RESOLUTION NO. 15-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING AMENDMENT NO. 15-0001 TO INTRODUCE AN ORDINANCE RELATING TO PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT PROJECTS

WHEREAS, on February 14, 2015, an application was submitted by the City of Milpitas Planning and Neighborhood Services Department to amend the Milpitas Zoning Code to adopt provisions relating to Public Art for Private Development Projects; 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 March 11, 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 adopt provisions relating to Public Art for Private Development projects to the Zoning Code, 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 Zoning Code, nor will it increase the development intensity of uses authorized in the Zoning Code. The proposed amendment simply creates aesthetic requirements for private development projects and does not authorize the construction of any individual project. Subsequent development applications will 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.

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

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

The proposed Ordinance is consistent with and implements the City of Milpitas' General Plan. The Ordinance will enhance the quality of life for residents in the City by contributing architectural variety and design to the aesthetic environment. Public art enhances civic pride and helps define the City's image to the public and visitors alike. This contributes to a sense of identity and place. It makes the City of Milpitas more livable and more visually stimulating, which creates a benefit to the public and enhance the quality of life.

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

> **Guiding Principle 2.a-G-7** – When considering development proposals, seek "community benefit", such as upgrading infrastructure facilities, constructing new infrastructure facilities, and funding contributions to programs.
>
> **Implementing Policy 2.a-I-17** – Foster community pride and growth through beautification of existing and future development.

The addition of the Public Art for Private Development Ordinance is consistent with the General Plan because it constitutes a "community benefit" by upgrading the aesthetic environment of the City. The requirement for art work makes the City a more livable and visually stimulating place which ultimately benefits the community. Further, the Ordinance creates a sense of place and identity that fosters community and pride and growth through beautification of the existing and future development. For these reasons, the proposed Ordinance is consistent with the General Plan.

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 aesthetically pleasing environment. Incorporating art work in private developments, and throughout the City, makes buildings and their grounds more welcoming, and it creates a deeper interaction with the places visited, and which citizens work and live. For these reasons, the public health, safety and welfare will be benefited by the proposed Ordinance.

SECTION 4: The Planning Commission of the City of Milpitas hereby adopts this Resolution No. 15-013 recommending the City Council adopt Zoning Amendment No. ZA15-0001 to amend the Zoning Code to add provisions relating to Public Art for Private Development projects, subject to the findings herein. A copy of the proposed Ordinance is attached to this Resolution for reference.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Milpitas on March 11, 2015.

Sudhir Mandal
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 March 11, 2015 and carried by the following roll call vote:

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