



# MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING.

Meeting Date: August 28, 2008

**APPLICATION:** **GENERAL PLAN AMENDMENT NO. GP08-0004 and ZONING AMENDMENT NO. ZA08-0008, TRANSIT AREA PARCEL**

APPLICATION SUMMARY:

A request to amend the General Plan land use and Zoning designation for the parcel located within the Transit Area Plan from High Density Transit Oriented Residential to Residential-Retail High Density Mixed Use. The purpose of amendment is to correct an inconsistency with the recently adopted Transit Area Specific Plan.

LOCATION: 1425 McCandless Drive (APN 086-33-093)  
 APPLICANT: City of Milpitas  
 OWNER: Berg & Berg Developers, LP., 10050 Bandlely Drive, Cupertino, CA 95014-2102

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
**1. Close the public hearing; and**  
**2. Adopt Resolution No. 08-046 recommending approval to the City Council.**

PROJECT DATA:

General Plan/  
 Zoning Designation: High Density Transit Oriented Residential (MFH) /Multi-Family Residential, High Density with Site and Architectural Overlay (R3-S)  
 Overlay District: Transit Oriented Development Overlay  
 Specific Plan: Transit Area Specific Plan

Site Area: 2.247 Acres

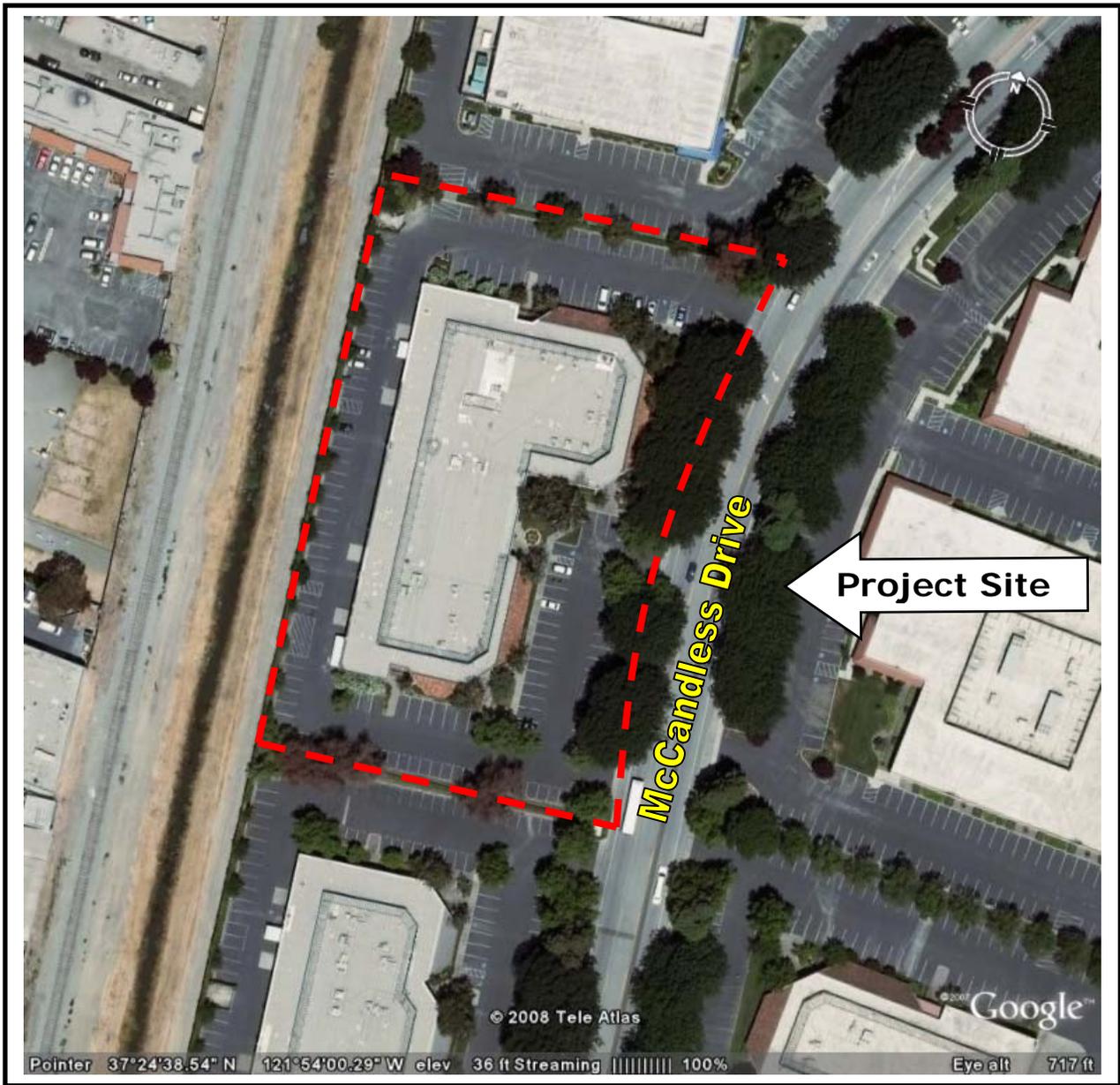
CEQA Determination: Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

PLANNER: Cindy Hom, Assistant Planner

PJ:

ATTACHMENTS: A. Resolution No. 08-046 - Exhibit 1 and 2 (General Plan Map Amendment and Sectional District Map)  
 B. Milpitas Transit Area Specific Plan Map

# LOCATION MAP



No scale

## **BACKGROUND**

On May 28, 2008, the Planning Commission recommended approval to the City Council the Transit Area Specific Plan and its related General Plan Amendments (GP08-0002), Zoning Text and Map Amendments (ZA08-0002), Midtown Specific Plan Amendments (SP08-0001) and Environmental Impact Assessment (EA08-0001). City Council approved the Transit Area Specific Plan and adopted the related documents on June 3, 2008, which established the policies, goals, development standards, design guidelines, and public improvements for the Transit Plan Area.

## **PROJECT DESCRIPTION**

It revealed after the adoption of the Plan that there was an inconsistency between the Specific Plan designation and the Zoning and General Plan land use designations for the 2.247-acre parcel located at 1425 McCandless Drive. In order to maintain consistency between the General Plan, Zoning and Specific Plan, amendments to the Zoning map and General Plan land use map are required. The project consists of amending the designation from High Density Transit Oriented Residential to High Density Retail-Residential Mixed Use.

## **ADOPTED PLANS AND ORDINANCES CONSISTENCY**

### ***General Plan***

Pursuant to Section 65359 of the State Government Code requests that any Specific Plan of a city or county that is applicable to the same area affected by a General Plan should be consistent with the General Plan. The proposed amendment ensures consistency between the Transit Area Plan and General Plan.

### ***Zoning Ordinance***

The project proposes a Zoning Map Change to ensure consistency with the General Plan and Transit Area Specific Plan.

### ***Transit Area Specific Plan***

With the amendment, the Zoning and General Plan are consistent with the Transit Area Specific Plan.

## **ENVIRONMENTAL REVIEW**

The Planning Division has determined that the project is exempt from further environmental review pursuant to Section 15061(b)(3) (general rule for projects that will have no impact on the environment) of the CEQA Guidelines. The project was previously reviewed in the Environmental Impact Report for the Transit Area Plan. Given the purpose of the project is to create consistency between the General Plan and the implementing zoning and specific plans, the project will not have any additional impacts than those already identified in the previously certified EIR.

## **PUBLIC COMMENT/OUTREACH**

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

## **CONCLUSION**

The project is intended to provide consistency between the Transit Area Specific Plan, Milpitas General Plan, and Zoning Ordinance.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 08-046 recommending approval of General Plan Amendment No. GP08-0004 and Zoning Amendment No. ZA08-0008 to the City Council.

*Attachments:*

- A. Resolution No.08-046

**RESOLUTION NO. 08-046**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. GP08-0004 AND ZONING AMENDMENT NO. ZA08-0008, TRANSIT AREA PARCEL, TO AMEND THE GENERAL PLAN AND ZONING DESIGNATION TO BE CONSISTENT WITH THE TRANSIT AREA PLAN FOR A PARCEL LOCATED AT 1425 MCCANDLESS DRIVE (APN 086-33-093), MILPITAS, CA 95035**

**WHEREAS**, The Transit Area Specific Plan was approved by the Planning Commission on May 28, 2008 and adopted by the City Council on June 3, 2008.

**WHEREAS**, It was discovered after the adoption of the Plan that there was an inconsistency between the Specific Plan designation and the Zoning and General Plan land use designations for a 2.247-acre parcel located at 1425 McCandless Drive. In order to maintain consistency between the General Plan, Zoning and Specific Plan, amendments to the Zoning map and General Plan land use map were required. The project consists of amending the designation from High Density Transit Oriented Residential to Residential-Retail High Density Mixed Use.

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**WHEREAS**, on August 27, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The recitals set forth above are true and correct and incorporated herein by reference.

**Section 2:** The Planning Division has determined that the project is exempt from further environmental review pursuant to Section 15061(b)(3) (general rule for projects that will have no impact on the environment) of the CEQA Guidelines. The project was previously reviewed in the Environmental Impact Report for the Transit Area Plan. Given the purpose of the project is to create consistency between the General Plan and the implementing zoning and specific plans, the project will not have any additional impacts than those already identified in the previously certified EIR.

**Section 3:** The proposed amendment is internally consistent with those portions of the General Plan and Zoning Ordinance which are not being amended.

**Section 4:** The proposed amendment will not adversely affect the public health, safety, and welfare in that the amendment corrects an inconsistency with the Transit Area Specific Plan.

**Section 5:** The Planning Commission of the City of Milpitas hereby adopts Resolution No. 08-046 and recommends approval of General Plan Amendment No. GP08-0004 and Zoning Amendment No. ZA08-0008 to the City Council, attached hereto in Exhibits 1 and 2.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on August 27, 2008.

\_\_\_\_\_  
Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 27, 2008, and carried by the following roll call vote:

**COMMISSIONER                      AYES    NOES                      OTHER**

Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

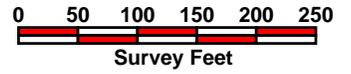


**City of Milpitas**  
**1425 McCandless Drive**  
**General Plan Amendment No. GP08-0004**  
**Exhibit 1**

Legend



Residential - Retail High Density Mixed Use



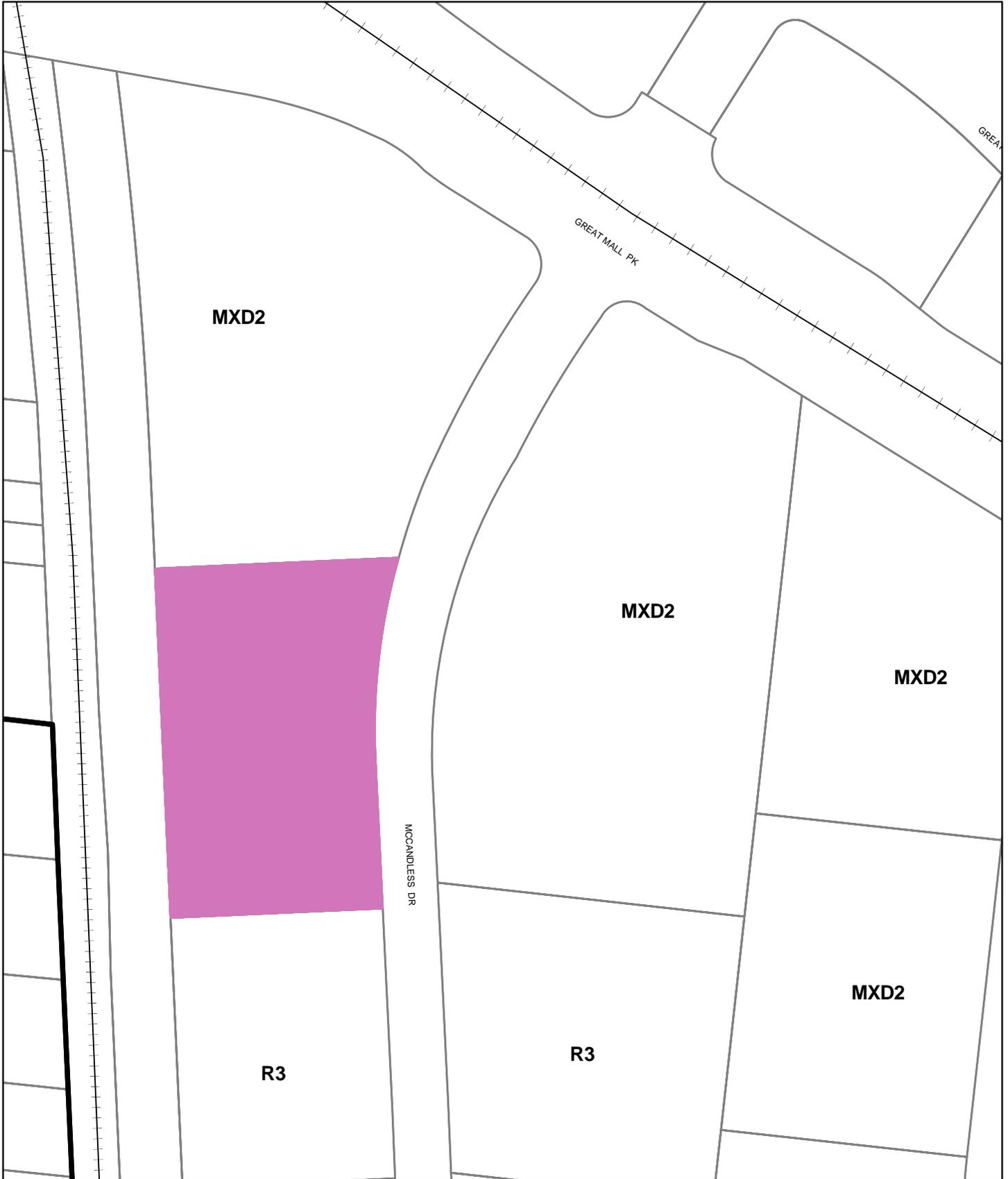
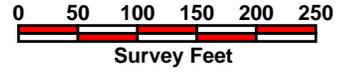


**City of Milpitas**  
**1425 McCandless Drive**  
**Sectional District Map No. 575**  
**Exhibit 2**

Legend



Residential - Retail High Density Mixed Use - MXD2





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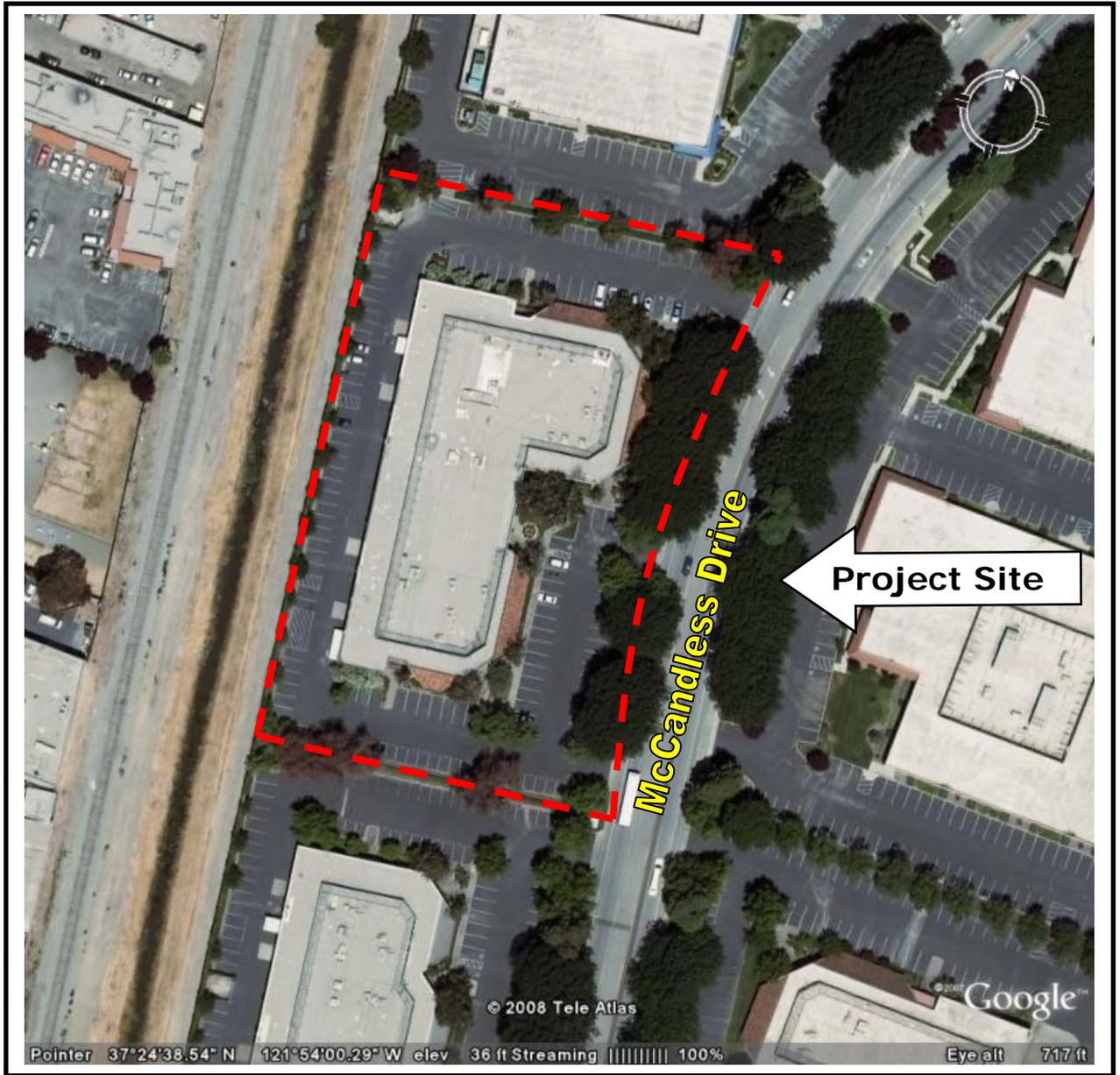
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