

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DENYING GENERAL PLAN AMENDMENT NO. GP14-003, ZONING AMENDMENT NO. ZA14-0010, PLANNED UNIT DEVELOPMENT PERMIT NO. PD14-0001, SITE DEVELOPMENT PERMIT NO. SD14-0013, AND MAJOR VESTING TENTATIVE MAP NO. TM14-0001, FOR 1210 CALIFORNIA CIRCLE (APN: 022-37-017)

WHEREAS, on August 18, 2014, an application was submitted by Erich Stiger, iStar Financial (“Applicant”), One Sansome Street, 30th Floor, San Francisco, CA 94104, for a development proposal to allow a General Plan and Zoning Amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle (“Project”). The property is located within Industrial Park (MP) Zoning District (APN: 022-37-017); and

WHEREAS, on September 10, 2014, the Applicant conducted a community outreach meeting to discuss the proposed Project; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration for the Project. The Mitigated Negative Declaration was circulated for public review between October 1, 2014, and October 21, 2014; and

WHEREAS, on October 22, 2014, 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 recommended the City Council deny the general plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3); and

WHEREAS, on November 18, 2014, 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 and the City Council denied the general plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3).

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

Section 1: The City Council has duly considered the full record before it, which may include but is not limited to such things as the City 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.

Section 2: Milpitas General Plan Conformance Findings – Milpitas Municipal Code Section XI-10-57.02 - *The City Council makes the following findings based on the evidence in the public record deny the General Plan Amendment:*

- 1. The proposed amendment is internally inconsistent with those portions of the General Plan which are not being amended.*

The project does not comply with the following General Plan land use guiding and implementing principles:

- 2.a-G-2: Maintain a relatively compact form. Emphasize mixed use development to the extent feasible to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development
- 2.a-G-8: The City should consider a long term approach to managing its income/job generating lands and the impacts of development on public services.
- 2.a-I-2: Land use conversions from employment/sales tax generation properties to residential shall only be considered once there is 80% build-out in the Midtown and Transit Area Specific Plans.
- 2.a-I-4: Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed towards the advantages of the City's location to both industrial and commercial use.

Denial of the proposed General Plan amendment is consistent with the above stated Guiding Principles in that the proposed Project will convert industrial land to residential and significantly impact police and fire services, schools and other general governmental services. The General Plan policies are to preserve industrial and revenue generating opportunities and the City's economic development position. According to the City's Transit Area Specific Plan and Midtown Specific Plan, there will likely be over 7,000 residential units constructed in the City's Transit Area and Midtown Area and conversion of industrial land in areas of the City to residential will create an imbalance between revenue generating/employment opportunities and residential units.

Section 3: Major Tentative Map Findings – Milpitas Municipal Code Section XI-1-20.01 - *The City Council makes the following finding based on the evidence in the public record to deny the Major Tentative Map:*

1. *The tentative subdivision map is inconsistent with the Milpitas General Plan.*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 4: Planned Unit Development Permit Findings – Milpitas Municipal Code Section XI-10-54.07 - *The City Council makes the following finding based on the evidence in the public record to deny the Planned Unit Development Permit:*

1. *The proposed Planned Unit Development is inconsistent with the Milpitas General Plan*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 5: Site Development Permit Findings – Milpitas Municipal Code Section XI-10-57.01(F) - *The City Council makes the following finding based on the evidence in the public record to deny Site Development Permit:*

1. *The project is inconsistent with the Milpitas General Plan.*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 6: The City Council hereby denies General Plan Amendment No. GP14-003, Planned Unit Development Permit No. PD14-0001, Site Development Permit No. 14-0013, and Major Tentative Map No. TM14-0001 as the proposed application is not consistent with the Milpitas General Plan.

PASSED AND ADOPTED this _____ day of _____, 2014, 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