

RESOLUTION NO. 16-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING AN EXTENSION TO MAJOR VESTING TENTATIVE MAP MT13-0006, SITE DEVELOPMENT PERMIT SD13-0012, AND CONDITIONAL USE PERMIT UP13-0011, FOR THE CONSTRUCTION OF 381 APARTMENT UNITS, 8,100 SQUARE FEET OF COMMERCIAL AND OFFICE SPACE AND ASSOCIATED SITE IMPROVEMENTS ON 5.6 ACRES LOCATED AT 765 MONTAGUE EXPRESSWAY (APNs 086-32-029,026) FOR 18 MONTHS UNTIL DECEMBER 17, 2017

WHEREAS, on June 17, 2014, by adoption of Resolution No. 8382, the City Council of the City of Milpitas approved the construction of 381 apartment dwelling units and 8,100 square feet of commercial and office space (the “Project,” located at 765 Montague Expressway, APNs 086-32-029,026); and

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas approved the Transit Area Specific Plan to guide development in the Transit Area of the City near the future Milpitas BART station; and

WHEREAS, Milpitas City Staff conducted a full analysis of the project to ensure compliance with the City’s General Plan, Transit Area Specific Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff’s report to the Planning Commission; 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 covered under the program of activities identified in the Transit Area Specific Plan EIR, SCH#2006032091, certified by the City Council on June 3, 2008 based on the CEQA finding included in this Resolution; and

WHEREAS, pursuant to Milpitas Municipal Code XI-1-4.06, a tentative map may be extended upon application to the Planning Division of the Community Development Department, provided such application is filed at least 30 days prior to expiration of the initial approval; and

WHEREAS, Project Applicant has submitted a timely written request for an extension of Tentative Map No. MT13-0006, and all associated entitlements; and

WHEREAS, other than an extension of the expiration date of the approvals, Project Applicant proposes no changes to the Project; and

WHEREAS, pursuant to Public Resources Code § 21166, as well as Code of California Regulations § 15162, given that an EIR was previously prepared and certified for the Project, no further EIR or other environmental review is required, as there are no substantial changes proposed in the Project that would require major revisions of the EIR, no substantial changes have occurred with respect to the circumstances under which the Project will be undertaken that would require

major revisions in the EIR, and there is no new information, which was not known and could not have been known when the EIR was certified in 2008, that has become available; and

WHEREAS, given that no changes are proposed to the Project, the findings upon which the initial Project approvals were granted in Resolution No. 8382, remain true and are incorporated herein as if restated in full; and

WHEREAS, the Planning Commission has carefully considered all information pertaining to the requested extensions of approvals for the Project, including the staff report, and all of the information, evidence, and testimony presented at its public hearing; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Milpitas **RESOLVES** as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with CEQA. The Planning Commission finds that no further EIR or other environmental review is required, as there are no substantial changes proposed in the Project that would require major revisions of the EIR, no substantial changes have occurred with respect to the circumstances under which the Project will be undertaken that would require major revisions in the EIR, and there is no new information, which was not known and could not have been known when the EIR was certified in 2008, that has become available. The Planning Commission concurs in the findings set forth in Exhibit A to Resolution No. 8382, which will remain in full force and effect.

SECTION 3. Approval of the Extension of MT13-0006, SD13-0012, and UP13-0011. The Planning Commission hereby **APPROVES** the requested extension of MT13-0006, SD13-0012, and UP13-0011, until December 17, 2017, subject to the terms and conditions imposed in Resolution No. 8382, a true and correct copy of which is attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 22nd, 2016:

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 June 22, 2016, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Lawrence Ciardella				
Hon Lien				
Rajeev Madnawat				
Ray Maglalang				
Zeya Mohsin (Alternate)				
Demetress Morris				
Gurdev Sandhu				