



CITY OF MILPITAS

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Agenda Item No. 3



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



December 18, 2017

Mr. Bradley Misner
Planning & Neighborhood Service Director
City of Milpitas
455 E. Calaveras Blvd
Milpitas, Ca-95035-5411

Dear Mr. Misner:

This letter is in response to the appeal against the grant of the Ismaili Cultural Center's (Center) Conditional Use Permit (CUP).

CTC Property LLC's (CTC) appeal regarding the grant of CUP UP17-0002 to the Ismaili Cultural Center is without merit and therefore should be dismissed. The Planning Commission appropriately granted the CUP for an assembly use to the Ismaili Cultural Center located at 691 S. Milpitas Blvd. and is consistent with the General Plan policies below:

1. 2.a.I-17 ("foster community pride and growth through beautification of existing and future development"), in that allowing the Applicant's cultural center to operate at this location will allow a currently vacant tenant space to be occupied and improved, as well as allow a long-standing segment of the Milpitas community to remain in operation in the City
2. 2.d-G-2 ("develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth"), in that allowing the cultural center to operate here will allow the City to maintain this cultural center in a location that can serve the community and will protect and promote community beauty and growth.

APPEAL RESPONSE

The appeal argues that that the Center's use is not appropriate in an industrial zone, contradicts the city's general plan, creates an unnecessary burden on CTC Property, LLC, will result in a loss of revenue, and is not sensitive to the neighborhood identity as an industrial zone. The Center finds each of these arguments lacking in substantive grounds and therefore should be dismissed.

First, approving the Center's CUP does not contradict the General Plan. The general plan provides for *De-Minimus* assembly use in an industrial zone. The Center's use is *De-Minimus* and accordingly follows the General Plan. Second, the Center's use is not incompatible with the businesses currently operating at 691 S. Milpitas Blvd. Relatedly, the Center does not operate during normal business hours. Third, the appellant's argument regarding conversion from one employment land use to another is not applicable to the City's determination of granting the CUP and therefore not relevant. Finally, the appellant's argument regarding neighborhood identity is

utterly false. The Center has operated in Milpitas for decades among other businesses. The following sections elaborate on the issues presented.

THE CENTER MAY APPROPRIATELY OPERATE WITHIN AN INDUSTRIAL ZONE

The city has set forth strict guidelines for organizations that assemble in an industrial zone and the Center meets those guidelines as determined by the Planning Commission. Specifically, the assembly hall may not occupy more than 50% of a building. The center occupies less than 10%. Further, the assembly hall cannot change the character of the industrial area by making exterior changes to the building. The center will not alter the exterior of the building, this includes adding any signage that alters the building bylaws. Finally, the Center's use is *De-Minimus*. The City's guidelines regarding assembly use in Industrial areas were developed to allow for *De-Minimus* uses like the Center's.

THE ISSUES RAISED WITHIN THE APPEAL WERE ADDRESSED BY THE COMMISSION

CTC raised the issues addressed on appeal with the Commission and the Commission found that the issues were not applicable or alternatively did not warrant denying the CUP. The Commission reviewed these and fully discussed the matter during the hearing. The Commission found in favor of granting the CUP to the Center.

THE CENTER HAS OPERATED IN THE CITY OF MILPITAS FOR DECADES

The Center has been a part of Milpitas for almost 30 years and our members are regularly involved in community service. Milpitas has been an integral part of our Center and we believe we've maintained an excellent relationship.

The Center must relocate due to a rezoning and the construction of the new BART station. As a result, the industrial complex where the Center is currently located is scheduled for complete demolition. The Center and its members are embedded in the social and cultural fabric of Milpitas. Leaving the city of Milpitas would be devastating.

The appellant has failed to provide any substantive claim demonstrating that the Center's operations will negatively impact the city or CTC. The Center meets the City's requirements of operation in an industrial zone, the appellant's issues have already been addressed by the Planning Commission, and the Center has operated successfully among other businesses in the city of Milpitas for decades. Accordingly, the Center requests that the appeal be dismissed.

Best regards,



Ms. Muneerah Merchant
President, Aga Khan Council for Western USA