

**LIST OF ATTACHMENTS FOR PUBLIC HEARING
ITEM NO. 5 – ADOPT A RESOLUTION
INCORPORATING TECHNICAL UPDATES TO THE
GENERAL PLAN AND MIDTOWN SPECIFIC PLAN**

- A. Council Resolution**
- B. Strikethrough/Underline General Plan Document**
- C. Strikethrough/Underline MidTown Specific Plan Document**
- D. Planning Commission’s Staff Report of 10/27/2010**
- E. Planning Commission’s Resolution No. 10-022**
- F. Planning Commission’s Draft Minutes of 10/27/2010**

PLEASE NOTE: DUE TO THE LARGE SIZE OF THE FILES LISTED BELOW, HARD COPIES ARE AVAILABLE AT THE CITY CLERK’S OFFICE

-  2010 General Plan Amendment (Exhibit 1 to the Council Resolution)**
-  2010 MidTown Specific Plan (Exhibit 1A to the Council Resolution)**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS, APPROVING GENERAL PLAN AMENDMENT NO. GP10-0003 AND SPECIFIC PLAN AMENDMENT NO. ST10-0001, CONSISTING OF PROPOSED TEXT CHANGES TO INCORPORATE RECENT UPDATES TO THE PARK AND RECREATION MASTER PLAN AND THE MILPITAS BIKEWAY MASTER PLAN AND REPLACEMENT OF OTHER OUTDATED EXHIBITS, TABLES AND FIGURES

WHEREAS, the Milpitas General Plan was significantly revised in 1994 to update the clarity of the document. Subsequent amendments since then included an update in January 2002 to incorporate the Midtown Specific Plan and in September 2008 to incorporate the Transit Area Specific Plan (TASP) which included revisions to the General Plan land use map and text for consistency between these documents; and

WHEREAS, the Milpitas Midtown Specific Plan was revised in 2008 to acknowledge the Transit Area Plan. The 2008 update removed areas now encompassed by the TASP, deleted the Transit Oriented Development (TOD) Overlay in the northern area of the Plan, and updated other text and figures; and

WHEREAS, the Milpitas City Council adopted the 2009 Bikeway Master Plan on June 26, 2009. The update to the Bikeway Master Plan furthers the Milpitas General Plan goals of expanding bikeway facilities and providing an integrated on-street/off-street bicycle network. An Initial Study and Negative Declaration for the update to the Bikeway Master plan was prepared and circulated between April 7 to May 7, 2009 and adopted by the City Council in compliance with the requirements of the California Environmental Quality Act; and

WHEREAS, the Milpitas City Council adopted the 2009 Parks and Recreation Master Plan on December 15, 2009. The development of the Parks and Recreation Master Plan was a goal and objective of the Milpitas General Plan. The 2009 Parks and Recreation Master Plan outlines an implementation process for improving existing infrastructure and facilities and forecasts as well as future growth for open space and recreational facilities; and

WHEREAS, the City desires to incorporate changes and update outdated exhibits, tables and figures within the General Plan and Milpitas Midtown Specific Plan to provide internal consistency between the Parks and Recreation Master Plan, and the Milpitas Bikeway Master Plan; and

WHEREAS, the Planning Division completed an environmental assessment for the proposed text amendments in accordance with the California Environmental Quality Act (CEQA) and the Planning Commission recommended that the City Council determine that the revisions to text consisting of updated maps, exhibits and figures, are categorically exempt from further environmental review; and

WHEREAS, on October 27, 2010, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and

WHEREAS, on November 16, 2010, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The component of the project consisting of minor revisions to text including updating exhibits, tables, maps, and figures is categorically exempt from further environmental review pursuant to

Article 5, Section 15061 (b)(3) (Review for Exemption) of the California Environmental Quality Act in that the amendments do not constitute a project which will have significant effects on the environment.

Furthermore, components of the project relating to updated sewer, water, and storm water master plans and environmental requirements and resource protection are categorical exempt pursuant to Article 19, Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and Section 15308 (Actions by Regulatory Agencies for Protection for the Protection of the Environment) of the California Environmental Quality Act.

Furthermore, pursuant to Article 11, Section 15162(b) of the California Environmental Quality Act, no further environmental documentation is required as to the bicycle-related amendments to the General Plan, since the circumstances and nature of the actions contemplated therein were considered during the review and circulation of the underlying negative declaration for the Bikeway Master Plan.

Furthermore, the project is exempt from further environmental review pursuant to Article 11, Section 15162(b) (Subsequent EIRs and Negative Declarations) and Section 15168 (Program EIRs) in that no new information or circumstances have arisen with regards to the proposed land use, zoning and other changes reflected in the proposed General Plan and Midtown Specific Plan amendments that were not previously considered in previous negative declarations and environmental impact reports, such as the Water and Sewer Master Plan Update EIR dated August 2008 (SCH No. 2008092082), the Midtown Specific Plan EIR dated January 2002 (SCH No. 2000092027), the Milpitas Midtown Specific Plan Transportation Update SEIR dated January 2008 (SCH No. 200092027), the Milpitas Transit Area Specific Plan EIR dated May 2008, (SCH No. 2006032091), the Elmwood Residential and Commercial Development Project EIR dated December 2004 (SCH NO. 2003112102), the McCarthy Mixed Use Project EIR dated May 2009 (SCH No. 2008092082), and the Negative Declaration for Los Coches Land Use Change dated June 2010.

3. The project is internally consistent with those portions of the Milpitas General Plan which are not being amended in that the updated figures, exhibits and references to other updated City documents provides consistency with the remainder of the city's General Plan.
4. The proposed General Plan and Specific Plan amendments will not adversely affect public health, safety, and welfare in that the proposed changes consist of text changes, updates to map and table figures with current data, and land use designation changes to various creek channels and public right-of-ways to provide consistency between the General Plan, Midtown Specific Plan, and Park and Recreation Master Plan.
5. The proposed Specific Plan amendment, consisting of minor text changes to reflect current acreage, housing units, and updated map figures, is consistent with the goals, objectives, policies and programs of the General Plan and is necessary and desirable in implementing the provisions of the General Plan in that it provides internal consistency and reflects current conditions in terms of land area, housing units and land use designations that are consistent with the General Plan.
6. The proposed Specific Plan Amendment is compatible with adjacent uses and properties in that proposed land use designation changes to various creeks and public right-of-ways would be internally consistent with the General Plan Land Use Map and Park and Recreation Park and Trail map in Exhibit 1 to this Resolution. The proposed land use changes promote a pleasant and walkable environment and connectivity to and from residential neighborhoods to activity centers within Milpitas.
7. The proposed Specific Plan Amendment will not adversely affect public health, safety, and general welfare in that the changes are limited to text changes to reflect current data for land

acreage, existing and anticipated housing units, and land use map changes to various creek channels and public right-of-ways.

8. The proposed Specific Plan Amendment will not create internal inconsistencies within the Specific Plan in that it updates existing figures, exhibits and references to reflect current conditions and build-out conditions within the Midtown area and maintains internal consistency with the remainder of the Midtown Specific Plan document.
9. The City Council of the City of Milpitas hereby approves, subject to the above findings, update Amendments to the General Plan and Midtown Specific Plan, attached hereto as Exhibits 1 and 1A.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT 1

2010 AMENDMENTS TO THE GENERAL PLAN

**PLEASE NOTE: HARD COPY OF THIS EXHIBIT IS AVAILABLE
AT THE CITY CLERK'S OFFICE**

EXHIBIT 1A

2010 AMENDMENTS TO THE MIDTOWN SPECIFIC PLAN

**PLEASE NOTE: HARD COPY OF THIS EXHIBIT IS AVAILABLE
AT THE CITY CLERK'S OFFICE**