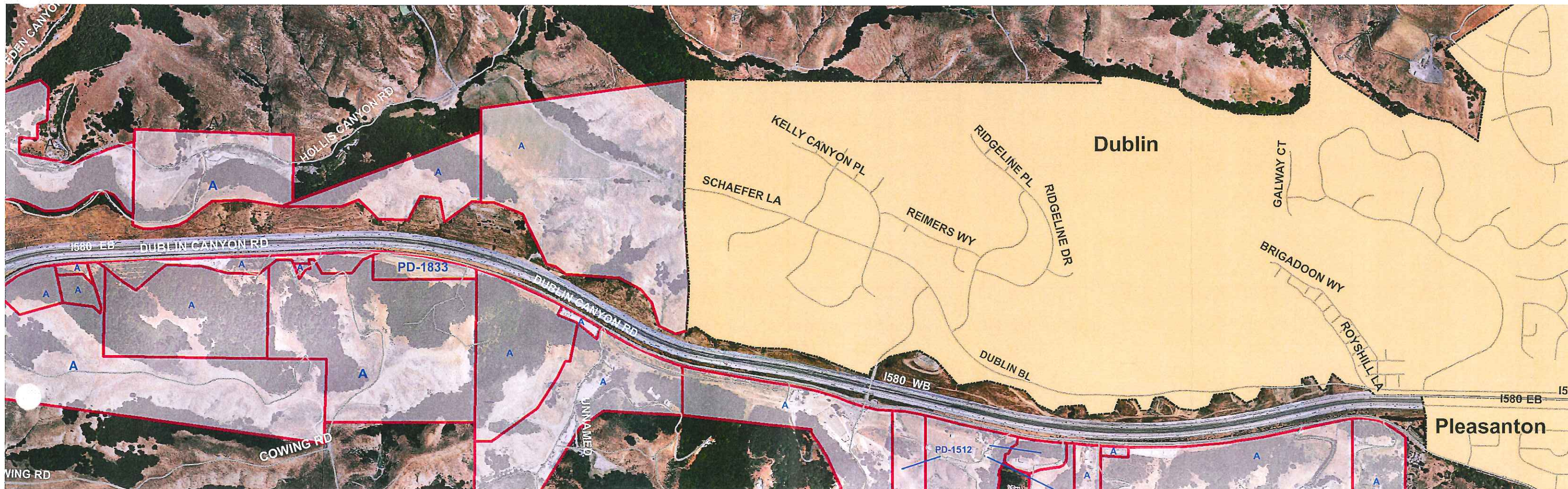
The phrase “development applications for development” applies to applications for approval arising under Planning and Zoning Laws, Government Code Section 65000 et seq., the Subdivision Map Act, Government Code Section 66410 et seq., and the County zoning and subdivision ordinances enacted pursuant to such laws. This phrase does not include works of public improvement or maintenance activities undertaken by a public agency.

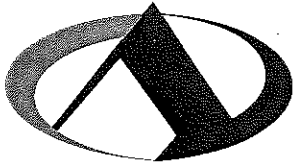
SECTION III

Pursuant to Government Code Section 65858, this measure is declared to be an urgency interim ordinance, to take effect and be in force immediately and shall expire on November 4, 2011. Upon its passage and before the expiration of fifteen (15) days after its passage, the ordinance shall be published once with the names of the members voting for and against the same in the Inner-City Express, a newspaper published in the said County of Alameda.



INTERSTATE 580 - PARCELS ABUTTING FREEWAY BETWEEN GROVE/CROW CANYON AND THE CITY OF PLEASANTON





ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

November 3, 2010

Agenda Item # 6
November 9, 2010

Albert Lopez
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Honorable Board of Supervisors
Administration Building
1221 Oak Street, Fifth Floor
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Dear Board Members:

SUBJECT: URGENCY INTERIM ORDINANCE ESTABLISHING A MORATORIUM
ON ALL DEVELOPMENT APPROVALS FOR PROPERTIES ADJACENT
TO INTERSTATE 580 IN DUBLIN CANYON

RECOMMENDATION:

Adopt the proposed ordinance.

BACKGROUND:

In connection with a recent proposal to construct a 20,000 square foot kennel project (Pet Galaxy/Haegeland) along the I-580 corridor in Dublin Canyon, members of the Board of Supervisors expressed concern that the canyon area lacks adequate protection of its significant scenic vistas and open space resources.

Although the Planning Department historically has not received many applications for development in this area, Staff believes additional protections of its scenic qualities could warrant further study, which could help protect a unique resource in the County and provide an additional level of clarity for future proposals in the area.

To that end, Staff has drafted a proposed urgency ordinance (attached) for the Board to consider that will allow the Planning Department adequate time to review existing policies and programs to better address this concern. This review could potentially result in amendments to existing land use plans and other elements of the County's General Plan (and/or related documents).

Respectfully,

Chris Bazar, Director
Community Development Agency

Attachment

ORDINANCE NO. X-2010-

URGENCY INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON ALL DEVELOPMENT APPROVALS FOR PROPERTIES ADJACENT TO INTERSTATE 580 IN DUBLIN CANYON

The Board of Supervisors of the County of Alameda, State of California, do ordain as follows:

SECTION I

In enacting this ordinance, the Board of Supervisors makes the following findings:

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2. The Alameda County Community Development Agency has received and considered, within the last year, applications to develop structures in this corridor.
3. The Board of Supervisors wishes to protect valuable open space and scenic corridors by directing the Community Development Agency to study how to best protect and enhance these resources while allowing appropriate development to occur.
4. In order to protect the welfare of the citizens of Alameda County, it is necessary to pause development in the Dublin Canyon corridor area to allow the Community Development Agency to study the area.

The uncodified Alameda County Ordinance Code is hereby amended to add the following:

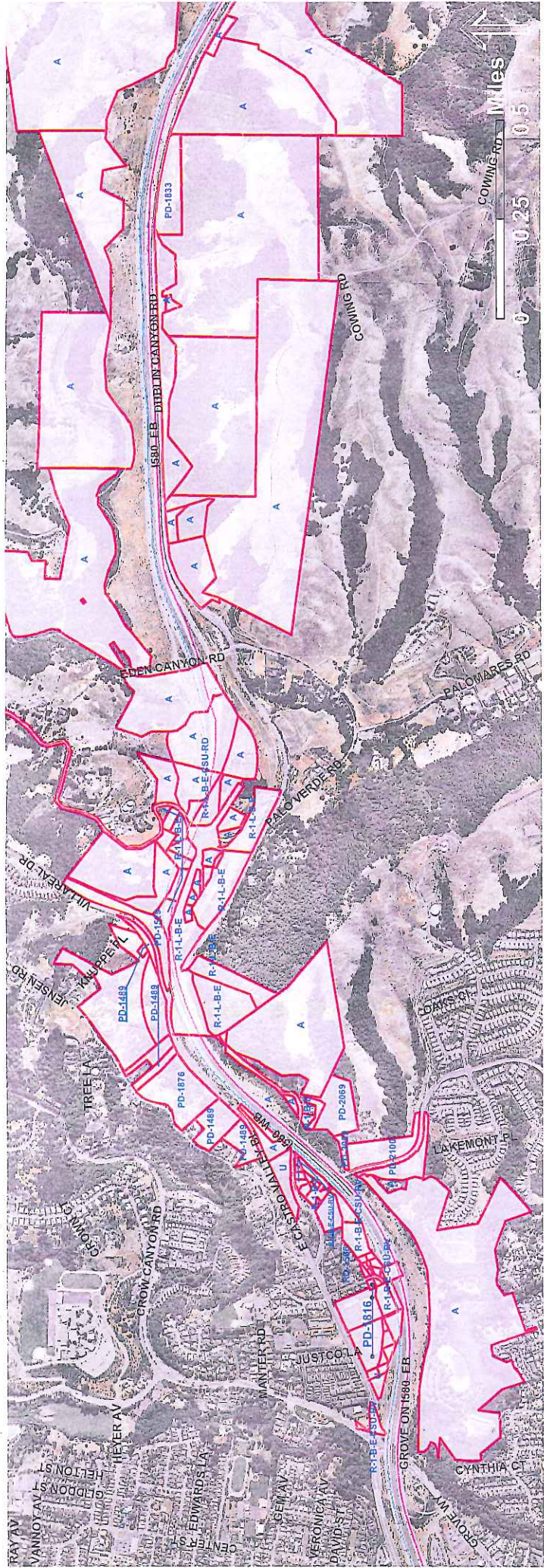
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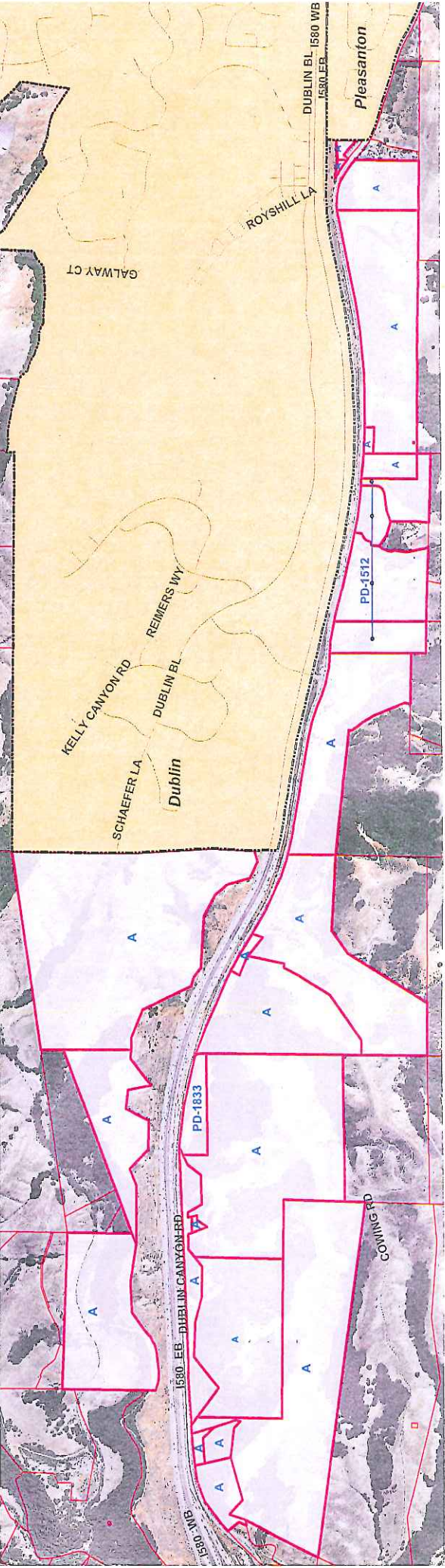
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SECTION III

Pursuant to Government Code Section 65858, this measure is declared to be an urgency interim ordinance, to take effect and be in force immediately and shall expire on December 24, 2010. Upon its passage and before the expiration of fifteen (15) days after its passage, the ordinance shall be published once with the names of the members voting for and against the same in the Inner-City Express, a newspaper published in the said County of Alameda.



INTERSTATE 580 - PARCELS ABUTTING FREEWAY BETWEEN GROVE/CROW CANYON AND THE CITY OF PLEASANTON



PROPOSED SCENIC CORRIDORS COMBINING DISTRICT WORKPLAN

STAFF TASKS	SCHEDULE	DOCUMENT	MEETINGS	MEETING OBJECTIVES
Kick off meeting	October 2012	Staff Report	Planning Commission October 15, 2012	Provide overview of project and its parameters.
Ordinance amendment preparation	October 2012	Draft Amendment	Planning Commission November 5, 2012	Present draft Ordinance amendment
Meeting	November 2012	Staff Report and Ordinance amendments	Castro Valley MAC November 26, 2012	Provide project information and present draft Ordinance amendment.
Meeting	November 2012	Staff Report and Ordinance amendments	Parks, Recreation and Historical Commission December 6, 2012	Provide project information and present draft Ordinance amendment.
Meeting	November 2012	Staff Report and Ordinance amendments	Sunol CAC TBD	Provide project information and present draft Ordinance amendment.
Meeting	November 2012	Staff Report and Ordinance amendments	Agriculture Advisory Committee TBD	Provide project information and present draft Ordinance amendment.
Revise Ordinance amendment	December 2012	Revised Ordinance amendments	N/A	N/A
Meeting	January 2013	Staff Report and revised Ordinance amendments	Planning Commission TBD	Discuss proposed amendment
Draft CEQA Document	January 2013	CEQA Document	Planning Commission TBD	Discuss the draft CEQA document
Circulate CEQA Document and Draft Element	January or February 2013	N/A	N/A	N/A
Review Ordinance amendment and CEQA document	February 2013	Ordinance amendments and CEQA documents	Planning Commission TBD	Discuss proposed amendment and CEQA document