



## **PRELIMINARY PLAN**

**FOR THE  
AREA PROPOSED TO BE ADDED TO THE  
MILPITAS REDEVELOPMENT PROJECT AREA NO. 1  
BY THE  
PROPOSED THIRTEENTH AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE  
MILPITAS REDEVELOPMENT PROJECT AREA NO. 1  
(THE AREA PROPOSED TO BE ADDED IS REFERRED TO  
AS THE "THIRTEENTH AMENDMENT ADDED AREA")**

**August 2009**

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## I. BACKGROUND

The City Council of the City of Milpitas ("City Council") formed the Milpitas Redevelopment Agency ("Agency") to formulate a redevelopment project or projects within the City of Milpitas ("City"). On September 21, 1976, by Ordinance No. 192, the City Council adopted the redevelopment plan ("Redevelopment Plan") for the Milpitas Redevelopment Project Area No. 1 ("Original Project Area"). The Redevelopment Plan has been amended a total of twelve (12) times (as amended, the "Existing Plan") to, among other things, add area to the Original Project Area (as amended, the "Project Area"), merge the Project Area with the Great Mall Redevelopment Project, increase the tax increment and bonded indebtedness limits, and extend the dates to incur debt, repay debt and collect tax increment.

The Agency again desires to amend the Existing Plan to: 1) extend by 10 years the Redevelopment Plan effectiveness time limit and time period to repay debt/collect tax increment for the Original Project Area and Amendment Area Nos. 1 and 2 ("Amendment Areas"); 2) add territory totaling approximately 600 acres ("Thirteenth Amendment Added Area" or "Added Area"); 3) add projects and facilities to the list of eligible projects and facilities the Agency may fund; and 4) make certain technical corrections, revise and update the various text provisions within the Redevelopment Plan to conform to the requirements of the Community Redevelopment Law (CRL). Collectively, the amendments are referred to as the "Thirteenth Amendment" or "Amendment."

On August 4, 2009, the City Council, by Resolution No. 7909 designated as a redevelopment survey area ("Survey Area") certain territory to be studied for inclusion in the Project Area and directed the Planning Commission of the City of Milpitas ("Planning Commission") to select the boundaries of the area proposed to be added to the Project Area ("Thirteenth Amendment Added Area") and formulate a preliminary plan for redevelopment of the selected Thirteenth Amendment Added Area. Pursuant to Section 33323 of the Community Redevelopment Law ("CRL"), the Planning Commission shall cooperate with the Agency in selection of an area to be included within a redevelopment project area) and in the preparation of a preliminary plan.

The purpose of this Preliminary Plan is to designate the boundaries of the proposed Thirteenth Amendment Added Area and provide a general description of the contemplated activities that will serve as the basis for redevelopment of the Thirteenth Amendment Added Area upon adoption of the proposed Amendments to the Redevelopment Plan.

In accordance with CRL Section 33324, this Preliminary Plan need not be detailed and is sufficient if it:

- (a) Describes the boundaries of the Thirteenth Amendment Added Area.
- (b) Contains a general statement of the land uses, layout of principal streets, population

densities, and building intensities, and standards proposed as the basis for the redevelopment of the Thirteenth Amendment Added Area.

- (c) Indicates how the proposed redevelopment would attain the purposes of the CRL.
- (d) Shows that the proposed redevelopment is consistent with the City's General Plan.
- (e) Describes, generally, the impact of the redevelopment of the Thirteenth Amendment Added Area upon the area's residents and upon the surrounding neighborhood.

## **II. DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED THIRTEENTH AMENDMENT ADDED AREA**

The boundaries of the proposed Thirteenth Amendment Added Area are illustrated on the map attached as Appendix "A" and incorporated herein by this reference, and are more particularly described in the legal description attached as Appendix "B" and incorporated herein by this reference.

## **III. GENERAL STATEMENT OF PROPOSED LAND USES**

As a basis for the redevelopment of the proposed Thirteenth Amendment Added Area, it is proposed that, in general, the land uses permitted in the proposed Thirteenth Amendment Added Area shall be those permitted by the City's General Plan, as it currently exists and as it may be hereafter amended. Currently, the General Plan permits the following land uses within the proposed Thirteenth Amendment Added Area:

- Single-Family Moderate Density
- Multi-Family High Density
- Retail Sub-Center
- Professional and Administrative Office
- Industrial Park
- Manufacturing
- Highway Service
- Waterways
- Multi-Family Very High Density
- Boulevard Mixed-Use
- Public/Open Space
- Public Rights-of-Way

## **IV. GENERAL STATEMENT OF PROPOSED LAYOUT OF PRINCIPAL STREETS**

As a basis for the redevelopment of the proposed Thirteenth Amendment Added Area, it is proposed that, in general, the layout of principal streets shall be as shown in the Circulation

Element of the City's General Plan, as it presently exists and as it may be hereafter amended.

In accordance with General Plan Policies and Zoning Regulations, existing streets within and/or directly adjacent to the proposed Thirteenth Amendment Added Area may be closed, widened or otherwise modified, and additional streets may be created as necessary for proper pedestrian and/or vehicular circulation.

## **V. GENERAL STATEMENT OF PROPOSED POPULATION DENSITIES**

As a basis for redevelopment of the proposed Thirteenth Amendment Added Area, the population densities shall be in conformance with the City's General Plan, the related zoning ordinances, and all other applicable codes and ordinances, as they presently exist and as they may be amended from time to time. Within the confines of the Land Use Element of the City's General Plan, there will be a permitted range of development.

## **VI. GENERAL STATEMENT OF THE PROPOSED BUILDING INTENSITIES**

As a basis for the redevelopment of the proposed Thirteenth Amendment Added Area, the building intensities shall be controlled by limits on: (1) the percentage of ground area covered by buildings (land coverage); (2) the building setbacks, parking, landscaping and open space requirements; (3) the location of the buildable area on building sites; and (4) the heights of buildings. Limits on building intensity shall be established in accordance with the City's General Plan and related zoning ordinances as they presently exist and as they may be amended from time to time.

## **VII. GENERAL STATEMENT OF THE PROPOSED BUILDING STANDARDS**

As a basis for the redevelopment of the proposed Thirteenth Amendment Added Area, building standards shall conform to the building requirements of all applicable state statutes and all applicable City codes and ordinances.

## **VIII. ATTAINMENT OF THE PURPOSES OF THE LAW**

As defined in the CRL, a "blighted area" is characterized by one or more of those conditions set forth in CRL Sections 33031(a) and (b), causing "a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment." The law establishes two broad categories for blight, one citing declining physical conditions as being conducive to health and safety problems, economic stagnation and land use incompatibility, and the second describing a declining economic condition resulting largely from impaired investments, lack of commercial facilities and pressing public safety and criminal activity issues. The legal definitions of blighting conditions, as described in the CRL, are as follows:

CRL Section 33031

- (a) This subdivision describes physical conditions that cause blight:
- (1) Buildings in which it is unsafe or unhealthy for persons to live or work. These conditions can be caused by serious building code violations, serious dilapidation or deterioration caused by long-term neglect, construction that is vulnerable to serious damage from seismic or geologic hazards, and faulty or inadequate water or sewer utilities.
  - (2) Conditions that prevent or substantially hinder the viable use or capacity of buildings or lots. These conditions may be caused by buildings of substandard, defective, or obsolete design or construction given present general plan, zoning, or other development standards.
  - (3) Adjacent or nearby incompatible land uses that prevent the development of those parcels or other portions of the project area.
  - (4) The existence of subdivided lots that are in multiple ownership and whose physical development has been impaired by their irregular shapes and inadequate sizes, given present general plan and zoning standards and present market conditions.
- (b) This subdivision describes economic conditions that cause blight:
- (1) Depreciated or stagnant property values.
  - (2) Impaired property values, due in significant part, to hazardous wastes on property where the agency may be eligible to use its authority as specified in Article 12.5 (commencing with Section 33459).
  - (3) Abnormally high business vacancies, abnormally low lease rates, or an abnormally high number of abandoned buildings.
  - (4) A serious lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and banks and other lending institutions.
  - (5) Serious residential overcrowding that has resulted in significant public health or safety problems. As used in this paragraph, "overcrowding" means exceeding the standard referenced in Article 5 (commencing with Section 32) of Chapter 1

of Title 25 of the California Code of Regulations.

- (6) An excess of bars, liquor stores, or adult-oriented businesses that has resulted in significant public health, safety or welfare problems.
- (7) A high crime rate that constitutes a serious threat to the public safety and welfare.

Based upon initial analyses and discussions with City officials, the proposed Thirteenth Amendment Added Area exhibits, to some degree, many of the characteristics of blight as defined in CRL Section 33031 including, but not necessarily limited to, the following conditions:

1. Serious code violations;
2. Obsolescence;
3. Residential overcrowding;
4. Depreciated or stagnant property values;
5. Abnormally high business vacancies;
6. A high crime rate; and
7. Public improvements in need of repair.

The purposes of the CRL would be attained by redevelopment of the proposed Added Area through:

- 1) the elimination or alleviation of blighting influences and environmental deficiencies;
- 2) the replanning, redesign and/or redevelopment of areas which are stagnant or improperly utilized;
- 3) the installation of new or replacement of existing public improvements, facilities, and utilities in areas that are currently inadequately served with regard to such improvements, facilities and utilities;
- 4) the provision of opportunities for participation by owners and tenants in the revitalization of their properties;
- 5) the development and rehabilitation of housing in the proposed Thirteenth

Amendment Added Area for low and moderate income persons and families; and

- 6) the strengthening of the commercial base of the Thirteenth Amendment Added Area and the corresponding expansion of employment opportunities.

#### **IX. CONSISTENCY WITH THE GENERAL PLAN OF THE CITY**

Because land uses, transportation, and other development standards proposed for the Thirteenth Amendment Added Area incorporate existing General Plan policies, redevelopment will be consistent with the City's General Plan. This Preliminary Plan does not propose additional land use policies not otherwise permitted by the General Plan or other applicable codes and guidelines.

#### **X. GENERAL IMPACT OF THE PROPOSED REDEVELOPMENT OF THE THIRTEENTH AMENDMENT ADDED AREA UPON RESIDENTS OF THE AREA AND THE SURROUNDING NEIGHBORHOODS**

Impacts upon residents of the Thirteenth Amendment Added Area and surrounding neighborhoods will, in general, be minimal. There may be impacts upon residents using the circulation system within the Thirteenth Amendment Added Area due to the public works improvements which can reasonably be expected to occur in the future. The impacts upon residents living within the Thirteenth Amendment Added Area and the surrounding neighborhoods will, in general, be positive and revolve around improvements to public facilities and services, environmental quality, creation of new employment opportunities, and expansion of economic development and housing opportunities.

It is anticipated that direct Agency activity will occur only when sufficient financial resources are available and such action will produce effective and immediate redevelopment results. Thus, the proposed redevelopment is intended to be phased with a limited scope of direct activity at any given time. This subject will be discussed in depth in the Agency's Report to the City Council, which will accompany the official Thirteenth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1.

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**APPENDIX A**

**THIRTEENTH AMENDMENT ADDED AREA MAP**

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**APPENDIX B**

**LEGAL DESCRIPTION OF THE  
THIRTEENTH AMENDMENT ADDED AREA**

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