

MEASURE K

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K

The City of Milpitas General Plan governs the direction of future land use and development within the City of Milpitas. The General Plan Land Use Map designates each area of Milpitas for a particular use, such as residential, commercial or industrial. Certain areas of Milpitas are designated on the General Plan Land Use Map as "Parks and Open Space (POS)."

On August 2, 2016, the Milpitas City Council approved the placement of Measure "K" on the ballot for consideration by the voters.

If approved, Measure "K" would amend the Milpitas General Plan as follows:

- Prohibit any construction of any residential, commercial or industrial buildings or structures on any land designated on the General Plan Land Use Map as "Parks and Open Space (POS)" unless the proposed construction is first approved by a two-thirds vote of the voters of Milpitas at a general or special municipal election
- Prohibit any land designated on the General Plan Land Use Map as "Parks and Open Space" from being redesignated for any other land use unless the proposed redesignation of that land is first approved by a two-thirds vote of the voters of Milpitas at a general or special municipal election.

If Measure "K" is not approved, land in Milpitas that is currently designated on the General Plan Land Use Map as "Parks and Open Space (POS)" will stay under this designation. This designation may be amended at any time in the future by the City Council or the voters by initiative measure.

Measure "K" requires simple majority approval of the voters to pass.

The above statement is an impartial analysis of Measure "K". If you desire a copy of the Measure, please call the elections official's office at (408) 586-3001 and a copy will be mailed at no cost to you.

/s/ Christopher J. Diaz
City Attorney

ARGUMENT IN FAVOR OF MEASURE K

Vote "Yes" on Measure K

Measure K gives the people of Milpitas the right to decide for Milpitas Parks and Open Spaces. "Yes" on Measure K puts that decision to the people.

This ballot measure subjects any change in General Plan land use designation from Parks and Open Space to Commercial, Industrial or Residential to the voter's approval.

The people will have the right to decide what is best for the city.

Measure K will ensure that any attempt to change Milpitas Parks or Open space into residential, commercial, or industrial uses first must be approved by the people of Milpitas with a two-thirds (66.7%) vote before a change in use can take place.

Milpitas has a long tradition of protecting its parks and open spaces. We understand that these vital public areas are an important element in the high quality of life we of Milpitas enjoy.

Milpitas residents of all ages deserve to have our parks and public open spaces preserved in perpetuity.

Measure K will protect Milpitas parks and open spaces.

Vote "Yes" to protect Milpitas Parks.

Vote "Yes" to protect Open Spaces.

Vote "Yes" on Measure K.

/s/ Debbie Indihar Giordano
Councilmember

/s/ Garry Barbadillo
Councilmember

/s/ Steve Munzel
Lead Organizer-Protect Our Park!

/s/ Rohit Sharma
Chair Parks Commission

/s/ Harriett W. McGuire
Milpitas Historical Society-Director

**NO REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE K WAS
SUBMITTED**

ARGUMENT AGAINST MEASURE K

Zoning laws have been in the judicial system for over 100 years. Throughout zoning history, amendments, clarifications and rewrites have been made because of issues such as undue hardship, practical difficulties, special conditions, spirit of the law, service to public interest. Even variances are allowed to permit more profitable use, effect of adjacent uses, effect of size, shape and grade of a lot or the existence of natural resources unusable because of zoning restrictions or changes when the zoning law is ambiguous. For most of those 100 years applicants have been able to work with professional zoning and planning public officials to change or modify a zoning law directly.

This is helpful because the effects of any change can be balanced against public interest and is not costly to the city or the applicant.

But what this ordinance does is drive the cost of modification up substantially and takes the outcome out of the hands of the professionals. The applicant now has to gather signatures and form a proposal for a ballot measure then the city has to schedule the ballot election and pay the election cost, which in Milpitas can be upwards of \$100,000. It takes away from the applicant any opportunity to get relief by putting the solution to a zoning problem in the hands of a non-professional public determination. In the event of a negative result at the ballot box the applicant loses valuable time and money and is obliged to try again.

It is not a fair and equitable to rezone properties requiring approval by a two-thirds support in the next general election therefore a "NO" vote is required.

If this ordinance is approved by the voters it will be effective for 22 years.

/s/ Richard Ruth
Resident, Retired

REBUTTAL TO ARGUMENT AGAINST MEASURE K

We strongly urge a "Yes" vote on Measure K.

Who is most qualified to decide the use of Milpitas Parks and Open Spaces? The people of Milpitas!

The argument against Measure K refers to the unfairness, cost of time and money to a person who wants to develop current and future Milpitas parks, parklands and open space. This argument ignores the unfairness of stripping current and future Milpitas residents of their quality of life.

Any attempts to pave over and develop an important asset belonging to our residents should be time consuming and should ultimately be decided by the people of Milpitas, not just some bureaucrats and 5 elected individuals.

Vote YES to protect Milpitas parks.

Vote YES to protect Milpitas parklands.

Vote Yes to protect Milpitas open space.

Vote what's best for Milpitas' future quality of life. Vote YES on Measure K

/s/ Gwan Alisantosa
President, MUSD Board of Trustees

/s/ Bob Nunez
Vice President, Board of Trustees

/s/ Hon Lien
Trustee Elect., MUSD

/s/ Larry Ciardella
Planning Commissioner

/s/ Robin Hays
Arts Commissioner