

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN AMENDMENT NO. GP12-0005, AMENDMENTS TO THE LAND USE AND CIRCULATION ELEMENTS

WHEREAS, on August 21, 2012, the City Council initiated a General Plan Amendment to update the policies of the Land Use and Circulation Elements; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt; and

WHEREAS, on November 14, 2012, the Planning Commission held a duly noticed public outreach hearing on the subject application, and considered evidence presented by City staff, and other interested parties; and

WHEREAS, on December 12, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, and other interested parties and recommended approval of General Plan Amendment No. GP12-0005 by no less than a majority of its total membership; and

WHEREAS, on January 15, 2013, the City Council held a duly noticed public hearing on the project and considered evidence presented by City staff and other affected parties, including but not limited to the materials and evidence previously presented to the Planning Commission.

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 Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is exempt pursuant to Section 15061(b)(3).
3. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended and do not constitute substantial amendments.
4. The proposed amendments will not adversely affect the public health, safety, and welfare in that the amendments enhance public health, safety and welfare.
5. Therefore, based upon the findings contained herein, General Plan Amendment No. GP12-0005, Land Use and Circulation Element Amendments, as set forth in Exhibits 1 and 2, is approved.
6. Effective Date: This Resolution shall not apply to projects where complete submittals have been filed in conjunction with the project application prior to the effective date. The effective date of this amendment shall be 30 days after its date of adoption of January 15, 2013.
7. Implementing Policy 2.1-I-2 shall not apply to General Plan Amendment applications for properties west of McCarthy Boulevard north of Highway 237 and for properties east side of California Circle to Penitencia Creek.

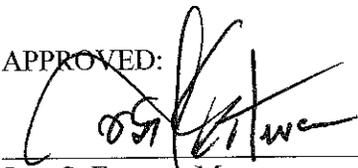
PASSED AND ADOPTED this 15th day of January 2013, by the following vote:

AYES:	(4)	Vice Mayor Polanski, Councilmembers Giordano, Gomez and Montano
NOES:	(1)	Mayor Esteves
ABSENT:	(0)	None
ABSTAIN:	(0)	None

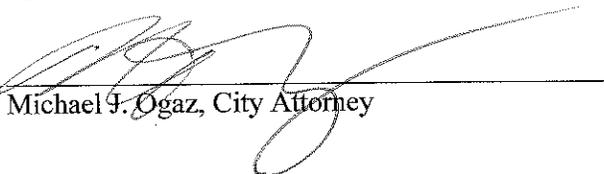
ATTEST:


 for Mary Layelle, City Clerk

APPROVED:


 Jose S. Esteves, Mayor

APPROVED AS TO FORM:


 Michael J. Ogaz, City Attorney