

RESOLUTION NO. 15-0015

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING AMENDMENT NO.
15-0002 AND ADDENDUM TO THE ENVIRONMENTAL IMPACT ASSESSMENT TO
REVISE THE MIXED USE AND RESIDENTIAL ZONING DISTRICTS**

WHEREAS, Title XI, Chapter 10, Section 4 entitled “Residential Zones and Standards” of the Milpitas Zoning Code sets forth the permitted, conditionally permitted, and prohibited uses in the Residential Zoning District; and

WHEREAS, California Government Code Section 65852.3 requires that manufactured housing be allowed on lots zoned for conventional single family dwellings; and

WHEREAS, Table XI-10-4.02-1 entitled “Residential Zone Uses” of the Milpitas Zoning Code currently permits single family dwellings in R1 and R2 Zoning Districts, but, permits manufactured housing only in R1 Zoning District; and

WHEREAS, Title XI, Chapter 10, Section 6 entitled “Mixed Use Zones and Standards” of the Milpitas Municipal Code sets forth the permitted, conditionally permitted, and prohibited uses in the Mixed Use Zoning District; and

WHEREAS, California Government Code Section 65583 requires transitional and supportive housing in all zoning districts that permit or conditionally permit residential uses; and

WHEREAS, Table XI-10-6.02-1 entitled “Mixed Use Zone Uses” currently permits multi-family housing in MXD, MXD2 and MXD3 Zoning Districts and does not permit transitional or supportive housing; and

WHEREAS, on February 25, 2015, the Planning Commission conducted a duly noticed public meeting and recommended the City Council adopt the 2015-2023 General Plan Housing Element Amendment; and

WHEREAS, the 2015-2023 Housing Element includes programs (Programs D.4.3 and D.5.3) which require that changes to the Milpitas Zoning Code be adopted in accordance with State law as described above. The changes will allow opportunities for transitional and supportive housing in the Mixed Use Zoning District in compliance with the provisions of California Government Code Section 65583 and allow manufactured homes in the R-2 Zoning District in compliance with California Government Code Section 65852.3(a)(5).

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 will not have a significant effect on the environment; and

WHEREAS, on March 25, 2015, 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 Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2: The Planning Commission has reviewed and exercised its independent judgment on the environmental review for the Zoning Amendment to allow transitional and supportive housing in the mixed use zone and to allow manufactured housing in the R-2 zone, in accordance with the requirements of CEQA, and State and local guidelines implementing CEQA, and determined that the Zoning Amendment will not have a significant effect on the environment under CEQA and State and local guidelines implementing CEQA. The Zoning Amendment is subject to an “Addendum” to the *Zoning Ordinance Amendments: Housing Element Implementation Project Initial Study and Negative Declaration* consistent with CEQA Guidelines Section 15164(b). The proposed amendment does not directly authorize any individual project and any subsequent project that will have a physical change in the environment will require environmental review and clearance. Additionally, there are no current projects under review that would be affected by the proposed amendment. Subsequent activities will require further analysis by the City in order to determine the potential impacts from development.

The Planning Commission has reviewed the Addendum, all supporting evidence and documentation, and considered public comments provided at or before the hearing of this matter. The Addendum reflects the Planning Commission’s independent judgment and analysis as to the effects of the project on the environment. Based on the review of the entire record therein, including the Addendum, all supporting, referenced, and incorporated documents and all comments received, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment, and that the Addendum and supporting documents provide an adequate description of the impacts of the project and comply with the CEQA and CEQA Guidelines. A copy of the Addendum, Initial Study, Negative Declaration, and all supporting documents are attached to the Staff Report and on file with the Planning Division and incorporated fully herein by reference.

SECTION 3: Zoning Text Amendment (Section XI-10-57.02.G.3) – The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA15-0015:

1. *The proposed amendment is consistent with the General Plan.*

The General Plan land use designation for both the MXD and R2 zoning district allow for residential uses. The proposed zone amendments are required under State Law and will clarify additional residential uses that are allowed in the zone districts. Allowing supportive/transitional housing and manufactured housing in the MXD and R2 zone districts, respectively, is consistent with the Residential General Plan land use designation.

2. *The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.*

The proposed zoning amendment is required under State Law and will result in a more efficient use of land. The land use regulations will not affect the range of uses permitted or conditionally permitted. Residential uses are already allowed in both MXD and R2 zone districts and will continue to be allowed. Therefore, the general well-being of Milpitas residents will be maintained since the zone changes will still facilitate a broad range of land uses, but will encourage more a more diverse mix of housing opportunities for the City and residents.

SECTION 4: The Planning Commission of the City of Milpitas hereby adopts this Resolution No. 15-0015 recommending the City Council adopt the Zoning Amendments and Addendum to the *2013 Zoning Ordinance Amendments: Housing Element Implementation Project Initial Study and Negative Declaration*, to revise the mixed use zone district to allow transitional and supportive housing as a permitted use and to allow manufactured housing in the R-2 zone district as outlined in the attachments attached hereto and incorporated fully herein by reference, subject to the findings herein.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Milpitas on March 25, 2015.

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 March 25, 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Larry Ciardella				
Hon Lien				
Demetress Morris				
Rajeev Mandnawat				
Gurdev Sandhu				
Ray Maglalang				
Zeya Mohsin (alternate)				