

## **List of Attachments for Public Hearing No. 2**

**Conduct a Public Hearing and Introduce Ordinance No. 38.820 for adoption of Zoning Amendment No. ZA14-0011 Adding the words “mixed use” Residential to the purpose and intent section of the Town Center Zoning description and Prohibiting New Ground Floor Residential in the Town Center Zone (Staff Contact: Adam Petersen, 408-586-3274)**

### **Attachments:**

- 1-A. Redline Version of Ordinance No 38.820 Adopting Zoning Amendment within the Town Center
- 1-B. Planning Commission Staff Report – 01/14/2015
- 1-C. Planning Commission Meeting Minutes – 01/14/2015
- 1-D. Adopted Planning Commission Resolution No. 15-001

**PLEASE NOTE:**

This copy of Ordinance No. 38.820 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

**NUMBER:** 38.820

**TITLE:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO PROHIBITING GROUND FLOOR RESIDENTIAL USES IN THE TOWN CENTER ZONING DISTRICT

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_ and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law 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

**RECITALS:**

**WHEREAS**, Title XI, Chapter 10, Section 5 entitled “Commercial Zones and Standards” of the Milpitas Municipal Code sets forth the permitted, conditionally permitted, and prohibited uses in the Town Center Zoning district; and

**WHEREAS**, the City of Milpitas desires to prohibit ground floor residential uses within the Town Center Zoning District; and

**WHEREAS**, on January 14, 2015, the Planning Commission held a duly-noticed public hearing and adopted a resolution recommending that the City Council amend the Milpitas Zoning Code to prohibit ground floor residential uses within the Town Center Zoning District; and

**WHEREAS**, on February 17, 2015, the City Council held a duly-noticed public hearing to consider the Planning Commission’s recommendation and evidence regarding the proposed amendment to the Milpitas Zoning Code.

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

**SECTION 1. RECORD AND BASIS FOR ACTION**

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 the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. FINDINGS**

Zoning Text Amendment (Section XI-10-57.02(G)) - The City Council makes the following findings based on the evidence in the public record in support of Zoning Text Amendment No. ZA14-0011:

*1. The proposed amendment is consistent with the General Plan.*

Prohibiting residential uses on the ground floor and encouraging more commercial and mixed-used developments meet the intent of the Town Center designation. The Town Center Zoning District is intended as the functional and visual focus of Milpitas while providing a meeting and market place for commercial, professional and entertainment uses. The more efficient use of land through higher density housing will ensure land is available for the continued focus of tax and revenue generating uses and a mixed-use district that provides identity for the City while allowing a dense residential population to provide increased economic support to the commercial uses.

The project is also consistent with the following General Plan Guiding Principles and Policies:

**Guiding Principle 2.a-G-2** – Maintain a relatively compact urban form.

**Guiding Principle 2.a-G-4** – The Town Center will be the “heart” of Milpitas’ civic, cultural, business and professional life.

**Guiding Principle 2.a-G-10** – Consider long term planning and strong land use policy in managing the City’s fiscal position.

**Land Use Policy 2.a-I-27** – Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.

The modification of the Town Center use table is consistent with the General Plan because it furthers the identified principles and policy by directing commercial-retail and mixed-use development to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating

uses at the street/ground level, thereby strengthening the City’s fiscal position while achieving a mixed-use district in the heart of Milpitas.

2. *The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.*

The proposed zoning amendment will result in a more efficient use of land. The land use regulations will not affect the range of uses permitted or conditionally permitted. The proposed changes prohibiting ground floor residential will encourage commercial-retail development in the Town Center and strengthen the City’s economic development and ability to generate additional revenues. Therefore, the general well-being of Milpitas residents will be maintained since the Town Center zone will still facilitate a broad range of land uses, but will encourage more commercial and mixed use development to provide economic opportunities for the City and residents.

**SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10**

Section XI-10-5.01.E entitled “Purpose and Intent” of the Milpitas Municipal Code is hereby amended to read as follows:

Town Center (TC) Zone. The purpose and intent of this zone is to provide for an area that supports a wide range of administrative, business, entertainment, mixed-use residential, dining, and cultural activities in the geographic center of the City to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the City’s transportation network.

Section XI-10-5.02.A.1 entitled “Primary Uses” of the Milpitas Municipal Code is hereby amended to read as follows:

A. Permitted and Conditionally Permitted Uses.

1. Primary uses. The uses identified in Table 5.02-1, Commercial Zone Uses, shall be the primary uses allowed to occur on a property. All uses except for those noted shall be conducted within enclosed structures. The primary uses identified in Table 5.02-1 shall be permitted or conditionally permitted, as indicated:

P	Where the symbol "P" appears, the use shall be permitted.
MCS	Where the symbol "MCS" appears the use shall be permitted subject to the issuance of a Minor Conditional Use Permit by staff, in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.
P/C	Where the symbol "P/C" appears the use may be permitted if certain criteria is met or otherwise a Conditional Use Permit shall be required, in accordance with Section XI-10-57.04, Conditional Use Permits, of this Chapter.
C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter.
MC	Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

2. Ground Floor Uses. The only uses permitted or conditionally permitted on the ground floor of the Town Center Zone are those specifically set forth in Table 5.02-1 for the Town Center Zone, provided no ground floor residential is allowed as further set forth in Section XI-10-5.02.B.

Section XI-10-5.02.B entitled “Prohibited Uses” of the Milpitas Municipal Code is hereby amended to read as follows:

B. Prohibited Uses. The following uses prohibited:

1. Uses where the symbol "NP" appears within Table 5.02-1.
2. Uses that have been excluded from Table 5.02-1, unless they are found by the City to be similar to permitted or conditionally permitted uses in accordance with C below.
3. Ground floor residential in the TC Zone, provided any ground floor residential constructed on or before February 17, 2015 and any project securing an approved tentative map, conditional use permit, or site development permit for construction of ground floor residential on or before February 17, 2015 shall be exempt from this prohibition and Milpitas Zoning Code Section 56, Nonconforming Buildings and Uses.
4. Live/work units exceeding ten percent (10%) of the total residential units in the development.

Table XI-10-5.02-1 entitled “Commercial Zone Uses” of the Milpitas Municipal Code is amended to read as follows:

**Table XI-10-5.02-1  
Commercial Zone Uses**

Use	CO	C1	C2	HS	TC
<b>1. Commercial Uses</b>					
Alcoholic beverage sales	C <sup>6</sup>	C	C	NP	C
Art/photography studio or gallery	NP	P	P	P	P
Bookstore	NP	P	P	P	P
Commercial services <sup>1</sup>	P	P	P	NP	P
Funeral home or mortician	NP	NP	C	C	NP
Furniture sales	NP	P	P	P	P
Grocery store (supermarkets)					
Within 1,000 ft. of residential zone	NP	C	C	C	C
Not within 1,000 ft. of residential zone	NP	P	P	P	P
Head/smoke/tobacco shop	NP	C	C	NP	C
Home improvement (hardware, blinds, interior decorating, etc.)	NP	P	P	C	P
Not fully enclosed operation	NP	C	C	C	C
Household appliance store <sup>7</sup>	NP	NP	P	P	NP
Small appliance repair	NP	NP	MCS	P	NP
Large appliance repair	NP	NP	NP	P	NP

Janitorial services	NP	NP	P	P	NP
Newsstand					
Indoor	P	P	P	NP	P
Outdoor	C	C	C	NP	C
Nursery (flower or plant)					
Indoor	NP	NP	P <sup>2</sup>	P	P
Outdoor	NP	NP	C	P	NP
Office supply sales (stationary, equipment)	P	P	P	P	P
Paint and wallpaper stores	NP	NP	P	P	P
Pawnshops	NP	NP	C	NP	NP
Pet stores	NP	NP	P	P	P
Printing (newspaper, publishing)	NP	NP	P	P	P
Rentals (medical supplies, costumes, party equipment, office equipment)	NP	NP	P	P	P
Retail stores, general merchandise	NP	P	P	NP	P
Tanning salon	NP	NP	P	NP	P
Thrift store <sup>3</sup>	NP	C	P	P	P
<b>2. Entertainment and Recreation</b>					
Adult business <sup>4</sup>	NP	NP	NP	P	NP
Bowling alley	NP	NP	P	P	P
Commercial athletic facilities					
Indoor	NP	C	P	P	P
Outdoor	NP	NP	NP	C	NP
Motion picture theater (See 7 below)					
Recreation or entertainment facility	NP	C	C	C	C
Shooting range, indoor	NP	NP	NP	C	NP
<b>3. Health and Veterinarian Uses</b>					
Animal grooming (no boarding)	NP	P	P	P	P
Hospital	C	NP	C	C	C

Kennel	NP	NP	C	NP	NP
Massage establishment	NP	NP	C	C	C
Medical and dental office	P	P	P	NP	P
Medical and dental clinic	P	C	C	NP	P
Medical support laboratories	P	C	C	C	C
Optician and optometrist shop	P	P	P	NP	P
Pharmacy or drug store	NP	P	P	P	P
Sauna and steam bath	NP	NP	NP	P	NP
Veterinary clinic	NP	NP	P	P	P
<b>4. Industrial Uses<sup>5</sup></b>					
Assembly from pre-processed materials	NP	NP	C	NP	NP
Commercial fueling facility	NP	NP	NP	C	NP
Commercial laboratory	NP	NP	C	P	NP
Contractor's yards and offices	NP	NP	C	C	NP
Disinfection and extermination business	NP	NP	C	P	NP
Dry cleaning plant	NP	NP	NP	P	NP
Food storage locker	NP	NP	NP	P	NP
Landscape contractor	NP	NP	C	P	NP
Lumberyards	NP	NP	C	C	NP
Mini-storage complex	NP	NP	C	C	NP
Plumbing, metalworking, glassworking or woodworking	NP	NP	C	C	NP
Research & development	NP	NP	C	NP	NP
Sign sales and fabrication (Electric and neon sign, sign painting)	NP	NP	C	P	NP
Warehousing and wholesale	NP	NP	C	NP	NP
<b>5. Lodging</b>					
Hotel and motel	NP	NP	C	C	C
<b>6. Professional Offices, Financial Institutions and Related Uses</b>					
Automatic teller machines (freestanding) <sup>6</sup>	NP	P	P	P	P

Financial institutions (banks, savings and loans, etc.)	P	P	P	P	P
General offices (administrative and business services, real estate, travel agencies, etc.)	P	P	P	P	P
<b>7. Public, Quasi-Public and Assembly Uses</b>					
Auction hall	NP	NP	C	C	C
Child care					
Child care center	C	C	C	C	C
Day care school	C	C	C	C	C
Large family child care home	NP	NP	NP	NP	C
Small family child care home	NP	NP	NP	NP	C
Club or social organization, religious assembly	C	C	C	C	C
Cultural center	NP	NP	C	C	C
Educational institutions					
Schools, private (elementary, middle, high)	NP	NP	C	NP	C
Trade and vocational school	C	NP	P	P	C
Farmer's market (not including flea market)	NP	C	C	C	C
Instruction					
Group <sup>8</sup>	MCS	MCS	MCS	MCS	MCS
Private	P	P	P	P	P
Motion picture theater					
Indoor	NP	C	C	C	C
Outdoor	NP	NP	NP	C	NP
Parking facility, storage garage	NP	P	P	C	C
Public utilities	C	C	C	C	C
Transportation facility (taxi, limousine, etc.)	NP	NP	C	C	C
<b>8. Restaurants or Food Service</b>					
Banquet hall	NP	NP	C	C	C
Bar or nightclub	NP	NP	C	C	C

Catering establishment	NP	NP	P	P	P
Restaurants	C <sup>7</sup>	P	P	P	P
With live entertainment/dancing	NP	NP	C	C	C
With drive-in or drive-through	NP	C	C	C	C
With ancillary on-premise beer & wine with no separate bar	NP	MC	PMC	MC	MC
<b>9. Residential Uses</b>					
Caretaker (in conjunction with contractor's yard or mini-storage complex)	NP	NP	C	C	NP
Emergency shelters <sup>9</sup>	NP	NP	NP	P/C	NP
Live-Work Units <sup>15</sup>	NP	NP	NP	NP	C
Residential dwellings (between 1 and 40 d.u. per gross acre); <u>ground floor residential is prohibited.</u>	NP	NP	NP	NP	C
Single-room occupancy residences <sup>10</sup>	NP	NP	NP	C	NP
<b>10. Vehicle Related Uses</b>					
Auto repair (tire, oil change, smog check, etc.)	NP	NP	C	C	NP
Auto sales and rental, outdoor (new and used cars, RV and truck)	NP	NP	C	C	NP
Auto broker (wholesale, no vehicles on site)	MCS	MCS	MCS	MCS	MCS
Car wash	NP	NP	C	C	NP
Service stations (with or without repair or retail) <sup>11</sup>	C	C	C	C	C
Drive through uses (restaurants, pharmacies, etc.)	NP	C	C	C	C
<b>11. Unclassified Uses</b>					
Accessory structures <sup>12</sup>	P	P	P	P	P
Model home complex <sup>13</sup>	NP	NP	NP	NP	P
Mortuary or crematory	NP	NP	NP	C	NP
Radio or television station	NP	NP	C	P	NP
Temporary seasonal sales <sup>14</sup>	NP	P	P	P	P

<sup>1</sup> Refer to the definition for "Commercial Services" in Section 2, Definitions, of this Chapter.

<sup>2</sup> Provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

<sup>3</sup> Refer to XI-10-5.04, Commercial Zone Special Development Standards, of this Chapter.

<sup>4</sup> In accordance with the Title III, Chapter 4, Adult Business Ordinance, and Subsection 13.04, Adult Businesses, of this Chapter.

<sup>5</sup> For conditionally permitted uses, refer to Subsection 57.04(C) (9), Certain Industrial Uses within Commercial Districts, of this Chapter.

<sup>6</sup> Refer to Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

<sup>7</sup> When intended to serve the occupants and patrons of the permitted use (office, etc.) and conducted and entered from within the building and provided there is no exterior display of advertising.

<sup>8</sup> Refer to Subsection 5.02-1, Commercial Zone Special Uses, of this Section.

<sup>9</sup> Refer to XI-10-13.14, Special Uses, Emergency Shelters, of this Chapter.

<sup>10</sup> Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter.

<sup>11</sup> Refer to Subsection XI-10-6.02-2, Special Uses, of this Chapter, for standards. Service stations shall follow the "General development policy: Gasoline service stations, and automotive service centers" adopted by the City Council on December 19, 1995.

<sup>12</sup> Not including warehouses on the same site as the permitted use.

<sup>13</sup> No tract sign shall be permitted within 600 feet of a Santa Clara County Expressway.

<sup>14</sup> Refer to Section 13.11, Temporary Uses and Structures, of this Chapter.

<sup>15</sup> The maximum number of live/work units in any development shall not exceed ten percent (10%) of the total residential units in the development.

### **SECTION 3. SEVERABILITY**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

### **SECTION 4. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



## MILPITAS PLANNING COMMISSION AGENDA REPORT

January 14, 2015

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**APPLICATION:** TOWN CENTER ZONING AMENDMENT – ZA14-0011 – A request for a Zoning Text Amendment to expand the purpose and intent section of the Town Center Zoning District and prohibit ground level residential uses.

**RECOMMENDATION:** Staff recommends that the Planning Commission: Conduct the public hearing and adopt Resolution No. 15-001 recommending the City Council adopt Zoning Amendment No. ZA14-0011 to add the words “mixed use” residential to the purpose and intent section of the Town Center Zoning description and to prohibit ground floor residential in the Town Center zone.

**LOCATION:**  
Address/APN: Town Center Zoning District

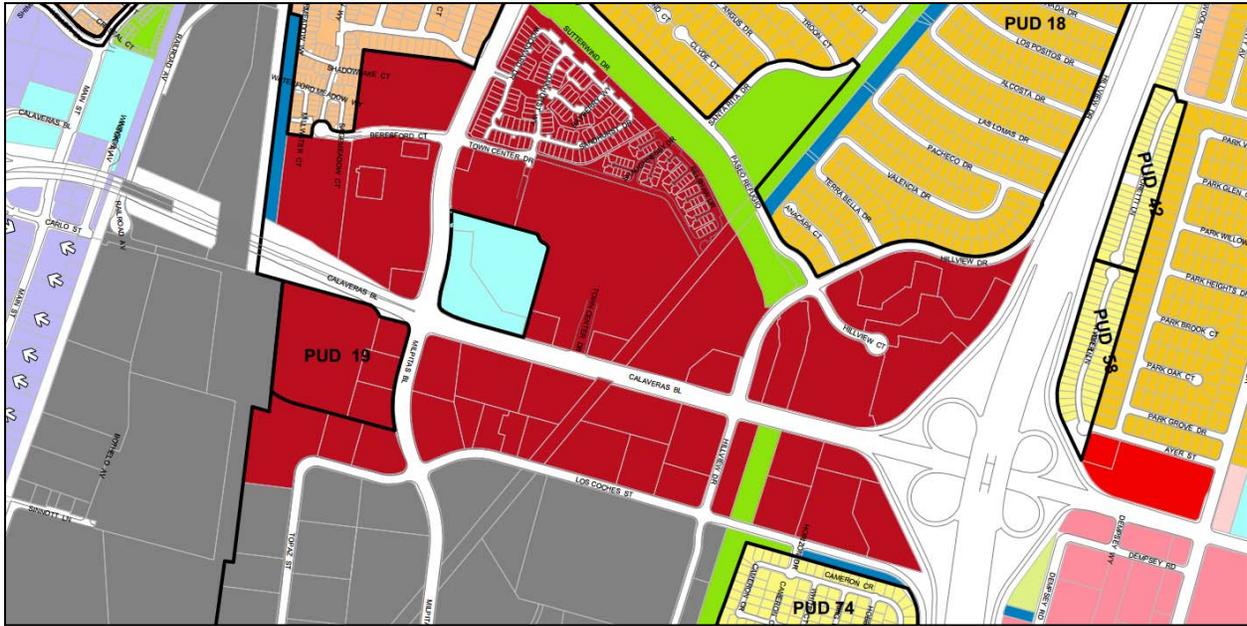
**PEOPLE:**  
Project Applicant: City of Milpitas  
Consultant: NA  
Property/Business Owners:  
Project Planner: Adam Petersen, Senior Planner

**LAND USE:**  
General Plan Designation: Town Center (TC)  
Zoning District: Town Center (TC)  
Overlay District: Site and Architectural Overlay (-S)

**ENVIRONMENTAL:** The project is exempt in accordance with the California Environmental Quality Act (CEQA) Sections 15061(b)(3) “Review for Exemptions.”

## Map 1

### Project Location



**Town Center Zoning District**

Not to Scale

## BACKGROUND

### *History*

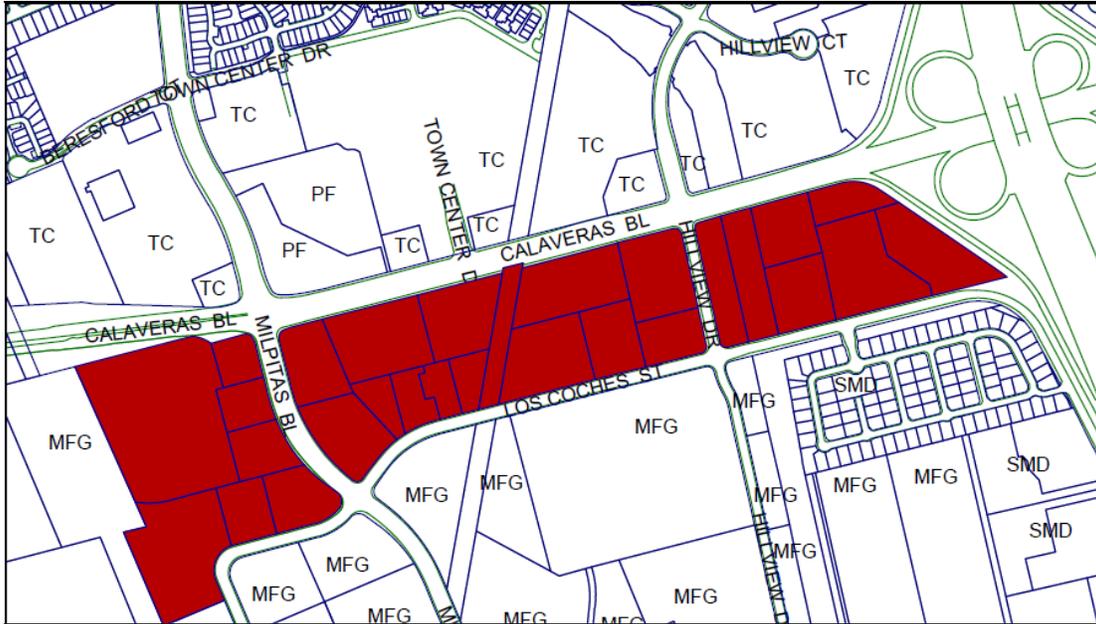
The Town Center land use designation and zoning district applies to the central part of the City, generally focused along Calaveras Boulevard between Interstate 680 and the Union Pacific railroad corridor. The intent of the Town Center land use designation and zoning district is to support a wide range of administrative, business, entertainment, residential, dining and cultural activities in the geographic center of the City.

In 2010, the Town Center designation was amended and expanded to include a collection of parcels to the south of Calaveras Boulevard. The purpose of the amendment was to make the existing uses on these parcels (offices, cultural centers, religious institutions, medical offices, financial institutions, gasoline station, retail) conforming and allow for the flexibility of integrating other commercial and residential uses for future development. Since the redesignation of these parcels to Town Center some land use conversion to single-family residential development has occurred. A map of the expansion area is included below as Map 2.

On May 21, 2013, the City Council approved an amendment to Zoning Code to allow live/work units as a conditional use in the Town Center Zoning District.

## Map 2

### 2010 Town Center Expansion Area



#### ***The Application***

On December 10, 2014 the City of Milpitas Planning and Neighborhood Services Department prepared an application pursuant to Section 57 of the Milpitas Zoning Ordinance for a Zoning Amendment. The following is a summary of the request:

- *Zoning Amendment:* To modify the Milpitas Zoning Code, adding the words “mixed use” residential to the description of the Town Center zone, and prohibiting ground floor residential in the Town Center zone.

#### **PROJECT DESCRIPTION**

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##### ***Overview***

The project includes a Zoning text amendment to modify the description and a use in the Town Center zoning district. The General Plan’s vision for the Town Center is a “meeting place and a market place, the home of commercial and profession firms, an entertainment area and a place for restaurants and hotels.” Low density single family residential uses are inconsistent with the identified vision and uses for the Town Center.

The existing Town Center Zoning provisions enable low density single-family residential development, as evidenced by the conversion of commercial and industrial properties to single family residential subdivisions along the south side of Calaveras Boulevard. The current trend of converting commercial and industrial properties to single family residential subdivisions is

inconsistent with the intent and purpose of the Town Center zone. The Town Center Zone is intended to support a wide range of uses, including, but not limited to, commercial, business and entertainment uses.

The proposed amendment is similar to other provisions of the Milpitas Zoning Code. The first proposed modification adds the words “mixed-use” to the intent and purposes section for the Town Center zone. The “mixed-use” residential would allow residential over commercial space in support of the vibrant “meeting place and market place” that the town center is intended to be, and is consistent with the Zoning Code’s standards of allowing residential development with approval of a use permit from the Planning Commission. The two following modifications would prohibit ground floor residential uses, which are reflected in other existing provisions in the Zoning Code that facilitate mixed use development. This amendment would preserve existing and future commercial uses, professional firms, and entertainment uses by limiting the conversion of the area to residential uses as intended for this zone.

### ***Location and Land Use***

The proposed amendment applies to the Town Center zoning district, the areas of which are coterminous. The Town Center zoning district is located in central Milpitas, generally along Calaveras Boulevard between Interstate 680 and the Union Pacific railroad corridor as shown in Map 1. Existing uses include the Town Center retail shopping center, restaurants, a variety of professional office buildings, banks and financial institutions, City Civic Center, hotels, and single- and multi-family residential uses.

## **PROJECT ANALYSIS**

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### ***Proposed Amendment***

The proposed amendment changes three portions of the Zoning Code:

- The Zoning Amendment will affect the description of the Town Center Zone;
- The prohibited uses; and
- Table XI-10-5.02-1 Commercial Zone Uses.

The proposed changes are identified below in underline:

### **XI-10-5.01 – Purpose and Intent**

- E. Town Center (TC) Zone. The purpose and intent of this zone is to provide for an area that supports a wide range of administrative, business, entertainment, mixed-use residential, dining, and cultural activities in the geographic center of the City to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the City’s transportation network.

### **XI-10-5.02.B - Prohibited Uses. The following uses are prohibited:**

1. Uses where the symbol "NP" appears within Table 5.02-1.
2. Uses that have been excluded from Table 5.02-1, unless they are found by the City to be similar to permitted or conditionally permitted uses in accordance with C below.
3. Ground floor residential in the TC Zone, provided any ground floor residential constructed on or before February 17, 2015 and any project securing an approved tentative map or site development permit for construction of ground floor residential on or before February

17, 2015 shall be exempt from this prohibition and Milpitas Zoning Code Section 56, Nonconforming Buildings and Uses.

**Table XI-10-5.02-1 Commercial Zone Uses**

Use	CO	C1	C2	HS	TC
<b>9. Residential Uses</b>					
Caretaker (in conjunction with contractor's yard or mini-storage complex)	NP	NP	C	C	NP
Live-Work Units	NP	NP	NP	NP	C
Residential dwellings (between 1 and 40 d.u. per gross acre) <u>ground floor residential is prohibited.</u>	NP	NP	NP	NP	C
Single-room occupancy residences <sup>10</sup>	NP	NP	NP	C	NP

***Nonconforming Uses***

Section 56 of the Milpitas Zoning Code would place limits on the amount a structure could be rebuilt in the event of a disaster as well as limits on additions to structures with ground floor residential uses. In order to avoid any potential for existing residential uses being designated legal nonconforming uses, under Section 56 of the Zoning Code, staff considered an exemption to this portion of the Code.

Staff received feedback at the community meeting on January 5, 2015 that residents were concerned about the ability to acquire and maintain adequate insurance should their homes become legal nonconforming uses. Staff has addressed this concern by proposing that the existing and approved residential uses be exempt from the new changes to the Zoning Code prohibiting ground floor residential and Section 56 of the Milpitas Zoning Code relating to Legal Nonconforming Uses. The proposed exemption would ensure that existing and approved residential uses can continue to enjoy the same rights and privileges prior to the text amendment. Additionally, if there is a natural disaster that requires redevelopment of an entire existing subdivision, it will not be impacted by the restrictions in the nonconforming provisions of the Zoning Code.

**FINDINGS**

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Pursuant to Section 57 of the Zoning Code, the Planning Commission is required to make specific Findings before recommending approval of a Zoning Amendment. Findings shall identify the rationale behind the decision to take a certain action. Each code-required Finding is analyzed below.

***Zoning Text Amendment (Section XI-10-57.02.G.3)***

- 1. The proposed amendment is consistent with the General Plan.*

Prohibiting residential uses on the ground floor and encouraging more commercial and mixed-used developments meet the intent of the Town Center designation. The Town Center Zoning District is intended as the functional and visual focus of Milpitas while providing a meeting and market place for commercial, professional and entertainment uses. The more efficient use of land through higher density housing will ensure land is available for the continued focus of a mixed-use district that provides identity for the City while allowing a dense residential population to provide increased economic support to the commercial uses.

The project is also consistent with the following General Plan Guiding Principles and Policies:

**Guiding Principle 2.a-G-2** – Maintain a relatively compact urban form.

**Guiding Principle 2.a-G-4** – The Town Center will be the “heart” of Milpitas’ civic, cultural, business and professional life.

**Guiding Principle 2.a-G-10** – Consider long term planning and strong land use policy in managing the City’s fiscal position.

**Land Use Policy 2.a-I-27** – Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.

The modification of the Town Center use table is consistent with the General Plan because it furthers the identified principles and policy by directing mixed-use development to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating uses at the street level, thereby strengthening the City’s fiscal position while achieving a mixed-use district in the heart of Milpitas.

- 2. The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.*

The proposed zoning amendment will result in a more efficient use of land. The land use regulations will not affect the range of uses permitted or conditionally permitted. Commercial uses already allowed in the Town Center zone will continue to be allowed. Similarly, conditionally permitted residential uses will continue to be conditionally permitted at the same development intensity. Therefore, the general well-being of Milpitas residents will be maintained since the Town Center zone will still facilitate a broad range of land uses, but will encourage more commercial and mixed use development to provide economic opportunities for the City and residents.

## **ENVIRONMENTAL REVIEW**

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The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential

for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed project is a project under CEQA.

Staff has reviewed the project to determine the required level of review under CEQA. The proposed project is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) of the State CEQA guidelines, which excludes projects that are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed amendment does not directly authorize any individual project. Additionally there are no projects under review that would be affected by the proposed amendment. Subsequent activities require further analysis by the City in order to determine the potential impacts from development. Therefore, the proposed action qualifies for this exemption and no further environmental review is required.

**PUBLIC COMMENT/OUTREACH**

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Prior to this public hearing, staff conducted a community meeting in accordance with the provisions specified in Table XI-10-64.04-1. The community meeting occurred on January 5, 2015. Comments received during this meeting included a discussion on potential mixed use building heights, the purpose of the Town Center Zone, and the City’s vision for this Zone. Residents expressed concerns about ground floor residential uses, namely existing single family homes, becoming non-conforming uses, which could make attaining and retaining insurance as well as constructing additions difficult. Staff has addressed this concern by proposing that the existing and approved residential uses be exempt from the new changes to the Zoning Code prohibiting ground floor residential and Section 56 of the Milpitas Zoning Code relating to Legal Nonconforming Uses.

Two residents sent emails to staff with questions surrounding the subject of the Zone text amendment. Staff provided a response that detailed the proposed amendment which satisfied the residents’ questions.

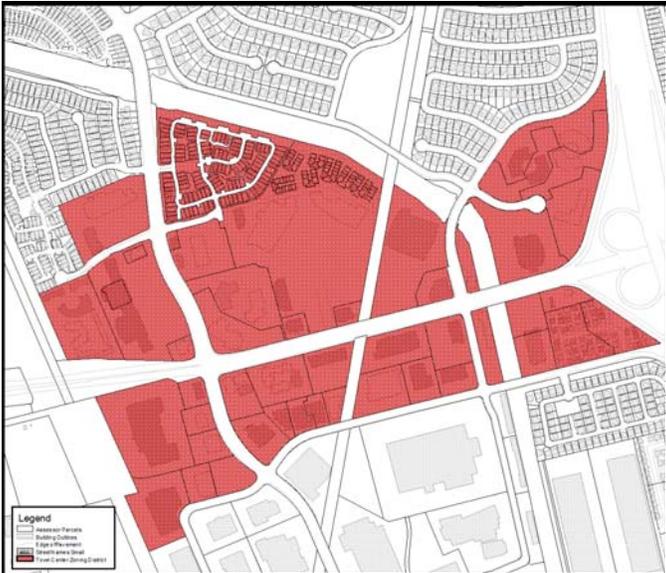
Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. The table below provides a summary of the City’s public noticing efforts for this project.

**Public Noticing Summary**

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"> <li>▪ Public hearing notice posted in the Milpitas Post (<i>14 days prior to the hearing</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>)</li> </ul>

<ul style="list-style-type: none"> <li>▪ 227 notices mailed to affected property owners within Town Center designation (10 days prior to the hearing)</li> <li>▪ Posted on the City's official notice bulletin board (10 days prior to the hearing)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Posted on the City of Milpitas's Web site (one week prior to the hearing)</li> </ul>
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The map below illustrates the extent of the mailed notices.



**CITY COUNCIL REVIEW**

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This item is scheduled as a public hearing by the City Council on February 3, 2015.

**CONCLUSION**

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The proposed Zoning Text Amendment will update the Municipal Code to reflect the desired uses for the Town Center district. The prohibition of ground floor residential uses in an area intended for a dense compact form and a vibrant mixed-use district is consistent with the General Plan and Zoning Ordinance and supports the City principles of a Town Center as the “heart” of Milpitas. Staff recommends that the Planning Commission adopt Resolution No. 15-001 recommending approval by the City Council.

**RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Open the public hearing to receive comments;
2. Close public hearing;

3. Adopt Resolution No. 15-001 recommending the City Council adopt Zoning Amendment No. ZA14-0011 to add the words “mixed-use” residential to the Town Center description, and to prohibit ground floor residential in the Town Center zone and exception.

## **ATTACHMENTS**

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- A. Resolution No.15-001
  - a. Exhibit A: Draft Ordinance

MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, January 14, 2015**

- I. PLEDGE OF ALLEGIANCE**      **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. OATH OF OFFICE TO NEWLY APPOINTED MEMBERS**      City Clerk Mary Lavelle swore in new members Zeya Mohsin and Ray Maglalang.
- III. ROLL CALL/ SEATING OF ALTERNATE**      **Commissioners**  
**Present:**      Chair Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, Rajeev Madnawat, Demetress Morris, Hon Lien, Ray Maglalang, Alternate Member Zeya Mohsin  
**Absent:**  
**Staff:**      Steven McHarris, Johnny Phan, Adam Petersen
- IV. PUBLIC FORUM**      **Chair Mandal** invited members of the audience to address the Commission and there was one speaker.  
  
Rob Means, a Milpitas resident who lives on Yellowstone, said he is circulating a petition rejecting US Supreme Court rulings regarding money interests and invited commissioners to join him for a protest march in San Francisco at 3:30 on January 21<sup>st</sup>.
- V. APPROVAL OF MEETING MINUTES**      **Chair Mandal** called for approval of the December 10, 2014 meeting minutes of the Planning Commission.  
  
**Motion** to approve Planning Commission meeting minutes as submitted.  
Motion/Second:      Commissioner Madnawat/Commissioner Morris  
AYES:      4  
NOES:      0  
ABSTAIN:      3      Ciardella, Sandhu, Maglalang
- VI. ANNOUNCEMENTS**      Planning Director Steven McHarris announced that the Holiday Inn Suites and Springhill Suites items were deferred to February 11.  
  
Romero Rodriguez, a resident on Fairview Way, was present to speak about these projects. He said the land has been vacant for several years and as a home owner he believes the hotels will be a big boost to their property values and that they will create more pedestrian activity for the businesses located there.

Anna Capelias said her concern has to do with use and zoning of the development and what changes might occur if a hotel is allowed, and she wants to hear all of the information when the presentation is made.

Mr. McHarris said the zoning is not changing and that hotel use can occur with approval of the planning commission. The projects will be heard at the February 11 Planning Commission meeting.

**VII. CONFLICT OF INTEREST**

**Assistant City Attorney Johnny Phan** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

**VIII. APPROVAL OF AGENDA**

**Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the January 14, 2015 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

**IX. CONSENT CALENDAR**

**NO ITEMS**

**X. PUBLIC HEARING**

**X-1**

**TOWN CENTER AMENDMENT – ALL TOWN CENTER DESIGNATED PARCELS – ZA14-0011:** Zoning Text Amendment to the Town Center zoning district that would add a description and prohibit ground level residential uses.

Project Planner Adam Petersen reviewed a PowerPoint presentation discussing the zoning amendment.

Commissioner Madnawat asked if a garage is considered residential, because if so there could be an easy way to get around the amendment by building garages on the ground floor. Mr. McHarris said that residential serving garages would be classified as residential and would not be permitted on the ground floor, and that there has to be commercial on the ground floor. Commissioner Madnawat said this would mean there would be no condominium development and Mr. McHarris said that was correct. Commissioner Madnawat said the language in the ordinance should be clearer about permitted uses and should state that the ground floor needs to be 100% commercial.

Assistant City Attorney Johnny Phan said the drafted language can be updated to clarify the types of uses allowed.

Chair Mandal asked about the process of attracting high quality businesses to Milpitas and the vision for the city to produce more walkable and lively areas and Mr. Petersen said the intent of this amendment is to encourage future uses that accommodate that type of use.

Chair Mandal opened the public hearing and Mr. Means spoke in favor of this amendment.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

Commissioner Madnawat asked that the language in the ordinance be clarified to include permitted uses around the word commercial and that staff look into potential conflicts with the ordinance that allow live-work units.

**Motion** to adopt Resolution No. 15-001 recommending the City Council adopt Zoning Amendment No. ZA14-0011 to add the words “mixed use” residential to the purpose and intent section of the Town Center Zoning description and to prohibit ground floor residential in the Town Center zone.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

**X-2**

**GENERAL PLAN CONVERSION - CLARIFICATION – CITY WIDE – GP14-0005:** Clarification to the adopted General Plan Land Use Conversion policy (City Council Resolution No. 8220), removal of the exemption for parcels on the west side of McCarthy Boulevard north of Highway 237 and properties on the east side of California Circle to Penitencia Creek.

Senior Planner Adam Petersen provided a presentation reviewing the project.

Commissioner Sandhu asked how large the parcel is and Mr. Petersen said it is approximately 10 acres.

Commissioner Madnawat asked if there are pending applications and Mr. McHarris said there are not.

Chair Mandal opened the public hearing and Mr. Means said that this generally sounds like a good idea and was curious about the remnant parcel and who the owner is.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

Commissioner Madnawat asked if there is any interest on the parcel and Mr. McHarris said there are no pending applications. Mr. Petersen added that the owner is listed as BAPS San Jose LLC.

**Motion** to adopt Resolution No. 15-002 to recommend the City Council adopt a resolution rescinding Paragraph Number 7 in Resolution No. 8220 relating to conversion of employment/sales tax generation properties to residential, while considering to

continue exempting parcel APN 022-37-019 in order to achieve a consistent land use pattern in the area.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

**X-3**

**CITATION PROJECTS DEVELOPMENT AGREEMENT – TASP PIPER/MONTAGUE DRIVE SUBAREA – DA14-0001:** Development Agreement proposal for reduced TASP Fees for all Citation Developments.

Senior Planner Adam Petersen provided a presentation reviewing the project.

Three commissioners disclosed that they had met with the developer: Vice Chair Ciardella, Chair Mandal, and Commissioner Morris.

Commissioner Madnawat asked how the TASP fees are calculated and Mr. Petersen said that \$32,781 is the cost per unit to install infrastructure including roads, sewer and water within the TASP area. Commissioner Madnawat asked if this is a reasonable amount the City will need to spend to provide infrastructure for these homes and Mr. McHarris said it is.

Commissioner Madnawat referenced a bullet point in the presentation stating the builder has provided \$8 million worth of benefits and asked for two examples of those benefits provided that have nothing to do with their development. Mr. McHarris said the developer fronted that amount of money to enable development of the TASP area, not just for their development but to enable the development of the TASP area. He said infrastructure needed to go in and Citation stepped up to do that and also processed three projects consistent with the transit area.

Commissioner Madnawat asked what amount of the \$8 million is the amount not adding value to their project and Mr. McHarris said it does add some value to their project but also adds value to all of the projects within this sub-area of the TASP.

Commissioner Madnawat said he feels this is for the developers own benefit and that it is a \$3.8 million dollar gift to the builder. He said if \$32,781 is the fair amount that the City will have to spend then that means the taxpayers will have to pay \$3.8 million to provide those services and he has a problem with this.

Commissioner Lien asked if there was a recent fee increase and Mr. McHarris said there have been two fee adjustments in addition to the annual adjustment and that the fee is calculated at the time the project is developed not entitled.

Commissioner Maglalang said he was trying to understand the \$8.3 million infrastructure improvement cost and if this is supposed to be a City expense or an obligation by the developer. Mr. Phan said there are three developers building in the Piper/Montague sub-district of the TASP, Citation being the largest developer in that area and building over 1,000 units. Potentially Barry Swenson will build 300-400 units and also Milpitas Station.

With these three developers over 1,500 units will be built and there is significant public improvement required, none of which are City obligations. These public improvements total about \$10 million and have to be built by the developer. A few years ago the City Council approved a four-party cost sharing agreement between the City, Citation, Barry

Swenson and Milpitas Station. Citation is the first developer to come in and is going to front and build most of the improvements, going above and beyond their obligation. They will receive credit and when the other developers come in to build they will pay the City back.

Commissioner Morris asked if development fees can be grandfathered in and Mr. Phan said the city does not grandfather anyone's fees. Fees are based on inflation and updated studies and may be adjusted during the planning process and the fee was \$29,000 when Citation submitted their application and \$32,721 when the building permit was issued.

Commissioner Madnawat referenced the four-party contract and wondered why Citation doesn't request the money from the other developers, and what guarantee is there that they will reimburse the city. Mr. Phan said there is a mechanism for the City to collect from the developer, that a CFD can be created if they do not build within seven years and pay their fees.

Chair Mandal asked if there will be a park and Mr. Petersen said there will be one constructed by the Citation project and showed the location of the park. He asked about the five year freeze on the fees and Mr. Phan explained that the development agreement is drafted so that within the first five years the TASP fee stays at \$29,012 per unit if they build and pay their full TASP fees but if they build after five years then the fee is adjusted for inflation and increased parkland value.

Commissioner Madnawat asked if fees are frozen when a permit is pulled and Mr. Phan said that the City's position is that fees are not vested and not frozen when a permit is pulled but this has been an ongoing dispute with developers. Commissioner Madnawat said the TASP fee is needed to provide infrastructure and should be non-negotiable. He said someone has to pay this and it should not be the taxpayers of Milpitas, and he sees this a \$3.8 outright gift to the developer. He wants to see the cost sharing agreement and feels that some commissioners may not understand this topic.

Commissioner Maglalang is afraid that giving a fee reduction will create a bad precedence for other developers to ask for the same fees given to Citation.

Applicant Mark Tiernan, who is also a resident of Milpitas, wanted to clarify a few points about the rationale behind the development agreement: 1) they are building at the highest level of density allowed, 2) although the City asked them to provide 5,000 square feet of retail space they are providing 8,100 square feet of retail space, and 3) when Citation 1 was approved the fees were \$23,700 which was the dollar amount the City and consultant said was needed to provide the infrastructure to support these projects. By the time they got plans approved and went through the process the fees were raised to now almost \$32,800 and they have asked for a compromise in return for building what the City has described as a signature project which is the Edge.

Mr. Tiernan said the first project they are building is 381 units and will take two years to build and another 1-2 years to fully lease out. Normally a developer would wait to have a building fully leased before building another project because you don't want to compete with yourself, and their plan was to move from Amalfi 1 to Amalfi II to the Edge. When they came for approval of the Edge, the City Council felt this was an important project and that it was important to coincide with the BART station, and they entered into discussions with the City to move forward before Amalfi I is fully leased out, increasing their risk, and they asked for a compromise in the fees in return for building what the City would describe as a signature project.

He said that other developers could ask for the same deal and the City could ask them if

they are building at the highest density, providing more commercial space than required and are they willing to invest 250 million in the City to get their projects built. He said if the answer was yes to those questions, then the City would probably move forward with a development agreement because of the role the developer is playing.

Mr. Tiernan said the TASP is one of the most important transit housing opportunities in the Bay Area and Citation Homes has made this one of their signature projects. The City would like them to build this project to coincide with the BART station and with the increases in construction and material costs they would like to get some cost certainty in their fees to reduce some of their risk and start construction on a building before their other project is fully leased out.

Commissioner Madnawat said Mr. Tiernan's argument regarding requests from other developers does not hold water but that his argument for the fee increases does and said he was surprised by the huge increase in the fees and asked the reasons for such an increase. Mr. Phan said there is a formula and consultants conduct a Nexus study and look at a number of different factors to determine the fair share amount for each unit. He said the initial fee study done in 2008 was based on the plan that was adopted but has been updated based on new trends and information.

Commissioner Madnawat said that if the \$32,781 reflects what the City is going to spend it is \$3.8 million coming from the City which can be spent on hiring police officers, fire fighters, and others.

Chair Mandal opened the public hearing and there were two speakers. Rob Means said this is a great project and reviewed a list of benefits to the City that he believes offsets the \$3.8 million, including a high density housing project, extra retail, and a pedestrian over crossing getting built early.

Jim Sullivan, a consultant for the developer, said he was the project proponent for the Edge. He said developers were building on the low density side but they transferred another developers units onto the Edge and built 94 more units than necessary. He said they are also working with staff to build a great public park in the area at a substantial discount than what it would cost the city to build.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

Commissioner Madnawat asked who is building the pedestrian bridge and Mr. McHarris said it is a City project and there is currently grant funding for the design work and VTA is preparing design work for the City.

**Motion** to adopt Resolution No. 15-003 recommending the City Council adopt an ordinance approving a development agreement vesting the Transit Area Specific Plan fees for the Citation I and Citation II Projects: Amalfi I, Amalfi II and the Edge.

Motion/Second: Commissioner Morris/Commissioner Lien

AYES: 4

NOES: 3 Sandhu, Madnawat, Maglalang

**XI. NEW BUSINESS**

**NO ITEMS**

**XII. ADJOURNMENT** The meeting was adjourned at 9:10 PM to the next meeting scheduled on Wednesday, January 28, 2015.

**Motion** to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 7

NOES: 0

ABSENT: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*

**RESOLUTION NO. 15-001****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING AMENDMENT NO.  
14-0011 TO ADD THE WORDS “MIXED-USE” TO THE TOWN CENTER ZONING  
DESCRIPTION AND TO PROHIBIT GROUND FLOOR RESIDENTIAL USES  
LOCATED IN THE TOWN CENTER ZONE**

**WHEREAS**, on December 11, 2014, an application was submitted by the City of Milpitas Planning and Neighborhood Services Department to amend the Milpitas Zoning Code to add “mixed use” residential to the Town Center Zoning description and to prohibit ground floor residential uses in the Town Center zone. The properties subject to the amendment are located within the Town Center Zoning District; 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 will not have a significant effect on the environment; and

**WHEREAS**, on January 14, 2015, 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.

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

**SECTION 1:** The Planning Commission 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 the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2:** The Planning Commission has reviewed and exercised its independent judgment on the environmental review for the Zoning Amendment to add the words “mixed use” to the Town Center Zoning description and to prohibit ground floor residential uses in the Town Center Zoning District, in accordance with the requirements of the CEQA, and State and local guidelines implementing CEQA, and determined that the Zoning Amendment will not have a significant effect on the environment under CEQA and State and local guidelines implementing CEQA. The Zoning Amendment is not subject to further CEQA review since the Zoning Text Amendment is covered by the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. It can be seen with certainty that that there is no possibility that the amendment in question may have a significant impact on the environment because the proposed amendment will not expand the range of uses permitted in the TC Zone, nor will it increase the development intensity of uses in the TC Zone. The proposed amendment does not directly authorize any individual project. Additionally there are no projects under review that would be affected by the proposed amendment. Subsequent activities require

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further analysis by the City in order to determine the potential impacts from development. Therefore, the proposed action qualifies for this exemption and no further environmental review is required.

**SECTION 3: Zoning Text Amendment (Section XI-10-57.02.G.3)** – The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA14-0011:

*1. The proposed amendment is consistent with the General Plan.*

Prohibiting residential uses on the ground floor and encouraging more commercial and mixed-used developments meet the intent of the Town Center designation. The Town Center Zoning District is intended as the functional and visual focus of Milpitas while providing a meeting and market place for commercial, professional and entertainment uses. The more efficient use of land through higher density housing will ensure land is available for the continued focus of a mixed-use district that provides identity for the City while allowing a dense residential population to provide increased economic support to the commercial uses.

The project is also consistent with the following General Plan Guiding Principles and Policies:

**Guiding Principle 2.a-G-2** – Maintain a relatively compact urban form.

**Guiding Principle 2.a-G-4** – The Town Center will be the “heart” of Milpitas’ civic, cultural, business and professional life.

**Guiding Principle 2.a-G-10** – Consider long term planning and strong land use policy in managing the City’s fiscal position.

**Land Use Policy 2.a-I-27** – Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.

The modification of the Town Center use table is consistent with the General Plan because it furthers the identified principles and policy by directing mixed-use development to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating uses at the street level, thereby strengthening the City’s fiscal position while achieving a mixed-use district in the heart of Milpitas.

*2. The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.*

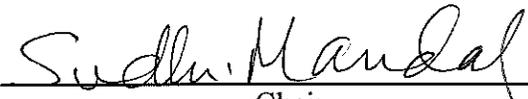
The proposed zoning amendment will result in a more efficient use of land. The land use regulations will not affect the range of uses permitted or conditionally permitted. Commercial uses already allowed in the Town Center zone will continue to be allowed. Similarly, conditionally permitted residential uses will continue to be conditionally permitted at the same development intensity. Therefore, the general well-being of Milpitas residents

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will be maintained since the Town Center zone will still facilitate a broad range of land uses, but will encourage more commercial and mixed use development to provide economic opportunities for the City and residents.

**SECTION 4:** The Planning Commission of the City of Milpitas hereby adopts this Resolution No. 15-001 recommending the City Council adopt Zoning Amendment No. ZA14-0011 to add the words “mixed-use” to the Town Center zoning description and to prohibit ground floor residential uses as outlined in the draft ordinance attached hereto and incorporated fully herein by reference, subject to the findings herein.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Milpitas on January 14, 2015.

  
 \_\_\_\_\_  
 Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 14, 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal	✓			
Larry Ciardella	✓			
Gurdev Sandhu	✓			
Rajeev Madnawat	✓			
Demetress Morris	✓			
Hon Lien	✓			
Ray Maglalang	✓			
Zeya Mohsin (alternate)				