

**REGULAR**

**NUMBER:** 38.779

**TITLE:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING TITLE XI CHAPTER 10 FOR THE PURPOSE OF APPROVING ZONE CHANGE NO. ZC2007-8 SINCLAIR RENAISSANCE RESIDENTIAL PROJECT

**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 \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

ORDAINING CLAUSE:

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

## SECTION 1. RECITALS AND FINDINGS

WHEREAS, the project applicant, Mission Peak Homes, has initiated a Zoning Change (ZC2007-8) to rezone a 9.65 acre site located on Sinclair Frontage, north of Wrigley way in the City of Milpitas, State of California, as further depicted in the maps contained in Exhibit 2 from Heavy Industrial with the "S" Combining District (MP-S) to Single Family Residential minimum 3,000 square foot lots with "S" Combining District (R1-3-S); and

WHEREAS, this Zoning Change is accompanied by a proposal to amend the General Plan (GM2006-2) to re-designate the Property to Single Family Residential Moderate Density; and

WHEREAS, the Project was the subject of a community meeting held on May 7, 2008; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 25, 2008 and heard evidence prepared by staff and comments by the public and recommends approval of the amendments; and

WHEREAS, the City prepared and circulated an Initial Study and Mitigated Negative Declaration (EA2007-6) in accordance with the provisions of the California Environmental Quality Act, California Public Resources Code §§ 21000, et seq. (CEQA), in which it was determined that most impacts could be reduced to a level of less than significant through incorporation of project requirements and mitigation measures; and

WHEREAS, the City Council finds that with the inclusion of the amendment the Zoning Ordinance remains internally consistent.

SECTION 2. The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 572, a copy of which is attached hereto and incorporated herein.

SECTION 3. The exterior boundaries of the Zoning Map of the City of Milpitas as shown on the map entitled "Index Map to Section District Maps, Zoning Map of the City of Milpitas", which Index Map was adopted as a part of Ordinance No. 38 of the City of Milpitas, and which is referred to in Section 3.03 of Ordinance No. 38, are hereby amended by adding Sectional District No. 572, referred to in Section 2 of this Ordinance.

## 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.

## SECTION 5. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and thereafter the same shall be in full force and effect. Prior to the expiration of 15 days from the passage thereof, this Ordinance shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara. At the election of the City, this Ordinance may be published in summary form if prior to adoption the complete text is posted in the City Clerk's Office pursuant to Government Code Section 36933(c).

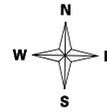


# City of Milpitas

## Sinclair Renaissance Residential Project

### New Zoning Designations

#### Sectional District Map No. 572



#### Legend

 Single Family Residential minimum lot size 3,000 sq. ft. (R1-3)

