

**REGULAR**

**NUMBER: 38.782**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, AMENDING TITLE XI OF CHAPTER 10 OF THE MILPITAS MUNICIPAL CODE FOR THE PURPOSE OF APPROVING ZONING AMENDMENT NO. ZC2007-3 (INCLUSION OF A HIGH RISE OVERLAY DISTRICT AND AMENDMENT OF THE ZONING SECTIONAL MAP TO INCLUDE THE HIGH RISE OVERLAY FOR THE PARCEL LOCATED AT 600 BARBER LANE)**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of November 18, 2008, upon motion by Councilmember Gomez 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

\_\_\_\_\_  
Robert Livengood, Mayor

APPROVED AS TO FORM:

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

ORDAINING CLAUSE:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA,  
AMENDING TITLE XI OF CHAPTER 10 OF THE MILPITAS MUNICIPAL CODE FOR THE  
PURPOSE OF APPROVING ZONING AMENDMENT NO. ZC2007-3 INCLUSION OF A HIGH RISE  
OVERLAY DISTRICT AND AMENDMENT OF THE ZONING SECTIONAL MAP TO INCLUDE THE  
HIGH RISE OVERLAY FOR THE PARCEL LOCATED AT 600 BARBER LANE**

**RECITALS**

**WHEREAS**, the City Council of the City of Milpitas wishes to make minor amendments to its zoning code provisions and referenced maps set forth in Title XI of Chapter 10 of the Milpitas Municipal Code, caused by the inclusion of a high rise overlay district and the amendment of the zoning sectional map to include the high rise overlay for a parcel located at 600 Barber Lane in Milpitas, California; and

**WHEREAS**, in connection therewith, the Council wishes to make the following recitals and findings:

1. On August 15, 2006, the applicant submitted an application to request a change in the land use and zoning designations of the approximately three-acre project site and the redevelopment of the site with an 18-story mixed use building with an attached 8-level parking garage.
2. The Planning Commission reviewed an Environmental Impact Report prepared for the project in accordance with the California Environmental Quality Act which identifies the potential for significant effects on the environment from development of the mixed use tower; and
3. The Planning Commission held a duly notice public hearing on the Project and considered evidence presented by City staff and other affected parties.
4. The City Council finds that the amendments are consistent with the General Plan in that the in that the changes ensure consistent and clear implementation of the stated goals and policies of the General Plan.
5. The City Council finds that proposed amendment will not adversely affect the public health, safety and welfare in that the project contemplates amending the zoning ordinance; and
6. The City Council finds that with the inclusion of the amendments to the Zoning Ordinance remains internally consistent.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Milpitas does ordain as follows:

**SECTION 1.** In order to effectuate the changes to the zoning code provisions of the Milpitas Municipal Code caused by the inclusion of a high rise overlay district and the amendment of the zoning sectional map to include a high rise overlay for the parcel located at 600 Barber Lane, Chapter 10, Section 3.02 of Title XI of the Milpitas Municipal Code “Combining Regulations” is hereby amended in its entirety to read as follows, with deletions in ~~strikethrough~~ font and additions in *italicized* font:

**10-3.02 Combining Regulations**

*In addition to the foregoing district certain combining regulations are established as set forth in this Chapter, said combining regulations being as follows:*

<b>Full Name</b>	<b>Short Name</b>
<i>“S” Site and Architectural Overlay District</i>	<i>“S” District</i>
<i>“MHP” Mobile Home Park Combining District</i>	<i>“MHP” District</i>
<i>“TOD” Transit Oriented Development District</i>	<i>“TOD” District</i>
<i>“OO” Gateway Office Overlay Combining District</i>	<i>“OO” District</i>
<i>“H” Hillside Combining District</i>	<i>“H” District</i>
<i>“HR” High Rise Overlay District</i>	<i>“HR” District</i>

**SECTION 2** In order to effectuate the changes to the zoning code provisions of the Milpitas Municipal Code caused by the inclusion of a high rise overlay district and the amendment of the zoning sectional map to include a high rise overlay for the parcel located at 600 Barber Lane, Chapter 10, Section 12.02 of Title XI of the Milpitas Municipal Code is hereby amended in its entirety to read as follows, with deletions in ~~struckthrough~~ font and additions in *italicized* font:

***“12.03 High Rise (-HR) Overlay District***

**A. Purpose and Intent**

*The High-rise Overlay District (-HR) is intended to be a special district to allow greater building height and density at strategic locations to frame major City gateways and provide unique housing, shopping and employment opportunities.*

*The purposes of the High-rise Overlay District (-HR) are to:*

- 1. Provide development standards for taller, high rise buildings at appropriate locations that act to promote and support compact, pedestrian-oriented high density mixed-use land uses including diverse employment, dynamic retail and urban residential that serve as a gateway to the City of Milpitas;*
- 2. Encourage the synergy and integration between vertical mixes of uses;*
- 3. Create a place that represents a unique, attractive destination for residents and visitors; and*
- 4. Enhance the community’s character through the promotion of high-quality urban design.*

**B. Applicability.** *The HR Overlay can be combined with any zoning district and applied to infill projects that are located along freeways and expressways.*

**C. Permitted, Accessory and Conditionally Permitted Uses.** *Permitted and conditional uses within the HR Overlay are the same uses as those allowed within the underlying base zones except as noted below.*

**D. Development Standards.** *The development standards for the underlying base zoning district shall apply, except any deviations noted below:*

*1. Dwelling Units Per Acre (min-max): 60-150 per gross acre.”*

**SECTION 3.** In order to effectuate the changes to the zoning code provisions of the Milpitas Municipal Code caused by the inclusion of a high rise overlay district and the amendment of the zoning sectional map to include a high rise overlay for the parcel located at 600 Barber Lane, 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. 574, a copy of which is attached hereto and incorporated herein.

**SECTION 4.** 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.** 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 Landmark Towers Sectional District Map No. 574 Exhibit A

## Legend



High Rise Overlay



Boulevard High Density Mixed Use - MXD3

