



## ENVIRONMENTAL INFORMATION FORM

E.I.F. No.: EA2007-3

File Date: \_\_\_\_\_

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

*This form is to be completed by the applicant and submitted to the Planning Division with a \$50 filing fee.*

The California Environmental Quality Act of 1970, as amended, requires public agencies to evaluate public and private projects to determine their potential impact on the environment.

This form is intended to provide guidance for both you, the applicant, and City officials in assessing a proposed project to determine whether it may or may not have a significant impact on the environment.

If, based upon the information provided below, the City makes a determination that your project may have a significant impact on the environment, you will be required to prepare either additional information or an Environmental Impact Report as provided by State law and the City of Milpitas Environmental Impact Assessment requirements.

Detailed information regarding the environmental impact assessment procedure is also available.

### GENERAL INFORMATION

1. Name and address of developer or project sponsor: *City of Milpitas and Debra J. Giordano*
  2. Address of project: *887 through 1045 South Park Victoria (odd addresses only)*  
Assessor's Parcel Number: *88-38-084 to 091 and 88-37-001 to 005 (13 parcels)*
  3. Name, address and telephone number of person to be contacted concerning this project:
    1. *Cynthia Maxwell, City of Milpitas, 455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3287*
    2. *Debra J. Giordano, 1916 Grand Teton Drive, Milpitas, CA 95035 (408) 945-8988*
  4. Full name and address of legal property owner: *See attachment A*
  5. List and describe any other related permits and other public approvals required for this project, including those required by City, regional, state and federal agencies: *City: General Plan Amendment and Zone Change*
  6. Existing zoning district: *R2-S One & Two Family Residential with S Zone combining district*  
Present use of site: *Occupied duplexes*
  7. Proposed use of site (Project for which this form is filed): *Change zoning to Mixed Use allowing businesses to operated in the duplexes. Currently, only home occupations are allowed.*
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8. Site size: *13 parcels, ranging from 8,700 to 9,300 square feet, total 2.8 acres*
9. Square footage: *13 parcels, ranging from 8,700 to 9,300 square feet*
10. Number of floors of construction: *Not applicable*
11. Amount of off-street parking provided: *Not applicable*
12. Attach plans. *Location map attached*
13. Proposed scheduling: *Planning Commission February 28, 2007 and City Council March 6, 2007*
14. Associated projects: *Not applicable*
15. Anticipated incremental development: *None anticipated*
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents and type of household and household size expected: *Not applicable*
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities: *Not applicable*
18. If industrial, indicate type, estimated employment per shift and loading facilities: *Not applicable*
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived from the project: *Not applicable*
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required: *General Plan Amendment and rezoning to Mixed Use.*

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

- | <u>YES</u> | <u>NO</u>      |  |
|------------|----------------|--|
| _____      | <u>X</u> _____ | 21. Change existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours. |
| _____      | <u>X</u> _____ | 22. Change in scenic views or vistas from existing residential areas or public lands or roads.                               |
| _____      | <u>X</u> _____ | 23. Change in pattern, scale or character of general area of project.  |
| _____      | <u>X</u> _____ | 24. Significant amount of solid waste or litter.   |

- \_\_\_\_\_ X \_\_\_\_\_ 25. Change in dust, ash, smoke, fumes or odors in vicinity.
- \_\_\_\_\_ X \_\_\_\_\_ 26. Change in ocean, bay, lake, stream or ground water quality or quantity or alteration of existing drainage patterns.
- \_\_\_\_\_ X \_\_\_\_\_ 27. Change in existing noise or vibration levels in the vicinity.
- \_\_\_\_\_ X \_\_\_\_\_ 28. Site on filled land or on slope of 10 percent or more.
- \_\_\_\_\_ X \_\_\_\_\_ 29. Use or disposal of potentially hazardous materials, such as toxic substance, flammables or explosives.
- \_\_\_\_\_ X \_\_\_\_\_ 30. Change in demand for municipal services (police, fire, water, sewage, etc.)
- \_\_\_\_\_ X \_\_\_\_\_ 31. Increased fossil fuel consumption (electricity, oil, natural gas, etc.)
- \_\_\_\_\_ X \_\_\_\_\_ 32. Relationship to a larger project or series of projects.

**ENVIRONMENTAL SETTING**

- 34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be acceptable. *See Attachment A*
- 35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be acceptable. *See Attachment A*

**CERTIFICATION:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_

\_\_\_\_\_

(Signature)

For: City of Milpitas

**Attachment A**  
**Environmental Impact Assessment No. EA2007-3**

Question No. 4 – Names & addresses of legal property owners (as of Assessor data 10/26/06)

Ref No.	Street Nos. S. Park Victoria Dr.	Assessor Parcel No.	Property Owner Name & Address
1.	971, 973	88-38-090	LAURA E TEER 973 S PARK VICTORIA DR MILPITAS, CA 95035-6907
2.	901, 903	88-38-085	RYAN NGAN HOANG 2331 SUMMER CT SAN JOSE, CA 95116-3756
3.	915, 917	88-38-086	PHILAMER AND PERLA IGNACIO PO BOX 32181 SAN JOSE, CA 95152
4.	929, 931	88-38-087	PHILAMER AND PERLA IGNACIO PO BOX 32181 SAN JOSE, CA 95152
5.	943, 945	88-38-088	RICHARD CHEW ET AL 158 E JACKSON ST SAN JOSE, CA 95112-5107
6.	957, 959	88-38-089	SOLEDAD J KANTONIEMI 479 ASHWOOD CT LOS BANOS, CA 93635
7.	887, 889	88-38-084	DEBRA J. GIORDANO 1916 GRAND TETON DR. MILPITAS, CA 95035
8.	985, 987	88-38-091	SHIRLEY WALKER 985 S PARK VICTORIA DR MILPITAS, CA 95035-6907
9.	1003, 1005	88-37-001	LUCENA F GUIANG 1003 S PARK VICTORIA DR MILPITAS, CA 95035-6907
10.	1015, 1017	88-37-002	TED T AND CYNTHIA S LIN TRUSTEE 12307 CRAYSIDE LN SARATOGA, CA 95070-6525
11.	1027, 1029	88-37-003	CHARLES K AND SHIRLEY TANG TRUSTEE & ET AL 1499 DAVID LN MILPITAS, CA 95035-6984
12.	1031, 1033	88-37-004	LEROY AND JUNKO MAYEDA TRUSTEE 2794 BONCHEFF DR SAN JOSE, CA 95133-1401
13.	1043, 1045	88-37-005	MARTHA L COOK TRUSTEE & ET AL 1045 S PARK VICTORIA DR MILPITAS, CA 95035-6908

34. Project site description

The 13 parcels listed above are developed with occupied duplex residential units. The units were built in 1968 and range in size from 1,998 to 2,900 but average 2,100 square feet. The duplexes front and are accessed off S. Park Victoria

Drive. See photos in Attachment B. The northern most eight parcels are separated from the southern parcels by Mt. Shasta Ave.

35. Surrounding properties description

North Two-story church, zoned R1-6 Single Family Residential

East S. Park Victoria Dr. and single family residential, zoned R1-6

South Two-story office building, zoned CO-S Administrative/Professional Office

West South of Mt. Shasta – One and two family homes zoned R2-S One and Two Family Residential

North of Mt. Shasta – Single family homes, zoned R1-3-S Single Family Residential



## **ENVIRONMENTAL IMPACT ASSESSMENT NO: EA2007-3**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: *Cynthia Maxwell*

Title: *Principal Analyst*

1. Project title: *S Park Victoria Dr. – GP2007-5, ZC2007-7 & EA2007-3*
2. Lead Agency Name and Address: *City of Milpitas, 455 E. Calaveras Blvd., Milpitas, CA 95035*
3. Contact person and phone number: *Cynthia Maxwell, (408)586-3287*
4. Project location: *887 through 1045 South Park Victoria (odd addresses only) Assessor Parcel Nos. 88-38-084 to 091 and 88-37-001 to 005 (13 parcels)*
5. Project sponsor's name and address:  
*City of Milpitas, 455 E. Calaveras Blvd., Milpitas, CA 95035*  
*Debra J. Giordano, 1916 Grand Teton Dr., Milpitas, CA 95035*
6. General plan designation: *Multi-Family Medium Density*
7. Zoning: *R2-S One & Two Family Residential*
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)  
*General Plan amendment and Zone Change to "MXD" Mixed Use to allow businesses to be operated out of existing duplex units. Currently only home occupation businesses are allowed.*
9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
*North Two-story church, zoned R1-6 Single Family Residential*  
*East S. Park Victoria Dr. and single family residential, zoned R1-6*  
*South Two-story office building, zoned CO-S Administrative/Professional Office*  
*West South of Mt. Shasta – One and two family homes zoned R2-S One and Two Family Residential*  
*North of Mt. Shasta – Single family homes, zoned R1-3-S Single Family Residential*
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)  
*None*

(Continued on next page)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality              |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use / Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: \_\_\_\_\_ Project Planner: \_\_\_\_\_  
Signature Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
<b>I. AESTHETICS:</b>						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 18, 19

<b>III. AIR QUALITY:</b> (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 9, 18, 19
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 9, 18, 19
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 9, 18, 19
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 9, 18, 19
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 9, 18, 19
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>V. CULTURAL RESOURCES:</b> Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 16, 18, 19
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 16, 18, 19
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 16, 18, 19
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 16, 18, 19
<b>VI. GEOLOGY AND SOILS:</b> Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 8, 11, 18, 19
<b>VII. HAZARDS AND HAZARDOUS MATERIALS:</b>						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18,

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
substances, or waste within one-quarter mile of an existing or proposed school?						19
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>VIII. HYDROLOGY AND WATER QUALITY:</b>						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19, 20
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>IX. LAND USE AND PLANNING:</b>						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>X. MINERAL RESOURCES:</b>						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>XI. NOISE:</b>						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>XII. POPULATION AND HOUSING:</b>						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>XIII. PUBLIC SERVICES:</b>						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:  Fire protection?  Police protection?  Schools?  Parks?  Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
<b>XIV. RECREATION:</b>						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>XV. TRANSPORTATION/TRAFFIC:</b> Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1, 2, 11, 13, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
<b>XVI. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE:</b>						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1, 2, 11, 18, 19

**ENVIRONMENTAL IMPACT ASSESSMENT**  
**SOURCE KEY**

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Other \_\_\_\_\_

## ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

The following discussion includes explanations of answers to the above questions regarding potential environmental impacts, as indicated on the preceding checklist. Each subsection is annotated with the number corresponding to the checklist form.

### EXISTING SETTING:

*The 13 subject parcels are developed with occupied duplex residential units. The units were built in 1968 and range in size from 1,998 to 2,900 but average 2,100 square feet. The duplexes front and are accessed off S. Park Victoria Drive. The northern most eight parcels are separated from the southern parcels by Mt. Shasta Ave.*

### PROJECT DESCRIPTION:

*Change zoning to Mixed Use allowing businesses to operated in the duplexes. Currently, only home occupations are allowed.*

### Discussion of Checklist/Legend

#### **XI. NOISE**

- d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  
*Less than a significant impact. Potential noise from the operation of a permitted business is regulated through the City noise ordinance and operating standards contained in Zoning Ordinance XI-10-38. Any new construction will be subject to standard permitting requirements of the City for site and architectural review and use permits.*

#### **XV. TRANSPORTATION/TRAFFIC**

- f) Result in inadequate parking capacity?  
*Less than a significant impact. Potential parking issues for business permitted in the MXD zoning district but businesses will be required to meet City parking requirements. Any new construction will be subject to standard permitting requirements of the City for site and architectural review and use permits.*

#### **XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? *No.*
- b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable

when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? *No*.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? *No*.

End of document

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

Category: Public Hearing

Report Prepared by: Cindy Maxwell

Public Hearing: Yes:   X   No:       

Notices Mailed On: 2/16/07 Published On: 2/15/07 Posted On: 2/16/07

**TITLE: CHANGE THE GENERAL PLAN DESIGNATION FROM MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL TO MIXED USE AND REZONE FROM ONE AND TWO FAMILY RESIDENTIAL “R2-S” TO MIXED USE “MXD-S” FOR 13 PARCELS ON S. PARK VICTORIA DR.**

Permits: General Plan Amendment No. GP2007-5, Zone Change No. ZC2007-7 and Environmental Impact Assessment No. EA2007-3

Location: 13 parcels located at 887 through 1045 South Park Victoria Drive (APNs: 088-38-084 to 091 and 088-37-001 to 005) APN: 086-22-023

**RECOMMENDATION: Close the Public Hearing. Recommend approval to the City Council subject to recommended findings.**

Applicants: City of Milpitas

Property Owners:

Property Address (S. Park Victoria)	Owner’s Name	Owner’s Address
973-975	Laura E. Teer	973 S. Park Victoria Dr., Milpitas CA 95035-6907
901	Ryan Ngan Hoang	2331 Summer Ct., San Jose, CA 95116-3756
915-917	Philamer & Perla Ignacio	PO Box 32181, San Jose, CA 95152
929-931	Philamer & Perla Ignacio	PO Box 32181, San Jose, CA 95152
943-945	Richard Chew et al	158 E. Jackson, San Jose, CA 95112-5107
957-959	Soledad Kantoniemi	479 Ashwood Ct., Los Banos, CA 93635
887-889	Debra J. Giordano	1916 Grand Teton Dr., Milpitas, CA 95035
985-987	Shirley Walker	985 S. Park Victoria Dr., Milpitas CA 95035-6907
1003-1005	Lucena F. Guiang	1003 S. Park Victoria Dr. Milpitas CA 95035-6907
1015-1017	Ted T & Cynthia S. Lin Trustee	12307 Crayside Lane, Saratoga CA 95070-6525
1027-1029	Charles K & Shirley Tang Trustee & et al	1499 David Lane, Milpitas CA 95035-6984
1031-1033	Leroy & Junko Mayeda Trustee	2794 Boncheff Dr., San Jose CA 95133-1401
1043-1045	Martha L. Cook Trustee & et al	1045 S. Park Victoria Dr., Milpitas CA 95035-6907

General Plan Designation: Multi-Family Medium Density

Present Zoning: One and Two Family Residential (R2-S)

Existing Land Use: 13 parcels with 26 dwelling units in duplex structures.

Agenda Sent To: Applicants and Owners (as noted above)

- Attachments:
- Attachment A: Zoning Ordinance R2
  - Attachment B: Zoning Ordinance MXD
  - Attachment C: Negative Declaration and Environmental Assessment

PJ No. 2476

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## BACKGROUND

### Project Location

- 2.8 acres on 13 parcels located on South Park Victoria Drive – addresses 887 to 1045.



### Bordering land uses:

- North Two-story church
- East S. Park Victoria Dr. and single family residential
- South Two-story office building
- West South of Mt. Shasta – One and two family homes
- North of Mt. Shasta – Single family homes

## APPLICATIONS SUBMITTED

1. General Plan Amendment No. GP2007- 5: redesignate from Multi-Family Medium Density Residential to Mixed Use
2. Zone Change No. ZC2007- 7: rezone from One and Two Family Residential “R2-S” to Mixed Use “MXD-S”
3. Environmental Impact Assessment No. EA2007- 3: Negative Declaration indicating that the project will not create any significant environmental impacts.

## PROJECT DESCRIPTION

- Change the General Plan land use designation and zoning district for 13 parcels with duplex residences on S. Park Victoria Dr., south of Yellowstone Ave. The units are occupied and have access off S. Park Victoria Drive.
- The proposed land use change will encourage a more pedestrian friendly environment along a major arterial by expanding the existing mix of uses and activities.
- The proposal will provide a new economic growth opportunity in live-work units.

## LAND USE COMPARISON

### General Plan

- The primary effect of the proposed land use change is to expand potential uses by allowing limited commercial uses.
- The Mixed Use land use designation is designed to compatibly mix residential with low intensity and local-serving commercial uses.

Table 1 – Comparison of General Plan Land Uses

<i>Multifamily Medium Density (Existing)</i> <sup>1</sup>	<i>Mixed Use (Proposed)</i> <sup>2</sup>
Development type – Single-family attached and semi-detached houses and duplexes	Development type – Commercial offices, retail and services, high density residential and public and quasi-public uses
Residential densities – 7 to 11 units per acre	Residential densities – 21 to 30 units per acre
Commercial intensity – Residents may operate businesses as a home occupation. (See Attachment A)	Commercial intensity – Commercial use may be combined with residential. Floor area ratio for commercial use is 0.75.

<sup>1</sup> Milpitas General Plan, March 19, 2002, p. 2-12

<sup>2</sup> Milpitas General Plan, March 19, 2002, p. 2-13

**Zoning Ordinance**

- Permitted commercial uses must meet operating standards contained in the ordinance to minimize conflicts with coexisting or adjacent residential uses.
- Conditional uses are subject to an open public hearing process before the Planning Commission where additional operating requirements and design standards may be imposed.
- The combining “S” District<sup>3</sup> requires a thorough design review process with the City before any site or architectural changes can be made.

Table 2 – Comparison of Zoning Ordinance Requirements

<i>R2-S (Existing)</i> <sup>4</sup>	<i>MXD-S (Proposed)</i> <sup>5</sup>
<u>Purpose</u> – Stabilize and protect the residential characteristics of the District and to promote and encourage a suitable environment for family life.	<u>Purpose</u> – Encourage a compatible mix of residential, retail, entertainment, office and commercial service uses within the framework of a pedestrian-oriented streetscape
<u>Permitted Uses</u> – Single-family, duplex or two-family dwellings	<u>Permitted Uses</u> – Retail stores, offices and commercial services that are not open past 10 p.m., less than 10,000 square feet in size, not an “Adult Business” and are conducted wholly within the building. Restaurants are also permitted with restrictions on seating, parking, signage and operating standards for odors and waste handling.
<u>Building height</u> – 2.5 stories or 30 feet	<u>Building height</u> – Three stories or 45 feet
<u>Setbacks</u> <ul style="list-style-type: none"> <li>▪ Front – 20 feet from property line</li> <li>▪ Interior side – One side seven feet, total both sides 16 feet</li> <li>▪ Street side – Seven to ten feet</li> <li>▪ Rear – 25 feet (one-story), 30 feet (two-stories)</li> </ul>	<u>Setbacks</u> <ul style="list-style-type: none"> <li>▪ Front – eight to 15 feet from back of sidewalk</li> <li>▪ Interior side – Ten feet</li> <li>▪ Street side - Eight to 15 feet from back of sidewalk</li> <li>▪ Rear – Ten feet</li> </ul>

<sup>3</sup> Milpitas Municipal Code (MMC), XI-10-42

<sup>4</sup> MMC, XI-10-6, Attachment 2

<sup>5</sup> MMC, XI-10-38, Attachment 3

**ISSUES**

**Land Use Compatibility**

The Mixed Use zoning district is specifically designed to coexist with residential uses. The types of permitted uses are limited and are required to adhere to strict operating standards to insure that they are compatible with adjacent residential uses. For instance, retail stores, offices and commercial services cannot be larger than 10,000 square feet, open past 10 p.m., or have outdoor seating unless it is specifically approved by the Planning Commission. Adult oriented businesses, exterminators, and drive-up windows are prohibited. Small restaurants are allowed with limitations on seating and signs and operating standards related to odors and waste handling.

Other nonresidential uses may be allowed if they are approved by the Planning Commission with a Conditional Use Permit. The Planning Commission would hold a public hearing with notices of the hearing mailed in advance to all property owners and residents within 300 feet of the site. During the Planning Commission’s review, special operating conditions and standards can be imposed. The Planning Commission’s decision on a use permit application may be appealed to the City Council.

**Parking**

- The parking requirements for the Mixed Use zoning district are more complex to insure compatibility with building design and residential uses.
- 4 or 5 parking spaces would be needed if an existing duplex unit were entirely converted to a retail use or an office (respectively). The existing site may have adequate parking available on-site and on the street. Additional parking would need to be provided elsewhere on the site subject to Planning Commission review and approval.

Table 3 – Parking Requirements

<i>R2-S (Existing)</i> <sup>6</sup>	<i>MXD-S (Proposed)</i> <sup>7</sup>
<p><u>Parking</u>                      Minimum two spaces per dwelling unit</p>	<p><u>Parking</u>                      Residential                      Studio: One                      One bedroom: One &amp; a half                      Two bedroom: Two                      Nonresidential                      Retail: One/250 square feet                      Office &lt;1,000 sq. ft.: 1/200 sq. ft.                      Office &gt;1,000 sq. ft.: 3.3/1,000 sq. ft.                      No parking in front or street side setback areas                      On-street parking on parcel’s street frontage can be used to meet requirements</p>

<sup>6</sup> MMC, XI-10-6, Attachment 1

<sup>7</sup> MMC, XI-10-38, Attachment 2

**Loss of Privacy**

- Property owners or residents adjacent to the west side of the site may have concerns about loss of privacy due to more intense uses or taller buildings closer to shared property lines.
- The west side of the site is zoned R2-S (south of Mt. Shasta) and R1-3 (north of Mt. Shasta).

Table 4 – Height and Rear Yard Setbacks

Zoning District	Height Limits	Rear Yard Setbacks
R2-S	2.5 stories or 30 feet	25 feet (one-story) 30 feet (two-stories)
R1-3-S <sup>8</sup>	30 feet	15 feet (one-story) 20 feet (two stories)
MXD-S	Three stories or 45 feet	Ten feet

- Any proposed structural changes will require an open public hearing process to obtain review and approval from the Planning Commission. Any public concerns can be addressed at that time to minimize perceived privacy intrusions through careful building design.

**Creation of Non-Conforming Uses**

- Rezoning the proposed sites to Mixed Use will create non-conformity in use (two family dwelling units not allowed<sup>9</sup> and 10.9 units per acre rather than minimum 21 units per acre<sup>10</sup>) and building (parking not allowed in front or side street setback areas<sup>11</sup>, ten foot landscaping buffers<sup>12</sup>, no backing into public street or sidewalk<sup>13</sup>, and no tandem spaces<sup>14</sup>).
- Non-conforming uses may remain but will not be able to expand the existing structure. New construction will require conformance with the uses and standards of the MXD district.

**CONFORMANCE**

**General Plan**

The proposed project is consistent with the following General Plan policies:

Table 3 – General Plan Conformance

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<sup>8</sup> MMC, XI-10-4.05 & 4.06-5.1  
<sup>9</sup> MMC, XI-10-38.04 -4.2  
<sup>10</sup> MMC, XI-10-38.05-4  
<sup>11</sup> MMC, XI-10-38.06-1(a)  
<sup>12</sup> MMC, XI-10-53.09  
<sup>13</sup> MMC, XI-10-53.17  
<sup>14</sup> MMC, XI-10-53.20

<i>Policy</i>	<i>Applicability</i>
2.a-I-2 Promotes in-fill development in the incorporated city limits.	The project broadens the uses permitted in an area of the city that is already developed.
2.a-I-5 Promote a strong economy that provides economic opportunities for all Milpitas residents within existing environmental, social, fiscal and land use constraints	The project will provide an opportunity for smaller businesses and live-work units. Smaller, low-traffic generating uses, such as real estate offices, medical offices or notaries, will find this particularly attractive.
2.a-I-6 Encourages a balanced economic base.	The project will add a type of commercial venue that is unavailable elsewhere in the City.

### **ENVIRONMENTAL REVIEW**

A Negative Declaration was prepared for this project (EA2007-3). Two potential impacts were identified as having “less than significant impact”.

Potential noise from the operation of a permitted business is regulated through the City noise ordinance and operating standards contained in Zoning Ordinance XI-10-38. There are also potential parking issues for business permitted in the MXD zoning district however they will be required to meet City parking requirements. Any new construction will be subject to standard permitting requirements of the City for site and architectural review and use permits.

### **RECOMMENDATION**

Close the Public Hearings. Recommend approval to the City Council of General Plan Amendment No.GP2007-5, Zone Change No.ZC2007-7 and Environmental Impact Assessment No.EA2007-3 based on the Findings listed below:

### **FINDINGS**

1. The Negative Declaration and Environmental Impact Assessment No.EA2007-3 are valid and applicable to this project.
2. The proposed MXD-S zoning district, at the proposed location, will not be detrimental or injurious to property or to the public health, safety, and general welfare because of appropriate design and control measures and an open and public process for land use and design review.
3. The proposed change in land use designation and zoning is consistent with the Milpitas General Plan because it is a zoning district designed to coexist with residential uses and it will strengthen the economic base of the community.
4. The proposed change in land use designation and zoning is consistent with the Milpitas Zoning Ordinance because the MXD zoning district is designed to coexist with residential uses, is located on properties that front and have access to a major arterial and has significant use and design controls requiring an open and public process for land use and design review and approval from the Planning Commission.

*P.C.ARS – February 28, 2007*

*General Plan (GP2007-5) and Zone Change (ZC2007-7)*

5. The proposed land use change will expand economic opportunities for locating smaller businesses and for live-work units.

## **Section 6 R2 One and Two-family Resident District**

### **XI-10-6.01 Purpose**

To stabilize and protect the residential characteristics of the District and to promote and encourage a suitable environment for family life. The R2 District is intended for suburban family homes and the community services appurtenant thereto. (Ord. 38.19 (part), 1/17/61; Ord. 38 (part), 3/15/55)

### **XI-10-6.02 Principal Permitted Uses**

The following are the principal permitted uses in an R2 District:

6.02-1 Single-family dwellings

6.02-2 Duplex or two-family dwellings

6.02-3 Planned unit development, subject to provisions of Subsection 54.07.

6.02-4 Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.

6.02-5 Second family unit, in conjunction with an existing legal single-family dwelling.

Refer to Subsection 54.22 of this Chapter for development standards. (Ord. 38.761 (part), 5/20/03; Ord. 38.19, 1/17/61; Ord. 38 (part), 3/15/55)

### **XI-10-6.03 Accessory Uses**

The following are the accessory uses permitted in an R2 District:

6.03-1 Boarding houses of not more than two (2) persons.

6.03-2 Home occupations and professional offices in home, as provided for in Subsection 54.08.

6.03-3 A State-authorized, certified or licensed family care home, foster home or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children provided such home furnishes care on a twenty-four-hour a day basis.

6.03-4 Other accessory uses and accessory buildings customarily appurtenant to a permitted use, as provided for in Subsection 54.09.

6.03-5 Small family child care home.

6.03-6 Large family child care home, as provided for in Subsections 53.23-6 through 53.23-8 and 54.16. (Ord. 38.763 (10), 4/20/04; Ord. 38.761 (part), 5/20/03; Ord. 38.702(2) (part), 8/15/95; Ord. 38.339 (part), 2/19/74; Ord. 38.19 (part), 1/17/61; Ord. 38 (part), 3/15/55)

### **XI-10-6.04 Conditional Uses**

6.04-1 Boarding houses for three (3) or more persons.

6.04-2 Licensed nursing home exceeding six (6) persons.

6.04-3 School (Elementary and High) and park playground or community center, owned and operated by a governmental agency or a non-profit community organization; permanent church buildings (except rescue mission and temporary revival), public service structures, not including corporation yards, storage or repair yards and warehouses; and golf course (except driving tee or range, miniature course and similar uses operated for commercial purposes).

6.04-4 Off-street public parking areas.

6.04-5 Temporary tract offices and tract signs with the exception that no tract signs shall be permitted within six hundred (600) feet of a Santa Clara County Expressway.

6.04-6 Child care center. (Ord. 38.763 (11), 4/20/04; Ord. 38.702 (1) (part), 8/15/95; Ord. 38.339 (part), 2/19/74; Ord. 38.207 (part), 11/17/70; Ord. 38 (part), 3/15/55)

### **XI-10-6.05 Height Regulations**

No principal building shall exceed either two and one-half (2 ½ ) stories or thirty (30) feet in height, and no accessory building shall exceed either one and one-half (1½) stories or fifteen (15) feet in height. (Ord. 38.19 (part), 1/17/61; Ord. 38 (part), 3/15/55)

#### **XI-10-6.06 Area, Lot Width, and Yard Requirements**

The following minimum requirements shall be observed, except where increased for conditional uses.

6.06-1 Lot Area: Single-family -- Six thousand (6,000) square feet.

Two-family -- Eight thousand (8,000) square feet.

6.06-2 Lot Width: Single-family -- Fifty-five (55) feet.

Two-family -- Seventy (70) feet.

6.06-3 Front Yard: Single-family -- Twenty (20) feet.

Two-family -- Twenty (20) feet.

6.06-4 Side Yards: Single-family -- One side five (5) feet, total both sides twelve (12) feet. If principal building is two (2) stories or over; one side six (6) feet, total both sides fifteen (15) feet.

Two-family -- One side seven (7) feet, total both sides sixteen (16) feet. If principal building is two (2) stories or over; one side eight (8) feet, total both sides twenty (20) feet.

6.06-5 Rear Yard: Single-family -- Twenty-five (25) feet.

Two-family -- Twenty-five (25) feet. If principal building is two (2) stories or over, thirty (30) feet. (Ord. 38.19 (part), 1/17/61)

#### **XI-10-6.07 Automobile Parking Restrictions**

To be provided same as required for R1 District. (Ord. 38.19, 1/17/61)

#### **XI-10-6.08 Corner Lots**

On corner lots the side yard regulation shall be the same as for interior lots, except on the street side of a corner or reversed corner lot, in which case the side yard shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, but such side yard need not exceed ten (10) feet, nor shall it be less than the side yard required on interior lots. (Ord. 38.22, 2/1/62; Ord. 38 (part), 3/15/55)

#### **XI-10-6.09 Areas for Collecting and Loading Recyclable Materials**

There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Subsection 54.15 of this Chapter. (Ord. 38.687 (1) (part), 4/19/94)

## Section 38 "MXD" Mixed Use District

### XI-10-38.01 Purpose and Intent

The purpose of the Mixed Use ("MXD") Zoning District is to encourage a compatible mix of residential, retail, entertainment, office and commercial service uses within the framework of a pedestrian-oriented streetscape. It is intended that the residential and commercial use allowed in the "MXD" District combine to provide for an "around-the-clock-environment" with urban open areas (i.e. plazas, squares) that serve multiple purposes and can be used for special events. (Ord. 38.759 (part), 4/2/02)

### XI-10-38.02 Principal Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered or enlarged, except for the following uses:

38.02-1 Retail stores, offices and commercial service establishments provided they are:

- (a) Not Adult Businesses as defined in Subsection 54.18;
- (b) Less than or equal to ten thousand (10,000) square feet in gross floor areas;
- (c) Not open past 10:00 p.m.;
- (d) Except for approved outdoor seating areas, are conducted wholly within a building;
- (e) Not specifically noted in Section 38.03 as requiring Conditional Use Permit approval;
- (f) Not specifically noted in Section 38.04 as a Prohibited Use; and
- (g) Consistent with the Commercial Service definition in Section 2.26-5.

38.02-2 Restaurants, or restaurants which include internet usage for customers, with no dancing or live entertainment, with only ancillary on-premise consumption of beer and wine with no separate bar area, that conform to the following performance standards:

- (a) Seating shall not exceed that which the amount of parking allocated for the restaurant space would allow. A sign measuring at least one (1) foot by one (1) foot, with a lettering height of at least three (3) inches, shall be placed in a conspicuous location near the restaurant front entrance stating the maximum total seating allowed. Outdoor seating is allowed if it has been approved as part of the facility's Site and Architectural application and is operated in conformance with any conditions of that approval.
- (b) The restaurant shall comply with the City Council's Guidelines for Recycling Enclosures (Resolution No. 6296).
- (c) The restaurant shall incorporate measures to reduce odors to acceptable levels, including, but not limited to, installation of a scrubber, carbon filter or similar equipment, on the roof vent to control odors.
- (d) All the facility's floor drains, trash compactors and indoor mat and equipment washing areas shall be drained to the sanitary sewer.
- (e) Where applicable, the restaurant shall maintain an active account with a tallow hauling company.
- (f) The restaurant shall prepare and implement a program assigning restaurant staff responsibility for complying with the following guidelines which shall be adhered to while the restaurant is in operation:
  - (1) Wash all containers and equipment in the kitchen areas so that wash water may drain into the sanitary sewer.
  - (2) Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.
  - (3) Double bag waste to prevent leaking.
  - (4) Place, do not drop or throw, waste-filled bags, to prevent leaking.
  - (5) Keep the ground under and around the garbage dumpsters swept.
  - (6) Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
  - (7) Hold training sessions to instruct employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all State and local health and sanitation standards. A record of such training must be kept to prove

compliance with this requirement.

(8) Post signs (in English and multi-lingual) inside the premises for all employees identifying procedures for food delivery and garbage disposal.

(9) All garbage bins shall be stored in the garbage enclosure except for the twelve (12) hours immediately before and after garbage collection.

38.02-3 Medical or dental offices and clinics.

38.02-3.1 Mixed use developments.

38.02-4 Multi-Family housing. See Section 38.04 regarding prohibition of ground level residential along portions of South Main Street.

38.02-4.1 Live-work units.

38.02-5 Small family child care home.

38.02-5.5 Large family child care home, as provided for in Subsections 53.23-6 through 53.23-8 and 54.16.

38.02-6 Planned Unit Developments.

38.02-7 Second family unit, in conjunction with an existing legal single-family dwelling. Refer to Subsection 54.22 of this Chapter for development standards.

38.02-8 Any other uses which are added to this list by the City Planning Commission, in accordance with the procedure prescribed in Section XI-10-54.02. (Ord. 38.761 (part), 5/20/03; Ord. 38.760 (2, 3), 9/17/02; Ord. 38.759 (part), 4/2/02)

### **XI-10-38.03 Uses Permitted Subject to Receiving a Conditional Use Permit**

38.03-1 The following uses may also be permitted, provided their location and operation is first approved by the Planning Commission, as provided for in Section 57, and they are not Adult Businesses as defined in Subsection 54.18:

- (a) Retail stores, offices or commercial service establishments greater than ten thousand (10,000) square feet in gross floor area.
- (b) Retail stores, offices or commercial service establishments open past 10:00 p.m.
- (c) Arcades, with mechanical or electronic games or games of skill or science.
- (d) New and used auto, recreational vehicle and boat sales, excluding commercial vehicles, trucks, buses, vans, and farm and construction equipment, with accessory repairs and services. Said accessory repairs and services shall be conducted wholly within a completely enclosed building. Outdoor display is allowed.
- (e) Bicycle and auto rental agency, excluding commercial vehicles, trucks, buses, vans, boats and RV rentals. Outdoor display is allowed.
- (f) Billiard centers.
- (g) Blueprinting.
- (h) Bowling alleys.
- (i) Catering establishments.
- (j) Cocktail lounges with or without live entertainment.
- (k) Commercial laboratories, including medical and dental laboratories.
- (l) Child care centers. Refer to Subsections 53.23-6 through 53.23-8 and 54.16 for standards.
- (m) Laundries and dry cleaning establishments.
- (n) Liquor stores.
- (o) Motels and hotels.
- (p) Music or dance instruction.
- (q) Pet hospitals and veterinarians.
- (r) Pet and bird stores.
- (s) Restaurants, or restaurants which include internet usage for customers, that do not meet the performance standards listed in Subsection 38.02-2.
- (t) Restaurants with a bar area, dancing or live entertainment.
- (u) Stores selling used merchandise, such as thrift stores.
- (v) Tanning salons.
- (w) Temporary tract advertising signs with the exception that no tract signs shall be permitted within six hundred (600) feet of a Santa Clara County Expressway.

- (x) Theatres, indoor only.
- (y) Boarding houses for three (3) or more persons.
- (z) Group dwellings.
- (aa) Any other use which is determined by the Planning Commission to be of the same general character as the above listed conditional uses in accordance with the procedure prescribed in Subsection 54.02

38.03-2 The following quasi-public uses may also be permitted, provided their location is first approved by the Planning Commission, as provided for in Section 57, they are not Adult Businesses as defined in Subsection 54.18, and they are not located within one thousand (1,000) feet of the parcel boundary of another quasi-public use listed below. This distance shall be measured from the property line of the parcel where such use is located.

- (a) Places of meeting or assembly, such as auditoriums, banquet halls, fraternal or union hall, churches and other religious institutions.
- (b) Hospitals or sanitariums.
- (c) Private elementary, middle or high schools.
- (d) Vocational schools, if not found objectionable due to noise, odor, vibration or other similar health, safety and welfare basis.

38.03-3 The following commercial service uses may also be permitted, provided their location is first approved by the Commission as provided for in Section 57, they are not Adult Businesses as defined in Subsection 54.18; and they are not located within one thousand (1,000) feet of another commercial service use listed below. This distance shall be measured from the property line of the parcel where such use is located.

- (a) Auto service uses, including but not limited to: gasoline service stations, car washes, tire shops, towing without vehicle storage and auto repair shops of all kinds, radiators, paint, body, glass, brakes, upholstery, and other types if all operations are conducted wholly within a completely enclosed building. Entrances to the service bays shall not be open to the street but shall be designed to face the rear or interior side property line.
- (b) Cabinet or carpenter shops if conducted in a completely enclosed building.
- (c) Janitorial services and window cleaning services.
- (d) Local transportation service facilities (e.g. taxi, parcel service, ambulance, armored car, and van storage) without outdoor storage of vehicles.
- (e) Pawnshops.
- (f) Plumbing or sheet metal shops.
- (g) Sign shops, if conducted wholly within completely enclosed buildings.

38.03-4 The provisions of XI-10-38.03-2 and XI-10-38.03-3, relating to the location of quasi public uses and specified commercial service uses, shall not apply to any lawful uses existing or approved prior to May 2, 2002, except that such uses shall not be allowed to expand beyond the legal parcel area they occupied on May 2, 2002, plus any parcel adjacent to the parcel occupied on May 2, 2002. (Ord. 38.763 (15), 4/20/04; Ord. 38.761 (part), 5/20/03; Ord. 38.760 (3), 9/17/02; Ord. 38.759 (part), 4/2/02)

#### **XI-10-38.04 Prohibited Uses**

- 38.04-1 Disinfecting and extermination business.
- 38.04-2 Ground level residential in the Ground Level Commercial Area as shown on the Midtown Specific Plan Land Use Map, Figure 3.1.
  - 38.04-2.1 Massage establishments.
- 38.04-3 Outdoor storage of vehicles unless noted as allowed in connection with sales or rentals in Section 38.03-1 (d) and (e).
- 38.04-4 Self-service storage facilities.
  - 38.04-4.1 Single family detached dwellings.
  - 38.04-4.2 Two family dwelling units.
- 38.04-5 Vehicle oriented window service facilities. (Ord. 38.761 (part), 5/20/03; Ord. 38.760 (2, 3), 9/17/02; Ord. 38.759 (part), 4/2/02)

#### **XI-10-38.05 Development Standards**

38.05-1 Height of Structures. Principal building shall not exceed three (3) stories and forty-five (45) feet. Special architectural features, such as towers or corner elements may be up to fifty-five (55) feet.

38.05-2 Non-Residential Lot Area. Individual sites shall be of such size that all space requirements provided in this Section are satisfied.

38.05-3 Non-Residential Floor Area Ratio. The Floor Area Ratio for non-residential buildings or non-residential uses within mixed use buildings is seventy-five percent (75%, or 0.75).

38.05-4 Multi-Family Residential Density. Residential development shall be a minimum of twenty-one (21) dwelling units per gross acre and shall not exceed thirty (30) dwelling units per gross acre. The minimum number of multi-family residential units may be reduced for parcels less than twenty thousand (20,000) square feet.

38.05-5 Front and Street Side Setbacks.

(a) The Ground Level Commercial Area (as shown on the Specific Plan Land Use Map, Figure 3.1), shall have a build-to line that is fifteen (15) feet behind the curb. The fifteen (15) feet between the curb and the building build-to-line shall be developed with sidewalk and street trees.

(b) All other areas: front and street side setbacks shall be a minimum of eight (8) feet and a maximum of fifteen (15) feet from back of sidewalk. The sidewalk shall be based on either the existing sidewalk or assumed ten (10) foot wide sidewalk, whichever is wider.

(c) Where a public easement prevents a building from being located in at its required minimum or maximum setbacks, the building shall be located as close to the back of said easement as possible.

(d) All buildings must face onto the street they front upon.

(e) All required front setback areas shall be landscaped or paved to allow for outdoor seating, display of goods, or street furniture.

(f) Balconies, bay windows, porches, stoops, trellises, canopies and awnings may project into the minimum setback areas provided at least sixty percent (60%) of the required setback area is landscaping.

(g) Trellises, canopies and fabric awnings may project up to five (5) into minimum front and street side setback areas and public right of ways, provided they are not less than eight (8) feet above the sidewalk.

(h) A building's first floor may be recessed from either the maximum front and street side building setback line or the specified build-to-line for the purposes of an arcade, or a small gathering/dining or special entry area. The arcade shall have a minimum height of (8) feet, a minimum width of eight (8) feet. Other recessed areas may have maximum depth of ten (10) feet, and may not exceed forty percent (40%) of the building's street facing elevation. An entry door area up to nine (9) feet wide may be recessed up to four (4) feet from the back of the sidewalk.

38.05-6 Interior Side and Rear Yard Setbacks.

(a) Interior Side Yard. None required in the Ground Level Commercial Area. In all other areas interior side yards shall be a minimum of ten (10) feet.

(b) Rear Yard. Minimum ten (10) feet.

(c) Setback areas shall be landscaped but may also be occupied by residential accessory buildings or drive aisles.

(d) To mitigate the effects of adjacent service commercial or light industrial uses, increased setbacks and other measures, such as solid six-foot fence or masonry wall, shall be considered on a case by case basis by the Planning Commission during the site and architectural review process, taking into consideration the nature of adjacent uses. (Ord. 38.761 (part), 5/20/03; Ord. 38.759 (part), 4/2/02)

### **XI-10-38.06 Off-Street Parking**

38.06-1 All Uses.

(a) No parking spaces are allowed within the front or street side setback areas.

(b) On-street parking along the building's street frontage can be counted toward a development's overall parking requirements.

(c) There shall be provided off-street parking for automobiles in terms of design layout and sufficient quantity in accordance with the requirements of Section 53. All such parking spaces shall be improved as provided for in Subsection 54.03.

38.06-2 Non-Residential Uses. There shall be at least the following:

(a) Retail: one (1) automobile stall per two hundred fifty (250) square feet of gross floor area.

(b) Office:

(1) If building is one thousand (1,000) square feet or smaller: one (1) automobile per two hundred (200) square feet of gross floor area.

(2) If building is larger than one thousand (1,000) square feet: three and three tenths (3.3) automobile stalls per one thousand (1,000) square feet of gross floor area.

(c) For all other uses refer to Section 53, Off-Site Parking Regulations.

38.06-3 Residential Uses.

(a) Multiple family dwelling units, mixed use developments and live-work units there shall be at least the following:

(1) Studio: one (1) covered automobile stall per unit.

(2) One (1) bedroom: one and one-half (1 1/2) covered automobile stalls per unit.

(3) Two (2) or more bedrooms: two (2) covered automobile stalls per unit.

(4) Guest parking: fifteen percent (15%) of automobile stalls required in (1) through (3) above. May be covered or uncovered.

(5) Bicycle parking: five percent (5%) automobile stalls required in (1) through (4) above.

(b) Parking space dimensions shall be as follows:

(1) Standard parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet long.

(2) Compact parking spaces shall be a minimum of 7.5 feet wide by 15 feet long. When compact parking spaces are used in garages with more than two spaces, each space shall be marked as compact and shall be assigned and marked for resident use.

(3) Tandem parking spaces shall be a maximum of two (2) parking spaces deep.

(c) Tandem parking is not allowed for non-residential uses or guest parking. When tandem parking spaces are used in garages with more than two (2) parking spaces, they shall be assigned and marked for resident.

(d) A maximum of forty (40) percent of parking may be compact parking spaces. No compact parking spaces are allowed for non-residential uses or guest parking. (Ord. 38.761 (part), 5/20/03; Ord. 38.760 (2, 3), 9/17/02; Ord. 38.759 (part), 4/2/02)

### **XI-10-38.07 Park and Open Space Requirements for Residential Uses**

38.07-1 All residential projects within the Midtown Specific Plan area shall provide park land at a ratio of three and one-half (3 1/2) acres per one thousand (1,000) population. Up to one and one-half (1 1/2) of each three and one-half (3 1/2) total park acres required (43%) may be satisfied by the provision of private recreational areas. The remaining park land requirement must be satisfied by either dedication of land to the City for public parks and open space, or payment of an in-lieu fee, as set forth in Section 9 (Park Dedication) of the Milpitas Subdivision Ordinance (Title XI, Chapter 1).

38.07-1.1 All residential projects outside the Midtown Specific Plan area shall comply with the park land dedication provisions provided in Section 9.06 (Amount of Park Land to be Dedicated) of the Milpitas Subdivision Ordinance.

38.07-2 A minimum of twenty-five percent (25%) of the total site shall be usable open space or recreational facilities. Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas.

38.07-3 Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas. Balconies and porches located above ground level with a minimum dimension of 4 1/2 feet constructed for use by dwelling units shall be exempt from the useable open space dimension standards above and within Section 2 of this chapter, and may be considered to satisfy usable open space requirements. Each dwelling unit shall be provided with private open space as follows:

(a) Balconies and porches (above ground level): minimum sixty (60) square feet; or

(b) Patios (at ground level): minimum one hundred square feet. (Ord. 38.767 (part), 2/7/06; Ord. 38.760 (3), 9/17/02; Ord. 38.759 (part), 4/2/02)

### **XI-10-38.08 Utilities**

38.08-1 Utilities shall be placed in underground or subsurface conduits.

38.08-2 All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts.

38.08-3 Rooftop mechanical equipment shall be concealed from street level views through roof designs that is architecturally integrated with the building, such as equipment wells and parapets.

38.08-4 Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces.

38.08-5 Backflow preventors shall be located within landscaped setback areas and painted black or dark green to minimize visual impact. Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building to minimize visual obtrusiveness.

38.08-6 Refuse and recycling containers shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular accessway with screening designed to meet the requirements of Section 38.08-7.

38.08-7 Trash enclosure walls shall incorporate building materials and colors that match the architecture of the building, and be well landscaped.

38.08-8 All telecommunications antennas shall be building facade or roof mounted and screened appropriately.

38.08-9 On Main Street only telecommunication facilities that are disguised to appear as a part of the building architecture (i.e. "stealth" antennas) may be used. (Ord. 38.760 (2, 3), 9/17/02; Ord. 38.759 (part), 4/2/02)

### **XI-10-38.09 Conformance with Midtown Specific Plan**

The Midtown Specific Plan policies, as well as the Design Guidelines and Standards set forth in Chapter 8 of the Plan, shall apply to all properties within the Midtown area if any one or more of the following occurs:

(a) Whenever a new building is constructed, regardless of size;

(b) Whenever the use of an existing building is expanded or changed to a use requiring 50% or more off-street parking spaces, as determined by the City's adopted parking standards; or

(c) Whenever an existing building is increased in gross floor area by 10% of the existing gross floor area or is enlarged by 500 or more square feet, whichever is less (all additions or enlargements completed since May 2, 2002 shall be totaled).

If exterior building or site improvements (including signage) are proposed that do not fall under (a) through (c) above, such improvements shall be designed to conform to the Midtown policies, guidelines and standards applicable to the improvements, without requiring additional Midtown-related improvements to be imposed. (Ord. 38.760 (2, 3), 9/17/02; Ord. 38.759 (part), 4/2/02)

### **XI-10-38.10 Affordable Housing**

Affordable housing units should be provided in all new housing projects. While twenty percent (20%) is the minimum goal, affordable unit requirements will be determined on a project by project basis, taking into consideration the size and location of the project, the type of housing unit, proximity to transit and the mix of affordable units in the vicinity. (Ord. 38.759 (part), 4/2/02)

### **XI-10-38.11 Exceptions to Standards**

38.11-1 Exceptions to all but the use, floor area ratio, density, and park land requirement regulations (Subsections 38.02, 38.03, 38.04, 38.05-3, 38.05-4 and 38.07-1) of this

Section 38 may be approved by the Planning Commission through approval of a Conditional Use Permit in accordance with the requirements of Section 57.

38.11-2 In addition to the required findings under Chapter 57, the Planning Commission must be able to make the following two additional findings for such exceptions:

(a) The exceptions meet the design intent identified within Specific Plan and do not detract from the overall architectural, landscaping and site planning integrity of the proposed development.

(b) The exceptions allow for a public benefit not otherwise obtainable through the strict application of the specified standard. (Ord. 38.759 (part), 4/2/02)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING  
GENERAL PLAN AMENDMENT NO. GP2007-5 TO DESIGNATE 887 TO 1045 SOUTH  
PARK VICTORIA DRIVE AS “MIXED USE”**

**WHEREAS**, the City of Milpitas and Debra Giordano initiated this General Plan Amendment to redesignate 887 to 1045 South Park Victoria Drive from “Multi-Family Medium Density Residential” to “Mixed Use”; and

**WHEREAS**, this General Plan Amendment is accompanied by a proposal to change the Zoning District (ZC2007-7) to “MXD” Mixed Use for all 13 parcels located at 887 to 1045 South Park Victoria Drive; and

**WHEREAS**, a Negative Declaration was prepared for this project (EA2007-3) in which it was determined that any noise or parking impacts would be “less than significant” and addressed through the State mandated environmental review process for any use permit or “S” Zone applications; and

**WHEREAS**, the Planning Commission held a public hearing to consider the General Plan Amendment No. GP2007-5 on February 28, 2007 and recommended approval; and

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** that the City Council does hereby find that approval of GP2007-5 is in the public interest and that the General Plan so amended will remain internally consistent.

**BE IT FURTHER RESOLVED** that the City Council does hereby approve the General Plan Amendment (GP2007-5) to redesignate 887 to 1045 South Park Victoria Drive to a “Mixed Use” designation.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ of March 2007, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven T. Mattas, City Attorney

**REGULAR**

**NUMBER:** 38.771

**TITLE:** AN ORDINANCE OF THE CITY OF MILPITAS AMENDING  
CHAPTER 10, TITLE XI OF THE MILPITAS MUNICIPAL  
CODE (ZONE CHANGE ZC2007-7)

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by Councilmember \_\_\_\_\_ and was adopted (Second reading) by the City Council at its meeting of \_\_\_\_\_ upon motion by Councilmember \_\_\_\_\_. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. The Zoning Map of the City of Milpitas, which said map was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of the City, is hereby amended by adding thereto a new Section District No. 566 to the Zoning Map of the City of Milpitas, a copy of which is attached hereto and incorporated herein. The City Council finds the amendment is required by good zoning practice, public necessity, convenience and welfare.

SECTION 2. The exterior boundaries of the Zoning Map of the City of Milpitas as shown on that certain map entitled "Index Map to Section District Maps, Zoning Map of the City of Milpitas," which said Index Map was adopted as a portion of said Ordinance No. 38 of said city of Milpitas, and which said Index Map to Section District Maps is referred to in section 3.03 of said Ordinance No. 38, are hereby amended by adding to said Index Map the aforesaid Section District No. 566, referred to in Section 1 of this Ordinance.

SECTION 3. Publication and Effective Date. This ordinance shall take effect 30 days following its passage, and prior to the expiration of 15 days of the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

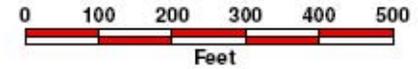
SECTION 4. Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.



City of Milpitas  
General Plan Amendment  
Exhibit A  
March 2006

Legend

 Mixed Use

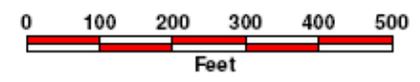




City of Milpitas  
New Zoning Designation  
Sectional District Map No. 566  
Exhibit A  
March 2006

Legend

 Mixed Use



**Milpitas Planning Commission**  
**February 28, 2007**

**Written Comments**

**For Agenda Item No. 1 (Park Victoria)**

**Cindy Maxwell**

---

**From:** Suzstone@aol.com  
**Sent:** Tuesday, February 27, 2007 2:14 PM  
**To:** Cindy Maxwell  
**Subject:** support proposed mixed-use zoning on S. Park Victoria

RE: the City's General Plan **re-zoning** of 13 parcels located at 887 through 1045 South Park Victoria Drive  
**from residential to MIXED USE**

Hi --

I actually received an email suggesting that I dispute the proposed change from residential to mixed use. However, **I am in favor of the re-zoning**. It is already a very commercial street, and it seems to me that it would just extend the current number of businesses a little further up the road.

Suzanne Stone  
480 Lomer Way  
Milpitas, CA 95035-5933  
(408) 263-4491

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**Cindy Maxwell**

---

**From:** lablanch@aol.com  
**Sent:** Tuesday, February 27, 2007 12:43 PM  
**To:** Cindy Maxwell  
**Cc:** darcyedit@aol.com  
**Subject:** Disgust and disapproval of S. Park Victoria project

Dear Ms. Maxwell,

I am VEHEMENTLY opposed to the project to re-zone the 13 parcels on S. Park Victoria as Mixed Use and feel you were extremely remiss in your approval of this project. You obviously did not come out to our neighborhood and see that it is just that -- a neighborhood of residential properties populated with people who enjoy their surroundings as they are.

How can you in good conscience indicate that it is OK for three story buildings with restaurants, bars, auto shops or other noisy smelly businesses occupying them to be erected where there are zero lot line residences directly behind them? How would you like strangers to be able to peer into YOUR BEDROOM?

How would you like YOUR quiet neighborhood to now have car horns and alarms going off, garbage trucks and delivery trucks now invading your personal haven? There is physically NO ROOM for these type of structures that include businesses on these parcels. There is also no room for parking. The increased traffic flow on South Park Victoria will be even more detrimental for the children and residents trying to cross an already extremely busy street. Ask Mrs. Marguerite Epps how much she misses her foot that she no longer has because of the careless driver who didn't stop for her in the cross walk at Mt. Shasta and S. Park Victoria. Let's now allow restaurants and bars that will serve alcohol right behind where children now play safely in their yards.

You have single handedly approved the demise of my lovely neighborhood and a decrease in my property value.

It appears that you deliberately ignored the checklist of items such as noise, traffic, parking, odors, etc. since you checked all of them as having little or no impact on the surrounding area. This is completely false. How do I know this? I own the last lot at the very end of Courtland Court next to the Baptist church. I made the CHOICE to move next to the church, which is full of cars most of the week. I hear car horns, screaming people, garbage trucks and the over two years of jack hammers, saws and construction work that has been going on and on and on at the church.

The last thing I want is to hear more car horns, more people screaming and to top it off, ODORS which will surely emanate from the garbage and cooking foods from the restaurants that will be allowed to occupy the premises.

Saying that current codes such as the noise ordinance, etc. will handle such concerns is just plain ridiculous. This is a residential area that needs to stay as it is, a residential area. There is a half empty commercially zoned shopping center at the corner of Landess and S. Park Victoria that should be developed, not my neighborhood full of family homes.

I have owned my home in this neighborhood for almost twenty years. The approval of the re-zoning

3/1/2007

reduces my home's worth, my ability to sell it in a timely manner and my overall quality of life. To think otherwise is just plain ridiculous. This re-zoning plan should not have been approved by you to begin with and it needs to be denied.

Linda Blanchard  
901 Courtland Court

---

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**Cindy Maxwell**

---

**From:** Linda Vrabel [lvrabel@mail.arc.nasa.gov]  
**Sent:** Tuesday, February 27, 2007 12:35 PM  
**To:** Cindy Maxwell  
**Subject:** General Plan re-zoning of 13 parcels located at 887 through 1045 South Park Victoria Drive from residential to MIXED USE

Dear Ms. Maxwell,

Please consider this email and my comments to the rezoning of Milpitas' General Plan **re-zoning** of 13 parcels located at 887 through 1045 South Park Victoria Drive **from residential to MIXED USE**. As a citizen of Milpitas I become very concerned when residential areas are re-zoned. Property owners have the right to maintain a residential living area. This neighborhood has older residences with many original owners who bought their homes here because the area was designated as residential. To rezone there homes to mixed use seems unethical.

To rezone this area may be profitable to developers who do not vote and reside in Milpitas but is may not be profitable to the residents. In fact this re-zoning proposition that may negatively affect property values and the residents' quality of life. It may also eventually affect my quality of life as well because if you allow this to happen here then you may allow it elsewhere as well.

I am also concerned because of the potential for these companies to store and handle toxic gases and hazardous chemicals. What if these companies choose to not follow the regulations and begin discharging chemicals into the storm drain and release toxic air contaminants into the air. How will this affect child and elderly and people with asthma? What happens to the sewer system from grease that isn't properly managed? What happens to the rodent population that will feed from overflowing trash dumpsters and food scraps? In addition, I am concerned because of noise and traffic problems associated with mixed use activities such as those identified by Dave and Busters at the Great Mall. I also believe this petition will distract from the aesthetics of the neighborhood.

Please consider the comments the voters who live next to the row of duplex/duet homes on South Park Victoria next to the Baptist church as well as other residents of Milpitas and do not approve the petition to change the zoning of these homes from residential to mixed use. Auto shops, restaurants, arcades, or whatever will now be allowed in my RESIDENTIAL neighborhood may present more hazards to the community then the revenues received from them.

Thank you for allowing me this opportunity to comment.

Sincerely,  
Linda Vrabel  
2084 Shiloh Ave

## Cindy Maxwell

---

**From:** Trish Dixon [trish@trishdixon.com]  
**Sent:** Monday, February 26, 2007 2:28 PM  
**To:** Cindy Maxwell  
**Cc:** Tom Williams  
**Subject:** RE: GPA2007-5 question

Hi Ms. Maxwell,

Thanks for passing on the city of Milpitas response to the GPA request to re-zone 26 homes into a mixed use designation. If I had not spent 14 years on the planning commission and city council I guess I would have bought this weak explanation.

The city response said a meeting was held and no one opposed it. That is not what the pastor of the church located right next to 887 has said. Also, the meeting scheduled for 1/23 was received by one of the owners on 2/16.

As to the premise of in-fill, there is no in-fill in this stretch of residential homes. And to compare it to the corner of Milpitas Blvd. and Dixon Road with a gas station, McDonald's and two of the busiest Asian shopping centers, and 3 mobile home villages is ridiculous and an example of poor planning.

Residents have been complaining that there are already empty tenant spaces around the Park Victoria/Landess intersection.

Respectfully,

Patricia Dixon

> -----Original Message-----  
> From: Cindy Maxwell [mailto:cmaxwell@ci.milpitas.ca.gov]  
> Sent: Monday, February 26, 2007 12:56 PM  
> To: trish@trishdixon.com  
> Cc: Felix Reliford  
> Subject: FW: GPA2007-5 question  
>  
>  
> Hi Trish!  
> Nice to hear from you!  
>

> Felix asked me to relay this message to you:  
>  
> The applicant should be Debbie Giordano. She filed an application  
> to rezone land from multi-family residential to MXD (mixed use)  
> and is paying for her fair share of the cost through a PJ Account  
> as is standard with all applicants. As you know, the MXD zone  
> allows a mix of commercial retail and residential. The  
> application was filed around last November. As a result of the  
> review of the merits of the application, staff found that the MXD  
> rezone was viable and that the remainder of the block ( 11 other  
> parcels) should be pursued as well. It is in pursuit of the 11  
> other parcels that the City becomes the applicant for the rezone  
> on those parcels only and not Debbie's. A meeting noticed to all  
> the property owners was held and staff received no objection to  
> rezoning all 12 parcels. From a pure planning perspective, the  
> rezone makes sense because the residential will be maintained  
> along with potential neighborhood serving commercial. This rezone  
> would continue to implement in-fill smart growth concepts,  
> consistent with General Plan goals, that allow for a walkable and  
> convenient mix of uses within a neighborhood. This concept is  
> very similar to the recent rezone from commercial to MXD at the  
> northeast intersection of Milpitas Blvd. and Dixon. The City can  
> condition the rezone such that when the other parcels apply for a  
> building permit, they reimburse the City for the cost of rezone.  
> The estimate would be \$500.00 to \$800.00 for the remaining 11  
> parcels. This is similar to the approach at Dixon and Milpitas.  
> It should be noted that Debbie has already paid her fair share  
> for processing the rezone application on the parcel she owns.  
> Given the sensitivity of the application, I asked that the City  
> Attorney review the application process and provide direction to  
> ensure that there was no potential for favoritism or that  
> Councilmember Giordano not influence the application process  
> whatsoever. This direction has been followed throughout the process.

>  
> Thanks!

> Cindy

>  
> Cynthia Maxwell  
> City of Milpitas, Planning Dept.  
> 455 E. Calaveras Blvd.  
> Milpitas, CA 95035  
> 408-586-3287  
> cmaxwell@ci.milpitas.ca.gov

>  
>  
>  
> -----Original Message-----

> From: Trish Dixon [mailto:trish@trishdixon.com]

> Sent: Saturday, February 24, 2007 12:16 PM

> To: Cindy Maxwell

> Subject: GPA2007-5 question

>

>  
> Hi Cindy,  
>  
> It's been awhile, hope all is well with you and family.  
>  
> I have a question about the upcoming PC meeting on Wednesday. The  
cover  
> copy w/o backup is circulating Parktown residents. It states that the  
> applicant is the City of Milpitas for a request to re-zone 13 parcels  
on  
> Park Victoria.  
>  
> My question is when and how did this request come about? We have  
lived in  
> this section of Parktown since 1972 and have always had more public  
> discourse when it deals with re-zoning residential to mix-use.  
>  
> As a resident now I would appreciate any background you can provide us  
on  
> this approval for re-zoning.  
>  
> Looking forward to hearing from you,  
>  
> Trish Dixon  
> 262-6937  
> trish@trishdixon.com  
> 262-2064 fax  
>

**Cindy Maxwell**

---

**From:** henry louie [hflouie@yahoo.com]  
**Sent:** Thursday, February 22, 2007 6:42 PM  
**To:** Cindy Maxwell  
**Subject:** General Plan Amendment No. GP 2007-5  
**Follow Up Flag:** Follow up  
**Due By:** Sunday, February 25, 2007 5:00 PM  
**Flag Status:** Flagged

Reference General Plan Amendment No. GP2007-5, Zone Change No. ZC2007-7 & Enviromental Impact Assessment No EA-2007-3  
PJ #2476

I am against any re-zoning of multi family medium density residential and/or one and two family residential to mixed use. This is a residential area with a community church across the street. This area already has numerous businesses such as parktown center (shopping center), fast food restaurants , banks , tire shops , vets, title companies, and dental offices and a bowling alley. We do not need more businesses in this area. Parktown was establish just like the name implies. Homes near parks.

I cannot see any benefit by tearing down houses and converting the area to anything else except more housing.

Just look around park victoria and all you can see is businesses. Lets not turn the whole city into a strip mall. Park Victoria has already turned into a back road for commuters.

Congestion in this area is one of the worse in the city.

Leave the homes and reject this proposed rezoning. Leave it as a community with churches, parks and schools.

I am sure the applicant will state we need more businesses in the area but please drive through the area and look at the number of businesses and shopping centers around the proposed area.

Henry Louie  
1189 Clear Lake Court  
Milpitas, CA 95035

---

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**Cindy Maxwell**

---

**From:** Kathy Dore [KDore@fenwick.com]  
**Sent:** Wednesday, February 28, 2007 11:29 AM  
**To:** Cindy Maxwell  
**Subject:** Proposed change to General Plan Amendments

My husband (Russ Dore') and I received a notice by mail of the meeting tonight about the proposed rezoning of residential properties on South Park Victoria Drive.

I understand that some of my neighbors are concerned about how allowing in-home businesses might affect property values, but I have other concerns as well:

1. Increased traffic on Park Victoria and Mt. Shasta (a cutover street between Park Victoria and Mt. Shasta).
2. Safety of pedestrians. While it would appear there is sufficient parking on Park Victoria, this might mean that people may have to cross Park Victoria to reach the residential businesses on the other side of the street. While this does not sound like rocket science in how to cross a street safely, there have been a number of auto-pedestrian accidents. I read in a recent *Milpitas Post* issue that the Milpitas Police Department set up a "sting" operation at several locations around the City with decoys used as pedestrian at existing crosswalks (including Park Victoria at Mt. Shasta). If my understanding is correct, there were quite a few automobile drivers who did not yield to pedestrians in the crosswalks. Why would anyone expect drivers to then yield to pedestrians NOT using a crosswalk.
3. Assuming that business names would be allowed on a residence, it seems to me that people trying to locate a business who are not familiar with the location would need to slow down to look for the address. This has the potential to cause traffic accidents as drivers are distracted from the business of safe driving and/or annoyed drivers trying to drive at or above the posted speed limit to go around the driver trying to locate the address. I think this creates even more of a risk to cars and pedestrians, given that there are schools and a church in the vicinity, which would mean a higher level of foot traffic.
4. I think the City of Milpitas has worked hard to make the city one that works for everyone - residents and businesses - and has been cognizant of the diversity of the city residents and businesses. Why move in a backward direction by allowing businesses to come into a residential area that I assume would allow signage on the residents with business names.
5. It appears to me that there is enough vacancy in existing commercial or business space for people interested in having a business to use the space already designated as business or commercial.

These are a few quick thoughts -- I may have more by tonight's meeting. Thanks for taking the time to read through this email.

Kathy Dore'  
997 Courtland Court

3/1/2007

Milpitas

I have included my work contact information in case you would like further clarification prior to the meeting. I will be here until 5:20 at which time I need to leave for another appointment, but plan to be at the Planning Commission meeting tonight.

**Kathy Dore'**  
**Fenwick & West LLP**  
**801 California Street**  
**Mountain View, CA 94041**  
**Phone: (650) 943-5258**  
**Fax: (650) 938-5200**  
**Email: kdore@fenwick.com**

-----  
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3/1/2007

My name is Darcy Kendall, and I am the homeowner at 908 Courtland Court, a one-story house immediately adjacent to the back of 887 S. Park Victoria, the property now owned by Ms. Giordano. I have owned this property for 23 years, and was the original buyer, along with my late husband, when this home was built in 1983. We bought this home because it was in a quiet, safe residential neighborhood, at the end of a cul-de-sac. I have an 11-year-old son, and we believed this was a good neighborhood to raise a family. I think it's pertinent to add that I am a Stanford graduate with a degree in Land Use Planning, so I am knowledgeable about the planning process. I am adding my voice to our neighborhood's protest to the proposed rezoning of the parcels along S. Park Victoria to mixed-use commercial, for four primary reasons:

1. This use is incompatible with the current residential character of the neighborhood.
2. This use will ultimately reduce property values and quality of life for the adjacent residential property owners.
3. Increased traffic from the commercial development of these parcels would make the already-dangerous intersection of Mount Shasta and S. Park Victoria a nightmare—requiring a traffic light.
4. This use will certainly not meet the proposed goal given by the City in its project description (and reiterated in email by Mr. Williams) of producing a progressive, pedestrian-oriented business district.

While Ms. Giordano's proposed use of the front unit of the duplex at 887 S. Park Victoria as her real estate office might be innocuous enough by itself, the proposal to rezone this entire strip of parcels as mixed-use commercial opens a Pandora's box. It would have a completely negative impact on the residential character of this neighborhood, creating a potential strip mall that runs exactly one-half mile from the intersection of Yellowstone and S. Park Victoria all the way to Landess. This area of Milpitas does not need yet another strip commercial project, especially on just one side of the street, and especially when competing commercial properties in the area already have significant vacancy levels.

As an adjacent property owner, I am, quite naturally, concerned about the impact of this rezoning on my property's value. As any Realtor can tell you, and I'm sure Ms. Giordano with her many years of real estate sales experience can confirm, residential properties that are adjacent to commercial properties typically sell for less than residential properties adjacent to other residential properties. By merely rezoning these parcels as mixed-use commercial, even without a commercial development in place, the City has already created a negative impact on my property's value since I will have to disclose this fact should I decide to sell my home. The Courtland Estates development, of which my home is a part, was not designed in the early 1980s to be next to commercial businesses with parking lots and dumpsters. My master bedroom window is precisely 17 feet from my back fence—the same as one car length. On the other side of my 6-foot-high wood fence, this rezoning would allow a parking lot, complete with dumpsters and garbage pickup—plus the very real possibility of increased crime. A mere 10-foot setback from the fence is all that's required to separate my backyard from a potential three-story building. While Ms. Giordano's real estate office might not be configured this way, if she were to decide to build a three-story Starbucks/condo project instead, or sell to a developer who would do so, I'm out of luck—that's a use that's allowed by this rezoning. To say that these concerns would be addressed in the design review process at the time of a proposed development is preposterous—the City of Milpitas has a long, illustrious history of catering to developers. For the latest example, just look at the shortsightedness of the current developments going up near Elmwood. Construction of these developments isn't even complete yet, and very significant problems that should have been obvious to the City (i.e., lack of schools to accommodate new students, etc.) have yet to be dealt with adequately.

The increased traffic and safety of the intersection at Mount Shasta and S. Park Victoria has not been addressed at all in the negative EIA declaration, since traffic studies do not have to be done unless a development other than Ms. Giordano's is proposed. However, if these parcels were all developed into mixed-use commercial projects, as I believe they will be eventually should this rezoning be approved, they would generate a significant amount of increased traffic. This intersection is used daily by a large number of people taking their children to school at nearby Sinnott and Rancho schools. There has already been one very serious accident here, nearly taking the life of neighborhood resident Mrs. Epps and resulting in the amputation of one of her legs. The crossing guards here, as well as the parents who walk their children to school, can tell you that this is an extremely dangerous intersection. Milpitas has recently lost a crossing guard at another intersection—it's time that the City woke up to the realities of these dangers before more people are killed. I personally drive my child to school at Sinnott, even though it is within easy walking distance, since I figure that we stand a somewhat better chance of getting there safely in a car than on foot. And anyone who tries to make a left turn from Mount Shasta onto S. Park Victoria during the morning or evening commute hours can tell you that you it's a nightmare. Increasing traffic here by adding a commercial development would REQUIRE a traffic light—not an insignificant expense to the City.

Finally, the proposed benefit that this commercial development would have of producing a progressive, pedestrian-friendly business district is simply ridiculous. The businesses that typically locate in these strip developments, and as stated in Table 3, General Plan Conformance (in the Planning Commission Agenda Report for Feb. 28) are NOT driven by pedestrian traffic. Real estate offices, medical and dental offices, and notaries, as stated in Table 3, are not places that make their money from people who happen to walk by. Other permitted uses, such as offices, auto repair shops, entertainment establishments, and restaurants, are not driven by pedestrian traffic. ALL of these uses will increase automobile traffic. The only thing related to pedestrians in this proposal is that there will be a sidewalk. This development will have to accommodate cars—including parking lots that will be immediately adjacent to residential backyards. It's important to note that the existing businesses along the west side of S. Park Victoria toward Landess are also not pedestrian driven. They include drive-through restaurants, a gas station, a tire shop, a veterinarian's office, a bank, and a medical office building. While it's true that you can walk to these businesses if you live nearby, since there is a sidewalk, they do not make their money from people who just happen to be strolling by. Generally speaking, people drive to these businesses, and park their cars there.

In closing, I urge the Planning Commission and the City Council to vote no on this rezoning proposal—it's not good planning, and it's not good for the City of Milpitas.

Wednesday, Feb. 28, 2007

## **Petition to the Milpitas Planning Commission**

**RE: GENERAL PLAN AMENDMENT NO. GP2007-5, ZONE CHANGE NO. ZC2007-7 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2007-3**

**We, the undersigned Milpitas residents, respectfully present this petition to the Planning Commission to express our full and unequivocal opposition to the referenced General Plan amendment.**

Whereas the proposed amendment adversely affects a large and established Milpitas residential area for the sole benefit of a single applicant, and thereby would ultimately reduce the city's supply of moderately priced housing at a time when additional such housing is urgently needed

And whereas no other directly affected property owners are a party to this zone change application

And whereas the proposal would increase traffic in the already heavily congested South Park Victoria Drive corridor and thus negatively impact two major pedestrian crossings, including a school crossing for elementary and middle school children. A crossing where several serious accidents, including a near-fatal pedestrian/auto accident, have already occurred

And whereas neighborhood street parking and church parking are already inadequate and would be further degraded by the influx of customers visiting businesses in the area

And whereas a large area of adjoining quality residential properties on both sides of South Park Victoria Drive would be adversely affected and property values thus depressed as a result of increased traffic, parking congestion, litter, noise, greater requirement for fire and police services, and a general degradation of the residential environment

And whereas, given the fact that abundant mixed-use zoning property is currently available throughout Milpitas, even in nearby areas along South Park Victoria Drive, there is no compelling reason to augment this zoning category to house another real estate office, coffee bar, beauty salon, pizza parlor, or similar business, with nearby homeowners left to pick up the trash, deal with the increased noise, be unable to park in front of their own home, and suffer financial decline in their property values.

We, the undersigned, therefore respectfully request that you deny this zone change application forthwith.

SIGNED:

Shirley Natter - 985 So. Park Victoria Dr., Milpitas, 95035  
Robert Rainey - 875 S. Park Victoria 95035  
Michael Beaton 1384 MT. SHASTA AVE  
Ferry F. Egoff 1378 Mt. Shasta ave.  
Maia Marin 1770 N. Park Victoria - milpitas  
Teresa Lin 1407 MT. SHASTA AVE  
Richard Lin 1407 MT SHASTA AVE  
Jay McDonald 1408 Portola Dr. Milpitas, CA  
Cathy McDonald 1408 Portola Dr. MILPITAS, CA  
Lolita Abelardo 1403 mt. Diablo Ave.  
Joselito Abelardo 1403 mt. Diablo Ave  
Emilio Estrada 1401 Yellowstone Ave.

Bilal Khan 948 COURTLAND CT MILPITAS, CA

YAN HSIEN 924 COURTLAND CT. MILPITAS

Francisco Rodriguez 916 Courtland Ct \* Milpitas

Wasakat Nyaz 900 Courtland Ct. Milpitas, CA 95035

Saima Kadir 900 Courtland Ct, Milpitas, CA 95035.

John 917 Courtland Ct Milpitas  
CA 95035

Jerry Wu 925 COURTLAND CT, MILPITAS, CA 9503

Angela 933 Courtland Ct. Milpitas, CA.

Sherry Miller - do 933 Courtland Ct. Milpitas, CA  
95035

John R. Holland 981 Courtland Ct. Milpitas, Ca  
95035

Charles King 989 Courtland Ct. Milpitas, Ca.

Brenda T. Price 984 Courtland Ct. Milpitas, CA  
95035

Maria H. Myerston 1393 Mt Shasta Ave Milpitas CA 95035

Andrew Tran 1387 Mount Shasta Ave, Milpitas  
CA 95035.

Steph Dico 1390 MT SHASTA AVE MILPITAS CA 95035

Brenda Moore 1390 Mt. Shasta Ave Milpitas CA 95035

James Divoon 985 S. Park Victoria Blvd 95035

Pauline Chasing 959 S. PARK VICTORIA

Diane D. Chavez 929 S. Park Victoria Dr.

Margaret Montez 917 S. Park Victoria Dr.

CA Book 1307 MT. SHASTA AVE

M. Suth 1030 Courtland Ave

J. J. N. 1030 COURTLAND AVE

H. M. Heidi Griffin 1042 Courtland Ave

Kimlan Kimlan Nguyen 1048 Courtland Ave

Kevin Kelly 1047 COURTLAND AVE.

Jamie Parker 1024 Courtland Ave.

Todd Penta 948 Courtland Ct.

---

- Marence Mercoloff

973 S. Park Victoria

Milpitas, California 95035

- Joy Stutz 1406 Mt. Diablo

- Chris McDonald 1408 Portola Dr.

- TAN PHAN 1402 MT SHASTA AVE

- Mark E Beal, 956 Courtland Ct.

- Connie Beal, 956 Courtland Ct

Marquerite Epps, 1378 mt. Shasta ave.

Patricia Dixon 1933 Grand Teton Drive

Dary Dixon 1933 Grand Teton Drive

Dary Kendall 908 Courtland Court

Lila Blanchard 901 COURTLAND COURT

---

Alison 1348 Mt. Shasta Ave., Milpitas, CA 95035

Martin Braden 1360 MT. SHASTA AVE, MILPITAS

Mylene D. Braden 1360 Mt. Shasta Ave. Milpitas, CA 95035

Vibha Mathur 1023 Courtland Ave., Milpitas, CA 95035

John 1035 Courtland Ave, Milpitas CA 95035

Jeff Hyman 1053 Courtland Ave  
Milpitas CA 95035

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**Veronica Bejines**

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**Subject:** Park Victoria Re-zone

Felix,

Please call the following people back...They all have questions regarding the project.

- Wendell Arnold - 510-793-8969
- Philip Ko - 408-735-7178
- Wendy - 408-718-2878
- Phe - 408-396-6465
- Linda Lambert - 408-394-1716 or 408-945-4309
- Rhondy Jackson - 408-262-2458
- Jerry Epps - 408-263-7929

*Veronica R. Bejines*

City of Milpitas  
P&NS Dept. Secretary  
455 E. Calaveras Blvd.  
Milpitas, CA 95035  
PH: 408-586-3271  
FAX: 408-586-3293

Emails on  
Project  
2-27-07

## Cindy Maxwell

---

**From:** Trish Dixon [trish@trishdixon.com]  
**Sent:** Monday, February 26, 2007 2:28 PM  
**To:** Cindy Maxwell  
**Cc:** Tom Williams  
**Subject:** RE: GPA2007-5 question

Hi Ms. Maxwell,

Thanks for passing on the city of Milpitas response to the GPA request to re-zone 26 homes into a mixed use designation. If I had not spent 14 years on the planning commission and city council I guess I would have bought this weak explanation.

The city response said a meeting was held and no one opposed it. That is not what the pastor of the church located right next to 887 has said. Also, the meeting scheduled for 1/23 was received by one of the owners on 2/16.

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Residents have been complaining that there are already empty tenant spaces around the Park Victoria/Landess intersection.

Respectfully,

Patricia Dixon

> -----Original Message-----

> From: Cindy Maxwell [mailto:cmaxwell@ci.milpitas.ca.gov]

> Sent: Monday, February 26, 2007 12:56 PM

> To: trish@trishdixon.com

> Cc: Felix Reliford

> Subject: FW: GPA2007-5 question

>

>

> Hi Trish!

> Nice to hear from you!

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> rezone was viable and that the remainder of the block ( 11 other  
> parcels) should be pursued as well. It is in pursuit of the 11  
> other parcels that the City becomes the applicant for the rezone  
> on those parcels only and not Debbie's. A meeting noticed to all  
> the property owners was held and staff received no objection to  
> rezoning all 12 parcels. From a pure planning perspective, the  
> rezone makes sense because the residential will be maintained  
> along with potential neighborhood serving commercial. This rezone  
> would continue to implement in-fill smart growth concepts,  
> consistent with General Plan goals, that allow for a walkable and  
> convenient mix of uses within a neighborhood. This concept is  
> very similar to the recent rezone from commercial to MXD at the  
> northeast intersection of Milpitas Blvd. and Dixon. The City can  
> condition the rezone such that when the other parcels apply for a  
> building permit, they reimburse the City for the cost of rezone.  
> The estimate would be \$500.00 to \$800.00 for the remaining 11  
> parcels. This is similar to the approach at Dixon and Milpitas.  
> It should be noted that Debbie has already paid her fair share  
> for processing the rezone application on the parcel she owns.  
> Given the sensitivity of the application, I asked that the City  
> Attorney review the application process and provide direction to  
> ensure that there was no potential for favoritism or that  
> Councilmember Giordano not influence the application process  
> whatsoever. This direction has been followed throughout the process.

>  
> Thanks!  
> Cindy

>  
> Cynthia Maxwell  
> City of Milpitas, Planning Dept.  
> 455 E. Calaveras Blvd.  
> Milpitas, CA 95035  
> 408-586-3287  
> cmaxwell@ci.milpitas.ca.gov

>  
>  
>  
> -----Original Message-----  
> From: Trish Dixon [mailto:trish@trishdixon.com]  
> Sent: Saturday, February 24, 2007 12:16 PM  
> To: Cindy Maxwell  
> Subject: GPA2007-5 question  
>

>  
> Hi Cindy,  
>  
> It's been awhile, hope all is well with you and family.  
>  
> I have a question about the upcoming PC meeting on Wednesday. The  
cover  
> copy w/o backup is circulating Parktown residents. It states that the  
> applicant is the City of Milpitas for a request to re-zone 13 parcels  
on  
> Park Victoria.  
>  
> My question is when and how did this request come about? We have  
lived in  
> this section of Parktown since 1972 and have always had more public  
> discourse when it deals with re-zoning residential to mix-use.  
>  
> As a resident now I would appreciate any background you can provide us  
on  
> this approval for re-zoning.  
>  
> Looking forward to hearing from you,  
>  
> Trish Dixon  
> 262-6937  
> trish@trishdixon.com  
> 262-2064 fax  
>

## Felix Reliford

---

From: Cindy Maxwell  
Sent: Monday, February 26, 2007 12:56 PM  
To: 'trish@trishdixon.com'  
Cc: Felix Reliford  
Subject: FW: GPA2007-5 question

Hi Trish!  
Nice to hear from you!

Felix asked me to relay this message to you:

The applicant should be Debbie Giordano. She filed an application to rezone land from multi-family residential to MXD (mixed use) and is paying for her fair share of the cost through a PJ Account as is standard with all applicants. As you know, the MXD zone allows a mix of commercial retail and residential. The application was filed around last November. As a result of the review of the merits of the application, staff found that the MXD rezone was viable and that the remainder of the block ( 11 other parcels) should be pursued as well. It is in pursuit of the 11 other parcels that the City becomes the applicant for the rezone on those parcels only and not Debbie's. A meeting noticed to all the property owners was held and staff received no objection to rezoning all 12 parcels. From a pure planning perspective, the rezone makes sense because the residential will be maintained along with potential neighborhood serving commercial. This rezone would continue to implement in-fill smart growth concepts, consistent with General Plan goals, that allow for a walkable and convenient mix of uses within a neighborhood. This concept is very similar to the recent rezone from commercial to MXD at the northeast intersection of Milpitas Blvd. and Dixon. The City can condition the rezone such that when the other parcels apply for a building permit, they reimburse the City for the cost of rezone. The estimate would be \$500.00 to \$800.00 for the remaining 11 parcels. This is similar to the approach at Dixon and Milpitas. It should be noted that Debbie has already paid her fair share for processing the rezone application on the parcel she owns. Given the sensitivity of the application, I asked that the City Attorney review the application process and provide direction to ensure that there was no potential for favoritism or that Councilmember Giordano not influence the application process whatsoever. This direction has been followed throughout the process.

Thanks!  
Cindy

Cynthia Maxwell  
City of Milpitas, Planning Dept.  
455 E. Calaveras Blvd.  
Milpitas, CA 95035  
408-586-3287  
cmaxwell@ci.milpitas.ca.gov

-----Original Message-----

From: Trish Dixon [mailto:trish@trishdixon.com]  
Sent: Saturday, February 24, 2007 12:16 PM  
To: Cindy Maxwell  
Subject: GPA2007-5 question

Hi Cindy,

It's been awhile, hope all is well with you and family.

I have a question about the upcoming PC meeting on Wednesday. The cover copy w/o backup is circulating Parktown residents. It states that the applicant is the City of Milpitas for a request to re-zone 13 parcels on Park Victoria.

My question is when and how did this request come about? We have lived in this section of Parktown since 1972 and have always had more public discourse when it deals with re-zoning residential to mix-use.

As a resident now I would appreciate any background you can provide us on this approval for re-zoning.

Looking forward to hearing from you,

Trish Dixon  
262-6937  
trish@trishdixon.com  
262-2064 fax

## Tom Williams

---

**From:** Tom Williams  
**Sent:** Tuesday, February 20, 2007 9:16 AM  
**To:** Cindy Maxwell; Felix Reliford  
**Subject:** RE: Park Victoria application recommendation

Cindy:

It is most unfortunate that you continue to be of the opinion that the processing of this application does not meet your satisfaction. If there is a flaw with the application, insufficient information or you have not followed processes pursuant to local and State Planning Laws please advise immediately. You are the project planner and are responsible for the processing of this application to a legally sufficient level. In terms of the land use and cost sharing, I believe that the change to MXD does make sense and is good prudent planning. Planning and future development to meet the needs of the community is more than simply the zoning code. A walkable, neighborhood friendly environment that provides accessible services without having to get into a car is a forward thinking, new urbanism approach that many communities are attempting to achieve. We have the opportunity with this application to move this neighborhood forward in a more progressive and neighborhood service oriented direction. In addition, I requested you adequately notice and hold a community meeting of all property owners. This was completed and no one protested this application. In terms of payment, a similar situation occurred on the property located at the intersection of Dixon Landing and Milpitas. The difference in that MXD change is that the City actually forced the applicant to change the underlying zoning under their protest. Again, planning staff at the time, forced the property to do something they did not want to do. In any event, the owner only paid for the processing of their property as is the case with this application. The City Attorney has reviewed the process with the Park Victoria rezone application and we are following their recommendation. I believe we must act professional at all times and process an application equally and fairly.

[REDACTED]

Tom

---

**From:** Cindy Maxwell  
**Sent:** Tuesday, February 20, 2007 8:40 AM  
**To:** Tom Williams; Felix Reliford  
**Subject:** Park Victoria application recommendation  
**Importance:** High

This past Friday I completed the ARS for the Park Victoria GPA/ZC and submitted it to you for review. As directed, the recommendation to the Planning Commission was for approval.

This email is to clarify that I submit that recommendation under protest:

- There has been no direction from City Council or Planning Commission to pursue a land use change for this site. In fact, there has not even been any discussion of a need for more pedestrian traffic on S. Park Victoria or a change in land use character in the area. There are no General Plan goals or policies that provide direction or specific justification of a need for a land use change.
- The MXD zoning district is intended to provide "...an "around-the-clock-environment" with urban open areas (i.e. plazas, square)..." Though quite appropriate for the Midtown or Transit Area, introducing MXD at this location will facilitate the development of an entirely new tone and character in the Parktown area of the city.
- The MXD zoning district will be adjacent to existing mid-density single and two family neighborhoods. Significantly intensifying the types of adjacent uses and developments is premature without a thorough evaluation of perceived impacts and potential mitigations for the neighborhood.
- Alternative methods to achieve the applicant's project purpose (to operate a business office out of one of the duplex units) have not been thoroughly considered. Requiring a use permit for low-

traffic generating commercial uses in the R2 zoning district, provided they front on a major arterial, is an alternative that should be more thoroughly considered.

Lastly, I have concerns about the application process. The original applicant has received services and support that other applicants have not received. To my knowledge, there is no precedent for the city sharing project costs with an applicant or projecting possible review costs and providing a refund of a portion of a PJ account prior to project completion or closure. There is no precedent for the city to pursue a significant land use change without prior Council direction. In addition, recent management policy has been to direct staff to hold neighborhood meetings to inform the surrounding residents and owners about a proposed project and to identify issues prior to the public hearings before the Planning Commission and City Council. No neighborhood meeting for this project has been held.

I'm available to discuss any aspect of this email with you.

## Felix Reliford

---

From: Cindy Maxwell  
Sent: Monday, February 26, 2007 8:51 AM  
To: Felix Reliford  
Subject: FW: GPA2007-5 question

Importance: High

How would you like me to respond to this? Or would you like to?  
max

-----Original Message-----

From: Trish Dixon [mailto:trish@trishdixon.com]  
Sent: Saturday, February 24, 2007 12:16 PM  
To: Cindy Maxwell  
Subject: GPA2007-5 question

Hi Cindy,

It's been awhile, hope all is well with you and family.

I have a question about the upcoming PC meeting on Wednesday. The cover copy w/o backup is circulating Parktown residents. It states that the applicant is the City of Milpitas for a request to re-zone 13 parcels on Park Victoria.

My question is when and how did this request come about? We have lived in this section of Parktown since 1972 and have always had more public discourse when it deals with re-zoning residential to mix-use.

As a resident now I would appreciate any background you can provide us on this approval for re-zoning.

Looking forward to hearing from you,

Trish Dixon  
262-6937  
trish@trishdixon.com  
262-2064 fax

# Felix Reliford

---

**From:** Cindy Maxwell  
**Sent:** Thursday, February 22, 2007 9:29 PM  
**To:** Felix Reliford  
**Subject:** Institutional CC ARS

**Importance:** High

Same as before. Please receive yellow ARS from document processing, review & give to city clerk.  
gracias  
max



CCARS Instit  
030607.doc



Table 1 for Instit  
CC ARS.doc



Table 2 for Instit  
CC ARS.doc



Table 3 for Instit  
CC ARS.doc

Felix Reliford

---

From: Cindy Maxwell  
Sent: Thursday, February 22, 2007 1:13 PM  
To: Felix Reliford  
Cc: Veronica Bejines  
Subject: PC report & attachments for Park Victoria

Importance: High

Attached is the PC staff report and attachments for the Park Victoria project. I'll give you both hard copies too.

Felix hasn't OK'd the report yet and I won't be here to make any changes you need. The report and attachments are on the network at:

ComDev on callisto (S)/Planning Division 1/GPAs & Zone Changes/GPAs 2007/GPA 2007-4 Pk Victoria/022807 PC mtg.

Thanks!



PC Staff Report  
v2.doc



Attach A staff  
report.doc



Attach B staff  
report.doc



EIF.doc



EIF Attachment  
A.doc



EIA EA2007-3.doc

max

## Felix Reliford

---

From: Cindy Maxwell  
Sent: Thursday, February 22, 2007 9:22 PM  
To: Felix Reliford  
Subject: Pk Victoria CC draft ARS for 3/4 mtg.

Importance: High

Felix,  
This is the Pk Victoria ARS I sent to Document Processing for the 3/4 CC mtg.

Would you please review the report when they come from Document Processing (the yellow one) and submit it to the Clerks office. Is is due tomorrow (Fri)

thanks!

max



CCARS Pk Vict  
030607.doc



document A for CC  
ARS.doc



Table 1 for CC  
ARS.doc



Table 2 for CC  
ARS.doc



Table 3 for CC  
ARS.doc



Table 4 for CC  
ARS.doc



Table 5 for CC  
ARS.doc



Address list for CC  
ARS.doc

## Felix Reliford

---

From: Cindy Maxwell  
Sent: Friday, February 16, 2007 6:08 PM  
To: Felix Reliford  
Cc: Tom Williams  
Subject: Pk Victoria PC ARS

Importance: High

Please review and make changes as needed & return to me. Must go out Friday with agenda and I'm only here till Thursday. As you will see I still need to fill in a few places but I thought it was important for you to review the substance & recommendation ASAP.

thanks  
cindy



PC Staff Report  
v1.doc

Felix Reliford

---

To: Rob Means  
Subject: RE: another question

If the final vote by the City Council is 2-2, the motion dies.

-----Original Message-----

From: Rob Means [mailto:rob.means@electric-bikes.com]  
Sent: Tuesday, February 20, 2007 11:16 AM  
To: Felix Reliford  
Subject: another question

Felix,

If the Planning Commission decides in favor of the zoning change AND the City Council splits 2-2, does the Planning Commission decision stand?

Rob Means, Electro Ride Bikes and Scooters  
408-262-8975 rob.means@electric-bikes.com  
1421 Yellowstone Ave., Milpitas, CA 95035-6913  
Discover cycling that's Easy, Safe, Fast - and FUN!

-----  
---

## Felix Reliford

---

**To:** DebbieGMilpitas@aol.com  
**Cc:** Tom Williams  
**Subject:** RE: update

I just processed your refund last Friday (2/9/07). It takes about 2 weeks. The balance that will be sent to you is: **\$1,813.99**

Here's the breakdown:

Deposit for Planning Applications:	\$4,000
Staff Time Spend on Planning Applications to Date:	\$1,340.50
Applicant 13% Share to Process City Initiated	
General Plan/Zoning Amendments(*):	<u>\$845.06</u>
<b>Balance Due:</b>	<b>\$1,813.99</b>

(\* ) Based on number of lots in General Plan/Zoning Amendments and Applicant paying its portion/percentage share (13%)

-----Original Message-----

**From:** DebbieGMilpitas@aol.com [mailto:DebbieGMilpitas@aol.com]  
**Sent:** Friday, February 09, 2007 6:39 PM  
**To:** Felix Reliford  
**Subject:** update

Do you know when my refund for the zone application for the Park Victoria duplex will be processed?  
deb

*City of Milpitas*

455 E. Calaveras Blvd., Milpitas, CA 95035

[www.ci.Milpitas.ca.gov](http://www.ci.Milpitas.ca.gov)

---



January 5, 2007

Address/name of owner or resident

Dear Property Owner or Resident:

The City of Milpitas has received an application to rezone 887 and 889 South Park Victoria Drive from "R2-S" One and Two-Family Residence District to "MXD-S" Mixed Use District. A location map of the site is printed on the opposite side of this letter. Brochures describing the two zoning districts are also included for your information.

During the review of this application, the City will consider rezoning neighboring properties on South Park Victoria Drive to the "MXD-S" Mixed Use District. This may include the property you own or reside at.

**You are invited to attend a neighborhood meeting to learn more about the proposal and to give you an opportunity to ask questions and provide comments. The issues that are identified at the meeting will be considered during the City's review of the application. The meeting will be:**

**Date: Wednesday, January 17, 2007**

**Time: 6:30 p.m.**

**Location: TBD – nearby church or school**

Be assured, that if you received this mailing you will also be advised of additional opportunities in the future to comment during the public hearings on this proposal that are held by the Planning Commission and City Council.

If you have any questions pertaining to this matter, please give me a call at (408) 586-3287 or email at [cmaxwell@ci.milpitas.ca.gov](mailto:cmaxwell@ci.milpitas.ca.gov). Thank you for participating in the City's planning review process.

Sincerely,

Cynthia Maxwell  
Principal Administrative Analyst

Felix Reliford

JAN 26 2007

*Felix  
LATS Discuss*

RECEIVED

From: Cindy Maxwell  
Sent: Wednesday, January 24, 2007 5:15 PM  
To: Felix Reliford  
Cc: Tom Williams  
Subject: S. Park Victoria application

*Thanks,  
Tom*

Importance: High

This email provides some history and asks for further direction on the review process for the application to rezone 887/889 S. Park Victoria Dr.

My instructions were to hold a meeting with S. Park Victoria property owners and residents to explore their interest in rezoning their properties/residences to MXD zoning. That meeting was held last night with one person attending from the Park Victoria Baptist Church. He (one of the pastors) indicated that the church was pleased with the physical improvements that the applicant had made so far at the duplex and seemed to be generally in favor of the proposal to include all the duplexes, south of the church, in the rezoning. The applicant explained her long term goal to open her real estate business at the address (887/889 S. Park Victoria).

It's also been suggested that if the owners and residents did not object to the rezoning, the city may want to assume the applicant role for the rezoning proposal. I was informed, that this possibility is based on a precedent set by a rezoning the city pursued at the northeast quadrant of N. Milpitas and Dixon Landing Rd.

I reviewed the history of the Milpitas/Dixon rezoning and found:

- The rezoning proposal was introduced to the City Council on March 15, 2005 as part of a package of anticipated General Plan Amendments.
- The land use change was proposed to help implement Housing Opportunities Sites identified in the General Plan.
- The Council directed staff to have interested developers pursue the land use changes rather than the City (minutes attached).
- The Council explained that they wanted private parties to pay for the process, rather than the City.

Based on this new information, how should I continue to process the Park Victoria application?

Thanks!  
Cindy



031505 CC minute  
excerpt.doc

## Felix Reliford

---

From: Cindy Maxwell  
Sent: Wednesday, January 10, 2007 4:43 PM  
To: 'giordanodj@aol.com'  
Cc: Felix Reliford  
Subject: Status of application for S. Park Victoria

Importance: High

Councilmember Giordano,

We are planning to invite owners and occupants of properties on S. Park Victoria to a meeting to discuss your application for a zone change for 887/889 S. Park Victoria. Since these properties might be considered for inclusion in a larger zone change, consistent with your property, we would like to hear what their issues might be and advise them of the project.

The meeting is tentatively scheduled for Tuesday, January 23, 7:00 p.m. at City Hall. Our invitation letters will be mailed this Friday.

Please let me know if you have any questions.

Thanks!

Cindy

*Cynthia Maxwell*

City of Milpitas, Planning Dept.

455 E. Calaveras Blvd.

Milpitas, CA 95035

408-586-3287

[cmaxwell@ci.milpitas.ca.gov](mailto:cmaxwell@ci.milpitas.ca.gov)

PJ 2476 Share Calculation

13% Share Calculation \*

34.5	Hours
\$ 176.00	Hourly Charge
\$6,072.00	Cost for staff hours
\$ 455.00	Other Costs
\$ 26.52	Postage credit
\$6,500.48	Total
<b>\$ 845.06</b>	<b>13% share</b>

\* PJ account still needs to be reconciled for outstanding charges.

Estimated staff hours on Park Victoria project:

Estimated Hours	Document Preparation and Processing or Staff Presence at Meetings
1	Notice of Intent (NOI) & legal ad
10	Negative Declaration (ND)
1	Public hearing legal ad (double advertise)
2	Mailing list, mailing & posting
2	Ordinances & sectional district maps
10	Planning Commission (PC) report
2	PC meeting
2	Slide presentation (both meetings)
1	City Council (CC) report
2	CC meeting
0.5	CC report (for zone change adoption)
1	ND recordation
34.5	Total

Other costs:

Cost	Item
\$275	NOI legal ad
\$130	Hearing legal ad
\$50	ND County fee
<b>\$455.00</b>	<b>Total</b>

Credit:

Cost	Item
\$26.52	Mailing postage (68*\$0.39)

Hourly Charge For Project Planner

\$176 Per Hr (Cindy Maxwell)			
Salary	Benefit	Overhead	Total
53.92	15.10	106.98	\$176.00

JC745

Job Cost Summary Report

Job Area : PJ-Private Jobs

Year: 2007 Period 1 to 8

Trans. Status: 1

Job	No. Desc.	Estimate		Capital Outlay	Materials	Contracted	Other	Total		Net Costs
		Amount	Unit Labor					Costs	Revenue	
PJ2476	S Pk Victo		1340.95					1340.95	4000.00-	2659.05-
Total for PJ		.00	1340.95	.00	.00	.00	.00	1340.95	4000.00-	2659.05-
Grand Total:		.00	1340.95	.00	.00	.00	.00	1340.95	4000.00-	2659.05-

*cindy Maxwell charges  
 From 1/3/07 to 1/24/07*