

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS, AMENDING THE GENERAL PLAN OF THE CITY OF MILPITAS FOR THE PURPOSE OF APPROVING GENERAL PLAN AMENDMENT NO. GP2007-6 ( CHANGE OF THE LAND USE DESIGNATION OF APPROXIMATELY 3 ACRES LOCATED AT 600 BARBER LANE TO MULTI-FAMILY VERY HIGH DENSITY (MXD3)WITH A HIGH-RISE OVERLAY)**

**WHEREAS**, the project applicant, TP Pham LLC, has initiated this General Plan Amendment to change the land use designation of the property located at 600 Barber Lane in the City of Milpitas, State of California, as further depicted in the maps contained in Exhibit B (“Property”), from General Commercial to Multi-Family Very High Density (MXD3) with a High-Rise Overlay; and

**WHEREAS**, this General Plan amendment is accompanied by a proposal to change the Zoning District (ZC2007-3) for the Property to Multi-Family Very High Density (MXD3) with a High-Rise Overlay; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on October 22, 2008 to consider the application for General Plan Amendment No. GP2007-6, considered evidence presented by City staff and other interested parties and recommended approval of the General Plan amendment; and

**WHEREAS**, the General Plan would continue to remain internally consistent after approval of the proposed General Plan amendment; and

**WHEREAS**, on November 18, 2008, the City Council held a public hearing, after which the City Council certified the environmental impact report for the Landmark Project and adopted related mitigation findings, findings regarding alternatives, and a statement of overriding considerations pursuant to the California Environmental Quality Act; and

**WHEREAS**, based upon the aforementioned recitals and findings, this City Council deems it to be in the best interest of the City that said Amendments to the General Plan be adopted.

**NOW THEREFORE**, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

**SECTION 1.** General Plan Amendment No. GP2007-6 is hereby adopted, thereby amending the General Plan by changing the land use designation of the property located at 600 Barber Lane to Multi-Family Very High Density (MXD3) with a High-Rise Overlay, as set forth in Exhibits A and B.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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

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

APPROVED AS TO FORM:

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

**EXHIBIT A**  
**GENERAL PLAN MAP**



# City of Milpitas Landmark Towers General Plan Amendment No. GP2007-6 Exhibit A

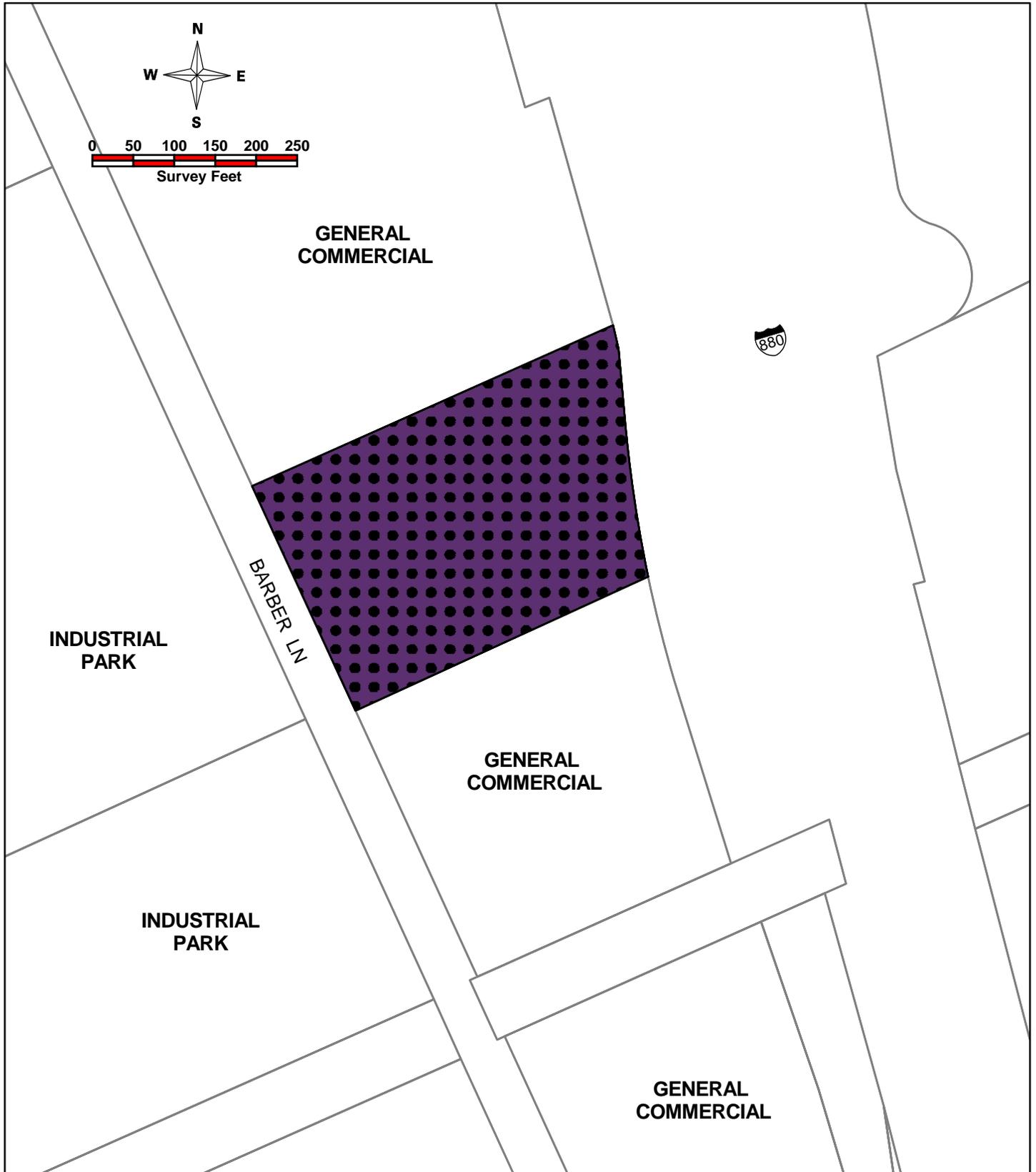
## Legend



High Rise Overlay



Boulevard High Density Mixed Use - MXD3



## EXHIBIT B

### General Plan Map and Text Amendment

*Excerpt from the City of Milpitas General Plan, Land Use Element, page 2-16*

In order to effectuate the changes to the General Plan caused by the inclusion of a high rise overlay district and the amendment of the General Plan map to include a high rise overlay for the parcel located at 600 Barber Lane, the General Plan is hereby amended in its entirety to read as follows, with deletions in ~~striketrough~~ font and additions in *italicized* font:

#### OVERLAY ZONES

##### Transit Oriented Development (TOD) Overlay Zone

The Transit Oriented Development (TOD) Overlay Zones are located near transit stations, and are applicable to land generally located within a 2,000 foot walking distance from a Light Rail Station or future BART station. Development within the TOD overlay zone is subject to special requirements regarding development density, parking, mix of uses, and transit supportive design features.

The south Midtown TOD increases densities in the Multifamily-Very High Density designation to a range of 41 to 60 dwelling units per gross acre. The north Midtown TOD increases densities in the Mixed Use designation to a range of 31 to 40 dwelling units per gross acre.

##### Gateway Office Overlay Zone

The Gateway Office Overlay Zone is located in areas that are well-suited for a 'gateway' higher intensity office development. This overlay zone allows office developments to be developed to an intensity of FAR 1.5 for Class A office only; not for retail or other office buildings.

##### High-Rise Overlay Zone

*The High-Rise Overlay Zone is located in area that are well suited for commercial offices, retail and personal service, high density residential. The HR Overlay Zone allows between 60-150 dwelling units per gross acre and is intended for areas that are well suited for taller, high density mixed-use buildings located along freeways and expressways.*