

RESOLUTION NO. 15-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT NO. ZA15- 0004 TO INTRODUCE AN ORDINANCE RELATING TO SPECIAL EVENTS AND ACTIVITIES

WHEREAS, the regulations for special events and activities are currently listed under Temporary Uses (Section 13) of the Milpitas Zoning Ordinance which establishes the general requirements for review and approval; and

WHEREAS, the Planning Commission Subcommittee directed staff to further streamline the permit process for special events and activities given the number of annual events that are held by various groups and companies in the City of Milpitas; and

WHEREAS, on August 1, 2014, the Planning Division initiated a process to amend the Milpitas Zoning Ordinance to clarify and streamline the review and permitting process for special events and activities; and

WHEREAS, the proposed text amendment will create certain efficiencies for permit reviews in that it will provide for uniform procedures to promote and protect the rights of those organizing and participating in special events, and those living and working nearby; and

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

WHEREAS, on May 13, 2015, the Planning Commission Subcommittee reviewed and recommended the proposed changes to the Zoning Code; and

WHEREAS, on June 10, 2015, the Planning Commission conducted a duly noticed public hearing and received a report on the proposed Zoning Code text amendment to the Milpitas Zoning Code; and

WHEREAS, on October 14, 2015, the Planning Commission conducted a duly noticed public hearing meeting and adopted Resolution No. 15-017, recommending the City Council amend the Milpitas Zoning Code to (i) delete the definition of “Special Events” from Section 2 “Definitions”; (ii) amend Section 13 “Special Uses” to delete the existing special event provisions; (iii) add a new Section 15 entitled “Special Events and Activities; (iv) amend Section 24 “Signs” to delete reference to Section 13 “Special Uses” and add a new reference to the new Section 15 “Special Events and Activities,” (v) delete the reference to “Special Events and Activities” in Table 57.04-1 “Applications”; and (vi) add a new reference to “Special Event Permits” to Table 64.02-1 “Development Review Process.”; and

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 adopt provisions relating to Special Events and Activities to the Zoning Code, in accordance with the requirements of the CEQA, and State and local guidelines implementing CEQA, and determined that the Zoning Amendment will not have a significant effect on the environment pursuant to CEQA Guidelines sections 15060(c)(2), 15061(b)(3) (general rule), 15183 (projects consistent with a community plan, general plan, or zoning), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. The Zoning Amendment is not subject to further CEQA review since the Zoning Code Amendment is covered by the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. It can be seen with certainty that that there is no possibility that the Amendment may have a significant impact on the environment because the proposed Amendment will not expand the range of uses permitted in the Zoning Code, nor will it increase the development intensity of uses authorized in the Zoning Code. The proposed Zoning Amendment consists of Zoning Code text changes which include the removal of the definition of Special Events and Activities in Section 2, the removal of provisions for Special Events and Activities in Section 13.11 (G), the creation of Section 15 for Special Events and Activities, the removal of reference to Special Events and Activities from Section 57, Table XI-10-57.04-1 and the addition of a reference to “Special Event Permits” to Section 64, Table XI-10-64.02-1. Therefore, the proposed action qualifies for this exemption and no further environmental review is required.

SECTION 3: Zoning Text Amendment (Section XI-10-57.02.G.3)

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

The proposed Ordinance is consistent with and implements the City of Milpitas’ General Plan. The Ordinance promotes and encourages events for the greater good and cultural diversity of the City and establishes a structured process for permitting special events and activities that insure the City, residents and visitors have adequate notice of proposed events and activities and that the events and activities are properly planned and coordinated.

The project is also consistent with the following General Plan Land Use Element Guiding Principles and Policies:

- Implementing Policy No. 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

- Implementing Policy No. 2.d-G-2 - Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth. The zoning amendment will implement this policy by facilitating the use of enumerated public spaces for special events and activities serving the community.

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

The proposed zoning amendment will include provisions to ensure that public health, safety, and the general welfare standards are met for special events and activities. The zoning provisions will provide requirements, establish permit application filing procedures and provisions for permit approvals and denials.

SECTION 4: The Planning Commission of the City of Milpitas hereby adopts this Resolution No. 15-017 recommending the City Council adopt Zoning Amendment No. ZA15-0004 to amend the Zoning Code to add provisions relating to Special Events and Activities, subject to the findings herein. A copy of the proposed Ordinance is attached to this Resolution for reference.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on October 14, 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 October 14, 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Larry Ciardella				
Hon Lien				
Demetress Morris				
Rajeev Madnawat				
Gurdev Sandhu				

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Ray Maglalang				
Zeya Mohsin (alternate)				